

AUDIO TRANSCRIPTION

MAUI PLANNING COMMISSION

REGULAR REMOTE PUBLIC MEETING

TUESDAY, OCTOBER 24, 2023

9:00 A.M.

Certified Transcript

Report of proceedings of the Maui Planning Commission public meeting, held at the County of Maui Service Center, 101 'Ala'ihi Street, Suite 212A Conference Room, Kahului, Maui, Hawaii, and remotely via BlueJeans on the 24th day of October, 2023, commencing at the hour of 9:00 a.m.

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3 COMMISSIONERS:

4 KELLIE PALI, Chair

5 KIM THAYER, Vice-Chair

6 DALE THOMPSON

7 ASHLEY LINDSEY (Appeared remotely)

8 MARK DEAKOS (Appeared remotely)

9 ANDREA KEALOHA (Appeared remotely)

10 FAWN SHERIE HELEKAHI-BURNS (Appeared remotely)

12 STAFF:

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3 PRESENTERS:

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5 TARA FURUKAWA, County of Maui

6 LORI TSUHAKO, Department of Housing and Human
7 Concerns

8
9 HALE MAHAOLU KE KAHUA TEAM:

10 GRANT CHUN, Hale Mahaolu

11 PETER HOROVITZ, Esq., Horovitz Tilley, LLLC

12 TREVOR YUCHA, Cultural Surveys Hawaii

13 MARK ROY, Munekiyo Hiraga

14 KELCEE MIRA, Austin, Tsutsumi & Associates, Inc.

15 STACY OTOMO, Otomo Engineering, Inc.

16 DEBBIE CABEBE, Maui Economic Opportunity

17 DAVID SEREDA, CHP Maui

18 MONTE HEATON, Highridge Costa

1 APPEARANCES (continued):

3 TESTIFIERS:

4 ROBIN KNOX

5 JOCELYN COSTA

6 KANELOA KAMAUNU

7 DAVID HOFFMAN

8 GEORGE PARESA, JR.

9 LALA JOHNSON

10 ALYSON BARROWS

11 DESMOND CABILIS

12 KAHALA JOHNSON

13 CHRIS DELAUNAY

14 BRUCE UU

15 RYAN HURLEY

16 JOHANNA KAMAUNU

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KAHULUI, MAUI, HAWAII

TUESDAY, OCTOBER 24, 2023

9:00 A.M.

-o0o-

UNIDENTIFIED FEMALE SPEAKER: Commissioner,
can you hear us?

CHAIR PALI: I can. Can I get a thumbs up?
Oh, can you hear us? Oh, there we go. Okay. We'll
start from the beginning. Perfect timing.

Go ahead, Director.

DIRECTOR AOKI: All right. We're taking
role call. Start with Commissioner Thompson again,
please.

COMMISSIONER THOMPSON: Aloha and good
morning.

DIRECTOR AOKI: Kim, you're right there.
Commissioner Lindsey?

COMMISSIONER LINDSEY: Aloha kakahiaka
kakou. I'm at home in my office in Wailuku.

DIRECTOR AOKI: Anyone in the room with
you?

COMMISSIONER LINDSEY: There's no one in
the room with me.

DIRECTOR AOKI: Okay. Thank you.

1 Commissioner Deakos?

2 COMMISSIONER DEAKOS: Good morning,
3 Director. Good morning, Planning Commission. I'm
4 alone in my office in Napili.

5 DIRECTOR AOKI: Mahalo.

6 Commissioner Kealoha?

7 COMMISSIONER KEALOHA: Aloha, good morning.
8 I'm at my home in Paia . I'm in the room alone.

9 DIRECTOR AOKI: Mahalo.

10 Commissioner Helekahi-Burns?

11 COMMISSIONER HELEKAHI-BURNS: Aloha. Good
12 morning, commissioners. I am alone at home in Hana,
13 and no one's here.

14 DIRECTOR AOKI: Mahalo.

15 Commissioner Thayer, welcome.

16 VICE CHAIR THAYER: Thank you.

17 DIRECTOR AOKI: Or vice chair, I'm sorry.
18 Vice Chair Thayer.

19 VICE CHAIR THAYER: Aloha.

20 DIRECTOR AOKI: You got to bring it, like,
21 right into your mouth.

22 VICE CHAIR THAYER: Oh, yes. Hi. Aloha
23 kakahiaka, everybody. E kala mai. I apologize. I
24 went on autopilot this morning. This is my first
25 time here. It's really nice.

1 DIRECTOR AOKI: And Chair Pali?

2 CHAIR PALI: Yes, good morning. Thank you.

3 DIRECTOR AOKI: And absent today is
4 Commissioner Hipolito. I don't know the status of
5 Commissioner Apo.

6 CHAIR PALI: Oh, off island.

7 DIRECTOR AOKI: He's off island. He'll be
8 joining later possibly? Okay. All right.

9 CHAIR PALI: Great. Okay, thank you. So
10 again, I mentioned testimony. We will be able to get
11 to testimony.

12 First, we have a B1 public hearing. I'm
13 going to let Director introduce the item, and then
14 we'll open for public testimony.

15 DIRECTOR AOKI: Thank you. So your first
16 public hearing this morning, we have, referring to
17 the Maui Planning Commission, a proposed bill to
18 amend Maui County Code Chapter 19.47, Wetlands
19 Overlay District, to extend the deadline for the
20 completion of the overlay map.

21 And presenting today we have planning
22 program administrator from the Long Range Division,
23 Jacky Takakura.

24 CHAIR PALI: You know what, Jacky? I'm
25 going to interrupt you. Thank you.

1 We were doing -- loving her secretly, but I
2 do want to just publicly take this opportunity to
3 show our immense gratitude for Carolyn. She has been
4 a blessing to this commission, a blessing to staff,
5 and definitely a blessing to me in keeping me in
6 line. So thank you.

7 Your years -- how many years? Do you want
8 to say? Lots of, lots of years. 39 years. Let's
9 all give her a round of applause.

10 (Applause.)

11 CHAIR PALI: Whoever's going to attempt to
12 fill her shoes, good luck. Okay.

13 Please proceed, Jacky.

14 MS. TAKAKURA: Okay, thank you. So this is
15 regarding the wetlands overlay. So last year, the
16 County of Maui adopted an ordinance that requires the
17 creation of a wetlands overlay map.

18 I'm going to go over the project background
19 and the details of the ordinance to explain the basis
20 for the time extension request. Before I get into
21 that, though, I want to start by going over the
22 planning department's missions and goals to provide a
23 better understanding of what we, the planning
24 department, will be using the wetlands overlay map
25 for.

1 So you can see our mission: manage growth;
2 preserve land equitably, sustainably; and balancing
3 cultural, environmental, and economic needs. And we
4 do a wide variety of tasks including land use
5 permits, zoning, long-range community plans, cultural
6 resources over -- review, and a lot of other things,
7 but all related to land use.

8 Wetlands are an important subject for the
9 land use planning, but up until last year, we're not
10 addressed in Title 19 which is the comprehensive
11 zoning code (no audio) county or in Title 20 which is
12 the chapter on environmental protection.

13 Wetlands are more important than most
14 people realize; I think we tend to take them for
15 granted. I think you are aware of this, but they do
16 provide certain ecosystem services like mitigating
17 flood hazards, cleaning the air, regulating
18 greenhouse gases, helping with erosion control and
19 drought recovery, and so forth.

20 In addition to that, there's a lot of them
21 that are of cultural significance or historical
22 significance or are places for people to enjoy like
23 the Kealia Boardwalk you see there in Maalaea.

24 So wetlands are all over the islands from
25 mauka to makai, and there's a wide variety of

1 wetlands. Some are saltwater, some are fresh. There
2 are estuaries near the ocean, up in the mountains,
3 all over the islands.

4 There's different types of wetlands and
5 different agencies, from state to federal and now
6 county, that define them. And so if you -- depending
7 on which agency you ask and which maps you look at,
8 you might see them in different places, and that kind
9 of can run into problems. And that's kind of the
10 basis of this ordinance which some of you may recall
11 because this was not that long ago when we had this
12 come through and it came to the planning commission.

13 So wetlands -- this chapter is now
14 Chapter 19.47 of the Maui County Code, but it was
15 first initiated by the county council in 2021 when
16 some of you were here, transmitted to the department.
17 We reviewed it. We sought agency comment from
18 county, state, and federal agencies, and we held
19 public hearings with the Maui, Molokai, and Lanai
20 planning commissions.

21 We made a lot of revisions to the bill, and
22 we sent it back to the county council, and they
23 reviewed it again. And they ultimately approved the
24 bill which took effect October 4th, 2022.

25 Now the bill that the planning department

1 sent back to the county council included a time frame
2 of five years for the map preparation, but this was
3 dropped to one year in the bill that was approved.
4 So Ordinance 5421 states that the planning department
5 will create a wetlands map within one year of the
6 approval date of the ordinance which meant
7 October 3rd, 2023.

8 Now it's not that simple to create one of
9 these maps especially the first time around because
10 of the things that are going (no audio) throughout
11 the county, likely migration areas reflected by
12 passive flooding data. It's going to be determined
13 by two out of three indicators of vegetation, soils,
14 or hydrology. And for flowing systems, the boundary
15 has to extend to the ordinary high-water mark.

16 Also, this map is to be updated every five
17 years and when new information is available. So this
18 is a really big project especially for, like I said,
19 putting the very first one together. So we do have a
20 consultant to help us with that.

21 So like I mentioned, the ordinance requires
22 the department to create a wetlands map one within
23 year of the approval date of the ordinance, but there
24 was no funding attached to this bill. And so we had
25 to request a budget amendment from the county council

1 to fund this project, and then we had to follow the
2 strict rules for procurement, put out a request for
3 proposals and all that, review the submittals, and
4 select a consultant.

5 The contract was initiated in March, giving
6 us barely six months to create a brand-new overlay
7 for the entire county. So far, we've held community
8 scoping meetings on Maui -- I mean, excuse me, on
9 Molokai and Lanai this past summer.

10 We were going to have the scoping meeting
11 on Maui in August, but we did have to cancel that.
12 We plan to have that -- it's been rescheduled for
13 November 8th.

14 After this meeting with -- on Maui, the
15 draft map Number 1 will be posted only online for a
16 30-day comment period. And then there's going to be
17 another round of community meetings on the three
18 islands and any further ground truthing, revisions
19 and corrections, et cetera, and then the final
20 product is going to be the overlay map that will be
21 transmitted to you, the planning commission -- all
22 three commissions actually -- the county council, the
23 conservation planning committee, and the director of
24 public works.

25 So to complete all of this, we are

1 requesting an extension to the end of this fiscal
2 year, June 30th, 2024. And that is the only change
3 we are proposing in this bill for ordinance, and that
4 is what we are asking the planning commission to
5 recommend approval for is an extension to June 30th,
6 2024, in Section 19.47.07 of the Maui County Code.

7 So that's my presentation. I can answer
8 any questions or anything for you. Thank you. I'm
9 going to stop sharing.

10 CHAIR PALI: Okay, thank you. We'll get
11 back to our questions -- yes, please -- after, and
12 then we'll do testimony first. Okay.

13 So we are going to take public testimony
14 for Item B1. And so if you're interested in
15 testifying, please hit the chat function and type
16 your name and let Carolyn know that you want to
17 testify.

18 Right now, we have Robin Knox. So, Robin,
19 if you can unmute your video if you would like and
20 unmute your phone, and I need you to state your name
21 for the record and then you will have three minutes
22 to testify.

23
24 Robin Knox testified as follows:

25 MS. KNOX: Mahalo. My name is Robin Knox.

1 I'm testifying on behalf of the Save the Wetlands
2 Hui. I want to thank the planning department for
3 that really good introduction. It was very thorough
4 and consistent with my understanding.

5 I was involved with the, you know, prep --
6 drafting and crafting of that ordinance and had met
7 with the consultants that the planning department
8 hired. And we were expecting, as was said, to do
9 meetings in August.

10 I think the time frame was short and
11 obviously more time is required. If I were a
12 commissioner, I would be considering asking for some
13 milestones that maybe could be added as an amendment
14 because what we don't want is to come up to June and
15 still needing more time extensions.

16 So, for instance, if you're having the
17 scoping meetings in November on Maui, you know, what
18 are the milestones between there and the thing being
19 finalized? And can the planning department and the
20 consultant be held to some interim schedule dates
21 just to make sure that the whole thing does get
22 completed in time?

23 This ordinance was passed because of a
24 sense of urgency because the -- Maui has lost
25 between, you know -- depends on the estimate, there

1 was no good baseline -- but between 30 to 90 percent
2 of our wetlands has been lost.

3 And as the planning department presented
4 it, they're very important, and they're being lost to
5 development. So every time you're considering a
6 development before this wetlands overlay happens,
7 you're potentially losing those valuable wetlands.

8 So in addition to considering possibly some
9 milestone dates, I would ask that the commissioners
10 be aware of the fact of how -- how much loss is
11 potentially happening just because of this delay and
12 give a lot of scrutiny and understand that just
13 because the Corps of Engineers does not think that a
14 permit is needed, that that does not mean that the
15 property is not a wetland.

16 Ironically, the other item on your agenda
17 today is one of the areas where the local people with
18 generational knowledge believe the area to be a
19 wetland. And it's been presented to this commission
20 that, oh, the Corps of Engineers says it's not a
21 wetland, but it might well be a wetland under the
22 county ordinance, but we don't know yet because the
23 mapping hasn't been done in order to have the zoning
24 overlay.

25 So, you know, please hold the planning

1 department and the consultant to a tight schedule of
2 accountability, and also please consider in all of
3 your decisions on potential wetlands, until this
4 mapping is done, the fact that just because the Corps
5 says it's not a wetland --

6 DIRECTOR AOKI: Three minutes.

7 MS. KNOX: -- doesn't mean it's not a
8 wetland. Thank you.

9 CHAIR PALI: Thank you. Thank you, Robin.

10 Anybody have any questions, commissioners,
11 for the testifier?

12 Commissioner Deakos, if you want to ask a
13 clarifying question, please proceed.

14 COMMISSIONER DEAKOS: Thank you, Chair.

15 Thank you, Ms. Knox, for your testimony.
16 You mentioned some milestones. What sort of
17 milestones would you recommend?

18 MS. KNOX: I would think a date by which
19 all of the scoping meetings and public review of the
20 maps, those are the two milestones that come to mind.

21 You know, there will be some work after
22 getting that public input to revise the maps if
23 revisions are needed. And then I assume -- you know,
24 Planning could advise you more on this, but I assume
25 there are some steps after the mapping's complete

1 that have to be done to bring it back to the council
2 and to the planning commission.

3 So, you know, if you back it up, you got to
4 do that public scoping and get that public input
5 early on in order to meet that June deadline. And I
6 just don't want to see it drug out further and us
7 potentially lose even more wetlands because of the
8 schedule not being met, the new schedule.

9 COMMISSIONER DEAKOS: Okay, thank you. And
10 the scoping meeting, you mentioned November, is that
11 2024?

12 MS. KNOX: They said -- I think she just
13 said November 8th, 2023, which was a surprise to me,
14 and I've been tracking this pretty closely. So maybe
15 the planning department needs to get the word out to
16 people about that because that's coming up pretty
17 soon.

18 So my understanding based on past
19 discussions with the consultant is that they would do
20 that scoping meeting, they would put some maps out
21 for public review, they would get that public input,
22 and then they would put a revised set of maps out.

23 So that's why I'm saying there's a lot of
24 steps. And so if there could be some milestone
25 scheduled dates, you know, to hold them to that

1 schedule and not let them get behind on that
2 schedule, that's what I think would be helpful.

3 COMMISSIONER DEAKOS: Thank you, Ms. Knox.

4 Thank you, Chair.

5 CHAIR PALI: Any other questions for our
6 testifier? Great. Seeing none, thank you, Robin.

7 We are on Item B1, and that was the only
8 testifier so far that signed up.

9 Is there anybody here in the room that
10 would like to testify on this item? Please come to
11 the podium and state your name for the record,
12 please, and you have three minutes.

13
14 Jocelyn Costa testified as follows:

15 MS. COSTA: Good morning. My name is
16 Jocelyn Costa. I belong to Aha Moku, and I like this
17 presentation. Is it public where we can get a copy
18 of it? I'd like a copy.

19 This consultation, I'm not sure if Aha Moku
20 is also involved. I believe, and I would advocate
21 that generational knowledge (no audio) having an
22 outside entity trying to figure it out, but when they
23 partnership and have a relationship to understand the
24 place already, then their theories and data will make
25 more sense quicker.

1 If I'm hearing the urgency from Ms. Knox, I
2 think you would be able to achieve that better and
3 then have a better understanding of the lay of the
4 land. And then you don't have so much liability
5 happening which we seem to have from the get-go once
6 we send out permits and people start breaking the
7 ground, and then they find out there's other things
8 that are going to be, you know, challenging for the
9 project.

10 And then it becomes costly, and then the
11 people who thought that they were going to get a
12 piece of property for X amount now has to bear that
13 cost, you know? But for a cultural perspective, the
14 wetland sends protection for the inland, and so we
15 have to be mindful of what we adjust, what we
16 manipulate and mitigate, and what the ramifications
17 are, and not so much what the profits are going to be
18 or what the achievement of affordable homes versus,
19 you know, someone losing that house like what we see
20 nowadays.

21 So I would strongly advise for the Aha Moku
22 representative to be contacted so you can integrate
23 generational knowledge to have a better, clean,
24 transparent, and informative process. Mahalo.

25 CHAIR PALI: Wait. Don't go anywhere.

1 Commissioners, do you have any questions?

2 I have one, and I just want to introduce
3 it. It's a very sensitive question, but I think in a
4 day where we all just have mistrust, mistrust with
5 others, mistrust with the government, mistrust with
6 even people here on the commission, mistrust is just
7 a culture now that we live in, and we want to think
8 the best. We were raised where we could trust our
9 neighbor, you could trust your uncle.

10 So just having said that, I think I'm
11 struggling with -- when I hear my dad's stories, when
12 I hear -- when I used to hear my tutu, his mom's
13 stories about the old Hawaii and the way they were
14 raised and in the camps, and I also would hear them
15 teasing about, "Oh, that's not really how it was" to
16 each other. And then all of a sudden, you start to
17 notice that these stories potentially -- you know,
18 just like the fish started this way; now the fish is
19 that way.

20 So having that same accord of, like,
21 mistrust, I think, in my opinion, it's -- like you
22 said, it's wise to integrate both scientific evidence
23 of soil testing and science and professionals, you
24 know, scoping the land, and then also the stories,
25 because then you have a way to sort of integrate

1 maybe something that might have been a little bit
2 more not as accurate.

3 Would you -- is that also what you're -- to
4 clarify, is that what you were saying, that "in
5 partnership with"?

6 MS. COSTA: You hit it on the head, except,
7 you know, part of me -- because I called it
8 generation knowledge, it's scientific because it was
9 years of study that they did to perfect what they
10 know.

11 And so we can take our scientists and teach
12 the new scientists of today what the lay of the land
13 is, what its intention is, because some of it might
14 have been already created, not necessarily natural,
15 but created for a reason. And there's an intention
16 there, and once you break that intention, you have
17 consequences.

18 So, yeah, that's exactly what I was saying.
19 Thank you. And I brought my 87-year-old father with
20 me to witness this as well. So I respect his mana'o,
21 and that's what I bring to this body today.

22 CHAIR PALI: I appreciate that. Okay.
23 Commissioners, any questions? Other questions?
24 Okay.

25 Thank you so much, Jocelyn.

1 Yeah, okay. We'll have another. I know
2 who you are, but state the name for the record and
3 everyone else, please, and then you have three
4 minutes.

5
6 Kaneloa Kamaunu testified as follows:

7 MR. KAMAUNU: Aloha mai kakou. Kaneloa
8 Kamaunu ko'u inoa. So today, to be clear, I don't
9 come to you as a Native Hawaiian which is under the
10 guise of U.S. Code 42. I come under here, as was
11 afforded me, codified in 1839 of kohoi (phonetic) Pae
12 'Aina.

13 I'm kanaka maoli; I'm not a Native Hawaiian
14 as it is distinguished. They're two different
15 entities. Kanaka maoli is a true, original person.
16 Native Hawaiian is a made-up entity by the United
17 States government which allows it to take advantage
18 of us.

19 If you do not understand it, you should
20 read it. There's several codes that distinct us.
21 And in those codes, you do not see "kanaka maoli."
22 So I do not use them because they do not identify me.
23 And all my rights come from 1839 and still present as
24 according to Public Law 103-150 Res. 29. We give up
25 nothing.

1 So with that being said, you know how many
2 times, how many years we have to come forward to say
3 the same things over and over? We reiterate that the
4 danger of what has happened to our aina is because of
5 this continuous development.

6 This commission -- and I'm not saying
7 particularly this commission itself, but previous --
8 much abuse has come from this because a lot of things
9 have been allowed to be done, such as the wetlands.

10 In Kihei, that is all wetlands. Today, we
11 see the aftereffects of what has happened throughout
12 the years, things that have never happened throughout
13 its history.

14 Mankind likes to say "climate change." I
15 say "climate interference" or "influence." Influence
16 comes from the man. The man comes in here, thinks
17 that he knows better than nature and that this place
18 should be able to support certain things when it
19 doesn't have it there.

20 Animals are (no audio), insects have been
21 brought into our country, and look at the effects
22 such as the mongoose. It was here to hunt the rats.
23 But funny, the rats run around during the night; the
24 mongoose sleep at night.

25 So did it work? These are the things that

1 need to be looked at. All we look at is profit
2 margins, economic.

3 I go to all these county meetings. The
4 first thing on the agenda is economics where
5 economics is not going to save the disappearance of
6 our beaches, the disappearance of our watershed, the
7 disappearance of our aquifers which are coming. The
8 people that are the ones that made it this way need
9 to correct (no audio).

10 Our kupuna, when they was dealing with the
11 haoles, they realized one thing. And what they
12 talked about was that our constitution and our
13 government -- our constitution was not put into play
14 for our people. It was put in play for the
15 foreigners because they did not know how to behave.
16 They come here, and they do things which have hurt
17 us, and we can see that today. Mahalo.

18 CHAIR PALI: Okay. One second.

19 Commissioners, do you have any questions
20 for Kaneloa? I see none. Thank you.

21 Anyone else in the room that would like to
22 testify? Anyone online or on the phone? We are on
23 Item B1 taking testimony. If you would like to
24 testify, please unmute yourself and introduce
25 yourself, please.

1 Okay. We will close public testimony on
2 Item B1.

3 Jacky, I'll have you come back up.

4 Commissioners, you've heard testimony.
5 You've heard the presentation. It's time for you to
6 ask questions.

7 And I do just want to remind you that today
8 we are just giving a recommendation. We are not
9 taking action per se, but we are just taking -- we're
10 just giving recommendation. And so please ask
11 whatever questions you feel like you need, and then
12 we can deliberate and put together a group
13 recommendation.

14 MS. TAKAKURA: Chair Pali, excuse me. I
15 can address a couple of issues if that might help?

16 CHAIR PALI: I would like it to come
17 through the commission because I do just want to make
18 sure we don't step out of protocol and then become
19 the wild, wild west.

20 So, commissioners, we've talked about this
21 before especially for the new ones, testimony from
22 the public is (no audio) information that we may not
23 be able to see within the staff report. We can get
24 knowledge from the public in areas that they might
25 have a better perspective or a closer eye in.

1 And then if they bring up something that
2 you are curious about or it strikes a chord with you,
3 you're going to then write that question down. And
4 then you get to answer -- you get to ask those
5 questions and then have staff or, in some cases, if
6 there is an applicant, in this case -- I guess the
7 applicant is the planning department, and then you
8 would ask those questions. And so that's how this
9 process works, and I would like to just stick with
10 that process so we don't veer off.

11 And so since I don't see any questions,
12 I'll ask a few. Now I see the benefit of having
13 dates and goals, like small goals to reach the bigger
14 goal. I get that.

15 I think where I disagree with the testifier
16 is if the purpose of -- to do that is to make sure we
17 hit the mark, but we miss the first deadline, then
18 we're still having to come back for the extension.
19 So I don't know if the reason why she wanted that
20 makes any sense because if you still miss the first
21 mark, then you still need the extension.

22 So whether you miss the three marks or the
23 last mark, I also understand why maybe not doing the
24 small dates is helpful because if you miss -- because
25 I'm sure -- first question, do you have internal

1 processes where you've already sort of mapped out
2 dates internally, yes or no?

3 MS. TAKAKURA: We have internal processes
4 that are mapped out in the contract with the
5 consultant. They're not necessarily tied to dates,
6 but they're tied to time frames --

7 CHAIR PALI: Like six week (no audio) think
8 I would almost be fearful of mandating dates is
9 because if you do miss a mark on one, you might be
10 able to internally then save some time on the second
11 mark all the while not having to come back here three
12 or four times. So I do like the idea of "we want
13 accountability, tell us what you're going to do." I
14 do like that.

15 I love that, but I also want to give you
16 the leeway to be able to move and shake because we
17 didn't anticipate the fires in August; so that delay
18 is not on you. You can't control that. And so,
19 yeah, that's -- so that's how I feel about that --
20 you can chime in. If somebody wants to see dates, we
21 can talk about that when we deliberate.

22 Can you also talk about -- I think it was
23 Robin as well -- the term "losing wetlands." I think
24 the testifier believed that without this overlay map
25 we would just be losing wetlands. I know from this

1 process that we don't disregard processes that are
2 already in place to properly mitigate what it is.

3 So it's not that this map is the only
4 avenue to where we can recognize a wetland or not. I
5 can definitely see if it's already been established
6 like, boom, a helpful, quicker resource. Can you
7 just address if I have an accurate picture of that or
8 not?

9 MS. TAKAKURA: Thank you, Chair. I will
10 try. I might need to ask the director who has a
11 wealth of experience in permit review to assist, but
12 currently, the process is you have to get the federal
13 approvals, the U.S. Army Corps of Engineers, you
14 know, they make a determination. They have their
15 rules that -- you know, in terms of what's a wetland
16 and what's not and any mitigating actions you may
17 have to implement in an area that they determine to
18 be a wetland.

19 I know that the state also has some
20 definitions, and it kind of ties back to both federal
21 and state. They have the Clean Water Act and their
22 definitions of wetlands, but they are different. And
23 so, you know, it's been kind of subject to
24 interpretation depending on which agency you ask. I
25 think that's kind of been a problem.

1 But as the county, we're going to -- we
2 have our own definition now, and I can't speak to
3 exactly what the federal or the state rules are.

4 I don't know if, Kathleen, you want to
5 chime in about --

6 CHAIR PALI: Well, I think the question
7 specifically, though, was without having this overlay
8 map which you're working on now which I think is
9 fabulous, is there a process to still identifying
10 wetlands and how we can proceed once that's happened?

11 Because I think the word, like, oh, this
12 map -- without the map, and we look at other
13 applicants, we're going to be just forgetting about
14 the wetlands. But, to my understanding, we have a
15 very intense process in place to still make sure
16 we're recognizing that --

17 MS. TAKAKURA: You are correct.

18 CHAIR PALI: -- even without the map. You
19 are (no audio) clean that up a little bit --

20 MS. TAKAKURA: Yes. Yes.

21 CHAIR PALI: -- on my understanding based
22 off of your --

23 MS. TAKAKURA: Correct.

24 CHAIR PALI: Okay.

25 MS. TAKAKURA: You are correct, Chair.

1 CHAIR PALI: Okay. And let's see -- okay.
2 This is a valid question. This is a valid question.

3 So we get scientists -- looks like you say
4 it's got to be from the U.S. Army Corps of Engineers.
5 Do they get it wrong? Like is there an avenue where
6 they get it wrong?

7 MS. TAKAKURA: So, Chair Pali, that's a
8 very good question. As part of the process that
9 we've been working on is we've been consulting
10 with -- we've had so many meetings with federal
11 agencies, state agencies, nonprofits, the different
12 hui like on Molokai, property owners to gather all
13 these different layers of information to see, you
14 know, how they all define wetlands. And they have
15 different purposes, like for some it's for, you know,
16 wildlife, and for others it's for water conservation.

17 But to get all the information from these
18 different agencies and put it together, and part of
19 the outcome of this contract is a gap analysis which
20 will identify shortcomings or discrepancies in the
21 information, so that will be included in the final
22 report.

23 And, you know, that -- like the ordinance
24 says, you know, that the map has to be updated every
25 five years or as new information comes about. So it

1 is a living document or a living thing that -- you
2 know, it's going to be more and more accurate as time
3 goes by and as we get more information.

4 CHAIR PALI: Okay. Commissioners, if my
5 questions raise questions for you, just write them
6 down and then flag me, but I got a couple more.

7 So another testifier mentioned -- and it's
8 great -- so let's say we think that the U.S. Army
9 Corps has it right. There's enough evidence,
10 projects move forward. And then as they're in this
11 construction phase, they start to reveal more
12 information, like you said.

13 Is there anything in the application that
14 then says if this -- if you discover that we deemed
15 it not a wetland and now you're starting to find
16 evidence that it was a wetland, does construction
17 stop?

18 Is there anything that says, we gave you
19 permission because we thought it wasn't a wetland.
20 You're now moving the ground around, and now we think
21 it is a wetland. Is there any repercussion, any
22 safety net?

23 What's the current -- what does the current
24 code say about something like that or does it even
25 address it?

1 MS. TAKAKURA: Thank you, Chair Pali. So
2 the bill -- there's criteria for some of the larger
3 discretionary permits, and those would be changes of
4 zoning, district boundary amendment, and community
5 plan amendments. And if any of these type of
6 discretionary permits are coming before the
7 department and it's on a parcel that is found to have
8 wetlands, they have to address, you know, and show
9 what actions they're going to take to protect the
10 wetland.

11 It's already in the ordinance for those
12 types of permits. And those permit types are
13 specifically called out already in the ordinance, so
14 it should be identified before they start.

15 CHAIR PALI: Right. Ideally, which is the
16 best case scenario, but we realize sometimes we get
17 it wrong.

18 MS. TAKAKURA: Yeah. So we'll have that
19 overlay map which will have information, and then the
20 applicant's going to be working with the consultant
21 who can provide further information to address all of
22 those things that are spelled out in the ordinance.

23 CHAIR PALI: My last question is -- which I
24 already made five years on the commission because I
25 filled another spot. I came in, was just a temp

1 thinking, yeah, I can do eight months, we're good.

2 And then I re-up for five. So I made my five years.

3 I get really confused with how do you know
4 which groups to consult with, especially the people
5 of each place? I mean, this is -- I'm asking a dumb
6 question on purpose, but is there some special list
7 that goes, here are all the families and the
8 generations of this, you know, place, and these are
9 the people? Or do they have to present themselves to
10 you, because then how would you know?

11 And do you create this list? Because
12 you've already mentioned that you're already sort of
13 in discussions with different groups and nonprofits,
14 so then how does one get on that list to be part of
15 that conversation?

16 What does it look like? Because I can't
17 imagine if these different peoples are coming up and
18 you did know about them, you didn't know about
19 them -- can you just walk me through what that
20 process looks like?

21 So when you say we have, as the department,
22 consulted with 32 different groups, but then these
23 people are over here saying, well, you missed us, how
24 can we bridge that gap so that everyone has
25 participation one way or the other or at least

1 opportunity?

2 Now I know public testimony gives everyone
3 that we've missed an opportunity; I do know that.
4 But sometimes certain people, groups should have more
5 involvement, especially if it's generational family
6 from the land. So can you just help explain that to
7 me?

8 MS. TAKAKURA: Thank you, Chair Pali.
9 That's a very good question because I had that same
10 question when we had to execute this contract. I'm
11 like, who are we going to ask?

12 So we started out with -- when I say "we,"
13 I mean the consultant who has extensive experience
14 with wetlands, UH Sea Grant which is very involved in
15 environmental issues and has a wealth of knowledge
16 also, and then from the department just the groups
17 that we're aware of.

