

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

October 4, 2019

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, OCTOBER 4, 2019, BEGINNING AT 9:00 A.M., WITH CHAIR KELLY T. KING PRESIDING.

COUNCIL CHAIR KELLY T. KING: Good morning, everybody. Today is the regular Maui County Council meeting of October 4, 2019. My name is Kelly King, I'm the Chair of the Maui County Council. Today we have kind of a full agenda and possibly some conflicting testimony. So I'm just going to ask upfront for everybody to keep decorum in the chambers as we go through testimony. But we'll start today, it's 9:00. We are called into order at 9:00 and Madam Deputy Clerk if you could do roll call.

ROLL CALL

PRESENT: COUNCILMEMBERS G. RIKI HOKAMA, ALICE L. LEE, MICHAEL J. MOLINA, TAMARA A.M. PALTIN, SHANE M. SINENCI, YUKI LEI K. SUGIMURA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ AND CHAIR KELLY T. KING.

EXCUSED: COUNCILMEMBER NATALIE A. KAMA.

(Councilmember Kama was not present when the roll call was called; however, he arrived at 9:04 a.m.)

DEPUTY COUNTY CLERK MARGARET CLARK: Madam Chair, there are eight Members present and one Members excused. A quorum is present to conduct the business of the Council.

CHAIR KING: Okay. Thank you, Ms. Clark.

Alright, for this morning we have opening remarks by our Vice-Chair Keani Rawlins-Fernandez.

OPENING REMARKS

The opening remarks were offered by Council Vice-Chair Keani Rawlins-Fernandez.

(Councilmember Kama arrived at the meeting at 9:04 a.m.)

CHAIR KING: Can I get all those in the chambers who wish to, to stand up and recite the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR KING: Okay, thank you. And before we proceed with the agenda, I would like to request that everybody silence their phones. And I also would like to ask the folks that have signs to make sure they are lowered so that you don't block people from behind you to be able to see the chambers and to see the other testifiers. So appreciate that. And we, I'm going to ask again for decorum and not to have a response to the testifiers because I don't think it's fair to people on either side of the issue to have that happen during their testimony.

Okay, Madam Clerk.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with the presentation testimony on agenda items. We have established limited interactive communication that enables individuals from the Hana, Lanai and Molokai offices to provide testimony from our districts. Individuals who wish to offer testimony should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eight floor lobby just outside the chamber door.

Testimony at all locations is limited to the items listed on today's agenda. Testifiers will be allowed to speak for up to three minutes on each item. When testifying, please state your name and the name of any organization you represent. Please also identify to the Council if you are a paid lobbyist.

Madam Chair, we have 34 individuals who have signed up to testify in the Council chamber.

CHAIR KING: Okay, thank you, Madam Clerk. Ms. Clark and Madam Deputy Clerk, I'm going to call you Madam Clerk because you're, you're filling in for our Clerk until he returns from his paternity leave.

Okay, before I start with the testimony, I just wanted to make an announcement and, on, for the next meeting and try to get a sense of, you know, we have a dear friend of ours, Danny Mateo who passed away, he was our former Clerk and we are going to be recognizing him at a meeting on October 22. But there is a service in Molokai for October 18, and I wanted to get a sense of if Members were planning to go to that, we would postpone the entire meeting from the 18th to the 22nd. So, you know, maybe you can let me know. You don't have to say right now. But maybe you can let me know personally if you're planning to do that. There's also a service on Maui on October 13, at Ballard's so many of us may be going to that instead. But I, I didn't want to hold a meeting on the 18th with just a bare quorum. Or I'd like to have the full Council here so let me know personally if you plan to go to that as well.

Okay and then we're going to start with testimony. Testimony as was said earlier is for three minutes. And we have quite a bit of testifiers signed up. We have so far 34, so I'm going to see if we can get through this faster if I read the names instead of kind of going back and forth between the Clerk as I've done in the Budget session before. So as I read your name, and I'll read the next testifier, please, if, for the next testifier could get ready in line and, and then we can move, I'm just afraid we won't get through this entire agenda.

So first testifier is Uilani Kapu, followed by Keeaumoku Kapu.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. UILANI KAPU (testifying on Committee Report 19-114):

Aloha mai kakou. Uilani Kapu from Kauaula Valley in Lahaina. Mahalo Keani for bringing that issue up about climate change. We just came back from a conference in reference to that too.

About the Greg Brown housing, it's in the wrong place. There is no water. We've gone through this many, many times. Road acquis, road areas, fire, everything. I haven't seen any change in it that he has proposed. We want affordable housing, 100% affordable housing. There are places that are happening in Lahaina that are

offering that 100% affordable housing. His is only nine, so and it's at medium, so what is affordable on that.

I also want to just stipulate that, you know with everything that's happening on Maui with our, our traffic, I mean it's a daily thing in Lahaina in our traffic. Going and coming, the area that is proposed for this development is right smack in the area in, of our bypass. And I hope that if this does go through because I'm hearing some stuff about it, they don't get rights to go from our bypass into their project. That's going to cause more chaos.

For us in the valley, I mean we've stated it over and over, there is no water in our streams. CWRM mandated water in our streams and we have no water in our streams. And if this development comes in where he's saying that he's going to be making his own well, which is tapping into our aquifer in Lahaina area. We got to think about this. We got to do it right. We're looking at a famine in five years. We're looking at rain that's not coming. We're looking at fires more, more, more for our side.

At this point, there is no area, there is no place for housing right now. I know we need to do things correctly. If it wasn't in the GPAC when you went through that for five years or six years almost, then it shouldn't go through. If it, if the community doesn't want it that lives in Lahaina, then it shouldn't go through. So allow us to work in places that we want to work and we want to see housing happen. Mahalo.

CHAIR KING: Mahalo, Ms. Kapu. Any questions? No questions. Okay.

Keeaumoku Kapu, followed by Sasha Taylor.

MR. KEEAUMOKU KAPU (testifying on Committee Report 19-114):

Good morning, Councilmembers, Keeaumoku Kapu from Lahaina. I'm a kuleana landowner. And the reason why I bring that issue to the forefront is because, you know, all these guys holding signs over here, I no see them at the community meetings when we start looking at the long-range plan for the community plan for West Maui. So I know that the bottom line it boils down to, you looking for, the developer looking for people who would actually support this so-called homogenized development all because of the high demand for affordable homes. Nineteen affordable homes? C'mon, guys, we can do better than that.

This whole project was once upon a time one. Now it's three separate projects down the road, 201H, they using one fast track State process, yeah to ramrod this so-called idea for the County Council because you guys pressed up against the wall and you

guys when promise the so-called voting constituents that you guys going do your due diligence and provide affordable homes for who? Our locals, we no stand one chance at this so-called lottery that going to happen. So when you guys start supporting affordable homes, you guys got to understand who you guys impacting. I fought in this valley for over twenty something years with the very gentleman that is sitting in this room, Mr. Peter Martin.

Two weeks ago I was in front of the damn Supreme Court and he tells me, my wife, oh thank you for bringing me here. Well we thank him because if it not for him pushing us up against the wall with all these years of litigation, at the same time, he trying to say that he trying to provide homes for people and trying to get rid of the host culture that has legal lawful ties to the Land Commission Awards that was awarded us.

Let's talk about the water situation. From the day we went home Piilani Awai was running. Now they decided to divert all that water into one 24-inch pipe for this private gated community called Launiupoko. CWRM like my wife said mandated 3.34 million gallons of water going in that river. How come that river stay dry today.

And now all of a sudden you guys going approve this project and he still never guarantee where the water going come from. That he's trying to ask you guys, saying if you pass the project then he going drill the well? What kind of conditions is that?

I hate to kind of push this up, but you know what, they get one march coming tomorrow. And I hope all of you would support this march because the Mayor did. And he believes that we can make a difference by bringing everybody together, by talking about what really counts for everybody and not just some. So I'm coordinating this march tomorrow. It's a Kukahi march which means we all need to come together, we all need to look at the issue that is happening. Mauna Kea is shining the light on all the hewa. Now if the State cannot address the issue.

CHAIR KING: Mr. Kapu, I have to ask you to wrap it up.

MR. KAPU: Okay, mahalo. If the State cannot address the issue lawfully, then it kind of a reminder to you that was voted in the position to make sure that if they not being compliant and there is no lawful binding pertaining to what is happening, you guys need to consider that strongly. Vote this project down. It doesn't suit us. It doesn't benefit us from the community, it will divide us. It will divide us as enemies. I no even see these guys come to us to even say hi, my name is so and so. First time I meet 'um.

CHAIR KING: Mr. Kapu, I'm going to ask if there are any questions?

MR. KAPU: Thank you. Mahalo. Thank you.

CHAIR KING: Can you just, are there any questions.

MR. KAPU: Thank you very much.

CHAIR KING: No questions? Okay, thank you so much for your testimony.

Next testifier is Sasha Taylor. And I want to recognize Councilmember Tasha Kama has joined us. Thank you for being here. Followed by Marilyn Montaigne.

MS. SASHA TAYLOR (testifying on Committee Report 19-114):

Madam Chair, esteemed Councilmembers, thank you so much for being here. I really appreciate everything you do. I think we all do. And my name again is Sasha. I am a Maui High graduate, I've lived here for 20 years now, and I see that we are in a housing crisis mode. And I think that the community is broad and there are a lot of people who really need housing and they need affordable housing, and yes, absolutely, we need more housing than what is being offered, but this is a start. If we're in a housing crisis mode, we need housing now.

And I think the people that would be a part of this approved housing, I think that they would be very respectful of the land. I think people want to live in the land in harmony with everyone around and with the environment. And yes, we understand that climate change is indeed happening, but at the same time, we are humans inhabiting this planet and as humans and inhabitants we need dwellings.

And I'm so thankful for the development that is enabling this, and we need much much more. And I strongly urge these County, I strongly you County Members, each and every one of you, at one point in your life here on Maui, someone gave you a chance. Someone gave you a chance. And you are where you are today because there are people that supported you. Well, I'm a person. I have a family, I have two young sons. We live in Maui. My family is here. I don't want to go to the mainland. I need a chance. Give me a chance. I would love to own a home. I think we all would, and this project enables that. So, find it in your hearts to please approve this project. Thank you.

CHAIR KING: Thank you, Ms. Taylor. Any questions? Seeing none. Next testifier is Marilyn Montaigne, followed by Cindy Lester. Did I pronounce that correctly?

MS. MARILYN MONTAIGNE (testifying on Committee Report 19-114):

It's Montaigne. Thank you.

CHAIR KING: Oh, Montaigne. Okay.

MS. MONTAIGNE: Okay, thank you. Aloha, Madam Chair, esteemed Councilmembers, thank you so much for this time. I know your patience in listening to all of us and our testimonies pro and con for this much needed project. I've lived in Maui for five years. We have three generations in my household, a 90 year old mom, myself and a son. We live in a two-bedroom condo, West Maui. I work at West Maui. I pay \$2700. I've moved three times to find, keep finding affordable housing. When I came to Maui, I paid 1100 and now I'm up to 2700. It's hard in 700 square feet for a family of three to live.

It's much needed in, I hope that this is the right project that we do have the water that, you know, we don't take away from other people, other cultures, and we want to all be one family and live in harmony here in Maui. But this is much needed affordable housing, not just this project but many others. The power is in your hands. Please approve the Makaila Farms. Thank you.

CHAIR KING: Mahalo. Next testifier is going to be Cindy Lester. And unless I say differently, that all of these testimonies are on Committee Report 19-114.

MS. CINDY LESTER (testifying on Committee Report 19-114):

Aloha, Councilmembers, Council Chair. Appreciate your listening to all of our testimonies this morning. I have testified a few times. I am one of the graduates of the Self-Help Hawaii Program, which is an affordable project that was done here on Maui, I think we had five projects including Hana and elsewhere.

I am in full support of Makila Farms, it's an affordable project. I wouldn't be standing here today, I've lived on Maui for 40 years. I'm involved in the school systems. My children both go to school, my grandson is now being raised here. They can't stay if there's no homes.

Fifteen market homes and 19 affordable homes, that's still, it's a good cause . Nobody is out there offering anything right now. These got caps on them for a 30 year, you can't sell 'um, you can't do it. All of these other affordable homes, people turn around and sell them in two or three years and it's just not right.

This is a project that has gone through the ringer for three or four years, all kinds of stipulations on it. Everybody is trying to meet everything. We need affordable homes. You got to give somewhere, people. You got to not just say no. You got to, it's a compromise, we give, you give, we give, you give. I thought that's how we all worked.

And water rights, yes, there are issues where everybody is addressing that. But affordable home is a big, big crisis here. Look at the streets. Look at how many people are living on the streets right now. Affordable homes are needed. Nineteen now, give us a hundred more later. There's just no plans, at least here's a plan, here's something that's in writing, it's solid and it's backed up. You know, I know that the people from the valley have the issues, but if there is water down there and it's its own well and it's not touching, I mean I don't want to get involved in that fight, but I just want the fight of affordable homes.

We live here. Everybody that works for all these tourist and all these hotels have no place to live. The beachside parks, you know, they're just getting full, it's everywhere, it's just, any home. Just give us some affordable homes. I'm affordable home person. I love my home. I've been in it for 20 years. I built it, I'm not going anywhere. So, and I feel that these people feel the same way. Give them a chance, like the lady said earlier, you just need a chance. Everybody somewhere along the line got one chance, that's all you need, one chance. Thank you.

CHAIR KING: Thank you, Ms. Lester. Next testifier. I'm sorry, I forgot to announce it, Ally Harney. Oh I'm sorry, we do have a question.

Ms. Lester can you come back down. I'm sorry, we have a question. And you will be followed by Ally Harney. Thank you.

Also can I ask the person in the front row to lower the sign. If you're holding it above the level of your head, you're blocking somebody behind you.

COUNCILMEMBER PALTIN: Aloha, Ms. Lester.

MS. LESTER: Hi.

COUNCILMEMBER PALTIN: Thank you for coming and thank you for following this process. I just was wondering, you know, you're saying we need these houses now. Were you there the day when we tried to put the condition on to start in two years and finish in five years.

MS. LESTER: Yes.

COUNCILMEMBER PALTIN: And it extended to 5 to 10 years. And in 10 years, we could figure out a much better location for 19 affordable homes.

MS. LESTER: You guys are putting those limitations on it when there is no reason in my eyes, you know, it doesn't need to wait 10 years. Get them done now. Self-Help didn't take that long to get them done. Forty-three families built a home in a year.

COUNCILMEMBER PALTIN: I think you misunderstood, we didn't say do it in 10 years, we were trying to say do it in 5 years. Thank you.

CHAIR KING: Okay, thank you. Thank you, Ms. Lester.

Okay Ally Harney, followed by Pa`ele Kiakona.

MS. ALLY HARNEY (testifying on Committee Report 19-114):

Thank you so much. And I've been to many meetings but mostly fighting short-term rentals because of the obvious. You know, and I have to say I just don't do it for the westside. Oh I'm sorry, I'm so loud I didn't think I need it. I'm not just doing for the westside, right now I'm just fighting one in Napili. And I, so I don't want to be lumped in, I don't want it in neighborhood, that group. I mean, you know, because I do live in Launiupoko.

But I know what it feels like not to be able to live in your hometown. I had to leave as a kid. I, to this day I couldn't afford to live there, I moved to Utah and back then, they weren't happy getting Catholics, believe me. And I don't want our people here going somewhere that they don't feel comfortable like I had to. I, it wasn't terrible, but, you know, you get the picture on that one.

So I went to the meeting at the church where Greg Brown held it and I put the elephant right out there. I don't trust him. So at the meeting, and I took notes. He said that all the lots including our affordable housing lots can be divided and sold. And he said it would be nice to sell to your relatives. Well, most of them have that greenbelt, for the, but it's just, I didn't see it in your paperwork that that was going to be allowed and all these nice people were sitting there thinking these grand ideas.

And then I asked him in the meeting in Launiupoko, have you ever developed, and had a CPR, CPR'd the lot, and then also sold the barn which was illegal. And he said I have never done that. And I said I know for a fact you have. And he said, well maybe once. You know, who is going to oversee this project.

At our last fire, you know, he's going to put all these fire hydrants, which is fine for the dogs, there's no water in them. You know, our last fire, there was no pressure in the fire hydrants. The good water people came down with the big trucks to cover up the fire with dirt. Oh wow, that went fast.

CHAIR KING: You have 30 seconds left.

MS. HARNEY: Oh, 30 seconds, good. Thank you. So, let me see, so I guess, I guess I should say we have to think of the island first and, and, and worry about the water and the fire and the traffic. The traffic is secondary to the water. I have no water. I mean on Monday, Wednesday, Friday, I'm supposed to have water and there is no water. I've had neighbors say they don't even water in the house. I mean everything is just turning brown. You know our Farm Plan, forget that. You know, and so we just have to resolve some issues and I, once again, I do tell people that, sorry for people without housing, we have to do something. Thank you very much. Don't move to Utah if you're Catholic.

CHAIR KING: Thank you, Ms. Harney.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR KING: We have a question for you Ms. Harney, from our Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Really quick. Aloha, Ms. Harney. Mahalo for your testimony. I just, I just wanted clarification on, you said you're supposed to have water Monday, Wednesday, and Friday. So just the three days.

MS. HARNEY: Yeah, we're on restriction, which is fine. We can all deal with it. So we're supposed to have water Monday, Wednesday, Friday. There is no water. I mean it doesn't even dribble out, it just doesn't happen.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, so Monday, Wednesday, Friday is the restriction.

MS. HARNEY: We're supposed to have water, half the community has Monday, Wednesday, Friday. The other half has the other days. But none of us have water so it's a moot point on the dates, days.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that.

MS. HARNEY: Most days we don't have water.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification.

CHAIR KING: Is that your only question?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR KING: Okay, we have another question from Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just a clarification, Ms. Harney, so you're in Zone 1, which is closer to the forest reserve line.

MS. HARNEY: Uh hum.

COUNCILMEMBER SINENCI: Okay, thank you.

CHAIR KING: Thank you. One more question, Ms. Harney. Popular this morning.

MS. HARNEY: Popular.

CHAIR KING: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thanks for your energetic testimony. So are you living in Launiupoko? Is that what you're saying.

MS. HARNEY: Yes.

COUNCILMEMBER SUGIMURA: Do you have a barn, you mentioned a barn?

MS. HARNEY: Uh hum.

COUNCILMEMBER SUGIMURA: That means you farm?

MS. HARNEY: Well we're trying to, you know, we have citrus and things like that but and we're trying, it was originally a sod farm which we were going to continue, but it's brown now.

COUNCILMEMBER SUGIMURA: So you are a farmer?

MS. HARNEY: No, no, no I'm not a farmer. I'm just trying to do citrus trees for the environment. And I'm a farmer as much as everyone else is, that calls themselves a farmer, I guess.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Thank you very much.

Okay, next testifier, Pa`ele Kiakona, followed by Rose Valle.

MR. PA`ELE KIAKONA (testifying on Committee Report 19-114):

Aloha kakou. My name is Pa`ele Kiakona, and I am a graduate student, I graduated from the University of Hawaii in environmental studies and I'm currently studying to go into law school to go into environmental law. So everybody in this building you will be seeing a lot more from me in the next few years, I promise you.

I do not support any fast-track housing at Makila and I urge all of you to look into the character of this developer. He is using affordable homes to develop more market priced homes for his own benefit and his own financial gain.

The condition on this 201H that the project starts within five years and be completed within ten years is much longer than other 201H conditions that call for a start period within two years and the completion within five years. And Greg Brown's reasoning for this longer start time is that he still needs to dig his wells, so, to provide water to move forward.

As of right now, he has had, he has been, he has nothing to stop him from digging these wells since he's obtained these original permits, especially if he is threatening to build luxury homes when this fast-track process doesn't move forward. Yeah, he has water meters from Peter Martin, but we all know Peter Martin's non-potable water source is insufficient for existing homes in the Launiupoko. And so given the choice to providing adequate non-potable water to luxury homes or allowing them to join the ranks of Launiupoko residents that has inadequate water speaks to the character of Brown as a person and as a developer.

This is, if this is how he's willing to treat multimillion dollar future clients, how will he treat other people that actually need the affordable homes, that are lining up for a chance to buy these homes. Our people do not have deep pockets and the resources to file a lawsuit like many people already have.

His scheme for the nine luxury homes right next to the highway bypass has dried up just like Peter Martins meters, water meters. And with the County cracking down on illegal short-term rentals and, and he knows this as he's already been issued six notice of warnings, two notice of violations for illegal short-term rentals by the Planning Department on properties he owns in Launiupoko. He claims that these are all for sale homes fully furnished which we all know is for the buyer to continue on this illegal short-term business.

These properties names such as Ocean Bungalow, Sea Star Bungalow, Ocean Star, Sea Star, Sunbeam Maui, Sea Cliff, and Sea Grace so that they aren't directly traceable to him. And he claims that other, others use pictures off the internet to advertise their own properties, but then when you read the reviews, they describe his property to the "T".

Bottom line is there are serious questions as to character and credibility of this developer and there are many promises that have been made that are not spelled out in the conditions. Our existing, and I reiterate, our existing community plan for no further development south of Puamana and north of the Pali and a community outreach leading up to the community plan update shows that the community does not want any further density in this area because this is our transition corridor.

CHAIR KING: Mr. Kiakona, can you wrap up? Your time has expired.

MR. KIAKONA: Yeah, to me this is just not smart growth, and this would just cost the larger Lahaina community in the long run by allowing this sprawl for such a small amount of affordable homes while allowing the developer to make millions on all market rate lots which, which he will then be entitled to develop.

CHAIR KING: Thank you for your testimony. Any questions, Council. Seeing no questions, thank you for your testimony. Next testifier.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, real quick.

CHAIR KING: Oh, I'm sorry, we do have one question, Mr. Kiakona.

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Kiakona. Mahalo, Chair. So you said the current community plan says no, no further development south of Puamana?

MR. KIAKONA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: What, what, do you know what year that community plan?

MR. KIAKONA: 1996.

VICE-CHAIR RAWLINS-FERNANDEZ: Was the '96 one? Okay, just wanted clarification on that. Okay, mahalo.

CHAIR KING: Thank you, Mr. Kiakona.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Do you have another question?

COUNCILMEMBER SUGIMURA: Could he submit his written testimony? I'm just curious. Did he or could you.

CHAIR KING: Mr. Kiakona, do you have written testimony? Okay. We'll have the Clerk copy it and distribute it. Thank you very much.

Okay, next testifier is Rose Valle, followed by Bill Valle.

MS. ROSE VALLE (testifying on Committee Report 19-114):

Good morning, Madam Chair, Councilmembers. My name is Rose Valle, I live in Launiupoko and I'm in, testifying in support of Makila Farms. The other night when the Pali was closed down due to the fire, I drove around the neighborhood to check the emergency exit routes to make sure they were all accessible. Even the one to the south of the roundabout on Kai Hele Ku Street which is normally blocked with a pole in the center of the pavement was easily accessible by simply removing the pole.

I also attended the CPAC meeting the other night and it appeared that some committee members didn't know the specifics of Makila Farms including the fact that it is offering one-bedroom homes for only 161,000 and that they will be affordable for 30 years, yet they were there to vote on the submission of a letter to halt this project. One committee member actually said that he wasn't even aware a letter had been written. He further stated rather adamantly that it is this committee, not that one that should decide on this project.

Of my three kids, only one still lives on Maui and sadly she's planning to move to the mainland within the year. She realizes as my other children did that it is just too

expensive to live here. A longstanding Lahaina restaurant recently closed after 43 years. I can imagine it is difficult for employers to find qualified workers who can afford to live here on a server, cook, or bartender salary.

The people who live in luxury homes over here claim to support affordable housing, just not in their neighborhood. But they're going to be the first to complain when the service at a restaurant is bad or their lawn isn't cut, or there's no one to change their oil. Never considering the reasons why, and it's only going to get worse.

People are just a paycheck or two away from homelessness on this island. Kahului is starting to look like San Francisco, you can't go anywhere without seeing shopping carts and makeshift homes. Here's something I found posted by a recent visitor online. We visited Maui a couple of months ago for an extended period and were astounded by how the island has changed. Homeless people everywhere. Kauai on the other hand is a dream island, what a difference. We will not be returning anytime soon to Maui.

Something has to be done now to provide homes for workforce families before they become homeless or have to leave the islands altogether. What happens when more businesses close down? What happens when more tourists decide not to come? It will be too late then.

I support Makila Farms one hundred percent and urge you to pass this now for the hardworking families of Maui. I took a couple of pictures of the bypass exit routes from the other night that are date stamped if anybody is interested in seeing those.

CHAIR KING: If you'd like to leave them with the Clerk, then we can have them passed out.

MS. VALLE: Thank you.

CHAIR KING: As part of your testimony.

MS. VALLE: Thank you.

CHAIR KING: Thank you. Okay, thank you for your testimony. Wait, I think we have a question for you Ms. Valle.

I'll go with Councilmember Sinenci, followed by Councilmember Paltin.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Ms. Valle for being here. I was, you mentioned the fire the other night. How far into Lahaina did the fire get?

