

**HOUSING AND LAND USE COMMITTEE**  
Council of the County of Maui

**MINUTES**

**May 30, 2023**  
**9:00 a.m.**

**Online via BlueJeans Link**  
**Council Chamber, 8<sup>TH</sup> Floor**

**CONVENE:** 9:03 a.m.

**PRESENT:** Councilmember Tasha Kama, Chair  
Councilmember Tom Cook, Vice-Chair (In 10:13 a.m.; Out 10:17 a.m.)  
Councilmember Gabe Johnson, Member (Out 10:49 a.m.; In 10:55 a.m.)  
Councilmember Alice L. Lee, Member (Out 9:47 a.m.; In 10:12 a.m.)  
Councilmember Tamara Paltin, Member  
Councilmember Keani N.W. Rawlins-Fernandez, Member (In 9:30 a.m.; Out 11:01 a.m.)  
Councilmember Shane M. Sinenci, Member (Out 9:54 a.m.)  
Councilmember Yuki Lei K. Sugimura, Member  
Councilmember Nohelani U'u-Hodgins, Member (Out 9:59 a.m.; In 10:01 a.m.)

**STAFF:** Ana Lillis, Legislative Analyst  
Paige Greco, Legislative Analyst  
Richard E. Mitchell, Legislative Attorney  
Stacey Vinoray, Committee Secretary  
Lenora "Lei" Dinneen, Council Services Assistant Clerk

**Additional staff**

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Evan Dust  
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Axel Beers  
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Autumn Ness

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Daryl Fujiwara  
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Laura McDowell  
Susan Clements

Residency Area Offices (RAO):

Zhantell Lindo, Council Aide, Moloka'i Residency Area Office  
Roxanne Morita, Council Aide, Lāna'i Residency Area Office  
Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office  
Christian Balagso, Council Aide, West Maui Residency Area Office  
Bill Snipes, Council Aide, South Maui Residency Area Office  
Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office

**ADMIN.:**

Michael Hopper, Deputy Corporation Counsel, Department of Corporation Counsel  
Lori Tsuhako, Director, Department of Housing and Human Concerns  
Saumalu Mataafa, Deputy Director, Department of Housing and Human Concerns  
Linda Munsell, Housing Administrator, Department of Housing and Human Concerns  
Clyde "Buddy" Almeida, Assistant Housing Administrator, Department of Housing

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and Human Concerns

Kathleen Aoki, Planning Director, Department of Planning  
Kurt Wollenhaupt, Planner V, Department of Planning

**OTHERS:** Jeffrey Ueoka, Attorney, Mancini Welch & Geiger (Items HLU-8, HLU-9)  
Michael Atherton, Waikapu Country Town (Items HLU-8, HLU-9)  
Randall Tanaka, State of Hawai'i Department of Education, Assistant  
Superintendent of the Office of Facilities and Operations (Items HLU-8, HLU-9)  
Roy Ikeda, State of Hawai'i Department of Education, Interim Public Works  
Manager, FDB, Planning Section (Items HLU-8, HLU-9)  
Jeyan Thirugnanam, State of Hawai'i, Department of Transportation, Highways  
Planning Branch – Highways Section

Additional attendees: (56 total)  
Junya Nakoa

**PRESS:** Akakū: *Maui Community Television, Inc.*

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CHAIR KAMA: . . .*(gavel)*. . . Will the Housing and Land Use Committee meeting of May 30th, 2023 come to order. It is now 9:03 a.m. I am Tasha Kama, Chair of the Housing and Land Use Committee. This online meeting is being conducted in accordance with the Sunshine Law. As a reminder, Members, when your name is called, if you're not with me in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Do we have any questions before we continue? Seeing none. I'd like to say aloha to our Committee Vice-Chair Tom Cook.

VICE-CHAIR COOK: Good morning, Chair. Aloha.

CHAIR KAMA: Aloha. And also good morning to our Council Chair Alice Lee with the greeting for the day.

COUNCILMEMBER LEE: Oh, we have an easy greeting for the day, Madam Chair, and it's hafa adai.

CHAIR KAMA: Hafa adai.

COUNCILMEMBER LEE: Hafa adai, everyone, and looking forward to your meeting. Thank you.

CHAIR KAMA: Thank you. We also have with us Council Vice-Chair Yuki Lei Sugimura. Hafa adai to you.

COUNCILMEMBER SUGIMURA: Hafa adai to you also, and good morning, everyone. I'm trying

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to fix my new computer setup. It's cuckoo. Thank you.

CHAIR KAMA: Well, you look good from here, I mean watching you on the screen. And we also have with us, let me see, Councilmember Nohelani U'u-Hodgins in the Chamber with us. Aloha and hafa adai.

COUNCILMEMBER U'U-HODGINS: Good morning, Chair. Aloha. Hafa adai.

CHAIR KAMA: We also have with us Member Sinenci. Aloha and hafa adai to you.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair, and hafa adai.

CHAIR KAMA: We also have with us online Member Gabe Johnson. Aloha and hafa adai to you.

COUNCILMEMBER JOHNSON: Hafa adai to you, Chair, Councilmembers, community members. There are no testifiers at the Lāna'i District Office, and I'm alone on my side of the workspace. Mahalo, Chair.

CHAIR KAMA: Thank you. And I also see that we have with us from West Maui Member Tamara Paltin. Aloha and hafa adai to you.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou. Broadcasting live and direct from my house in Nāpili where I have two unnamed minors in the room with me. And we have no testifiers waiting to testify from the Lāhainā District Office at this time. Thank you.

CHAIR KAMA: And I do not see Member Rawlins-Fernandez, but I'm going to excuse her until she shows up later on. We also have with us from the Department of Planning Ms. Kathleen Aoki, and with her she has Kurt Wollenhaupt, the Senior Planner. Aloha and hafa adai to both of you.

MS. AOKI: Good morning. Good morning, Members.

MR. WOLLENHAUPT: Good morning, Chair.

CHAIR KAMA: Thank you. We also have with us from the Department of the Corporation Counsel Mimi DesJardins. Good morning, Mimi, and hafa adai to you too.

UNIDENTIFIED SPEAKER: From the Department of Corporation Counsel it's Michael Hopper, Chair.

CHAIR KAMA: Oh, okay. Michael...are you here with us today, Michael? Good morning. Oh, there he is.

MR. HOPPER: Good morning, Chair.

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CHAIR KAMA: Okay. Thank you. And we have with us from the Department of Housing and Human Concerns, the Deputy Director Saumalu Mataafa. Aloha, Saumalu, and good morning to you, and hafa adai.

MR. MATAAFA: Good morning, Chair.

CHAIR KAMA: And we have other resources that are going to be with us today. We have Mr. Jeff Ueoka from Mancini Welch & Geiger LLP, for Waikapu Country Town. We also have Michael Atherton, or Coach, on BlueJeans for Waikapu Country Town. We have Randall...Randall Tanaka, the Assistant Superintendent of the Office of Facilities and Operations from the Department of Education on BlueJeans for HLU-9. And we have Roy Ikeda, Interim Public Works Manager, FDB Planning Section of the Department of Education on BlueJeans for HLU-9. And we sent a letter requesting the presence of the State Transportation Highways Division, but that letter was sent only on Friday. So, I'm not sure if they even got it, or they will respond. Yes?

MR. THIRUGNANAM: Yeah, I'm here from the State Department of Transportation. Jeyan Thirugnanam from the Highways Planning Branch Land Use Section. So, we received the letter, and I'm --

CHAIR KAMA: Thank you.

MR. THIRUGNANAM: -- attending.

CHAIR KAMA: So, could you --

MR. THIRUGNANAM: Thank you.

CHAIR KAMA: -- once again say your name?

MR. THIRUGNANAM: Jeyan Thirugnanam.

CHAIR KAMA: Can you spell that for me please?

MR. THIRUGNANAM: T-H-I-R-U-G-N-A-N-A-M.

CHAIR KAMA: Okay. Well, thank you so much for being here, sir. And we also we have with us our Committee --

MR. THIRUGNANAM: You're welcome.

CHAIR KAMA: -- Staff. Ana Lillis, our Legislative Analyst. Good morning.

MS. LILLIS: Good morning, Chair. Good morning, Members.

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CHAIR KAMA: And we have with us also Paige Greco, our Legislative Analyst.

MS. GRECO: Good morning, Chair. Good morning, Members.

CHAIR KAMA: And we have our Committee Secretary, Stacey Vinoray.

MS. VINORAY: Good morning, Chair. Good morning, Members.

CHAIR KAMA: And we have our Legislative Attorney, Mr. Remi Mitchell. Good morning, Remi.

MR. MITCHELL: Good morning, Chair and Members.

CHAIR KAMA: So, thank you, Members, for attending today's HLU meeting. And we have two items today, Bill 28 (2023), amending Ordinance 4998 from 2019, Relating to Changes [sic] in Zoning (Conditional Zoning) to Waikapu Country Town (WCT) District for Property Situated at Wailuku, Maui, Hawai'i. We also have HLU-9, Bill 29 (2023), amending Chapter 19.96, Maui County Code, Modifying the Waikapu Country Town District Controlling Plan and Permitting Educational Uses in the Residential District. So, in accordance with the Sunshine Law, as Chair I will limit testimony for agenda items as each item is called up on the agenda. When an item is particularly complex, we will receive a presentation from the Administration from resources prior to receiving testimony. And Members, when we receive a presentation prior to testimony, I must ask you to hold all your questions for the presenters until after testimony has been closed.

**ITEM HLU-8: BILL 28 (2023), AMENDING ORDINANCE 4998 (2019),  
RELATING TO CHANGE IN ZONING (CONDITIONAL ZONING)  
TO WAIKAPU COUNTRY TOWN (WCT) DISTRICT FOR  
PROPERTY SITUATED AT WAILUKU, MAUI, HAWAI'I**

CHAIR KAMA: So, HLU-28 [sic] (2023), Amending Ordinance 4998 (2019), Relating to Changes [sic] in Zoning (Conditional Zoning) to Waikapu Country Town District for Property Situated at Wailuku, Maui, Hawai'i. We will have an opening presentation, and the proponents of the Waikapu Country Town project are before us today on this item to address the conditional zoning in the project district to reflect an agreement reached with the County whereby the County relieves the development from specified improvements, and the proponent provides additional workforce housing. So, Members, prior to the presentation, I'd like to again remind you to hold your questions until after we have received public testimony on this item. So, at this time I'm going to ask Mr. Jeff Ueoka to present on this item to the Committee. Mr. Ueoka?

**. . . BEGIN PRESENTATION . . .**

MR. UEOKA: Thank you, Chair.

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CHAIR KAMA: You're welcome.