18 For example, like I'm on the south -- I
19 attend the South Maui Community Plan Advisory
20 Committee meetings, and I know of a couple of members
21 who are actively involved in wetlands so, of course,
22 we're going to include those from people -- you know,
23 just because I know what they do, you know, I guess,
24 their day jobs when they're not at these meetings,
25 but just kind of brainstorming all the different

1 agencies.

2 And then whenever we've had a meeting, we
3 ask the groups, you know, can you think of other
4 people that we can talk to? So it's kind of been
5 this growing list of people we've reached out to
6 every time we have a meeting.

7 And even I've thought, like, oh, my
8 goodness, another meeting with more people? But it's
9 always been good to get more information rather than
10 less, and that's also part of the scoping meetings
11 for the very first draft is to, you know, get more
12 contacts that we can reach out to.

13 And so it's been a growing list, and it's
14 just been people that we are aware of or people that
15 have participated when the first round came around
16 when this ordinance was created, so -- and then
17 asking other department staff who they know. So it's
18 just kind of been evolving as we learn more.

19 CHAIR PALI: Would it be advantageous,
20 Director, to maybe consider an open space where we
21 sort of accumulate a list of people groups within the
22 different parts of the island just as a resource
23 after they're vetted or do you feel like you already
24 have one?

25 I just -- I know that anyone can come here

1 and anyone can obtain the information on the website.
2 You can pull all the recordings, you can pull the
3 minutes.

4 I like to go back and watch videos because
5 I tend to have extra time on my hands. But it's all
6 there, the resource is there (no audio) seat at the
7 table maybe a little earlier, especially if it's
8 specifically their area.

9 Is that something that the department would
10 ever consider or would find helpful or are we just
11 taking what should be done in a public place and
12 we're trying to advance it too soon? Is there pros
13 and cons there? I don't know.

14 DIRECTOR AOKI: Let me just -- a lot of
15 these groups can change over time, too, so it's
16 difficult. You can put a group down and then they
17 dissipate or they change. So I would not suggest
18 having that list, per se.

19 I can say that we do a lot of public
20 outreach for a lot of the things that we do. And so
21 like Jacky said -- like she came to me with the
22 Title 19, who was on that list, and we go around. We
23 have Sea Grant. We are involved with a lot of the
24 different people that are involved on boards and
25 commissions. We do public announcements in the

1 newspapers. We can put it on the county website. I
2 mean --

3 CHAIR PALI: So you're kind of giving
4 everyone an equal shot at it.

5 DIRECTOR AOKI: Yeah. And everybody is
6 more than welcome to contact Jacky at the Long Range
7 Division if they're interested in this project.

8 CHAIR PALI: It's good to know, sort of.
9 Okay. It's good. Okay. All right. I just want to
10 just look at all those things. Okay. Yeah, I don't
11 have any more questions. We can deliberate unless
12 anyone else -- yeah, Vice Chair Thayer. Go for it.

13 VICE CHAIR THAYER: Thank you. And I had
14 some of these written down from before which you
15 asked some of them, but one I was wondering -- you
16 stood up and said you had some other (no audio)
17 testifier said.

18 Did you share all of that already through
19 these questions or do you have more?

20 MS. TAKAKURA: Thank you, Vice Chair
21 Thayer. So in terms of milestones, yes, I kind of
22 shared that with Chair Pali that the contract already
23 includes milestones.

24 And then we just decided on the Maui
25 scoping meeting, so we're working on the public

1 information announcement on that one. And that is
2 Wednesday, November 8, at the Maui Ocean Center at
3 6:00 p.m., and we are working with the mayor's office
4 to get the word out on that one. That one we had to
5 delay just because of, you know.

6 VICE CHAIR THAYER: And is that the only
7 meeting that's going to happen on Maui or are you
8 planning others?

9 MS. TAKAKURA: So, Vice Chair Thayer, so in
10 preparation for -- with Draft Map 1 comes the first
11 scoping meeting on the three islands, and then we
12 take -- or the consultant takes the feedback from
13 those meetings and creates a map that is going to be
14 published for 30 days for public comment.

15 And then after we get all of those -- or
16 all the comments come in, there will be a second
17 round to show -- to share the changes with the
18 community. And so there's actually going to be two
19 meetings on each island.

20 And I can't tell you -- I'm thinking maybe
21 February for the second meeting on Maui; I'm not
22 sure. It's going to really depend on, you know, how
23 many changes they have to make and then the 30-day
24 public notification period and how many revisions are
25 going to have to be made after that.

1 VICE CHAIR THAYER: So just to make sure I
2 got this right, so there's first scoping meeting, the
3 draft map is published, there's 30 days of public
4 comment -- and that is the only public comment
5 period?

6 MS. TAKAKURA: That is correct.

7 CHAIR PALI: Okay. And let's see. On the
8 other islands, was this the same process that you did
9 on Lanai and Molokai?

10 MS. TAKAKURA: So from Molokai and Lanai,
11 we had community input meetings in the summer, and we
12 just kind of -- I gave an overview similar to what
13 you saw from me this morning and then the consultants
14 came and went over the process of how they're putting
15 together the overlay. And then we just kind of
16 answered questions, and there was a big map out and
17 (no audio) talk or whatever and so, yeah, just real
18 informal. But, yeah, we've had those.

19 VICE CHAIR THAYER: It seems like for
20 everybody to know how to get involved, maybe like a
21 flowchart of this time line to say, we're going to
22 have this draft, there's going to be a meeting,
23 there's going to be this public comment period,
24 something else, just so people know how and when they
25 can get into the process?

1 MS. TAKAKURA: Vice Chair Thayer, we do
2 share a time line, a flowchart with -- at the
3 community meetings. I actually have it on my laptop
4 if you want to see it.

5 CHAIR PALI: Is that public? Will that be
6 made public?

7 MS. TAKAKURA: Yeah. Yes. It's actually
8 on our website, too.

9 CHAIR PALI: Wonderful. If you don't mind.

10 MS. TAKAKURA: So can everyone see that? I
11 know it looks very -- it looks microscopic on this
12 screen. But on the left, you just see the tasks:
13 data gathering, going to Draft Map 1, Draft Map 2,
14 Draft Map 3, and Final. And then on the -- oh, thank
15 you. Thank you, Iggy.

16 So does that help? Everyone can see that?
17 So you can see the consultation with agencies and
18 organizations. The star's on there because we were
19 using this (no audio) months ago. But -- and then
20 consultations with community groups, and there were
21 dates on there, but they had to change due to, you
22 know, circumstances. So that's kind of the process.

23 And so Draft Map 2 will be done once we
24 have the community meeting, the last one on Maui.
25 And then it'll be posted for 30-day review, provide

1 comments on Draft Map 2, and then we'll have 3 which
2 kind of fixes it up and any errors or corrections we
3 need to make. And then it gets transmitted to the
4 commissions and the county council and that
5 conservation planning committee (no audio) works.

6 And this flowchart is on our website on our
7 wetlands page.

8 CHAIR PALI: Thank you.

9 VICE CHAIR THAYER: Yeah. And so, sorry,
10 on this flowchart, you are exactly at which point?

11 MS. TAKAKURA: Can you scroll up a little
12 bit? So that's good.

13 So you can see on the right, consultations
14 with community groups, we've been doing that. Let's
15 see, Draft Map 1 and the consultations -- they've
16 been doing the ground truthing. So they need to do
17 the last community or the scoping meeting for Maui
18 before publishing the 30-day (no audio) between Draft
19 Map 1 and 2.

20 VICE CHAIR THAYER: Okay. And then so just
21 thinking about this June 30th new time horizon, you
22 are confident you will be able to complete this scope
23 of work by then?

24 MS. TAKAKURA: Oh, Vice Chair Thayer, I
25 asked the consultant about five times, are you sure?

1 And they said, yes. So I'm confident in them.
2 They're very, very good. They're excellent, and they
3 know what they're doing.

4 VICE CHAIR THAYER: Okay. Yeah, because I
5 just want to make sure we're not going to get to,
6 like, May and be like...

7 MS. TAKAKURA: So, Vice Chair Thayer, if
8 you would like to extend it further, that's totally
9 fine with me.

10 VICE CHAIR THAYER: No, but at the same
11 time, you know, we need like --

12 MS. TAKAKURA: Yes, I agree.

13 VICE CHAIR THAYER: -- set goals. Just
14 making sure that this is achievable.

15 MS. TAKAKURA: I think this is a safe date,
16 yes.

17 VICE CHAIR THAYER: Okay. And, oh, the
18 definitions that you are going by -- because there's
19 the Army Corps, there's the biological definitions,
20 are you going -- trying to encompass all of these
21 or -- like are you going more broad or more strict?

22 MS. TAKAKURA: So, Vice Chair Thayer, the
23 ordinance includes its own definition which is
24 slightly different from the state and federal, and
25 there are specific criteria for what is going to go

1 into this map that's already spelled out in the
2 ordinance.

3 And it is based on U.S. Army Corps of
4 Engineer information. It's -- and they've even got
5 the year of what version of the U.S. Army Corps
6 reports that it has to be based on. But like I said,
7 we're looking -- you know, reaching out to state and
8 all the different federal agencies, not just U.S.
9 Army Corps of Engineers, to gather information and
10 put it all into these overlays.

11 And I can share with you, it's super
12 interesting if you listen to the GIS staff. They're
13 looking at soil layers and vegetation layers and
14 historic layers and visual layers of what's actually
15 on the ground. And then they're putting it all
16 together and weighing it, and then with this
17 likelihood of what's going to be on the ground of
18 over -- what's most likely to be wetlands.

19 And then they're -- for ones that are not
20 obvious, they're doing ground truthing where you go
21 out and you look -- and what plants are there?
22 Because some you might see, like kiawe, are in
23 wetlands, but they're not necessarily indicators. Or
24 there's -- you may not see water there, but there's
25 indicators of that there was water there or there

1 could be water there.

2 So it's actually very, very interesting
3 what the consultant is doing. So I've learned a lot,
4 too, by participating and watching them. But it's
5 complicated; there's a lot going on.

6 VICE CHAIR THAYER: Yeah. And, like, that
7 ties into, you know, like the generational knowledge
8 that you have --

9 MS. TAKAKURA: Yes, yes.

10 VICE CHAIR THAYER: -- of these plants
11 always grow in wetlands. So even if there's no
12 water, you know, if all these mea kanu are here, then
13 you're going to have a wetland. Yeah. So good work
14 on this.

15 I -- my main hope is that, you know, all of
16 these people who have all this, you know, knowledge
17 from their tutu and everything are able to contribute
18 to the process because more and more in the
19 environmental fields, there's a, like, recognition
20 that there's a lot of, like, scientific knowledge
21 from everyone who came before us. Thank you.

22 CHAIR PALI: Okay. Any other commissioners
23 have questions? Commissioner Deakos?

24 COMMISSIONER DEAKOS: Thank you, Chair.
25 And most of my questions were asked, so I appreciate

1 that. I appreciate the presentation. I think we
2 often forget how important wetlands are.

3 I am struggling a bit with the definitions.
4 I know it sounds like Army Corps was the dominant one
5 but was insufficient, and that's why the county came
6 up with their own definition. And I'm just -- but
7 I'm confused as to is that -- is that what we're
8 using now until these maps are created?

9 We're relying on the Army Corps? You also
10 mentioned the state definition.

11 CHAIR PALI: I'll have Director clarify,
12 Commissioner Deakos.

13 DIRECTOR AOKI: So I think it's important
14 to understand that the ordinance was passed by
15 council, so we're not at liberty right now to be
16 making changes to the ordinance. It is what it is.

17 And until we have a map that goes along,
18 which is required as part of that ordinance, we are
19 still using the Army Corps of Engineers and Fish and
20 Wildlife and all those agencies that we reach out to
21 to get comments on projects.

22 So that's why we need this map to go along
23 with the ordinance and the language that was adopted
24 as part of that ordinance.

25 COMMISSIONER DEAKOS: Okay. Thank you.

1 And one of the testifiers mentioned possibly
2 90 percent loss of wetlands. I assume that -- I
3 don't know if you guys have -- if the department has
4 their assessment of how much has been lost? I'd be
5 curious to know; it may be a tough question.

6 And that was based on the Army Corps
7 definition, so we obviously have lost a lot. And is
8 that because the Army Corps definition doesn't
9 include what we now consider a lot of wetlands,
10 especially in South Maui?

11 CHAIR PALI: Yeah. So we're out of scope
12 right now, and they've already mentioned,
13 Commissioner Deakos, they don't know. They can't
14 validate the 90 percent loss.

15 So do you have any other questions?

16 COMMISSIONER DEAKOS: Well, I guess I'm
17 just trying to clarify. So until the maps are done,
18 we're relying on the Army Corps definition. So if
19 there's concern that a project comes up that may be
20 on a wetland under the county definition but not the
21 Army Corps, how do we deal with that?

22 CHAIR PALI: Okay. So you're asking what
23 current code process requires? Okay.

24 Director?

25 DIRECTOR AOKI: So just as you would for

1 any development project that comes before this body
2 for approval, or if it went before the county council
3 for approval, it's up to the body to take the
4 information (no audio) that it meets the satisfaction
5 of the members who are making that decision, and if
6 you're going to add on any kind of mitigation if you
7 don't agree with the information that's been provided
8 to you.

9 So that's how I would say you would address
10 if you felt that there was any discrepancy in the
11 information that's being given. This has happened.

12 I have seen projects where the Army Corps
13 of Engineers and the Fish and Wildlife have come out
14 and said that a certain area was not a wetland, and
15 they -- the body didn't agree and denied an
16 application. So I've seen it happen.

17 COMMISSIONER DEAKOS: Okay. But the
18 department's recommendation will be based on -- under
19 their assessment will be based on the existing
20 definition until the maps are made, and then
21 recommendations will take on the new definition?

22 DIRECTOR AOKI: I think that -- frankly, I
23 think what might happen is we're going to end up with
24 three or four different informations and
25 recommendations because you're going to have three or

1 four different ways of viewing and doing your
2 analysis.

3 So it could be that the department would
4 provide information, say, Army Corps of Engineers
5 said this; U.S. Fish and Wildlife said this; based on
6 the county ordinance, the consultant is saying this.

7 And then when it comes before the body,
8 you're going to have to put all of that together and
9 just make a recommendation. And if it's an
10 administrative decision, then the administration's
11 going to have to do the same thing. I mean,
12 that's --

13 CHAIR PALI: Yes. I'll have Mr. Hopper
14 chime in.

15 MR. HOPPER: Is this on? Okay. Just to
16 note, again, a reminder, this might be an interesting
17 conversation.

18 The thing that's before you today is a
19 one-line change in 19.47.070 on whether to provide an
20 extra time, you know, on the 365 days after the
21 effective date of the ordinance and instead have the
22 time frame for providing a map to be within at
23 least -- or to be no later than 365 days after the
24 notice to proceed for any contract for personal --
25 professional services. That's what's before you now.

1 You can, I think, attach milestones or
2 other things if you're looking at that, but
3 amendments to the overall ordinance generally
4 wouldn't be something you'd be looking at. So this
5 might be an interesting conversation to have, and if
6 you want to look at amendments to the ordinance, you
7 could perhaps agendize that separately.

8 CHAIR PALI: Yeah. Sorry, I let you go too
9 far, Deakos. Those are all great questions, but
10 that's not on our agenda today. Our agenda is the
11 time extension, so we have to stick to the time
12 extension.

13 So do you have any other questions
14 regarding being able to either grant or deny the time
15 extension that's in front of you? Do you have any
16 other questions pertaining to that?

17 COMMISSIONER DEAKOS: Yeah. Just to
18 clarify the time, how we're processing -- the
19 director answered my question, that was very
20 helpful -- but the time before -- that we provide the
21 extension will determine how many projects go before
22 us without the new definition. So it is relevant,
23 but my question was answered, so I appreciate it.
24 Thank you, Chair.

25 CHAIR PALI: Okay. Great.

1 MS. TAKAKURA: Excuse me, Chair Pali. May
2 I make a correction?

3 CHAIR PALI: Yes. Yes, please.

4 MS. TAKAKURA: So when we initially put
5 forward this request, we were requesting a one-year
6 from the notice to proceed but then, you know, we had
7 the fires and realized that we couldn't have the
8 scoping meeting on Maui. So we changed that to say
9 to June 30th, 2024, and that is what is in your
10 packet.

11 CHAIR PALI: That's right.

12 MS. TAKAKURA: So initially, we were --
13 like as corporation counsel mentioned, we were
14 thinking March but --

15 CHAIR PALI: It's now June, the end of the
16 fiscal year.

17 MS. TAKAKURA: Correct. Thank you.

18 CHAIR PALI: That's right. We got that,
19 yeah. Just a correction on that. Okay.

20 MR. HOPPER: Because the ordinance language
21 itself still says -- that I see it attached -- I
22 mean, so you're going to be changing that ordinance
23 language, I guess, or asking the commission to do
24 that? Okay.

25 CHAIR PALI: Yeah.

1 MR. HOPPER: So just to note that the
2 ordinance that's attached is a bit different, so you
3 make your recommendation, you'll have to be really
4 clear it's not this exact ordinance language.

5 CHAIR PALI: Correct.

6 MR. HOPPER: It would be different.

7 DIRECTOR AOKI: If I may, the draft
8 ordinance strikes "within 365 days after the
9 effective date of the ordinance establishing this
10 chapter." So we are striking that language out so
11 that there's no reference to it.

12 CHAIR PALI: Okay. Great. Thanks,
13 Director.

14 Commissioner Lindsey?

15 COMMISSIONER LINDSEY: My question is
16 around staffing within the -- within the department.
17 I saw on the -- on the presentation that we didn't
18 get any additional funding, but you had a time
19 deadline.

20 Is that within our purview to recommend
21 money for additional staffing within the department?

22 CHAIR PALI: I love your question.

23 Oh, do you want to -- I was going to have
24 director, but if you want to tackle that, you can.

25 MS. TAKAKURA: So, Commissioner Lindsey,

1 thank you for the question. At this time, the
2 consultants are doing the bulk of the work, and
3 that's what we needed the budget amendment for was
4 for professional services.

5 The GIS staff person and myself are
6 actively involved in the project and UH Sea Grant
7 staff. I don't know at this time if we would need
8 more staff. But that's certainly something that we
9 are thinking about, you know, for future budget
10 requests. Thank you.

11 COMMISSIONER LINDSEY: Thank you for your
12 answer. That's helpful.

13 CHAIR PALI: Anything else? So just to
14 remind the commissioners that although we would love
15 to discuss the (no audio) the request simply is grant
16 the extension or not. This is not scheduled for
17 changing the scope of what has already been approved
18 by council. This is just -- it's our purview to
19 recommend if we would like to extend it or not.

20 The merits have been discussed already and
21 already approved through another ordinance which is
22 what's causing this action now. So that was before;
23 it's not up in front of us today.

24 Anyone else have a question about
25 extension? Yes, Vice Chair Kim Thayer?

1 VICE CHAIR THAYER: Thank you. Just one
2 small question, the draft map, is this available
3 online?

4 MS. TAKAKURA: Vice Chair Thayer, not yet.
5 We're going to wait until after the Maui scoping
6 meeting and then post all three at once.

7 VICE CHAIR THAYER: Okay. And the map will
8 be presented at the scoping meeting?

9 MS. TAKAKURA: At the scoping meeting, I'll
10 go over the background of why we're meeting and then
11 the consultant will show the process. And they
12 probably already have a rough draft for Maui because
13 they did everything they could up until that meeting.

14 And even though we haven't had the meeting
15 yet, they've been doing, you know, as much ground
16 truthing and research and updates, you know, fixing
17 what they can. So they probably have -- I'll make
18 sure that they have a draft of Maui. I know they had
19 one for Molokai, so I'll see what they have.

20 VICE CHAIR THAYER: Okay, thank you.

21 CHAIR PALI: Okay. Any other questions?
22 Okay. Seeing none, this is the time now we're going
23 to put together a recommendation.

24 And how should we handle this, Director?
25 Just if you -- yeah. So do we handle it like a

1 regular vote? Okay. So we'll just take a vote, but
2 do we have any (no audio) discuss anything? Is
3 there -- oh, you have to make a motion? That's
4 right. All right.

5 So do I have a motion for recommendation?
6 Commissioner Thompson.

7 COMMISSIONER THOMPSON: Thank you, Chair.
8 I'd like to recommend approval of the proposed bill
9 to Maui Council -- the recommendation to the Maui
10 Council.

11 CHAIR PALI: So your recommendation is to
12 approve the time extension?

13 COMMISSIONER THOMPSON: Yes. Thank you.

14 MR. HOPPER: Chair, just for clarification.
15 This is the version attached to the -- the Planning
16 Department's report rather than the version attached
17 on the second link which is a different one that says
18 the entire text of the proposed bill for the
19 ordinance is available. It's just the one attached
20 to the report that just has the date of June 30th,
21 2024, as the date.

22 CHAIR PALI: Is that what you're
23 recommending to approve, the one attached to our
24 staff report?

25 COMMISSIONER THOMPSON: Yes.

1 CHAIR PALI: Okay, great. And then Vice
2 Chair Thayer has second. Okay. Any discussion?
3 Move on. They need time, we need it, it's important;
4 right? You agree? All right.

5 COMMISSIONER THOMPSON: Well said.

6 CHAIR PALI: Wait, I'm not supposed to talk
7 on your behalf. Okay.

8 Vice Chair Thayer, do you have anything to
9 add?

10 VICE CHAIR THAYER: I would say we fleshed
11 out the time line. It's going to be publicly
12 available. The county's planning on doing lots of
13 outreach so everybody knows how to get involved, and
14 I think that's the main thing.

15 CHAIR PALI: Great. Okay. Any other
16 discussion before we take a vote for recommendation?

17 Seeing none, Director, please?

18 DIRECTOR AOKI: Commissioner Thompson?

19 COMMISSIONER THOMPSON: Aye.

20 DIRECTOR AOKI: Commissioner Lindsey?

21 COMMISSIONER LINDSEY: Aye.

22 DIRECTOR AOKI: Commissioner Deakos?

23 COMMISSIONER DEAKOS: Aye.

24 DIRECTOR AOKI: Commissioner Kealoha?

25 COMMISSIONER KEALOHA: Aye.

1 DIRECTOR AOKI: Commissioner
2 Helekahi-Burns?

3 COMMISSIONER HELEKAHI-BURNS: Aye.

4 DIRECTOR AOKI: Vice Chair Thayer?

5 VICE CHAIR THAYER: Aye.

6 DIRECTOR AOKI: Motion passes.

7 CHAIR PALI: Awesome. All right.

8 MS. TAKAKURA: Thank you.

9 CHAIR PALI: Good work. Thank you. Thank
10 you, Jacky.

11 We're going to -- we're going to take a
12 ten-minute break, and we're going to get set up for
13 the next item. So we'll be right back.

14 COMMISSIONER LINDSEY: Chair, can you give
15 us a time, please, to return?

16 CHAIR PALI: Yeah, it is 10 -- almost
17 10:20. Let's just come back at 10:30. 10:30.

18 COMMISSIONER LINDSEY: Thank you.

19 (Whereupon, a recess was held
20 from 10:19 p.m. to 10:31 p.m.)

21 CHAIR PALI: Welcome back to the Maui
22 Planning Commission. It is October 24th, and it is
23 10:31.

24 We are going to go to public hearing B2.
25 And Director is going to introduce the next

1 applicant, and then we'll let the applicant do their
2 presentation.

3 DIRECTOR AOKI: Thank you, Chair. On behalf
4 of Waiehu Housing, LP, they are initiating a district
5 boundary amendment from state agricultural district
6 to state urban district for the proposed Hale Mahaolu
7 Ke Kahua Affordable Housing Community.

8 The project will consist of 120 rental
9 units in 13 two-story buildings, a 3,477 square-foot
10 nonprofit building, a 3,231 square-foot clubhouse,
11 parking, landscaping, and related improvements. The
12 project is located on approximately 11.476 acres of
13 land in Waiehu. TMK is 3-3-001:106.

14 We have from the department Tara Furukawa
15 who is assigned planner for the project. I believe
16 we -- oh, we do; I see them. We have the consultant
17 online.

18 And we also are blessed today to have
19 Director Lori (no audio) just for the members'
20 information, Director Tsuhako does have to leave by
21 11 o'clock. So we are going to ask for her to be
22 allowed to present first and any questions, and then
23 we'll go on with the applicant thereafter.

24 CHAIR PALI: Great. Sounds good.

25 MS. FURUKAWA: Good morning. So this item

1 is director-initiated and brought because the
2 applicant was seeking Chapter 2.97 fast-track housing
3 approval and received an exemption from a community
4 plan amendment and change of zoning but not a
5 district boundary amendment.

6 The district boundary amendment being
7 sought today is from agricultural to urban. If
8 approved, this will result in land use consistency
9 with the community plan and zoning designations. The
10 recommendation will be forwarded to the county
11 council for final approval.

12 CHAIR PALI: Okay. So we're going to go
13 ahead, and, Lori, you're going to present. If you
14 can, just for the record, introduce yourself.

15 DIRECTOR TSUHAKEO: Thank you. Good
16 morning, commission members. I'm Lori Tsuhako, and
17 I'm the director of the Department of Housing and
18 Human Concerns.

19 I'm here today to support the Ke Kahua
20 Affordable Housing Project that is on your agenda for
21 a district boundary amendment today. This affordable
22 housing project was accepted by my department under
23 Maui County Code 2.97 which is for 100 percent
24 affordable housing, and it enables the developer to
25 ask for certain exemptions.

1 Ke Kahua application was forwarded to the
2 Maui County Council on February 21st, 2023. And
3 pursuant to the aforementioned Maui County Code, the
4 council was required to approve, approve with
5 modifications, or disapprove the application via
6 resolution within 60 days of receipt.

7 Due to some recusals of certain
8 councilmembers, the council failed to take any action
9 within the prescribed time period. And the law
10 provides that in the event that the council fails to
11 take action, the DHHC director is then given the
12 authority to approve, approve with modifications, or
13 disprove -- disapprove the application within 14 days
14 of the expiration of the council's 60-day time limit.

15 After full consideration of the merits of
16 the project and an acknowledgment of the need to
17 provide suitable housing for Maui County residents,
18 the department also considered concerns regarding
19 traffic impact, infrastructure, and historic
20 preservation. The project met all requirements for
21 consideration under the law. Relevant county
22 departments were consulted and potential concerns
23 discussed thoroughly.

24 After substantive review, it was determined
25 that the project team, through its application, their

1 representations to the council, and department
2 meetings, that the -- excuse me -- that the developer
3 had satisfactorily addressed the aforementioned
4 concerns.

5 So Ke Kahua was approved with modifications
6 on May 4th, 2023. I come before you to ask for your
7 support in granting the project the requested
8 district boundary amendment that will allow
9 120 affordable rental units to be constructed.

10 Obviously, those of us who have lived past
11 the following -- the last nine weeks or so realize
12 that our housing situation has become even more dire
13 after the fires. We need affordable housing.

14 This proposed project will provide
15 120 units for people who earn, a family of four,
16 roughly below \$70,000, which is much of our
17 workforce. It's centrally located, and I think that
18 in a larger context of advocating for more options
19 for affordable housing, the department stands in
20 strong support of the applicant and this project. I
21 thank you.

22 CHAIR PALI: Great. Did you want to add
23 anything, Tara, or is that -- would that conclude the
24 applicant's presentation?

25 MS. FURUKAWA: That will conclude our

1 presentation. I'm not sure if the consultant has a
2 presentation that they plan on sharing with everyone.

3 MR. CHUN: Yes, we do.

4 CHAIR PALI: I can't hear you. Can you
5 speak up?

6 MR. CHUN: Yes, we have a presentation
7 prepared.

8 CHAIR PALI: Okay. Yeah, so are you going
9 to present that? Great. Okay, I see it online.
10 Okay.

11 How long is your presentation?

12 MR. CHUN: About ten to 12 minutes.

13 CHAIR PALI: Okay. Lori, do you want --
14 okay. All right. Please proceed.

15 MR. CHUN: Thank you, Madam Chair. Good
16 morning, everyone, and aloha. Thank you very much
17 for taking the time to meet with us today.

18 It is our pleasure to be here today to
19 share information concerning the plans for Hale
20 Mahaolu Ke Kahua, a new family affordable rental
21 housing project in Waiehu, Maui.

22 I am Grant Chun, executive director of Hale
23 Mahaolu which, as you are probably aware, owns and
24 manages affordable rental housing sites on Maui,
25 Molokai, and Lanai.

1 Today we are here to respectfully request
2 the Maui Planning Commission's favorable
3 recommendation on the direct boundary amendment for
4 the proposed affordable housing project wherein all
5 units will be rented at prices affordable to families
6 earning 60 percent or below area median income. This
7 request is to change a portion of the parcel upon
8 which the project will be located from agricultural
9 to urban, bringing it into the state land use urban
10 district.

11 This project has already received
12 significant review over the course of the past three
13 years. As you can see from this time line, the
14 project has been presented to numerous groups and
15 organizations. And most pertinent to you all,
16 although it was not required, the project was brought
17 before the Urban Design Review Board on October 5th,
18 2021, and before this commission on October 26th,
19 2021.

20 The project met with unanimous support
21 before both bodies in favor of recommending the
22 project for Chapter 2.97 approval. In that regard,
23 the Maui Planning Commission provided 15 comments
24 that the applicant responded to in the final
25 environmental assessment.

1 The project received its Chapter 2.97
2 approval with exemptions and modifications by the
3 County of Maui on May 4th -- I'm sorry, May 5th,
4 2023. This approval allows the planning director to
5 refer the district boundary amendment request
6 directly to the Maui Planning Commission for
7 recommendation. This commission's recommendation
8 will be forwarded to the Maui County Council for
9 consideration and approval.

10 This slide covers our project team. Hale
11 Mahaolu is partnered with Maui Economic Opportunity
12 on this initiative. MEO is the owner of the project
13 site, and we're, of course, very excited to be
14 working with Debbie Cabebe and her team who are
15 always great to work with.

16 We'd be remiss if we didn't recognize how
17 altruistic MEO has been in making this asset
18 available to our community for our critical needs in
19 terms of affordable housing.

20 Our development partner in this initiative
21 is Highridge Costa, a very well-established provider
22 of affordable housing which is also partnering with
23 us on a project in Kihei called Liloa Hale.
24 Highridge Costa's Senior Project Manager Monte Heaton
25 is with us today.

1 The rest of the project team are also
2 referenced on this slide, including Bryan Fujiwara
3 from Design Partners; David Sereda from CHP Maui, our
4 landscape designer; Stacy Otomo of Otomo Engineering
5 for civil; Kelcee Mira (phonetic) from Austin
6 Tsutsumi, traffic; Trevor Yucha, Cultural Surveys
7 Hawaii, archaeology; and Mark Roy of Munekiyo Hiraga.

8 To open up our presentation, we thought it
9 would be helpful to provide everyone with a good
10 point of reference as far as the project's site
11 location. The site is situated on Kahekili Highway
12 near the intersection of Kahekili Highway and Waiehu
13 Beach Road in Waiehu, Maui. It has been referred to
14 as Ke Kahua for many years.

15 You can get a pretty good idea of where the
16 property is situated from this project location map.
17 It is noteworthy that the project site is already
18 adjacent to an existing residential neighborhood and
19 that it is situated within the urban growth boundary
20 of the Maui Island Plan.

21 We're very excited to be able to propose to
22 bring this affordable community to this area of our
23 island which has not seen new housing in many years.
24 With the severe shortage of affordable housing we
25 have in our community, the proposed location provides

1 a great opportunity to provide homes for families in
2 close proximity to jobs, services, and surrounding
3 neighborhoods.

4 The application before you today will amend
5 about 9.8 acres of the total 11.5-acre site from the
6 state agricultural district to the urban district.
7 The remaining 1.7 acre is already situated within the
8 urban district.