MS. VALLE: It wasn't over in Lahaina at all, but I just thought with all the traffic that was backed up all along the bypass and with the winds, you never know, so I just wanted to go out and take a look and make sure the exits were accessible.

COUNCILMEMBER SINENCI: Oh, okay, so it did not get like into Ukumehame area?

MS. VALLE: No, no.

COUNCILMEMBER SINENCI: Okay, thank you.

CHAIR KING: Okay, thank you. Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Valle. I was wondering, so just to clarify that you're a resident of Launiupoko?

MS. VALLE: Yes.

COUNCILMEMBER PALTIN: And are you on any kind of homeowners association that has the maps of the, all the exit routes?

MS. VALLE: I just rent up there so I just, you know, I know the exit routes from the, from this proposal.

COUNCILMEMBER PALTIN: So you're not involved in any of the, like the owner's association or anything, if you're a renter?

MS. VALLE: Correct.

COUNCILMEMBER PALTIN: Okay, cause when I asked to get the condition that the exits be unlocked and unblocked in perpetuity, I wasn't able to get it in this one. So I just was wondering if your homeowner association is going to commit to having all the evacuation routes unblocked and unlocked in perpetuity. Maybe if you can talk to the landlord or something. Just--

MS. VALLE: Okay, yeah, I just drove around, looking at the, you know, the paths on the north end of--

COUNCILMEMBER PALTIN: I understand it's like that right now but I mean to me because of the dangers that we are having, it should be forever like that in writing is all I'm saying. And I just was wondering if you lived up there if, if, but it sounds like no.

MS. VALLE: Right, I live there, but I'm, I'm a renter.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR KING: And can I just ask you, Ms. Valle. What was the committee you were talking about, the committee meeting?

MS. VALLE: The CPAC meeting.

CHAIR KING: Oh, you were at the CPAC.

MS. VALLE: Yes.

CHAIR KING: Okay, okay, thank you.

Next testifier is Bill Valle, followed by Moses Kiakona

MR. BILL VALLE (testifying on Committee Report 19-114):

Aloha. So my name is Bill Valle, I live in Launiupoko and I support Makila Farms. I've lived in Maui for 14 years, seven years I was Director of Food Services for Ka Hale a Ke Ola, the two homeless resource centers in Wailuku and Lahaina. Mayor Victorino was on the Board then and it was our mission to care for everyone until we could transition them into affordable rental housing. I'm a realtor now and my current mission is to support workforce housing whenever the opportunity arises.

Everyone here agrees that we need affordable housing on the westside. How can you listen to all of the testimony, read all the letters that have been sent in and not know that this project needs immediate approval. These developers are willing to add affordable housing to their projects and in the Makila Farms plan over half the homes will be for workforce families starting at \$161,700. But we don't say thank you. That's us and we say go back and make it better. But we don't, which he does, spending more money, more time fixing the objections, and it's still not good enough. We asked him to double the amount of workforce homes to 38. Without a bat of an eye Mr. Brown said sure. But we don't like CPR's here I guess so we turned that down. And, so we let 19 more homes, 19 more chances for affordable homes go down.

So today we will have more testimony and letters stating that the old arguments that have already been answered. They'll be asking this Council to tell Mr. Brown and everyone hoping to be a lottery winner to go back and make it better or just wait a little longer. If we keep telling these developers we don't want their projects, eventually they're going to believe us and stop trying and then what?

Well I want to say thank you, Mr. Brown, thank you to the other developers. I hope this project gets approved because we need Makila Farms right now. Thank you.

CHAIR KING: Questions for, Mr. Valle. Okay, thank you, Mr. Valle. We have to take a quick recess because we're having some technical issues in the, our District Offices can't hear us. So just at the call of the Chair, if everyone could stay put.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:42 A.M., AND WAS RECONVENED AT 9:45 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR KING: Okay. We are back in session reconvening at 9:45 a.m.. The Maui County Council meeting of October 4, 2019. And we're in public testimony. We have Moses Kiakona, and then following Mr. Kiakona, we're going to go to our District Offices because we have testifiers who are waiting, have been waiting all morning to testify.

Mr. Kiakona.

MR. MOSES KIAKONA (testifying on Committee Report 19-114):

Chair, Councilmen, Members. Anyway, I get one different approach. I here cause I kind of pissed off. I'm 48 years old and I watched decades, decades of people wanting to move here, want to call this place their home. But they not worried about our ecosystem. Every 10 years, every decade I watch first the opelu, Hawaiians survive on the opelu. True, the past Councilmembers they make decisions to let these guys operate their businesses over there. Opelu gone. That's in 1970's late 70's.

The 80's, lao, white people we call them baitfish, use to flourish all of the island. From then, now, zero, zero lao, because of development, because the white people want to come here and call this place their home. I not racist, I deal with white people every day of my life. I know you guys want to come here and call this place you guys home but maybe no more room for you guys. We from here, we shouldn't move.

1990, sailboats come inside here, bring their seaweed with all the fertilizers from, from your golfing, golf carts, golf courses, they start overtaking our ocean, start killing all of our fish. 2000, everything start to go away. We make a ban. In the late 90's we make a ban on turtles, we cannot eat turtles no more. And now because of what, you guys call it global warming, I call it development. . . . development. Basically our entire ecosystem is gone because you guys want to call this place your home. No more room for you guys.

I get the facts, I get it all in here, I watch everything is obliterating because of, because of the decisions that are made here. I'm here to tell you guys, just be more sympathetic on the Hawaiian people that making the decision. They the protectors of this island. You guys decision affect them, affect these people. The haoles come over here and think this place is beauty, beautiful but they no realize this place not going be beautiful because they want to move here. Come back and visit. That's all you guys going get, as long as I'm around. That's all I get to say.

CHAIR KING: Okay, thank you for your testimony. Any other questions, Council?

Okay, we are going now to our District Office on Molokai. And checking with Zhantell Lindo. Ms. Lindo do we have testifiers on Molokai?

MS. ZHANTELL LINDO: Aloha, Chair. This is Zhan at the Molokai District Office and we have four testifiers.

CHAIR KING: Okay.

MS. LINDO: Our first testifier is Laura Buchanan on item CC 19-394.

MS. LAURA BUCHANAN (testifying on County Communication No. 19-394):

Aloha, Honorable Councilmembers and thank you for the opportunity to testify today. I'm testifying on the drainage project for Kaunakakai. It's been a very long and drawn out project for many, many reasons. Most recently it was determined that the original plan after finding hazardous waste in the areas that was supposed to be the original exit for drainage into the nearshore was not feasible. And so they, in my opinion took an easy route and diverted the project into an intermittent nearby stream that would exit west of Kaunakakai Harbor in an area that is already high in effluent, the County's current sewage treatment center.

For years and years we knew that the PH levels in the westside of the Kaunakakai Wharf were always elevated. And with the, with the new project suggestions by the engineers and the people who wrote the plan, we were not happy to hear because we have the big jetty off the Kaunakakai Wharf. Originally the effluent was supposed to go in the east areas of the wharf and now the project was diverted to go into the westside. And you don't have to be an engineer to know that the way the currents work on Molokai with our winds and our ocean that that wasn't a great plan.

So we asked the engineers at the time to go back to the drawing board, but the response that came back to the community was no can, going be too expensive. There is no other place, there is no other way. So they weren't even willing to go back to the drawing board to try and look at other alternatives then to putting it in the westside of the Molokai Wharf.

I'm not supportive of any additional funding because they weren't even willing to come back to this community to vet alternatives that we knew were going to cause more degradation, higher PH levels and more negative impacts to an already system that is already greatly impacted by, by high levels of waste. And so for that reason, I'm not supportive unless they come back to this community and look at other alternatives. Thank you very much.

CHAIR KING: Okay, thank you, Ms. Buchanan. And just for clarification, are you speaking as an individual or as, or on behalf of the planning commission, Molokai Planning Commission?

MS. BUCHANAN: I would be speaking on behalf of myself, but I also have knowledge of the historical plan. I followed the plan through the years and I've had many discussions with the engineers who wrote the plan.

CHAIR KING: Okay. Thank you, I think we have one more question for you from Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha, Ms. Buchanan. Thank you very much for your testimony. I was wondering if you could, I missed what item number that testimony was in regards to.

CHAIR KING: 19-394, County Communication.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KING: Okay, any other questions? If not, okay, thank you, Ms. Buchanan. Thank you for waiting.

Ms. Lindo your next testifier?

MS. LINDO: My next testifier Mahina Poepoe on CC 19-394.

CHAIR KING: Okay.

MS. MAHINA POEPOE (testifying on County Communication No. 19-394):

Good morning. This is Mahina Poepoe. I wanted to start by just saying that I do not support the increased budget for the drainage project on Molokai. I think it needs to be re-reviewed and sent back to the commission here. When it did come through the commission a couple years ago I also didn't support the project itself. This drainage goes right near a river in the wetlands and then into the ocean. They said that, they kind of said the, the project people that that's what wetlands are for. But this wetland is not healthy and it would need to be restored before even considering trying to force it to be able to sequester all of that pollution.

You know all kinds of contaminants would be in that wastewater runoff from the gas station. Toxoplasmosis, this is, project would be right near the highest concentration of ocean recreation and population on Molokai. There is a very active canoe club, a lot of boating, fishing, and children that swim in that water. This is at the Kaunakakai Harbor in town.

So I just ask that we can actually take this as an opportunity to revisit the project and try to do better to find a solution that is more environmentally friendly. We also have a new community plan now. So, you know, let's just stop dumping our problems on the ocean. Thank you.

CHAIR KING: Okay, thank you, Ms. Poepoe. Seeing no questions. Next testifier on Molokai.

MS. LINDO: Our next testifier is Henry Lindo on CC 19-394 and CR 19-114.

CHAIR KING: Okay, Mr. Lindo.

MR. HENRY LINDO (testifying on County Communication No. 19-394 and Committee Report 19-114):

Thank you for the opportunity to share my manao. My name is Henry Lindo, and I'm testifying on items CC 19-394 as well as CR 19-114. CC 19-394 asks the Council to amend the 2020 Budget to accommodate a \$1.2 million increase, also associated with the Kaunakakai Drainage. I'm against any increase to this project until, you know, maybe an updated or efficient plan can be reviewed. I just believe in the best interest of our community and County. You know, let's, let's look at other solutions in utilizing these County funds in a most efficient and effective way.

This plan has been going on for years and due to costs and other logistics, the Kaunakakai Drainage Plan proposed, was proposed as a multi-part project. Each section was to be carefully reviewed by engineers and would of course get maximum relief for the flooding problems in Kaunakakai. You know, I have no doubt at the time that it was probably the best possible plan, and worked, but over the years much has changed. The effect of sea level rise and climate change, you know, affected the shorelines of our island, and, you know, change the way that we should sensibly and, and take care of responsible growth.

Like the Molokai Community Plan updates clearly the community's intent to move critical infrastructure to higher ground. But I'm not saying to abandon the past efforts but I, I, I do think that we got to take responsibility to review whether or not the \$3.2 million really help solve the problem in the maximum amount of time. Are there other solutions that can help mitigate the drainage challenge. Does the current drainage plan address updated environmental and coastal zone management regulations and laws, and is the current plan consistent with updated community, Molokai Community Plan.

I don't claim to know anything about engineering nor do I doubt that the good intent of the original drainage plan, but, you know, I just, I just think that we got to make sure that this is the best plan right now for Kaunakakai Town. You're being asked to make a \$1.2 million adjustment to the County budget. How will that adjustment affect other necessary and higher priority projects and concerns. I love my island and will advocate for anything that benefits the community, the health, the safety, and quality of life. But I also understand that well-intended plans made 10 or 15 years ago may not be the best plan today.

Just in closing on, on this, I want to pose one last question for the sake of strengthening our County government process and ensuring our money is spent as efficiently as possible. Why is it that the estimated cost of projects always fall far below the bids obtained once contracts have been executed. This year alone there have been numerous projects which requires the Council to increase allocations due to substantial differences between the projects estimated cost and the actual lowest bid. I mean we see one huge difference between that cost and it's pretty crazy.

CHAIR KING: Thank you, Mr. Lindo. Your time has expired.

MR. LINDO: Something is seriously wrong with the process of projections and I just urge the Council to take a deeper look at what needs to be changed or fixed so that we are not always left in such a deficit.

CHAIR KING: Thank you for your testimony.

MR. LINDO: That's all for CC 19-394.

CHAIR KING: Can we move on to your second item, Mr. Lindo.

MR. LINDO: I want to testify on CR 19-114, with the Makila Kai Project. It's pretty amazing to me to watch how things have been happening over, over the many years. You know, 30 years ago the Council was given the opportunity to take a look at, at the growth of, of our islands, yeah, and then to create projects, you know, accordingly, that, that of course would sustain growth, but at the same time, you like try take care of our, of our people.

I think we got to the point where the amount of people on these islands probably when exceed the amount of growth. You look at the infrastructure, I mean the roads no can even handle. Every time I look on Maui, with one fire, one accident and the amount of people that, that get locked up is pretty nuts and crazy.

When we look at the area of the West Maui side and how dry it is and then listening to testifiers, the people who live and grown there who use to see running waters and, and things flowing in abundance and growth. And yet now people who live in the area especially like in Launiupoko, are living in homes where you cannot even get enough water to run in your house? That's pretty nuts.

I kind of affects me when I hear of developers who in order to get their projects complete, all we got to do is 10 years working on them and keep coming in the Council and adjusting, until finally I create something that, that going allow me, or allow my project to be completed. I mean that's kind of insane.

I believe that we really got to take a look at the growth. I'm against the project, I'm against that, that anything that takes away from our people. I'm looking at all the guys testifying and I'm sorry, I mean as much as you like claim they, they local, I don't see it. Yeah, most of my, our own children cannot even afford to, to live in these lands.

So I think we got to look at the water issues, we got to listen to those guys who live in the area and really take a look at, you know, maybe we should stop building altogether already because we when reach the maximum amount of growth that the island can sustain.

So with that, thank you guys for Council. I know you guys get one hard job but I appreciate you guys and I love you guys and I'm against the development of this housing.

CHAIR KING: Thank you, Mr. Lindo. The next speaker, Zhan.

MS. LINDO: The final testifier is Sybil Lopez on item CR 19-114.

MS. SYBIL LOPEZ (testifying on Committee Report 19-114):

Good morning, Chair, Councilmembers. I'm Sybil Lopez, I took a break from my regular job just to be here to let you know how important it is to me that, about the Makila Farms, CR 19-114. I, I am part of the ohana that lived out in the valley that was affected by the fire one year ago and still today we still trying to rebuild there.

And just being able to experience that and even think, even adding more homes without being able to answer the problems that we faced previously. And to dump more people in an already concentrated area with a lack of water, with the increase of traffic, with no sensible growth, where there's no walkability to any stores, no accessibility to any libraries. Where they will have to literally jump in their car and drive to get services whether they got to a doctor appointment, whether they got to drop their kids off to school.

It's not, it's not to me an area where you want to put your workforce housing in the middle of someplace, but you only going to add more to the already existing problems and not being able to address first and foremost what has already been existing. These type of development you see, that, you know, it's first and foremost its developer driven. Where in the first phase before it can ever hit this Council, will it ever be a community driven type of development. Where that sensible growth will come in, where the community can even actually help develop that project to say, maybe we should relocate. I mean because we all believe that we need workforce housing. Majority of the traffic is due to people going, driving from one place to another to get to work or to drop off their kids.

And not even having the sense of even knowing that you have enough water that you would have to take away our first right as being kuleana residents to that place not being able to adequately provide to our sustainability of our lo'i fields because we cannot even get first rights to our own water. But yet you guys want to put more homes . . . infrastructure?

And even addressing the fire and, and being such a hazardous area. I mean look at what you guys going through right now, it's only what maybe 75% of the current fire that is active has been contained. And, so, I think there's a lot of things that should be addressed before we can even consider looking into this.

CHAIR KING: Thank you for your testimony.

MS. LOPEZ: And even looking at the, the income of, is it actually affordable.

CHAIR KING: Okay, Sybil your time is up.

MS. LOPEZ: \$161,000 for a one bedroom, majority of our families get three to five people in, in their families. We got children and parents to consider.

CHAIR KING: Okay, your testimony time is up.

MS. LOPEZ: Mahalo for your time and aloha.

CHAIR KING: Ms. Lindo do you have any other testifiers on Molokai?

MS.LINDO: We have no further testifiers on Molokai. Mahalo.

CHAIR KING: Okay, mahalo. We'll check in with you at the end.

Madam Clerk, we're going to move to Lanai, Denise Fernandez, are you there?
Ms. Fernandez.

MS. DENISE FERNANDEZ: Good morning, Chair, this is Denise Fernandez at the Lanai Office and we have two testifiers. First testifier is Chris Richardson testifying on 19-114.

MR. CHRIS RICHARDSON (testifying on Committee Report 19-114):

Hello, Council, my name is Chris Richardson, I am testifying on behalf of 19-114. I'm testifying to approve this project. I have submitted written testimony via e-mail to the Affordable Housing Committee e-mail address. I wanted to emphasize a couple of points above and beyond what I submitted in writing. I believe that this is the right type of project that we need. Development is not new, you know, it's been going on for decades and we've been talking about a housing shortage for quite a long time.

This type of development which actually will allow, truly allow working families to purchase a large portion of land and live and farm on that land is the right type of project. We actually need more projects like this. If there are, there are some environmental problems with development that have been going on for 40, 50 years or more, maybe a hundred years, they talk about mass farming that's been going on, but

this is a pivot that I believe we need to make where we get people making as low as \$41,000 a year. If they can get two acres of land for 161,000, that is a step in the right direction.

We will have working families living in the same community with marketplace homes. This is the right type of development. We don't want to have all of our marketplace developments gated and separated from our working families. Right now, working neighborhoods, they are very dense and small lots. This project gets us away from that type of development.

So, I am urging you to immediately approve this project so that we encourage more and similar projects that will allow working class families to get large portions of land and not discourage developers from this type of project. They can go back to doing, you know, commercial lots and luxury homes only and that's, and that's, we want, we want to encourage developers to not do that as much as developing lots that will allow working class families to stay on the island and have their children grow up here. Thank you very much.

CHAIR KING: Thank you, Mr. Richardson. Seeing no questions, Ms. Fernandez, your second testifier?

MS. FERNANDEZ: Last testifier is Alberta de Jetley, testifying on 19-114.

MS. ALBERTA DE JETLEY (testifying on Committee Report 19-114):

Good morning, Madam Chair and Councilmembers. My name is Alberta de Jetley, and I am testifying as an individual in support of Greg Brown's Makila Kai Affordable Housing Project. Providing affordable housing in West Maui so residents who work there can also live there will help to alleviate some of the traffic problems we are experiencing everywhere on Maui. Greg Brown's Makila Kai Project is unique in that he will be creating an affordable agricultural subdivision which will give families an opportunity to grow some of their own food and to hopefully produce fruits and vegetables they can sell to others.

One of the things I am especially looking forward to is seeing his concept of creating a community gardens for hula halau. The Brown family had a garden at their Lanai home, they shared it with others when they sponsored the Lanai 4-H Club. They also came to my farm for excursions and we all benefited by sharing our knowledge as we worked together. The community garden he is proposing to create will give halau groups a place to grow the foliage and flowers they need. I think this idea may have originated when Greg's wife Julie was a pa`u rider and a princess several years ago in

Lahaina's Kamehameha Day celebration. I admire their willingness to do this as their way of giving back to the Lahaina community.

The opportunity to live on an agricultural lot is a dream that many of us grew up close to the aina . . . but it is not attainable in today's housing market. Makila Kai is offering Maui residents a rare chance to do this. We need affordable housing now. No project is without its issues, but the bottom line is our families are struggling to keep a roof over their keiki's head.

I hope the Council's Affordable Housing Committee will vote yes on item 19-114 to file *[sic]* a resolution to approve the Makila Farms project pursuant to Section 201H-38, Hawaii Revised Statutes and let it move forward. Mahalo for your time.

CHAIR KING: Okay, mahalo. Ms. Fernandez is that your last testifier?

MS. FERNANDEZ: Yes, there are no more testifiers waiting on Lanai.

CHAIR KING: Okay, thank you very much. We have no testifiers at our Hana Office at this time. Our next testifier in chambers is Linda Garcia, to be followed by Donna Brown.

Ms. Garcia. This is your 17th testifier today, we have 45 signed up.

MS. LINDA GARCIA (testifying on Committee Report 19-114):

Aloha, Chair and County Councilmembers. I'm here in support of Makila Farms today. We are in a desperate housing crisis all over the island, but especially on the westside. My son is, although not Hawaiian, he's third generation, my grandkids are fourth generation here. They are struggling to keep the roof over their head. They pay almost \$3,000 a month for a two bedroom, and they have five people living in it. It's such a struggle to live here anymore. We are in desperate need of housing, and it always hits a road block.

So I'm asking you to, to support this project. It gives 19 people a chance. I would love to have seen the 39, or 38 houses be built on that, but I, I understand that's not going to happen. I am asking you to, to consider the 19 homes and approve Makila Kai. That's all I have.

CHAIR KING: Okay, alright, thank you for your testimony. No questions.

Next testifier is Donna Brown, to be followed by Doris Lang.

MS. DONNA BROWN (testifying on Committee Report 19-114):

Aloha, Chair and Councilmembers. My name is Donna Brown and I'm speaking on behalf of myself. I've been a resident of West Maui for about 40 years, and I remember when Launiupoko was first developed, there was a big opposition from the West Maui community. It was approved because the developer promised that it would always stay in ag, and the allotted number of lots has already been used, and by law they cannot be subdivided further without changing the law.

Polunui Gardens and Makila Rural East were both rejected by the Affordable Housing Committee over safety concerns, and this development is in the same area and has the same concerns. Maui County needs more affordable housing but it should not be at any cost without regard to the consequences. What does this development do for Maui? Well, it gives us 19 workforce houses, which seeing all the people who need houses that won't even get the people that are in this room much less all the other people. And it also gets us 15 more market priced mansions which we all know that we probably don't really need.

And what is the cost of this? This development encourages growth that promotes unsustainable development patterns. The construction of additional infrastructure and a strain on resources such as fire and emergency response. It gives us a loss of agricultural land. Yes, they talk about they're going to have these small farms, but it's, by the time they fill it up with the houses, it won't be more than just a garden that anyone can have in their yard. We really need the agricultural land so we can grow food that we can eat.

And we also have a big lack of water in the, in a fire hazard area, and that's one of the big things. This area as you've heard before it's on water rationing and I do live there too and we have water only three days a week. They say that we're supposed to have water three days a week but in actuality, it does just trickle out and it's not enough. We have a coffee farm it's all dying, everything is dying right now.

It also lead to urban sprawl. The community plan, the West Maui Community Plan has been worked on for the last few years and the citizens of West Maui have been working hard on this new plan and it's close to being finished. So I would just ask that you please don't rush to fast-track any developments before our plan is finished, and when it is, please use the plan to guide for a better future for Maui, and especially for West Maui, our beloved home.

CHAIR KING: Okay, thank you, Ms. Brown.

MS. BROWN: Thank you.

CHAIR KING: Any questions? Seeing none, thank you for being here.

MS. BROWN: Okay, thank you.

CHAIR KING: Next testifier is Doris Lang, followed by Tiara Ueki.

MS. DORIS LANG (testifying on Committee Report 19-114):

Before I begin, I want to say mahalo to you Kiani for being so supportive of the Maui Climate Resiliency Summit, and I would love to see this on Maui. So maybe that's the next step.

I've listened to so, so many people saying they need affordable housing and they need it now. I agree. Realistically approving Makila Farms project is not going to be giving anyone a place to live now. If approved today, Mr. Brown will need to get permits, drill a well, have the water tested. He'll need to prepare the land for grading, lay the pipes, put in ATU's, grade the land and build the roads. He can then build, plumb, wire, paint the affordable houses and landscape the, and gravel the walkways. Now does not exist.

The fortunate 19 families will not be moving in next week. It will be years. Other affordable housing projects are in process. Other developers are waiting in the wings and I believe we, if we follow the guideline from the West Maui Community Plan update, we have a chance to make this right by providing ample housing for our West Maui residents. Affordable housing needs to be 100%.

The reason Mr. Brown is asking to fast track Makila Farms is to build more market priced gentlemen estates. Living in Launiupoko, we have seen Brown Development build numerous gentlemen estates. Right now on his website he has two homes for sale. One of which states and I quote "the estate could easily accommodate 20 or more". Collectively it's \$8.4 million and eight homes that have recently sold collectively for \$28.2 million. Adding all the homes together is approximately \$36.6 million. What is his profit? I don't know, I believe we can all agree it's significant. While many in Launiupoko have been criticized for having gentlemen estates, it is Mr. Brown who has built and sold more gentlemen estates than anyone else in Launiupoko.

Where Makila Farms is being proposed to be built, the infrastructure is non-existent. Our water supply is fairly low and there is no end in sight. The large Ukumehame fire two days ago was too close for any of us in Launiupoko to feel safe especially since

we only have one evacuation route, not six as Mr. Brown stated. The only now that does exist is for you, Council to vote no on Makila Farms. Thank you.

CHAIR KING: Okay, thank you for your testimony. Any questions, Council? Seeing none, thank you.