MR. UEOKA: Good morning, Members. So, Bills 28 and 29 are in front of you guys today. For this first portion of the presentation we'll just be talking about Bill 28, which is relating to amendments to the conditions of zoning so that the public-private partnership can be effectuated. Thank you. First, I'd really like to thank the Planning Department, especially Mr. Wollenhaupt. He really helped us along getting the Change in Zoning amendments through, so thank you very much. Next slide please. So, just some background on Waikapu Country Town. It's a total of 1,433 units. There will be a total of 500 residential workforce housing units if the PPP goes through, and that'll be broken down, we feel, in 212 multifamily rental units, 213 single-family for-sale units, and 74 multifamily units and rental or for-sales to be determined at a later date. That'll leave 933 market-rate units in Waikapu Country Town. That's basically a ratio of 1.86 to 1 market-to-residential workforce housing units. It's on a total of 495 acres, and the current plans show 25 acres...or I'm sorry, if the PPP goes through, 25 acres for a school site, currently it's 12 acres, so there'll be an increase of around 13 acres for an additional school. And in the whole project, there's supposed to be around 100 acres of parks and open space. Next slide please. So, just some background. Back in 2022...well, I guess a little over a year ago, we came before you guys and we got Resolution 22-51 passed, and that was support for the PPP agreement. Then we went ahead and executed the PPP later that month, and you guys were very generous with the project, understanding that when these terms were all decided, that Bill 107 wasn't in effect. So, Resolution 22-242 basically allowed...exempted Waikapu Country Town from Bill 107. And the understanding was we had to get the things amended, the conditions of our DBA and our zoning. So, we went to State LUC, we got that passed in October 26 of 2022, and then we moved forward with the Planning Department. And in December of 2022 we went in front of the Planning Commission, and they approved to recommend approval...they recommended approval of the amendments to the Change in Zoning. Next slide please. So, generally speaking, very broadly, the terms of the PPP are Waikapu Country Town will contain an additional 213 single-family residential workforce housing units, taking it up to 500 total. The project size isn't increasing, there's still only 1,433 units in the project. So, the opportunity cost that we calculated back in 2022, but we did it in April of 2022, so it was based on the affordable housing sales price guidelines of 2021. So, they've since been adjusted for 2022 numbers, we don't have the 2023 numbers yet from what I understand. So, that was the opportunity cost. And in exchange, County will, you know, assume Waikapu Country Town's obligations for the Waiale Road extension, and our understanding is they received a RAISE grant for that, and I believe it's around 25 million, and the wastewater fees. And our total estimate is around 650, 675,000 gallons per day, and our understanding is also that the State of Hawai'i has provided some funding for construction of the Central Maui Regional Wastewater Treatment Facility. I think that's what the name of it is. And part of the deal also is we'll get an interim connection into the Kahului Wastewater Treatment Facility for 100,000 gallons per day, which the concept was we would...let us build around 300 single-family units. We may adjust that to do some multifamily in the first phase. And again, as I mentioned earlier, all of this to go into effect required amendments to the conditions of zoning and the DBA conditions. Next

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slide please. So, WCT's obligations, you know, right now as they stand...so, the Waiale Road extension, the total estimated cost, I don't think Public Works has a fine-tuned figure on it yet, but my understanding is it's probably going to be in the range of 40 million in today's dollars. They got the RAISE grant for 25 million. So, our pro rata share for Waiale Road extension--just so everyone understands, it was never Waikapu Country Town's obligation to build the Waiale Road extension, it was always just to contribute its pro rata share, and our traffic studies showed that to be around 42.7 percent. So, if you take 40 less the 25, it's going to cost the County 15 million. 42.7 percent of that is around \$6.5 million. Intersection improvements, which are required per the conditions of zoning, we're not real clear on that, but we don't think it'll be anywhere near \$6.5 million. And for the wastewater, capacity of the new plant, my understanding is it's supposed to be around 3 million gallons. Our...our needs are around 650, 675,000 for Waikapu Country Town. I'm not sure how that's going to be assigned, that's actually up to this Council at a later date, but in the past, my understanding is, they take the total cost and they get a dollars per gallon of wastewater based on how much the capacity of the plant is and that's your...you know, your share that you have to pay when you want to connect. So, we estimate that Waikapu Country Town would use around 21.67 percent of the total capacity in Central at full buildout. And assuming it's approximately 100 million to construct the...the plant and the collection and transmission system, we would...we would think that our share would be around 21.67 million. And again, there might be State of Hawai'i funds available to take care of that...or I shouldn't say take care of it, to assist with the costs. Next slide please. So, this is just like a general idea. At the high end for these 213 single-family residential workforce housing units, the high end sales price for the below moderates using today's dollars, today's AMI, 6 percent interest, I don't know if that's accurate or not, but it...I think it is, I'm not sure though, would be around 443,800 for a below-moderate unit. Sorry, my eyes are old, 532,500 for a moderate, and 621,300 for a above-moderate unit. Next slide please. So, when we did the calcs regarding the additional RWHUs, so the idea for the opportunity cost, it was the difference from what we believe was "market" less the prices that we would be selling them at based on, you know, the County's affordable housing price guidelines. So, in this chart, it shows for the additional 63, the PPP is broken down into 63 and 150, that's the two breakdowns depending on what's given, and it's 10...or I'm sorry, 19 below moderates, 32 moderates, and 12 above moderates. And if you look at it, we set market price at 180 percent AMI, whatever those prices would be. It was a lot higher when we originally did this in April of 2022. Now, because of the interest rates, the prices of everything have gone down because the interest rates went up so high. So, the market price would be at around 757,620. I don't think that's an accurate depiction of market price of a brand-new home in Central Maui, but for consistency, we left it there. And, you know, I will say our hope is that interest rates will be lower by the time we actually start building and selling, so the opportunity cost does fluctuate a bit. So, essentially using today's rates and today's interest...yeah, basically today's interest rates, the opportunity cost works out to around 55 million, 54.6, which is less than what we originally presented, it was around 75, but that was using the 2021 figures with the 4 percent interest rate. I can say if you do the same calculation using a 4 percent interest rate today, it comes out closer to \$80 million in opportunity cost. And again, that's just the difference in what we think we could sell



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them for, or an estimate of what we could sell them for, and what we will be selling them for based on the PPP. So, next slide please. So, the first amendment (*audio interference*) Condition 1A, and that kind of deals with the State Department of Transportation and their traffic mitigation. We'll need to enter into a traffic MOA with them prior to our first subdivision approval. And it basically allows for additional residential workforce housing units in lieu of providing funding or constructing traffic improvements. And we previously have met with State DOT, they were open to this and understanding. We're waiting for the PPP to actually go into effect to sit down with them again. That's our...assuming this can go through, that's our next step. Next slide please. So, Condition 1B required the funding of certain intersection improvements, and this one will make sure that we can do the same deal where it's the landowner's...we're required to do it, but in lieu of it, the County will pick up that responsibility. Next slide. So, the inter--oh man, that's too small--the intersection in question primarily is...you can see at the bottom of the colored part, that's Intersection 13, that's where the Waiale Road extension meets Honoapiilani Highway, and that's the one where the County will be picking up the improvements on that intersection. Waikapu Country Town will remain responsible for the main street intersection and those improvements. That's right in the middle of...when I say main street, that's the...that's what we call it, it's the main road going down Waikapu Country Town, but it's not Main Street, the one over here, so that will be corrected before we...we're done. Next slide please. Condition 1D, pedestrian crossings, same concept, in lieu. And next slide please. Condition 3C, that's the Waiale Road extension, and it just states the same concept of additional residential workforce housing units in lieu of contributing funding for Waiale Road extension. Next slide please. On Condition 5, we'd like to request that we just return the language to what it was, that we just follow Chapter 2.96 in regards to the buildout of the residential workforce housing units. Currently Bill 28 contains some language doubling the deed restricted periods, and we'd prefer if that could just be removed and just that simple language. We'll follow 2.9...the County's residential workforce housing requirements and the PPP. Next slide please. Condition 6 has to do with wastewater, and again, it goes over the concept of we'll be allowed to connect to Central when it's online. We'll get the 100,000 interim. Next slide please. So, in Bill 28, what was initially presented to the Planning Commission did contain a direct reference to the PPP. Bill 28 broadened the reference to just say subject to agreement with the County. And, you know, the PPP is contingent upon these amendments taking place. I'm asking if we could make the direct reference to the PPP and the conditions of zoning. I understand the idea of why broader is good, but I've also, on the compliance side, on other projects we're looking at it 30 years later and we're trying to figure out...it says subject to agreement, but which agreement? And in this case, since we have an executed PPP in place, I think it would be helpful for everyone to have a better understanding of a direct reference, but you know, that's not...not a deal breaker for us, but I just was looking for future compliance. Next slide. Next slide. And finally, Condition 8, that has to deal with the education contribution agreement, again, for compliance purposes. We already have one in place, but with the PPP there'll be additional land, so we're likely going to amend it. So, I just wanted to make sure that it said "as may be amended" so we have the flexibility moving forward. And that is the end for me on Bill 28. Thank you very much.

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**. . . END PRESENTATION . . .**

CHAIR KAMA: Thank you very much, Mr. Ueoka, for your presentation. And so, I'd like to be able to go back to the departments and get their comments on your presentation. And why don't we begin with Department of Planning.

MS. AOKI: Thank you. Good morning, everyone. We would like to have dialogue with the Members about the presentation that was provided to you today with all of these new numbers that have come before us in the last five minutes. We do have some concerns regarding the...the PPP and the numbers that were part of this agreement that were pre-COVID, pre interest rates going up. I mean it's...it's a different world now, the figures are different, and we're just getting this now. So, we would probably want some time to go back and assess these numbers, look at, you know, how they work out. Is this beneficial to the County? Is it not beneficial to the...I mean you're talking about a 20 million-plus difference right now. So, we...I have Kurt here. Kurt has been intimately involved with this project for many years. He's very...a great resource as far as the continuing evolution of this project. As you know, it's been going on for quite some time. I also think that perhaps the Department of Housing would like to share some of their concerns. Thank you.

CHAIR KAMA: Thank you, Director. And yes, so, let's now go to the Department of Housing, Mr. Saumalu Mataafa. Comments, please.

MR. MATAAFA: Thank you, Chair. Good morning, Committee Members. Like Director Aoki said, the Department of Housing and Human Concerns is looking at the new numbers with fresh eyes, so we would like some time in between now and maybe a future meeting to digest those numbers, both within our Department and with the Administration, and then come back to you with a more firm stance on how we see it. There's a lot of new things that are going on, so I think taking the time to really understand what the numbers are showing us makes sense at this point. And we wanted to get the Administration's take on the new numbers as well. So, we'll just request that little bit of time to digest those numbers and come back, maybe at the next Committee meeting, to give you a more formal stance.

CHAIR KAMA: Thank you, Mr. Mataafa. I'd like to hear from the Department of Transportation, I think it's Mr. Thirugnanam. Could we hear some of your comments please?

MR. THIRUGNANAM: Yes. You know, in principle, we have, you know, no objections to the approach, and you know, we look forward to discussing with the applicant, you know, the details of the memorandum of agreement, you know, once the PPP is passed.

CHAIR KAMA: Well, thank you so much for that, Mr. Thirugnanam. And then we'd like to be able to hear from Mr. Ikeda with the Department of Education.

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MR. IKEDA: Good morning. Roy Ikeda from the Department of Education. Yeah, we...again, we would like to look at the numbers as well. You know these are numbers that we are...we have been looking historically over time, but again, these are new numbers and, you know, with the new proposal for the schools, we'd like to again see how this might affect the Department's capacity, enrollment projections for the future, so then we can plan accordingly. Thank you.