9 Here are some site photos looking at the
10 site from various directions, as noted on the slide.
11 The proposed project will be situated on this --
12 which will be situated on this site will contain
13 120 apartment units situated in 13 low-rise,
14 two-story buildings.

15 Again, they will comprise a 100 percent
16 affordable housing rental community restricted to
17 households earning 60 percent or less of area median
18 income. The amenities for the project will include a
19 building which MEO will have available for use for
20 programming as it determines is appropriate for the
21 community once the project has been established and
22 needs are ascertained.

23 There will also be a clubhouse for
24 residents' use. There will be keiki play areas for
25 playground equipment, laundry facilities, a

1 maintenance room, 274 parking stalls, and two loading
2 stalls.

3 This is the breakdown of the unit types and
4 floor areas. There will be 28 one-bedroom units, 60
5 two-bedroom units, and 32 three-bedroom units. All
6 are designed so that they can be retrofitted ADA
7 needs as they may arise.

8 Here are the affordable housing rental
9 guidelines for 2023. Of course, the project must
10 still go through the funding process, so the
11 guidelines will be adjusted to coincide with
12 standards at the time of occupancy.

13 The residents of our facilities who fall
14 within these guidelines generally all have jobs and
15 go to work. They include preschool teachers, retail
16 and restaurant workers, entry-level firefighters,
17 hotel workers, folks that work at the rent-a-car
18 companies, government office workers, nurse's aides at
19 the hospital, important people who make our community
20 function and make our lives better than they might
21 otherwise be, and folks we want to be able to keep in
22 our community rather than having them leave us.

23 This is a site plan of the property showing
24 the location of the various buildings. As you can
25 see, the property runs along Kahekili Highway and is

1 relatively long and narrow.

2 And here's a rendering of the typical
3 elevation of a building in the project. These are
4 two-story buildings which will not obstruct any views
5 enjoyed by neighboring properties. It is noteworthy
6 that the Urban Design Review Board found these to be
7 very attractive buildings, befitting of the location
8 and setting.

9 Here are renderings of the resident
10 clubhouse building, as well as the nonprofit building
11 which will be utilized by MEO, and a landscape plan
12 for the project. The landscape plan will have the
13 project blending into the setting, and it will
14 utilize many native plants and trees.

15 I'll now turn the next slides over to Peter
16 Horovitz, an attorney who serves on the MEO board, to
17 share information concerning claims that have been
18 made and subsequently resolved pertaining to the
19 property. Peter?

20 MR. HOROVITZ: Thank you. Good morning,
21 Chair and members of the commission. My name is
22 Peter Horovitz. I've been a board member of MEO for
23 the past nine years, and I'm a practicing attorney in
24 Wailuku. I've been practicing for about 27 years
25 now.

1 MEO received the property about 16 years
2 ago. And then in February of 2021, after the project
3 was announced, some individuals moved onto the
4 property and posted the sign that you see on the
5 screen here claiming that the property or portion of
6 it was part of Land Commission Award 3386 to Pehuino
7 and that they were heirs of Pehuino.

8 Go to the next slide, please.

9 In my work, I do a lot of land use and real
10 estate development. I'm fairly familiar or very
11 familiar with land commission awards and property
12 titles in general in Hawaii.

13 I did research on our property which you
14 can see the picture in the upper left as well as the
15 land commission awards -- award to Pehuino. Those
16 are identified in the picture on the lower right.

17 They're about a mile and a half or two
18 miles away from each other, not contiguous at all. I
19 researched and found the original awards which are
20 available -- the OHA website, or they have a very
21 good database that they maintain that I actually
22 obtained the original awards themselves.

23 I reached out to the persons who were
24 claiming to be heirs of Pehuino and wrote them a
25 letter, provided them with all the research as to our

1 title -- which if you can go to the next slide,
2 please -- which dates all the way back to
3 King Lunalilo on our portion. And I provided them
4 with the research to our land as well to where the
5 actual awards to Pehuino were.

6 We made no claim as to whether or not they
7 were actually deed heirs to Pehuino. They may well
8 have a claim to the three parcels of land that are
9 closer down to the ocean. But in my research, there
10 was clearly no claim to -- to our property. And we
11 asked them to please vacate the property, which,
12 unfortunately, they did not.

13 Go to the next slide.

14 So what then occurred is, unfortunately,
15 MEO had to bring a suit to -- to remove the persons
16 from the property.

17 At issue -- what they claimed in the case
18 was, okay, there were three awards, apanas, that were
19 issued to Pehuino that were indeed where we said they
20 were, but there was a lost fourth apana to Pehuino
21 that no one had written about.

22 So that was really the issue in the case.
23 They made various counterclaims to that effect.

24 You can go to the next slide, please.

25 So what happened in the court case? There

1 were evidentiary hearings. The court took evidence
2 from us. The court took evidence from the claimants
3 who were represented by counsel, and the court found
4 definitively that there was no evidence of any lost
5 apana to Pehuino and that no such apana or awards to
6 Pehuino existed within the MEO property.

7 The court then issued orders allowing us to
8 remove persons who were claiming through Pehuino from
9 the property which -- which we did.

10 There were remaining counterclaims of
11 ownership through Pehuino that the claimants had
12 brought on their own through counsel. And through
13 counsel they dismissed -- they agreed to dismiss
14 those claims with prejudice which means that they
15 cannot bring those claims again in court.

16 Again, this does not impact their potential
17 claims to the three apana that are closer to the
18 ocean which we never took any position on, nor would
19 we. But they cannot -- the issue of whether or not
20 there is an award to Pehuino within the MEO property
21 has been definitively decided by the court. The
22 appeals period has run, and the claims that they
23 brought as counterclaims, they agreed -- by
24 agreement, dismissed with prejudice and cannot refile
25 them. Thank you.

1 MR. CHUN: Thank you, Peter.

2 Madam Chair, we have Trevor Yucha from
3 Cultural Surveys Hawaii who will just briefly share
4 some archaeological and cultural background
5 concerning the property.

6 Trevor?

7 MR. YUCHA: As part of the project's
8 environmental review process, Cultural Surveys
9 assisted with the SHPD archaeological review process
10 and reviewed potential impacts to ongoing cultural
11 practices.

12 We started by reviewing past land use of
13 the parcel which included commercial sugar cane
14 cultivation, a plantation railroad corridor, and a
15 large mac nut -- macadamia nut farm. The
16 agricultural use of the project site through the
17 years would have included widespread plowing and
18 excavation.

19 During the construction of the adjacent
20 Waiehu Heights neighborhood, the project site was
21 used as a construction baseyard. The construction of
22 Waiehu Heights did expose several historic burials
23 within the adjacent sand dune. Therefore, the
24 current project was designed to avoid excavation into
25 the sand dune.

1 To address potential cultural impacts to
2 the project, we conducted a cultural impact
3 assessment that relied on -- heavily on community
4 input. The consultation process included five months
5 of outreach to 73 individuals in groups. Through
6 this process, no ongoing cultural practices or
7 cultural impacts were identified.

8 Recommendations in the study included
9 protocols for contacting the state and recognized
10 descendants in the event of significant findings
11 during construction. The project was subject to an
12 archaeological inventory survey in 2008 with no
13 findings.

14 In 2020, as part of the HRS 6E consultation
15 process between the county and SHPD, the SHPD again
16 agreed with archaeological monitoring as the next
17 step in the process. And in 2021, the SHPD accepted
18 the project's archaeological monitoring plan which
19 includes the protocols for contacting SHPD and Maui
20 police in the event of any significant findings.

21 I would like to hand the presentation back
22 to Grant.

23 MR. CHUN: Thank you, Trevor.

24 So to close, I'd just like to share that,
25 as we all can see, the project has been in the works

1 for quite some time now, and so it has been the
2 subject of quite a few community and agency meetings.

3 It has already received its Chapter 2.97
4 approval so, to a certain extent, this request is a
5 housekeeping request that would bring the state land
6 use map into conformity with an already-approved use
7 as well as into conformity with the Maui Island
8 Plan's urban growth boundary.

9 It is noteworthy that the project has
10 received recommendations for approval from the Urban
11 Design Review Board, the Maui Planning Commission, as
12 well as from the county Commission on Healing
13 Solutions for Homelessness.

14 Our goal today is to move this application
15 towards what we hope will be the council's
16 affirmative action on the district boundary amendment
17 request.

18 We appreciate your thoughtful and favorable
19 consideration of this request. Thank you for your
20 time.

21 CHAIR PALI: Okay. Thank you. So we just
22 have a few minutes with our director of housing, and
23 I just want to -- I'm sorry, executive -- what's your
24 official title? I'm so sorry.

25 DIRECTOR TSUHAKE: Director.

1 CHAIR PALI: Director, okay. So,
2 commissioners, I want to give you an opportunity not
3 to (no audio) public testimony but to answer -- ask
4 any clarifying questions that you might need from her
5 before she leaves at 11:00. So, specifically, I just
6 want to open up questions from commissioners for our
7 director of housing while she's here.

8 Any questions for her? I've got a couple.

9 Can you give us an idea -- and you may or
10 may not have this at the top of your head here --
11 this is one of how many projects in the next couple
12 years that could potentially come to fruition?

13 Do we have a ton of them coming up in this
14 range, in this affordability for these categories?
15 Because I do see we're -- this build is for the lower
16 AMI, 60 percent and below.

17 Off the top of your head, would you know
18 how many other projects that could be coming to
19 fruition in the next couple years?

20 DIRECTOR TSUHAKEO: Thank you, Madam Chair.
21 The answer is not many. I can think of one project
22 that is being led by Catholic Charities which is on
23 the site of the old swap meet across the street from
24 McDonald's. That's still pending some review within
25 the county.

1 And that would, I think, add approximately
2 300 housing units for families at the same area
3 median income level as this, but there's not the
4 multitude of projects, especially those that would
5 address 60-percent-and-below AMI populations.

6 CHAIR PALI: Okay. I feel like -- now,
7 commissioners, as I'm giving you an opportunity to
8 ask questions, please remember that council -- this
9 has been an approved project, and we don't have any
10 real teeth today other than just recommendations
11 because we are not the final authority on this
12 boundary amendment. We are just giving a
13 recommendation, and council will make the final.

14 So I want to make sure we're all in the
15 right headspace as to what our purview is today. But
16 you can still ask questions if you need more
17 clarification on whether you want to recommend
18 approving this boundary amendment or not approving as
19 far as a recommendation only. But either way, we do
20 not have the final authority on this. Okay. So
21 sorry, I'll continue.

22 My only other question is -- you did
23 mention in your presentation the traffic. And, you
24 know, I suspect -- I think I remember seeing traffic
25 studies and different things, but I do know it's a

1 real thing.

2 And can you just briefly summarize, like,
3 what you believe -- was there a particular mitigation
4 or is there going to be improvements? Is there going
5 to be more awareness as far as like crosswalks and
6 stop signs to help with the traffic issue?

7 Because my son lives over there, Malaihi --
8 he lives up Malaihi. And so he has to take baby to
9 the school; now he has to go further in and then out.
10 So he goes further in deeper and then comes out. So
11 we often have already some traffic on that lower
12 road.

13 Can you just address real quickly?

14 DIRECTOR TSUHAKEO: Thank you, Madam Chair.
15 I'm not an expert on traffic mitigation --

16 CHAIR PALI: Okay.

17 DIRECTOR TSUHAKEO: -- but I can say that
18 the resulting impact to traffic was one topic that
19 was discussed extensively, both during the 2.97
20 hearing at the council and afterward within the
21 county administration.

22 I think Mr. Chun's consultant may be able
23 to give you a more --

24 CHAIR PALI: Okay. I'll go get him later
25 then. I'll table that for him later.

1 Any other questions for the director of
2 housing? Commissioner Lindsey.

3 COMMISSIONER LINDSEY: Aloha, Director. I
4 had questions regarding the 60 percent AMI.

5 Do you -- in your expertise, do you feel
6 that is the most -- is that a more-needed category?
7 Is this appropriate for the area and the need in that
8 category?

9 Would it be better used for a different
10 category? What are your thoughts on that?

11 DIRECTOR TSUHAKEO: Thank you, Commissioner.
12 I appreciate the question.

13 The need is definitely there at 60 percent
14 AMI. These -- as Mr. Chun noted in the presentation,
15 the people who potentially can be housed at Ke Kahua
16 include people who work at Jack in the Box as their
17 sole source of income or perhaps even seniors who are
18 living on fixed income.

19 So in terms of a larger housing spectrum,
20 the real answer is that we need housing at every
21 level of that AMI scale in order to really meet the
22 needs of our community.

23 So we cannot -- for example, we cannot just
24 build at 60 percent AMI. We need to build, you know,
25 between actually even lower than 60 percent AMI and

1 then all the way up to 140 percent of area median
2 income in order to really meet the need that exists
3 in the community for housing.

4 COMMISSIONER LINDSEY: I agree with you in
5 that we probably are at a huge deficit -- we are at a
6 huge deficit in housing, and housing at any -- will
7 alleviate the others. Thank you for your answer.

8 CHAIR PALI: Great. Any other questions,
9 commissioners? Okay.

10 COMMISSIONER HELEKAHI-BURNS: I do.

11 CHAIR PALI: Oh, okay.

12 COMMISSIONER HELEKAHI-BURNS: You know, I
13 just kind of want to get more clarification on what
14 really the title -- so I can be able to address the
15 right questions to the -- to you, whether or not
16 you're just housing which is the housing shortage
17 that we have or is this housing in -- in a way
18 that -- in a way of the development of housing, you
19 know what I mean? More of the construction, the
20 policies, the things that you look at before housing
21 is considered or if a place is considered a good fit
22 for housing.

23 And this is the reason why. You know,
24 there was a -- one of these letters that was sent in,
25 one of the written testimonies -- and, you know, I'm

1 not familiar with the Waiehu area. Like I do go out
2 to the Hawaiian Homes area out there, so I do know
3 you need to take that beach road and then eventually
4 it goes up to -- I guess that's Kahekili that goes
5 down towards where the Hawaiian Homes is.

6 But, you know, I realize that's like a
7 major bottleneck in that area. There's a lot of
8 housing. There's a lot of houses. There's a lot of
9 neighborhoods in that area.

10 And some things that we need to really
11 consider right now which I'm thinking -- I'm
12 surprised that we're not considering it because we
13 had just got one nice wild, you know, reality check
14 on the way that we have developed our lands here in
15 Maui. And we cannot contribute to the same way we
16 have done it before.

17 So let's look at the -- you know, I'm
18 weighing this. I know our island need housing. I
19 know that with the new upcoming situation that's
20 coming.

21 But what is, like, the evacuation route?
22 Is that something that we as -- we as the
23 commissioners would address this person who is the
24 director of housing? Is this something that she
25 would answer?

1 CHAIR PALI: Okay. All right. I'm going
2 to interrupt you --

3 COMMISSIONER HELEKAHI-BURNS: Okay. Go
4 ahead.

5 CHAIR PALI: -- because there's a lot of
6 different questions, and you made a lot of different
7 statements. And I just want to, for the record,
8 state -- and you can agree, please, that you're not
9 deliberating in your assessments because we cannot
10 deliberate. That would be out of our --

11 COMMISSIONER HELEKAHI-BURNS: Yes.

12 CHAIR PALI: Yeah, because we have not
13 heard full record yet. But in your thoughts, you
14 posed several questions. I don't know that any of
15 them fall under the housing purview, but I'll just
16 make sure that Lori can chime in on that.

17 And then what you can do is after we hear
18 the full record, take testimony, then you can write
19 those questions down, and we can have Mr. Chun and
20 his team answer those if that falls under his
21 purview. Okay?

22 COMMISSIONER HELEKAHI-BURNS: Okay.

23 CHAIR PALI: Do you want to just validate
24 if there's anything there that you think you would be
25 able to answer?

1 DIRECTOR TSUHAKE: Thank you, Madam Chair.
2 I don't think there is. I think those questions are
3 kind of more global and then more specific to
4 emergency management.

5 CHAIR PALI: Okay. Yeah, that's right. So
6 we'll table those and have those -- we'll come back
7 to those questions.

8 Any other questions? I think she's got to
9 leave here. Any final questions for housing
10 specifically?

11 One last question, do you have -- do you
12 keep a list -- do people that need affordable
13 housing -- do they come to you and say, hey, I am in
14 desperate need of affordable housing, and do you keep
15 this, like, rolling list or do you just -- with all
16 the data you collect, you know that X amount of
17 families are in need right now?

18 DIRECTOR TSUHAKE: Thank you, Madam Chair.
19 The department is currently working on an electronic
20 platform, a data collection platform --

21 CHAIR PALI: Nice.

22 DIRECTOR TSUHAKE: -- that will allow for
23 people who are interested in looking for affordable
24 rentals or for-sale homes to actually put their names
25 on a list. We're working through some of the

1 confidentiality issues and the actual sheer number of
2 potential projects; right?

3 So we don't want to put a project on that
4 list and say, hey, this might be available, sign up,
5 until all of the boxes are checked, then we can vet
6 those projects. But I believe it's Bill 111 that was
7 passed by the county council that actually makes that
8 a requirement for the department --

9 CHAIR PALI: Wonderful.

10 DIRECTOR TSUHAKE: -- to create that venue
11 for that information.

12 CHAIR PALI: I know we've seen numbers of
13 people on the west side that are now needing housing
14 even before all that happened.

15 What would your best guess be of how many
16 housing -- affordable housing units are needed to
17 service Maui County right now?

18 DIRECTOR TSUHAKE: I'm not exactly certain,
19 but I have heard figures tossed around that we
20 potentially may have lost 2,000 housing units in
21 Lahaina due to the fire. And so there would be at
22 least 2,000 households then who would need to be --
23 who are actually displaced by the fire.

24 If you layer that on top of an already
25 challenged housing market, it just exacerbates

1 everything. So the housing units that are available
2 on the west side are in higher demand, and even the
3 housing market, Central and South Maui and even
4 Upcountry actually have been challenged.

5 So it's going to be really hard for us to
6 work on interim housing and long term, but the
7 mayor's Office of Recovery has actually a working
8 group that's working on that being led by my Deputy
9 Director Saumalu Mataafa and Wendy Taomoto from the
10 Department of Public Works. So they have a very
11 heavy lift.

12 CHAIR PALI: Okay, great. Thank you so
13 much. Thank you for your time.

14 DIRECTOR TSUHAKEO: Thank you very much,
15 Commissioner.

16 CHAIR PALI: So we will proceed with public
17 testimony. And so if you are listening online or you
18 can hear my voice, we are on Item B2, and we're going
19 to open for public testimony. And we're not going to
20 just close public testimony, so if you didn't get to
21 put your name in or you didn't get to chime in, I'm
22 going to give an opportunity at the end for anyone
23 else that hadn't had a chance to sign up.

24 And, again, please, testifiers, you'll have
25 three minutes. Director will help us with that

1 timing, and Carolyn. And once you hear the buzzer
2 and are notified that your three minutes are up,
3 please finish your sentence respectfully and then
4 hold to see if there is any other questions for
5 clarification.

6 Commissioners, I want you to put your
7 listening ears on and gather data, write questions
8 that you also might feel if a testifier brings
9 information to you that you realize that you would
10 like to know the answer, write down your questions.
11 And then we'll be able to continue after public
12 testimony to ask more questions on the applicant.

13 And keep in mind all of this with the
14 intent that after we deliberate and after public
15 testimony, that we would simply send a recommendation
16 up to council who will be the final authority on this
17 already-approved project, specifically it's a
18 district boundary amendment.

19 MR. HOPPER: Chair, just to clarify, while
20 the 2.97 has been approved, the district boundary
21 amendment has not been --

22 CHAIR PALI: That's right, has not.

23 MR. HOPPER: -- and that is required to
24 move forward with the project. So just to keep that
25 in mind.

1 CHAIR PALI: Thank you.

2 MR. HOPPER: You're making recommendation
3 on that, so the commission's not approving that. But
4 just for the record, that's still a --

5 CHAIR PALI: Okay. So project's approved,
6 but they need this amendment to continue forward?

7 MR. HOPPER: Yes, to be consistent with the
8 state district classification.

9 CHAIR PALI: Okay. And we're going to be
10 recommending that to council for final approval?

11 MR. HOPPER: That's correct.

12 CHAIR PALI: Okay. We're all square on
13 what our role is.

14 So we will go -- and this is online --
15 well, actually, these guys were here first. Let me
16 go with the people who have been waiting so
17 patiently. So we're going to go to the gallery.

18 And, David Hoffman, if you can state your
19 name so we can get you on record, and then your three
20 minutes will start.

21
22 David Hoffman testified as follows:

23 MR. HOFFMAN: Thank you, Chair. Thank you,
24 Planning Commission. Thank you, my friends at MEO.

25 My name is David Hoffman. I've been living

1 in Waiehu for 25 years.

2 The Maui plan has clearly identified this
3 area as protected prime ag land. Ignoring that plan
4 is planning to fail those who put that much time into
5 those studies. They took years to do.

6 The rainfall studies used for this project
7 and other projects in the area do not address the new
8 reality of climate influence and rain bombs. This
9 property has a history of flooding. The building
10 proposed at the bottom of the property sits right
11 where it floods.

12 The single culvert under the highway would
13 not be able to handle it, either undermining or
14 overtopping the highway. The repair costs could
15 exceed the tax revenues generated. Roadways are at
16 or near failure already.

17 My understanding of the traffic studies for
18 this project and the WRC property across the highway
19 are either dated or may have been conducted during
20 COVID, yet LOSF (phonetic) and overcapacity are
21 clearly identified. Turning a blind eye to a
22 conclusive overview of all issues and all input under
23 the guise of dotting i's and crossing t's is not good
24 stewardship. Roadway improvements have little
25 options or are cost prohibitive.

1 The Imi Kala extension which was promised
2 prior to Wailuku Country Estates being approved, yet
3 it went through along with four Waiehu Kous. The Imi
4 Kala extension would require signals at Mill Street,
5 yet the county says there's no room. Imi Kala
6 extended to Lower Main requires land acquisitions
7 from St. Anthony's. Bridge estimates run from 30 to
8 40 million dollars up to \$80 million all told.

9 I've been told some areas of Central Maui
10 have no sewage transmission lines to Kahului so they
11 don't want a land swap and move these kind of
12 properties into Central Maui. Well, it would cost a
13 lot less to put a sewage transmission line for
14 somewhere in Central Maui than \$80 million.

15 Civil Beat article of September 17th of
16 this year outlines cries of housing, crises (sic)
17 going back over 50 years. Housing has always been in
18 crisis, so "the sky is falling" is no excuse for
19 proper urban planning.

20 A final note on overcapacity, theaters,
21 restaurants, and the Lanai Ferry cannot exceed
22 capacity for the safety and well-being of everyone.
23 Urban planning should be no different.

24 Stop all development north of the
25 Iao Stream until these issues are fully resolved.

1 There's no other option, or you're endangering the
2 lives of everyone there. If you approve this project
3 without resolving these issues, you will be planning
4 to fail.

5 Thank you very much for your time.

6 CHAIR PALI: Okay. Hold still.

7 Commissioners, any questions for David?

8 Very clear testimony. Thank you.

9 MR. HOFFMAN: Thank you very much.

10 CHAIR PALI: Oh, well --

11 COMMISSIONER HELEKAHI-BURNS: Yes, Fawn.

12 CHAIR PALI: Oh, Helekahi -- okay. Hold on
13 one second. Helekahi-Burns, go for it.

14 COMMISSIONER HELEKAHI-BURNS: Thank you,
15 David, for your testimony. As I could see from the
16 map, I seen that is quite urban and quite developed,
17 and I know that place.

18 So in times of -- and you obviously, you
19 know, reside in that area. At times of emergency,
20 especially like when we have -- we've had tsunami --
21 tsunami threats couple time within, like, the last
22 ten years, and did you or have you ever been in a
23 situation where evacuation of, like, Waiehu Kou and
24 all of Paukukalo had taken up the streets?

25 CHAIR PALI: Before you answer,

1 Helekahi-Burns, I'm going to help you restructure the
2 question so that we follow format because I don't
3 want new questions answered.

4 So, David, you mentioned that there could
5 be a safety issue in regards to the location and the
6 population of people.

7 Can you further clarify what you meant by
8 that and if there's any reference to emergencies in
9 the past that may have caused you to believe that
10 putting more people in this particular area would be
11 a danger for all people? Can you clarify that,
12 please?

13 MR. HOFFMAN: There's two answers to that
14 question. The first is the worst part of the traffic
15 backups and the failing of the intersections leading
16 out. There's only two outlets out of that area over
17 the Iao Stream. Both of those will back up to
18 intersection -- to LOSF on a regular basis during the
19 morning commute hours and sometimes on the evening
20 commute hours.

21 Regarding emergencies, the only times I've
22 seen it impossible to get out of there has been when
23 there's an accident. And since -- because the
24 tsunami experience, you get four or five hours'
25 notice. A fire or something like that, it would be

1 gridlock.

2 And I don't see any other option. People
3 from Lahaina recommended I buy myself an electric
4 bicycle because you won't be able to get out with a
5 car.

6 The bottom line is these intersections are
7 already failing. There is no alternative; and until
8 you have one, you're just piling more and more people
9 on.

10 Think of the Lanai Ferry. If there's only
11 100 people allowed on it, would you throw another 30,
12 40, 50 people on it?

13 It's not just this project. There's
14 numerous projects scheduled for north of the
15 Iao Stream. You must look at the entire area in its
16 entirety when you're making recommendations for
17 zoning changes.

18 CHAIR PALI: Thank you. Did that answer
19 your question, Helekahi-Burns?

20 COMMISSIONER HELEKAHI-BURNS: Yes. Thank
21 you so much.

22 CHAIR PALI: Commissioners, any other
23 questions for the testifier?

24 COMMISSIONER KEALOHA: I have a question.
25 This is Andrea.

1 CHAIR PALI: Yes. Go ahead, Ms. Kealoha.

2 COMMISSIONER KEALOHA: I think you may have
3 gone by this quickly or I missed it, David.

4 Did you say that you believe the traffic
5 study was conducted during COVID?

6 MR. HOFFMAN: I'm not very good at reading
7 the EAs. I only read this particular project's EA
8 yesterday, and I saw the dates on the traffic studies
9 as '20 or '21. The WRC property across the street
10 was done in 2015, so it's fairly dated.

11 COMMISSIONER KEALOHA: Okay, thank you.

12 CHAIR PALI: Thank you for clarifying.

13 MR. HOFFMAN: I may be wrong about when
14 that was done. I'm sure they could clarify. Thank
15 you very much.

16 CHAIR PALI: Commissioners, any questions
17 for this testifier? Seeing none, thank you, David.

18 MR. HOFFMAN: Thank you.

19 CHAIR PALI: We'll go to George here in the
20 galley. You can state your name for the record, and
21 you have three minutes.

22

23 George Paresa, Jr. testified as follows:

24 MR. PARESA: Good morning. My name is
25 George Paresa, Jr. I'm president of the Waihee

1 Community Association. We've met with the developing
2 group for this project one, two, three times, I
3 believe, and it was interesting. A lot of things
4 were exchanged.

5 People in our community do not want more
6 housing. It's a give and take; we all understand
7 that.

8 The big issue we have is through past
9 experiences because there's lack of infrastructure,
10 the choice of prime land over housing. I think the
11 most recent thing about this development was the fact
12 that the county did propose an exchange for the
13 properties with a subdivision that already has
14 infrastructure in Puunene. If I'm wrong, I stand
15 corrected.

16 We go back to smart planning. We go back
17 to what's happened to Maui County the past year, and
18 are we doing a right choice to go ahead with this
19 project?

20 It's unfortunate when you look and you read
21 the studies -- a good example was the so-called
22 traffic study that they did for this development.
23 Well, it was funny because the people say -- well,
24 let me rephrase that. The engineer said, well, we
25 did a study. We sat so many hours during the day

1 trying to calculate traffic.

2 Well, traffic volume is up in the morning
3 and in the evenings. To the midday, no. It doesn't
4 take a rocket scientist to figure out, hey, why are
5 the public questioning their methodology of collecting
6 the information? You understand what I'm saying?
7 And it's unfortunate, but the residents of the area
8 that we're in -- we're now -- we're from, we
9 experienced all these things.

10 I remember three years ago, four years ago
11 when they redid the bridge by Sack N Save, the
12 Iao-Wailuku Stream and the Honolulu, Oahu -- Honolulu
13 engineers, the state, whatever, come to Maui,
14 approach the community and says, boom, boom, boom,
15 boom, boom. And we try to interject and say, no, you
16 can't do this because, well, this is not Oahu.

17 That's the impression we have as Maui
18 residents. I mean, on Oahu, they work 24/7, get the
19 job done, and not interfere with traffic. But we're
20 on a neighbor island. Sorry, but this is going to
21 take me a while, but anyway.

22 In reality, what happened? They started
23 the plan. They shut down the bridge. They ended up
24 rerouting everything, and it was a big fiasco for
25 about two, three days.

1 They finally -- I guess the light came on,
2 and they said, okay, we got to change our methodology
3 of doing this. They created a --

4 CHAIR PALI: I'll have you just finish your
5 sentence since your time is up.

6 MR. PARESA: I'm sorry?

7 CHAIR PALI: You had your three minutes, so
8 I'll have you just finish your sentence. I
9 apologize.

10 MR. PARESA: Okay. I just want to conclude
11 was that they didn't listen to what we wanted because
12 of our experience (no audio) that was offered by the
13 county for a swap with infrastructure, and it was
14 turned down. I rest my case.

15 CHAIR PALI: Okay. Stay there. Stay
16 there. Thanks for your testimony, George.

17 Commissioners, any questions? Commissioner
18 Lindsey.

19 COMMISSIONER LINDSEY: You said you
20 represent the Waihee Community Association? Is that
21 what you --

22 MR. PARESA: Yes.

23 COMMISSIONER LINDSEY: About how many
24 members is represented with you?

25 MR. PARESA: Say that again?

1 COMMISSIONER LINDSEY: About how many
2 members are you representing through your Waihee
3 Community Association?

4 MR. PARESA: Membership has fluctuated.
5 We -- are you asking me the active membership or the
6 passive membership? Because there's a big
7 difference.

8 COMMISSIONER LINDSEY: I'm asking you how
9 many members are you representing today? You can --

10 MR. PARESA: Association, top of my head,
11 between 90 and 100 members.

12 COMMISSIONER LINDSEY: Thank you.

13 MR. PARESA: You're welcome.

14 CHAIR PALI: Any other questions? Vice
15 Chair? Thank you.

16 VICE CHAIR THAYER: Follow-up question to
17 that, where in Waihee do all your members live? Is
18 it all the way (no audio) community?

19 MR. PARESA: Are you --

20 VICE CHAIR THAYER: I guess it's just all
21 scattered around Waihee is where your community
22 association members --

23 MR. PARESA: The community association
24 boundaries is from Lower Waiehu up to Maluhia.

25 VICE CHAIR THAYER: Okay. Got it. Thank

1 you.

2 CHAIR PALI: Does it include Maluhia? Does
3 it include Maluhia?

4 MR. PARESA: I still cannot understand you.
5 I'm sorry.

6 CHAIR PALI: That boundary, can you just
7 repeat the boundary?

8 MR. PARESA: Yes. The boundary is
9 approximately from where Waiehu Kou 1 starts and it
10 goes north towards -- from Maluhia down to the
11 shoreline.

12 CHAIR PALI: Got it. Any other questions,
13 commissioners? Okay. Seeing none, thank you.

14 MR. PARESA: Thank you.

15 CHAIR PALI: I think the next person is
16 Johnson, last name Johnson? Okay. Lala?

17 MS. JOHNSON: Yes.

18 CHAIR PALI: Okay. State your name for the
19 record, and then you have three minutes.

20

21 Lala Johnson testified as follows:

22 MS. JOHNSON: Okay. Aloha, my name is Lala
23 Johnson of Waiehu. I'm a lineal descendant.

24 I oppose this action that Kathleen
25 Ross Aoki is initiating, a DBA, district boundary

1 amendment, from the state agricultural district to
2 state of urban district for the proposed Hale Mahaolu
3 Ke Kahua Affordable Housing Community that consists
4 of 120 rental units in 13 two-story buildings, and
5 these are my reasons.