Next testifier Tiara Ueki, followed by Dr. Lorrin Pang.

MS. TIARA UEKI (testifying on Committee Report 19-114):

Aloha mai kakou. My name is Tiara Ueki, I live up in Kauaula Valley. I'm here to testify in opposition to Makila Farms project. I am not here to testify against affordable housing because we all know our community is in dire need of it. But we need projects that will benefit the community and doesn't require a trade-off, what is that true affordability. And I'm also here to address safety.

My ohana was affected by the fire that was, that has occurred a year ago, and to this day there has been no concern or any type of prevention that would occur with such big projects. So, my number one concern for our community is safety. Because of the continued negligence and poor management by large landowners, these lands are prone to fire.

There have been, like the testifier had said previously the hydrants are not maintained. Who are responsible for maintaining these hydrants? There are no water there. What if there is going to be a fire? Are you guys willing to put your ohana at risk. When you look at this development, to me it looks like a matchbox, that's how it looks to me. And there is not, like how he claimed five true exits. There aren't any.

The main exit that is visible is the Kai Hele Ku exit. There is a private road visible as well, but like he stated in his proposal, it's a private road meant for the families of Kauaula, it leads down to Hokiokio. And then also when the testifiers stated regarding the evacuation routes, she was lucky she was able to pull that pole up easily. It hasn't been like that previously like I have testified previous, in previous projects that were presented. It was locked. You would have to physically go there, someone has to have the key to unlock it or with a bolt cutter to cut it.

And also when someone had said that water has not been addressed, it has. There is no water. If people that are holding these signs "vote yes", if you guys go and visually go up to Launiupoko, and like she said she drove around, but were you able to see that their lawns weren't even properly managed. It's nice and brown with all of these

haole koas that's all nice and dried. How are they proper landowner, how is this managed improperly to me?

The traffic in and out of West Maui is already so high. I can't see another 34 homes being, right in the prime location and not affecting the traffic even more. And I really don't see this project being very affordable for working families in the 50% median. So when it really comes down to it, is just the location is not right, affordability needs to be 100%, and mahalo for your time. Thank you.

CHAIR KING: Mahalo. Thank you for concluding. Any questions, Council. We have one question for you.

Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Ueki for being here. I just was wondering in your history of living in the area, have you seen the gates unlocked at some points and then they get locked again? Or the bolster is unlocked and then they get locked again.

MS. UEKI: Thank you for that. Actually I wanted to clarify that as well. In the previous, those other exits that I can only say that there were five, but some of them are always locked. The yellow gates and the silver gate if you're approaching northward up Kai Hele Ku, there's a silver gate to the left. That has never been opened. All of the yellow gates on the bottom of Waianukole going to Hokiokio Road, those gates have never been open unless there's some type of, they're doing like lawn work in that subdivision area. But other than that it's always been closed.

And actually where the evacuation route leads to, that small path, they've actually put boulders on the sides of the pole where they locked it. So I don't understand how they can state that as being an evacuation route, yet is not accessible for any type of vehicle, unless you have a bike.

COUNCILMEMBER PALTIN: And I was wondering as residents of the general area, has the residents ever tried to get all the evacuation routes committed to being open in perpetuity. Has that been something that's been in discussion at all?

MS. UEKI: You know what that, that really hasn't, which it should have been. But like I said when they were, when they had presented projects in the past, I have testified that that is by far most not safe. And so they have removed the boulders on the side, but they still kept the poles up. And I have noticed that the one that's near the gated community has still had the lock on the bottom of the pole. But yeah, it should have been more

addressed by the families and I agree, if they do decide that, they're saying that there is five exits, it needs to be open in perpetuity.

COUNCILMEMBER PALTIN: Thank you. And just to clarify when you said you were affected by the fire, you meant that your house burned down?

MS. UEKI: It did, yes.

COUNCILMEMBER PALTIN: And you were prepared for something else?

MS. UEKI: What do you mean?

COUNCILMEMBER PALTIN: Oh, sorry, never mind.

CHAIR KING: Alright, thank you, Member Paltin. Okay thank you very much, Ms. Ueki.

MS. UEKI: Mahalo.

CHAIR KING: Dr. Pang and followed by Gordon Firestein.

DR. LORRIN PANG (testifying on Committee Report 19-114):

Good morning. My name is Lorrin Pang, I speak as a private citizen. I didn't realize the issue was so controversial. What I have to say is, might sound relatively minor and technical, but it's these minor things which hurt you in the long run, hence, climate change, hence plastification of the ocean and now we have nitrates in the ocean. What I have to say you might say it's enabling. If you hate the project you enable it to be done. If you love the project, you enable it to be done.

I am neutral because there are so many other issues, but I do want to point out one thing. It sounds silly but the issue of composting toilets has come to a surface recently, in the last six months. I usually don't discuss the topic seriously unless someone has been following every six months the recent technology. Here is a technology for the environment which we can enact to benefit ourselves. It's not like controlling CO2 and then China keeps producing it.

The problem with our sewage waste is nitrogen and germs. Composting toilets allow you to separate the nitrogen and put it where it belongs on your plants. And the rest of the water now called gray water is 97% reduced and you can put it onto your yard to water your yard. Fortunately this technology comes with a much cheaper price than the alternatives, septic tank and sewage system. And it's more effective. So God

smiles on us for once, we are doing the right thing, happens to be the much cheaper thing. It may allow them to put out more affordable housing if the, the impact to handle your sewage is a whole lot cheaper.

I am going to modify my discussion. I am not going to argue about whether or not it's valid, whether or not we can control germs. But I just want to tell you that Berkeley School of Engineering, who is kind of the guru in this area, they scheduled an appointment with my office, 5:30, Monday, that's 9:30 their time, one hour. They support this kind of initiative and they are willing to hear all our issues and concern on wastewater, nitrification of the ocean, either in your drinking water Upcountry or in your injection well.

Here is one chance to consider all the options before you put in the sewage system so you don't have to retrofit. I warn you that these small little things which seem relatively minor now come back to bite you, to be very expensive to retrofit or hopeless to fix before you hopelessly ruin the environment and ecology. Thank you.

CHAIR KING: Thank you, Dr. Pang. We have one question for you, if you can.

Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair, and if, if I could ask couple questions.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: My first question was what item were you testifying on?

DR. PANG: The housing unit, 114.

CHAIR KING: The 19-114.

DR. PANG: 114.

COUNCILMEMBER PALTIN: Okay, thank you. And the second question, I know you're speaking on behalf of yourself, but I was wondering if you had knowledge if the Department of Health, if, if this is legal?

DR. PANG: Yes, we have been tracking this issue with the Department of Health and I have brought it up to them quite a few times. First of all, we moved it onto the table as an alternate to the cesspools. I believe it should be moved onto the table as a mitigation factor for the injection wells. If you can show in good faith you're trying to reduce the nitrogen, perhaps we won't get fined.

CHAIR KING: Okay.

DR. PANG: This housing project offers you an upfront.

CHAIR KING: Dr. Pang can you answer her question if the Department of Health supports it?

COUNCILMEMBER PALTIN: If it's legal.

DR. PANG: They are reconsidering it because of the gray water.

COUNCILMEMBER PALTIN: Oh, so currently it's not legal.

DR. PANG: Currently it's not.

COUNCILMEMBER PALTIN: So, I don't mind, bumbye let's work together to make um legal.
Thank you.

DR. PANG: Correct--

CHAIR KING: Thank you, Member Paltin.

DR. PANG: The guy in charge--

CHAIR KING: Thank you, Dr. Pang.

DR. PANG: --from the UH put it on to be reconsidered.

CHAIR KING: And, Member Paltin, I can follow up with you after, Councilmember Lee and I did have a meeting about this with Dr. Pang, so I can follow-up with you.

COUNCILMEMBER PALTIN: Oh, thank you so much. Fascinating and, and could save us all in the long run.

DR. PANG: Okay, thank you.

CHAIR KING: Thank you, Dr.--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR KING: Oh, you have another question.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, real quick.

CHAIR KING: Okay, Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, I just wanted. Aloha, Dr. Pang. Mahalo for your testimony. I guess the way I was interpreting your testimony on the Makila Farms project was in opposition to the use of ATU's? But I don't know, you tell me, please tell me if that's an incorrect interpretation of your testimony. Because I understand you're neutral in, in regards to this project.

DR. PANG: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: But your testimony is in favor of composting toilets.

DR. PANG: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Which led me to infer that you are in opposition to the ATU's, which is being proposed to be used in this project.

DR. PANG: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

DR. PANG: If they stay with the ATU's, I will be more opposed to it, but if they go to composting toilets, I would be more in favor of it, against the backdrop of traffic and fire escapes and all that.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification. Mahalo, Chair.

CHAIR KING: Mahalo.

DR. PANG: Okay, thank you.

CHAIR KING: Okay, thank you. And we're going to, so we have, our next speaker is Gordon Firestein. And then we'll take a quick ten minute break because I promised the staff that, they don't get to get up and leave like we do so they can take care of their needs.

Mr. Firestein.

MR. GORDON FIRESTEIN (testifying on Committee Report 19-114):

Thank you. Aloha, Councilmembers. Please reject this project. Let's consider for a moment the, the risk reward ratio of the project. Who is rewarded?

1) The 19 families who get to buy one of these properties for sure. It will mean a lot to them and I appreciate that and in no way intend to minimize that. But it won't mean anything to the hundreds, maybe thousands of others on the westside, we need affordable housing.

2) The developer who stands to make many million of dollars more than he could without the exemptions provided by this flawed 201H process. This is not a charitable act on his part, it's a rational business decision, opportunistically taking advantage of that fast-track process. He won't be giving anything away, he will be making way more money than he could otherwise.

So what are the risks? Well, even the fire officials who have testified positively would concede that fire is a threat. We were just reminded of that a couple days ago. Fire prevention elements have been included within the project and that's great. But that ignores completely the threat from the surrounding areas. The safety of the residents will depend entirely on the Fire Department's ability to protect the area from a wind driven wildfire. That fire is a question of when, not if. And if that wind happens at night, or during a hurricane, or both, the helicopters won't be able to fly.

And does that scenario sound familiar? No worries, you might think, the residents can evacuate. Well maybe not, if the fire is coming from the fields opposite the entrance to their road, which terminates in a dead-end. And despite the developers claim of six evacuation routes, in reality there is only one effective one, Haniu to Kai Hele Ku.

I've submitted written testimony previously, it's No. 179 if you want to look on the whole list of testimonies that has photographs of the proposed evacuation routes and you can see clearly the boulders that Tiara was talking about blocking Route No. 3. You can see where the asphalts been washed by the Launiupoko Stream on Route No. 6. Route No. 5 doesn't exist, it's being proposed.

So another risk that I would mention is the collapse of the community planning process where many many people are working hard to figure out how and where best to provide affordable housing, not for 19 families but for hundreds and hundreds of them. Approving this project would defeat that process. So please, let's, let's do this right, let's put up 100% affordable housing where the community says it belongs. Thank you.

CHAIR KING: Okay, Mr. Firestein, we have one question for you from Councilmember Sinenci.

COUNCILMEMBER SINENCI: Real quick. Thank you, Chair. Mr. Firestein, are you a resident of the Launiupoko area?

MR. FIRESTEIN: I am, yes.

COUNCILMEMBER SINENCI: And so we received the Zone 1 and Zone 2 as far as water conservation.

MR. FIRESTEIN: Right.

COUNCILMEMBER SINENCI: Are you, which zone are you in?

MR. FIRESTEIN: I'm in Zone 2.

COUNCILMEMBER SINENCI: You're in Zone 2 and then who issued you guys this?

MR. FIRESTEIN: That comes from the water company. It's Launiupoko Water Company, a privately held water company.

COUNCILMEMBER SINENCI: Okay, thank you.

CHAIR KING: Okay, seeing no other questions. Thank you for your testimony.

MR. FIRESTEIN: Thank you.

CHAIR KING: And we're going to be in recess until 10:45 a.m. and try to, if Councilmembers, if you could be back in your seats we have a lot more testimony, we're at a little bit less than half way through the testimony. Okay. We are now in recess, 10:36.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:36 A.M., AND WAS RECONVENED AT 10:46 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBER KAMA, EXCUSED.)

CHAIR KING: Okay the October 4, 2019, Council meeting is reconvening at 10:46. We're going to go back in, continue on with public testimony. And just remind folks that we, it's a three minutes testimony. The light will be green when you start, when it turns yellow you have 30 seconds left to conclude. And then when it turns red, your three minutes is up.

Our next testifier is Fran Mitsumura, to be followed by Trisha Higashi.

MS. FRAN MITSUMURA (testifying on Committee Report 19-114):

Thank you, Madam Chair and Members of the Council. My name is Fran Peart Mitsumura. I am testifying as an individual and I respect all of the challenges that you've been hearing. I am in favor of affordable housing and Makila Farms. I have been financing Maui properties for almost 40 years here on Maui. I have lived Upcountry, Kihei, Maalaea, and Lahaina. I have been traveling the Honoapiilani Highway to work every day for 25 of those 40 years. I was stuck the other night when the fire happened in my car on the road for nine hours after putting in a full day's work.

I see who is commuting every day and I have to tell you that it is sad that our residents can't afford to buy a home in West Maui close to their working place. Instead they get to spend two to four hours away from their precious family time on the road commuting to and from work. These folks would love to be closer to work, have the time to be part of their community, and spend more time with their extended family. As you know, parent's spending time with their children makes for a much better future adults.

Lahaina is Maui's golden goose. But in order to take care of that goose, we have to take care of the folks that make it golden. If Maui County had approved the last four affordable housing projects in Lahaina, I bet close to 200 of those cars would not be on road going to the other side. You approve affordable projects in Kihei and Wailuku, why not Lahaina. Because of a technicality and procrastination, I don't know.

The West Maui Community Plan should probably have been done long ago. Our government takes property or dictates to developers when it benefits them, some by eminent domain. Why can't this type of authority be used to help these developers that are willing to do these projects and help them push through faster and in a timely manner. I know the community plan is very important, but we have to start somewhere.

You don't stop running a business because a piece of the operation is not complete. You realize that these constant delays cost a fortune. And I know you know these costs are passed on to the consumer. I'm sorry but other, other communities can do the things like this, why can't Lahaina. Thank you.

CHAIR KING: We, we have one question for you, Ms. Mitsumura.

Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Aloha Ms. Mitsumura, thank you for your testimony. I was wondering if you could clarify specifically what you mean by eminent domain?

MS. MITSUMURA: Well when the bypass was being put in up Lahainaluna, those folks' homes were taken by eminent domain. I forget how many homes it was on the street just be, just below the bypass because I had many friends that owned homes on that road and the homes were eminent domain, taken by eminent domain.

COUNCILMEMBER PALTIN: Okay, so you said provide homes by eminent domain or take?

MS. MITSUMURA: They took the homes by eminent domain.

COUNCILMEMBER PALTIN: Oh, okay, thank you.

MS.MITSUMURA: Yeah, thank you.

CHAIR KING: Thank you. Alright next testifier, Trisha Higashi, to be followed by Michaellyn Burke.

MS. TRISHA HIGASHI (testifying on Committee Report 19-114):

Hi, Councilmembers, thank you so much for your time. I appreciate the opportunity to be able to speak in front of you today. My name is Trisha Higashi, I represent myself, and I also represent the working class people, the local people, your teachers, your speech pathologist, your therapists, that are running your society day in and day out. I support projects like Makila because I feel that we need affordable housing and we don't need it 20 years from now like our community plan, 23 years outdated. We need you guys to approve housing now so that they can start developing these lands.

Leaving the lands fallow leaves it open for fires because it's dry. Putting families on those homes helps to keep the land productive. I like that it's ag lands because we're able to possibly grow local food. I'm into growing local and buying local, not shipping the food which is costing more fuel and it raises the price of food.

You guys talk about climate change, climate change, reduce, reusing and recycling. It's about education. It's unrealistic to think that you're going to tell people you can no longer move to Hawaii or you going to tell people you can't have any more children, there's not enough resources. People are going to continue to have children, people are going to continue to move here. It's about conserving, reducing, reusing, and recycling and at the heart of it it's about educate, education, and education for the

people. And where do you think your education comes from? It comes from the teachers. It comes from the therapist.

I have a Master's degree, I make \$65,000 a year. I have a credit score of 815. I don't have any outstanding loans or debts, I don't owe anybody money. I'm not entitled to receive any land. My family comes from working for the Department of Education, they make the same income. Now they are forced to live on a reduced income because they are retired. Where are they supposed to go? With health care costs of elderly people being so high and my mother being diagnosed with dementia. It's \$12,000 a month at Hale Makua, it's \$4,000 a month at the other two assisted living facilities.

Makila will offer me to put a little ohana on my, on my property. I put my mom in there. I have a son who's three years old, how am I supposed to send him to college when I can barely afford to provide right now. I can rent that out and I would never rent out at market value, because I wouldn't be able to sleep at night. I would rent it out, and I would supplement my son's education so he doesn't have to graduate in debt like everybody else.

I'm telling, you talking about the fires, there's fires all over this island, not just in Lahaina, everywhere. You have to look at the developer. He's the one that did the study, there's enough water, he's saying there's enough water. He's saying once the project is approved, he's going to put in the roads necessary. He's going to go to the DOT and get more access. You got to look at the developers, they are doing the studies.

I commend him for putting together this project. 19 homes is better than zero. He can, he can easily make luxury homes there. I look around, I pushing my grocery cart, this is my fourth generation on this island, I don't recognize anybody. I don't recognize anybody in Costco. This is my home, this is what I know. The time is now. Thank you.

CHAIR KING: Okay thank you, Ms. Higashi. Any questions? Seeing none.

Next testifier is Michaellyn Burke, to be followed by Tiare Lawrence.

MS. MICHAELLYN BURKE (testifying on Committee Report 19-114):

Good morning, Council. Thank you. I'm going to try and read my testimony really fast because I wanted to touch on some of the stuff that I heard in other testimonies. So I'm focusing on location and trust. And I feel validated that I did that because there were other testifiers today that talked about these very issues.

So in the West Maui Community Plan sessions held over the last year and half, the West Maui community made it absolutely clear that it did not want sprawl. Makila Farms is sprawl, and it's sprawl for such a paltry amount of available and attainable homes. In the long run, these affordable and market value homes will want more and more services from the County and in these areas that were not prepared to grow in, like this area of West Maui that keeps coming in front of the Council for fast-track development.

Along the lines of sprawl there is no public transportation and no jobs nearby. So that's more travel on the already inadequate transit corridor we have. Nobody talked about this yet, but the Kauaula winds are a major concern. This is based both on traditional ecological knowledge and recent events like the Hurricane Lane fire last year. If you don't know what Kauaula winds are, ask the lineal descendants that are here, go to the archive at Lahainaluna High School and read up on the stories that the kupuna have written down on them.

There is no way that firefighters can battle fires in winds of 80 plus miles an hour. Trust, Lahaina is a very small town, it will eat you up and spit you out alive. There are trust issues with this development company, it doesn't have a very good reputation. It's no secret in Lahaina that the developer has been through multiple lawsuits because of substandard homes he sold for millions of dollars. They can't talk about it because of nondisclosure agreements when the lawsuits were settled, but all you have to do is ask if they'd ever purchase a Greg Brown home again, and that answer is a big fat no.

Here's the scary part, if this developer is brazen enough to sell substandard homes to the wealthy, how do we trust that this company won't do the exact same thing to the families desperate to buy into subdivisions. The ones that can barely make ends meet and won't have the financial means to pursue legal recourse like the million dollar homeowners.

And if you think my concern is unnecessary, and that these legal issues were learning experiences for the developer, then I urge you to look into the countless warnings and two violations for illegal short-term rental homes he owns. There is a pattern here of disregard for rules and regulations. This developer should not be given the opportunity to skirt any one of them on the backs of local residents desperate to own a home and provide stability for their families.

I'd love to stand here in support this project because my family and friends all deserve to not be killings themselves to live here. And I guess I would support the project if you just impose two simple conditions: 100% workforce, and not in Launiupoko. Until then I'm going to have to ask you to deny this project.

Okay, one bedroom, \$160,000 affordable right. I'm work, I'm working, I've got a husband, I'm starting out, I can afford that. Three years into having that home and a 30 year mortgage, I have two kids and one more on the way. Now I'm stuck in this one bedroom house, six hundred something square feet on a 30-year mortgage, does that sound really realistic? Thank you.

CHAIR KING: Okay, thank you for your testimony. Any questions, Councilmembers. We have one question for you, Ms. Burke.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Ms. Burke, mahalo for your testimony. I, I just wanted clarification on what you meant by substandard?

MS. BURKE: So, Lahaina is very small. You're not going to find this written down everywhere, but everybody talks. So he's been accused of putting in sprinkle head systems without back up water systems. He's, he hasn't packed the ground enough, and he didn't make the property stable and people are, the flooring is substandard, shifting, and they are paying big bucks to live there and now their tile is ruined. Their imported Italian tile.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification Ms. Burke. Mahalo, Chair.

CHAIR KING: Mahalo. Okay, next testifier is Tiare Lawrence, followed by Mike Moran.

MS. TIARE LAWRENCE (testifying on Committee Report 19-114):

Aloha, Council. My name is Tiare Lawrence, born and raised Lahaina girl. Like many others in this room I would love affordable housing on the westside, but for me personally I prefer to have housing that is done holistically with the, with the community's support and supported by the community plan. For the past four years I have continuously come here adamantly opposed to 201H in rural areas for many reasons. Fast-tracking projects that is not 100 percent in rural areas is an irresponsible way to address our housing crisis.

Water, I want to state to the County Council that we are in our master plan process where the County had purchased 186 acres right above Launiupoko Beach. That area is going to need water. I would much more rather our resources be available for our County park that would serve the needs of our community, that could house a halau,

that could house community spaces and farms any day over granting Greg Brown another 15 market priced homes.

Secondly, I would question the integrity of Peter Martin and Greg Brown. Over the past 20 years they have abused ag and building codes to build gentlemen estates. The County has been getting played continuously and is getting played again because they have exhausted subdivision, and 201H is their only card they have left to play.

Also this development will put our ocean and recreational users at risk. There was a study that came out last year through UH Hilo, Greg Brown claims that ATU is an upgrade from septic and cesspool pollution. But the UH Hilo, I have the study here claims that with their dye study they did last year, that study showed that ATU pollutes at the same rate as cesspools and septic systems. I'll share that report.

At one, at one point they said injection wells, cesspools, and septic systems were okay. Well literally, at Launiupoko we are swimming and surfing in shit. For real. Every few months the Department of Health comes out and says that the waters in Launiupoko are contaminated with fecal matter.

For me I'm all about affordable housing, I'm a big advocate for affordable housing. Let's talk about Leialii, let's talk about DHHL homes, let's talk about housing the generational families on the westside. Let's talk about perhaps putting development in places where we are doing infill that has been strongly supported through our community plan process this year.

Last time I came here I said look at Wainee, Peter Martin owns 200 plus acres in Wainee, it's a much more suitable location for infill and workforce housing that is walking distance to parks and schools and accessible to bus routes and would get cars off the road.

In 2012, the County adopted Reso. 12-34, the complete streets guide. Well this development goes completely against that. It's time we hold these large landowners accountable to better practices. Those lands have sat fallow for over twenty plus years. Peter Martin and all of these large landowners need to put these, these lands back in agriculture or perhaps solar farms or something to create a barrier and a protection around all of the families that are at risk for fires. Kauaula winds it's no joke, fires happen, and they've taken 19 homes last year. And--

CHAIR KING: Okay--

MS. LAWRENCE: --please, please just wait for the community plan before fast tracking any more development on the westside.

CHAIR KING: Okay, thank you, Ms. Lawrence. Any questions, Councilmembers? Oh we have a question for you.

Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Ms. Lawrence. You mentioned the County had acquired some property for, where is that again?

MS. LAWRENCE: Yeah, so it's right above Launiupoko and it reaches out past Cut Mountain. We purchased 186 acres. Two years ago the County granted the money to start the master plan process. I was fortunate to meet up with the park planners of, about four weeks ago and we talked about, we talked just about that, having a space for halau, having a space, we don't have enough, I mean the Lahaina Civic Center gets booked out a year in advance for luaus and birthday parties. We don't have enough community space to host these type of events out on the westside. And so I would, I would urge you to really look at, at the County park in making sure that they have adequate resources available especially when it comes to water.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: Okay, thank you. And what was the resolution that you talked about?

MS. LAWRENCE: 12-34, so the County Council adopted the complete street guides and basically that guide was to provide communities walkability and pedestrian friendly streets and roads. And you're basically putting a fast track housing development in a place that has no walkability to, to stores or parks, or, you know, so it just, it doesn't make sense. And so I would urge you to support infill growth in Lahaina which has been adamantly supported by the community.

CHAIR KING: Okay, thank you. Seeing no other questions, thank you for your testimony.

MS. LAWRENCE: Mahalo.

CHAIR KING: Haven't seen you in a while here. Nice to see you.

Mr. Moran, followed by Scott Shapiro. And we're switching gears here, Mr. Moran will be testifying on 19-402.