CHAIR KAMA: Thank you, Mr. Ikeda. Okay. So, I think those are the departments. So, why don't we go to public testimony. So, I see we have a few testifiers, so let me just read the information for testifiers. So, testifiers wanting to provide video or audio testimony should have joined the online meeting via the BlueJeans link or phone number noted on today's agenda. Please keep your audio and video muted until you're called to testify. If you are logged into the meeting, Staff will add your name to the testifier's list. Written testimony is encouraged, and can be submitted via the eComment link at [mauicounty.us/agendas](http://mauicounty.us/agendas). Oral testimony is limited to three minutes per item. Staff will be monitoring the time, and when you reach the three-minute mark, you will hear the audible voice and Staff will sound the alarm. If you are still testifying when the notice sounds, please complete your testimony as quickly as possible. Unless you want to testify anonymously, please clearly identify your name, organization, and items you'd like to testify on in the chat. We ask that you state your full name, but if you prefer to testify anonymously, Staff will identify and refer to you as "Testifier" and assign you a number. Please do not change your screen name from the name assigned by Staff. Please also indicate the agenda item or items you are testifying on. You may indicate in the chat if you do not wish to testify; however, chat should not be used for discussion or comments. Please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you are done testifying, or if you do not wish to testify, you can also view the meeting on *Akakū* Channel 53, Facebook Live, or [mauicounty.us/agendas](http://mauicounty.us/agendas). Thank you all for your cooperation. Staff has been monitoring people joining today's meeting by phone and by video, and we'll do our best to take each person up in an orderly fashion. So, at this time let us call on our first testifier wishing to testify on items before HLU Committee at this time.

MS. LILLIS: Chair, Councilmember --

CHAIR KAMA: Yes.

MS. LILLIS: -- Rawlins-Fernandez has joined the meeting.

CHAIR KAMA: Welcome, Councilmember Keani Rawlins-Fernandez. And aloha kakahiaka, and hafa adai to you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i nui a Hina. I'm at the Moloka'i District Office, alone on my side of the office, and we have our Community Outreach Specialist Zhantell Lindo on the other side of the office. My apologies for my tardiness. Mahalo, Chair.

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CHAIR KAMA: You're welcome for being here. We're just happy that you are here, so thank you. Shall we continue, Ms. Lillis? Thank you.

**. . . BEGIN PUBLIC TESTIMONY FOR ITEM HLU-8 . . .**

MS. LILLIS: Yes, Chair. We currently have two testifiers signed up. It is Masatomo Murata, to be followed by Hannah Haze (*phonetic*).

CHAIR KAMA: Mr. Murata, are you there?

MS. LILLIS: They are unmuted on our end, Chair. We can come back to them. Hannah Haze, if you would like to testify, please do so now. Chair, it appears both individuals...Hannah Haze has indicated that they do not wish to testify. I will do a last call for testimony at the beginning of the meeting on this item. Three...two...one. Chair, it appears they do not wish to testify on this item.

CHAIR KAMA: Thank you, Ms. Lillis. So, I think what I want to continue on is with...

MS. LILLIS: Sorry, Chair. Could you close testimony on this item?

CHAIR KAMA: Oh, yes. Thank you. If there is no one else wishing to testify on this item, please unmute and identify...oh, we did that already. Okay. So, Members, seeing as that there are no more individuals wishing to testify, without objection, I would close oral testimony on this item HLU-8.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**. . . PUBLIC TESTIMONY CLOSED FOR ITEM HLU-8 at 9:35 a.m. . . .**

CHAIR KAMA: Thank you, Members. And as a reminder, written testimony will continue to be accepted into the record. I will now proceed with discussing the first item on the agenda. So, Members, I will call now upon you for questions you have for our presenters. And I'm going to ask the Staff to set a three-minute timer for each of us so that all Members can get their questions asked and answered, and if we need a couple of rounds to do that, we shall. So, why don't we begin with Committee Vice-Chair Cook. Do you have any questions for our...any one of our presenters?

VICE-CHAIR COOK: Yes. Thank you, Chair. So, for Planning Director, is there...what would be your guesstimated timeline for reviewing this...the variances in the project?

MS. AOKI: Thank you, Member Cook. I think we could come back probably in July. I mean we're at May 30th. I don't...to look at this in two weeks, I think, is pushing it. So, to be...to give enough time I would suggest July, but I would also ask if you could ask

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Department of Housing and Human Concerns also that question because they will be the ones primarily going through that table.

VICE-CHAIR COOK: Thank you. I...I plan on...I will also ask them. Is there...just intuitively, is there any like really red lights with this, is it more crunching the numbers and getting familiar with it, or is it something that you have to like to convince yourself that it's acceptable?

MS. AOKI: I think to be fair, it's a matter of looking at the new numbers. I don't want to presume anything at this point, but saying that it's \$20 million less is...is something that we need to consider. And I'd also like, as Deputy Director Mataafa mentioned, you know, our Administration hasn't had the opportunity to have a good look at this, so I would like to offer that.

VICE-CHAIR COOK: Thank you very much. That's it for now. I'd like a second round though bumbye.

CHAIR KAMA: Did you want ask a question of the DOE now, or if...I mean --

VICE-CHAIR COOK: Yeah, if...

CHAIR KAMA: -- the Housing now or later?

VICE-CHAIR COOK: Yeah. Okay. With your --

CHAIR KAMA: It's fine.

VICE-CHAIR COOK: -- with your permission, Chair? Thank you. So, for the Housing Department, could you comment on my question as far as the approximate timeline that you're...that you feel the Department needs to review this?

MR. MATAAFA: Thank you, Chair. Thank you, Councilmember Cook. Yeah, so we're going to do two things in our Department. We're going to do an internal review, and we also want to set up a review with the Administration to bring them up to speed and to debrief them. So, I think what Director Aoki had said about a month would be a fair opportunity for us to review the proposals with the new numbers, and to come back with a better understanding of, you know, how the PPP is now. So, if you give us about a month, I think we can turn it around and give you a better understanding of how the County, or at least the Administration...

VICE-CHAIR COOK: Thank you --

MR. MATAAFA: Thank you.

VICE-CHAIR COOK: -- so much. Yeah. And I just want to share like my...obviously give you

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all the time you need, it's just this is a really fundamental . . .*(timer sounds)*. . . major thing for our community, and hopefully we can move this forward. Thank you.

CHAIR KAMA: Thank you, Mr. Cook. Now, let's go to Council Chair Lee for questions.

COUNCILMEMBER LEE: Thank you, Madam Chair. Question for Mr. Ueoka. Mr. Ueoka, any particular reason why the departments didn't have these numbers and new information sooner?

MR. UEOKA: Thank you, Chair. That's...that's my fault. I was under the impression this was changing conditions of zoning. We had an agreement we had entered into with the terms with the County, so I thought this was just an amendment to the conditions of zoning. So, we met with the Councilmembers, the ultimate decision makers on it. In hindsight, I should have met with the departments and discussed a little further, so...

COUNCILMEMBER LEE: Okay. The departments' role at this point would be more review and comment, or do they actually have approval power?

MR. UEOKA: Thank you, Chair. My understanding is right now, it's the change in the condition of zoning, it's...I...I believe you guys always take the departments' thoughts in...into consideration.

COUNCILMEMBER LEE: Yeah, so it's comments, right, at this point.

MR. UEOKA: Yeah.

COUNCILMEMBER LEE: And I...again, I'm wondering how long has this process been in effect? By the time we got it, I think it was like 10 or 12 years, and then we worked on it for a couple of years, and now it's been how many years, 14 years, 15 years? I mean I hate for anybody to rush, you know. God. How many years?

MR. UEOKA: I believe Coach has been working on this whole process for 15-plus years. In defense of the departments, of course, the PPP is relatively new. It's only been a couple of years we've been working on the PPP together, and --

COUNCILMEMBER LEE: Yeah.

MR. UEOKA: -- it is a new Administration.

COUNCILMEMBER LEE: You know, I'm really sad that apparently this is not a priority because this should have been...and it's not like well, when we have time, we'll...we'll review it. No, I think this should be expedited. That is my concern, it should be expedited. This is a major problem...a major project which will provide major infrastructure. That Waikapu bypass is not a small development, it's an important and essential infrastructure improvement. And so is the wastewater treatment plant. So, this is not just project

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based, it's infrastructure based as well. Thank you.

CHAIR KAMA: Thank you, Chair. And I'd like to reverse a little bit and go back. Mr. Jordan Molina is online, and would like to ask him for his comments.

MS. LILLIS: Apologies, Chair. They have dropped off the call. We're attempting to get in touch with Public Works.

CHAIR KAMA: Okay.

MS. LILLIS: Apologies.

CHAIR KAMA: Well...no, just let me know when he's back on again. Thank you. Okay. Why don't we continue with Council Vice-Chair Sugimura for questions.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I am...Alice, actually you stole my speech. Because this is how important I...I know this...this project is very important, and the infrastructure that it brings to Central Maui is all...is highly tied to this project. And I really thought that the reason why we were having this meeting today was to approve or just to...we already approved the private-public partnership April of last year, so this is not something that is a new item, but we have a new Administration. But I didn't think that we could change the PPP, I thought that's done. I...I...that's what I really thought. The numbers that we're receiving today is just like all the other projects we're hearing, right, recently, that interest rates have gone up, our economy is changing, that is happening all around us. But this \$200 million that you're looking at in this...the...the comparison that the project presented is just telling us the impact of the economy, but it doesn't change the importance of this project. And I really, Chair, would like to pass this on the floor today and let the departments look at it if they want to look at it. I don't think it's going to change the PPP. Or can we ask Corp. Counsel if we can change the PPP? I...I...I didn't think we were going to change the private-public partnership. Is Corp. Counsel on the call?

CHAIR KAMA: Mimi should be on the call.

MS. LILLIS: Or...

CHAIR KAMA: Oh, Mr. Hopper.

COUNCILMEMBER SUGIMURA: Mr. Hopper.

CHAIR KAMA: Mr. Hopper.

MR. HOPPER: Yes, Chair. Is...is the question about the binding nature of the public-private partnership --

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CHAIR KAMA: Yes.

MR. HOPPER: -- agreement --

CHAIR KAMA: Yes.

MR. HOPPER: -- essentially?

CHAIR KAMA: Yes.

MR. HOPPER: Well, the agreement--I think it's important to note, it states in the agreement, paragraph 1, the covenants herein shall not become effective until the conditions of the CIZ and DBA are amended to reflect the terms of this agreement, including the use of residential workforce housing units to satisfy infrastructure requirements. So, it's true, while that agreement has been signed, it is subject to this proceeding. It's up to the Council to change the zoning conditions because the conditions as originally written did not allow for the use of residential workforce housing units to substitute for infrastructure payments or construction. So, while the agreement itself right now is...has been executed, it's subject to these and doesn't become effective unless you make these changes. So, I would say that Council does have a say in whether to go forward with this arrangement, and if the departments or the Councilmembers want to review based on current market conditions, it does have the right to do so.