6 One, there's -- there is a title issue that
7 has not been solidified. The case where we were in,
8 as you saw with MEO, was a trespassing issue and not
9 land issue which should have been done in the land
10 court and not in the criminal court.

11 As Lance Collins, who has represented
12 kanaka maoli clients in disputes and reviewed the
13 court documents and proceedings, said, this was an
14 unusual case for it did not legally affirm the
15 organization's title to the land and did not include
16 the potentially dozens of other family members who
17 could not yet -- who could yet be challenged to their
18 claim.

19 So one -- for one thing, he says I was
20 deemed to have a trespass non-criminally, and they
21 did not prove that their entitlement to the
22 possession was superior to us. So in order to do
23 this, either side would need to seek what is known as
24 a quiet title action, a legal proceeding to determine
25 ultimate, enforceable, legal title to a property.

1 If this action to rezone to urban -- and
2 they begin construction, it would leave them
3 vulnerable to some point challenging their claims to
4 ownership. So if they don't have a quiet title,
5 there's a risk of liability.

6 So I also wanted to mention -- I urge the
7 planning committee to turn their attention to the
8 archaeological, historic, and cultural resources
9 section that's located on Page 20 of the report
10 regarding the cultural impact statement.

11 The CIA made an effort to reach 73 Hawaiian
12 organization agencies and community members as well
13 as culture and lineal descendants, but only four
14 responded. This is an insubstantial and unacceptable
15 amount of community feedback. As a lineal
16 descendant, I expect and request that the team to
17 prioritize networking with the Waiehu lineal
18 descendants and community members.

19 Also, secondly, as a lineal descendant of
20 the ahupua'a of Waiehu, I urge the county to defer
21 all monies for the Hale Mahaolu Ke Kahua Affordable
22 Housing Project directly toward assisting the people
23 of Lahaina in this dire times. Efforts should and
24 will be made to create solidarity within the
25 Hawaiian, Filipino, and Pacific Islander communities

1 who are now houseless.

2 Lastly, the surrounding communities will
3 eventually run into issues regarding water as it is a
4 scarce source in the modern times due to
5 overdevelopment and water mismanagement. According
6 to the report, the average daily demand for water for
7 the project is approximately --

8 (Timer ringing.)

9 MS. JOHNSON: -- 70,000 gallons per day
10 which would equal 25 million gallons a year. The
11 concoction of the water -- water management and
12 intensified urbanization will lead to catastrophic
13 and everlasting irreparable damages as we have seen
14 in the Lahaina --

15 CHAIR PALI: I'm going to have you finish
16 your sentence, please.

17 MS. JOHNSON: -- and Kula fires in August
18 of 2023.

19 CHAIR PALI: Okay.

20 MS. JOHNSON: You do not want to risk
21 putting more lives in danger with this urbanization.
22 And I'm going to say this: I work -- I work --

23 CHAIR PALI: I'm sorry, but your time is
24 up --

25 MS. JOHNSON: Okay. I'm going to -- but

1 may I say something real quick?

2 CHAIR PALI: -- so I would like you to
3 actually stop speaking. No, you cannot. I -- you've
4 been well over three minutes, and I would like you to
5 end your sentence.

6 Now, there might be a question for you
7 where you might have an opportunity to do so, but I
8 can't allow you to continue.

9 MS. JOHNSON: Okay. It was just a due
10 respect that I work also, and I sat there waiting.

11 CHAIR PALI: So respect comes in many
12 levels --

13 MS. JOHNSON: Yeah. So --

14 CHAIR PALI: -- and it's given and taken
15 from each of us. So I would like to give you that
16 respect; that's why I let you go over. But when you
17 go over the over, then there is no mutual respect.

18 So I would also challenge you, if you can
19 just stop for a minute, let me see if there's other
20 commissioners with questions, and you might be able
21 to finish, but I can't let you proceed. Thank you.

22 Commissioners, do you have any questions?
23 Seeing none, thank you.

24 MS. JOHNSON: So can I just say something?
25 Because I had the grace of waiting for a period of

1 time for the commissioner. So I just wanted to have
2 that --

3 CHAIR PALI: I respect that. It's just
4 that everyone else is going to then need that same
5 time. And as volunteers five years later, it's
6 everyone gets the same amount. So if I give that to
7 you, then I almost have to go back and give everyone
8 else today that needed more time, and future, and
9 it's just not fair.

10 That's why we give you the opportunity to
11 know that you have three minutes, and that's been a
12 consistent policy for -- for years. Everyone
13 knows -- testifiers know you get three minutes. So
14 you had an opportunity to dwindle down your testimony
15 within three minutes prior to even getting here
16 today.

17 And I really want you to be able to speak
18 for another ten minutes. I actually appreciate what
19 you have to say, but I have to keep order.

20 MS. JOHNSON: So ask me questions, because
21 I have a lot to say, is what I'm trying -- you said
22 that I would be able to say more if they asked
23 questions.

24 CHAIR PALI: Yes, but they did not, which
25 also sends a message. They didn't. So I'm so sorry,

1 but your time is up, and I have to be firm on that.

2 Thank you.

3 MS. JOHNSON: Thank you.

4 CHAIR PALI: Okay. Next testifier we have
5 is Jocelyn Costa. You can state your name for the
6 record. Your three minutes will start when you start
7 talking.

8
9 Jocelyn Costa testified as follows:

10 MS. COSTA: Mahalo. My name is Jocelyn
11 Costa. I belong to a group called Hui Pono 'Ike
12 Kanawai that studies the laws of the Hawaiian
13 Kingdom.

14 So such as yourselves, we were never really
15 exposed to the true Hawaiian history. And my
16 understanding of several presentations on the council
17 floor, they have been well-informed through Dr. Keanu
18 Sai, a gal named -- her name escapes me -- Kaleikoa
19 Kaeo, Kahele Dukelow, to name a few.

20 My journey began learning in depth in about
21 2004. Ironically, as an alumni of Kamehameha School,
22 I didn't learn it. It took me that long to figure it
23 out.

24 So I wanted to inform you that in 2005, I
25 started to, as I was understanding it, challenge

1 certain landholdings. And in 2006, I was arrested
2 for criminal trespass on the property just across the
3 street from this project which also holds the title
4 of Lunalilo 8559B.

5 The result of that case reduced to simple
6 trespass which was the old Hale Moa (phonetic)
7 project that is no longer in existence since our
8 stand there in 2004. The case was dismissed with
9 prejudice for all 16 of us who were arrested, for a
10 simple trespass could not even stick.

11 So when the developer -- it was interesting
12 that this developer is saying that they own this
13 property that is from Lunalilo 8559B because I have
14 done extensive research on Lunalilo's title.

15 And the title that came from Wailuku Sugar
16 to Lunalilo was then adjudicated in court that their
17 title through Lunalilo's father was a life estate
18 which then extinguished when his father passed away
19 and went back to the trustees of Lunalilo. So how
20 they have gotten this title since, I'm not sure
21 because it has to go through the Supreme Court.

22 I'd also like to -- I would be remiss to
23 not mention that because of the fires -- and I have
24 also testified to this several times in front of the
25 land commission, the LUC, when it was the Hale Moa

1 project, and it didn't pass. The land commission
2 would not pass it.

3 Beside the fact that traffic is -- wait
4 now -- but, of course, you already learn through
5 that -- sorry, I'm skipping -- based on the fact that
6 traffic is a problem, the schools are already to
7 capacity, and as learned in August, our response
8 agencies are already maxed out, we must rethink
9 creating more clutter.

10 Water is also a major issue given there are
11 several Kuleana families and Hawaiian homes in the
12 immediate area that have first rights to water. So
13 again, I would -- my suggestion is to recommend not
14 to pass this project. There is really a lot of
15 questions. Mahalo.

16 CHAIR PALI: Thank you. Commissioners, any
17 questions? Okay. Commissioner Deakos?

18 COMMISSIONER DEAKOS: Thank you, Chair.

19 And thank you for your testimony today.

20 Can you just clarify -- I think you
21 mentioned a quiet title. Is there a quiet title
22 action that's in process now? You mentioned
23 something about Supreme Court has to decide.

24 MS. COSTA: So when you -- when you open
25 the door to say that you own a title such as

1 Lunalilo 8559B, it comes with the laws of the
2 Hawaiian Kingdom. And so within the Hawaiian
3 Kingdom, that particular title cannot be adjudicated
4 actually through these courts.

5 And it is -- it is a legal matter
6 because -- well, actually it's a political matter
7 because now you're taking a country's title, from the
8 Hawaiian Kingdom, Lunalilo, and now meshing it into
9 another country, United States. And so no longer is
10 it a legal matter, but it's a political matter. It's
11 called the doctrine of political question.

12 So MEO claiming to own a title from the
13 Hawaiian Kingdom now is in question. They had it in
14 their presentation. You really need to consider that
15 because it becomes a war crime.

16 COMMISSIONER DEAKOS: Okay. Thank you very
17 much. Thank you for your testimony.

18 That's all, Chair.

19 CHAIR PALI: I have a clarifying question.
20 (No audio) properly so it can be a clarifying
21 question.

22 Okay. You're talking about title, so can
23 you just clarify is it your desire that the applicant
24 prove that there is a quiet title?

25 MS. COSTA: In the Hawaiian Kingdom, once a

1 title is quieted, which 8559B is, it can no longer be
2 quieted. What they're trying to do is take a quieted
3 title and quiet it again. It's impossible.

4 CHAIR PALI: I see. I see. Okay. So then
5 going along that same vein, because your testimony
6 validates that you believe they do -- they still do
7 not have title, there is no proof of title, so
8 what -- in your opinion, what would be required for
9 them to finally prove that, hey, we do have title?

10 What does that look like? Because I think
11 we're just seeing all these different things, and we
12 (no audio) you know, so what would be the proof? Is
13 there proof? Is there -- can you get to the proof,
14 and how do you do that? In your clarification.

15 MS. COSTA: Thank you for the question. So
16 I am testifying to you under penalty of perjury. I
17 know that 8559B is the title to Lunailo, not to MEO
18 or this project. I can -- I have done extensive
19 research. I have all of the paperwork. I have his
20 title. I have his will. That's what I -- my studies
21 started with that.

22 So in my beginning testimony, I spoke about
23 understanding our history. And because we've been
24 separated from that true history, it's almost
25 unbelievable to think that the -- the people of today

1 with TMKs own land when -- if they're going to bring
2 the statement out that they own 8559B, then they have
3 to open it up to all.

4 I have all the documents. If you'd like me
5 to share it with you, I can provide it for you.

6 CHAIR PALI: Well, let me reword it this
7 way. So you have your documents that you do say this
8 is truth in the original system. It sounds like
9 you -- you said that in your testimony. And then
10 they have their documents which is then validated by,
11 I guess, our new government; right? And then you
12 said that there's -- seems like there's not a system
13 that allowed them to merge.

14 So then what -- so then there's yours and
15 theirs, and so I guess my question, again, is just
16 going back to, like, then what proof from them, since
17 they're the applicant, would we question them?
18 Like -- so what's helpful for testimony is that you
19 guys give us good questions so then we can turn
20 around and ask those questions to the applicant for
21 clarification if we feel the burden of that question.

22 That is the best tool as a testifier,
23 because we don't necessarily have the insight you
24 have, but our job is to question the applicant and
25 get that information from the testifiers. So it's

1 good to hear the concerns, that's first and foremost,
2 but to translate them into good questions for us,
3 that's what makes a good testifier for us. No matter
4 where we lie, that helps us gather more data and
5 clear things up.

6 So what could I ask to clear things up,
7 other -- because your documents aren't part of this
8 record today, I don't believe. And so what are good
9 questions in regards to title that would be helpful
10 to clarify or substantiate your testimony?

11 MS. COSTA: Thank you for that question.
12 So because I know, and I've heard it in their
13 presentation through Wailuku Sugar, I guess the
14 question would be in what manner was Wailuku Sugar
15 held to title, and was it through Lunaliilo's father,
16 Kana'ina? Because if that is so, then I can show you
17 that he only had a life estate and Wailuku Sugar then
18 lost possession of that title.

19 CHAIR PALI: When he passed?

20 MS. COSTA: Correct.

21 CHAIR PALI: Got it. That's so helpful.
22 Thank you.

23 Commissioners, any other questions? Okay.
24 Great. Thank you so much. Okay.

25 Kaneloa, please proceed to the podium.

1 State your name for the record. And I know it's
2 going to be tough, but you have three minutes.

3
4 Kaneloa Kamaunu testified as follows:

5 MR. KAMAUNU: Aloha mai kakou. Kaneloa
6 Kamaunu ko'u inoa. I am a lineal descendant, kuleana
7 of Waihee Na Poko.

8 So with this incident, one, I agree that
9 this project, as far as the designation that you want
10 to do, is not a wise one because of the elements that
11 haven't been taken care of which mainly is the
12 traffic.

13 I grew up there my whole life. I know what
14 it's like. I know all the variables. And the thing
15 with the traffic, they tried to mitigate it years
16 ago.

17 They were shut down because of land titles,
18 and this is why they're stuck today. Because those
19 two bridges are historical, they cannot do anything
20 with them. So what is -- you have to address that.

21 Come down to the titles -- so I was one of
22 them that they actually arrested that day. It was
23 not the Maui Police Department, even though they took
24 the action. It was a citizen's arrest done by the
25 security company hired by Maui Economic Opportunity.

1 To be clear, the police officers that were
2 there were in violation. It was a civil matter of
3 the day. They blocked us from retrieving our
4 personal items. They did not allow us on the
5 property.

6 I asked them for a court writ; they had
7 none present. They were taking direct orders from
8 the security company. They were incorporated by Maui
9 Economic Opportunity -- because I asked them -- I
10 said, where is your court writ? And if you don't
11 have one, I am allowed to take my property.

12 I had property that I was loaning to the
13 family. They rejected me. They actually assaulted
14 me that day. Then they ended up having me arrested
15 on the false presences.

16 My case was not even heard. It was
17 dismissed when I went to court. And all the things
18 that he's saying that they had quiet title, there is
19 none. It was a possessory case. There was nothing
20 on title because that court cannot do title cases.

21 It is all about money. If they want a
22 title case, they have to go to land court. That's
23 state. If they are sure of their title, why haven't
24 they taken that step?

25 But yet, twice they have used law

1 enforcement. Once before, they tried to use the
2 sheriffs to mitigate and take us off the property.
3 When I spoke to the sheriffs, I also asked them for
4 their court writ. They had none.

5 They had a paper that was written by the
6 attorney that's in MEO's board. They actually drew
7 up some false papers. No court order was given, no
8 stamp from the court, no judge's signature.

9 On this event, same thing. No court order
10 writ, no judgment. And to let you know, because I
11 work in law enforcement, the people that actually
12 would evict us would be the sheriffs. But as you can
13 see, because I talked to the sheriffs the year prior,
14 they never came back.

15 The relationship between the security
16 company that Maui Economic Opportunity hired was a
17 retired -- was a retired ex-policeman. He hires
18 police officers for his work at security. They were
19 the ones present there.

20 I have an outstanding case with the Maui
21 Police Department --

22 DIRECTOR AOKI: Three minutes.

23 CHAIR PALI: Finish your sentence. Finish
24 your sentence.

25 MR. KAMAUNU: So I have an ongoing case

1 with the Maui Police Department, and so the thing is
2 what this man was referring to is all lies. Thank
3 you.

4 CHAIR PALI: Commissioners, any questions?
5 Question for you. The definition of a
6 court writ?

7 MR. KAMAUNU: Court writ is what is issued
8 by the judge to take action. So if they actually had
9 authority to take action, that letter of writ has to
10 be produced.

11 CHAIR PALI: Kind of like a warrant?

12 MR. KAMAUNU: Yes. They would have to have
13 the authority. It has to have -- they can't just act
14 upon their own. They have to have the court --
15 because he referred to the court said that they had
16 full title.

17 CHAIR PALI: He did in his presentation.

18 MR. KAMAUNU: He did in his presentation.

19 If that was so, why was my court case
20 dismissed?

21 CHAIR PALI: Thank you. Thank you for your
22 time. Okay.

23 Looks like Alyson Barrows.

24 ///

25 ///

1 Alyson Barrows testified as follows:

2 MS. BARROWS: I'm Alyson Barrows, and I'm
3 also a lineal descent of Waiehu-Waihee. And I'm here
4 today to share a point and also to kind of clarify, I
5 know MEO mentioned something about the cultural --
6 that there was no cultural activity or sign of any
7 kind of practice going on at that time.

8 And I do want to bring up something that I
9 was involved in helping -- or actually invited to do
10 a program with Maui -- MEO to -- to provide cultural
11 activities at one time. And at that time, I was
12 in -- e kala mai, I feel so nervous.

13 CHAIR PALI: It's okay.

14 MS. BARROWS: They were -- had asked as to
15 what I was bringing to the table, and my expertise
16 was with the ocean. At that time, the person then
17 says, well, they're not connected to the ocean so
18 thereby they couldn't see my purpose in being there,
19 and I have to correct that.

20 So I want to recommend that they look into
21 what cultural practices are; and it's not just having
22 a structure of lo'is or haies or native plants and --
23 they do have those things over there -- but it's also
24 the connection to the ocean, and I have to clarify
25 that with them that just because you're not connected

1 doesn't mean that you're not responsible for what's
2 going on.

3 So when they want to go and look at it as
4 part of a wetland, this is very essential. How can
5 they say that they're not connected and yet still be
6 part of a wetland? So that's the main point I wanted
7 to bring up there.

8 And I am with the Waihee Limu Restoration,
9 so I do the limu restoration down at Waihee and
10 Waiehu as well. So these areas are very important,
11 especially the streams.

12 And the streams at one time used to come
13 down when there're big waters at MEO's site and which
14 they also closed up one of the outlets that used to
15 go down to there and made it smaller, forcing the
16 water to now go through the main stream of Waiehu.

17 And that water, when they had big water
18 coming down, that flooded Kahekili Highway, and that
19 impacted the traffic and everything there. So I do
20 support a lot those who spoke about evacuation; that
21 is very essential, emergency evacuation and traffic.

22 MEO is aware of that because when they
23 first started to bring the project, that was the two
24 things that was brought up at that time. And to not
25 have addressed it even at this time show that they

1 were not really looking into resolving this part. So
2 I recommend that as well. Okay.

3 I also want to make a comment about
4 affordable housing. I am supportive of affordable
5 housing. We all know that we do need affordable
6 housing, and so I'm a benefactor of that.

7 And I just want to say that it's important
8 but not necessary where we are at right now. We have
9 to deal with everything else and how it's going to
10 impact the area. Thank you for your time.

11 CHAIR PALI: Thank you. One second.

12 Commissioners, any questions? We got a
13 couple so you're going to be here for a minute.
14 Looks like everybody's got a question for you.

15 We'll start with Commissioner Lindsey since
16 she was quick on the draw.

17 COMMISSIONER LINDSEY: Aloha. You
18 mentioned a flooding of Kahekili Highway. Do you
19 remember when that was, about what year and/or how
20 many times that has happened?

21 MS. BARROWS: Oh, gosh. I can't estimate
22 exactly what year, probably about in the '80s to
23 '90s, around that time period, because there was a
24 couple, but that was one of the main one. And it
25 really happened after they had plugged up -- made the

1 outlet smaller that was in MEO's place. So it was
2 after that time, and that was the first one.

3 After that, they made sure they always had
4 big equipment there in case of a flooding after that,
5 but that doesn't resolve the problem. It's going to
6 happen because we do get flooding, and that area is
7 noted for our streams and the abundant water that
8 comes down and the lo'is that used to be farmed
9 there. And now there's only few lo'is over there,
10 few families who are doing that.

11 So cultural practice doesn't go away just
12 because you don't see people actively doing things.
13 The water still comes down, the land is still used to
14 that water flow, so you can redirect it and hopefully
15 everything goes in there, but when you get those big
16 floodwaters come, those water is going to go where it
17 normally goes.

18 COMMISSIONER LINDSEY: Are you also saying
19 that this is an important area for aquifer recharge?

20 MS. BARROWS: Can you repeat that again?

21 COMMISSIONER LINDSEY: Are you also saying
22 that this is an important for aquifer recharge?

23 MS. BARROWS: Yes, it is. That area there,
24 not only -- I'm only talking about the mauka side of
25 our highway and stuff. I'm not even talking about

1 the ocean side.

2 So the water that comes down from there,
3 it's so important for the shoreline because it fills
4 our shoreline with the nutrients it needs to continue
5 the life on our reef. Without that, you start
6 cutting it off or limiting or redirecting, you start
7 losing what's on our reef. And so that's a cultural
8 practice.

9 COMMISSIONER LINDSEY: So to clarify,
10 you're talking about that area including the parcel
11 that this plan is on?

12 MS. BARROWS: So you're talking about
13 Kahekili Highway and that river that comes down is
14 part of Waiehu stream, and that stream goes directly
15 into the ocean.

16 COMMISSIONER LINDSEY: Okay, thank you.

17 CHAIR PALI: Okay. Commissioner Kealoha,
18 did you have a question?

19 COMMISSIONER KEALOHA: Yeah. And maybe
20 this kind of follows Commissioner Lindsey's question,
21 but you mentioned a wetland. And I'm just wondering
22 from your view or definition or from you know about
23 this place, do you see this place as a wetland?

24 CHAIR PALI: The question was do you see
25 this place as a wetland?

1 COMMISSIONER KEALOHA: Yeah.

2 MS. BARROWS: Up where the property is,
3 it's not the wetland after -- if you define the
4 wetland as being where there's abundance of water
5 coming through there and it's always there. Then I
6 wouldn't consider that, but it is part of the
7 connection that feeds our wetland which is also
8 essential.

9 So this is the part where we have to define
10 what is the wetland and how is that working. And is
11 it still working? Because you're connecting MEO to
12 that as part of the wetland, then MEO needs to be
13 responsible for what's happening and how they're
14 impacting that wetland as well.

15 COMMISSIONER KEALOHA: Thank you. And I
16 have one more question. I'm trying to look at the
17 map, but maybe you can help me understand water flow.
18 You mentioned that the water flew through this --
19 flew -- flowed through this area and then it was
20 redirected.

21 Is there water that still flows through
22 here or did Waiehu Stream at one point flow through
23 here or what is the history?

24 MS. BARROWS: That's a good question,
25 because Waiehu Stream splits into --

1 CHAIR PALI: I'll have you come closer to
2 the mic.

3 MS. BARROWS: -- south stream. Our family
4 aina is on the south stream side.

5 CHAIR PALI: Alyson, come closer to the mic
6 so we can get you on record. Sorry.

7 MS. BARROWS: Sorry.

8 CHAIR PALI: I know you speaking to the TV,
9 but talk inside the mic.

10 MS. BARROWS: So again, I was saying how
11 there's two streams of Waiehu. And what's happening
12 when it comes down on that south side stream, it
13 flows, and it actually can flow over the land area
14 that is not -- that was used by cane.

15 And when cane was still there, that
16 floodwater would come down like a river covering that
17 whole wide area at the gap just before the river
18 itself, where it would fall in and then head out to
19 the ocean. So now they closed up that one side of
20 MEO and that -- thinking that the stream was one
21 flow. When there's big water, that stream still
22 comes.

23 So now we don't have cane anymore, but we
24 have (indiscernible). And so that water still comes
25 down when there's big water. Unless they subdivide

1 it, diverting more of that water out, that would be
2 the other question as to what's going on with the
3 water.

4 So when the water was coming down, because
5 other things were blocking it, it started to go onto
6 the road. Because it wasn't coming down the normal
7 way that would come down by Waiehu -- I mean the MEO
8 property, it overflowed the roadway, brought debris
9 and everything. And then some of it would go into
10 MEO property to go out, but it would only build up
11 over there.

12 COMMISSIONER KEALOHA: Thank you.

13 CHAIR PALI: Okay. Commissioner Deakos,
14 did you have questions? I think I saw your hand; I
15 wasn't sure.

16 COMMISSIONER DEAKOS: They got answered.
17 Thank you, Chair.

18 CHAIR PALI: Okay. Any other questions?
19 Thank you so much.

20 MS. BARROWS: Thank you.

21 CHAIR PALI: All right. Okay. I think
22 that we're going to go out to -- let's just say go
23 into online testifiers. So if you are still
24 online -- hopefully you still are -- thank you for
25 your patience. We have Desmond.

1 Desmond, I see that you've registered
2 online. If you hear my voice, if you can unmute your
3 video if you have one and unmute your (no audio).

4
5
6 Desmond Cabilis testified as follows:

7 MR. CABILIS: Aloha, commissioners.

8 CHAIR PALI: Great. Please state your name
9 for the record, and you have three minutes.

10 MR. CABILIS: My name is Desmond Cabilis.
11 I'm a service representative for the Hawaii Regional
12 Council of Carpenters.

13 I'm in support of the Hale Mahaolu Ke Kahua
14 rental housing project. This project addresses the
15 need of affordable rentals and housing for people of
16 Maui. Projects like Ke Kahua assures that 120
17 families don't need to compete in today's high rental
18 market, so I ask of you commissioners please
19 recommend to move this project forward to help our
20 people of Maui to stay on Maui.

21 Also, MEO's mission has always been to
22 strengthen the community and help people in need,
23 especially now during Maui housing crisis. Thank
24 you.

25 CHAIR PALI: Okay. Hold the line, Desmond.

1 Anybody have any questions for Desmond?

2 Seeing none, thank you, Desmond.

3 Kahala Johnson, are you online? If so,
4 please unmute yourself and introduce yourself.

5 MR. JOHNSON: Hi. Can you folks hear me?

6 CHAIR PALI: Yes.

7

8 Kahala Johnson testified as follows:

9 MR. JOHNSON: Okay, perfect. I do -- I
10 won't able to stay for questions, just a heads up. I
11 have a labor union meeting right after this, but
12 (speaking Hawaiian).

13 My name is Kahala Johnson, kanaka maoli
14 Filipino speaking in opposition to Agenda Item B2,
15 district boundary amendment transitioning from state
16 agriculture district to state urban district for the
17 proposed Hale Mahaolu project by Maui Economic
18 Opportunity.

19 I want to say that -- begin by saying that
20 if housing is such a concern to MEO, then immediate
21 priority should be given to people affected by the
22 recent wildfires in Lahaina by redirecting funding
23 for this project to them, not towards the
24 redistricting amendment which would see an increased
25 urban gentrification of Waiehu and the further

1 destruction of our wetlands.

2 So our local wai and muliwai in Waiehu are
3 natural barriers to wildfires in Na Wai 'Eha, just
4 like Moku'ula and Mokuhinia served as a natural
5 barrier to wildfires in Lahaina prior to them being
6 destroyed by the plantations.

7 Waiehu wetland features are recorded as
8 generational knowledge in the Hawaiian newspapers and
9 stories like (speaking Hawaiian), and they're also
10 contained in their descendants who are speaking to
11 you and testifying to you today.

12 So we don't need redistricting amendments
13 which would harm the local wai and muliwai in Waiehu.
14 What we need is funding for projects like Hale
15 Mahaolu to be redirected toward helping the displaced
16 houseless Hawaiians, Filipinx, and Pacific Islander
17 survivors of the fires which destroyed Lahaina.

18 The ongoing emergency affecting Hawaiian --
19 these communities in Lahaina is a human and housing
20 crisis that MEO cannot afford to ignore. If MEO is
21 so concerned about houseless people, they shouldn't
22 have called police to help remove houseless Hawaiians
23 from their lands.

24 Moreover, if MEO truly cares about
25 houselessness, they should redirect the project

1 funding to the 2,000 displaced folks from Lahaina. I
2 also want to note that MEO was offered an alternative
3 site for their project in the area of Puunene, but
4 MEO denied this offer despite the concerns of
5 Hawaiian and houseless people.

6 In conclusion, I implore the county and
7 this commission to reassess the needs of our
8 community. As articulated by the people of Lahaina,
9 not MEO, the families affected by the wildfires
10 deserve financial support now, support that can be
11 provided by redirecting funding for this project to
12 them.

13 Rather than approving these amendments for
14 housing projects located far from the epicenter of
15 the disasters, we must stand in solidarity with the
16 displaced Hawaiian, Filipinx, and Pacific Islander
17 families who are now houseless and who are urgently
18 in need of funds for sustaining and restoring their
19 community in Lahaina, not in Waiehu.

20 And I just want to conclude by saying how
21 to be a good ally to Hawaiian and houseless people.
22 The consultant MEO was given ten minutes to speak; we
23 were only given three. This is a power disparity.
24 I'm a political scientist; this is my -- my
25 expertise.

1 So it's important that we all challenge
2 this power disparity by asking marginalized
3 Hawaiians, houseless, working-class women like my mom
4 who was shut down just recently, give them questions
5 to allow them more time to speak. That's a kuleana
6 I'm giving to this commission. Mahalo.

7 CHAIR PALI: All right. Well, thank you
8 for your testimony, and I'm sorry you cannot stay for
9 questions. Okay.

10 Christopher Delaunay, are you online?

11
12 Chris Delaunay testified as follows:

13 MR. DELAUNAY: Yes, I am. Aloha, Chair and
14 commissioners. Chris Delaunay with Pacific Resource
15 Partnership. And --

16 CHAIR PALI: And I need you to speak up,
17 Christopher, please. Sorry.

18 MR. DELAUNAY: Can you hear me okay?

19 CHAIR PALI: That's much better. Thank
20 you. Your three minutes (inaudible).

21 MR. DELAUNAY: Okay. Sorry about that. So
22 Chris Delaunay with Pacific Resource Partnership. We
23 represent approximately 7,000 men and women who are
24 members of the Hawaii Regional Counsel of Carpenters
25 and 240 large and small contractors. So Pacific

1 Resource Partnership is in strong support of the
2 district boundary amendment for the Hale Mahaolu Ke
3 Kahua affordable housing community.

4 Prior to the Maui wildfires, there was a
5 housing crisis. In 2019, the state had a housing
6 planning study, and it found that Maui County needed
7 about 4,605 ownership units and more rental units at
8 5,779.

9 Maui County affordable housing plan then
10 came up in 2021 and provided a road map to create
11 5,000 affordable homes for residents below the 120
12 percent AMI over the next five years. Maui's crisis
13 only got worse when the wildfires destroyed
14 approximately 2,000 housing units.

15 Today, we need housing more than ever, and
16 that is why this project is important. This project
17 will provide much needed housing and job
18 opportunities for Maui residents.

19 This project will provide 120 multifamily
20 rental units for families earning 60 percent or less
21 of the AMI. This project will create construction
22 jobs, providing residents -- Maui residents with an
23 opportunity to afford Maui's high cost of living,
24 keep residents off of government assistance,
25 stimulate the economy, and provide economic stability

1 for workers and their families.

2 So we respectfully request that the Maui
3 Planning Commission provide a favorable
4 recommendation on the district boundary amendment for
5 this project. Thank you.

6 CHAIR PALI: Okay. Commissioners, any
7 questions? All right. Seeing none, thank you so
8 much. All right.

9 Next on the list is Bruce Uu. If you hear
10 my voice, unmute yourself and please...

11
12 Bruce Uu testified as follows:

13 MR. UU: Aloha, everyone. My name is Bruce
14 Uu. Can you guys hear me? Thank you. Bruce Uu
15 testifying on behalf of Maui Nui Empowered. And one
16 of our mission statements is to support causes that
17 directly impact our local residents, not just
18 promoting affordable housing, enhancing quality of
19 life, and expanding employment opportunities.

20 With all due respect of everything I
21 heard -- and, again, with all the respect in the
22 world about land ownership, traffic, drainage, prime
23 ag, emergency exits, and water, there are -- I'm not
24 a professional, far from it, yeah.