MR. MIKE MORAN (testifying on County Communication No. 19-402):

Aloha, Chair King and Councilmembers. Yes, I think this is the first of the day on something different. What's this 19-402? This is, we're looking in South Maui, we're looking for the bill for an ordinance amending Chapters 2.28 and 2.40 of the County Code for an Advisory Committee to the Maui Planning Commission in South Maui. So we can take a deep breath, change of pace. Mike Moran for the Kihei Community Association.

We are here this morning to express community support for this action. So we ask the receiving Committee Chair to please set this matter for a upcoming meeting as soon as possible. We are aware that some believe this is an unnecessary step for our all-volunteer organization to speak on a county communication, and we heard much of your discussion at Tuesday's GET Committee about oral testimony.

We are pleased that you look at the cost of meetings as all expenses are paid by taxpayers. But we were also pleased when we heard some of you expressed concern of the many facets of cost borne by the testifiers as well. Yes, it does require time, money, and effort for us to be before you this morning. So we need to be selective. Granted our transit from the south side is not near as extreme as coming from the westside, but it is still an effort.

On this item we came today because we feel it is so important to our region to have some official input concerning development since in spite of the verbiage in our, our current community plan, development is nowhere near concurrent with infrastructure. So we thank you Chair King for instituting a South Maui Advisory Committee and we hope it is officially in place to start to new year. Mahalo.

CHAIR KING: Okay, mahalo, Mr. Moran. Any questions.

Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'll try, try my best, but I just was wondering if you envision the Kihei Community Association to be a version of what you're asking here?

MR. MORAN: We've been asked that numerous times, Councilmember, and I use that word "official" because we have found that going before the Planning Commission as the Kihei Community Association, I can tell you I had testified to a, to a hearing when a commissioner who's no longer there stated publicly, we make the decisions here, we don't care what, you guys have no say here. So we feel if we do have an official County

sanctioned board doing a similar function, but on an official level that hopefully our voice must be heard by, by the Planning Commission.

COUNCILMEMBER PALTIN: And at that time you were, you were testifying on behalf of Kihei Community Association?

MR. MORAN: That's correct.

COUNCILMEMBER PALTIN: Okay, thanks, I'll be happy to work with you at a, not today though.

MR. MORAN: Yeah, no not today. But no, I didn't mention your name but I had a feeling it would be, go to your Committee. Thank you.

CHAIR KING: Thank you, Member Paltin. And just to let you know, Member Paltin, it's the whole South Maui, so you know, Maalaea is involved and Maui Meadows, it's not just the KCA.

MR. MORAN: Thank you.

CHAIR KING: Thank you, Mr. Moran.

Next testifier is Scott Shapiro, testifying on three items: 19-395, 396, 401, and 402. To be followed by Charles Palakiko.

MR. SCOTT SHAPIRO (testifying on County Communication Nos. 19-401, and 19-402, and Committee Report 19-114):

Good morning, I'd like to change things a little bit because of what's going on today. I'm just going to testify on 19-401 and 402, and a little on 114, which is the Makila Farms, if I could.

CHAIR KING: Okay, sure.

MR. SHAPIRO: So if I could I'd like to combine the 401 and 402, those County Communications because they're very similar into a just kind of a six-minute block if you guys let me.

So I'm here to kind of not kind of change pace again, follow Mike by coincidence. I fully support the creation of area advisory committees to the Planning Commission as the Hana Advisory Committee has been in existence for many years. And I would

hope that adding two more, South Maui and Paia-Haiku would begin the creation of advisory committees for the rest of Maui's districts.

Creating advisory committees to the planning commission, it would be a way for the planning commission to reach out to the community, to hear thoughts from a dedicated group of residents who are directly impacted by the decisions of the planning commission for their particular area, by holding public meeting on relevant topics that could be attended more easily by the public than at regular planning meetings, which are always held during the day, during work hours, and many times at the same time as this Council or committee meetings.

The advisory commissions would be able to hold public hearings in the evenings, so that people who are working typical daytime hours could more easily voice their opinions and satisfy those, those people who want and need to be heard. It's a way to bring developers directly into the community that they are impacting, by the County prescribing they present their projects in front of a group of people who live and work where the projects will be built. Increased community involvement, and being more transparent are critical to solve the issues that plague and delay good developments, when it comes to bridging the gap of developers needs and residents wishes, which we are hearing so much about today.

The bills 401 and 402 are very similar. There are two or three things that, that make them a bit different. One of them is, the 401 which is for the Paia-Haiku area, has the Mayor appointing all the members. The Mayor currently appoints all the members of the Maui Planning Commission, so I'm against having the Mayor appoint everybody, it kind of hand picks too many people. 402 which is the South Maui kind of version, checks and balances, the Planning Commission appointments by allowing six of seven members to be chosen by you guys and one member to be chosen by the Mayor.

Another big difference is that neither of these really have teeth that the Maui Planning Commission has to send any agendas to these advisory committees. There's language in each of the bills that talks about what the advisory committee will do, but there's nothing in there that demands that the Planning Commission sends information and has them see it before the Planning Commission would possibly schedule a meeting on a particular topic.

The Hana Advisory Committee right now is a little bit different. The Maui Planning Commission kind of depends on them to do all their work for Hana cause they don't go there. So all of these other areas, South Maui, West Maui, Kahului, what, what I would like is, whatever bill is looked at to have something put in that the Planning Commission cannot take up an item until the advisory committee comments have been received or a 90 day time frame for comments has passed, so there's some kind of a time limit.

There's a couple other differences, I don't really want to get into that today. I'd love to be able to talk maybe at a committee meeting. You got a lot on your plate today, so I'm just going to leave it at that. I sent in my written testimony last night so anybody can take a look at that.

CHAIR KING: Okay, if you're done with your, I'll just see if anybody has any questions on this, these two items.

MR. SHAPIRO: Okay.

CHAIR KING: Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Shapiro, for your testimony. Just couple quick clarifications. At one point you said people that live and work in the community. Were you intending it to be, they had to satisfy both, or live and/or work?

MR. SHAPIRO: I don't know, sorry, so my point being is that these advisory committees potentially are going to be happening at night. So people who live and work in the community will be able to attend because they'll be public meetings. So rather than trying to get to a planning commission meeting during the daytime, they will be able to come to an advisory committee and see the project just as they would at the planning commission but be able to comment more easily because it's, it's in their hometown.

COUNCILMEMBER PALTIN: Okay, got it. And then when you said make sure that the item would be scheduled by these committees before the planning commission. You, you understand that that might make things take longer, and the majority of the feedback we hear is faster.

MR. SHAPIRO: Right, so, so that's the, so that's the kind of the balance, right? So everybody wants to have community meetings, right, so.

COUNCILMEMBER PALTIN: Yeah, yeah, I just was making sure you're aware of that.

MR. SHAPIRO: I, I get it, I get it, it's more time, but--

COUNCILMEMBER PALTIN: Okay, thanks. Okay, thank you, thank you.

CHAIR KING: Any other questions? Okay, your, and your next item?

MR. SHAPIRO: I think it's 114, Makila Farms. I just want to put out there, I'm a proponent of something not many people who are a proponent of and that is because we are in a crisis here for affordable housing. Kind of like an emergency, right?

Eminent domain of large parcels I am in full support of and I know it's a topic that people don't like to talk about. If there is open agricultural land, Ms. Lawrence talked about 200 acres in West Maui, let's look at that. You know, we could build 100%, 100 affordable housing at prices that, and if you look at certain things that are happening right now in Waikapu. There is affordable housing, Fabmac Homes is building them for \$250,000 apiece. So there's no land cost there, so it's just, I think there's ways to do this. Sorry, I'm a little, I always get this way in front of you guys.

I think the Makila Farms is probably not the place to build 19 affordable house in lieu of building all of these other, you know, it's just not a fair shake. I just don't think it's going to help anything. I'd like to do something bigger, on a bigger scale with eminent domain in the central valley perhaps too. So I'd be happy to talk to anybody about that, about my thoughts outside of this public spectrum, you know, so. Thank you.

CHAIR KING: Any questions? Okay, and just to follow up on your, your 19-402, the item for the South Maui Advisory. If you noticed, Councilmembers, it was stamped like a few minutes after the noon hour. So it was actually signed before the noon hour and somehow it took like six or eight minutes to get stamped. So we made an exception to get it on today's agenda, just to let everyone know because normally we, we, and it was because of some changes that the South Maui Advisory Committee wanted to make. So, thank you very much.

MR. SHAPIRO: Thanks.

CHAIR KING: Okay, Charles Palakiko, followed by Lauren Kang.

MR. CHARLES PALAKIKO (testifying on Committee Report 19-114):

Aloha e, Council. My name is Charles Palakiko. I am a kuleana landowner and have been farming kalo in Kauaula Valley. This year was the first year that the water stopped flowing in our stream killing many native species. We've already been running into water issues for years and this development hasn't even started.

In 2018, CWRM decision set an IFS for Kauaula Stream to reach 3.36 million gallons per day within a few years. It's been over a year and we still haven't reached half the requirements of the CWRM yet and they are still trying to develop more.

The developers are saying they are getting a well that will support this development. What is the purpose of us restoring the streamflow, when they are digging wells and pumping water before we can fully restore our stream, which recharge our aquifer. How is this going to help our water in the future maintaining native life, streamflow, and expanding our farming. There has to be a limit on how many wells are permitted in this area.

We've been farming for over 25 years and we still haven't found a solution. Water is still running low in the patches we have now. Is there any way this development is going to make this situation better. Allowing this 201H most definitely won't improve these issues. Prove to us your development is not going to mess up our environment. Show us an EIS report proving our environment won't be impacted.

I humbly ask you to deny fast tracking this development. Thank you.

CHAIR KING: Okay, thank you, Mr. Palakiko. I don't see any questions. Thank you for your testimony.

Okay, next testifier, Lauren Kang, followed by Trisha Cruz.

MS. LAUREN KANG (testifying on Committee Report 19-114):

Aloha, Chair and Council. My name is Lauren Kang, I'm a full-time student at UHMC and I work at a busy resort in Kaanapali. I reside in Kauaula Valley, which sits mauka of Makila with my boyfriend Charlie Palakiko, who farms kalo there.

I'm going to bypass the already known massive issues of fast tracking this development, that we feel like we're repeatedly opposing as far as poor planning, safety, lack of infrastructure and accessibility, fire hazard, ATU seepage, and how unaffordable these houses really are, and the list goes on and on.

I understand that Greg Brown is proposing to fast track a development that he says he has already, has water meters from West Maui Land and will be utilizing wells. Being by Charlie's side, I'm a firsthand witness to what seems to be an endless fight with West Maui Land's water manager. Sometimes this is a daily struggle for Charlie to ask for more water. What seems to have been suitable, suitably forgotten by West Maui Land is that as a kuleana owner with the stream flowing on their property, Charlie's ohana has appurtenant, riparian and kuleana water rights.

USlegal.com speaks of Hawaii's appurtenant water rights as a greater superior right. Appurtenant water rights annexed to another more worthy thing which it passes as an

incident, being incapable of existence separate and apart from the particular property to which it is annexed to and which it bears a relationship connected without such, with, with the use of such property.

Reppun v. Honolulu Board of Water Supply in 1983, sets a legal precedent where the Board of Water was directed by the State Supreme Court to reduce the groundwater pumping, since the pumping reduced the flow of Waihee Stream injuring downstream taro crops. This case also set the . . . of riparian rights which are a product of the people's statutory rights to flowing and running water currently embodied in HRS 7-1, and this cannot be severed from the land in any fashion.

The USGS explains excessive pumping as over drying, over drying the groundwater bank account. Pumping groundwater out faster than it can be replenished causes the following types of depletion: drying up of wells which is lowering the water table; reduction of water in streams and lakes; deterioration of water quality which is salt water contamination; increased pumping costs; and land, land subsidence, which is soil collapsing.

For the first time that I can remember, the muliwai of Kauaula Stream has run bone dry. We have not seen a drop of water downstream since June, so that's four months of no ocean connectivity. I wonder how many native species we might still have left in the stream, which was thriving less than six months ago.

I have also wondered up until research for this testimony has proven very probable if the wells that are pumping groundwater from below have caused the river to dry downstream. I could not prove it myself but it seems like common sense to me as gravity pulls the water down towards the ocean, could the lower portion of the river possibly be drying up as a result of the water seeping down attempting to replenish the water table that is being sucked up through multiple giant straws.

The USGS--

CHAIR KING: Ms. Kang, the time is up so I need you to conclude.

MS. KANG: I'll just finish up here.

CHAIR KING: Okay, if you can just, make one sentence for conclusion.

MS.KANG: The USGS has seen this happen and knows it's a result of over pumping groundwater. Furthermore in the case of McBryde vs. Robinson, the natural flow principle addresses the rights of the ocean water to receive surface and subsurface water inflow.

CHAIR KING: Okay.

MS. KANG: Charlie's been working on expanding his kalo patches. So how will he be able to do so if this development is passed, continues to put, deplete the water table causing the stream to dry up. So if there's more development, especially the denser amount that Greg Brown is proposing.

CHAIR KING: Okay, I need to, I just need to stop you, but we have a question for you.

MS. KANG: Sure.

CHAIR KING: Okay, thank you for your testimony.

We have a question from Councilmember Paltin.

MS. KANG: Thank you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Kang for being here. My question is that are, are you making the assertion that it doesn't matter if it's non-potable water or potable water, it's having a negative effect on your riparian and appurtenant rights?

MS. KANG: To be honest, I don't know the details surrounding the non-potable and potable water. I just know that there's not enough water in the stream as it is right now.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR KING: Thank you for your testimony.

MS. KANG: Thank you.

CHAIR KING: Okay, next testifier is Trisha Cruz, followed by Daniel Palakia, kila *[sic]*.

MS. TRISHA CRUZ (testifying on Committee Report 19-114):

Good morning. I'm Trisha Cruz, I'm here as a private citizen in support of Makila Farms development. I want to say it's a little disheartening to witness so much character assassination with regard to this project. The land will be developed. It's ag land, it's not likely to be farms. They're, if this project is not approved, it will be gentlemen estates and I don't think that's what Maui needs right now.

I think that Maui is in a desperate housing crisis and we all know that's a fact. And this is a small improvement, and contribution towards solving that problem. And it is also a well-designed project, it's not something that the affordable aspect is put over in a corner. It's an integrated community that will be lovely and well-built.

Again, I think I want to speak on behalf of Greg Brown that he builds a quality project. He's a local person, employing local labor and staff, and he's built that community which is a quality community and I don't have any doubt that what he builds for the affordable homes will be any less quality. So, I'm asking that the Council seriously consider approving, moving forward with this project. It's needed now. And even if it's fast track, we're still talking many years down the road. And so we need to get started. We need to start solving these problems now. So, thank you for your time and consideration.

CHAIR KING: Okay, thank you, Ms. Cruz. Any questions for the testifier? Seeing none, we'll move on to the next testifier. Thank you for your, for being here.

Daniel Palakila *[sic]* followed by Julia Alos.

MR. DANIEL PALAKIKO (testifying on Committee Report 19-114):

Don't start the time, I just want to correct that it's Daniel Palakiko.

CHAIR KING: Okay.

MR. PALAKIKO: Sorry, it's my writing.

CHAIR KING: That's not what it says on here.

MR. PALAKIKO: I know, now you can start the time.

CHAIR KING: Okay, okay, thank you, Daniel.

MR. PALAKIKO: Aloha mai kakou, aloha. So I'm here to redirect us to a mo'olelo, to the history of that area because we're talking about what's happening and what's about to happen and the possible outcomes if we allow this project and other projects to go through. We need to remember the perspective of looking at things to the context of those who have the longest spanning experience in a particular area cause that experience is invaluable. So the kanaka maoli of Kauaula, of Launiupoko, of Lahaina,

greater Lahaina, we talk about the mo`olelo of the Makani o Kauaula, the Kauaula winds, documented.

We talk about fires in the past, historical accounts that we have lived through, not just last year. And the point I'm trying to say is it seems like that information is marginalized and is not taken into consideration as being worthy information in your consideration of things. The reason why I say this is, you check out the history, go wala`au with the kupuna, and you check out the history of that area, it's always been an arid area, always had limited water.

As far as precontact, there were limited smaller . . . communities living in that area. There is no archeological evidence that will support that it was once a large thriving community cause never have the wai. So let me tell you that mo`olelo. We come forward, Pioneer Mill takes over, they couldn't use a lot of that area, was too rocky, had hard time with, with the water, getting the water there and not enough soil.

And then let's go back, let's come forward a little bit more in history. What happens next is with Pioneer Mill shutting down the land gets sold off. I am sorry to the developers but they got shammed. They bought into a system and property in a place that couldn't support what they intend to do with the properties that they purchased cause neva have the water. Neva have um then, not going have um now, cause our climate, we talked about climate change. Mahalo for that opening statements at the beginning about the importance of climate change.

We have to be responsible. We have to take full hold of the kuleana and the kanaka maoli, the Hawaiians have, have been and were the first to take this seriously. So how come we not listening to it when my brother and myself and my sister-in-law and my uncle and everybody come up and says, we no more water. And then we get all our, our cousins that coming, that are non-koko, that are experiencing the same thing and telling you we no more water. The resources are not there.

So this project is not going to fit. In fact, this project, a possible development of more gentlemen estates, none of it is going to fit because we already have an over allocation of limited resources. Listen to the mo`olelo of this aina. It speaking volumes. Please take that into consideration. Mahalo ke akua. Mahalo . . .

CHAIR KING: Mahalo. Any questions, Councilmembers? Thank you so much. Thanks for correcting me too, on your last name.

Okay, Julia Alos, are you here? Okay, followed by George Brown, to be followed by Stephen Webb.

MR. GEORGE BROWN (testifying on Committee Report 19-114):

Good day. One thing I would like to back up Kuulei Palakiko, in that area over there, I use to work for Pioneer Mill, in that area less than half of that land was, the water was supplied by Kauaula and Launiupoko. There were wells down there above the swimming pool, the "A" pump and "B" pump. Those wells supplied the water for the vast, about 60% of the lower area. So he's absolutely right. There's hardly any water.

There's a . . . where the fresh water sits on top of the salt water. The farther you go down the hill and you put the straw and put that well in, your, you start getting brackish water and that's what we experienced at Pioneer Mill. So there is, there's a huge problem with water in that area.

I'd like to talk a little bit about the letter that you all got from the West Maui Community Plan Advisory Committee, September 1. And they asked you to put off these decisions until they have adequately looked at the water quality, quantity, housing needs, highway traffic, schools, parks, and medical facilities. Don't fast track this, we, you've heard this over and over again. It needs to be studied. And obviously, there's a big need for housing.

I've said before in front of various County committees that the State has 520 acres out there in Lahaina already. You heard today and I've said it before that Peter Martin has 180 to 200 acres out there. That will provide 2,000 to 3,000 houses. Two years ago, I, I talked about the State land. Had that, had something happened then, we'd be two years down the road.

Anyway, I, I ask you guys to turn this project down, let the, the plan happen, and then take a look at it and do it then. But also look at the State lands, also go talk with Peter Martin about hey, maybe we can, we can do something over here with those 200 acres. Thank you.

CHAIR KING: Okay, thank you, Mr. Brown. We have a question for, for you from Councilmember Paltin.

MR. BROWN: Yes, yes.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Brown, for your testimony and the historical perspective of the Pioneer. I just wanted to clarify the "A" and "B" pump wells that you're talking about is that over by Wainee?

MR. BROWN: Yes, they were right in Wainee Village on the makai side of Wainee Village, if, if you are familiar with that. There were "A" and "B", there was two wells there "A" pump and "B" pump.

COUNCILMEMBER PALTIN: And you're saying that is the water that was used to cultivate the sugar cane in Launiupoko?

MR. BROWN: In the lower area, in the below the "C" ditch and "D" ditch. And if you take a look at Google maps you'll see where the "C" ditch was and where the "D" ditch was.

COUNCILMEMBER PALTIN: And is that piping still there, do you know?

MR. BROWN: Those are ditches.

COUNCILMEMBER PALTIN: Oh, it was ditch water.

MR. BROWN: Ditch water, yeah.

COUNCILMEMBER PALTIN: Okay, thank you.

MR. BROWN: Yeah, it was pumped up into a reservoir and then flowed over in ditches. There are vestiges of those ditches now.

COUNCILMEMBER PALTIN: But it's not operating?

MR. BROWN: I, no.

COUNCILMEMBER PALTIN: Okay, alright, thank you.

MR. BROWN: No.

CHAIR KING: Okay, thank you, Member Paltin.

Next testifier is Stephen Webb, followed by Albert Perez.

MR. STEPHEN WEBB (testifying on Committee Report 19-114):

Good afternoon, Chair, Council. Thank you for hearing me. I have spoken here once before in favor of affordable housing, and I'm still speaking in favor of affordable housing. If that's Greg Brown, that's fine, if it's something else, that's fine, it just needs to happen.

I was born in Kahului, but I was raised in Haiku, so I can't really speak too much for the issues on the westside although I do feel a lot of sympathy so that whatever the correct decision is, am I close enough to the mike, whatever the correct decision is I trust you guys to make it.

But I would like to suggest that in making this decision, keep in mind a kind of big factor and that is the suicide rates of young people in America right now. Modernity is crushing us all. We can't survive in these conditions without housing, without, you know, we're not getting enough money. And there is all of these bills that must be paid to exist in this society. You know, whatever that means.

That's kind of an existential question, but I, I would like to see less people from my generation become victims of that statistic. I was almost a victim of that statistic so whatever that be, whether it be other affordable housing or the Makila Farms housing project, let's try to really look at this and get it done quickly if possible. And if not, well, you know, oh well, suicide statistics. So anyways, I'd like, so whatever your decision is, I'm sure it will be wise. You were elected for that reason. Just keep that in mind, please, because it affects everyone and it's really a big issue right now. Thank you.

CHAIR KING: Any questions, Councilmembers? Okay, thank you, Mr. Webb.

Next testifier, Albert Perez, to be followed by Clare Apana.

MR. ALBERT PEREZ (testifying on Committee Report 19-114):

Aloha, Chair King, Councilmembers. Albert Perez, Maui Tomorrow. I have two things to testify on today and I'm going to address the one, I'm sorry, I don't remember the name of it, but it had to do with the conditional permits and the waiver authority. It's on my, my sheet there.

So, anyway, I'm glad to see that there are going to be some requirements for the Planning Department to issue a written waiver and notify each Councilmember. I think that's an improvement. I don't like the fact that they have discretionary authority over every renewal. But that's the way the existing law is. I do support the changes to require a written waiver, but I don't think that their waiver authority should apply to sand mining or things like that. We've seen some bad results with that. So I just wanted to comment on that.

CHAIR KING: Okay and that was the CR 19-120, Members.

MR. PEREZ: Yes. Thank you, thank you.

CHAIR KING: And that was his first testimony. You have a question on that, Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. So just clarifying because that was through my committee. You don't want the written waiver for sand mining and like what quarrying, is what you're saying?

MR. PEREZ: Resource extraction, basically. But you know, it involves, so many of these projects that receive these types of grading permits don't get a lot of review and then the next thing we know, iwi kupuna is being dug up. So I think there should be no automatic waivers for that.

COUNCILMEMBER PALTIN: Okay, so the people already had the, the permit, whether it's special use or conditional permit and if they don't get their renewal in, you want no waiver and it just expires or.

MR. PEREZ: That would be preferable to me, rather than just some administrative process that happens behind the scenes.

COUNCILMEMBER PALTIN: Thank you, got it.

MR. PEREZ: Thank you.

CHAIR KING: Okay, Mr. Perez, next item.

MR. PEREZ: Next item. Okay, I got to keep that clock in mind. Yes, I'm testifying about the proposed Makila Farms project. And I'd like to start off by just saying that there is this impression that it's consistent with the community plan, and I have to apologize, I thought that I had, in fact I did send my testimony on September 4, when I was traveling, but I don't think that all of you got it. So I went into the details of that. It's not consistent with the existing community plan and I went ahead and I listed the, the names of the people who worked on that, that's in the testimony that I gave to you. So you might recognize some of those names.

If you approve Makila Farms today, you will be sending three messages: 1) that the hard work and vision that these people put in to the West Maui Community Plan is not respected; 2) that the current members of the West Maui Community Plan Advisory Committee may be wasting their time; and 3) that citizens should not have faith in the community planning process because well-connected developers know how to undermine it.

And then, I, on the second page I list some of those policies in the community plan. Encourage infill in order to protect agriculture and mauka open spaces. Don't develop south of Puamana and north of Kapalua, save it for agriculture and open space. And maintain the land acreage required to sustain present and future ag operations and open space.

The Council followed up in 1998 with the ag zoning ordinance that we know as the sliding scale. So that is what this project is trying to get around. They subdivide it to the maximum under that ordinance, and that ordinance ties itself directly back to the General Plan and the community plans. So it's implementing the community plans and I think that if we go that way, we are going to be ignoring the community plans. I'm going to have to hurry up here.

There are developers who are experts at providing 100% affordable housing, some like Ikaika Ohana, Doug Bigley, providing homes at 60% of AMI or less. Other developers like Ray Phillips, they have an infill development and 40 homes down in Kihei. It's not, 201H is not our only option and we need to start realizing that.