COUNCILMEMBER SUGIMURA: Thank you. And I...I really...I really strongly stand . . . *(timer sounds)* . . . behind all the work that has been done already, and I would like to see this move forward. I mean it's kind of...we're walking on dangerous territory right now if we're going to...we're going to hinder the progress of this, as well as all the other infrastructure that has been committed by the department, as well as by the State of Hawai'i to make this a reality. Those are my strong words that I would like to share on this. Thank you.

CHAIR KAMA: Thank you. We're going to skip over to Member Sinenci because he has to leave at 10:00, so we give him the opportunity, and then later on, if you can come back, you can continue.

COUNCILMEMBER SINENCI: Mahalo.

CHAIR KAMA: Thank you.

COUNCILMEMBER SINENCI: Thank you, Chair. And yeah, just for clarification for Mr. Hopper, so this Change of [*sic*] Zoning is part of the process to fulfill the...the private-public partnership; is that correct?

MS. AOKI: I'm sorry. The only thing...



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MR. HOPPER: That's correct. Oh.

MS. AOKI: Oh. Sorry.

MR. HOPPER: Oh, you could ask Planning that as well, certainly, but I can assist if needed.

COUNCILMEMBER SINENCI: Yeah, I was just clarifying (*audio interference*) comments on this...the Change of [*sic*] Zoning as the process to fulfill the...the PPP.

MR. HOPPER: Yeah, the...the...the zoning change was something initiated by the...the Planning Department, and was essentially a requirement of the public-private partnership agreement that said that it doesn't become effective until that change goes through. Because the original conditions basically said you pay your pro rata share, or essentially perform the...the required infrastructure improvements. Now it allows instead of doing those improvements or...or paying through them...for them with cash, it allows payment essentially through the...an increased number of residential workforce housing agreements. The Land Use Commission conditions have already been amended and approved by the commission, but the zoning conditions are what's before you today, the amendment to those conditions.

COUNCILMEMBER SINENCI: Okay. Thank you, Mr. Hopper. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Sinenci. So, why don't we just go on back, and we'll continue with Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I guess my first question would be for Mr. Ueoka, if he's available.

CHAIR KAMA: Yes.

COUNCILMEMBER PALTIN: Mr. Ueoka, I was wondering what impact one-month delay to get the educated response from the departments, what kind of impact that would have on this project?

MR. UEOKA: Thank you, Chair. Member Paltin, I won't exaggerate it, it's a month. We...we...we'd prefer everything to move forward, but it's just another month it backs us up. We'll probably delay working with DPW and State Department of Transportation on the MOAs. We have a lot of work underway. It kind of removes some certainty for the partners moving forward with this transaction. We might...it...it does complicate things because if the PPP doesn't move forward, then we do have to move forward with building our own wastewater treatment plant, and that'll require permitting, and it...you know, just kind of a snowball effect. But it's a month, we...it is what it is. We understand the departments' concerns.

COUNCILMEMBER PALTIN: And then my next question would be probably for you as well as

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the department, whomever feels best suited to answer, in saying that they wanted that time to go over the numbers. The numbers are not set in stone like how you said in your presentation, right? I mean we're...we're coming up on a new HUD guidelines being released, the interest rate percentage is fluctuating, and so on and so forth. And so even if they were given a month's time to go over these numbers, those numbers per se aren't necessarily the final numbers. Is that a correct understanding of the situation?

MR. UEOKA: Thank you, Chair. Member Paltin, I'll...I'll defer, of course, to Deputy Director Mataafa. But yes, you are correct, it's a snapshot, it's what it looks like. It looked one way two years ago or a year ago, it looks another way today. We're anticipating it'll look different when we actually are ready to build and sell the units. And I guess I should...I should also bring up, we do have some commitments to certain...our affordable builder. We did tell them that this agreement would be in place or, you know, we'd know one way or another by the end of summer, so, you know, they're dependent on us there too. Thank you.

COUNCILMEMBER PALTIN: Okay. And then from the Administration, is this because we're under a new Administration that you guys aren't ready with the numbers or is there some other reason? Because I believe Miss...Director Tshako was with the previous Administration, and even though Director Aoki wasn't the Director, she also was with the previous Administration. So, were you caught off guard on this? . . .(timer sounds). . .

MR. MATAAFA: Thank you, Chair. Sorry, do you want me to answer the question or wait for the next round?

COUNCILMEMBER PALTIN: I'd love it, but I'm not running the show.

CHAIR KAMA: You can respond, Mr. Ueoka [sic].

UNIDENTIFIED SPEAKER: *(Audio interference)*.

CHAIR KAMA: I'm sorry, Mr. Mataafa.

MR. MATAAFA: Thank you. Thank you, Councilmember Paltin. Yes, it's just a new Administration. We would just like them to be informed and debriefed on, you know, what we're talking about here. So, to give us a little bit of time we're willing to...and we understand the situation that Mr. Ueoka is into, but if...if Council...I mean if Committee Chair Kama did want to bring it up at her next meeting, we'd be able to provide a response by then too.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: Thank you, Ms. Paltin. So, let's continue on with Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, everyone, and thank you all

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for coming out and answering our questions. My first question is for Mr. Ueoka. Good to see you, Jeff. The question is, is will you folks be following Bill 111, the residential preference list, for your project?

MR. UEOKA: Thank you, Mr. Johnson. Certainly we can look into that, if it's there, the residential preference list. If the process is there, I think it would be beneficial to the affordable developers in Waikapu Country Town. Thank you.

COUNCILMEMBER JOHNSON: Okay. So, I...okay, the next question was in regard...I know that was kind of like you're looking into it. Okay. But I would look forward to hearing your response after you looked into it. The next question is in regards to the phases. That's a little concern of mine. Okay. So, you say you have enough wastewater for Phase I, but then you have to wait for the big wastewater treatment to be built. Is...so, I...I don't know how long a wastewater treatment plant takes to be built, but what if the time between Phase I and the buildout of the wastewater is really long? Are you...are you going to sit on just Phase I of a project while we wait for the wastewater to be complete?

MR. UEOKA: Thank...thank you, Chair. Thanks, Member Johnson. We will...for...I'll be more firm with Bill 111 question. We will follow the law, definitely. If it's in place and we're required to follow it, we will definitely follow it, and we'll look into it if it's, you know, not the law at the time as to somehow we can work with the Department on figuring something that works well for Maui out. In regards to the phasing, that is one of the biggest concerns of the partnership. They are going to be expending a large amount of money or, you know, financing a large amount of improvements to get the first home built, the backbone infrastructure, and we're...we trust the Department of Environmental Management, they're a competent group, they're a good group. We've trusted they'll get it done. I believe their timeline is early 2029 right now, that's the hope. So, you're right though, once we build out the first 100,000 gallons, Waikapu Country Town sits and waits until the Central treatment plant's up and running unless they find additional capacity in Kahului. But our goal always was to connect to the Central treatment plant, not Kahului.

COUNCILMEMBER JOHNSON: I...I often hear the word "certainty," right, being of such of high importance, and it seems kind of uncertain depending on when that wastewater gets built. So, I...I share that concern that you guys, you know, need to have that in order to build out to the next phase. So, please keep us posted, and if...we can talk . . .*(timer sounds)*. . . more about that as it goes on, and my time's up. So, thank you. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Johnson. We're going to go over now to Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think most of my questions...the questions that I had have been asked. I...I guess now that Deputy Director Mataaafa said that he could do it in two weeks, I guess my question would be for you, Chair, and then I have a question for Mr. Ueoka. So, we oftentimes have our plans for committees outlined, you know, so that we know what we're scheduling in advance. Are you able to get it on

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the next Committee agenda, do you have space?

CHAIR KAMA: When it comes to our housing developments, I will always make space and...and time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Because I --

CHAIR KAMA: Absolutely.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I'm sure you --

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- you have other housing plans that...you know, that's in line, and so, I just wanted to check with you if that's even a possibility for you since, you know, I know you plan ahead. It sounds good. Okay. So, that's possible. Mahalo, Chair. And then for Mr. Ueoka, what...you know, I...I know initially in the opening comments, Deputy Director Mataafa said that he would need a month, but now two weeks would be sufficient. So, what would be the consequence of waiting two weeks?

MR. UEOKA: Thank you, Member Rawlins-Fernandez. We...we can wait. I talked to Coach before this and, you know, he understands the...the need to do this right and make sure the Administration is comfortable. We don't want to force an uncomfortable partnership with anyone, so two weeks would be great. And again, my apologies to the Administration, I should have reached out to them to present to them. That's...that's my fault. So, thank you very much.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Ueoka. I'm supportive of waiting the two weeks until we can hear...until everyone, you know, we have consensus. I...I think it's clear that this Council is very supportive of this project moving forward. I...I met with Mr. Ueoka and didn't see the concerns that would (*audio interference*) but, you know, I'm...I'm also (*audio interference*) and would like to defer to those that have more experience than myself to hear what their concerns are and to hear how those concerns are being addressed. So, I guess, Mr. Ueoka, when you present to us, or when we have this on the next HLU meeting, will you present to us what some of the concerns were and how you're planning to address them?

MR. UEOKA: Thank you, Chair. Member Rawlins-Fernandez, yes, I will send out requests for meetings with the departments before two weeks is up. Thank you. . . .(*timer sounds*). . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Wonderful. Perfect timing. Mahalo (*audio interference*).

CHAIR KAMA: Absolutely perfect timing. Okay. So, let's continue on with Member U'u-Hodgins.

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COUNCILMEMBER U‘U-HODGINS: Thank you, Chair. Similar to Member Rawlins-Fernandez, my questions have been majority...almost all answered, but are you guys planning...going to be ready in two weeks if Housing can be ready in two weeks, and Mr. Ueoka can be ready in two weeks?

MS. AOKI: Yes.

COUNCILMEMBER U‘U-HODGINS: Okay. Great. I’m happy...I know it’s probably a rush for everybody, but I am happy to hear that it’s going to be two weeks and not a month. For majority of us, a month is not too long, especially when we’ve been waiting for a decade and a half, but when we have been waiting for a decade and a half, and people are leaving every single day, a month is a really long time, 2 weeks is a long time, 15 years is a really long time. So, I’m hoping we can all expedite this process. Thank you.

CHAIR KAMA: Thank you, Ms. Nohe U‘u-Hodgins. And we’re going to continue back to Mr. Cook.

VICE-CHAIR COOK: Thank you, Chair. I just want to say that the infrastructure component of this and the...you know, the new treatment plant is critical to our community. The Kihei...I mean the Kahului Wastewater Treatment Plant has been contentious for years. The conversation about moving it has been in place since we did the Island Plan years ago. That’s prohibitively expensive. This is an opportunity for the public-private partnership, where a developer is not only paying for part of it, but it’s integrated into a substantive improvement in our community that includes the schools, the road, and whatnot. So, getting this wastewater treatment plant approved and built, to me, is a...is a very high priority. So, getting the project approved and eliminating the question marks, I think, is in the community interest. I yield to a delay, but my preference is to address this, and address the details, but address this and move forward. Thank you.

CHAIR KAMA: Thank...

MS. AOKI: Chair Kama?

CHAIR KAMA: Yes.

MS. AOKI: If I may? Kathleen.

CHAIR KAMA: Yes.