25 So we had land issues on our land in Paia

1 and, you know, again -- then we went to court. I was
2 8th grade, so I don't understand the legal jargon.
3 So my -- my parents, my mom went, our family went.
4 And fortunately for us, it sided towards us, so we
5 still have that land.

6 But having seen the process -- again,
7 layman's -- I'm a layman person -- there's a process
8 that we went through. There's also a process that
9 the applicants need to go through, so I give them
10 some respect to going through the process.

11 They only here because they're going
12 through the process and the land ownership process.
13 They went through the traffic studies, the 3.5
14 traffic studies, the drainage issues. I'm not an
15 expert; there's engineers. I heard about ag. We
16 have way more ag land than we have residential lands.
17 This is a sliver of land abutting a massive --
18 massive residential area. We need it.

19 And for people who say, oh -- and I get
20 it -- we should help people directly in Lahaina, I
21 met people renting in Waiehu and Paia who moved out
22 of Lahaina. So this potentially still could help
23 people.

24 My kids are beneficiaries of Hale Mahaolu
25 Upcountry, that Kulamalu project. They're from Paia;

1 they went up there.

2 One of our mission statements was quality
3 of life. You know how nice it is that I know my
4 grandkids have a place to call home because, prior to
5 that, with their mom they found places that were
6 extremely unsafe or unfit for anyone to live because
7 when you are below the 60 percent AMI, you not going
8 get legal rental opportunities, guys. You going be
9 fitting into holes that is not accommodating for any
10 of our people. In 2020, we had 20 families leaving
11 every day who leave outside of our island. I'll end
12 with that.

13 Please support housing, and, again, with
14 all respect to those opposed, this is where we can
15 have the talk and discussion. Thank you for the
16 opportunity. Aloha.

17 CHAIR PALI: Commissioners, any questions?
18 Seeing none, thanks, Bruce.

19 MR. UU: Thank you.

20 CHAIR PALI: Okay.

21 Mr. Ryan Hurley, you're up next. If you
22 can unmute yourself, state your name for the record,
23 and your three minutes will begin when you start
24 speaking. Thank you.

25 MR. HURLEY: Hi, folks. Can everyone hear

1 me?

2 CHAIR PALI: Yes. I can hear you loud and
3 clear.

4
5 Ryan Hurley testified as follows:

6 MR. HURLEY: Great. Aloha. My name is
7 Ryan Hurley. I'm testifying today on behalf of
8 myself as an individual, or at least that was my
9 initial plan. But I will note for the record that
10 I -- I was the attorney that represented both Kahala
11 and Lala Johnson in the action that was pretty much
12 extensively talked about earlier today by MEO.

13 I have grave concerns about some of the
14 representations that were made by MEO. And I -- I'll
15 address some of those now, but I will, you know, say
16 I haven't had a chance to talk to my former clients
17 in this matter, the Johnsons. The matter has been
18 settled, so I am, once again, talking on my own
19 behalf, but I -- you know, I was a party to the
20 record, and so this will be that.

21 And this is all public record, I'm happy to
22 share, Chair -- some of the things I'm going to be
23 talking about are from the proposed -- I -- I see --
24 I see you, Chair, I'm sorry.

25 CHAIR PALI: I just want you

1 (indiscernible) three minutes in, so just go for it.

2 MR. HURLEY: Yeah, yeah, no. So, okay. So
3 this is from the Court's findings of facts,
4 conclusions of law decision order that was issued in
5 this matter, signed by Judge Cahill. It's extremely
6 important to note that this matter was brought only
7 against two people, Kahala Johnson and Lala Johnson.

8 We actually raised this matter in a motion
9 to dismiss, and they had the opportunity to bring a
10 quiet title case. They did not, and it was
11 extensively discussed throughout this matter about
12 that, and Judge Cahill repeatedly noted that.

13 And, in fact, the court concludes that MEO
14 has not established a sufficient basis by clear and
15 convincing evidence for injunctive relief. The court
16 also determined that they -- that -- the records
17 presented by MEO to assert or possess the interest,
18 however, are not sufficient to entitle MEO to quiet
19 title against all potential claimants even if that --
20 even if they had been named parties in this case.

21 Now this case -- this was a three-day
22 evidentiary hearing. It was extensive -- extensively
23 went through some of the genealogy.

24 And in that genealogy, the court actually
25 found, after we had an expert genealogist, that

1 Kahala and Lala Johnson, two people that testified
2 here today, have direct -- are direct descendants of
3 the heir Pehuino who was born between, I believe,
4 1792 and 1796, and was the kupuna of -- iwi kupuna of
5 the entire area including the MEO parcel.

6 All this information is found in the
7 court's findings of facts, conclusions of law that
8 were signed by Judge Cahill. It also notes that this
9 only applies to them. And so the idea that this is
10 binding on anybody else other than Kahala and Lala
11 Johnson is just not true.

12 They had the opportunity to bring a quiet
13 title case; they did not. And in that case, it was
14 actually proven that the people that spoke here today
15 are lineal descendants and have rights to it. And,
16 in fact, the court actually found that they are --
17 they have specific rights relating to any iwi kupuna
18 that are found on the property.

19 So I apologize. I only have three minutes,
20 and I was not here to testify today on this, but I
21 felt like it was appropriate.

22 I'd also note -- and I have to note now
23 that there appears to be a little bit of a due
24 process issue because MEO talked pretty extensively
25 about this with their attorney and then the two

1 defendants in this matter were forced to have limited
2 discussion. So I just would note that for the record
3 on that matter.

4 CHAIR PALI: I'm so sorry. Your time is
5 up. So if you just want to finish your sentence, I'd
6 be happy to let you do that.

7 MR. HURLEY: I'm sorry. Was -- are you
8 calling the time or did the bell ring? I didn't hear
9 the bell.

10 CHAIR PALI: No, the bell rang. You were
11 talking through it, so you probably didn't hear it.
12 I apologize.

13 MR. HURLEY: That's no problem. I'm here
14 to answer questions. If we had known that there was
15 going to be this extensive discussion, we would have
16 filed a request for a contested case on this matter.
17 But the lineal descendants in this matter are here,
18 and I would please encourage you folks to look at the
19 record in this matter and see what Judge Cahill
20 signed because it does not say what MEO is saying it
21 is.

22 And on a final note, personally I just want
23 to note, I support this project housingwise. It's
24 just in the wrong location. It should be somewhere
25 else.

1 CHAIR PALI: Okay. Thank you for that.
2 Questions, commissioners? Commissioner
3 Deakos and then Commissioner Lindsey.

4 COMMISSIONER DEAKOS: Thank you, Chair.
5 Thank you, Mr. Hurley, for your testimony.
6 And I apologize if I'm ignorant on this. So quiet
7 title action is -- the persons disputing the current
8 title, are they the ones that can file an action? It
9 sounds like you were saying the MEO should be filing
10 a quiet title. I'm a little confused.

11 MR. HURLEY: So, you know, I think the -- I
12 believe both sides can file quiet title action, both
13 sides can file a quiet title action. It's also of
14 note that there's been two kind of fairly well-known
15 cases in Maui -- West Maui, in fact, where a
16 gentleman won back his land through a quiet title
17 process.

18 Keeaumoku Kapu had a very successful -- won
19 a piece of his land back. Also, Carol Lee Kamekona,
20 just through a quiet title action that was initiated
21 by the possessor of the land to clear title on that
22 land, she was awarded a portion of her land as well.

23 So there is a process that either side can
24 initiate. It's an expensive process is the problem
25 because it requires filing a whole bunch of documents

1 and doing a whole bunch of research; right? And you
2 have to hire attorneys to do that, and they post a
3 whole bunch of notices, and basically it's saying,
4 anybody who has a claim, kind of come and let's sort
5 it out. It takes a long time.

6 We brought it up. They had the option to
7 do it; they didn't do it. They focused their
8 litigation on the trespass claim for two individuals,
9 right, and this was extensively litigated about what
10 that meant. And that meant that anybody else, any
11 other heir of Pehuino can bring another claim if they
12 want and try to prove their interest.

13 So there's some issues that should probably
14 be worked out.

15 COMMISSIONER DEAKOS: Okay, thank you. I
16 appreciate that. I have no questions.

17 CHAIR PALI: Commissioner Lindsey, did you
18 have a question?

19 COMMISSIONER LINDSEY: For your personal
20 testimony, is it -- is that all you wanted to mention
21 was that you were in support of housing not here?

22 MR. HURLEY: No.

23 COMMISSIONER LINDSEY: Can you do this in
24 30 seconds, please?

25 MR. HURLEY: Yeah. I'll give you just a

1 quick brief. I'm from Oahu. I'm an Oahu boy. I
2 represent communities wherever I can.

3 That piece of land represents so much more
4 than just that tiny strip of land. It represents all
5 the sand dunes from before that were taken and all
6 the iwi that was in those sand dunes and got brought
7 over to Oahu to build our condos and our roads. And
8 I think acknowledging that -- and no one's ever
9 really done that.

10 And, you know, through this case,
11 Cahill and the judge kind of acknowledged the
12 descendancy and Pehuino (indiscernible) great things,
13 but we know that that whole area was filled with iwi
14 in the sand dunes, and it's gone now. And there's a
15 little tiny strip on the upper portion of that
16 property, we believe.

17 And so I just think it's a special place,
18 and I know -- I represent a whole bunch of people in
19 West Maui, and I know that this is the time for
20 affordable housing, and I really support MEO.
21 They're a great organization.

22 This is just a bad location for this
23 project. I would love to see it turned into a
24 cultural preserve to acknowledge all of the
25 desecration for iwis and others that have happened

1 before. That's my personal opinion. Thank you so
2 much for the opportunity.

3 COMMISSIONER LINDSEY: Thank you.

4 CHAIR PALI: Commissioners, any other
5 questions? Great. Thanks, Ryan. Appreciate your
6 testimony. Okay.

7 So right now we have just one more
8 testifier on the list. And this would be also a
9 warning for a last call, so if you had not had a
10 chance to put your name on the list, after this next
11 testifier, we'll give you an opportunity to chime in.

12 Robin Knox, are you still online? If you
13 are, please unmute yourself, and why don't you state
14 your name for the record. You have three minutes.

15
16 Robin Knox testified as follows:

17 MS. KNOX: Mahalo, Chair. My name is Robin
18 Knox. I'm testifying on my own behalf.

19 I oppose this boundary amendment from ag to
20 urban. If anything, I would say it should be from ag
21 to conservation.

22 I support the proponents in wanting to
23 build housing for less than 60 percent AMI but not at
24 this location. I take issue with putting affordable
25 housing for low-income people in dangerous and

1 unsuitable areas.

2 This site is part of a freshwater system
3 that includes the watersheds, streams, groundwater,
4 and wetlands. They feed the ocean. I've read the
5 wetlands report for this project, and I question its
6 thoroughness, completeness, and conclusions.

7 If you look at the map, you will see a
8 right-angle turn in Waiehu Stream. This is not
9 something that nature does. This is a diversion of
10 the stream and the drainage to try to address some of
11 the flooding.

12 The flooding has been such an issue in the
13 area that the culvert on the property in question
14 often needs maintenance, and it's been an ongoing
15 issue to maintain it. The flooding of the area will
16 worsen if the wetlands and the mauka ag lands are
17 developed. This is a dangerous place to put housing.

18 In fact, in 2002 -- and I know this because
19 I used to live up on Malaihi Road -- in 2002, there
20 was a flood in which three people died because they
21 were washed out to sea, and their bodies were found a
22 mile offshore.

23 So this area -- big water does come through
24 here, and it is a system that nature created for
25 handling that water. And the more we develop in

1 those areas, the more we disturb that system and the
2 more we put people at risk.

3 So, again, I'm opposed to this boundary
4 amendment change, and I ask you not to put people in
5 harm's way by allowing this project to go forward at
6 that location. Mahalo.

7 CHAIR PALI: Great. Thanks, Robin.

8 Commissioners, any questions? Seeing none,
9 thank you. Okay.

10 Anyone else left in the room or online --
11 oh, yes, please. Do you mind if you -- so we've got
12 someone here in the galley that wants to testify, but
13 if you're online and you hadn't had a chance to, go
14 in the chat function -- please go ahead and do that
15 now because we will be closing testimony. Okay.

16 Please state your name for the record, and
17 when you speak, then your three minutes will start.

18
19 Johanna Kamaunu testified as follows:

20 MS. KAMAUNU: Aloha. My name is Johanna
21 Kamaunu. I live in Waihee Valley. I am also a
22 lineal descendant from Waiehu through a land
23 commission award in that area.

24 I'd like to start with MEO's presentation
25 of their proposed project. I have concerns that that

1 presentation may not be complete. As you noticed,
2 they had a time line. And on the time line, it
3 showed these events that took place, and the blue
4 circles more or less told you that there were events
5 where they had meetings, hearings, public hearings.
6 And one circle I believe was another color, yellow,
7 and that showed where it was finally approved -- the
8 proposal was approved.

9 However, what that doesn't show you is what
10 the outcome of those meetings were, and you already
11 heard from George Paresa from Waihee that they were
12 not in favor of that. That's not noted in that --
13 that time line. None of the outcomes from those
14 public meetings are noted in that time line, and I
15 think you will find almost all of them were against
16 the project.

17 The second thing on the item is something
18 regarding, again, the Royal Patent and the land
19 commission award. According to their information on
20 the presentation, it says William Lunailo has the
21 land commission award and the Royal Patent is to
22 Claus Spreckels.

23 I don't know in whose book that that would
24 be a valid land commission award, Royal Patent
25 project. In order for that land commission award to

1 stand, the Royal Patent has to be in the name of the
2 awardee and definitely that is not a match.

3 And what Jocelyn mentioned to you about the
4 differences in the will is true. There are problems
5 with the sale of property that MEO is claiming to
6 have procured, and already the documentation is
7 faulty. They listed on their presentation that one
8 is for William Lunalilo, the land commission award,
9 and the Royal Patent is to Claus Spreckels. That is
10 not a valid award. Okay?

11 And then the last thing I noticed on there
12 was -- you know, it's maybe not a big thing to most
13 people, but I have a concern when you start to
14 profile the people that are intended to benefit from
15 this project. And on their presentation, they
16 profiled.

17 They have pictures, three pictures that
18 would make you assume that it's for people from the
19 fire department or first responders, people in the
20 teaching profession. You know, this is highly
21 irregular and prejudicial. That is not fair. That
22 is definitely not fair.

23 And if you considered that, that's where
24 their mindset is. You're going to have to ask
25 yourself the question, what else is on their agenda?

1 Because what they're telling you and what they're
2 doing is two different things. So I would take issue
3 with those things and --

4 CHAIR PALI: If you can finish your
5 sentence.

6 MS. KAMAUNU: Anyway, those were the three
7 important things, and that was mainly to do with that
8 document. The last thing, if I have a few minutes or
9 a few seconds --

10 CHAIR PALI: Stand by, stand by.
11 Commissioners, any questions? Commissioner Thayer.

12 VICE CHAIR THAYER: Over here. Thank you
13 for your testimony.

14 MS. KAMAUNU: Oh, sorry.

15 VICE CHAIR THAYER: No, no. I have a
16 question.

17 CHAIR PALI: And speak closely to the mic
18 because I think her hear -- yeah. You can hear okay?
19 You can hear okay?

20 MS. KAMAUNU: I'm sorry, I can't hear her.

21 CHAIR PALI: See, you got to talk loud.

22 VICE CHAIR THAYER: The public meetings you
23 mentioned that were held, were you at those meetings?

24 MS. KAMAUNU: Not all of them. I went to
25 one of the meetings.

1 VICE CHAIR THAYER: Okay.

2 CHAIR PALI: It was intense. Yeah, it was
3 intense. Sorry. Go ahead.

4 VICE CHAIR THAYER: Can you -- because you
5 said the outcomes, the actual outcomes in the meeting
6 you didn't think were accurately represented, can you
7 say how they went from your perspective?

8 MS. KAMAUNU: I don't think it was
9 represented at all. Right? According to their
10 presentation, there was no representation of what the
11 community thought about it.

12 VICE CHAIR THAYER: And I guess what was
13 the representation of the community at those
14 meetings?

15 MS. KAMAUNU: I'm sorry?

16 VICE CHAIR THAYER: Like in your
17 perspective, what did the community represent?

18 MS. KAMAUNU: Well, from the signs that
19 were out on the road during protests to that, I would
20 say that's 90 percent. You know, that's my guess,
21 but for people to come out on the road to hold signs,
22 that's saying something. And they were out there
23 several times to show that they're not in accordance
24 with that project, but that's not shown anywhere in
25 the presentation.

1 VICE CHAIR THAYER: Thank you. That was my
2 question.

3 CHAIR PALI: Any other questions?
4 Commissioner Deakos?

5 COMMISSIONER DEAKOS: Thank you, Chair.
6 Thank you for your testimony today. Could
7 you clarify -- you mentioned the images they showed
8 of firemen was a misrepresentation of the people that
9 would move into these homes.

10 What did you mean by that?

11 CHAIR PALI: The question is can you just
12 clarify what you meant by profiling and the use of
13 pictures of families and firefighters and things like
14 that.

15 MS. KAMAUNU: Sure. In that particular
16 section, they say that (no audio). Now if you're
17 only showing pictures of these people and yet your
18 mouth is saying "but it's for everybody," that's
19 not -- that's not true to form. Does that make
20 sense?

21 COMMISSIONER DEAKOS: Okay. So firemen and
22 teachers would potentially be tenants in these
23 buildings, but they don't represent all the potential
24 folks that would have an opportunity for the homes.
25 Is that --

1 MS. KAMAUNU: They are saying that -- I
2 believe they are saying that, and I believe that's
3 MEO's mission, but that section right there tells me
4 they have other things on their mind. If not, change
5 it.

6 COMMISSIONER DEAKOS: Okay. Thank you.

7 Thank you, Chair.

8 CHAIR PALI: Okay. Any other questions?
9 Is that you, Commissioner Lindsey? I don't know if
10 that's a hand --

11 COMMISSIONER LINDSEY: (Shaking head side
12 to side.)

13 CHAIR PALI: -- or, like, something weirdly
14 pink on the side. Do you guys see that? Okay. All
15 right. All right.

16 Thank you for your time and your testimony.
17 Thank you so much. Okay.

18 Anyone else here that did not get a chance
19 to testify on B2 or online, this is your chance to
20 unmute yourself or come to the podium. We are
21 wrapping up Item B2 public testimony, and I do want
22 to make sure everybody has a opportunity to speak.

23 So if you can hear my voice and you would
24 like to testify, you can come up to the podium or
25 unmute yourself online.

1 All right. Let the record show that public
2 testimony is closed.

3 Commissioners, we're going to go to you so
4 that you can ask questions of the applicant or the
5 planning department.

6 And before we do that, I do just want to
7 publicly apologize to Lala. I feel like if I was
8 forceful, I do not want to come across that way. I
9 do still have to manage time line, but I do not need
10 to be forceful. And so please accept my apology on
11 that. We still need to learn to be kind and
12 supportive to each other, so I do want to do that.
13 Okay.

14 So, commissioners, time for your questions.
15 Everything that you've heard and gathered, this is
16 the time to ask questions.

17 I do want to put some stipulations around
18 this because I do not want to get too far off of your
19 task today. Your task is to recommend a boundary
20 amendment -- so state land use district boundary
21 amendment from agricultural to urban for the Hale
22 Mahaolu Ke Kahua Affordable Housing Community.

23 And then I'm just going to have Mr. Hopper
24 also address -- because there's been a lot of talk
25 about title, and so I need you guys to be clear on

1 your role and preview when it comes to that subject
2 matter because that is not on our agenda, but I do
3 understand that those questions could impact how you
4 recommend. And so I'm going to have Michael Hopper
5 just talk about that for a second.

6 MR. HOPPER: Chair, the only points I think
7 I'd make is that the -- neither the commission nor
8 the county council has the authority to adjudicate
9 title disputes. That would have to be done by the
10 Circuit Court of the State of Hawaii.

11 As far as your application criteria, you're
12 going to determine if the -- what to recommend to the
13 council as to whether or not -- the staff report went
14 over this -- they meet the criteria for a district
15 boundary amendment from ag to urban.

16 The application -- this is in 19.68.020B --
17 the application is required to show that -- where the
18 applicant is the legal owner or lessee, evidence
19 that, A, the applicant is the legal owner or lessee
20 of record of the property for which the application
21 is being submitted; and, B, the applicant is the fee
22 owner or holds the subject property for an unexpired
23 term which is more than five years from the date of
24 the application -- the date the application was
25 accepted by the planning department.

1 So if there's questions to the applicant on
2 what they submitted and if you have any comments to
3 the council about recommending on those -- that
4 application criteria, you can ask.

5 But, again, neither the council nor the
6 commission has the authority to adjudicate or make
7 final decisions on the title to the property. So I
8 wanted to have --

9 CHAIR PALI: Okay. So, commissioners, do
10 you have question on that specific thing? Can you
11 just repeat that last two sentences because I need my
12 commissioners to understand that before we go into
13 questioning.

14 MR. HOPPER: Just the submission of the
15 application is required to show evidence that the
16 applicant is the legal owner or lessee of record for
17 the property which the application is being submitted
18 and that the applicant is the fee owner of the
19 property.

20 And so if there's questions to the
21 applicant about what they have submitted to show that
22 and why they believe it's sufficient, that's
23 something that you can -- can ask them about.

24 But, again, that's for the sufficiency for
25 the application being submitted and your

1 determination whether you -- whether you approve this
2 project or the council approves the district boundary
3 amendment, that doesn't necessarily adjudicate a
4 title dispute. That has to be done in circuit court.

5 CHAIR PALI: So your last sentence was that
6 county council or planning commission do not have
7 authority to adjudicate -- that was --

8 MR. HOPPER: To adjudicate title.

9 CHAIR PALI: To adjudicate title.

10 MR. HOPPER: That's a fancy word for
11 "decide," essentially.

12 CHAIR PALI: So are you guys understanding
13 that? We don't have the authority to adjudicate
14 that, although it is an important thing to consider
15 as we're recommending approval for the district
16 boundary. Okay?

17 Commissioner Deakos?

18 COMMISSIONER DEAKOS: Thank you. So just
19 to clarify, so if the department -- if the planning
20 department is recommending -- they've already decided
21 that they think the title is clean. Is that a fair
22 statement? Or --

23 MR. HOPPER: Well, I mean the planning
24 department can speak for themselves, but they've
25 presumably decided that there was evidence provided

1 that met B2A and B for those criteria, that they've
2 shown sufficiently that this is -- the applicant is
3 the owner of the property.

4 And, again, the applicant can be asked
5 about the evidence they have provided and why it's
6 sufficient, but that's one of the -- in 19.68.020B,
7 there are ten criteria that have to be submitted for
8 a district boundary amendment application, so that's
9 part of the application requirements.

10 COMMISSIONER DEAKOS: Okay. Thank you.

11 CHAIR PALI: Okay. So now that we have our
12 marching orders and we understand what we'll be
13 recommending and the issue on which we will offer our
14 recommendation, this is the time where,
15 commissioners, you can have questions either for
16 Applicant, Department, or Mr. Michael Hopper here so
17 that you can have more information. So that way when
18 you deliberate, you have all that you need.

19 So the floor is open for questions, and if
20 you can just raise your hand. If you're online and I
21 don't see your hand, please do help me by speaking
22 up.

23 Commissioner Kealoha?

24 COMMISSIONER KEALOHA: Sorry. Are we
25 asking all questions or just questions related to the

1 title?

2 CHAIR PALI: No.

3 COMMISSIONER KEALOHA: Can you ask that
4 question again?

5 CHAIR PALI: So you can ask any question
6 you need that would help you determine how you're
7 going to shape your recommendation specifically for
8 the boundary -- district boundary amendment. We do
9 not have jurisdiction on the title issue, but if
10 those testimonies raise questions and you just want
11 to make sure, even though it sounds like planning
12 department has already made potential determination
13 at least for the application portion that they're all
14 set, you can still ask those questions, but that is
15 not the subject of today's recommendation. But you
16 can go ahead and tease that out if you need it to --
17 in order to shape your recommendation. I hope that
18 sort of --

19 COMMISSIONER KEALOHA: Yeah, got it. I
20 don't have questions. I just have general questions,
21 not questions related to the title.

22 MR. HOPPER: I think, Chair, you're saying
23 the potential questions would be -- there's the
24 planning department, there's the applicant and their
25 individuals. I can answer legal questions as well;

1 right?

2 CHAIR PALI: Yes, that's right.

3 MR. HOPPER: I think those are the --

4 CHAIR PALI: Okay. Go ahead, Ms. Kealoha.

5 COMMISSIONER KEALOHA: I have a question
6 for the Ke Kahua project team. I just have been
7 hearing a lot about the traffic, and I keep going (no
8 audio) the traffic study conducted? Can you provide
9 the dates for the traffic study just so we can see if
10 that was conducted within the COVID quarantine or
11 within the COVID period?

12 MR. CHUN: Mark, go ahead.

13 MR. ROY: Thank you, commissioner, for the
14 question. My name is Mark Roy. I work with Munekiyo
15 Hiraga. We were the -- or we are the planning firm
16 that has been assisting with the environmental
17 assessment and the 2.97 approval process.

18 We do have the project team with us today
19 and a representative of the traffic engineering team.
20 So if it's okay, I would like to invite Kelcee Mira
21 from ATA to address your question.

22 MS. MIRA: Hi. My name is Kelcee Mira.
23 I'm with Austin, Tsutsumi & Associates, and we did
24 the traffic study. So, yes, that's correct. The
25 traffic study was done during COVID. However, it was

1 during the time when, you know, there was lockdown so
2 traffic was obviously very abnormal, and we
3 acknowledged that.

4 So we used counts that we previously
5 recorded between 2016 and 2019 as a basis for our
6 traffic volumes and then we applied a growth rate on
7 top of that to constitute what we considered to be
8 existing conditions.

9 COMMISSIONER KEALOHA: So to clarify, you
10 conducted a study during the COVID quarantine,
11 realized that that was not representative of normal
12 traffic conditions and then took numbers from a 2015
13 to 2019 study and applied a population growth rate to
14 the 2015 to 2019 traffic study?

15 MS. MIRA: Yeah, basically that's correct.
16 We do want to obviously represent what is the
17 existing condition. And because, at that time, we
18 weren't able to take traffic counts and, at that
19 time, we didn't know, you know, when traffic would
20 return to normal, we used counts that we previously
21 had just for, you know, distributions.

22 And, yes, we applied a growth rate on top
23 of that, so we do believe that the existing
24 conditions that we have are reflective of the
25 conditions at that time. We also have counts that we

1 have taken in 2023, and those counts are actually
2 lower than what we projected. So now we know that we
3 were conservative in our analysis.

4 COMMISSIONER KEALOHA: And then the counts
5 were done during peak travel times, morning and
6 afternoon?

7 MS. MIRA: Yes, that's correct. That's
8 just generally the standard during the a.m. and p.m.
9 peak hours.

10 COMMISSIONER KEALOHA: Okay. And then I
11 have one more question, and maybe it would be helpful
12 if you could -- I don't know if we can do this, if
13 you can pull up your map, but I'm just trying to
14 understand where Waiehu Stream flows mauka of Waiehu
15 Beach Road. Because I know where it goes into the
16 ocean, but from my map it's looking like Waiehu
17 Stream is right behind the property; is that correct?
18 Waiehu Stream right behind it?

19 MR. ROY: Thanks, commissioner, for the
20 question. The Waiehu Stream is on the north side of
21 the project site, just on the other side of the
22 Waiehu Beach Road intersection according to the map
23 that shows the alignment of the stream. So it's
24 not -- it's not part of the --

25 (Recording interruption.)

1 MR. ROY: -- to the north of the parcel
2 itself across the intersection.

3 COMMISSIONER KEALOHA: So it's not adjacent
4 to the parcel? It's not this part right behind the
5 parcel that borders, I guess, the existing
6 subdivision and the parcel that we're talking about
7 today? That's not -- there's no water flowing there?

8 MR. ROY: Correct. And, actually, we
9 have -- we have the civil engineer with us today,
10 Stacy Otomo from Otomo Engineering. I think the
11 question is maybe about the existing drainage
12 conditions on the project site itself. There is a
13 drainage swale that I think is maybe in the location
14 that you're thinking of.

15 So maybe, Stacy -- if you're still on the
16 line, Stacy Otomo, would you mind maybe giving the
17 commission a brief description of the existing
18 drainage conditions within the project site itself?

19 MR. OTOMO: Good morning, Chair, members of
20 the commission. My name is Stacy Otomo from Otomo
21 Engineering.

22 Waiehu Stream actually is not part of the
23 parcel. It's parallel to -- in general, parallel to
24 Malaihi Street, and it crosses Kahekili Highway to
25 the north of the Waiehu Beach Road-Kahekili Highway

1 intersection. So it does not cross the property.

2 There is a swale that you were thinking
3 about that is not part of the major stream system,
4 and it crosses -- it traverses through the property
5 and crosses Waiehu Beach Road near the intersection
6 of Kahekili Highway. But Waiehu Stream is not within
7 the property.

8 COMMISSIONER KEALOHA: What is a swale?

9 MR. OTOMO: It's a drainage way. It's not
10 a stream, but it's a depression in the ground that
11 carries water. There's not a major drainage feature
12 in the area.

13 COMMISSIONER KEALOHA: So it's like a
14 tributary or it branches off the stream?

15 MR. OTOMO: Yes, but it eventually joins
16 Waiehu Stream as it crosses Waiehu Beach Road, then
17 it heads toward the ocean from there.

18 COMMISSIONER KEALOHA: Thank you. I don't
19 have any more questions.

20 CHAIR PALI: Great. I'm just going to go
21 around and let everybody have a shot at it.
22 Commissioner Lindsey, any questions?

23 COMMISSIONER LINDSEY: Do you have a map?
24 Mine is on that other question. Can you -- can
25 anyone from the Ke Kahua project team pull up a map

1 and clarify that for us with a picture?

2 CHAIR PALI: I'll see if they have time.

3 Do you have other questions while they look for that
4 map?

5 COMMISSIONER LINDSEY: I have a list of
6 questions, but can I pass for now?

7 CHAIR PALI: Okay, yeah. We'll pass, and
8 then we'll have you -- give you time to pull up some
9 kind of map that you can help us use for referencing
10 on waters.

11 Commissioner Deakos, any questions?

12 COMMISSIONER DEAKOS: Yes. Thank you,
13 Chair. And I think Page 85 (indiscernible). I did
14 have -- yeah, looks like we'll talk about the stream.

15 CHAIR PALI: Okay. Hold on one second. I
16 think she's looking for a map that -- Commissioner
17 Lindsey, are you looking for a map that shows where
18 the current water flows are? Or --

19 COMMISSIONER LINDSEY: Well, I mean, they
20 can use it -- they can use that map if they can kind
21 of point in the direction of where it is.

22 CHAIR PALI: Yeah, I don't know that that
23 map would help. We'll let the team talk through that
24 map.

25 COMMISSIONER HELEKAHI-BURNS: I think that

1 first map that they used in their presentation that
2 had the whole community and the bay road and the
3 Kahekili Road would be more useful.

4 CHAIR PALI: There, yeah.

5 MR. ROY: Stacy, maybe if you wouldn't mind
6 addressing the existing conditions of the Waiehu
7 Stream again in relation to this aerial photo?

8 MR. HOROVITZ: I don't know if he heard
9 you.

10 MR. ROY: Stacy, are you still on? Stacy
11 Otomo?

12 MR. OTOMO: Yes, Mark, I'm still on.

13 MR. ROY: Okay. We just got a project
14 location map on the screen. It shows the project
15 site outlined for this DBA request.

16 And maybe if you wouldn't mind just
17 describing the location of the swale in relation to
18 the Waiehu Stream alignment in relation to this map?