So, I do want to spend my last 36 seconds talking about this lawsuit that, that I ran across. I didn't have, I don't, I don't like to speak without facts, so, I copied this lawsuit, Applegate vs. Greg Brown. And the allegations begin on page three and include failure to disclose construction defects, encroachments on neighboring properties, zoning violations, building permit violations, misrepresenting the location of the boundaries. I'm not going to read the whole list, but I think that the integrity of this developer and any record of violation notices are important issues that the Council should consider before endorsing this project.

So I hope that the Council will reject the pressure to make a decision under the gun of 45 days and deny Makila Farms and take the time necessary to investigate these issues. Thank you.

CHAIR KING: Thank you, Mr. Perez. Any questions, Councilmembers. We have a question for you, Mr. Perez, from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Perez. I just was wondering where you got this from? The um.

MR. PEREZ: I went over to the Second Circuit Court, they have archives over there. So this is the one that I was able to find. There are many of the files that are stored on Oahu so, I wasn't able to get those. But this is straight from the Circuit Court. I made a print.

COUNCILMEMBER PALTIN: Okay, thank you.

MR. PEREZ: Thank you.

CHAIR KING: Any other questions? No other questions. Thank you for being here, Mr. Perez.

MR. PEREZ: Mahalo.

CHAIR KING: The next testifier is Clare Apana, to be followed by Buz Moffett.

MS. CLARE APANA (testifying on Committee Report 19-114):

Good morning. I am first going to testify on the Makila project. You know what, on Monday, we had the review of a portion of the water use and development plan. I didn't realize that there would be such a concrete example of exactly how to implement the Ka Pa`akai ruling. This, this project is exactly what the planner or the water development person was talking about when you take it to a specific project and you must, must by State law consider the effects to the cultural users, the traditional practices. And this project screams that right there, and I do not believe that it can be voted on until the Ka Pa`akai is enforced or is applied here. It is a State law.

When I spoke to your Planning Director and Public Works Director, I pointed out that does the County not follow State law because over and over again, the laws are not followed. The Ka Pa`akai case is just that one, is one of them. And they both said, no, we do recognize and enforce State law. So I'm just telling you that you were given that, that demonstration of Ka Pa`akai and here it is. Please enforce it, not please, you must enforce it, it's part of the law.

And so, then I will go on to my second one which is the permitting. I'm sorry, I don't know the numbers.

CHAIR KING: I think yours was, the second one was 19-120, the extension of the permits.

MS. APANA: Yes, thank you very much. Sorry, I'm having a problem with my glasses today. This is, these are my notes, their, got yellow and red all over it. The language to begin with is not clear, and I think there are unintended consequences in the language which should be very clearly "shalls" not "mays", which would give more discretionary power to the director. I think for one, this entire ordinance should be scrapped. I don't believe that people or companies should be allowed to have an extra chance, they should, if,

you know, if I don't, if I don't, my driver's license expires, I pay the consequences and I think they should too.

And having a discretionary ministerial ability to just go ahead and extend these permits is really really dangerous. I have suffered for many years because of these ministerial permits with sand mining. I've definitely been the, the, I feel like the victim of the consequence of giving the ability to just go forward without going through the processes of, of permitting.

I ask you to send this back for the language if you want to look at it more closely because in the form it's in, it does not make a lot of sense because of the way it's written. I just want to give you one example of, that I went through with this type of thing. You need to take the resource extraction out and separate it from short-term rentals. They really don't belong together. That has to be taken out.

A&B was sand mining illegally, they just extended their own permit, but they hit 17 burials while they were doing it. And so they were made to go back to the Land Use Commission to get an extension which they did. And they got it really quickly, but they were also required to do a plan for the burials, to actually make a plan for burials that have been sitting there for 10-12 years. And this didn't get done for many many years.

So, you see that when you don't go through all the steps and you just extend, especially in resource extraction, many things can happen, community plans can change, and you could have found 120 burials in the time that you have started your permit. So, thank you very much.

CHAIR KING: Thank you, Ms. Apana. And we have a question from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Apana for being here. So I just wanted to clarify, you're okay with the short-term rental part and the B&B part, and like the special use permits for churches. Your main concern is sand mining, quarrying, gravel, and things like that.

MS. APANA: At the very least, that needs to be taken out of this, separated. I do not agree with extending those permits because you missed your deadline.

COUNCILMEMBER PALTIN: Okay, so then you do understand that it's not about issuing it, or, or anything, you want if, what you want is if they need to renew it, you want them to go back, you don't want any renewals for sand mining, or quarrying, or rock, resource excavation.

MS. APANA: No, especially the resource extractions should not have renewals. They should actually go through the process again. Those are usually long permits. They are usually, from what I've read of the ordinance, resource extraction can occur in agriculture with a special use permit. It is not probably, possible in residential because you can't get a special use permit or a conditional use permit there.

But if by some chance you did, you would never know when you have reached your limit of the, like say they let you . . . 10,000 cubic yards, nobody is ever counting that, and you'd never know when they reached it. And so all you have is a time limit. And if you just extend that without being able to verify how much has been extracted, it's pretty much a permit to just keep going forever and take as much as you want.

COUNCILMEMBER PALTIN: Okay, I'm not sure if in this bill that we can stop that but I'll, I'll look into it about recommitting. Thank you.

MS. APANA: Thank you very much.

CHAIR KING: Okay, thank you, Ms. Apana.

Next testifier is Buz Moffett, to be followed by Shay Chan Hodges.

MR. BUZ MOFFETT (testifying on Committee Report 19-114):

Thank you very much for allowing me to speak today. My name is Buz Moffett, I've been a resident of West Maui since 1970. I grew up in a rental apartment sharing a room with my brother and was fortunate enough to get a workforce house in 1986 in the Hale Noho Subdivision. I still own this home and I'm here to testify in support of Makila Farms. This is a project that is truly affordable and working families can afford these units.

You know, you guys approved the, the Kahoma Village project and I'm not sure you're aware but the, the timeline for affordable housing sales just ran out on that project and so now they're going to market rates which just kind of proves that they truly weren't affordable to working families in West Maui. And now, now that prices are going to be market rate and the, the people buying them are not the people that need them. The people that need them, they need truly affordable housing and this project represents that.

And to consider not approving this is, is taking away something that our, that our community needs. I realize it's not as many as we need, but we have to start

someplace. You know, projects in the past have been approved and they were called affordable, but were they truly affordable. I don't know, it doesn't, doesn't seem that way. I'd like to, you to consider this project as a good truly affordable project for West Maui and I thank you for your time.

CHAIR KING: Okay, thank you Mr. Moffett. Seeing no questions, appreciate you being here. Next testifier is Shay Chan Hodges, followed by Jan Russo.

MS. SHAY CHAN HODGES (testifying on Committee Report 19-117):

Aloha. Aloha, Councilmembers. Thank you for not calling lunch right before my testimony. I did, I only came here really to thank you folks for the agenda item about hiring a special counsel for Bank of America. And of course, I did not know that these other items were on the agenda and I've been listening to them of course. And one thing that you guys know well is that if we are successful, which is what the objective is and we've been working over 20 years towards this, we will have quite a large fund for affordable housing.

The settlement for \$150 million owed by Bank of America for Native Hawaiians would be focused on Native Hawaiian housing. But the other, the other initiative that we're looking at is actually about the fraudulent robo-signing, and that all would go to an Affordable Housing Fund that would be for everybody and that is expected to be anywhere from half a billion to billions of dollars.

So clearly, if the community has access to large amounts of funding specific for affordable housing, a lot of these kinds of issues in the community wouldn't happen because we wouldn't be so dependent on various private folks coming in. And maybe we wouldn't have the, and I'm not really familiar with the conflict so I can't speak about 'um, but just, this is a way to go where we can really have some, some influence over our future. So, I'm really, really, really grateful that you folks are doing that. Thank you so much.

The other thing I just wanted to mention because I am listening to these conversations is I keep hearing water come up. And I'm not here officially in my capacity as Chair of the Water Board, but I did want you guys to realize a little bit about how our committee, board works is that we are supposed to advise the Mayor and the County Council to a certain extent, but we don't necessarily know what's happening in the community if folks don't tell us.

So our agenda items are whether somebody in the Mayor's Office sends us something or somebody in the community speaks to a board member and says hey can you put

this the agenda. So, you know, it would actually maybe be helpful in a sort of more infrastructural way and this kind of fits in with also your board idea with the planning commission neighborhood boards is if, I'm sorry, if there was a more specific way for the Council to just on a monthly basis let us know at the Water Board, what kind of issues are coming up.

And then, even, you guys approving the Water Use and Development Plan, we are not officially told that that's on your agenda. We know it's going to be at some point, but that kind of communication might help us to be more helpful to you. That's it.

CHAIR KING: Okay, thank you, Ms. Chan Hodges. And, you know, are you signed up to get the notices from the different committees because, Ms. Lee's Committee, Water and Infrastructure?

MS. CHAN HODGES: I'm not, I don't, yeah, I should sign up. I actually just kind of randomly look at it.

CHAIR KING: Okay, it would be good to, if you can get signed up.

MS. CHAN HODGES: Yeah.

CHAIR KING: Okay, do you have a question? Okay--

MS. CHAN HODGES: Okay.

CHAIR KING: Okay, thank you.

Okay, next testifier is Jan Russo, followed by Van Fischer. And we are approaching our--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, how many more testifiers?

CHAIR KING: After Ms. Russo, we have about ten more testifiers, so, you know, we've, I'll, I'll ask if you folks want to take a break after this one.

Ms. Russo.

MS. JAN RUSSO (testifying on Committee Report 19-120):

Aloha, Chair King and County Council. My name is Jan Russo and I am speaking on behalf of the Maui Vacation Rental Association. I'm speaking regarding Committee

Report No. 19-120. This bill was set in play by a County Communication from the Planning Director and is supposed to temporarily extend a permit while applications for renewal are in process. We support this bill, we need the grace period so nobody's permit expires during the permit renewal process.

However some of the language in this proposed bill was amended changing the deadline to file permits, specifically what used to read "within 90 days prior to permit expiration date" will change to "no later than 60 days prior to expiration of the permit".

And then further in the Planning and Sustainable Land Use Committee Report, dated October 4, on page two, it says "Your Committee amended the revised proposed bill to require applications to be submitted no later than 60 days to allow permit holders more time to submit their applications". But this new language actually gives permit holders in fact less time as they will have to submit their renewals at least 60 days in advance of their expiration date. And that removes about 59 days from their renewal submittal process.

Thank you for addressing the need to have a grace period for the renewal process, it makes sense; however, we feel it does not make sense to change the deadline for the renewal so drastically. And I think it will cause confusion both at the Planning Department and for the permittees. Thank you so much.

CHAIR KING: Okay, thank you, Ms. Russo. And just to let you know on that bill, the original bill that came to us said 90 days and we changed it to 60, so that allowed more time. So, the--

MS. RUSSO: The within--

CHAIR KING: --the reference, the reference to giving more time was the difference in the two bills, not the original ordinance.

MS. RUSSO: Okay.

CHAIR KING: Do you have a question, Ms. Paltin? Councilmember Paltin has a question.

COUNCILMEMBER PALTIN: Kind of because that was my Committee and, and I understand. But, I think, did you have a chance to read this in context with the preceding paragraph because when we're saying that it allows more time to submit their applications, previously you had to submit it in that 90 days window. Now without, with removing that within, as soon as you get your renewal, you can submit for your renewal right there.

MS. RUSSO: Okay.

COUNCILMEMBER PALTIN: So it's talking about more time to submit it, not within the 90 days.

MS. RUSSO: Okay.

COUNCILMEMBER PALTIN: And, and the work was done based on the Planning Department's recommendation because they're doing something that has not been codified.

MS. RUSSO: Right.

COUNCILMEMBER PALTIN: And so what we're doing is trying to codify it so that it works for everyone in being that it's a calendar based business. If somebody turns in their renewal application the day before it's up and it usually takes two months to six months to eight months, that's not how it works. So we're saying like, you have this--

MS RUSSO: So then you're saying--

COUNCILMEMBER PALTIN: --more time to submit their application. As soon as they get their renewal, they can submit already for their next one, you know, if you want to be ahead. So that's what we're talking about--

MS. RUSSO: Okay.

COUNCILMEMBER PALTIN: --in terms of more time if you read it in context with the preceding paragraph. So that's just where I was coming from.

MS. RUSSO: Okay, thank you for clarifying. It make more sense.

CHAIR KING: Okay, thank you, Ms. Russo.

MS. RUSSO: Thank you.

CHAIR KING: Appreciate you being here. Next testifier is Van Fischer and then we're going to go to the one more, one testifier in the Hana Office and then we'll all check back with the Council to see if you are ready for the break.

MR. VAN FISCHER (testifying on Committee Report 19-114):

Good afternoon, good morning. Thank you for the opportunity to be here today regarding Makila Farms. My name is Van Fischer and I'm in support of Makila Farms. I am one of the real estate agents that will be handling the sales of these homes should this project be approved. I'm a realtor, I'm a builder, and I'm an affordable homes advocate.

In the last five years I have bought, remodeled, and sold 13 homes to local families, mostly first-time homebuyers on the westside, and have become intimately involved in the process of affordable housing on the westside.

I've attended a number of CPAC meetings where I've testified and shared my background. I have 30 years development experience as a developer and I've shared my thoughts with the CPAC Committee on, on how we could help the westside get more housing and what areas it should go in. I, anybody on the CPAC Committee will tell you that I'm an avid opponent of urban sprawl.

I don't consider this project urban sprawl, this is an agricultural community, two acre lots, which is basically an infill of an existing agricultural community. We're really only talking about the County's rule of did they use up their allotment, and should that be waived to allow this project to go forward. As an ag community within an ag area of existing homes, everybody keeps saying that this is 19 workforce homes with a bunch of luxury homes, and that's just not the case.

This is 34 homes that will most likely end up going to people who live here. While 19 of them will be under the workforce rule and be in the, you know, 160,000 to 400,000 range, the other homes are not going to be luxury homes aimed towards second homebuyers. They are going to be not really affordable homes, but homes in the price range where doctors and dentists and attorneys and, and upper management people can afford those homes, that's who Greg is gearing those other market rate homes toward.

So this is not, give us 19 workforce homes so we can build a bunch of luxury homes. This is we're going to build a community, all 34 hopefully for people that live here. You know, could somebody else buy a home in there, sure, of course they could. But that's not our target market. We're working for the people who live here.

The, to date we have 500 people who have e-mailed us and asked to receive an application should this project be approved. That's 500 people who are hoping and praying that you approve this project, and I stand here speaking on behalf of them.

Over the last four years, I've watched testifiers stand here and cry, I've got phone calls, emails, people stop me at Canoe Beach, people stop me in the store, you know, what can we do, how can we do this. It's just imperative that we get more housing on the westside.

There's a lot of talk about 100% affordable versus what we're doing. I'm not aware of any 100% affordable projects that have been completed on the westside, but I can tell you within the last year alone, over 100 people have been put into workforce projects, earned a workforce homes through projects like this that were done by developers. Kaanapali, Kahoma Village, the one up by Kahoma Stream, they're working on one at the Kapalua, in Kapalua, over a hundred as far as I can count.

So we need to look at these projects not on an individual basis, we need to look at them as a whole that every little bit helps to get the people who need houses, housing. Thank you. Three minutes is not much time.

CHAIR KING: Okay, okay, any questions? We have a question for you, Mr. Fischer.

Councilmember Paltin.

COUNCILMEMBER PALTIN: I just was under the impression the Kahoma Stream one was 100% affordable along with the Kihune one as well.

MR. FISCHER: I, it was my understanding that the Kihune one, if you mean the Kaanapali one.

COUNCILMEMBER PALTIN: Yeah.

MR. FISCHER: It was my understanding that that was a workforce component of a Kapalua project. And then the one Kahoma, I don't know what the name of, except on the--

COUNCILMEMBER PALTIN: Residential--

MR. FISCHER: Yeah, is that what it is. But you know up behind there, you know . . . but the whole long street, it was my understanding that that was market rate on the upper end and then the lower portion was affordable, and then the bottom part was Habitat for Humanity. I could be wrong bu.

COUNCILMEMBER PALTIN: Yeah, I thought the upper part was workforce, which is a--

MR. FISCHER: Oh, if it was good, more power to them.

COUNCILMEMBER PALTIN: --higher, higher level.

MR. FISCHER: So if that was 100% affordable, I stand corrected, but not very many are.

COUNCILMEMBER PALTIN: Okay, thanks.

MR. FISCHER: You're welcome.

CHAIR KING: Thank you, Member Paltin.

Okay, we're going to, we got one testifier in our Hana Office.

Ms. Oliveira.

MS. MAVIS OLIVEIRA: Aloha, Chair. I have one testifier in Hana, Sam Akoi IV, is here to testify on 19-114 and 19-117.

MR. SAMUEL AKOI IV (testifying on Committee Reports 19-114 and 19-117):

Aloha, Council Chair and Members of Council. My name is Samuel Akoi IV from Moku o Hana, Kipahulu. I'm a practitioner and testifying on County Communication *[sic]* No. 19-114 regarding affordable housing. I'm a kuaina from the backcountry, practitioner, but it doesn't take a rocket scientist to see that this doesn't fit. I mean that this developer bought this property for a low price because no access to water make it worth much, figuring the fast tracking, he can make it work and make millions of dollars. Another developer trying to strike it rich on our island. How do I know this? The same thing is happening where I live in Kipahulu.

Also I'd like to support 19-117. Please investigate claims to Bank of America, and banking and mortgage industry. Thank you.

CHAIR KING: Okay, thank you very much Mr. Akoi. Any questions, Councilmembers?

MS. OLIVEIRA: Okay, mahalo.

CHAIR KING: Mahalo, Mavis. Okay, we have about 11 testifiers at this point. So what is the Council, would you like to take a lunch break. Would you like to try to power through the rest of these? Is everybody in favor of going? Okay. We're going to go ahead and continue with our next testifier, Kaniloa Kamaunu, followed by Ian Chan Hodges.

MR. KANILOA KAMAUNU (testifying on Committee Reports 19-114 and 19-120):

Aloha mai kakou. Kaniloa Kamaunu kou inoa, moku puni o` Maui. Moku o` Wailuku, of Waihee. So I had three items, but I think the second one on the ethics transparency committee, I will just forego.

CHAIR KING: Okay.

MR. KAMAUNU: So referring to the Makila, now, if you going to, if people are going to live there, at least know the name of the place, it's not Launiopoko, it's Launiupoko. It's talking about the short leaf coconut, yeah, tree, so if you going live there, you profess to be there for so many years, then please know the name, otherwise poho, you talking about someplace else that doesn't exist.

So what I don't like about this is, they're foregoing the process, fast tracking. And a lot of times things go wrong and then you have to go back revisit it to readjust. This is what I don't like about the 201H-38. It gives them the capability of foregoing any type of legislation that was already made. They just go through the thing and whatever comes out, and supposedly it's supposed to be better. I don't understand why, for 19 homes, it ain't going to make no difference.

And plus, if I'm not mistaken, many of the meetings I come for this type of housing, the developers still haven't met their quota. A lot of them haven't built them. So what makes that this thing, or this project is going to go before those go? I don't understand. I mean there's still developers who haven't met the demand that they are supposed to put up, that they've already agreed to do so. And there is nothing that's happening to them, it's not moving.

But we still fighting on, we still asking for this. We asking for 19 more homes, when you got I think over 2,000 that's still, if I'm not mistaken, you know, something like that. Doesn't make sense for 19, go fix those first, when those get done, everything is put together, then come back here. Because otherwise like was said earlier, it's going to be sitting there.

And when people refer to tourism, please read the last report that the State brought out. Tourism does not help Hawaii. Only certain companies make money. They use our, they use our facilities, our infrastructure and we don't recover the money that they, that's spent to fix these things. So don't talk to me about tourism. They don't do nothing for us, you know, it just damages.

So, we talk about reality, I'm for homes, I'm for people having a home, but I don't like hear people crying. My family is from here. I have plenty family members living together for generations. So, you know, if you going to fix problems, fix ours first, everybody else comes after. Mahalo, so I not for that.

Going to the last item, and Tamara spoken about it. So, the only thing I can say to that is yeah, the separation, Clare talked about it. You cannot lump those two things together, that's to me it's just two totally different things. And it's scary, especially for us who watch our kupuna get dig up, dug up every single day.

And then we come here and listen to meetings where people extend them, and then we have recent Councilmember who actually calls each and every one, every person to get them to put in their exemptions so that they can get their exemptions for their permits. This stuff is scary. On sand mining if you guys don't know, check the sand mining one. We got one Councilmember actually had his people call these people to come in to make their exemptions.

So my thing is, no, and the Director should not have all power to say yes. No, go through the process. The thing is, the process is there for a reason, to protect everybody, not certain people. Yeah, so it should be, I mean, I'm sorry, if you missed your deadline, too bad, go back to the drawing board. I mean if you paying people to come up with plans, to come up with plans, you pay them to come up with plans, you pay them to come up with schedules, you pay them to put a budget down. If you fail, if that, if what they gave you fails, fire the guy. You shouldn't have hired them in the first place because they should have foreseen whether or not you were able to go through this or not.

We had so many people asking for extensions. Why? They should have known. How much money they paid these people, figure 'um out? A lot of these guys get degrees or doctorates, whatever they have. Can't they figure it out, that's what they went to school for. I don't understand extensions, extensions for what. You put it in, that was your estimation, if it's wrong, fire the guy and sorry to say, start over again because you know, I mean, I don't like when they start doing this and that's what's happened to us. I'm talking more about, as far as the bed-and-breakfast, well, you know what I mean, but to lump these two together, for us it's dangerous. So mahalo.

CHAIR KING: Okay, are you finished?

MR. KAMAUNU: Yeah.

CHAIR KING: Okay, thank you. We have a question from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. So just wanted to clarify your main concern is waiving the expiration period for sand mining or related resource extraction, that's the main concern here?

MR. KAMAUNU: Yeah, because you have them lumped together and, you know, I don't, I look at it as two different items and I don't know why they would be submitted that way. Why wouldn't it be on--

COUNCILMEMBER PALTIN: Yeah, I don't know either. That's how it came to me. But would it be okay to just retract the waiver for the sand mining and grading or resource extraction items and make them comply with the deadline?

MR. KAMAUNU: Yeah, I would say that'd probably be the best thing to, to have them meet their deadlines. Especially, a lot of these guys in that certain area, yeah, have a lot of money, and we, the guys trying to fight them, you know, especially what happened and I think it was a year ago, a person's was just about to expire. And you know how long it takes them to get their, their permit. Theirs was done within 24 hours. And so, that's the kind of stuff we dealing with. So when I, we see this, there is no way that these two should be lumped together.

COUNCILMEMBER PALTIN: Well, I mean, so right now it has the waiver. We can put it in the same category as the short-term rental and B&B in that there is no waiver, there is no extension. When it, when it's the time to turn in their thing, we can make it the same like that's how short-term rental and B&B is right now. So we can make it more that in, I think the, the issue was churches and Korean churches. So we can do it that way, I mean I guess maybe that's why their lumped together, I not, I not too sure. But that's how it came to me.

MR. KAMAUNU: Yeah, it's kind of weird, and you know when I read, you know the synopsis of this thing right here, doesn't and then when you read what the thing really is kind of . . . and more confusing because it doesn't give us the point of the director's.

CHAIR KING: Did you get your question answered?

COUNCILMEMBER PALTIN: So, yeah, no extension without renewals.

MR. KAMAUNU: Yeah.

COUNCILMEMBER PALTIN: By the property channels.

CHAIR KING: Okay, thank you for your testimony.

MR. KAMAUNU: Okay, mahalo.

CHAIR KING: If we have any other questions.

Ian Chan Hodges, followed by Kai Nishiki.

MR. IAN CHAN HODGES (testifying on Committee Report 19-117):

Good afternoon, Councilmembers. I'm also here to talk about Council resolution 19-117 and to support that. And also mainly to thank the Members of the Committee on Governance, Ethics, and Transparency that passed this out of, which Mike Molina chairs, that passed out of the committee unanimously I believe last time. Thank you guys very much for doing that and hope you support it again here in the full Council.

The other comment I wanted to make is just that I do know that the other Councils, the other three Councils in Hawaii are actually watching and sort of following your leadership. There's at least one Councilmember if not more from each of the Councils who wants to do something similar just following your folks leadership.

And also all the way over in Miami, the Miami City Commission is also watching what you're doing today and is supportive. And they, if, if you don't know, they actually, the City of Miami actually had a lawsuit against Bank of America, they went all the way to the Supreme Court and they won. So they're also again watching you. So thanks so much for your leadership and for your support. Thank you.

CHAIR KING: Thank you, Mr. Chan Hodges. No questions. Next speaker is Kai Nishiki, followed by Fay Chin.

MS. KAI NISHIKI (testifying on County Communication Nos. 19-401 and 19-402, and Committee Report 19-114):

Good morning, Chair, Councilmembers. Mahalo. My name is Kai Nishiki, I am offering testimony on County Communication 19-401 and 19-402. And I just wanted to offer my support, I know it's only a county communication but I feel that it is an important step in the right direction, that these advisory committees could possibly follow the community plan process and ensure that the, that there is implementation of the recommendation of our community. So mahalo to Councilmember Molina and Chair King.