MS. AOKI: If I may? I just want to clarify, the original Kahului Wastewater Treatment Plant is not being moved or shut down, this is in...this is supplement the Central Maui area. That’s the first point. Second point is this agreement, if...if used, means that their additional affordable housing units is what’s going to be supplemented, if you will, for the wastewater. So, they would not be paying towards the infrastructure costs, it’s adding on additional...that’s that opportunity cost that we’re talking about here. So, just wanted

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to clarify that.

VICE-CHAIR COOK: Chair?

CHAIR KAMA: Yes.

VICE-CHAIR COOK: Thank you for that clarification, and I'm totally understanding. What it's going to do with...the impact to the Kahului Treatment Plant, it's going to reduce the capacity current by approximately half. It's not eliminating it, but it's substantively reducing the current use of it for both the Kahului area, as well as this new development, and it's moving it more inland, satisfying the sea level rise and all the various things that are chronic. Also, the fact that they're paying with affordable housing credits and huli'ing that, it's a big, complicated project that's been going on for a very long time, and I think the more greenlights they get from us along the way the better. This particular project has demonstrated a tremendous flexibility and accountability to their actions. Thank you for that . . .*(timer sounds)*. . . clarification.

CHAIR KAMA: Thank you, Mr. Cook. So, why don't we just continue back with...yes, Miss...Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I know we have State DOT as well as DOE on the line, and I would like to hear from them. I do know that in this budget cycle, House Bill 300 allocated funding already for this project, so that's how serious the State is about putting this, what Kyle Yamashita calls the super schools, right, elementary as well as intermediate, in this Waikapu Country Town project site. And I think--I don't know, they might have already heard there's more land designated, or you're giving them more land than was originally agreed on in the PPP; is that correct, Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Councilmember Sugimura, it's not necessarily in the PPP because the PPP was the agreement with the County, but it is generally understood there is language talking about it, and the conditions of zoning and Bill 29 make it possible.

COUNCILMEMBER SUGIMURA: Okay. So, thanks for that clarification. I do also know that Ed Sniffen, in a communication discussion that I had with him, understands the importance. He's the State Highway Director...State DOT Director, as you all know. But he's also looking at this project, and as well as other housing projects within this area to justify. We wrote...or Jordan Molina got the RAISE grant approved for 25 million, which was last year, I think, but there's also the cost for the Waiale connector road is 40 million. So, hopefully we have Ed Sniffen looking at helping us complete that with this housing. That's a critical need to show why we need the connector road. So, all those things are very important on a bigger...bigger scale. As well as communication is going on with DEM, Shayne Agawa, and as well as the...the State for additional funding to help complete the Central Maui Wastewater Reclamation Facility, which this is tied to also, which is part of this agreement. So, all of those things, this is not a simple project that we will only...we'll look at that will impact just the 1,400 homes, but it's also the greater Central Maui that

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has these infrastructure needs that this is impacting. So, I...I would like to hear from State DOT and DOE because they're on the line, if possible.

CHAIR KAMA: Okay. So, I think it's Mr. Ikeda with the DOE, and Mr. Thirugnanam with the DOT. So, gentlemen...oh, there you are. Please.

MR. IKEDA: Hi. Again, Roy Ikeda from the Department of Education. Thank you for the question. So, yes, the Department...actually it's the School Facilities . . .*(timer sounds)*. . . Authority that received an appropriation of...I think it was \$10 million for plans and designs for a consolidated school site. Where previously the Department of Education was...we have a contribution agreement with A&B, and so, we were focused...on track for that Waiale project previously, but more recently...and that's why now this reconsideration of a consolidated elementary and middle school site at one location in Waikapu is now being considered. So, that appropriation again, House Bill 300, this past Legislative Session, \$10 million to SFA for plans and design. And so, that's the coordination we need to work on right now. And in looking also at what our current capacity is at that schools, I think, you know, there is a concern about overcrowding right now, and so, there is that need. And so, as quickly as we can absorb or digest the new numbers and have that conversation with the SFA, we are ready...stand ready to move ahead. Thank you.

CHAIR KAMA: Did you want to talk to the...

COUNCILMEMBER SUGIMURA: I do. I...I...I ran out of time, but --

CHAIR KAMA: Oh, I didn't even hear the buzzer.

COUNCILMEMBER SUGIMURA: -- at some point if you do State DOT, that would be good, but it's your call, Chair.

CHAIR KAMA: Okay. I want to hear from the DOT. So, Mr. Thirugnanam, are you there?

MR. THIRUGNANAM: Yes. Yeah. Affordable housing is a high priority for the State, and the State Department of Transportation, you know, is...and will be partnering with other County agencies and private developers to ensure that, you know, affordable housing can be built along with, you know, other infrastructure needs of the community. So, we are, you know, willing partners in...in assisting with these affordable housing goals.

CHAIR KAMA: Okay. Thank you so very much. So, we're going to continue...okay, Chair Lee is not here. Ms. Paltin, are you ready for your next round?

COUNCILMEMBER PALTIN: Yes, ma'am. Thanks so much. I guess my next question would either be for Mr. Ueoka or Mr. Hopper. I understand that Mr. Ueoka or the Waikapu Country Town hui doesn't want to be subject to Bill 107. My question was, if we open the option to the purchasers of Bill 107 to take advantage of that through the Affordable

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Housing Fund for longer deed restrictions or other things, is that a problem in the future? Like instead of giving the subsidy to the developer to lower the prices, we give the subsidy to the purchaser to lower the prices in exchange for a longer deed restriction so that it's affordable to them when they go for their mortgages.

MR. HOPPER: I...I think I may have...if...if he's willing, have Mr. Ueoka take a stab at that because I think that's...a lot of that affects how that...how his project would pencil out. I don't know if he has a response to that. That's also something that I could review with counsel who advises Housing who may be more familiar with that bill to sort of, you know, talk about that. But I...I...if Mr. Ueoka has any comments, I think, you know, he could that. If not, I would probably want to look into that a bit more.

COUNCILMEMBER PALTIN: Okay. I'll hear from Mr. Ueoka, if he's willing.

CHAIR KAMA: Go ahead.

MR. UEOKA: Thank you, Chair. Thank you, Member Paltin. I would imagine that would be structured as like a grant subsidy of some sort directly with the buyers and, you know, it would be up to our...whoever is our affordable developer to work something out with the County on a programs to that effect. But if it was simply just the County reaching out to people who "were selected in the lottery," then it would be a matter of the County working into a private agreement with them to do some sort of grant or...I don't know, whatever the arrangement is in exchange for additional funds to go towards the unit at a lower price. But I...I don't think...you could structure it where it wouldn't work with necessarily or require Waikapu Country Town in any way, you would be working directly with the buyers. Thank you.

COUNCILMEMBER PALTIN: So, you guys aren't opposed to that type of arrangement, us...the County, the Affordable Housing Fund working directly with the buyers to bring the price down to Bill 107 levels so that they can qualify for the loans in exchange for longer deed restrictions or owner occupancy requirements and things like that?

MR. UEOKA: Thank you, Member Paltin. If it's a . . . *(timer sounds)* . . . if it's a arrangement between the buyer and the County, yeah, Waikapu Country Town wouldn't have a say, so we're...we're not against it because it doesn't directly affect us. So, thank you.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Thank you. And so, let's continue on with Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. This is a very complex project with a lot of partners. So, my...I understand that Mr. Ueoka reached out to Councilmembers, but he didn't reach out to the...to the departments. So, my question is for the departments. On big projects like this, the ones that we are supposed to be prioritizing, maybe DHHC can speak to it, are you guys not reaching out to developers? Wouldn't that be...be smart to



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instead of waiting for them, you can reach out...you can go out and reach out? Especially a big project like this one, and the other ones that are in the books.

MR. MATAAFA: Thank you...thank you, Chair. Thank you, Member Johnson. Yes, we do meet with developers regularly. The debrief that I was talking about is, you know, the Mayor just did get back from Japan, so we don't want him to...we want him to be fully aware of what's in front of him. That's kind of what I'm talking about when we debrief him, so he's not surprised. So, we just want to make sure that he's aware of everything that's going on, and I'm sure, you know, he...he'll have some considerations for the project. But that's just the debrief that I was talking about, was just to make sure that he's aware of it and he can be comfortable with supporting moving forward with the PPP because it was approved with the last Administration, so --

COUNCILMEMBER JOHNSON: Yeah.

MR. MATAAFA: -- we just want to get him onboard.

COUNCILMEMBER JOHNSON: And I know you guys saw it on the...you were aware that it was on the agenda, you're aware that we were going to discuss about this, and I figured it would be...behoove you guys to do...do this before because you...you saw it coming down the pipe.

MR. MATAAFA: Thank you, Councilmember Johnson. Yes, the Mayor was in Japan last week, he was doing his tour in Japan. So, we just want to make sure that he's up to speed, that's all.

COUNCILMEMBER JOHNSON: Okay. I...it just...you know, it's a top priority, we...you know, we should act like it's a top priority, and I...I just hope that we...moving forward, that that...on complicated ones like this, he should be...you know, we all should need to be aware of...of this project going in. 100...well, 1,400 units is a lot of units, I figured he would be...have his hands in that...in that pot. Okay. So, I guess I...Councilmember Paltin asked my questions, but I...I...I really...on public-private partnerships, the way these are, they're...they...there's a lot of people involved so I am just hoping that if we're going to do more of these, we get ahead of the game and start acting like they're priorities. So, thank you so much. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Johnson. And we're going to continue on with Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. My question is for Deputy Director Mataafa and Director Aoki. Okay. So...wait, do you have concerns with what's being proposed, or you just wanted time to debrief the Mayor?

MR. MATAAFA: Sorry, I'll go first. Yeah, we did have...there was like one thing that I wanted to clarify with Corporation Counsel who works with Housing regarding the sale of the market

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units and the affordable units. So, I just wanted to clarify that with her too before moving forward, and in addition, debriefing the Mayor as well. So, there's one little thing I just want to clarify with her when she comes back, and once I get that clarification, we should be good to *(audio interference)*.

COUNCILMEMBER RAWLINS-FERNANDEZ: What is...what is the question?

MR. MATAAFA: There is a question...I think it's in Ordinance 4998. I didn't see it in the PPP, but I just wanted to make sure that the market-rate units are sold either concurrently or before...or I'm sorry, after the affordable housing units are built, and I just wanted to make sure that language was in the PPP, or if it could be added also to the...the amendments that we're talking about today. So, if...if...it might be an oversight by the Housing Department, I just want to make sure that that language is in there so that the affordable units are built first.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. That's a really important detail.

MR. MATAAFA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, that's not in the PPP?

MR. MATAAFA: I see in the PPP...

COUNCILMEMBER RAWLINS-FERNANDEZ: *(Audio interference)*.

MR. MATAAFA: Oh, sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: *(Audio interference)*.

MR. MATAAFA: Sorry. I...I...I just looked up the PPP, I see it in the PPP, but I want to make sure it's also in the amendments that were made to 4998, and just to be clear that it's in both areas, so...but I can get that clarification, I'll have an offline meeting with her to make sure that that's in there.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it. Mahalo, Deputy Director. And then for Director Aoki, did you have like one holdup, one issue too, or did you have several, or you just needed time?