19 MR. OTOMO: Can you see the cursor on the
20 screen, my cursor?

21 CHAIR PALI: Yes, I see the little hand.

22 MR. HOROVITZ: Oh, that's ours.

23 CHAIR PALI: Oh.

24 MR. OTOMO: Okay. Let me start by -- the
25 swale that we're talking about is on the right-hand

1 side of the red line on the Ke Kahua parcel. That's
2 where the swale run just generally along that
3 property line.

4 The Waiehu Stream actually runs where the
5 word "Project Site" is. It comes down in that area,
6 and it crosses on the north side of the Waiehu Beach
7 Road intersection.

8 That's where it crosses Kekaulike (sic)
9 Highway. Right there, yes. That's where Waiehu
10 Stream runs, so the Waiehu Stream does not cross the
11 parcel.

12 CHAIR PALI: Ashley, you want to proceed
13 with your questions?

14 COMMISSIONER LINDSEY: Okay. So one of the
15 testimonies said a smaller pipe was installed near
16 there? Could that be near the property? And
17 there's --

18 MR. OTOMO: I'm not sure about the smaller
19 pipe, but there is a culvert system for Waiehu -- the
20 Waiehu Stream crossing Kahekili Highway. I'm not
21 sure what the sizing is, but the swale from the Ke
22 Kahua property crosses Waiehu Beach Road by a 48-inch
23 culvert there.

24 So I'm not sure what the discussion was
25 that a smaller pipe was installed. There's a 48-inch

1 pipe that goes across Waiehu Beach Road.

2 I'd also like to mention that part of the
3 flooding that have occurred in the past has been
4 because of debris clogging the inlet of the culvert
5 system from the Ke Kahua property and not by the lack
6 of a system there.

7 COMMISSIONER LINDSEY: And that would be
8 maintained throughout the time line of the project?

9 MR. OTOMO: I'm sorry. What was the
10 question again?

11 COMMISSIONER LINDSEY: 48-inch pipe -- a
12 pipe that was installed, and it -- the flooding
13 occurred because of clogging of the drainage, that
14 48-inch pipe?

15 MR. OTOMO: At the inlet of the pipe, yes.

16 COMMISSIONER LINDSEY: That 48-inch pipe
17 will be maintained -- like, the life cycle of people
18 living there?

19 MR. OTOMO: I think the project would
20 improve the debris situation in a sense that all the
21 vegetation is going to be cleared. There is going to
22 be a drainage system on the Ke Kahua site that
23 maintains the increase in the runoff from a 50-year
24 storm on-site.

25 So at the end of the day, there'll actually

1 be less water flowing from the project site to the
2 culvert. And with the clearing of the mac nut trees
3 and other vegetation to construct the project, that
4 would lessen the amount of potential debris that can
5 clog that inlet.

6 COMMISSIONER LINDSEY: Okay, thank you.
7 That helps.

8 Do I continue, Chair, or are you --

9 CHAIR PALI: Go ahead and get all your
10 questions out.

11 COMMISSIONER LINDSEY: Okay. So the Waihee
12 Community Association testimony said something about
13 a lack of infrastructure in the area.

14 Can you quickly let us know how you are
15 improving the infrastructure nearby?

16 MR. OTOMO: The drain is already there, so
17 there's going to be an on-site drainage system that
18 meets the county standards. There's going to be
19 water improvements that's going to have to be done
20 along Kekaulike Highway as well as connecting to the
21 county sewer system.

22 It's going to be done by this project that
23 would run a -- probably a force main along Waiehu
24 Beach Road and connect to an existing manhole in the
25 neighborhood of the entrance to Waiehu Heights. But

1 other than that, the general backbone infrastructure
2 is there.

3 COMMISSIONER LINDSEY: Okay. Thank you.
4 I'm not sure this if this question is for you, Stacy;
5 it might be for the team.

6 Because we are converting this from
7 agricultural use into urban and this is Grade B prime
8 agricultural land, is there some sort of, like, swap
9 or some sort of -- like in your agricultural plan to
10 include ag things on the property or help with
11 recharge?

12 MR. ROY: Thanks for the questions. This
13 is Mark Roy with Munekiyo Hiraga. I can maybe offer
14 a response to that question.

15 And actually this -- this slide is maybe
16 somewhat appropriate to that question in that, you
17 know, it notes that the Maui Island Plan specifically
18 located this parcel within the open growth boundary
19 of the Maui Island Plan.

20 So there was a process -- multiyear process
21 that went forward. And I think it was in 2012 that
22 the Maui County Council, including Planning
23 Commission Review, adopted the Maui Island Plan and
24 that -- the open growth boundaries.

25 So I think it's fair to maybe state that

1 this is considered to be an appropriate location for
2 conversion of, in this case, a small portion of
3 agricultural lands for the purpose of affordable --
4 affordable housing.

5 I think the commissioner's question may be
6 somewhat related to important agricultural lands.
7 This project site is not designated important
8 agricultural lands. Where you do have an IAL
9 designation, typically there is mitigation that is
10 required to remove the IAL designation, but that is
11 not the case for this particular project site.

12 So hopefully that answers the question.

13 COMMISSIONER LINDSEY: Thank you. That was
14 very helpful. I'm okay, Chair. Next.

15 CHAIR PALI: Great. Okay. Helekahi-Burns,
16 any questions?

17 COMMISSIONER HELEKAHI-BURNS: Yes. Thank
18 you, Applicant, for being here. I think I kind of
19 want to get more insight on the community's reaction
20 when the project was introduced to the community.
21 You know, from your perspective, did you feel that
22 the community was in support of it? Because we
23 definitely seen the other end of it.

24 But, you know, from your expert position,
25 do you think the community and their concerns were

1 viable and in support of the project?

2 MR. ROY: Thank you, Commissioner, for the
3 question. (Indiscernible) part of this project as it
4 started up back in 2020 -- end of 2020, I think the
5 process started, the planning process; we had
6 initiated the environmental assessment process.

7 So we've been in the process -- you know,
8 someone talked about the process earlier, the
9 applicant following the requirements. We've been in
10 this process for several years now, and part of an
11 early commitment on the part of the applicant was to,
12 as best it could, engage key community organizations
13 along the way.

14 And so there were a number of -- as was
15 mentioned by Waihee Community Association, there were
16 several meetings with that association that were
17 conducted along the way. There was also a community
18 meeting that was noticed with -- I think it was
19 landowners within 500 feet of the project site limits
20 were invited to a community meeting, and that
21 community meeting was held back in October of 2021.

22 And so to your question, there has been
23 quite diligent, I would say, outreach to key
24 community organizations as part of the project
25 planning process. There were comments shared along

1 the way. Mostly, I would say, it was questions about
2 the project itself, what was proposed,
3 infrastructure-type questions.

4 I don't have all of the memos in front of
5 me today, but I do recall that there may have been
6 some concerns about infrastructure shared along the
7 way of having those meetings. And the applicant, I
8 think, tried its best to respond to the concerns that
9 were identified through that outreach process.

10 But, hopefully, that kind of summarizes at
11 a high level the outreach process that went forward
12 for this project.

13 COMMISSIONER HELEKAHI-BURNS: Thank you for
14 that answer. However, I didn't get the answer that I
15 really -- I don't think you answered the question.

16 The question is was the community in that
17 area supportive of the project? Yes or no?

18 MR. ROY: I don't think it's fair to say
19 that the community was fully supportive of the
20 project. Like all community meetings, there are
21 individual perspectives that are shared and comments
22 that are offered as part of the meeting process.
23 But, certainly, there were questions asked, and the
24 applicant tried its best to respond to the concerns
25 that were raised.

1 COMMISSIONER HELEKAHI-BURNS: Okay. I'll
2 take that -- that answer.

3 But these concerns of infrastructure, how
4 are you guys being able to, like, resolve some of
5 these concerns, especially for infrastructure?

6 You know, it just seems like you guys came
7 in late in the game, if you know what I mean, because
8 the place is really developed and because there's
9 already strain on some of the really important
10 infrastructure in that area. How are you -- because
11 now you late in the game, you got to do more give
12 back, right, to be able to justify a project is a
13 benefit to the community, you know? So what is some
14 solution -- so maybe some giveback.

15 You probably didn't foresee that there have
16 to be a give-and-take kind of situation, especially
17 with a project like this and on a very condensed and
18 compacted area, infrastructure are becoming a
19 concern. So what is your -- you know, have you guys
20 even considered any kind of resolve to some of these
21 concerns that the community had brought up?

22 Let's -- let's say infrastructure. What is
23 your case scenario of a solution that would resolve
24 some of the infrastructure strain?

25 MR. ROY: Thank you for the question.

1 Maybe just a clarification request in regards to
2 infrastructure. Were you touching upon some of the
3 traffic-related comments more than other aspects? We
4 can kind of go one by one if that would help.

5 COMMISSIONER HELEKAHI-BURNS: Okay.
6 Perfect. Yeah, let's work on traffic. Let's hit
7 traffic. What is some of your solutions on the
8 concerns on traffic?

9 MR. ROY: Okay. Yeah. Thank you for the
10 question. We have Kelcee Mira here from ATA, the
11 traffic engineer.

12 Kelcee, maybe if you wouldn't mind kind of
13 giving an overview of the traffic impact assessment
14 process for this project?

15 MS. MIRA: Yeah, sure. So our mission
16 basically is to mitigate the traffic that's caused as
17 a result of the project. And our traffic study found
18 that we're going to be adding about 3 percent of
19 traffic -- the project traffic will make up about
20 percent of the a.m. and p.m. peak hours of traffic.
21 So that's what the project's impact will be.

22 And the corresponding fair share, I guess,
23 in dollars that the project has spoken to state and
24 the county regarding, we found it to be \$12,480 would
25 be the corresponding fair share which the state has

1 agreed to. And the state's request for the way that
2 we would provide this fair share is to provide a
3 one-time subsidy of \$104 toward the first month's
4 rent to the first tenant occupying each of the
5 120 units.

6 And John (phonetic) from State DOT has
7 expressed that this is, you know, the State of Hawaii
8 Department of Transportation partnering with local
9 agencies to provide benefit not only for access but
10 for affordable housing for the community.

11 COMMISSIONER HELEKAHI-BURNS: Fair share,
12 okay. Thank you for that. That's very -- really
13 interesting to know that there's a fair share in all
14 of that. I'm going to need to get a little more
15 informed about what specifically -- fair share and
16 the State, which I'll do later.

17 One more. So -- so the other one is water.
18 You know, that has been brought up, like how -- how
19 and where are you -- this project site and the people
20 who will be at this affordable housing will be
21 getting their water? Where is their source?

22 MR. ROY: Mark Roy with Munekiyo Hiraga.

23 Stacy, did you want to go over how the
24 water supply was going to be serviced by this
25 project, recognizing that this is an affordable

1 housing project?

2 MR. OTOMO: There's -- part of the
3 ordinance is 100 percent affordable housing projects
4 qualifies for an exemption. So they have water,
5 provided the county has water.

6 There's existing infrastructure, water
7 infrastructure that comes from Waihee, and it
8 currently comes down Kahekili Highway and goes up on
9 Waiehu Beach Road. So the connection point for this
10 project would be at that location, regarding the
11 water. I wanted --

12 COMMISSIONER HELEKAHI-BURNS: I -- okay.
13 Go ahead, Stacy. Finish up.

14 MR. OTOMO: One giveback is like
15 potentially this project, wherever they extend the
16 water line along the Kahekili Highway frontage, you
17 know, fire hydrants could be installed which would
18 provide fire protection that is not existent in the
19 area right now.

20 COMMISSIONER HELEKAHI-BURNS: Good one.
21 You know, is it -- I don't know how far you are in
22 your guys' -- your architectural design -- being that
23 water is a major issue, right, and any kind of
24 housing and development pretty much on the island we
25 should always consider the water abilities, is there

1 anywhere in your guys' design where you have designed
2 it where it has more of a green type of usage?

3 You know, we need to start to develop
4 developments that are conscious to our resources. So
5 just looking at the water -- like water is something
6 that we should really, really consider.

7 And what I want to know is whether or not
8 your units are water friendly, you know, like how's
9 the toilets?

10 What kind of water usage kind of practices
11 that will -- that you guys have included in your
12 design and in the whole project that will help to be
13 able to alleviate so much water usage?

14 Because that's a lot of water, 70,000 a day
15 of gallons. You know, I see that if we consider the
16 120 times two -- a couple people in each unit -- and
17 most going be definitely better, that's just me
18 estimating on just a couple people in a unit, you
19 know, that's a couple hundred people a day. So, you
20 know, 70,000 gallons is a lot, and, you know, we know
21 how water is.

22 So I guess my question is to the designers,
23 have you guys considered a design that's more water
24 friendly as we move forward in our development of our
25 island of Maui and our strained resources that we

1 have?

2 MR. OTOMO: To answer the first part of
3 your question, the project is not at the point where
4 we're actually designing the units or any of the
5 infrastructure. This is a process that we need to
6 get through first.

7 Secondly, regarding the design of the water
8 fixtures in the units, we all go for low-flow
9 fixtures within the units. There is an existing
10 older irrigation well on this project site that we're
11 going to explore if it can be, you know, revived and
12 potentially used for irrigation purposes; so that
13 would take away from the domestic demand. So that's
14 a possibility as well.

15 And I also want to stress that the number
16 that you see of that 70,000-some-odd gallons per day
17 is a planning number that, you know, is used by the
18 Department of Water Supply. Realistically, when you
19 build out the units with the low-flow fixture --
20 fixtures, the numbers might be lower than that
21 number, but that's a planning number that's used. I
22 just want to make that clarification.

23 COMMISSIONER HELEKAHI-BURNS: Thank you.
24 And as you know, I'm just putting it out there. I'm
25 going to be recommending that, FYI, low flow --

1 MR. OTOMO: Yeah. Appreciate that.

2 COMMISSIONER HELEKAHI-BURNS: Yeah. And
3 one more -- and this would be, like, for MEO. Is
4 there any other place that they can consider this
5 project to be? Because more than several people have
6 said, this is a great project, you know, we are for
7 housing.

8 But is there another location? Because
9 that was what was brought up frequently during our
10 meeting today. Is there another location that could
11 possibly be the housing of this project?

12 MR. HOROVITZ: Certainly. Thank you for
13 the questions. Peter Horovitz.

14 So, you know, MEO has a lot of different
15 programs. We're not generally developers; and, in
16 fact, we're partnering with someone who is developing
17 this land.

18 In that regard, we don't have a trove of
19 land that we buy and develop for housing. This was a
20 piece of property that was gifted to MEO about 15 or
21 16 years ago. And, frankly, we've tried a few
22 different things with it that haven't worked.

23 And then we were approached by a developer,
24 and it fits the mission of serving Maui's
25 communities. So the answer is, no, we don't have our

1 own property that could be walked out.

2 There was mention of a couple of different
3 proposals of land swaps, and I think -- it's not
4 quite accurate to say that we were simply offered
5 these lands and turned them down. There were two
6 parcels in question that were floated.

7 One, there was a councilmember who had made
8 a proposal to give -- to swap land in Puunene, the
9 area. And if I'm recalling correctly, it was never
10 actually taken up or passed by the council, so it was
11 actually never really on the table.

12 I know the property in question. It's not
13 entitled. It's not -- it doesn't have infrastructure
14 to it.

15 We offered our thoughts on it that it
16 basically would set the project -- any development
17 project, any affordable housing project, back by
18 about five to six years, assuming you could get --
19 you know, they could get it and who knows what it
20 would do to the cost. So that was our comments, but
21 that never came forward.

22 The second was there was an offer of a few
23 lots in the Maui Lani area, but these, again, really
24 were not appropriate. These were some of the lots
25 that the county had taken back or had purchased as a

1 matter of -- as a settlement with the developer of
2 Maui Lani because there were serious problems with
3 whether they could be developed.

4 In fact, there were about -- I can't
5 remember the exact number, about 15 or 20 lots or so
6 that the county had purchased. A few that, on either
7 side, that they had gotten were given over to the
8 hospital foundation to develop for nurses and
9 whatnot, which is great.

10 The lots that they had remaining that they
11 offered up were the ones that were seriously
12 problematic and you couldn't build more than a foot
13 high. So it was basically, you know, land that
14 couldn't actually be used.

15 And, again, we're not developers, but we
16 have this asset that we're struggling to find
17 something to do with, and Highridge Costa is in the
18 business and could do it and serve the community.

19 So I hope that answers the question. I'm
20 happy to follow up on that further if Commissioner
21 would like.

22 COMMISSIONER HELEKAHI-BURNS: Thank you for
23 addressing those sites that came up earlier in our
24 meeting.

25 And one more, just for -- what is MEO's

1 formula or accountability to make sure that this
2 affordable housing will be used for the present
3 residents that are in need now, like right now. And,
4 you know, would probably take you a couple years to
5 get it developed, but what formula are you using to
6 ensure that it's the residents that we have now
7 that's going to get these affordable housing and not
8 those who are coming to Hawaii now?

9 MR. CHUN: Yeah. Thank you, Commissioner,
10 for that question. This is Grant Chun from Hale
11 Mahaolu.

12 We would be managing the property and the
13 visa of the units when they are -- after they've been
14 constructed. And so, in that regard, we would
15 establish the tenant selection plan which typically
16 would, under the circumstances that we face here on
17 Maui, provide for a priority for those that had been
18 displaced by, like, a natural disaster like what
19 we've experienced here in our community.

20 So the -- the funding that we will be
21 utilizing for this allows us to make a special
22 accommodation for, you know, situations like what we
23 faced here on Maui. And so we intend to do that.

24 COMMISSIONER HELEKAHI-BURNS: I would like
25 to know more about your special accommodations like

1 just displaced, those from natural disasters, because
2 special accommodations could be -- you know, could be
3 very vague and too widespread when we're looking at
4 our current housing problem now, you know?

5 So special accommodations five years from
6 now could, you know, get a person who hasn't been in
7 Hawaii for a year or two. So, like, I kind of want
8 to just -- want to know how you ensure that those
9 people that need it now, you know, how do you do it?

10 What is your formula that you use to say
11 that those who (indiscernible) not at the time that
12 you do the tenant selection after your project is
13 finished, but now?

14 MR. CHUN: The tenant -- yeah, I can answer
15 that question.

16 COMMISSIONER HELEKAHI-BURNS: Go ahead.

17 MR. CHUN: So we -- yeah. So we frequently
18 get asked that question because there is the
19 perception that these units once they become
20 available on our island are, you know, taken up with
21 people who aren't from here.

22 That's a common concern, and, to a degree,
23 it's not a completely accurate perception because
24 actually what we do -- which is actually allowed for
25 because it's a concern in many communities across the

1 country -- is we're very restrictive on the front end
2 as far as our process.

3 So the -- typically, the initial
4 applications are provided locally on paper where
5 people will actually come in and pick up their
6 applications in person. And it sounds pretty
7 old-fashioned and archaic, but I will tell you that
8 housing operators across the country in highly
9 desirable communities like ours do this -- are
10 engaged in this very practice. Why? Because they
11 want to make sure that it's their community that is
12 accommodated for, first and foremost; right?

13 So overlaid into that process -- what I was
14 referring to is that once the applications become
15 available, there is -- we do have the ability to
16 accommodate in the plan as far as, you know, folks
17 that have been displaced by disaster, right, so like
18 the Lahaina fires. So we are able to do that.

19 And I know -- I get your question in terms
20 of -- I guess we don't know -- we don't have a
21 crystal ball as far as what our community is going to
22 be needing in the way of placement for folks, you
23 know, in a few years when this project is finally
24 constructed.

25 And so, again, the -- we do have

1 flexibility in how we define that -- that cohort of
2 applicants so we can make sure to best accommodate
3 for the needs of our own community, a local
4 community.

5 COMMISSIONER HELEKAHI-BURNS: Thank you so
6 much. And that's all for now. Mahalo.

7 CHAIR PALI: Great. Commissioners, we're
8 going to take a ten-minute bathroom break. And if
9 you have the luxury of being home, you might be able
10 to grab a snack, but we'll come back in ten minutes.
11 So let's convene -- shoots, let's make it 1:20, 1:20.
12 Okay, thank you.

13 (Whereupon, a recess was held
14 from 1:10 p.m. to 1:29 p.m.)

15 CHAIR PALI: Planning Commission, it is
16 1:31. Actually, my phone says 1:29, so we'll go with
17 that.

18 Okay. So we are at the place where we are
19 now asking questions so that way we can prepare for
20 deliberation and then send a recommendation to
21 council on the district boundary amendment from
22 agricultural to urban for the Hale Mahaolu Ke Kahua
23 Affordable Housing Community.

24 And we've already heard from Lindsey,
25 Kealoha, and Helekahe-Burns. I want to go over to

1 Deakos. Then from Deakos, we'll go to Thompson, and
2 then we'll go to Vice Chair Thayer.

3 And I just want to, again, preface that
4 because we do not have the final authority on this --
5 it is a recommendation -- you know, it's likely we
6 will not see it again. It's likely we will not see
7 this again, so I do want to give you the rein to ask
8 the questions you need for your recommendation.

9 But I also -- you know, we have a time
10 limit for our -- our space here, so I need you to
11 sort of -- I think it's helpful when we're at the
12 question stage, we don't necessarily have to tease
13 out our question, just ask your question and let the
14 applicant answer it.

15 And then if you have more questions, go
16 ahead and ask more questions, but we definitely don't
17 need to spend too much time giving our opinions or
18 justifying the question because we don't want to get
19 into a situation where we're deliberating before we
20 create a full record.

21 I just -- I'm trying to protect you all and
22 myself legally, so let's just do that.

23 We can deliberate and --

24 MR. HOPPER: (No audio.)

25 CHAIR PALI: Okay. Okay. So since this is

1 not a contested case, Counsel is just trying to tell
2 me that there's a teeny bit more leeway, so we're not
3 all -- we're still in the clear, folks, we're still
4 in the clear, but -- anyway. Okay. So that's your
5 instructions from Chair.

6 I'm going to go next now to Commissioner
7 Deakos. Do you have your -- oh, I'm sorry. Let me
8 go to Director first.

9 DIRECTOR AOKI: Just to clarify what Chair
10 Pali is saying, we have to physically be out of this
11 room by 3:30. So this meeting must end by 3:30. So
12 I would really ask that a recommendation be voted on
13 and provided to us by the end of this meeting. Thank
14 you.

15 CHAIR PALI: Great. Thank you for that.
16 Okay.

17 Commissioner Deakos, you've got opportunity
18 to ask any questions you need to help you attain
19 clarity on your decision for recommendation on the
20 state land use district boundary amendment for this
21 Hale Mahaolu Ke Kahua project.

22 COMMISSIONER DEAKOS: Thank you, Chair.
23 Yeah, I have a few questions.

24 So, first, I just commend, you know, doing
25 100 percent affordable, 60 percent AMI. Very few

1 people hit that space, so congrats on doing that.

2 I do know that there is a lot of -- you
3 know, once you're in that space, there's a lot of
4 compromise on the buildings that don't necessarily --
5 sort of a collision between environmental impacts,
6 the water -- we've heard all about the water, all
7 that -- and then the ability to house people
8 affordably, and I think those two don't have to be at
9 odds with one another.

10 So I work a lot with people that do design
11 buildings, they design out all those impacts. So
12 some of your questions I'll be following up from my
13 colleagues in similar way.

14 Water is a huge one, so we'll start with
15 water. I'm struggling a bit with the -- I know
16 there's a map of the stream that hasn't been pulled
17 up yet. There's also -- that goes just to the north
18 of the property. I don't know if you can pull that
19 up. It's on the Page 85 of the application.

20 And then there's another stream. It looks
21 like that comes up from the -- sort of the southeast,
22 that it interjects with that. And the reason I'm
23 interested in the stream, there was talk about the
24 overflow. So when you get those high rain events,
25 there is some flooding; it's been prone to flooding.

1 So what -- is that where it floods in that
2 juncture where the two streams meet? Could you
3 expand a little more on that? What's being mitigated
4 in that -- for that flood area?

5 MR. ROY: Thank you, Commissioner Deakos,
6 for the question. Hopefully you can hear us okay.

7 So we're -- we're just in the process of
8 pulling up a figure that I think will hopefully help
9 the discussion in terms of the resources around the
10 project site.

11 So this is the streams and wetlands map
12 that was from the Final Environmental Assessment that
13 was accepted by the Department of Housing and Human
14 Concerns. And so it shows the alignment of Waiehu
15 Stream to the north of the project site just across
16 the intersection there.

17 COMMISSIONER DEAKOS: Yeah. So I don't
18 know -- somebody mentioned there's a 90-degree bend
19 that's not natural. There's a diversion that's not
20 natural.

21 That's why when the stream flows heavy, it
22 tends to go back to its natural flow. And I'm just
23 curious where that happens with respect to this
24 property.

25 MR. ROY: I'm not sure that I can answer

1 that question, at least. I'll -- I know Stacy Otomo,
2 the civil engineer, is still on the line with us,
3 maybe he can add some input here.

4 But that was based on a comment made by a
5 testifier. I'm not sure I'm able to provide any
6 clarification on that specific comment. I apologize.

7 CHAIR PALI: If I may, Commissioner Deakos,
8 a better question might be, you know, we've heard
9 that there potentially could be this thing, like this
10 bend, and can you validate that you have found it,
11 that you observed the same bend?

12 That's a better way to ask that question.
13 It's hard to validate someone's testimony when they
14 may not have observed that.

15 COMMISSIONER DEAKOS: So do you -- are you
16 aware of where this stream tends to overflow and
17 affect neighboring properties? Is it anywhere near
18 this parcel?

19 MR. ROY: Yeah, thank you. Thanks for the
20 question. The concern about localized flooding I
21 believe in the intersection -- in the vicinity of the
22 intersection of where Kahekili Highway meets Waiehu
23 Beach Road, that's where there's a culvert that is
24 owned and maintained by the state Department of
25 Transportation is located.

1 I think some of the comments in testimony
2 this morning were maybe pertaining to some of the
3 conditions arising from localized flooding from that
4 specific culvert. The comments that we had received
5 during the process, the environmental assessment
6 process, was that there seems to have been -- so it's
7 the responsibility of the state Department of
8 Transportation to maintain that culvert because it's
9 located within the right-of-way of the roadway
10 itself.

11 Our understanding is that that was -- it is
12 cleaned out periodically by state Department of
13 Transportation. And when it is cleared out, it seems
14 to resolve the localized flooding condition in that
15 specific area. So I think it is maybe a
16 maintenance-type issue versus a regional flooding
17 consideration.

18 The flood zone designation for the project
19 site, the red outline here on the figure, is actually
20 Flood Zone X, so it's an area of minimal flooding.
21 It's not designated as a flood zone by the federal
22 government.

23 But, yeah, that's what we understand the --
24 some of the comments pertaining to observed flooding
25 in the intersection area coming from. Hopefully that

1 helps.

2 COMMISSIONER DEAKOS: Yeah. It seems it's
3 a little outside your zone anyway. So with respect
4 to the stormwater that lands on your property, where
5 rainwater, sheet flow, whatever -- so I think you
6 mentioned or somebody in the group mentioned the
7 infiltration.

8 So, ideally, you would infiltrate
9 100 percent of all the water that lands on the
10 property. It sounds like the substrate is all sand
11 so it shouldn't be any problem. At least putting
12 that stormwater -- if you can slow it down -- sounds
13 like you have some mitigation measures to slow that
14 water down to infiltrate it.

15 Are you able to do 100 percent? What
16 mitigation are you using to address the 100 percent
17 of the stormwater on your site?

18 MR. ROY: Yeah. Thanks, Commissioner.
19 This is maybe where I have to defer to the expert in
20 the room, so we've got Stacy Otomo who's the civil
21 engineer. He's designed the -- well, his company has
22 designed the drainage plan for this project.

23 And, Stacy, maybe if you wouldn't mind
24 speaking to the -- how much is being retained through
25 the drainage plan for this project

1 MR. OTOMO: Commissioner Deakos, to answer
2 your question, the county drainage standards require
3 you to mitigate the increase in runoff from a
4 50-year, one-hour storm.

5 What's happening is generally the site --
6 runoff on the site, sheetflows from the southerly
7 boundary toward the northerly boundary, the Waiehu
8 Beach Road-Kahekili Highway intersection -- so from
9 there, there's a 48-inch culvert that goes across
10 Waiehu Beach Road. So the drainage system on the
11 site would take care of the increase.

12 The release to that existing culvert would
13 be no more than what's going there now, and the
14 drainage system would -- for this project would be
15 like a perforated drainage system where everything's
16 held underground in a perforated pipe that
17 infiltrates into the ground. But we are not handling
18 100 percent of the 50-year storm, just the increase
19 and maybe a tad more than that.

20 COMMISSIONER DEAKOS: Okay, I appreciate
21 that. And I understand what is required, and I think
22 some of the questions deal with -- you know, people
23 just doing what's required by code doesn't get us to
24 fixing the problem. So if you're just controlling
25 the additional impervious surface that you're

1 creating and not addressing what was there before, we
2 never get ahead of the game.

3 So it's always nice to hear people say,
4 we're actually going above and beyond what's legal to
5 mitigate. So if you're able to control more than
6 just what's the additional impact you're creating,
7 that would be -- that would be great.

8 MR. OTOMO: I can tell you, as a designer,
9 when you're required to mitigate so much, we would
10 never design a system to maintain that exact amount.
11 You know, obviously there's maintenance issue,
12 there's other things that affect the system. So we
13 normally put a little bit of factor of safety into
14 the design. It may be 5, 10 percent.

15 Again, you know, the pipes come in certain
16 lengths, so if you needed only 2 more extra feet of
17 pipe but there's 20 feet of extra pipe, you know,
18 then that adds to the capacity of the system as well.
19 But we definitely are going to be more than just the
20 increase. At this point, we don't know how much more
21 because the system's not designed.

22 COMMISSIONER DEAKOS: Okay. And I
23 recognize we're early in the game here, so hopefully
24 these designs can be implemented. I know -- I think
25 DOH -- there's maybe the Department of

1 Sustainability -- I tried to get through the thousand
2 pages of the application. There may have been some
3 Department of Water -- I don't know.

4 They were asking for additional mitigation
5 that looks like rainwater catchment, so this is a
6 great way to address stormwater, you know, allow for
7 irrigation on the property without tapping the
8 potable (indiscernible). Is there any design measure
9 for water catchment?

10 MR. OTOMO: At this time, we're not that
11 far along where we have that, but the drainage
12 system, like I said, would do more than what we are
13 obligated to do by the drainage standards.

14 COMMISSIONER DEAKOS: Okay. So it sounds
15 like no -- no discussion about rainwater catchment
16 storage in this design?

17 MR. OTOMO: Not at this time.

18 COMMISSIONER DEAKOS: Is there a way -- you
19 mentioned a well you were tapping into. There's a
20 concern that as each project comes online, we're just
21 putting another straw in the aquifer. We know water
22 is a precious resource.

23 So, again, a lot of these requests in your
24 application in order to address potable water --
25 reduce load on potable water I think you mentioned,

1 you know, water-efficient fixtures, low-flow
2 fixtures; that's great.

3 Do you have any other mitigation that --

4 MR. OTOMO: Well, first of all, the well is
5 an existing well. It's not going to be dug as a
6 brand-new well.

7 COMMISSIONER DEAKOS: Sure.

8 MR. OTOMO: Maybe somebody from MEO can
9 answer this, but there's also a storage tank that is
10 associated with that well. So that well at one point
11 in time was in use, and we just need to take a look
12 at it -- you know, how viable it is to use it for
13 irrigation.

14 COMMISSIONER DEAKOS: Sure, I understand.
15 But that's still taking out of the -- I'm not saying
16 you're drilling a new -- but the way to reduce
17 potable water use anyway would be, for example,
18 rainwater catchment for irrigation, your low flow as
19 you already mentioned you're doing.