Moving on to 19-114. I offer my personal testimony today as a deeply concerned community member. However, myself, along with 12 others are members of the West Maui Community Plan Advisory Committee. We are volunteers devoting many hours away from our jobs, families, and personal lives to thoughtfully and thoroughly plan for the future of West Maui. This 201 application like the two Peter Martin projects that were recently considered and rejected in the exact same area preempts the West Maui Community Plan update process.

The Maui Planning, the Maui County Planning Department has also done extensive outreach in our area and the community has spoken loud and clear about not supporting dense developments in this area. We have shared our harrowing experiences of loss and terror during the recent fires and floods. At a recent CPAC meeting we had a presentation from the Maui Fire Department. The take away from that, from that presentation was that West Maui receives the highest call volume in the entire County. And further while West Maui is expansive, Olowalu, Launiupoko, and Ukumehame generate most of those calls.

Many have spoken out about our concerns about traffic, wastewater, water, inadequate safety considerations and further sprawl. I really agree with what Member Hokama stated at the last Affordable Housing meeting about developers working with the lay of the land and the current grade and slope, rather than mass grading entire areas and pouring concrete everywhere, especially on our ag lands.

I don't support approving this project until the CPAC completes our review process, but I do believe that what Member Hokama suggested that day should be adopted as our County's new standard for development principles, practices. We need housing that's truly affordable, close to existing infrastructure and services, and supported by our community, like a project in the works near the aquatics center on Wainee Street, Leialii, DHHL, and Pulelehua, all coming up.

Recently CPAC received testimony from Wayne Hedani, President of Kaanapali Operations Association, and you all know that Kaanapali has approximately 6,000 jobs that they provide. The testimony was in reference to another area in West Maui, but I agree with that sentiment entirely, talking about how housing should be near places of employment and feel that it can and should be applied to all housing development projects. I plead with you, please respect the importance and integrity of the CPAC process and defer consideration of this project until after the West Maui Community Plan update has been completed.

We absolutely need affordable housing, but not at any cost, especially not at the detriment of our residents lives. Let's make thoughtful decisions through inspiration and not out of desperation. Mahalo.

CHAIR KING: Mahalo, Ms. Nishiki. Any questions, Councilmembers? Seeing none, thank you for being here.

MS. NISHIKI: Thank you.

CHAIR KING: Our next testifier is Fay Chin, followed by Etan Krupnick.

MS. FAY CHIN (testifying on Committee Report 19-114):

Aloha kakou, I'm Fay, I'm from Launiupoko. I've never appeared before you before and I know you guys not listen to CPAC so I don't know why I try but I want to mahalo you for voicing concerns that luxury developers not just scrape ground, will eventually cheap segmentation in ag through 201 loopholes. You know it, you know this is coming if you approve Makila Farms today.

Affordable housing should be in perpetuity rather than disappearing from inventory after the term is up. You may have right of refusal, but Maui County in the past has not always repurchased homes to keep them in affordable inventory.

Luxury developers should not receive park waivers in the hundreds of thousands. If that luxury developer wants to build 15 to 30 market rate homes and make us wait seven years plus for 19 temporarily affordable. No waivers, let him find three multi-millionaires who what three ag parcels which can never be subdivided, you know, he's not building non-profit, he profits. He used the phrase holding a carrot over your heads, but I believe that he has a gun to our heads when it comes to our desperation for 201H. You have more power than he does here, so show him.

Mixed luxury developments end up increasing demand for workforce housing, not decreasing it. We are talking about up to 68 permanently market rate homes sending ATU waste to the ocean. You guys have the State Department of Health's copy of the UH study, the tracer dyes that showed that the ATU's pollution reaches the ocean just as fast as septic and cesspool. You know, that's been out for more than a year. You heard Dr. Pang.

I don't want to repeat what CPAC and more knowledgeable people have already stated but something that I don't know that has come up yet is that ATU's is supposed to be overseen by the government, not by HOA's as Brown has suggested. So, why, why we pay for that?

I know that I wouldn't be up here at all and you guys have never seen me here before in all the time that I've lived here. But the only reason that I'm here is if the families in Kauaula were on board with this, I just wouldn't be here. I'm concerned that in the case of an emergency that the families are going to be sidelined, trapped, and abandoned. I heard MFD give you guys testimony in Affordable Housing saying that they on their own, they should take some personal responsibility and that's heartbreaking to hear and I think that we can do better.

Let's not build more demands that compete with their safety and water rights. I don't believe that the well that Brown digs has no impact on water in the valley. And like I said, the, I don't want to repeat what you guys have already heard. I respect you and I believe in affordable housing in perpetuity. Mahalo.

CHAIR KING: Mahalo, Ms. Chin. Thank you for being here. Next testifier is Etan Krupnick, followed by Melissa Harding.

MR. ETAN KRUPNICK (testifying on Committee Report 19-114):

Good morning, my name is Etan Krupnick, I'm from Lahaina. Right now I'm living Upcountry and I am a resident, you know, for affordable housing. I think I've, there's a lot of us that's worked hard enough to get to that position to apply, be qualified. You know, I've heard it, you know, like we're all hungry for it where, you know, we got the credit check up to excellent, we pay our bills, and we would like to own something one day, you know.

But I think so as a resident and as a, almost like common sense, you know, just I would love to own something, but the right way. I mean I could never own something knowing that I'm stepping on my future neighbor's toes because I'm taking water that they really need, you know, or I'm moving into a place where we can't even facilitate proper exit roads for the families that already live up there.

I think so like, you've heard the first responders like speak, which is the families that see the streams every day. They wake up to it, they go to sleep to it, you know, they know those roads like no other people, you know. It doesn't take one person to come every six months to like give us an estimate. Go talk to them, you know. That saying, like I don't think this project should be approved.

Honestly, like I saw it, I got excited because, oh yeah, affordable housing, nice, let me check it out. And when I really looked at it, there's just a lot of gray areas on their website. It doesn't really show you like as a person that would be listing my name on

it, it doesn't really give me a lot of information that I can really trust, you know. There's a lot of could, subject to change, or plans that aren't even available to look at.

I think so if you're going to propose a project and actually try get it passed, get your website set so that the people who are purchasing it actually know what they are buying, you know. I mean prices could go up and then I might not even qualify. But it's just more so, I heard it from the families. They don't think that it's, it's a right place to make anymore development.

There is a lot of places that could provide actual affordable homes and you know what like 34 homes, 19 affordable, are we that desperate? Like yeah, we are, we're hungry to own something but really like why not make something like Napilihau. You know if you want to talk about the westside that's a real community, Wahikuli, Lahainaluna. Why are we making these little communities that really isn't part of anything. Like if you want community, or like a real neighborhood, like let's just do it right.

You know, we don't need two acres if that's the case because honestly, like Launiupoko, it's ag land but not a lot of peoples really doing ag. There's a lot of families that are, but it's just a lot of loopholes.

I didn't really come here with a lot of facts, I just know that this project should be looked into a lot more, and honestly I don't really trust the developer as a local resident of Lahaina. I think so he should be checked out and the plans. Thank you.

CHAIR KING: Thank you, Mr. Krupnick. I'm sorry I mispronounced your first name.

MR. KRUPNICK: Oh, that's okay, I've been getting that my whole life and then, you know eventually my classmates will correct the teacher but--

CHAIR KING: It's a really nice name, Etan.

MR. KRUPNICK: Thank you, thank you guys. Have a good day.

CHAIR KING: Okay next testifier, thank you. Next testifier is Melissa Harding, followed by Yolanda Dezon or Dizon.

MS. MELISSA HARDING (testifying on Committee Report 19-114):

Hi, my name is Melissa, I want to first say that I am opposed to the project, the development. I want to bring to your attention if you're not aware, Article 25 of the Universal Declaration of Human Rights which includes housing as a human right. That

also includes the right to live in dignity. I want to ask like, when we listen to these stories of multigenerational families who are going without water, how is that living in dignity.

And when we're going to try to build something that's going to put additional stress on their already scarce resources, to me that's not living in dignity. I don't know how your heart couldn't break and feel empathy for those stories. I also want to bring to mind the Hawaii report on measuring housing demand, page eight, which says that the reason for the relatively low population growth is the high number of residents leaving the state combined with an influx of out of state residents coming in.

This project is not going to allow workforce homes to have any ohanas. I want to know why not because if someone's going to get a workforce house, we have families that live together where some people have to leave the state, when you could have built an ohana that could be an additional housing dwelling for that family for a mother-in-law, a father-in-law, a mother, a father, etc. And also a way to battle high housing cost with the family sharing.

I also think the 30-year cap before you can sell your house at market rate is very limiting for families. We have to keep in mind like if people are buying a home which the workforce housing in this project is a two bedroom, one bath, in 30 years your family might grow from a starter home, a couple with one child to multiple children, that's something you need to think about. Is there going to be another affordable housing for me available when my family grows and I need to sell this affordable house because it's, I've outgrown it.

I also want to bring to mind the website which personally I felt had very conflicting messages on the front page, the landing page. It says that a single family home will start at \$161,700. The floor plan page, ranges homes one bedroom, one bath, 161,000 starting at, 161,000 up to a four bedroom, two bedroom *[sic]* house starting at 265,000. The bottom of the page has an asterisk which says workforce housing, workforce homes are a two bedroom, one bath, we will upload this floor plan when it becomes available. Why isn't that on the page if 19 of the homes are going to be workforce housing.

I think hearing from that realtor in the room, if you went to those 500 people that have interest in this type of project and you actually had them go through the website and read the project and know about, that you might have a different amount, of number of that people that are interested.

CHAIR KING: If you could--

MS. HARDING: There's just, my last I would say is this, yeah I would like to say that housing isn't a commodity, it's a human right, it's a deep source of community. It's where we create opportunities for the next generation while we remember the history of the multi-generational families and their stories and what they've doing in their land and there's just so much there. It's not a commodity and I think that we need to rethink that as a people. And especially for our community right now what we're going through that it's not a commodity, that's what I would say. Thanks.

CHAIR KING: Thank you, Ms. Harding. Okay, next testifier Yolanda, I'm not sure if it's Dizon or Dezon, followed by Mapuana Samonte.

MS. YOLANDA DIZON (testifying on Committee Report 19-114):

Aloha, my name is Yolanda Dizon from Kapaula. You know, it's just heartbreaking, you know when I heard about this that it, it passed through first. I was so angry. Why again? There's been continuous, you know, fast tracks that, you know, Makila this, Makila that, from Peter Martin and now Brown, same area, same issue, same negatives? If you balance, if you, here's your negatives on the project, and here's your positive. The negatives outweigh the positive. But you know what is so heartbreaking is the palu that they use, the bait.

Affordable house, and you hear all of these young people come up here and testify, crying, angry. Because they're not going to have their chance to get an affordable home when we know this project is built on lies, and distrust. And to put these young people over and over and over again, that pisses me off, that hurts. It really hurts and it should concern you, the Council. It is so sad to even have considered this to come back in again. It's not about affordable housing. It's about smart growth. It's about location. You've heard it all so many times.

Safety, water, pollution of our ocean, our resources are depleted. Digging holes in our aina continuously, endangering our aquifer. We live on an island. There is a never ending story of more people moving to Maui or our islands, period. When will it stop? Years ago there was a proposal of putting a moratorium on development to slow it down so can see the picture ahead of what we want in the future, 10 years from now. It never happened. And that's the sad thing. Maybe because we wouldn't be in the situation we are today if we had done what was right from the beginning years ago. And now it's a catch up and a band aid fix. Now it's on you guys. Thank you.

CHAIR KING: Okay, thank you, Ms. Dizon. Mapuana Samonte, is that person here? Followed by Lucienne deNaie. Ms. Samonte. Oh, okay, thanks. Lucienne deNaie followed by Karyn Kanekoa.

MS. LUCIENNE DENAIE (testifying on County Communication Nos. 19-395, 19-396, 19-401, and 19-402, and Committee Reports 19-114, 19-119, and 19-120):

Aloha, Council. My name is Lucienne deNaie and I've signed up to testify on a number of items today. I'm sorry, I'm just emotionally reacting to Aunt Yolanda. I mean, you know she lost her house in the last fire and she's a person you should listen to.

The first item I would like to address is the 19-395 and 96. I'd like to put on my hat as the president of the community association in Haiku. This was one of the priority issues that came up during our community forums, during the election. I know, Mr. Molina was there and Mr. Sinenci was there and it is areas that have ag subdivisions kind of just pop up overnight and no one knows what their proposing unless you go and dig a lot of things out of the engineers office. It would just be a good neighbor policy to have a sign posted that says what's being expected and then to have some sort of public accountability and review.

I came across a newspaper article from 2005 where then Mayor Arakawa was talking about the proliferation of various ag subdivisions and he, he was lamenting the fact, he says, these projects increased the stress on public resources without helping pay for it as an, as an urban residential project do. They give no consideration, the developer gives no consideration for additional schools, sewers, roads, other infrastructure, they just get to subdivide or consolidate and re-subdivide and satisfy some engineering requirements.

So this is a good step in the right direction of both 395 and 396, one of which requires signage as part of the subdivision ordinance. And this is already the case on the Big Island, if you go driving around the Big Island, every subdivision has a, a sign saying what's proposed and who's the Planner and who you can contact, just kind of basic good neighborliness. But also the idea that there is some Council review is really a step in the right direction. So thank you for forwarding this to Committee.

The next item I wanted to address also, I would like to keep on my hat of president of the community association in Haiku and that's 19-401 and 19-402. These are advisory committees that are proposed for the Paia-Haiku area and the South Maui area. Probably most of you are aware these are the two fastest growing areas in Maui. Our little Haiku, in spite of the fact that we have rural and ag zoning has just grown from a sleepy little village to kind of a world class destination.

And we do need a chance to I think give our own review and help our Planning Commission out. Sometimes we have someone from that region on the Planning

Commission, sometimes we don't. So this would be a good opportunity to have, I think a, a clarified and perhaps a more expeditious process because the kinks can be gotten out at the community level if there need to be conditions on a project or if it needs to be downsized or upsized, this can be worked out through that advisory review. So once again, support that being continued on to committee.

I will reset again, now I'm just speaking as a citizen. This is on number 19-114, the proposed Makila Subdivision. You know, I agree with those who have analyzed the water situation here. I served as an expert witness to the Land Use Commission when there was a proposal to expand the proliferation of ag subdivisions at Launiupoko and I got the same results from interviewing folks from Pioneer Mill, there was never enough water from that area to sustain the crops there. They had to use well water from outside of the community, the same wells Mr. Brown referred to.

Mr. Palakiko is, is absolutely right. The wells are connected to the streams, and no one is asking for any proof of, of how the water is going to work here. Ms. Apana is right, that is definitely something that should be analyzed under the Ka Pa`akai analysis.

You have established communities, I have visited every one of these families and seen their taro loi, and, and seen their lives there. I have spent a lot of time in this area because of my friendship with some of the families. And, these are established people with established family practices, passing them onto generations. This is what our Ka Pa`akai ordinance is about. It's enforcing the rights of Hawaiians to actually practice their culture and not have it like just dug out from under them because someone else wants to make some money.

I have to point out about the fires, they don't come from within the irrigated community. They come from the hills above. So just putting more people at risk does not solve the fires by approving 34 new homes that are going to need water to irrigate. That doesn't solve the problem.

And the last thing I want to say is having served on the GPAC and heard the tearful stories of so many people that wanted projects approved, Kaanapali 2020, Pulelehua, Puukolii. The same desperate cry for places and the entitlements were given, and then nothing happens, there is no accountability. Do we even know how much of Kahoma turned out to be affordable. We don't have much accountability, all we do is do the pens and sign the papers and then hope something happens.

And I think that these young people are being used as pawns because what happens later is the project is revised and the affordable housing cut down, and the price is raised and no one is held accountable.

My last item is the, oh sorry, my next to last item is 19-119. This is about the adoption on first reading of the District Boundary amendment for the Door of Faith Church in Huelo. This is a wonderful community institution. I live in Huelo, I've attended services for many community occasions at Door of Faith Church. And it's, it's great to see that there's some little hardworking, hard scrabble congregation that wants to follow our rules and get a community plan amendment so that they can expand the great work that they do in our community and I strongly support them moving forward and getting the proper permits they need. And I wish some of our larger landowners would follow their, that same measure rather than looking for loopholes.

The last item that I would like to address, and on this I would be representing the Sierra Club Maui Group, that's 19-120. This is the conditional and special use permit extension. Sierra Club has been tracking the laws regarding resource extraction for many many years and recently have been very supportive of the court cases and other clarifications that have been brought forward to try to get a handle on making it so what we can extract resources and not irretrievably damage iwi kupuna and cultural remains.

I think what's important to understand, and I applaud the back and forth that's happened here is that the resource extraction is very different than a B&B permit, it really is something that sometimes has been going on for a period of time and then the permit will come up and maybe expire. And there has been no chance during that time to address the inadequacies of any protection of iwi kupuna or any other resources that might be in the area.

So just to have the ministerial permit where none of that is ever looked at and let it slip through again is a slap in the face to the citizens who give their time to actually try to monitor what is happening on these lands because the County is too busy to do it. So this allows like a stroke of a pen to be like a weapon of destruction for and, and crushing hope for people who have been trying to bring wrongs in these grading permits that maybe were given years ago and really need to be reexamined.

So, please remove that. If this needs to go back to committee to straighten up that language, we would definitely support that, or if it can be amended at this time and remove the resource extraction and have a separate, separate sort of thing that addresses that, we would also, you know, be supportive of that. Thank you so much for your time and hearing out for the whole community. Aloha.

CHAIR KING: Thank you, Ms. deNaie, aloha. Any questions, on the testimony. Okay, next testifier is Karyn Kanekoa, followed by Augustine Hosino III.

MS. KARYN KANEKOA (testifying on Committee Report 19-114):

Aloha mai, Chair, Councilmembers. My name is Karyn Kanekoa, sorry, I have to read what I wrote otherwise I forget. I'm here today in strong opposition of the Makila Farms project. I do not believe that this project will positively impact our low-income housing crisis in Lahaina and Maui. Nineteen workforce homes that are not 100% affordable, some might say that that's better than nothing, but to me that's not good enough. If this is approved, it will open doors to more irresponsible development in Lahaina.

Honestly I think that fast tracking projects should be illegal. Why change laws and procedures because of develop, because of a developer said so. Is this project going to support the Maui County and community goals to improve our groundwater quality and recharge? A`ole. Is this project going to support our County and community goals in improving our and restoring stream flow? A`ole. Is this project going to support our Maui County and community goals for clean energy and real farming and sustainability? A`ole.

Planting 15 coconut trees and a few citrus trees is definitely not a farm. We have enough fake farms in Lahaina so let's please not continue that trend. In fact I think that, I think there should be some kind of Hawaii history mo`olelo and cultural classes that all developers are required to take before deciding what development they think is appropriate.

We're at a very crucial point in time when we can make a difference not just for Maui and Hawaii, but worldwide. The world is watching us now and more importantly our keiki are watching our every move. If anyone in this room is not aware of what's going on on Mauna Kea and across the State right now, this movement of lokahi is very important and we have the opportunity to change the tables and be leaders in what it means to aloha aina . . . and to protect and restore our resources now before it's too late.

And fast tracking projects like this is, to me is irresponsible development and is not setting a good example. Also traffic and fires, if you haven't noticed have been a huge issue on the westside. Do I want affordable housing, absolutely but not done in a rushed and irresponsible way. I, okay, I guess I'll skip here. I do want to say that I'm an educator, I'm from Lahaina, I found it important enough for me to leave school today and come here and voice my concerns.

I also want to acknowledge in closing, I want to acknowledge Mr. Riki Hokama for his statement to the Department back in 2017 when he said, "I'll tell you this, don't ever ask me Department if it's not 100% affordable, don't ever ask me for one fast track consideration." Mahalo for listening to me today and thank you. Mahalo.

CHAIR KING: Thank you, Ms. Kanekoa. I hope you don't have all that traffic going back home. Thank you for coming all the way out.

Next testifier is Augustine Hosino III, followed by Kapali Keahi.

MR. AUGUSTINE HOSINO III (testifying on Committee Report 19-114):

Good afternoon, Chair, Council. I'm here to support the Makila Farms project, and maybe I could propose if this don't go through that maybe we call it Makila Cattle Farms and maybe we just fence it all off, put cattle in there, truck in water, truck in food, and at least everybody might be happy, we can know where our beef is coming from. I, I just saying that, I mean, no matter what, no one is going be happy with the outcomes. We don't build affordable homes there, we are going to build million dollar homes, I mean. So I just here to say that maybe cattle farming might be the answer for this project but that's it. Thank you.

CHAIR KING: Okay, thank you, Mr. Keahi [sic]. Next testifier is Kenneth Ginsberg, followed by Tom Blackburn-Rodriguez.

COUNCILMEMBER PALTIN: Chair.

CHAIR KING: I'm sorry, Kapali Keahi.

COUNCILMEMBER PALTIN: That was Mr. Hosino.

CHAIR KING: Right, I know. I just got, getting confused cause they keep handing me this so, Mr. Keahi is next. I'm sorry, followed by Kenneth Ginsberg.

MR. KAPALI KEAHI (testifying on Committee Report 19-114):

Aloha Chair and Councilmembers. My name is Kapali Keahi, and I come from Lahaina. I'm opposed to the Makila Farms development mostly because, you know, Kai Nishiki was right, this is a desperate attempt at trying to remedy our housing concerns, the housing crisis especially the affordable housing crisis, especially on the westside. We have testified numerous occasions regarding development on the westside, mostly because most of the development on the westside has very little to do with people who are from the westside. And they do not benefit the people who are from the westside. Even more so, my family, and the long time families of Lahaina who I belong to.

And, you know, I had this idea that the, that fast track housing especially this 201H housing, can bypass environmental review. I don't think we have the, I don't think we really have the luxury of any developments bypassing environmental review processes. There has been numerous accounts, numerous data and research on how degraded our environment is already on the westside. Plantation life has been very detrimental to our environment on the westside, we've seen it first hand as, as families.

Which brings me to my next point. I mean, the, my ohana that does live up in the valley, you know, they, they've been raising taro up there for so long and they've been facing a lot of problems with West Maui Land Company, of course, and prior to them, of course the plantations in terms of their water usage. These families have taken impacts for generations. I don't want any more impact on my families and their, their use of the stream. I don't want any more impact on the, on the vital resources of that area.

This Council will have to decide once and for all, I believe, to make a stand on, or what your stance is in protecting our natural resources. I believe it's very critical to everybody in our, in our community especially on the westside. I'm kanaka maoli, and I'm concerned with, with the future of our culture especially from where we come from. I don't want to see our culture to deteriorate any much longer. So, mahalo, mahalo.

CHAIR KING: Okay, mahalo, Mr. Keahi. Any questions? Next testifier is Kenneth Ginsberg, followed by Tom Blackburn-Rodriguez, who is our last testifier signed up at this point.

MR. KENNETH GINSBERG (testifying on Committee Report 19-114):

Good afternoon, Chair, Council. I'm in support of Makila Farms. I'm in support of it because it's both mixed workforce housing and market value. I make just over the amount to qualify for the workforce, but not enough to buy a luxury home. So being that it's mixed, I'm hoping that the inventory will bring down the prices where I can afford a home that, you know, I can live in. I don't qualify for that, but I don't make enough to live in those fancy homes, so I'm supportive of it because it's both mixed.

I work on a lot of the projects that are workforce housing and I could never get into it because I do own a house, but I want to be back to the westside where I grew up and that's why I'm support of it.

CHAIR KING: Okay, are you done, Mr. Ginsberg.

MR. GINSBERG: Yes.

CHAIR KING: Okay, we have a question from Councilmember Paltin,

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering if you heard the testifier before that said the Kahoma Villages project, affordability period expired and that those had turned into market value homes, but they're not as high as the upper market value homes and just would encourage you to check that one out.

MS. GINSBERG: Oh, thank you, I did hear them talk about that, I was wondering. Thank you.

CHAIR KING: Okay, thank you, Mr. Ginsberg. Okay, Tom Blackburn-Rodriguez, current, so you're our last testifier signed up. If there's anybody else who wishes to testify, please sign up at this point. Looks like we have, we have a couple more testifiers.

MR. TOM BLACKBURN-RODRIGUEZ (testifying on Committee Report 19-114):

Council Chair, Members of the Maui County Council. I'm delighted that I will not be the last speaker before lunch. Very quickly, I would just like to say first of all that I want to respect everyone who's spoken here today both for and against the project and to honor their passion and their commitment and their strong beliefs which they expressed today.

You've heard it before, I'll say it again, you know, democracy is the worst form of government ever invented, and it's the best form of government ever invented. And you represent that today. We will not solve the affordable housing crisis with this one project. No one should think that is possible. We need upwards of 300 homes every year to be built in Lahaina just to begin to catch up. So this is not about solving the affordable housing crisis.

I hear a phrase attainable housing has begun to emerge from affordable housing. We're still trying to define what that means. We've got a conference coming up, I hope to participate in that and thank the Chamber for doing that. But I do think \$161,000 is attainable housing.