MS. AOKI: Thank you, Member Rawlins-Fernandez. No, we just wanted time. We felt that this was important to be transparent to the public, to the Members, so that everybody understands exactly what the financial implications are with this project.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, time for the public to know that this is happening, and taking it up in Committee today, and then have two readings at Council was not sufficient for...for what we're doing?

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MS. AOKI: Thank you, Member Rawlins-Fernandez. Time in the sense that we just got this this morning, this new information...and so did you, as Members. . . .*(timer sounds)*. . . And this is a very big, complicated project, and we just thought it would be in the...in the effort of transparent, you've got different figures, and you've got this agreement that was done in a prior Administration. And yes, I was in Planning, but I had absolutely no involvement with this at all, for the record. Like I say, Kurt has, so, he's...he's a good resource. But yeah, just to have that opportunity to go through these new numbers, I think that's fair. I think two weeks, you know, Mr. Ueoka has...has agreed to that, so I think, just for the sake of everyone having good numbers, and a good discussion and dialogue on what the implications are. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that, Director. And then, Chair, I had just a last follow-up, and it's just regarding, you know, the transparency piece. If, you know, like what Director...I mean I fully agree with what Director is saying, Director Aoki. And so, if we are giving it more time, and we want the public to know what is happening, you know, should we be doing like a press release so that it's even more transparent so everyone knows what we're doing? Because not everyone watches our meetings, you know. I know there's a lot.

CHAIR KAMA: I...I think...I think *(audio interference)* our public gets, I think it's better for all of us, so I'm not opposed to that. And, you know, I guess...I guess we could do one, and we should. You know, I mean these are really important things, and as Director Aoki said, you know, it tells our public where their public dollars are going, where their taxpaying dollars are going, and I think they would appreciate that, you know, the more transparent we become. So, yes, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, wonderful. Okay. Mahalo, Chair. And mahalo for that extra time.

CHAIR KAMA: Oh, no worries. Okay. Member...yes, Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Sorry, appreciate the time. Just to maybe help Deputy Director Mataafa. So, on Bill 28, Section 5, amending Condition 5, the language regarding moving the markets before the affordables was removed, and all that was left in was the deed restriction periods...extended deed restricted period. So, it isn't in the current Bill 28. We'd, of course, be requesting an amendment to Bill 28 to remove the extended deed restricted periods and just simply have us follow Chapter 2.96, which requires that the affordables be built concurrently or before the markets. So, I just wanted to clarify that on Condition 5 in Bill 28. Thank you.

CHAIR KAMA: Very good. Thank you. And now, Ms. U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thank you. I was going to ask you to comment on that. I really don't have any more questions, other than to follow up what you just said, Chair,

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speaking of our tax dollars and knowing where our money goes. I'm hoping that these projects will be paying prevailing wages to somebody who's in State and in County so that our tax dollars can stay right here. Mahalo, Chair.

CHAIR KAMA: So, did you want to say something to that, Mr. Ueoka? Yeah. No, no.

MR. UEOKA: Well, we're...we're aware of that, and it is on everyone's mind. As I mentioned before, we're the master builder, developers here, so we don't control every construction project in the...in the development, but I'll definitely...Coach is watching, the partners are observing, so they...they've heard it, they understand. So, thank you very much.

COUNCILMEMBER U'U-HODGINS: Thank you. Thank you, Chair.

CHAIR KAMA: You're welcome. So, welcome back, Chair Lee. Did you have any additional questions? We're going to another round if we need.

COUNCILMEMBER LEE: No. In the spirit of expediting this project, I don't have any more questions.

CHAIR KAMA: Thank you. So generous of you. Member Sugimura, did you have any other questions?

COUNCILMEMBER SUGIMURA: I believe a lot of my questions and have been asked and answered. I think the departments are looking at the \$200 million less because of changes...oh, 20? Oh, 20 million, sorry. Oh, I do have 20, \$20 million less. What is the impact of that? I mean what is...what is making the departments pause? Departments?

CHAIR KAMA: You're directing that to --

COUNCILMEMBER SUGIMURA: Oh.

CHAIR KAMA: -- the Planning and --

COUNCILMEMBER SUGIMURA: Planning or...

CHAIR KAMA: -- Housing and...

COUNCILMEMBER SUGIMURA: Yeah. Planning or Housing.

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: Yeah.

MS. AOKI: Oh, I guess I'll go first. Again, I think it's just a matter of you have an agreement that was done based on information that is now dated, that the agreement was that...to

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allow the developer to provide more affordable housing in lieu of having to pay for infrastructure. And I know you folks have been going through this quite a bit lately. So, what is that implication now when it was this far apart, and now it's going to be this far apart? You may find that that's fine, and you're going to pass this, and we're going to subsidize...the County is going to...the County taxpayer dollars are going to subsidize that. You may find well, maybe we don't want that many, and maybe we'll give X...different amounts. I don't know, I don't know what that formula is going to be, but I think we should have that discussion, and I think that's better information for you as Members to determine what is the responsibility and the onus going to be on the County versus the developer.

COUNCILMEMBER SUGIMURA: Thank you. That's a very good description. Housing? Mr. Mataafa.

MR. MATAAFA: Yeah, so, kind of to echo what Director Aoki said and some of the considerations I talked about earlier, I think, you know, I would like our Housing Division to really take a look at those numbers and to give us good information and inform us on what we're...what we're giving out. So, we can do that. I think it'll be a lot more palatable for us moving forward with all kinds of projects that come up, and it just sets a good precedent to, you know, check with our departments and check with some of the experts we have in the Housing Division. Because we do have really good employees who can run the numbers and, you know, tell you, you know, what that impact is to the County. And, you know, so I just would like that consideration for you guys to see too, so you guys can make informed decisions.

COUNCILMEMBER SUGIMURA: So...

MR. MATAAFA: Regarding the numbers.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Yeah, I respect your Housing Division also. So, I...I'm just wondering then, based upon what you both have said, are you thinking then that the number of affordable housing homes that the developer would be required to provide . . .*(timer sounds)*. . . in the PPP would change because of this difference in our economy and the current condition? So, that...that's a...I've gone out of my time, but thank you.

CHAIR KAMA: Yeah, but hold on to that question. So, we're going to reverse.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: Just the way we're just driving over here, we're hopping and skipping in reverse. So, we're going to go back to Chair Lee, who said she didn't have a question, but now something's --

COUNCILMEMBER LEE: Yeah.

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CHAIR KAMA: -- sparked.

COUNCILMEMBER LEE: I'm going to un-hana hou my comments. Okay. Thank you, Chair. I was just curious, you know, I appreciate the comments of Planning, but I'm not sure how Planning has anything to do with financial assessments and analysis. That's not generally related to land use, and I don't see anything...what...what here is related to land use, your Department, exactly?

MS. AOKI: Thank you, Chair Lee. The fact that you have a Change in Zoning that's referencing all of these documents and agreements is how it's related to land use.

COUNCILMEMBER LEE: Okay. Thank you. Very good. Because I...I just wanted to make sure. That analysis part is generally not your kuleana, and neither is it the kuleana of the DHHC, Change in Zoning, or...or something like that. But you know, we've...we've been dealing with a multiplicity of projects and significant subsidies, so that is our kuleana. Okay. Thank you.

CHAIR KAMA: Thank you, Chair Lee. And we're going to skip over Member Sugimura, and continue with Member Paltin.

COUNCILMEMBER PALTIN: Chair, did you call on me?

CHAIR KAMA: Yes, we...yes, I did.

COUNCILMEMBER PALTIN: Oh, sorry. Hey, can you guys turn it down? My next question was for Mr. Silva [*sic*] and Mr. Thirugnanam. I had heard in the opening comments that you folks as well would like some additional time to go over the adjusted numbers, and I was wondering if the two weeks would be enough for you folks?

CHAIR KAMA: Mr. Thirugnanam and/or Mr. Ikeda?

MR. THIRUGNANAM: Yeah, two weeks would be fine.

MR. IKEDA: And likewise for the Department of Education.

COUNCILMEMBER PALTIN: Oh, okay. Wonderful, wonderful. And then, Mr. Ueoka, just wondering, within the two weeks that we're talking about, you would be available to answer any questions for the Administration beyond the two weeks where you come back to the Council to meet with the Mayor since he came back from his sister city trip or...or whomever?

MR. UEOKA: Thank...thank you, Member Paltin. Yes, we'll be available. I'll...I'll reach out directly to State DOT, DHHC, Planning, and DOE. Thank you.

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COUNCILMEMBER PALTIN: Okay. All right then. Oh, and maybe DPW, even if they're not on the call.

CHAIR KAMA: Who do you want to hear from, Member Paltin? Public Works? I don't know, did we get him back? He hasn't come back yet. But he is --

COUNCILMEMBER PALTIN: Oh.

CHAIR KAMA: -- we did ask for him.

COUNCILMEMBER PALTIN: Okay. But Mr. Ueoka would also meet up or reach out to DPW as well?

MR. UEOKA: Chair and Councilmember Paltin, I'll...I'll reach out to Director Molina. Thank you.

COUNCILMEMBER PALTIN: And do we have an estimate about when the...I guess for Mr. Mataafa, an estimate when the new HUD guideline pricings would come out?

MR. MATAAFA: Chair?

CHAIR KAMA: Yes, go ahead.

MR. MATAAFA: Thank you. The new AMIs came out about a week and a half ago. So, the division is preparing to send those out to publicize to everyone, so...

COUNCILMEMBER PALTIN: OH, okay. So, you have them, they're just not sent out yet. And then I guess my follow-up question would be, is the...will those new numbers be taken into account for this PPP, or for what...what we're doing here?

MR. MATAAFA: I'd have to check with Corporation Counsel on that one, but I don't know if he can...if he can give us information now. But I believe if we're amending it, it will be subject . . .*(timer sounds)* . . . to the new...the new numbers. That would be my take.

COUNCILMEMBER PALTIN: I'm open to hearing from Mr. Hopper either this round or the next. Up to you, Chair.

CHAIR KAMA: Mr. Hopper, would you like to respond to Member Paltin's question?

MR. HOPPER: Yes. Just sort of generally, keep in mind that the numbers in the public-private partnership agreement, it's an estimate of what the opportunity cost is going to be for the developer to sell the unit for whatever the...you know, at the time it's...it's sold, the...the so-called, you know, residential workforce housing price versus the market price. So, when they're actually ready to sell, that...that number is going to be whatever it is at that time. So, what you're looking at is an estimate in the agreement. What the County is

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actually getting is going to depend on the timing of...of when that actually happens. So, I think a key would be to keep in mind what's...what are your estimated infrastructure costs that the County is forfeiting versus the value...the opportunity cost value of getting an affordable unit versus the developer selling it at a market price. And so, I think you'd want to consider that there's a...you know, a range, and that whatever the value of the improvements is, you'd want to be confident that it's going to be covered by sort of a reasonable range of what the opportunity cost is going to be at the time that it's sold. So, you know, I think that's...I think that's the general advice I can give, and sort of summarizes, I think, what the intent is behind this. So, knowing...knowing the value of essentially the traffic improvements, and their expected contribution for wastewater, knowing those values and having them be commensurate with...with the opportunity cost is...I think, would be something you'd want to be confident of as part of that transaction.