20 Is there any, you know, greywater? I think
21 there were some suggestions trying to use greywater,
22 maximize that water use outdoors so that you're just
23 minimizing your impact on the aquifer on potable
24 water systems.

25 MR. OTOMO: We're not at that particular

1 stage yet, but, you know, it's something that we can
2 take a look at. But definitely the drainage system,
3 you know, would provide recharge to the aquifer.

4 COMMISSIONER DEAKOS: Sure, yeah. Is there
5 R1 capability there for irrigation?

6 MR. OTOMO: The treatment plan is way down
7 in Kahului, so to get our volume of water to this
8 particular site would be -- the facilities are not
9 there.

10 COMMISSIONER DEAKOS: Okay. Okay. The
11 greywater would be from the residents themselves if
12 you were willing to use that, treat that on-site.

13 And then wastewater is another -- it sort
14 of ties in as we -- I know that you mentioned that
15 there's sewer capacity to handle the load to dumping
16 in. We always want to minimize wastewater, so the
17 more we can infiltrate -- again, that deals with
18 treating all your showers and sinks and all your
19 greywater, your washing, if that can be treated
20 on-site.

21 And, again, I think the reflex is, well,
22 that's going to increase costs. We have plenty of
23 examples where they've done this at low cost. So is
24 there any -- I think you already answered that
25 question. There's no -- is there any interest in

1 doing greywater treatment (no audio) project?

2 MR. OTOMO: Yeah, I would defer that to the
3 developer.

4 COMMISSIONER DEAKOS: Okay.

5 CHAIR PALI: Just for the sake of time,
6 Commissioner Deakos, if you desire to see that, we
7 can put in the recommendation that the applicant
8 would consider it. So we don't -- it sounds like
9 he's sort of answered that question that -- I mean,
10 we're a little bit ahead of that because we're not --
11 they haven't started the design yet.

12 And so we're a little early in the game,
13 but if you want to -- if that's something that you're
14 passionate about and you think that's helpful to
15 where it would not hurt the project or the applicants
16 that it's meant to serve, then we can consider, when
17 we do a recommendation to council, that they would
18 just consider it. So you can just make a list.

19 And, commissioners, I would like to task
20 you with making a list of things that you would like
21 to have in your recommendation so when we're done
22 with our questions we can kind of get through that
23 pretty quick.

24 COMMISSIONER DEAKOS: Yeah. Thank you,
25 Chair. And, yes, I realize it's early in the game.

1 Of course we're not going to see this again, so just
2 trying to get ahead of the game.

3 So -- and water is such a big issue that it
4 just -- it's nice when the applicants say, we
5 understand, we recognize the water issue, we're doing
6 these measures to get -- you know, to go beyond code
7 to demonstrate our commitment to the concerns of the
8 community.

9 Energy is the other big one. I saw a lot
10 of comments from various agencies asking about energy
11 efficiency. Can you address how you're mitigating --
12 or you plan to mitigate -- essentially, we know
13 what -- we know what the traditional load is for a
14 residential building or a residential home.

15 Are you planning to reduce that load with
16 passive design measures, some efficiency -- you know,
17 efficient appliances, tons of tax credits that go
18 towards that. Can you address some of the
19 efficiency?

20 MR. ROY: Thank you. Thank you,
21 Commissioner. No, everything that you've mentioned
22 is -- is obviously a consideration these days for
23 development -- developments. But the one thing I
24 think, you know, we would just maybe emphasize again
25 is the cost considerations associated with affordable

1 housing and bringing together the financing for these
2 projects to be able to happen.

3 I think there is a desire from the
4 applicant's perspective to do what they can when it
5 comes to energy efficiency and also conservation as
6 well. And based on where the design is currently and
7 the financing obligations for the project, that's
8 really -- it's certainly something that they can look
9 into as they continue to move forward with the
10 design.

11 COMMISSIONER DEAKOS: Okay. Yeah.
12 Oftentimes, we talk about the affordable housing
13 part, but for people that live in there that are low
14 income, you know, utility bills can kill them, all
15 these other expenses. So having energy efficiency in
16 there is extremely important for low income.

17 And so on that same note -- I assume I'll
18 get the same answer, but solar panels were mentioned
19 a lot as a recommendation. I mean, they're doing
20 net-zero affordable homes all over the place now,
21 especially out here in Hawaii because our energy
22 is -- you know, our energy is one of the most
23 expensive state in the country, so the cost
24 equivalency is usually on par.

25 Is there any consideration of solar panels?

1 And to add to that, I think solar water
2 heating is a requirement, but can you just confirm
3 that?

4 MS. CABEBE: This is Debbie Cabebe from
5 MEO. One of the programs that we run as a nonprofit
6 that primarily works with low-income individuals is
7 energy assistance programs. So we do energy audits
8 in people's homes and help them find ways to reduce
9 their energy consumption.

10 Some of our programs even allow us to
11 replace older refrigerators and stoves and things
12 like that with newer models that will reduce their
13 energy consumption. We do hot water heaters, and we
14 do have some limited funding sometimes to put solar
15 panels on.

16 So -- I mean, I don't know if there's a way
17 we can look at a larger project. I know many years
18 ago we actually did do a partnership with one of the
19 Hale Mahaolu properties and brought in some federal
20 funds, and we were able to put solar on all of the
21 properties.

22 So, again, I think it's early in the
23 project, and we don't know all those details, but
24 those are definitely areas that are (audio
25 difficulty) for low-income families.

1 COMMISSIONER DEAKOS: That's great. And I
2 know there's -- Hawaii Energy does massive credits
3 for affordable homes. I think it's uncapped. It's
4 200,000 for nonaffordable, but there's no cap so I
5 think there's lots of ways to pencil it out. So I
6 appreciate that, that you do work with them.

7 Just a couple other quick ones, the
8 affordable rental I think I saw 60 years. Can you
9 just explain to me how the rental gets -- stays
10 affordable? How does that work?

11 MR. HEATON: Hi, Commissioner. This is
12 Monte Heaton with Highridge Costa. So when we go
13 after low-income housing tax credits -- when we go
14 after our financing with HHFDC, it is a requirement
15 of receiving those financing sources that we commit
16 to some period of affordability.

17 Because of the way that scoring is
18 structured in the competitive application with HHFDC,
19 it's very difficult to get an allocation without an
20 extended period of affordability. And, essentially,
21 all of our projects we go with 60-years-plus, and
22 that deed restriction will be recorded against the
23 site for that period of time.

24 CHAIR PALI: I'm going to interrupt real
25 quick and -- Development team, can you take down the

1 screen share so I can see my commissioners a little
2 better? Thank you.

3 COMMISSIONER DEAKOS: That's good. I think
4 that's all I have, Chair. Thank you.

5 CHAIR PALI: Great. Thank you,
6 Commissioner Deakos. All right.

7 So to the galley, whoever doesn't have
8 pizza in their mouth, do you have questions?

9 COMMISSIONER THOMPSON: Thank you, Chair.
10 And actually no further questions from me.

11 CHAIR PALI: Great. And Vice Chair Thayer?

12 VICE CHAIR THAYER: Thank you, Chair. I do
13 have -- some of my questions have been answered by
14 the questions asked by fellow commissioners, but I do
15 have a couple of follow-up questions, one being on
16 drainage and flooding in that northern portion of the
17 site.

18 So I live in Paukukalo and I have
19 personally seen that portion of the site full of
20 water after, like, the big rains in -- what was it,
21 2020ish maybe -- but like the water going over the
22 road and collecting in that side of the site.

23 And there's a really good survey map on
24 Page 41 of the PDF. It's the district boundary
25 survey map, and it shows the swale and everything,

1 and it shows the culvert in that part of the
2 property.

3 Do you -- I guess within the drainage plan
4 and the maintenance plan for the site, do you foresee
5 that flooding condition being alleviated?

6 MR. ROY: Thank you, Commissioner, for the
7 question. I think we've got Stacy Otomo on the line
8 still, so I think he's maybe best place to answer
9 that question for you.

10 MR. OTOMO: Commissioner Thayer, to answer
11 your question, the project will not increase the flow
12 to the culvert system. My understanding of past
13 events that happened there regarding flooding was
14 that the inlet that you just referenced on that map
15 got clogged with debris. And I think MEO, on several
16 occasions, contacted the DOT to remove the debris.

17 Again, when the site is developed, a lot of
18 the vegetations that are on the site now would be
19 cleared, so the runoff would not contain as much
20 on-site debris onto the culvert system.

21 And one of the things I think that we can
22 look at -- because I didn't have a chance to actually
23 look at the inlet, but one of the topographic maps I
24 saw seems to have indicated that there may be a grate
25 that sits on top of that inlet. And that may be

1 contributing to some of the -- is possibly modifying
2 that inlet to help the clogging situation.

3 VICE CHAIR THAYER: Yeah. That would be
4 good, you know, the concern being, as some people
5 have raised today, that these are -- okay. Sorry.
6 Oh, yay. Is this better? Okay.

7 So some of the concerns brought up where --
8 you know, for the safety of the residents who are
9 there -- because these are generally going to be
10 people and families who have limited resources
11 already, so to make sure that they're going to be as
12 safe as possible and not impacted in times of, you
13 know, natural disasters. And so that's a big concern
14 that should be addressed.

15 And in the -- in the EA within the comment
16 letters and within the responses to the comment
17 letters and the body of the EA itself, there was
18 representation that HDOT would be responsible for
19 making sure the culvert is cleaned out.

20 Do you have assurances from them that
21 they'll do this? Because some of the comments that
22 were brought up, like in the written letters, were
23 questioning if that can be relied upon without a set
24 assurance because, in times past, it's been very
25 obvious that the culvert has not been cleaned out

1 which has led to the flooding.

2 So is there some kind of assurance that
3 HDOT is going to uphold their kuleana to make sure
4 that this place is safe?

5 MR. OTOMO: Well, it's definitely an HDOT
6 culvert. The facilities, I think, you know, you have
7 more eyes there in the event that it starts to get
8 clogged where maybe DOT could be notified earlier.

9 And also what may help is that the site
10 would have a maintenance crew, you know, obviously
11 maintaining the landscaping and so forth. And maybe
12 at times when they do see excessive debris in or near
13 the headwall, they could help with cleaning it. But
14 the primary, you know, maintenance should come from
15 the DOT.

16 VICE CHAIR THAYER: Okay. Thank you. And
17 related to this on drainage, the swale that's on the
18 east side of the property is going to be maintained
19 and some of the runoff from the -- sorry, I couldn't
20 find the drainage plan that usually has all the
21 arrows that show where the sheetflow direction
22 goes -- but the drainage from the -- like the parking
23 lot and everything is going to flow where?

24 MR. OTOMO: The parking lot and the
25 buildings are going to flow toward the parking lots

1 more than likely, and the catch basins and the
2 drainage systems will be in the parking lots so
3 runoff would not so much go from the project site
4 into the swale.

5 VICE CHAIR THAYER: Okay. And then would
6 anything from the parking lot -- I guess my concern
7 is anything from the parking lot flowing through the
8 culvert and then into Waiehu Stream and then into the
9 ocean? So is there some kind of way to prevent the
10 flow over the parking lot taking all of that car
11 drippings into Waiehu Stream?

12 MR. OTOMO: Again, this is going to be a
13 subsurface drainage system where all the runoff goes
14 into the subsurface drain. It's allowed to percolate
15 into the ground and, you know, for the most part,
16 it's sand out here so I would think the percolation
17 rate would be fair.

18 But there would be an overflow that, you
19 know, discharges into this culvert system at a lesser
20 rate than what's going in there now. We're not
21 stopping 100 percent of the flow.

22 VICE CHAIR THAYER: Okay. But I guess you
23 have little concern that any of the, I guess,
24 particulates that drip onto the parking lot won't
25 necessarily flow into the stream?

1 MR. OTOMO: Well, what we normally do,
2 Commissioner -- what we normally do is we call for
3 what they call catch basin inserts where there's like
4 a bag that goes in underneath the grate that
5 specifically addresses the concerns you just
6 mentioned that help filters out the sediment as well
7 as petroleum products to a certain degree. We can
8 call for those in the catch basins.

9 VICE CHAIR THAYER: Okay. Beautiful, yeah.
10 Thank you. Just making sure there's not anything
11 flowing into the stream and into the ocean.

12 I do have comments on the landscaping plan
13 that was in there, and coming from the perspective of
14 minimizing water use, there was heliconia and ginger
15 in there which are -- require a lot of water to keep
16 maintained. They're also somewhat invasive and hard
17 to control without a lot of attention. But if those
18 could be replaced with some other native or fruit
19 trees instead, that would be really good.

20 There's a Maui County Planting Plan you can
21 refer to. And there were other plants mentioned in
22 the Cultural Impact Assessment, which you did get a
23 lot, and I commend you for including all those
24 awesome groundcovers and shrubs, but I would be a
25 proponent for replacing the ginger and heliconia with

1 less water-thirsty plants, preferably natives.

2 MR. ROY: Thank you for the comment,
3 Commissioner. We do have the landscape architect
4 with us today as well. I think David Sereda is still
5 on the line if there are specific questions on the
6 landscape plan.

7 VICE CHAIR THAYER: My question would be
8 would you be open to replacing such plants as
9 heliconia and ginger with natives that are
10 drought-tolerant and require less water?

11 MR. SEREDA: Hi, everybody. This is David
12 Sereda, the landscape architect for the project.
13 Yes, that's a good suggestion, and we would -- we
14 would do that.

15 VICE CHAIR THAYER: Thank you. Appreciate
16 it. And if I may, if you would indulge me to
17 further, to replace the Singapore plumeria with
18 another kind of plumeria because you could at least
19 have lei plants around there, and Singapore plumeria
20 is not very good for lei because the flowers -- yeah.

21 CHAIR PALI: Junk, let's put that on
22 record. The flower is junk.

23 MR. SEREDA: Sure. This is David Sereda
24 again. Yeah, we can -- we could also look at
25 different types of plumeria.

1 CHAIR PALI: Other than the Singapore.

2 VICE CHAIR THAYER: Yeah, other than the
3 Singapore plumeria.

4 And then like the fern tree that's in there
5 could be replaced with koai'a. That is like a
6 dryland native tree that would grow in the area and
7 have more significance and use than the fern tree (no
8 audio) and for the golden glory -- golden glory and
9 fern tree.

10 CHAIR PALI: Replacement for the golden
11 glory?

12 VICE CHAIR THAYER: I would suggest (audio
13 difficulty).

14 CHAIR PALI: Okay. How does this sound
15 now? Back to normal?

16 VICE CHAIR THAYER: And there's nurseries
17 on island that would be able to give you good
18 direction as well. Thank you.

19 CHAIR PALI: Okay. Anything else? I would
20 give everybody one more opportunity for one single,
21 last question, and then we'll go ahead in to
22 deliberate, so I'll just go around for your final
23 question.

24 And, again, it's a question; we'll have
25 plenty of time to discuss it, but if you have a

1 question, specifically a question.

2 Commissioner Lindsey?

3 COMMISSIONER LINDSEY: Can you give me --
4 can you skip me and come back because I have two
5 questions, and I need to pick one.

6 CHAIR PALI: Okay. Commissioner
7 Helekahi-Burns?

8 COMMISSIONER HELEKAHI-BURNS: I'm good.
9 Mahalo.

10 CHAIR PALI: All right. Commissioner
11 Kealoha?

12 COMMISSIONER KEALOHA: I'm good, too.
13 Thank you.

14 CHAIR PALI: Great. Commissioner Deakos?

15 COMMISSIONER DEAKOS: Thank you, Chair.

16 One clarification question, I know there
17 was a request that you don't cut down the trees
18 larger than 15 feet, but I've heard several times
19 that you're clearing out the trees so there will be
20 less debris.

21 Can you clarify if the trees -- the large
22 trees are staying to combat the heat island effect or
23 if they're being cut down?

24 MR. ROY: Thank you, Commissioner Deakos.
25 We've got David Sereda on the line still. I think

1 landscape architect, he can maybe address that
2 specific question.

3 MR. SEREDA: This is David Sereda again.
4 In terms of keeping the mature canopy trees, it would
5 have to be on a tree-by-tree basis. We would take a
6 look at where they are located in terms of the
7 proposed buildings, roads, parking areas, sidewalks,
8 and so forth.

9 But it's certainly within the realm of
10 possibility to keep some of them, and it would be
11 something that we would go over with the client.

12 COMMISSIONER DEAKOS: Okay. I know the
13 application says you will be doing that, so you may
14 want to update that language in the application.

15 CHAIR PALI: Great. Commissioner Thompson?

16 COMMISSIONER THOMPSON: No further
17 questions. Thanks, Chair.

18 CHAIR PALI: Commissioner Thayer?

19 VICE CHAIR THAYER: Thank you. I did have
20 another question on transportation options. There
21 was talk of exploring bus stops or a bus stop around
22 the site or nearby it to give -- you know, one, to
23 give the residents other options. If they are
24 low-income people, they may not have their own cars,
25 but also to help alleviate the additional traffic

1 from these residents.

2 Has there been any kind of progress made in
3 determining that?

4 MR. ROY: Thank you, Commissioner, for the
5 question. That's certainly something that the
6 applicant has been interested in pursuing. Again,
7 the plans for the project is still in the process of
8 being detailed out from a construction drawing
9 standpoint.

10 And, you know, for the past year, we've
11 gone through a fairly extensive 2.97 application,
12 2.97 process with the county council and the
13 administration, and we've ended up with approved
14 modified exemptions for the project that relate to
15 frontage improvements that need to be installed as
16 part of the project.

17 So sidewalks, et cetera -- there's a
18 condition that specifically relates to working with
19 the Department of Public Works director and to be
20 able to modify standards in order to accommodate the
21 120 units for this project to be preserved. Because
22 it's a very narrow site, this particular project
23 site, so there is some level of concern about
24 maintaining the 120 units with providing other
25 amenities on or off-site.

1 But it does still continue to be something
2 that the applicant is (audio difficulty) Department
3 of Transportation. We just don't have a definitive
4 answer at this point based on the amount of space
5 that there is for frontage improvements.

6 VICE CHAIR THAYER: Thank you for the
7 update.

8 CHAIR PALI: Okay. Great. I -- oh,
9 Commissioner Lindsey? Did that help?

10 COMMISSIONER LINDSEY: It did help a little
11 bit. I have no more questions. Thank you.

12 CHAIR PALI: Okay. Great. Okay. So I did
13 my best to try to take your comments, and I created a
14 list to help this recommendation process go smoothly.
15 But as you were questioning the applicant, I'm hoping
16 you made your own list, so if it didn't make my list,
17 we've not forgotten about it.

18 So I'm just going to read it off, and then
19 if there's anything that you guys want to comment on
20 or if there's something big you disagree on --
21 because we are going to be sending this sort of as a
22 unified group as a recommendation, and so I just want
23 to make sure we're all sort of on board.

24 And then we can just -- I'm going to read
25 this list out and then we'll just talk through it.

1 It's an open discussion; we can deliberate. And so
2 I'll just go ahead.

3 And the first one was about the HDOT
4 culvert. It looks like maybe -- Director, can you --
5 if it's not the applicant's -- if it's not under
6 their purview, is there then nothing that we can do
7 to sort of, like, point to -- like maybe whoever's
8 managing the property could, like, be a site
9 inspection and say, hey, we're going to -- since
10 we're there, we're going to just inspect the T when
11 we feel it's, you know, getting clogged.

12 Because -- just saying that it's DOT's
13 responsibility, I wonder if there's some kind of
14 partnership because I think our concern is that if
15 they're not maintaining it, which they haven't been,
16 or we've noticed they haven't been regularly, how can
17 we sort of partner with them and then put that on the
18 applicant to help out?

19 DIRECTOR AOKI: Thank you, Chair. You're
20 right. We can't really mandate that the DOT do their
21 job. So I think if there was a condition that wanted
22 to be added or suggested that the applicant, DOT --
23 and provide regular updates or alert them --

24 CHAIR PALI: Like inspections, like, hey,
25 are you committed to looking at this every quarter or

1 something like that, and then reporting quarterly to
2 the DOT, hey, this is the condition.

3 I feel like -- just with what we've learned
4 recently, it's really everybody's job to watch out
5 for the surrounding area to sort of mitigate a
6 situation where it would be worse when a flood or
7 something like that happens. Okay.

8 So that was one of the things brought up,
9 just that, you know, hey, can we get this maintained?
10 But since our applicant isn't responsible for
11 maintaining, maybe we can have a recommendation that
12 says the applicant will inspect quarterly and then
13 send reports or updates to DOT to just put them on
14 alert.

15 Another one was from Deakos, consider best
16 practices -- and, Deakos, I'll let you give us the
17 verbiage because, you know, I had water conservation
18 which also was Helekahi's issue, like we want low
19 flow.

20 You talked about greywater, solar -- like
21 we don't know that the project can afford these
22 things, but we do want the recommendation to say that
23 would they consider it, and if they can, then make
24 provision for it. Did I miss something that you had
25 on there?

1 COMMISSIONER DEAKOS: Well, we know they'll
2 consider it because it's all over the application.
3 So I don't know if asking them to consider it
4 would -- but I -- I think the stormwater, given all
5 the issues were talking about flooding and the fact
6 they're sitting on sand, I think that 100 percent
7 stormwater retention is not a big ask, personally.

8 CHAIR PALI: Okay. Let me go to director
9 real quick. Director?

10 DIRECTOR AOKI: I just wanted to let the
11 commission know that there's the water code that
12 they're going to be required to follow, and that
13 requires low flow.

14 CHAIR PALI: Oh, good. So it's already in
15 the code?

16 DIRECTOR AOKI: Yeah.

17 CHAIR PALI: So we don't have to put it in
18 our recommendation? Okay. It's already low flow in
19 the -- okay. Thank you.

20 Are you saying that you'd like to do a 100
21 storm? Is that what you're saying, Deakos?

22 COMMISSIONER DEAKOS: Yes, I would
23 recommend -- I think that's a small ask. Control
24 basically the footprint of the stormwater, then
25 you're not contributing to the flooding issues that

1 exist in the area. And it's just -- it's basically
2 just retaining the water longer, spreading it out,
3 and you have -- they have that swale all along the
4 side.

5 I mean, I probably should have asked the
6 landscaper about it, but it seems to me like a low --
7 a simple adjustment.

8 CHAIR PALI: I'm going to go to director.

9 DIRECTOR AOKI: Sometimes what we think is
10 simple ends up costing a lot of money. So when you
11 start adding -- and that's the issue when we start
12 doing these affordable housing projects. That's why
13 they come in and they ask for exemptions from certain
14 criteria is because of the fact that it's an
15 affordable project.

16 So I don't know what the difference in the
17 cost would be, but that would be something to
18 consider when you start asking for things that are
19 above what is required.

20 CHAIR PALI: If you're comfortable with the
21 language that "we just would like you to consider
22 it," I feel like that's something you can be -- get
23 probably get a unified -- but definitely -- maybe
24 stay away from the mandate. I think that's where we
25 might run into problems.

1 So I'll let you think through how you feel
2 about that. Okay, Deakos?

3 I'm going to go through -- and on the same
4 topic, we do have the words, unless it's already sort
5 of mandated, when Vice Chair Thayer talked about,
6 okay, so you've got these -- the drainage will be
7 pushed out towards the parking lot. It'll go in this
8 drain and then it's going to go to the north part of
9 the property. Will it just go into the stream?

10 I do like the fact that they talked, no,
11 we're going to have this catch basement. And so I
12 was just going to put in there -- basin. Sorry,
13 basin, basin. Basin. Okay. I put a basement.
14 That's on my mind, is the basement.

15 Okay. So catch basins, and they're
16 assuming that that would already be required, I don't
17 know, but that the applicant mentioned that that is
18 something that they would aspire to. And so that we
19 would like to see the catch basin, is that
20 representing kind of what you were thinking?

21 VICE CHAIR THAYER: It sounds like that's
22 already part of the drainage plan.

23 CHAIR PALI: Okay. Already part of the
24 drainage plan, so not necessary then. Okay.

25 And then we go into the landscaping

1 replacing. And I don't mind, like, spelling this
2 out, really. Heliconias and gingers, get rid of the
3 Singapore plumeria, X the golden glory and the fern
4 tree and replace it with the koai'a tree you
5 mentioned.

6 I don't know if you want to spell those
7 out, but those are all things I heard from each of
8 the commissioners that had questions. Did I miss
9 anything particular?

10 MR. HOPPER: Chair?

11 CHAIR PALI: Yes.

12 MR. HOPPER: I think you'll want to clarify
13 which of these you want as just a general
14 recommendation and which of these you would want as a
15 actual recommended project condition. Those are a
16 bit different.

17 If you want it as a recommended project
18 condition, that would generally run with the land in
19 a recorded agreement. And so -- I mean, if council
20 decides to adopt it, too, then you would want to be
21 very clear with the wording of that as well.

22 CHAIR PALI: Okay. So these were things
23 brought up from the different commissioners. And so
24 first I wanted to see is there anything on the list
25 that we -- I missed?

1 Yes, Commissioner Kealoha?

2 COMMISSIONER KEALOHA: I'm wondering if we
3 can also put in conditions for the tenant selection
4 plan?

5 CHAIR PALI: So I don't know that we can.
6 Let me ask Mr. Hopper because that comes from our
7 Maui housing code. This developer has to follow a
8 code that is, like, separate from our purview; so I
9 don't know that we can change that selection process.

10 But let's go to Mr. Hopper and see what he
11 says.

12 MR. HOPPER: There might be certain things
13 you can do, but if this was a 2.97 project, they have
14 to meet certain specific criteria. I'm not
15 necessarily confident enough in all those details to
16 say -- I mean, without the housing director available
17 or the housing department here -- to see if whatever
18 you would be proposing would be -- would be okay.

19 There might be some modifications, but the
20 concern would be, you know, that says to be eligible
21 for this type of 2.97, you have to do certain things
22 under a certain criteria. And if we change that,
23 then there can be issues with it.

24 I suppose to council you could note, maybe
25 not as a draft condition, but note some things you

1 want to have included --

2 CHAIR PALI: Recommendation.

3 MR. HOPPER: -- to have that discussed with
4 the developer, the housing department. There might
5 already be things that are required already, there
6 might not. And you can also just ask right now,
7 too -- you can ask the developer what they plan to do
8 as far as their criteria and get clarification on
9 what those requirements are.

10 But I don't want to just say we have carte
11 blanche to establish anything because there's some --
12 there's some county code requirements there that --
13 that are triggered by this type of application.

14 CHAIR PALI: So, Commissioner Kealoha, do
15 you want to discuss maybe what your recommendations
16 would be as far as what you would like to change?

17 COMMISSIONER KEALOHA: Yeah. I mean, we
18 had this discussion earlier, and I know that the
19 applicant said they would consider this, so if we can
20 put it in as a official recommendation or condition,
21 whatever, to the Maui -- to the county council
22 however it needs to go in.

23 And I -- maybe I don't quite know the
24 number that's appropriate, but I would like to see
25 affordable housing going to people that have been

1 living here for at least some period of time. So I
2 don't know if that number -- appropriate number is
3 five years or ten years. I don't know if we can
4 discuss what that number should be.

5 CHAIR PALI: So I do know the housing
6 department has a specific "people who are eligible"
7 section, and under the eligibility, it says how long
8 you've had to be a resident of Maui County. And
9 unless it's changed recently, I believe it was
10 12 months, and so we'll double-check on that.

11 You know, if you say, hey, I think it
12 should be five years, then we can just put it -- we
13 cannot do it as a condition because we can't -- we
14 don't have authority to over -- you know, impose
15 things that aren't required.

16 But I think we could say, hey, because of
17 our current situation, if there's a way county
18 council have the authority to do it, we would
19 recommend that you consider, for this particular
20 project, that all applicants must be, you know,
21 residents at least five years or more, and we can
22 have them consider that.

23 Now, the other thing that you have to be
24 careful, because in theory that sounds really great,
25 but what if my kid comes back from college this year

1 and she wants -- she needs affordable housing? Are
2 you doing now exemptions on that five years because
3 she went away for college and she's coming back?

4 It starts to get really tedious, and these
5 things have all been, like, teased out when they
6 created the original sort of blanket eligibility. So
7 I would want to talk through all those pieces and
8 consider exemptions because I don't know that -- I
9 guess the intent is that, well, if you haven't been
10 here, but then they only went away for college.

11 Or what about someone who went to the
12 military? Like, they didn't go and have a fun
13 vacation and a life somewhere else. They, like,
14 served their country; right? So I would want to
15 tease that out.

16 Commissioner Lindsey?

17 COMMISSIONER LINDSEY: I think the county
18 council talked about this last year, and they can
19 prioritize length of residency and not set the
20 number, but, like, longer you've been here makes you
21 a higher priority.

22 CHAIR PALI: Awesome. I like that. But,
23 Commissioner Kealoha, I think if you're passionate
24 about that, I think we should just put it in as a
25 recommendation.

1 COMMISSIONER KEALOHA: Yes.

2 CHAIR PALI: And is your mark five years,
3 did you say? I don't know if you said.

4 COMMISSIONER KEALOHA: I mean, I like
5 what -- yeah, five years or priority goes to, like,
6 the number of years of residency.

7 CHAIR PALI: The longer term. Okay. We'll
8 draft that for the recommendation. So priority goes
9 to residents who have lived here longer.

10 Commissioner Lindsey?

11 COMMISSIONER LINDSEY: I think in that bill
12 that he did, I think it covered like people who went
13 to the military and people who went to school. So I
14 think we should maybe refer to it if that's possible,
15 instead of creating five years, you know what I mean?

16 CHAIR PALI: Well, again, we don't have the
17 purview to do any of that. So, yeah, that's not in
18 our purview, but I think if we're expressing that,
19 hey, this is a special, unique situation and
20 Commissioner Kealoha wants to make sure it's not
21 missed since she doesn't have access to that, I don't
22 think it's hurting -- I think she can just -- I think
23 she agreed to just adopt your language, like whatever
24 it is, if there is already a priority for longer-term
25 residents, I think that we're just saying that we

1 just really want to make sure that that is translated
2 into what happens.

3 Is that a good representation, Commissioner
4 Kealoha?

5 COMMISSIONER KEALOHA: Yes.

6 CHAIR PALI: Great. Okay. Anything else
7 that was missed or last-minute adds?

8 Yeah, Commissioner Deakos?

9 COMMISSIONER DEAKOS: Chair, I'd recommend
10 the 50 percent renewable offset. So the project will
11 design in 50 percent offset of the energy usage with
12 renewables, and they can model all that out.

13 CHAIR PALI: So your recommendation to
14 council is that they consider requiring the project
15 to do a minimum of 50 percent renewable energy?

16 COMMISSIONER DEAKOS: That they offset the
17 energy use of the property by 50 percent with
18 renewables, and that's to address our climate action
19 goals, the county goals. That addresses the tenants,
20 not burdening them with the high utility bills. And
21 I think there's so many incentives, it's not a big
22 ask.

23 CHAIR PALI: Okay. Any comments on that
24 one? I can't -- I can't agree that it's a big ask or
25 not because we're not doing the layers and layers and

1 layers of funding and paperwork and -- you know, this
2 is how many years in the making? So I can't
3 necessarily agree that it's not a big ask, but I can
4 agree that it's a good thing.

5 So I'm with you that it's a good thing, but
6 if it comes down to the additional cost and this
7 penciling out or not, I don't know that I would want
8 this to be a reason why it couldn't go through.

9 But I agree with you that we need to raise
10 awareness and do every possible thing that we can
11 moving forward, but not to where it's deal killers.
12 I have to be careful of the deal killers.

13 So how do you guys feel? I feel like it's
14 okay to have in the recommendation to have council
15 consider it. I don't know that I would want to use
16 language that they require or mandate it, but I feel
17 like if the -- if they could consider it and find a
18 way to do it, I'm definitely okay with that.

19 Any other comments on that?

20 Well, we'll have to vote on these items
21 individually, so we'll kind of go through it because
22 we have to send a unified recommendation. Any other
23 things we need to add on the list? Okay.