And we started out when I was first married in a small little house near a emergency ambulance center that went off quite frequently. And eventually we were able to move to a house. We built out as the family grew, we would add a room or add a bathroom as the family grew. I think that's what happens when you're able to get in for 161,000 in a one bedroom home, if you're a young couple.

There are a lot of frustration here. I recognize those, my family moved here in 1870, came over to work for the Bishop of Honolulu, and so we've been here a while. I would just also like to take the opportunity to clarify some remarks by my good friend Kai Nishiki in talking about the West Maui CPAC. In fact the CPAC voted five to five not to submit a letter to you regarding the topic that she spoke about because they felt it was too much going too far. So there was a vote to submit, it failed, well there was actually a vote not to submit it, that failed five to five. The CPAC was split.

Under her leadership, however, a compromise was reached that did have a vote of seven to three and interestingly enough, what was taken out was all of the language that restricted or how affordable housing could be built. They took out the 100 percent affordable housing language and the language they came up with was "and strongly encourage affordable housing". So the CPAC is, is a good organization, they're working hard, but I just wanted to make sure, I was at that meeting and you can also just go up on Akaku and watch the hearing yourself.

I would just like to again thank you, thank everyone for testifying. I think this is a good project and I do not believe anyone who testified or is in this room today is corrupt, or evil, or vicious. Thank you.

CHAIR KING: Thank you, Mr. Blackburn-Rodriguez. Any questions for the testifier? Seeing none, thank you for being here.

MR. BLACKBURN-RODRIGUEZ: Mahalo and have a good lunch.

CHAIR KING: Mahalo. So we have two more testifiers. Next testifier is Rick Medina, to be followed by Mavrick Kigimanang.

MR. RICK MEDINA (testifying on Committee Report 19-114):

Get your three minutes from an old man. Thank you, I was watching TV--

CHAIR KING: We're here live, don't watch us on TV. Come visit us.

MR. MEDINA: Hey, you old folks on the Council, howzit, how are you.

CHAIR KING: Aloha.

MR. MEDINA: You're old because you and I were here together 25 years ago, you know. Don't time this now. Start it now. Listen, I was watching TV, my wife and I were drinking coffee and I saw what was going on here. I jumped in my car, and my wife says where

you going, put on your shirt, oh I had to put on my shirt. Got in the car, came down here, found a parking spot, son of a gun if I'm not here two minutes since I came here. It's amazing, you guys speedy. So I thank you very much for being so fast.

What I'm going to tell you today is something that maybe is not on the agenda. It's about affordable housing. One thing that we have to do if we're going to have affordable housing is we have to cancel out this law that says show me the water. The responsibility of showing me the water is with the Water Department. Ever since that law was in effect, how many affordable homes were built? Zero. I'm not going to say you Councilmembers are zero, I'm just going to tell you that you got to follow laws that we passed when Alice and I were here 25 years ago.

You know you change the affordable housing thing, it's not up to the private sector to provide water, it's up to you guys, that's your job. That's why the County government exists, to provide the infrastructure that people need. And if you leave it up to the private sector to do it, nothing is going to happen. It's as simple as that. So get back to doing your business according to the Charter of law, Madam Chair, you're the one who follows--

CHAIR KING: Mr. Medina, did you have a, you had testimony on Committee Report 19-114.

MR. MEDINA: That's what I announced why I'm here. I'm just going to speak, what is that subject on.

CHAIR KING: We don't have the, the, the issue you're talking about we don't have that on the agenda so.

MR. MEDINA: Yeah, I know, I just thought you'd give me a little slack because of my old age.

CHAIR KING: We're not age . . .

MR. MEDINA: I retired 25 years ago from the Council. Alice Lee and I should be able to be recognized anytime we want to speak. Right, okay. Okay, thank you. Thank you, Alice.

CHAIR KING: She was the one giving me the evil eye by the way.

MR.MEDINA: Pardon me.

CHAIR KING: Go ahead.

MR. MEDINA: What, I didn't hear that.

CHAIR KING: Oh, I just said she was the one giving me the evil eye when you were going off topic.

MR. MEDINA: I don't understand what you said.

CHAIR KING: Just finish, go ahead finish.

MR. MEDINA: I can finish.

COUNCILMEMBER LEE: --just threw me under the bus.

CHAIR KING: Yeah.

MR. MEDINA: Oh, and he do that to you too. Where was I? Oh, stop that. Thank you. I came here to speak about a subject that's not on the agenda, is that okay?

CHAIR KING: No, it's not.

MR. MEDINA: It's not?

CHAIR KING: No.

MR. MEDINA: What would be related to affordable housing?

CHAIR KING: Well we just had, what you had on your form was the project, the Makila Kai project.

MR. MEDINA: Oh, that affordable housing?

CHAIR KING: It's a, it's a partial affordable housing project. But it's, it's a specific project.

MR. MEDINA: That's ridiculous where they going put that affordable housing. Shut up. That's ridiculous where they going put that affordable housing, way out in the desert, in the valley, no water. What are they kidding? You know what you going do, you going to give this guy affordable housing permit and then he's going to say, I tried to sell affordable housing, nobody wanted to buy in this place, so now I got to sell market rate housing. This guy is going to swindle us out of something that we don't want to be swindled. Okay. You still the same Alice, always telling me what to do. Now I forgot what the hell I was going to say.

CHAIR KING: Okay, does anybody have any questions for our testifier?

MR. MEDINA: Okay, just one final thing. You just got to run this County according to Charter law. Don't fool around with anything else like show me the water. That's not the business of the private sector. That's your job, the Water Department's job. Once you pass this responsibility onto the private sector, what happens? Nothing happens in the way of the affordable housing. So you guys got to amend this thing, get rid of that law and then we'll see affordable housing. Thank you.

CHAIR KING: Mahalo, Mr. Medina. Okay, thank you for making the trip over here. Okay, next testifier is Mavrick Kigimanang, followed by Lauryn Rego. Can you correct me if I mispronounced your name.

MR. MAVRICK KIGIMANANG (testifying on Committee Report 19-114):

Aloha, everybody. My name is Mavrick Kigimanang and I am all in, I am all in, in supporting this because it would be nice to see a block full of Hawaiians. Yeah? We would be block parties, there would be having fun. You know when, I come from Paukukalo, I know what it is to live in a block full of Hawaiians. You know, next door I get somebody yelling at me, I get aunties telling me, come over eat, you know, I would love that. So if this would pass Councilmembers, you in for it, you in for a block full of Hawaiians, ready party, enjoy, have fun.

You know, I respect you guys that live in Lahaina. I respect everybody that's in here. No fights, no causes, no nothing. I have a son of my own and I'm 25 years old. This is my step to, my present step to step in the next for my future. So if I don't speak now, then I have no future. So if you guys pass this it would be great for not only me, but my son and his son's sons. And one day I hope they could help you guys too. I love you guys. Aloha.

CHAIR KING: Aloha, can you, can you answer a question? We have a question.

MR. KIGIMANANG: Oh, yea, I--

CHAIR KING: Okay from Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for your testimony.

MR. KIGIMANANG: Yeah, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: I love your vision. You know that the only way to guarantee 100% of kanaka living in a block is to build on DHHL. Yeah, cause this not going to guarantee that all kanaka get into the houses, a lottery system.

MR. KIGIMANANG: Well not all kanakas but they would be people like, you know, us that no more nothing.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, cause you said all Hawaiians.

MR. KIGIMANANG: Hawaiians is, when I speak Hawaiians, I speak of aloha. That's what I think of Hawaiians, its aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo for your clarification. Mahalo, Chair.

CHAIR KING: Mahalo. Okay, last testifier is Lauryn Rego.

MS. LAURYN REGO (testifying on Committee Report 19-114):

Aloha, Council. My name is Lauryn and I didn't prepare anything really, I just wanted to go on record again in opposition to this project. So basically, I've seen it many times on the record, I believe that these 201H projects are a . . . of the intent. It's supposed to be for mainly affordable housing and I truly believe that these projects are so the developer who could legally build three houses can build more and is dangling the affordable housing bit as a carrot.

If this project passes this time around, in 2017 it was like eleven Council meetings, I think. And now it's back, a little bit different. If it passes, this is the formula for the rest of the developers who are holding onto our ag land waiting for the right Council to allow this stuff through. I believe in the face of climate change we need to be talking about remediating the ag lands and not taking them out of ag forever in exchange for 19 houses. Thank you.

CHAIR KING: Okay, thank you, Ms. Rego. Any questions, Councilmembers?

Okay, Councilmembers, that was our last testifier. We have any other testifiers in the chambers who want to come forward. Seeing none and, our District Offices no other testifiers. Okay, so Councilmembers are there any objections to closing testimony at this time.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, are there any objections to receiving written testimony into the record?

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Paele Kiakona;
2. Rose Valle;
3. Tiare Lawrence;
4. Scott Shapiro;
5. Albert Perez, Maui Tomorrow Foundation;
6. Morgan Haley Abel;
7. Suzanne Albers;
8. Julio Alos;
9. Jeff Anderson;
10. Dierl Bagusto
11. Marie Biga;
12. Millena Buraco;
13. Martha Cabo;
14. Susan J. Carroll;
15. Dallas Castillon;
16. Mark Deakos;
17. Michelle Debaldo;
18. Dina Edmisson;
19. Russell Evans;
20. Bob Freimuth;
21. Leslie Freimuth;
22. John and Nahal Fujikawa;
23. Amber Gifford;
24. Beau Guyette;
25. Jeff Jenson;
26. Mike Johnson;
27. Bob Laczinski;
28. Brandon Makaawaawa, Na Po'e Kokua;
29. Ed Mark;
30. Lucia Maya;
31. Kai McBride;
32. Colin, Rita and Caelin McClintock;
33. Pat Mifsud;
34. Robert Monteiro Jr.;

35. Michele Moore;
36. Kosei Nagata;
37. Mark Nigh;
38. Mercy Palmer;
39. Tricia Petersen;
40. Sandra Rivas;
41. Lori Ululani Sablas;
42. Surina Shankar;
43. Sydney Smith;
44. J. Shyloh Stafford-Jones;
45. Steve Strombeck;
46. Kurt and Beth Thompson;
47. David Tomkinson;
48. Peter Trunk;
49. Pamela Tumpap, Maui Chamber of Commerce;
50. Wendy B;
51. Jim Westerkamp; and
52. Katie Zimmerman.

CHAIR KING: Okay, so we've received written testimony. Testimony is closed. It's 1:08, what is everyone's pleasure as far as lunchbreak. So, 2:30. Okay so we will recess until 2:30 and everybody enjoy your lunch. Thank you for extending so our testifiers didn't have to leave and come back.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:08 P.M., AND WAS RECONVENED AT 2:34 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBER SUGIMURA, EXCUSED)

CHAIR KING: Okay, Councilmembers we're back in session, it's 2:34, the County Council meeting of October 4, 2019. I'm Kelly King, Chair of the Maui County Council. We have eight Councilmembers in the chambers, Yuki Lei Sugimura, excused at this moment. And we're going to go ahead and proceed with the minutes.

Madam Clerk.

MINUTES

The minutes of the Council of the County of Maui's special meeting of June 18, 2019 and regular meeting of July 5, 2019 were presented at this time.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MEETING MINUTES AS READ BY
THE CLERK.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Lee. Any comments or questions? If not, all those in favor of the motion say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SUGIMURA.

CHAIR KING: Okay, motion carries eight to zero, one excused, Councilmember Sugimura.

Okay, Councilmembers, I have had a request to move the Committee Report 19-114 up to the, the front of the, as the next item. We have a lot of people, the majority of the testimony on that issue and if we, if we want to do that before the--

COUNCILMEMBER LEE: Actually, I don't think so anymore now that we see that Councilmember Sugimura is not here, yet.

CHAIR KING: Okay, so are, you're in favor of keeping everything the same.

COUNCILMEMBER LEE: Yeah, the same, same.

CHAIR KING: The same order, okay.

COUNCILMEMBER LEE: Please, thank you.

CHAIR KING: Okay, alright, we'll go ahead and continue with the agenda as, onto County Communications.

Madam Clerk.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 19-389 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 26, 2019)

Transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2019.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I request to have County Communication 19-389 be referred to my Committee, EDB Committee.

(Councilmember Sugimura returned to the meeting at 2:36 p.m.)

COUNCILMEMBER LEE: Second.

CHAIR KING: Okay, rather than filing it.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR KING: I had, my notes, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR KING: Okay, actually it's, it's on for referral, I'm not sure that we need a motion. Do we need a motion? Okay, so we'll just, we'll just let.

VICE-CHAIR RAWLINS-FERNANDEZ: Seconded, Member Lee seconded my request.

CHAIR KING: Yeah, but the, it's actually on the request for referral. So you would only need a motion if you wanted to file it.

VICE-CHAIR RAWLINS-FERNANDEZ: I didn't make a motion. I just requested. I didn't make a motion.

CHAIR KING: Oh, oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: She seconded my request.

CHAIR KING: Okay, your request. Okay, next, Madam Clerk?

(See page 101.)

NO. 19-390 - KELLY T. KING, COUNCIL CHAIR,
(dated September 24, 2019)

Transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE'S NOMINATION OF KAUAI COUNTY COUNCILMEMBER MASON K. CHOCK TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR THE TERM ENDING JUNE 30, 2020".

CHAIR KING: Okay, Councilmember Paltin.

COUNCILMEMBER PALTIN:

SURE I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 19-390, AND TO FILE COUNTY COMMUNICATION 19-390.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Paltin, seconded by, oh welcome Councilmember Sugimura, seconded by Councilmember Sugimura. Any questions or comments?

Member Paltin.

COUNCILMEMBER PALTIN: So this resolution would approve the appointment of Councilmember Mason K. Chock, from Kauai County Council to serve as one of two Directors to the Western Interstate Region for the term ending June 30, 2020. The

other Western Interstate Region Director is you, Chair King. Councilmember Chock will replace Hawaii County Councilmember Tim Richards and I respectfully ask for this Council's support. I know many of us know Mason Chock and he's a good guy, so, just ask for your support.

CHAIR KING: Okay, thank you and just to let everyone know too that Tim Richards got appointed at, onto the Board of NACo, so he, he is actually--

COUNCILMEMBER PALTIN: On a different one.

CHAIR KING: Councilmember Hokama?

COUNCILMEMBER HOKAMA: I'm speaking in support of the motion. Mr. Chock is a seasoned Councilmember from Kauai and I can tell you that he has been very active in the Western Region. He has regularly participated and attended board meetings on behalf of our State and our Counties. So, Mr. Chock takes his responsibilities seriously and represents us very well. Thank you.

CHAIR KING: Okay, thank you. I totally agree with that.

Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I want to echo Member Hokama's sentiments. I also speak in strong support of this motion and would be so proud to have Councilmember Chock represent us. Mahalo.

CHAIR KING: Okay, great. Okay, if there's no other comments, I'll call for the question. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero, unanimous.

Madam Clerk.

DEPUTY COUNTY CLERK: For the record RESOLUTION 19-161.

NO. 19-391 - KELLY T. KING, COUNCIL CHAIR,
(dated September 27, 2019)

Transmitting the following proposed resolutions entitled:

1. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO AMEND ACT 132, SESSION LAWS OF HAWAII 2018 RELATING TO CESSPOOL CONVERSION WORKING GROUP";
2. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL ALLOWING COUNTY COUNCILMEMBERS TO ATTEND INFORMATIONAL MEETINGS OR PRESENTATIONS WITHOUT LIMITATION ON THE NUMBER OF ATTENDEES";
3. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW THE COUNTIES TO REGULATE HOSTING PLATFORMS";
4. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO CREATE A PAID RESPONSE MECHANISM FOR INVASIVE SPECIES"
5. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE FUNDING AND DIRECT THE HAWAII CLIMATE CHANGE MITIGATION AND ADAPTATION COMMISSION"
6. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO LOWER THE THRESHOLD OF BLOOD ALCOHOL CONCENTRATION TO 0.05"; and
7. "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO OFFER FINANCIAL ASSISTANCE TO OWNERS OF CESSPOOLS SEEKING TO UPGRADE OR CONVERT THEIR CESSPOOLS".

CHAIR KING: Okay, Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT PURSUANT TO RULE 7G OF THE RULES OF THE COUNCIL.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Paltin, seconded by Council Vice-Chair Rawlins-Fernandez.

Ms. Paltin.

COUNCILMEMBER PALTIN: Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolutions today.

CHAIR KING: Okay, any other comment or question? All those in favor of the motion on the floor say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE, MOLINA, PALTIN, SINENCI, SUGIMURA, VICE-CHAIR RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero.

Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE PROPOSED RESOLUTIONS ATTACHED TO COUNTY COMMUNICATION 19-391 AND TO FILE COUNTY COMMUNICATION 19-391.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Tamara Paltin, seconded by Vice-Chair Rawlins-Fernandez.

Ms. Paltin.

COUNCILMEMBER PALTIN: So Resolution 19-143, As Amended, at the September 6, 2019 Council meeting lists the proposed statewide topics from Maui County Council for possible inclusion in the 2020 HSAC Legislative Package. These topics were brought to the HSAC Executive Committee at its meeting on September 23 for further discussion on statewide impact.

The proposed resolutions attached to County Communication 19-391 are proposed State bills related to those statewide topics with the following exceptions. The matter of over tourism was deemed a major statewide issue. However proposed legislation is not listed on today's agenda because the Honolulu City Council will later be drafting legislation for inclusion in the 2020 HSAC Package.

The matter of lowering the blood alcohol concentration threshold to .05, which is number six on the agenda, is a bill that was introduced in years past by now Lieutenant Governor Josh Green when he was a State Senator. This is a statewide issue that already has the support of County Police Departments and SHOPO and was briefly discussed in the Multimodal Transportation Committee under MT-10(8) related to roadway safety.

And the matter of financial assistance to cesspool owners, No. 7 on the agenda is a bill that would extend the income credit to December 31, 2025, and eliminate the geographical limitations for qualified cesspools.

Attached to each piece of legislation is a justification sheet outlining highlights of each proposal. The items approved by Maui County Council for inclusion in the 2020 HSAC Package along with Councilmember Sinenci's proposals on funding for agriculture and funding for remote schools will be voted on by the HSAC Executive Committee at a future meeting.

Each of the four counties will be required to review and approve the final package of proposals that were approved by the HSAC Executive Committee before being sent to the State Legislature. I respectfully ask for the Council's support.

CHAIR KING: Okay, thank you, Member Paltin. And I just remind the Council that we did make approvals for the, the bills brought forward for, from Councilmember Sinenci. So these are in addition to those other bills and everything will be going to HSAC for

approval. So, no guarantees that HSAC is going to approve all of these, but this is sort of what comes, comes out of our Council.

Any questions, on any of these bills? I do really want to thank the Chair of our Multimodal Transportation Committee for, because we actually had discussion over two meetings about the alcohol related deaths. And that was something that this, one of these bills came out of that discussion. So thank you for that.

Okay, if there's no other discussion, all those in favor of the motion on the floor say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero.

Thank you. Councilmembers, these items will go forward to HSAC and the meeting will be on the 10th, in case anybody wants to attend. And we'll be hearing these plus other bills from the other counties.

Okay, Madam Clerk?

DEPUTY COUNTY CLERK: For the record, RESOLUTIONS 19-162 through 19-168.

Proceeding with County Communications for referral.

NO. 19-389 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 26, 2019)

Transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2019.

The recommended action is that County Communication No. 19-389 be referred to the Economic Development and Budget Committee.

NO. 19-392 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated August 28, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX".

The recommended action is that County Communication No. 19-392 be referred to the Economic Development and Budget Committee.

NO. 19-393 - KELLY T. KING, COUNCIL CHAIR,
(dated September 27, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE COUNTY CLERK (STATE OF HAWAII, ACT 136, SLH 2019 – IMPLEMENTATION OF ELECTION BY MAIL SYSTEM)".

The recommended action is that County Communication No. 19-393 be referred to the Economic Development and Budget Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 19-393 WAS PASSED ON FIRST READING AND ORDERED TO PRINT LATER IN THE MEETING AND ASSIGNED BILL NO. 50 (2019). COUNTY COMMUNICATION NO. 19-393 WAS THEN FILED. See pages 106 through 110 for discussion.)

NO. 19-394 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated September 26, 2019)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, MOLOKAI COMMUNITY PLAN AREA, DRAINAGE, BOND FUND, KAUNAKAKAI DRAINAGE SYSTEM B; TOTAL CAPITAL IMPROVEMENT

**PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS
(OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";**

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS (KAUNAKAKAI DRAINAGE SYSTEM B)";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS – KAUNAKAKAI DRAINAGE SYSTEM B)"; and
4. "BID RESULTS COUNTY OF MAUI DEPARTMENT OF FINANCE – PURCHASING DIVISION, KAUNAKAKAI DRAINAGE SYSTEM B IMPROVEMENTS, JOB NO. 15-31".

The recommended action is that County Communication No. 19-394 be referred to the Economic Development and Budget Committee.

CHAIR KING: Okay, Council Vice-Chair Rawlins-Fernandez? Did you want to wait till we get to the end? I know this is one of the ones you wanted to address.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: Okay, we'll go, we'll go through all of them and then we'll go back.

NO. 19-395 - KELLY T. KING, COUNCIL CHAIR,
(dated September 13, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.08.020, MAUI COUNTY CODE, RELATING TO PRELIMINARY PLAT PREPARATION AND SUBMISSION".

The recommended action is that County Communication No. 19-395 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 19-396 - KELLY T. KING, COUNCIL CHAIR,
(dated September 13, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 18, MAUI COUNTY CODE, PERTAINING TO PUBLIC REVIEW OF AGRICULTURAL SUBDIVISIONS".

The recommended action is that County Communication No. 19-396 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 19-397 - MATTHEW MACARIO, CHAIR, BOARD OF ETHICS,
(dated September 26, 2019)

Transmitting a proposed resolution entitled "AUTHORIZING THE RETENTION OF SPECIAL COUNSEL FROM THE OFFICE OF THE CORPORATION COUNSEL, COUNTY OF HAWAII TO ADVISE THE MAUI COUNTY BOARD OF ETHICS IN THE MATTER OF COMPLAINT NO. 19-05 ALLEGING VIOLATIONS OF THE MAUI COUNTY CODE OF ETHICS, BY OFFICERS AND EMPLOYEES OF THE COUNTY OF MAUI".

The recommended action is that County Communication No. 19-397 be referred to the Governance, Ethics, and Transparency Committee.

NO. 19-398 - KELLY T. KING, COUNCIL CHAIR,
(dated September 27, 2019)

Relating to Kauai County Council proposals for inclusion in the 2020 Hawaii State Association of Counties Legislative Package.

The recommended action is that County Communication No. 19-398 be referred to the Governance, Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 19-398 WAS FILED LATER
IN THIS MEETING. See pages 118 and 119 for discussion.)

NO. 19-399 - ALICE L. LEE, COUNCILMEMBER,
(dated September 20, 2019)

Relating to the possible construction of a bridge over Wailuku River.

The recommended action is that County Communication No. 19-399 be referred to the Multimodal Transportation Committee.

NO. 19-400 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated September 25, 2019)

Relating to promoting roadway safety.

The recommended action is that County Communication No. 19-400 be referred to the Multimodal Transportation Committee.

NO. 19-401 - MICHAEL J. MOLINA, COUNCILMEMBER,
(dated July 30, 2019)

Transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL AMENDING CHAPTER 2.28, MAUI COUNTY CODE, BY AMENDING SECTIONS 2.28.070 AND 2.28.080, RELATING TO PLANNING COMMISSIONS AND ADVISORY COMMITTEES, AND CREATING NEW SECTIONS 2.28.090 AND 2.40.240 ESTABLISHING THE PAIA-HAIKU ADVISORY COMMITTEE".

The recommended action is that County Communication No. 19-401 be referred to the Planning and Sustainable Land Use Committee.

NO. 19-402 - KELLY T. KING, COUNCIL CHAIR,
(dated September 27, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40, MAUI COUNTY CODE, RELATING TO ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION".

The recommended action is that County Communication No. 19-402 be referred to the Planning and Sustainable Land Use Committee.

(COUNTY COMMUNICATION NO. 19-402 WAS LATER POSTPONED TO THE REGULAR COUNCIL MEETING OF OCTOBER 18, 2019. See pages 110 through 118 for discussion.)

CHAIR KING: Okay, thank you, Madam Clerk. Moving, I guess I'll just see who wants to make changes or--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Chair.

CHAIR KING: Council Vice-Chair Rawlins-Fernandez, I think she was--

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 19-393**

VICE-CHAIR RAWLINS-FERNANDEZ: Three, sorry, okay, County Communication 19-393, as read by the Clerk.

I MOVE TO WAIVE THE REQUIREMENT OF THE
COMMITTEE REFERRAL AND REPORT PURSUANT TO
RULE 7G OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Sinenci.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Approval of my motion by a two-third vote of the entire membership of the Council will enable the Council to consider the proposed bill today. This is a grant from the State to our Clerk's Office in amount of \$106,176 for the implementation of election by mail system. I, I'm happy to take it into Committee, but it's, it's just a pass through grant from the State to our Clerk's Office to do the work that is required. The Legislature passed this bill and the Governor signed it, which will enact voting by mail uniformly across the counties for all elections commencing in 2020. And I'll just stop there.