COUNCILMEMBER PALTIN: Okay. Thank you. As confident as we can be with the estimates. Thank you, Chair.

CHAIR KAMA: Thank you. Let's continue on with Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. As I was your former Chair of Affordable Housing, we used to sit down and do a three-month agenda with the Administration to let them know what was coming up on the agenda so they could have time to research and come prepared. I feel like today that that didn't happen, and it's...it's almost like a...not a wasted meeting, but it's a missed opportunity. I'm still waiting for the overhead...or the wellhead protection overlay bill to be agendaized in this Committee, but that hasn't happened. So, it feels like that's going to be pushed back farther because we're going to have the second meeting on this one. So, it's...it's a little frustrating when some of these are time sensitive, and then when we all come to sit down at the round table, we're not all ready. So, I...I don't know where, you know...you know, if it's going to continue on this way, but I...I...I just wanted to make that statement because it...the agenda is getting more and more stacked with more and more items. So, thank you so much, Chair.

CHAIR KAMA: Thank you, Mr. Johnson. And let's continue with Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I have no additional questions.

CHAIR KAMA: Thank you. And let's go on to Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Mahalo, Chair. I have no further questions, but I look forward to having this conversation again pretty soon.

CHAIR KAMA: Thank you. Members, have you all been talked out already? Okay. Okay. So, the Chair's recommendation is to defer this item until...and I did check my calendar, thank you, Mr. Johnson, and today's meeting is actually a rescheduled meeting, it's supposed to have been last week, but I rescheduled it because we were going to go to the



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DHHL Pu'unani's dedication. So, today's meeting is the makeup. So, the next meeting that we're going to be having in HLU is June 7th, which is almost like next week, and then the one after that is...will be June 21st. So, while we were talking about two weeks, I mean next week is one week, and the next meeting is three weeks out. So, the next scheduled...unless you all want to have one in between that time, it would be the 21st of June. That's our next meeting. Yes? Is that good, Mr. Ueoka?

MR. UEOKA: Oh, yeah, whatever --

CHAIR KAMA: Okay.

MR. UEOKA: -- works best for --

CHAIR KAMA: Okay.

MR. UEOKA: -- you guys. Thank you.

CHAIR KAMA: Okay. And Ms. Aoki?

MS. AOKI: That would be fine. Thanks.

CHAIR KAMA: Mr. Mataafa?

MR. MATAAFA: That's good for DHHC. Thank you.

CHAIR KAMA: *(Audio interference)*.

MR. IKEDA: Yes, that's fine.

CHAIR KAMA: Mr. Thirugnanam?

MR. THIRUGNANAM: Yeah, that's fine. Thank you.

CHAIR KAMA: Okay. Thank you so very much. So, Members, at this time I'm going to defer this item, and without objection, I'd like to call for our mid-morning recess if that's okay with everyone.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER pending further discussion.**

CHAIR KAMA: And we're going to recess for ten minutes, until 10:44. So, the May 30th, 2020 meeting...2023 meeting of the Housing and Land Use Committee will recess for ten minutes until...oh, now it's 10:45. So, thank you, everyone, and we're in recess. . . .*(gavel)* . . .

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**RECESS:** 10:35 a.m.

**RECONVENE:** 10:49 a.m. (Excused: SMS, GJ)

CHAIR KAMA: . . .(*gavel*). . . The May 30th, 2023 meeting of the Housing and Land Use Committee will now reconvene. It is now 10:49 a.m.

**ITEM HLU-9: BILL 29 (2023), AMENDING CHAPTER 19.96, MAUI COUNTY CODE, MODIFYING THE WAIKAPU COUNTRY TOWN DISTRICT CONTROLLING PLAN AND PERMITTING EDUCATIONAL USES IN THE RESIDENTIAL DISTRICT**

CHAIR KAMA: Members, we're going to now consider the second item on today's agenda, Bill...HLU-9, Bill 29, Amending Chapter 19.96, Maui County Code, Modifying the Waikapu Country Town District Controlling Plan and Permitting Educational Uses in the Residential District. The proponent for Waikapu Country Town is asking to modify the district controlling plan so that the educational uses are permitted in the Residential District. Members, prior to the presentation, I will again remind you to hold your questions until after we've received public testimony on this item. So, at this time I'm going to ask Mr. Jeff Ueoka to present on this item, if you do have a presentation.

MR. UEOKA: Thank you, Chair. If Staff could, would you be able to bring up the last three slides please?

MS. LILLIS: Yes.

MR. UEOKA: Thank you. So, as we discussed earlier, one of the things that changed was the A&B (*audio interference*) project was kind of shelved, and there was a planned intermediate school site in there for Central Maui. So, the State reps asked if somehow we could put additional acreage into Waikapu Country Town to accommodate an intermediate school and the middle school. So, I think the number was around 13 acres, and we believe we can accommodate that. So, part of that required an amendment to our conditions, the zoning district allowed uses in our...in chapter I believe it's 19.96. So, also, we made a little boo-boo when doing the controlling plan that was passed by Council, so if you could do the next slide please. That little corner where there's the added area, that was...it's part of the 495 acres of Waikapu Country Town and the Change in Zoning and the...all the approvals. It just didn't get colored in on the controlling plan map, so we're still a total of 495 acres of...in Waikapu Country Town, but that portion just wasn't colored in. So, we're here today to color that section in as Residential, which is what it's supposed to be. And next slide please. And you see that blue area? That's the existing school site. And that light yellow L-shaped area around it, that's where we're proposing to do the expanded school site. That's around 12 acres, give or take...or 13 acres, give or take. And the amendments contained in Bill 29, basically what it does is it expands the

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uses allowed in the Residential District to include educational-type uses. We wanted to just put it in that way to allow it in the Residential so that we'd have some flexibility moving forward in case the site moved or something rather than changing the controlling plan. We don't think it's going to move, that's where anticipating it to be, but one thing I've learned from dealing with this process is things change, so we have to kind of be as fluid as possible. So, that's...that's what we're asking on this one. Please let me know (*audio interference*) questions. Thank you.

CHAIR KAMA: Thank you, Mr. Ueoka, for your presentation. So, at this time does the Department--and we'll start with Planning and continue on with Housing--have any comments regarding this?

MS. AOKI: Thank you, Chair Kama. We would respectfully ask that the County Council defer action on this item in lieu of the fact that we're deferring Bill 29--or 28, I'm sorry--and they're intricately related. Thank you.

CHAIR KAMA: Thank you. Let's hear from the Department of Housing and Human Concerns. Mr. Mataafa, any comments? Are you on the call?

MS. LILLIS: He is on the call, Chair.

CHAIR KAMA: Okay.

MS. LILLIS: We can get in touch with Mr. Mataafa, Chair.

CHAIR KAMA: Okay. Thank you. So, I think I want to continue to talk with the Department of Education. I think, Mr. Ikeda, are you still here?

MR. IKEDA: Yes, I am. Thank you.

CHAIR KAMA: Okay. Comments, please.

MR. IKEDA: Thank you. So, yes, likewise I think, you know, we could use some additional time just to kind of absorb some of the changes that are being proposed. Again, and...and for the Department, we're...again, we were working with the individual developers previously up until, I think, last maybe couple of years, but you know, A&B separately on a Waiale project and Waikapu Gardens separately, two separate campuses. But what came as a result of I think discussions in the last two legislative sessions have been a consolidated campus. And...and then, of course, the School Facilities Authority is in play now, and as I mentioned earlier in the previous bill, the appropriation actually goes through the School Facilities Authority for execution on the planning and design. So, we would need to also coordinate with them as well. In addition to reassessing, again, school capacity and working with the complex area superintendent on what these changes might mean for execution. A lot of which, again, would also depend on the timeline for development in the area. Thank you.

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CHAIR KAMA: Thank you for that, Mr. Ikeda. So, Members, again we're not going to take any questions until after public testimony.

MS. LILLIS: Chair?

CHAIR KAMA: Yes?

MS. LILLIS: It does appear as though Mr. Mataafa is back.

CHAIR KAMA: Okay. Mr. Mataafa, any comments on our second agenda item?

MR. MATAAFA: Thank you, Chair. We have no comments at this time, and we have no objections to this bill moving forward.

CHAIR KAMA: Thank you very much. And Public Works is not here then?

MS. LILLIS: Correct.

CHAIR KAMA: Okay.

MS. LILLIS: Chair, we did not request them for this item.

CHAIR KAMA: Okay. Okay. Thank you. So, let's continue on with our public testimony on this item. So, testimony...testifiers wanting to provide video or audio testimony should have joined the online meeting via the BlueJeans link or phone number noted on today's agenda. Please keep your audio and video muted until you are called to testify. Testifiers will be given three minutes to testify with an audio indication when you have used your allotted time. And Staff has been monitoring the BlueJeans chat and maintaining a sign-up list in the lobby, and testifiers will be called by the Staff in order on the testifier's list. So, Ms. Lillis, would you please call up our first testifier?

MS. LILLIS: Yes, Chair. Just to clarify, we were...we're giving two minutes for public testimony, but we do have --

CHAIR KAMA: Oh.

MS. LILLIS: -- Junya Nakoa signed up.

CHAIR KAMA: Oh, yes.

MS. LILLIS: Junya, if you would like to testify, please do so now.

**. . . BEGIN PUBLIC TESTIMONY FOR ITEM HLU-9 . . .**

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MR. NAKOA: Oh, yeah. Okay then. Yeah, I going talk then. Yassah. Good morning. Junya Nakoa. How you fellas?

CHAIR KAMA: Fine, thank you.

MR. NAKOA: Yassah. Okay. I'm the public listening to this Committee today. I going be straight up, confusing. Confusing. According to what all the departments are saying, they just got 'em, so we got to give 'em some time, yeah, for go look at all the details. Every time get details change you gotta look 'em, yeah? So, kind of hope in future Housing Committee meetings, we going get little bit more organized. We no put the departments in one hard...hard spot where they gotta try hurry up and make crucial stupid decisions. Because just couple weeks ago, one of the departments made a crucial stupid decision, and I don't know if it was because it was rushed or whatever. So, with this project, everybody support 'em, I support 'em, the buggah...the buggah is good, Coach been working on this for years. I give him credit. Mahalo, Coach, for what you're doing. Got to deal with this rhetoric and this process, yeah. Don't get me wrong, I'm all over this process. This permitting process sucks. But yeah, let's get this...let's get...use...use these departments because I tell you, brah, these departments, the whole Housing, you know, the Planning get some fixing got to do, no get me wrong, I going to be...I been blunt about that one. But now we get the State involved right now, we get the school and the transportation. Let's show them that we know what we're doing, the Maui...we know what we're doing. We're badass, that's why. But yeah, so, I mean like Yuki and Alice Lee say, we like hurry up this buggah, but we no like hurry up too much, to just to hurry up, let's make sure this buggah is awesome, and you guys no screw up again . . . *(timer sounds)*. . . because going get one...I almost pau, I almost pau. Going get one litigation going against the Planning Department because of stupidity and rushing. So, I recommend we don't rush, we do 'em right. Okay, guys, mahalo. You guys have a good one. Yassah. . . *(inaudible)*. . . defer.