24 So should I say the list again then, or do
25 you think you got a good grasp on those things?

1 DIRECTOR AOKI: So are we -- so maybe if
2 Tara can just provide a follow-up with the
3 recommendations by the department, and then if you've
4 been able to write all these down, you can go through
5 them or you can have Kellie repeat them for you.

6 CHAIR PALI: I can repeat it again. I do
7 want to separate now recommendations and conditions.
8 It sounds like there might have been only one
9 condition which was the landscaping, and then the
10 rest were just we are highly stress and express that
11 you consider greatly and seriously these other
12 things.

13 Am I expressing ourselves -- and so that
14 was that -- well, actually the condition -- we do
15 need to add the inspections -- quarterly inspections
16 on the culvert and reporting that to HDOT. That
17 should be a condition because that's an action.

18 We want them to be good partners with the
19 property and having this culvert that they're not
20 responsible for, and since they're on-site and
21 they'll have access to visually seeing this culvert,
22 there needs to be some kind of partnership there.

23 So I think those were the two conditions,
24 and then the others were just, if at all possible,
25 that they consider best practices when it comes to

1 solar, 50 percent offset of the energy, consider
2 using greywater -- did you say -- is it -- I don't
3 know the term.

4 Sorry, Commissioner Deakos. Is it
5 recycling greywater or utilizing greywater? Can you
6 help me with that?

7 COMMISSIONER DEAKOS: So in the
8 application, there was recommendation to reduce the
9 stormwater load and reduce irrigation with potable
10 water. So one way to do that is to take your
11 greywater and use it for irrigation so it goes back,
12 recharges the aquifer.

13 CHAIR PALI: So would it be grammatically
14 correct to say "consider using greywater"?

15 COMMISSIONER DEAKOS: Yeah, if they would
16 consider on-site greywater.

17 CHAIR PALI: On-site greywater. Okay,
18 thank you.

19 MR. HOPPER: Oh, I think it's in the code
20 that you can't.

21 CHAIR PALI: No?

22 MR. HOPPER: Specifically cannot use.

23 CHAIR PALI: Oh, it's in the code.

24 MR. HOPPER: Yeah.

25 CHAIR PALI: Oh, okay. Hold on. We might

1 have a code conflict here.

2 DIRECTOR AOKI: Last time I know we had
3 this come up in a -- we've talked about this before
4 for Maui Business Park. And I believe it was Ashley
5 Otomo who explained that it's -- that falls under the
6 state Department of Health. And so you're not really
7 legally, I believe, allowed to just take your
8 greywater and use it. So I would suggest you --

9 CHAIR PALI: Leave it alone.

10 DIRECTOR AOKI: -- leave that out.

11 CHAIR PALI: Well, Deakos just that said it
12 is already there, that they have to find ways. So if
13 greywater is not the way they can do it, then there's
14 other ways to mitigate that.

15 COMMISSIONER DEAKOS: Can we clarify, is
16 that -- I know it's legal because the DOH has manuals
17 on how to treat greywater, but is this a
18 commercial/residential issue where it's allowed
19 commercial but not residential?

20 DIRECTOR AOKI: That could be. Again, if
21 you're asking the applicant to create an entire
22 packaging plan for some kind of system to be able to
23 take their greywater to convert it into recycled
24 water onto this small parcel, you're going to price
25 them out of being able to do this affordable project.

1 That's my opinion.

2 The applicants can speak if they think that
3 this is something they want to look at. I realize it
4 could just be a recommendation.

5 CHAIR PALI: Yeah, but there's
6 (indiscernible).

7 Applicant, can you give us a little of your
8 take on this, please?

9 MR. HEATON: Yeah. This is Monte Heaton
10 with Highridge Costa. You know, we have never been
11 asked to do this kind of thing before so I honestly
12 have no earthly idea what the cost would be, but
13 just -- I do imagine that it might be prohibitive.

14 Without being able to say that
15 definitively, you know, we prefer to not -- not have
16 to kind of explore what might be an extreme cost item
17 at this stage. And, again, given site constraints,
18 we don't have a ton of space, so there's a number of
19 things I'd be worried about.

20 CHAIR PALI: Okay. So just so we can just
21 one more time address the issue -- so with water
22 usage, with retaining water on-site with the catch
23 basin, with all the -- and then the sand and the
24 percolation -- with all these -- all these things
25 we've talked about, do you feel like you're using

1 best -- your plan is to use best practices in regards
2 to saving water and also keeping drainage to a
3 minimum?

4 MR. HEATON: So what I can say is that we
5 are planning on achieving LEED Silver on this project
6 or another equivalent that's acceptable to HHFDC.
7 So, you know, that comes with a checklist of items
8 that, you know, are inherently environmentally
9 friendly.

10 Typically, we don't get too far into which
11 of those items are going to be selected until later
12 in the design process so we know which ones fit and
13 which ones don't.

14 CHAIR PALI: Well, I will speak for
15 Commissioner Hipolito which is not here. He would be
16 very happy to hear that you are going to try to
17 attain for that. We all can attest that that is his
18 question. Okay.

19 So, Commissioner Deakos, any final
20 thoughts?

21 COMMISSIONER DEAKOS: Yeah. I understand
22 the greywater could probably -- cost prohibitive and
23 you have a pretty narrow property.

24 The rainwater catchment is probably a
25 different story. I don't know, do you want to

1 address rainwater catchment?

2 It's pretty significant water because you
3 can -- you have the roofs. You just need the
4 gutters, and you just need to put those into the
5 swale or wherever it's going to spread and retain it
6 rather than shoot it out into the stormwater drain.

7 CHAIR PALI: Applicant, do you have --

8 MR. HEATON: Commissioner, is that a
9 question for us?

10 CHAIR PALI: Yes.

11 MR. HEATON: Oh, it is. Okay. I think
12 this one -- we're happy to look at that one. Like I
13 said, we would have to, you know, go through it with
14 our engineer to -- not going to cause problems with
15 the existing site plan. I can't speak to that off
16 the cuff, but we are happy to look at that one.

17 CHAIR PALI: Okay. And so, Deakos, how
18 should I word that on the recommendation?

19 COMMISSIONER DEAKOS: Recommend they
20 attempt 100 percent stormwater retention on-site with
21 tools such as rainwater catchment, swales,
22 landscaping, sediment. I don't know if the sediment
23 basin is a percolating basin or it just overflows in
24 the storm drain, but any basin that's slowly
25 percolating; those are all tools to recharge.

1 CHAIR PALI: Are you comfortable with
2 "aspire to the highest percentage possible" or do you
3 want the "100 percent" in there?

4 COMMISSIONER DEAKOS: I would like to
5 aspire to 100 percent. I think it's the same --
6 probably the same thing.

7 CHAIR PALI: "Aspire to 100 percent."
8 Okay. All right. Any other items for our
9 recommendation? Great. Good work.

10 So I'll have Tara repeat back what she has,
11 and then I'll just -- we'll go for a motion to send
12 the recommendation to council.

13 MS. FURUKAWA: Okay. So the applicant
14 shall work in concert with the state Department of
15 Transportation to inspect the drainage culvert for
16 blockage -- oh, existing drainage culvert for
17 blockage and request that they clear it quarterly.

18 The applicant shall consider -- you know, I
19 had -- what if you have, like, instead "shall
20 consider upsizing the drainage system to accommodate
21 on-site flows" rather than specifically stating
22 retention basin, swales, because -- I mean, they kind
23 of have to by law --

24 CHAIR PALI: Yeah. You mean in language --
25 as far as language goes?

1 MS. FURUKAWA: Yeah (indiscernible).

2 CHAIR PALI: Are you okay with that,
3 Commissioner Deakos?

4 Tara's recommending a language change which
5 I think still reflects your intent.

6 Can you just read that again, Tara?

7 MS. FURUKAWA: It's just, "The applicant
8 shall consider upsizing the drainage system to
9 accommodate existing" --

10 CHAIR PALI: Upsizing the drainage system
11 versus, like, spelling out all the different ways you
12 can do it.

13 MS. FURUKAWA: Yeah, because they have to
14 retain all on-site flow. Yeah.

15 CHAIR PALI: They have to retain on-site
16 flow anyway.

17 COMMISSIONER DEAKOS: Right, which is the
18 law, but they're not required to retain
19 preconstruction; right? So the stuff that's -- so
20 we're trying to have all stormwater on-site,
21 including preconstruction, be managed. Sort of like
22 in the natural state, would be -- there would be
23 vegetation -- they would all land and percolate.

24 So I think we don't need to list the tools,
25 but we could say "recommend 100 percent stormwater

1 retention." I don't know what the numbers are. I
2 don't know if that's an extra 10 percent, an extra 50
3 percent.

4 Maybe the applicant knows. If they've done
5 the drainage modeling, they may already know how much
6 more they would need to control to do
7 preconstruction.

8 CHAIR PALI: Yeah. These are
9 recommendations, so I would definitely put "aspire
10 to," and I don't want to hold them hostage for that.

11 COMMISSIONER DEAKOS: Right. But you're
12 asking me do you want them -- are we asking them to
13 aspire to do a little bit better than the plan or are
14 they aspiring to do 100 percent retention?

15 CHAIR PALI: Well, I think it's both;
16 right? Because doing better than what they're
17 required would also be the same as trying to aspire
18 to the 100; right? I think it's an and/both. I
19 think anything better than the minimum.

20 COMMISSIONER DEAKOS: (Indiscernible) one
21 thing to do to control, you know, 1 percent more than
22 what they're controlling now is a different one. So,
23 (indiscernible) step it up a notch or to try to
24 mitigate the entire impact so there's no stormwater
25 impact.

1 CHAIR PALI: Yeah. No, I'm with you.
2 Yeah, I'm with you. I just think that -- I could go
3 back to, like, the deal killers. If it's something
4 that puts them over where they just can't pencil it
5 out and we have no project, I want to just give them
6 the flexibility of trying to do their best, do the
7 right thing, and if it's 1 percent or 20 percent more
8 than they're supposed to, it's still a win for us;
9 right?

10 It's still moving in a direction where
11 we're going to do more than just the minimum. Does
12 that make sense? And then until we can have the laws
13 changed to expect more, we're just not in a position
14 to sort of -- I mean, I guess we could be in a
15 position to mandate more than the --

16 COMMISSIONER DEAKOS: Are you asking me if
17 I want the word "mandate" in there? Or are you
18 asking me if I want the word "100 percent" versus "do
19 better"?

20 CHAIR PALI: No, no, no. Well, I want to
21 get you to compromise so that way we all can put a
22 stamp on it. Because I hear what you want, and --
23 but I just wonder -- we're going to vote, and I'm
24 just trying to meet you in the middle so we can get
25 something where we all can just agree to. But we can

1 just -- we can keep it that way, and we'll see how
2 that shakes out if you just want to stay firm on the
3 100 percent.

4 COMMISSIONER DEAKOS: Okay. Can you
5 rephrase what the language is?

6 CHAIR PALI: We'll have Tara read what she
7 has.

8 MS. FURUKAWA: So what if I just say the
9 applicant shall aspire to upsize the proposed
10 drainage system to accommodate preconstruction flows
11 in addition to project-generated flow"? Is that
12 okay?

13 CHAIR PALI: And then what about the term
14 "100 percent"?

15 COMMISSIONER DEAKOS: Well, that
16 addresses all of it.

17 CHAIR PALI: Oh, okay. It's the same. Are
18 you comfortable with that language, Deakos?

19 COMMISSIONER DEAKOS: Yeah.

20 MR. HOPPER: Chair, I would maybe instead
21 of saying "upsized," you could say "increase the size
22 of."

23 CHAIR PALI: "Increase the size" instead of
24 "upsized." "Shall consider" or what was the beginning
25 part?

1 MS. FURUKAWA: "Shall aspire to."

2 CHAIR PALI: Okay. Any other items we want
3 to add on? Okay. So those are the two conditions --
4 oh, no. Sorry. We have two conditions.

5 Helekahi-Burns?

6 COMMISSIONER HELEKAHI-BURNS: Yeah. I just
7 got a couple questions like how long does the housing
8 project after completion is required to provide
9 affordable housing? Is this like indefinite that it
10 will always be affordable housing? And for -- and
11 how much -- 100 percent of the units are all
12 affordable?

13 CHAIR PALI: Yeah. So there was a specific
14 grid packet on that one. I actually took a picture
15 because I always like to get to, like, how much are
16 you charging people? I mean, all this is really
17 important; we're doing really heavy lifting.

18 But in the end, what is it going to cost
19 our people; right? And so there was a whole specific
20 question -- I don't remember if it was in perpetuity
21 or not. Let me see if the applicants can refer to
22 that. But I believe -- I'll let the applicant
23 answer. I'll let them do their thing. Yeah.

24 Grant Chun, do you have someone that can
25 answer that?

1 MR. CHUN: Yeah. Go ahead, Monte.

2 MR. HEATON: Everybody was saying -- and
3 the (indiscernible) was on mute. Yeah, 60 years. 60
4 years plus.

5 CHAIR PALI: 60 years, yeah. It was in the
6 packet, 60 years, so in perpetuity for 60 years.

7 So from the time the project is completed,
8 how many days do you have before you then offer the
9 affordable housing? I mean, I know you're only
10 building it for affordable housing so I mean, is it
11 pretty -- like Day 1 or what does that look like?

12 MR. HEATON: Yeah, we should start
13 immediately.

14 CHAIR PALI: Yeah, immediately. Okay. So
15 affordable housing becomes available immediately when
16 the project has got its final for occupancy.

17 COMMISSIONER HELEKAHI-BURNS: Okay, thank
18 you. And I just wanted to just make one change in
19 the landscaping plant choice. I wouldn't suggest
20 milo. I would suggest maybe another dryland plant;
21 kou is another one that can probably withstand lack
22 of -- a little amount of water.

23 Milo is money wood. You go put that out
24 there, somebody going to cut them down tomorrow. So,
25 yeah -- so just for the future, da kine problems, no

1 use milo.

2 CHAIR PALI: I like it, I like it.

3 COMMISSIONER HELEKAHI-BURNS: Don't use it
4 as a landscape. Thank you.

5 CHAIR PALI: That's a good one. Okay. So
6 can we just first go for the two conditions? We'll
7 vote on those, and then we'll go and talk about the
8 recommendations and then we'll vote on those.

9 Is that okay, Tara?

10 MS. FURUKAWA: Yeah, I guess so. So the
11 energy use, too, yeah, to offset the energy use by
12 50 percent?

13 CHAIR PALI: That's a recommendation, yeah.
14 So the conditions were the DOT -- just inspect and
15 report. They don't have to require cleaning; they
16 just have to report -- like they just have to inspect
17 it and report.

18 And if you feel like quarterly's too much,
19 it could be like once every -- twice a year or
20 something. But I'm wanting to make sure that there's
21 some kind of communication that, hey, this looks like
22 it's getting pretty, you know, bust up with trash and
23 if there's something that happens, we're in trouble.
24 So a reporting system that the applicant would agree
25 to doing to the DOT.

1 And the other, the (audio difficulty), and
2 I'm going to put the third condition. The third
3 condition is going to be just confirming that the
4 2.97 requirements do give preference to the residents
5 who have lived here longer and those who have been
6 impacted by the natural disaster. We just want to
7 reaffirm that right; ladies?

8 I think that should be a condition. It
9 probably already is, but we just want to affirm it.
10 And if it is, then we can take it out later, but I
11 think those were the three. Is that okay?

12 MR. HOPPER: (Indiscernible) that to the
13 extent permitted by law or something like that. And,
14 yeah, so just if it's -- if it's already there.

15 As far as the disaster preference, that
16 might not be in the actual law. That might be -- I
17 don't know if that's something the applicant can
18 voluntarily do.

19 CHAIR PALI: I think they said they could.
20 All right. Then let's just move that back down to
21 recommendation. Let's make -- keep it clean.

22 So just those two, inspections for DOT and
23 culvert and the landscape, and then the rest are all
24 recommendations.

25 MR. CHUN: Okay. So, Madam Chair, just to

1 clarify?

2 CHAIR PALI: Yes, applicant?

3 MR. CHUN: So the only two conditions are
4 the DOT and the landscaping and the others are
5 recommendations; is that correct?

6 CHAIR PALI: That is correct. Is that okay
7 with you guys?

8 MR. CHUN: Yes. Yes, we just wanted to
9 clarify. Thank you.

10 CHAIR PALI: Okay. Yes. Yeah, I tried to
11 make it a third, and then I realized that probably --
12 since we don't really know what is required, it's
13 probably best not to do that.

14 Okay. Any questions?

15 MR. SEREDA: I have a question. This is
16 David Sereda, the landscape architect.

17 CHAIR PALI: Oh, yes, please.

18 MR. SEREDA: So the landscape items you're
19 saying are conditions, not recommendations?

20 CHAIR PALI: Yeah. We don't want to leave
21 it to chance. We kind of know there's certain plants
22 we just don't want there.

23 MR. SEREDA: Okay. The milo is one that we
24 like to use a lot because it meets all the
25 requirements for a parking lot tree. It's native,

1 Polynesian-introduced, drought tolerant, doesn't have
2 invasive roots, doesn't drop a lot of stuff. The
3 Hawaiian kou drops little marble-sized fruit -- nuts
4 that people slip on, so we don't use those in parking
5 lots.

6 The parking lot tree list doesn't have a
7 lot of room to maneuver in terms of native plants,
8 native trees of a medium-size, large-size canopy that
9 meet the conditions to qualify as a good parking lot
10 tree. So we prefer to not have that as a condition
11 to take milo off the plant list, if it's okay with
12 you.

13 CHAIR PALI: Now I have a question for you
14 then. Are you willing -- and your management staff,
15 once the property's filled and going, to, like, make
16 sure people aren't going to be cutting at that tree?
17 I think that's what Helekahi mentioned -- Burns
18 mentioned, that people like to utilize that -- hold
19 on.

20 Before you answer that question,
21 Commissioner Lindsey?

22 COMMISSIONER LINDSEY: I think we should
23 consider that people are generally good people and
24 they're not trying to cut down native plants, so it
25 shouldn't be a consideration on our end because milo

1 is -- there should be more milo. That's the answer
2 to why they're cutting it down, because there should
3 be more milo. So we shouldn't remove it --

4 CHAIR PALI: I like that.

5 COMMISSIONER LINDSEY: -- from -- I mean,
6 we should remove it. It is one of the landscaping
7 plants.

8 CHAIR PALI: Okay. Okay, I like that.

9 VICE CHAIR THAYER: No, I'm good with milo
10 being there. But I think she's being -- I think in
11 Kanaha some years ago, there were people who were,
12 like, poaching the big, mature milo trees at Kahana.
13 That was -- that came before the arborist committee.
14 That was a real thing.

15 But more milo is the answer. And
16 especially, hopefully because there's people going to
17 be on-site and watching this all over all the time
18 and not just out on its lonesome in a beach park
19 that's closed all night. So hopefully this will be
20 okay. Thank you.

21 CHAIR PALI: You okay? You agree,
22 Helekahi-Burns? Yeah?

23 COMMISSIONER HELEKAHI-BURNS: Definitely
24 more milo.

25 DIRECTOR AOKI: Could I just suggest, Vice

1 Chair Thayer, that you restate exactly what it was
2 that you did not want so that Tara can write that
3 down?

4 VICE CHAIR THAYER: Yeah. So the trees or
5 plants in the planting plan that I think could be
6 replaced with natives or fruit trees or even
7 noninvasive lay plants would be the ginger and
8 heliconia, the fern tree, jatropha, golden glory, and
9 the Singapore plumeria which was just going to be
10 substituted with another plumeria.

11 CHAIR PALI: Okay. Great.

12 DIRECTOR AOKI: Thank you.

13 CHAIR PALI: And from the development
14 team -- I'm sorry, I don't know the landscapers --
15 David, are you okay with that as a condition?

16 MR. SEREDA: Yes. And I think you did
17 mention one specific substitution for the fern tree
18 which was koai'a; is that correct?

19 VICE CHAIR THAYER: Yeah. It's like a --
20 sort of like a dwarf dryland koa.

21 MR. SEREDA: Yeah. No, I'm familiar with
22 it. I looked it up in the planting plan. It does
23 qualify as a parking lot tree, so we can use that.

24 VICE CHAIR THAYER: Yes. Thank you.

25 CHAIR PALI: Great. All right. So since

1 we know the two conditions, can we just go ahead and
2 have a motion and vote on those two conditions?

3 And then Tara will have a minute to then
4 repeat some of the --

5 MR. HOPPER: Chair, I wouldn't vote on
6 something and do that and then take a separate vote
7 on the other ones.

8 CHAIR PALI: Oh. All one time?

9 MR. HOPPER: Maybe just have her clarify it
10 and then move on, clarify all the other parts and
11 then have the motion in the end to approve subject to
12 those -- to the conditions plus the recommendations.

13 And if there's a second, you can go to
14 discussion on that. And then if you have a amendment
15 to delete one or alter one, you could do it that way
16 potentially.

17 CHAIR PALI: Okay. Sounds good. So, Tara,
18 can you just give us one last review of the two
19 conditions and the recommendations and then we'll go
20 for a motion?

21 MS. FURUKAWA: So the applicant shall work
22 in concert with the state Department of
23 Transportation (indiscernible) drainage culvert for
24 blockage and request that they clear it.

25 The applicant shall aspire to increase the

1 size of the proposed drainage system to accommodate
2 preconstruction flow and post-development flow.

3 And then the applicant shall attempt to
4 offset energy use by 50 percent with renewable
5 energy.

6 So priority of the units shall be granted
7 to those who have lived here longer and those
8 affected by the wildfires to the extent allowed by
9 law.

10 And then the trees and plants in the Maui
11 County Planting Plan shall be substituted for the
12 ginger, heliconia, fern tree, tropha, golden glory,
13 and Singapore plumeria. And then the koai'a was a
14 little bit too fast for me.

15 VICE CHAIR THAYER: Oh, that's a suggested
16 replacement for the fern tree.

17 MS. FURUKAWA: Okay.

18 CHAIR PALI: Good job.

19 MS. FURUKAWA: No, I'm going to go back and
20 listen to -- so it'll be exact.

21 CHAIR PALI: So two are conditions, the
22 rest are recommendations. And so open for a motion.
23 Mr. Thompson?

24 COMMISSIONER THOMPSON: Surprise, I'd like
25 to make a motion to approve the district boundary

1 amendment from agricultural to urban with the
2 accompanying --

3 CHAIR PALI: Recommendations.

4 COMMISSIONER THOMPSON: -- recommendations
5 and conditions.

6 CHAIR PALI: And looking for a second?
7 Commissioner Deakos? And move on -- do you want to
8 add any comments?

9 COMMISSIONER THOMPSON: Sure. I'll speak
10 to it. Thanks very much.

11 Well, one is considering the -- this
12 project for affordable housing, the people that
13 didn't get to testify here were homeless people,
14 people in a tent. Everybody that testified had a
15 house. So bravo for them.

16 And, secondly, in my five years here,
17 without exception, every single affordable housing
18 project in front of us is met with opposition. And
19 they usually name five different ones, but they all
20 start the same way: we're for affordable housing, but
21 not here. Down the road or traded off or somewhere,
22 and that's every single time.

23 So this one I think does have different --
24 a different flavor in it, and the Hawaiiana ones have
25 a real to-do, and they'll probably end up in court

1 over that. But as far as the affordable housing,
2 yeah, we need it in the biggest way.

3 Every time we're planting people in houses
4 or property, it's detrimental to the environment.
5 The more people, the more detrimental. There's no
6 way to get around it.

7 But all that being said, we need the
8 housing more than anything. That's why I made a
9 motion to approve it.

10 CHAIR PALI: Commissioner Deakos, any
11 comments?

12 COMMISSIONER DEAKOS: Yeah. Thank you,
13 Chair. I'm going to support the zoning change. I do
14 agree that, you know, this -- we are in an affordable
15 housing crisis, but I don't necessarily agree that to
16 build housing, we have to compromise environmental
17 and social impacts.

18 So there are plenty of communities across
19 the country where a lot of this stuff we're talking
20 about today that seem absurd, it's (no audio) why
21 I've never been asked that, that seems egregious.
22 They're mandatory in a lot of communities that are --
23 you know, green building is more part of the design
24 process and not at a -- not necessarily at a premium.

25 So I do hope that -- it's a little

1 disappointing at the response to some of this. I
2 know a lot of it is, yes, we'll recommend.

3 However, that being said, I did hear the
4 proposal to make this a LEED Silver. I don't know
5 why that wasn't part of the presentation and talking
6 about what points they would be going after to
7 achieve LEED Silver. A lot of that deals with
8 stormwater and energy credits.

9 So I'm a little confused why that came out
10 at the end, but I sure hope that you guys are
11 successful in achieving that, and I wish you all the
12 best with your project.

13 CHAIR PALI: Very good. Thank you,
14 Commissioner Deakos. Any other people want to put on
15 regard before we vote on the recommendation? Any
16 other takers? Okay.

17 Yeah, I think I'll just add to the record
18 that it's just a balance. I think we owe it to our
19 community and the generational families that came
20 before us to listen and to hear and to gather
21 information, give them an opportunity to speak and
22 share and allow us to learn in those stories and
23 those opportunities of testimony and while caring for
24 people that are here now that are desperate for
25 housing that are being priced out, that are being

1 forced to the beach to live or forced to the mainland
2 because they can't afford a place here.

3 So I -- I just think it's a balance. And I
4 think we did a really good job today, guys, and I
5 appreciate that. And so I'll be voting to support
6 this. Okay.

7 Director? Motion, please.

8 DIRECTOR AOKI: All right. You have before
9 you a motion to recommend approval of the district
10 boundary amendment with the stated conditions and
11 recommendations.

12 I'll call each commissioner by name.
13 Commissioner Thompson?

14 COMMISSIONER THOMPSON: Aye.

15 DIRECTOR AOKI: Commissioner Lindsey?

16 COMMISSIONER LINDSEY: Aye.

17 DIRECTOR AOKI: Commissioner Deakos?

18 COMMISSIONER DEAKOS: Aye.

19 DIRECTOR AOKI: Commissioner Kealoha?

20 COMMISSIONER KEALOHA: Aye.

21 DIRECTOR AOKI: Commissioner
22 Helekahi-Burns?

23 COMMISSIONER HELEKAHI-BURNS: Nay.

24 DIRECTOR AOKI: I'm sorry. Can you repeat
25 that?

1 COMMISSIONER HELEKAHI-BURNS: Nay, no.

2 DIRECTOR AOKI: Vice Chair Thayer?

3 VICE CHAIR THAYER: Aye.

4 DIRECTOR AOKI: And Commissioner Apo and
5 Commissioner Hipolito are absent and excused today,
6 so we have -- motion passes.

7 CHAIR PALI: Okay. Thank you,
8 commissioners. That was a weighty thing. We're
9 going to wrap up this meeting really quickly here.
10 We've got a couple things left on the agenda.

11 I do want to open up for public testimony
12 for the Director's Report were items C1, and it's
13 just a notice. We had a meeting last week on
14 October -- two weeks ago on October 10th, and we were
15 not able to come to a unanimous decision. And so
16 that's going to be rescheduled for December 12.

17 Do you want to read that into the record,
18 Director?

19 MR. HOPPER: (Indiscernible.)

20 CHAIR PALI: Yeah, I just did. Yeah, okay.
21 Okay. Great. And so do I -- and then we're also
22 going to go to Item C2, which is the SMA Minor
23 Report, and C3, SMA Exemption Report, and also C4
24 which is the discussion of the next planning
25 commission agenda for November 14.

1 So I do want to just officially open public
2 testimony. And if you are online or on the phone and
3 you would like to testify, I'll give you a few
4 seconds. You can unmute yourself and say hello.

5 Thanks, Tara.

6 Carolyn, no more testifiers? Okay. Seeing
7 none, we'll close public testimony.

8 Anybody have any questions on the SMA Minor
9 Report or SMA Exemption Report?

10 Yes, VP Thayer?

11 VICE CHAIR THAYER: Thank you. The Minor
12 Report, what's the scope of work for the dune
13 restoration? Kahekili Beach Park.

14 DIRECTOR AOKI: I don't know. Do we have
15 anybody from the department online? No? He's gone.
16 We would have to get back to you on that.

17 CHAIR PALI: We will give you a more
18 detailed report maybe via e-mail or something.

19 DIRECTOR AOKI: Yeah. We could send it out
20 to you via e-mail.

21 VICE CHAIR THAYER: Okay. Thank you.

22 CHAIR PALI: All right. Any other
23 questions? Okay. Commissioner Deakos?

24 COMMISSIONER DEAKOS: Thank you, Chair.
25 Just a question on the Exemption 00074, construction

1 of a new building for office space and golf cart
2 storage.

3 I know it's outside the (indiscernible),
4 and I know we're not -- we haven't passed those rules
5 yet, but I was just looking on the back aisles. It
6 is in the flooding, the 3.2 meter flood area. And
7 I'm just -- I think it's being put on posts and --
8 does that sound right? I was trying to look in the
9 maps that were detailed.

10 DIRECTOR AOKI: Again, I would have to --
11 we would have to have staff look into the record and
12 get back to you. I apologize we don't have anybody
13 here today to be able to look all that stuff up.

14 CHAIR PALI: Okay. Any other questions?
15 None? Okay.

16 And then the last item is November 14th,
17 and it looks like there's been a memo about that
18 agenda.

19 DIRECTOR AOKI: Yes, there is. Scheduled
20 for November 14th, we have the Shoreline SMA Rules
21 back to you hopefully for one last time. We did have
22 to post this as a new public hearing because the time
23 frame has passed quite a bit -- quite a bit of time
24 frame has passed. So you will have to take public
25 testimony.

1 Just so you are aware, we have reserved the
2 28th meeting as a holding place in case you're not
3 done on the 14th. So the 28th is not being --
4 nothing's being scheduled just in case we don't
5 finish.

6 CHAIR PALI: Did we lose our commissioners?
7 Oh, there you are. Okay.

8 So I really, really want to encourage you
9 folks to take time to review the record. This has
10 been -- I know it's been in front of us for over -- I
11 want to say six months now, eight months, and I know
12 it's been in the works for ten years.

13 And we did think that we finished it, and
14 there was a technicality. And so we have to consider
15 the missing testimony which we did hash out the last
16 time we met, and now we'll open it back up for public
17 testimony, and then we will finish it up either on
18 the 14th or the 28th. And it's a very weighty,
19 weighty topic.

20 So anyhow -- so I do need, for sake of
21 time, I do need everyone to do their homework before
22 they show up, and we have to start on time.

23 So I'd like to introduce a new practice for
24 the commissioners online. When you chime online, I'd
25 like you to put in the chat function "Here" and your

1 name so whoever's taking Carolyn's place, we can have
2 a better record because it's hard to see who's on and
3 who's not on when nine o'clock hits.

4 And I do just want a documented record of
5 you guys signing on. I think it's helpful to have.
6 So when you get on next time around if you are
7 online -- and I'll let Blaine and Mel know -- go
8 ahead and put in the chat, like, "Here, Mel" or --
9 and then we'll know that we have enough, and we can
10 get started. Okay?

11 Any questions? Awesome. Well, good work
12 today. Thanks, guys. Aloha. Meeting's adjourned.

13 (End of video recordings.)
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1 STATE OF HAWAII)
2)
3 CITY AND COUNTY OF HONOLULU)
4

5 REPORTER'S CERTIFICATE

6 I, Chantelle Hee, Certified Court Reporter,
7 Certificate No. 536, for the State of Hawaii, hereby
8 certify:

9 That the foregoing electronically-recorded
10 proceedings were transcribed by me to the best of my
11 ability.

12 I further certify that I am neither
13 financially interested in the action nor a relative
14 or employee of any attorney or party to this action.

15 Dated this 5th day of November 2023 in
16 Honolulu, Hawaii.

17
18 

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