CHAIR KAMA: Thank you, Mr. Nakoa. Members, any questions for Mr. Nakoa? Seeing none. Thank you so very much. Ms. Lillis?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, Member Paltin has her hand up --

CHAIR KAMA: Oh, yes. I'm sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Chair.

CHAIR KAMA: Member Paltin, yes. Mr. Nakoa, you have a question from Member Paltin.

MR. NAKOA: Yassah.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Nakoa, for your testimony. I just wanted to clarify, the...what...what you were saying was that they just received the

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numbers today, but I don't believe the formula has changed, so it's just in plugging in numbers into the formula, and the...the numbers have changed because of interest rates and things like that. So, I mean I just was wondering, if we didn't have a problem with the original formula, the formula hasn't changed, the numbers have changed due to external factors, and I just was wondering if you had any problem with the formula?

MR. NAKOA: No. Like anything else, the formula is good, but just, you know, again, change the numbers, and you got to hurry up, yeah, because these guys get loans and all that stuff that the longer you guys take, the more screw up this...not only this big developers, yeah, the local...the local people, the local...the local boys, our young boys trying to get 'em. They just went get approved, now they gotta wait, and then the construction loan going get screwed because of taking too long. Let's do it right though.

COUNCILMEMBER PALTIN: Yeah. So, basically there's...there's still a sense of urgency, and we just need the Administration, I guess, to pay attention to what's going on because the formula hasn't changed.

MR. NAKOA: Yeah. And like the Housing...Housing Deputy Director said, the buggah new, yeah, the Administration, but if you new, no matter what, you gotta hit the ground running, you gotta catch up with everything else. That's all. Yassah.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you, Chair.

MR. NAKOA: Yassah.

CHAIR KAMA: You're welcome, Ms. Paltin. I don't see any other questions. Ms. Lillis, our next testifier please?

MS. LILLIS: Chair, that was our last testifier on this item. I will do a final last call for this item. If you would like to testify, please let Staff know now. Three...two...one. Chair, it appears as though no one wishes to testify.

CHAIR KAMA: Thank you. So, Members, seeing as though there are no more individuals wishing to testify, without objection, I will now close oral testimony for this item, HLU-9.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**. . . END PUBLIC TESTIMONY FOR ITEM HLU-9 . . .**

CHAIR KAMA: And as a reminder, written testimony will continue to be accepted into the record. Thank you. And I just want to mention for the record that Member Rawlins-Fernandez had to leave to get on the plane to come here for this afternoon's meeting. So...but we will continue to proceed. So, we're going to continue to proceed with discussion on the second and final item on the agenda. So, Members, I'm going to call upon you for the

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questions you have for our presenters, and going to ask Staff to set a three-minute timer for each Member so that all Members can get their questions answered and asked. So...and if we need a couple of rounds to do that, we will. So, let's start with our Committee Vice-Chair Mr. Cook.

VICE-CHAIR COOK: Thank you, Chair. So, Mr. Ueoka, basically this consists of expanding the school site and acknowledging the area that wasn't color coded previously?

MR. UEOKA: Thank you, Chair. Yes, Councilmember Cook, it allows for the expanded school site and to fix a boo-boo on our part. Thank you.

VICE-CHAIR COOK: Thank you, Chair. I have no further questions. I'm supportive of this. Thank you.

CHAIR KAMA: Thank you. So, we're going to continue with our Council Chair Lee. Questions?

COUNCILMEMBER LEE: Thank you, Chair. Mr. Ueoka, so the...the agreements that you need to reach with the DOE, are those difficult, or just, you know, routine?

MR. UEOKA: It should be a routine matter. They...they...they're pretty formulaic in their assessment. We have to update our education contribution agreement to account for this extra land, and eventually work with them to get it dedicated over to the State.

COUNCILMEMBER LEE: What do you need from us?

MR. UEOKA: In regards to the school, I guess Bill 29 would be very helpful to move that process forward.

COUNCILMEMBER LEE: Okay. Thank you.

MR. UEOKA: Thank you.

COUNCILMEMBER LEE: That's all.

CHAIR KAMA: Thank you. Let's continue with our Council Vice-Chair Sugimura. Questions?

COUNCILMEMBER SUGIMURA: Thank you. So, Mr. Ueoka, then by taking this up at the same time on June 21st, you're fine? The project is fine?

MR. UEOKA: Yes. We're...we're fine with that. Thank you.

COUNCILMEMBER SUGIMURA: Okay. It sounds like the departments are fine with that, taking it up at the same time. Okay. I look for...wait for your recommendation then.

CHAIR KAMA: Thank you. Let's continue on with Councilmember Johnson.

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COUNCILMEMBER JOHNSON: Chair, just a follow up on that question from Councilmember Sugimura. Is this item going to be deferred?

CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: Thank you.

CHAIR KAMA: You're welcome. And we're going to continue on with Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. My first clarifying question would be for Mr. Ueoka. If we allow educational uses in anywhere residential, that would allow for the school site to be anywhere that's shaded yellow in your plan; is that correct?

MR. UEOKA: Correct.

COUNCILMEMBER PALTIN: Okay. But all signs point to where you have it indicated, just in case that changes you don't want to have to keep coming back to us; is that correct?

MR. UEOKA: All indications are that it's going to be where I pointed out, and you are correct, I'd prefer not to go through this process again. So, thank you.

COUNCILMEMBER PALTIN: Understandable. I guess my next question would be for Director Aoki. I...I was wondering if you could tell me the need for more time because it seems as though the State is the one that asked for the super school, that they're abiding by putting the super school. They have a location identified, but they just don't want to come back to us if we need to put it someplace else. I was wondering what is the need for the more time on...on this?

MS. AOKI: Thank you, Member Paltin. It's simply because it's tied in with the condition in Bill 28. That's the first reason. Second reason is, I met with the DOE last week Friday, not this particular gentleman, and they...it was funny because they mentioned this \$10 million that they had just been appropriated. I didn't know anything about it. And they said they wanted to work with Planning on locations of schools. So, I said well, were you invited to the HLU Committee meeting next week Tuesday because we're...part of this discussion is about expanding this area? And she...the person I met with, Desiree Sides, who I understand is the School Facilities person for this district, said that she had just gotten the invite. So, it seems sort of...once again, sort of this disconnect, which happens. So, I would just respectfully ask that you wait and take these...they...they both relate to each other. A Change in Zoning is relative to the controlling plan, so why not just do them together?

COUNCILMEMBER PALTIN: Okay. And then just my follow-up question, since originally the request was for two weeks, and Member Kama said that the earliest she would get it on her schedule would be three weeks. That would mean that you...I...I would hope that you



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have your comments in time for posting and...and I believe it was your request . . . *(timer sounds)* . . . for full transparency. So, I was just wondering if that's a possibility, if the two weeks were sufficient, if any comments or recommendations that you have coming out of the additional two weeks' amount of time could be ready for posting in the interest of full transparency to our constituents?

MS. AOKI: Yes. The answer is yes.

COUNCILMEMBER PALTIN: Awesome. Thank you so much. Pleasure doing business with you, and I'm glad you understand our sense of urgency.

CHAIR KAMA: Thank you. So, we're going to excuse Member Rawlins-Fernandez from this discussion, unless she's on her phone. She said she'd try, but I don't know, she might be in the air. Okay. So, let's continue with Council...oh, Councilmember Sinenci is also excused. Councilmember U'u-Hodgins, questions?

COUNCILMEMBER U'U-HODGINS: Mahalo, Chair. I don't have any questions for now, but thank you.

CHAIR KAMA: Okay. Thank you. So, let's continue on back to Member Cook. Any other questions?

VICE-CHAIR COOK: No questions, Chair. Thank you.

CHAIR KAMA: We're on a roll here. Chair Lee?

COUNCILMEMBER LEE: I believe in that. No questions.

CHAIR KAMA: Okay. Member Sugimura?

COUNCILMEMBER SUGIMURA: Wait for your recommendation.

CHAIR KAMA: Okay. Thank you. And we're right back at you, Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I just would ask Mr. Ikeda, I believe it was --

CHAIR KAMA: Yes.

COUNCILMEMBER PALTIN: -- based on Director Aoki's response, if he knows the person that she was referring to and...and if he can, you know, get in touch with folks before the next Committee meeting and provide feedback and recommendation within the...in time for posting.

MR. IKEDA: Sure. I believe the person that was spoken of, the DOE person, was Desiree Sides. She's the Complex Area Superintendent that I spoke to earlier. I'm with the State office,

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and so, yes, our intent is to take these new numbers, look at the capacity of that complex there, you know, which Ms. Sides is the Complex Area Superintendent for, and coordinate with her on, again, needs. Sometimes we look at the school district, you know, if boundaries can be adjusted to accommodate new sites before we look at, you know, what the final determination is for this consolidated school site. So, there is that need for that coordination. It's just we wanted to come and see what was being presented today. And so, with these new numbers now, you know, and again, it may not be that significant, but what we do is we do...we have a calculation as well to see what the student generation would be from these unit counts, and from there we look at school capacities to see whether it can absorb that additional counts. And then we'll meet with the Complex Area Superintendent. In this case it's Desiree Sides, again, the Complex Area Superintendent, which I assume is whom Director Aoki might have spoken to. But at the State office, again, we'll look at the broader picture and then reach out to her. And of course, the \$10 million that I spoke to about earlier that was appropriated, that was appropriated not to the Department of Education, but to the School Facilities Authority, so there's that coordination that needs to occur as well. I just also should mention that we're very early in the thought process right now. Looking at these new numbers, looking at the proposed school site, and then, you know, again, working with the local complex in...in developing the Department's position on this. So, that's kind of where we're at.

COUNCILMEMBER PALTIN: Thank you. And, you know, when we were reviewing the Ke Kahua project, it seemed like the Department of Education's numbers were significantly lower than what would be intuited for a low-income housing project. So, I just...I would ask that you folks be realistic in your projections. If there's...you know, I would imagine if there's 180 units, or 120 units, there would be at least 120 students, but that's not always what we're presented with, and we have to go off of what you folks calculate. So, I just would ask that you be realistic with those numbers, especially given that there's up to . . . *(timer sounds)* . . . 500 or more affordable units.

MR. IKEDA: Um-hum. Appreciate your comments. Thank you.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR KAMA: You're welcome. Mr. Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. I don't have any questions, they've all been answered. Mahalo.

CHAIR KAMA: Thank you. So, Members, have you all been talked out? Okay. Thank you. So, I would like to be able to continue discussing this matter again, and therefore, I will be deferring this item until our next HLU meeting.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER pending further discussion.**

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CHAIR KAMA: Okay. Thank you. So, Members, I have nothing further on my agenda. And therefore, it is now 11:13, and the HLU Committee meeting of May 30th is now adjourned. . . .(gavel). . .

**ADJOURNED:** 11:13 a.m.

APPROVED:

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TASHA KAMA, Chair  
Housing and Land Use Committee

hlu:min:230530:slv/ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 44 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 23rd day of June 2023, in Kula, Hawai'i



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Daniel Schoenbeck