CHAIR KING: Alright, any, any comment.

Member Hokama?

COUNCILMEMBER HOKAMA: Thank you, excuse me. Thank you, Chair. I'd like to support my colleague from Molokai's proposal to take care of it this afternoon. I would ask though if the Members wouldn't mind and I will volunteer my Committee if the subject of the elections by mail, cause I, I believe that is something that we, we should take seriously not only as far the, the current census count for our counties. But also to encourage how we going to get our community to participate more in other civic responsibilities such as elections. So if the Members wouldn't mind, I would ask if the subject could be referred to--

CHAIR KING: The subject matter.

COUNCILMEMBER HOKAMA: --the subject matter could be referred to my Committee and allow the Council to vote on the, funding itself.

COUNCILMEMBER LEE: Yes.

CHAIR KING: So any, any objections to that?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, so ordered. And then so we're back to--

COUNCILMEMBER LEE: The vote.

CHAIR KING: --the, this is, and we're voting right now on the waiver from Committee referral. So all those, oh I'm sorry, Councilmember Kama.

COUNCILMEMBER KAMA: I just, I just want to make sure I understand. So, we're going to vote today to waive this item to go to--

CHAIR KING: So that we can make a decision now.

COUNCILMEMBER KAMA: --so we can just allow it to go.

CHAIR KING: Right, on the grant.

COUNCILMEMBER KAMA: But, but Committee Member Hokama would want it in Committee for further discussion.

CHAIR KING: What, what we're voting on today is the grant, the grant monies.

COUNCILMEMBER KAMA: Okay.

CHAIR KING: So we would be accepting the grant monies today. Then we're referring the subject matter to Councilmember Hokama, so that he can have a fuller discussion in his Committee on--

COUNCILMEMBER KAMA: Okay, okay, got it.

CHAIR KING: --what the electronic, you know, voting by mail.

COUNCILMEMBER KAMA: Okay, I support that. Thank you.

CHAIR KING: Okay, thank you. Okay, all those in favor of the motion say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero. And back to Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL TRANSMITTED BY
COUNTY COMMUNICATION 19-343 ON FIRST READING,
INCORPORATING ANY NONSUBSTANTIVE REVISIONS OR
ANY ADJUSTMENTS REQUIRED BY, YEAH, AND TO, NO--

CHAIR KING: Yeah, file, you're filing the communication.

VICE-CHAIR RAWLINS-FERNANDEZ: Am I filing it?

CHAIR KING: The communications just--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, okay.

AND I'M GOING TO FILE COUNTY COMMUNICATION 19-393.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Lee.

Everyone understands what the motion is? Okay, all those in favor?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, wait, sorry, one quick thing. I, I, yeah I wasn't sure if I was going to file this because I wanted to make sure the matter goes to Member Hokama's Committee. So I just have one question and perhaps I can, if you, if the Clerk doesn't have it in, the answer right now, I can ask for it in writing later.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: But I looked at the testimony for the House, for the bill as it was going through HB 1248 and there was testimony that was submitted by our Clerk's Office supporting the passage of the bill at the Legislature. And the State Office of Elections' testimony included a breakdown of the cost per County, and in that testimony, it said that the County of Maui, the estimated cost would be \$205,695, which is about \$100,000 less. So I don't know if the Clerk has that information now, if not, I can request that information in writing at another time.

CHAIR KING: Okay, do you have that information about why, why it's short?

DEPUTY COUNTY CLERK: Yes, Madam Chair. My understanding is that we'll receive the funds for the next fiscal year. So this is for half of it for this fiscal year.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that explanation. Okay, Chair, I'm ready to vote.

CHAIR KING: Okay, thank you. The election will be in next fiscal year so. Will you be able to spend that money this, in this year, that first half of it, Ms. Clark?

DEPUTY COUNTY CLERK: Yes, and with our testimony that we sent to the State Leg, we included a breakdown of some of the different costs that we expect, so we do anticipate using it.

CHAIR KING: Okay, great. Okay any other questions or comments? If not, all those in favor of the motion say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero, unanimous.

Okay, and I think you had another one, 19.

VICE-CHAIR RAWLINS-FERNANDEZ: That's all, Chair.

CHAIR KING: Oh, you're not going to do 19-394?

VICE-CHAIR RAWLINS-FERNANDEZ: No.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I'll let it go to my Committee.

CHAIR KING: Okay, so that's going to be a referral.

And Mr. Molina, you had.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 19-402

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair. And you brought it up earlier in the meeting, it relates to County Communication No. 19-402, and you had disclosed to the body, which was much appreciated that it was six minutes after the 12:00 deadline, posting deadline as of September 27, 2019.

And you know, Madam Chair, I hate to be a nag, I know it seems so manini but just for our own sake because we establish rules for the public and also for ourselves so my initial concern was that because it was after the posting deadline that there may be a potential Sunshine Law issue, but I don't believe it is now. It's more of an infraction of our internal rules or our Council Rules.

So I'm just looking at a way to see how this can be addressed because if say, in the future a Member submits something past the posting deadline to County Clerk, then it could set precedence. So what are basically our options, and maybe we could get an explanation from Council Services or County Clerk as to the history of this 12:00 deadline. I would guess the Sunshine Law rule you could technically have up until 11:59 p.m. of that night, but for the practicality of the work, you know.

CHAIR KING: Would you, would you like us to like put in, put that subject matter on the agenda?

COUNCILMEMBER MOLINA: Oh, for the Council Chair's meeting?

CHAIR KING: Yeah, for the, the issue of the noon deadline?

COUNCILMEMBER MOLINA: Yeah, I guess for future, but for today's sake because it's after 12:00, can it be, you know, what do we need to do to get it referred to committee today versus having it be, you know, postponing it, tabling it until the next Council meeting, so.

CHAIR KING: It's on the agenda so it can be referred.

COUNCILMEMBER MOLINA: Okay, yeah, and that's what, what do we need to do to make it clean because it is six minutes after.

CHAIR KING: It's, it's just an exception, you know, it's an exception because this was actually signed before noon, but unfortunately didn't get stamped till a few minutes after the noon time.

COUNCILMEMBER MOLINA: Okay, is there any documents, documents that, you know, it was addressed before the time stamp because I guess most people will look at the time stamp and see that as the official--

CHAIR KING: Yeah, I think well in talking to our Office of Council Services, you know, it's within the Chair's purview to make an exception if something like that happens.

COUNCILMEMBER MOLINA: Okay.

CHAIR KING: And it's not an infraction, but it's an exception as in, I probably wouldn't have done it for this if this hadn't been sitting for so long. But we've been having some issues with Corp. Counsel getting back to us, I've gotten some transmittals that have gone to Corp. Counsel, and then a month later found out they never received it, but we never got a bounce back. And so we're trying to work out some of these issues with the transmittals and this is one of them.

Is like you know, if something gets signed but not time stamped. You know, so we're, part of what I'm going to do is get a time stamp for the Chair's Office so we can show the times that these items are being signed. A lot of stuff gets time stamped and then it gets sent to us after. So we have that reverse issue sometimes where it gets time stamped before noon, but it doesn't get signed till after noon. So it could be that we, you know, may be something that we want to discuss at the Chair's meeting and we

could put that on there as like why, why, you know what, what causes something to still go on if it's stamped early but signed later.

COUNCILMEMBER MOLINA: Okay, yeah. I just want to read into the record what the Rule states. Rule 11, Rules of the Council states that "all petitions, resolutions, reports and other communications shall be submitted to the clerk before 12 noon". So, which is again I just trying to, want to make things clean and--

CHAIR KING: Yeah I know, actually, yeah it actually was submitted to the Clerk before 12, and it just wasn't stamped.

COUNCILMEMBER MOLINA: Okay.

CHAIR KING: So that's one of the, our issues.

COUNCILMEMBER MOLINA: Well, anyway, I'll, I'll yield the floor for any other comments from my colleagues.

CHAIR KING: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, thank you. Yeah, I can see this happening occasionally Chair. But I think we've been try to be consistent with the stamp of the Clerk, that's why the Rule is "received by the clerk before 12:00". And again, yeah, Members, that's all part of the logistic requirements of, of posting because on that same day, by 4:00 p.m. we must post for the next Council meeting and have that publicized. So, you know there's all this deadlines that the, the, the Chair as the Chief Administrative Officer has to deal with.

But, you know, I don't know why Council Services couldn't have assisted the Chair because quickly if you just look, the subject is advisory committees. They could have just written that the subject be referred to appropriate standing committee and then that could have been posted without an issue, and then you would have that umbrella, or then the Chair could just then directly submit her specific South Maui proposal, yeah.

But my point, Chair, is that we've lost lawsuits on technicalities in the past, small technicalities, and this is a technicality that to me rises to the point that someone could make it a stink and nullify our legislation. I would rather be safe Chair, because I want to support the intent where you folks trying to head with the advisory committees. And so I would like it clean.

I don't think a one or two week delay is going to hurt the legislation. I think it will allow Ms. Paltin to prepare her calendar because I know she's got other zoning requests

before her. I understand, Ms. Paltin, but that would be my suggestion, Chair cause I would really like to work on this advisory subject and I wouldn't want a potential technicality hanging over us as something that could knock us off our path because--

CHAIR KING: Okay, well let me get our Office of Council Services. I think one of the issues is they, you know, trying to get both of these issues on the agenda on the same so that, because I didn't want to hold up the other item. But it will, I mean, I would assume that Ms. Paltin would want to put both of these on the same agenda for her Committee rather than doing them one at a time. So this would hold up the other for a couple of weeks. But Mr. Raatz?

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank you, Chair. David Raatz of the Office of Council Services. The Hawaii Supreme Court has held that the Rules of the Council don't have legal effects and the failure to follow your own internal rules is not a basis for invalidation. So that's the legal side. But if you want to have a clean process as Councilmember Molina alluded to, to make sure you're complying with requirements that are in the Rules, the Rules do provide for waiver of anything that you didn't technically comply with. So if the body wanted to vote to waive the requirements specifically for this one item, that might be a way of avoiding a precedent that has been alluded to of accepting items in the future that are not submitted timely.

CHAIR KING: Okay, would that, would that be sufficient, Mr. Hokama? To make a motion--

COUNCILMEMBER HOKAMA: I'm sure, you know, the other merits but I would say, I would agree with Mr. Raatz if the decision to waive was made prior to the action. You telling us now to whitewash something already that was done that shouldn't have been done. Okay.

COUNCILMEMBER MOLINA: So, Madam Chair, would, would maybe a motion to table maybe, that might table today to make it cleaner and then have it put onto the next Council agenda is like what Mr., cause I am kind of concerned. I agree with my colleague Mr. Hokama, you just never know what can happen on a small technicality.

CHAIR KING: Okay, you're not worried about your item being held up for two weeks.

COUNCILMEMBER MOLINA: Oh, no, no, I think this is the only, I think was this apply only to 402?

CHAIR KING: No, but I mean I was, I spoke to Councilmember Paltin about putting both of these on her agenda at the same time.

COUNCILMEMBER MOLINA: Oh, yeah, no, no, no.

CHAIR KING: So you're okay with those--

COUNCILMEMBER MOLINA: --yeah, I'll leave it to the Committee Chair when she wants to address it, yeah, no, no problem.

CHAIR KING: Okay, okay. Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I know that this week we ended up pushing back one of the items. So in PSLU, the next two agendas, I believe are like full, anyway, so these items wouldn't make it onto the Committee for another at least month probably.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So I, I, I don't see any harm and I'd like to, you know, be safe. I understand your explanation in having that exception, but just since we were talking about rules in GET this week, and you know, just following the honor system in, in, you know, making sure that everything is tight and holding us, ourselves to that standard of following, you know, the rules even though I understand your explanation with the stamp. And if, if we need to make a budget amendment to get you a stamp, I'm on it.

CHAIR KING: I don't think we need a budget amendment, but we do need the recognition that the stamp would, you know, suffice because I feel bad for the Kihei community, the South Maui community who supports this and came out to testify and has been waiting for this to get on the agenda and, you know, we haven't gotten it back from Corp. Counsel.

Member Paltin?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

COUNCILMEMBER PALTIN: Thank you, I just wanted to say, and not trying to blame anyone but I do have a lot of leftover stuff on my master agenda. And, you know, I'm willing to hold extra meetings on the off weeks if, if that helps the cause like, you know, cause I got choke stuff to push through, and every item seems to take up just one meeting one item somehow.

So I mean, you know, if, if folks want to put in the extra work I'm down too, just let me know if, if, if it's a thing that we can have a meeting every week about PSLU I'm okay with it. If it's, if it's something that would help out the cause.

CHAIR KING: Okay, well, that's generous of you. I guess we're, we're not talking about having more meetings, we're talking about pushing this, this items of the advisory committees back a couple weeks, so.

COUNCILMEMBER PALTIN: Yeah, I kind of, I mean I gave.

CHAIR KING: If that works for you--

COUNCILMEMBER PALTIN: I gave my word to, to the next two meetings, unless you know they can work out a resolution themselves. I don't, I don't want to go back on something. Like I had to push that one that was.

CHAIR KING: Sure, if you, you didn't have room for, to schedule this anyway, correct?

COUNCILMEMBER PALTIN: Yeah, the next two meetings are um, I made commitments to the people that were in line and I really hate. Like just even pushing back because we didn't finish two items on the last agenda, I feel, I feel really bad that I told these people and they might have flew in from other places for this meeting and now they might have to change their airline tickets and things like that. So it's, I just, I just want to honor the commitments that I made and, and so the next two meetings are kind of a little bit locked in unless on their part--

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: --they pull back, then I'm, I'm okay with squeezing other stuff in, but I don't want to be the one to shaft them.

CHAIR KING: Okay. Well I think the discussions on advisory committees will probably be a long one so I don't want to burden you with, you know. But I do think it's--

COUNCILMEMBER PALTIN: Trying to squeeze into the agenda.

CHAIR KING: Although the one is a resolution to send it to the Planning Commission, so that could go quickly.

Vice-Chair Rawlins-Fernandez:

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, sorry, Member Paltin you pau?

COUNCILMEMBER PALTIN: Oh no, I mean if, if, if Members want to waive it, I'm down for that. But if they don't want to waive it, I'm open to what, what is requested on these

subject matters to accommodate whoever has a particular thing. But I just don't want to go back on my word to the commitments that I've made.

CHAIR KING: Okay. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was just going to, to add to that as I mentioned earlier in the Chair's meeting we'll, when we have the Chair's meeting we can discuss amending our own internal rules to allow for Committees to have a full day, and maybe that will help to get more items off your plate. Mahalo Chair.

CHAIR KING: For the, for the next calendar year, possibly, right?

VICE-CHAIR RAWLINS-FERNANDEZ: I was hoping next month.

CHAIR KING: I don't . . . proposal is, we have, we had a calendar already published that's why, that's out in the public domain now.

Councilmember Lee?

COUNCILMEMBER LEE: Madam Chair, so I'm just trying to figure out what the plan is. Are we going to table your item?

CHAIR KING: It's up to the body what you want to do, I mean, you know.

COUNCILMEMBER SUGIMURA: I think that's what we're hearing.

CHAIR KING: It just, it just pushes back the other--

COUNCILMEMBER MOLINA: Table--

COUNCILMEMBER LEE: Yeah, for it to be reposted, yeah. Okay.

COUNCILMEMBER MOLINA: Okay, well--

CHAIR KING: But, but also keep in mind that if we're not going to make exceptions, we're not going to make exceptions for anybody.

COUNCILMEMBER LEE: Absolutely.

COUNCILMEMBER SUGIMURA: Yeah, absolutely, that's what we're saying.

COUNCILMEMBER MOLINA: Yeah, the rules are the rules, yeah. Yeah, and yeah, Madam Chair, and I think it's a good, it's a healthy discussion we have here right now so this way, my, like I said my biggest concern was if we allow this today, then a Councilmember may submit something after 12:00 and then the Clerk's Office say no as your standing rule. But then this could be pointed and looked back at that, you know, the Chair was allowed to do this but now you're not letting a Member do it. So I'm just trying to avoid any potential pilikia so which is why I brought it up.

But, I thank you for, you know, disclosing it to the body early on. So, if I may ask the Clerk just a quick question?

CHAIR KING: Sure.

COUNCILMEMBER MOLINA: So, so the, the process is when you get something like this or when you got this, it was after I guess 12:00. Or you were notified in advance that this was already approved if you will and then for whatever reasons you guys got delayed in time stamping it.

DEPUTY COUNTY CLERK: Um we received the communication and at that same time stamped it, and then it was sent through with the other Council items for review.

CHAIR KING: Actually what happened was we gave it to someone from the Clerk's Office at two minutes till noon, but somehow it didn't get to, back to the office, is what my office told me, so it didn't get back to the office till after the noon hour and it was a few minutes after and that's when it got stamped. So, you know, when we, when we transmit it we transmit it at our office and we don't time stamp it at our office. So, you know, so it was signed earlier. So I mean I could do that, I could, I could time stamp things in our office after they get signed. But right now it's just when, I don't know how, you know we're trying to figure out why it took eight minutes to get back to the Clerk's Office, but, you know, whatever, whatever reason it was we're not blaming anybody, we're just saying that that's what happened.

COUNCILMEMBER MOLINA: Okay, thank you, Chair, appreciate that.

SO WITH THAT BEING SAID, THEN I GUESS I'LL GO AHEAD
AND MOVE TO TABLE THIS ITEM TO BE PLACED FOR
POSTING ON THE NEXT COUNCIL AGENDA.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER LEE: Second.

COUNCILMEMBER MOLINA: I think I've said enough, already.

CHAIR KING: Moved, I don't know who seconded it. Moved by Member Molina, seconded by Councilmember Sugimura. Any discussion? Okay, all those in favor say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: All those opposed?

NOES: NONE.

CHAIR KING: Okay, measure passes. We'll table this, this will go on the, the next agenda, Council agenda for referral.

COUNCILMEMBER MOLINA: Thank you, Chair.

CHAIR KING: Okay, Ms., lets see anybody else, Ms. Paltin.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 19-398**

COUNCILMEMBER PALTIN:

I WOULD LIKE TO MOVE TO FILE COMMUNICATION 19-398.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: File County Communication 19-3, what was that?

COUNCILMEMBER PALTIN: 398.

CHAIR KING: 98, okay. Moved by Member Paltin, seconded by Member Sugimura. Okay.

Ms. Paltin.

COUNCILMEMBER PALTIN: So the Clerk's Office distributed copies of correspondence to Members. At the September 23, HSAC Executive Committee meeting, Kauai County Council submitted three proposals for possible inclusion in the 2020 HSAC Legislative Package. Justification sheets are attached to each proposal. If the HSAC Executive Committee approves these measures from Kauai County Council for inclusion in the 2020 HSAC Legislative Package, Maui County Council will have an opportunity to approve or disapprove them once the final package of proposals are sent to each of the four counties.

CHAIR KING: Okay, any comments or questions. Okay, so basically we're just, we put these on the agenda just to make everybody aware that they were turned into HSAC. But we're not ready to approve them until they become part of the HSAC Package. So these will get filed and then we'll get, we'll get the official package after HSAC decides. Okay, any, any other discussion or questions? If not, all those in favor of the motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine, zero, 19-398 filed.

Any other issues with the referrals? No other objections?

Okay. Madam Clerk.

DEPUTY COUNTY CLERK: Madam Chair, as it relates to County Communication 19-393, for the record BILL NO. 50 (2019).

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 19-114 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 19-169, entitled, "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE MAKILA FARMS WORKFORCE AGRICULTURAL COMMUNITY BY MAKILA KAI LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES" be Adopted;
2. That the proposed resolution entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA FARMS WORKFORCE AGRICULTURAL COMMUNITY BY MAKILA KAI LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", be FILED; and
3. That the proposed resolution entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA FARMS WORKFORCE AGRICULTURAL COMMUNITY BY MAKILA KAI LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES, be FILED.

CHAIR KING: Okay, Member Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So your Affordable Housing Committee having met on September 4. I'm sorry.

COUNCILMEMBER MOLINA: Motion.

COUNCILMEMBER LEE: Motion.

CHAIR KING: Do you want to call for, make a motion.

COUNCILMEMBER KAMA: Okie dokie. Thank you.

I MOVE TO ADOPT THE RESOLUTION ATTACHED TO THE COMMITTEE REPORT 19-114, ENTITLED "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE MAKILA FARMS WORKFORCE AGRICULTURAL COMMUNITY BY MAKILA KAI LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES" BE ADOPTED.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Okay, moved by Member Kama, seconded by Member Molina.

Ms. Kama.

COUNCILMEMBER KAMA: After considerable testimony, most of it positive, and after several recessed meetings of the Affordable Housing Committee, the Committee is recommending to this body the passage of the resolution to approve Makila Farms with modifications. The additional, and with modifications.

The proposed, oops, sorry, well, that's it.

CHAIR KING: Okay, Ms. Kama, I had offered the, the applicant to do a five minute presentation on, and so that Councilmembers could ask additional questions if they have. Is that, is that something you want to do? I mean, I'll leave it kind of up to you.

COUNCILMEMBER KAMA: They don't need to do it.

CHAIR KING: Okay, you changed your mind. Okay, so Members.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: We have a motion by Pro Tem Kama, seconded by Member Molina. I'm hoping for a discussion. If you have any resources, resource questions that you want to ask, we can call the applicant down or anybody else that might be in the room. Any other, any, any need, or is everybody ready to go straight to the vote.

COUNCILMEMBER PALTIN: Um, is, is this like the discussion portion.

CHAIR KING: Right.

COUNCILMEMBER PALTIN: Oh, okay. And so it's open for discussion at this time.

CHAIR KING: Right.

Okay, Member Paltin.

COUNCILMEMBER PALTIN: So for me, this is the district that I live in. And I know that, you know some people had a really hard time with the injection well issue, but this for me is the hardest issue that I've had so far. And, you know, in all these subject matters that we vote on, a lot of people only are focusing on the issue that they are concerned with. And, as a Councilmember we are charged with making policy decisions in light of all our perspectives, experiences, and things that we learned through the course of having this job. And, you know, my perspective and experience comes from ocean safety and emergency medical response.

And you know, for Maalaea to catch on fire as we're having a discussion about Maalaea being reverted to ag for an ag subdivision. To have multiple fires breakout that same time in also Kahului and Paia. To have ambulances have to land helicopters on the westside to transport folks to the hospital during these fires, it really hit home for me that this, this is the climate of change that we're dealing with right now. Nothing is going to be the same as it was when we were growing up, when our grandparents were growing up. Floods, fires, all of this climate change is going to create more severe situations that our first responders will have to deal with.

When the Fire Department came, they wouldn't even venture to nail down a time frame that they could get to this development if it caught on fire. And, you know, with the, the highway closed, fighting fires in other locations of the island, the safety of our residents has to always come first for me.

And the other experiences that I've had since becoming a Councilmember. The privilege of getting to go to these HCPO Hawaii Congress of Planning Officials meetings where they talk about smart growth standards and walkability and traditional economic, ecological knowledge, you know. We went to this small room that was standing room only like there, I think it exceeded the fire standards of people wanting to hear.

And the speaker Ramsay Tom mentioned about, you know, a, a hydrologist or something that wanted to dig a well, and the traditional ecological knowledge said you can't get water here, it's going to be red water. And they went, ignored the traditional knowledge and they dug the well and the water came out red. And so the hydrologist went back to the person and, and he said, how did you know this? And he said oh my kupuna called this area, I think he said wai'ula. He said if you want water for people you got to go to waiakane.

And so you know I think with all the kupa`aina testimony that we heard today, and in light of our changing climate and our, I would say diminishing resources because sea level rise is a real thing. And majority of our property tax revenue is coming from our shoreline properties. We can't afford to let sprawl dilute where we focus our efforts of

housing, walkability, transportation to jobs. There's appropriate locations and there's very well laid out principles on smart growth and planning and it seems like every time it comes to West Maui; those things go out the window. But when we plan for Waikapu, you planned this great County-Town with farm based codes and walkability and livability and you know, you can get here and there and it's, you know West Maui, we deserve that as well.

And, and traditionally, historically our community plan has not been honored and respected and followed. And, and part of it is like was stated because, you know, ag subdivisions get no public hearings and appeal process. The other thing that ag subdivisions do is they don't provide any workforce housing component like regular developments. And so in the creation of these gentlemen farms, they far exceed what a regular housing project will, but they don't put into the infrastructure.

So when the same developers are asking for all of these exemption when they already maxed out what they did in the ag subdivisions and, and clearly didn't follow the intent of what an ag subdivision was supposed to be if you go to the websites and what not. And there's no, there's no mistaking the fact that things have been exploited when you look at the types of homes that are being sold in Launiupoko. They're not accessory to ag dwellings. Why do you need six bedrooms with two pool cabanas and, and all of these things for an ag dwelling which is supposed to be accessory to the agriculture.

So I think to me, this, this, this has been exploited into something that was never meant to be. And it needs to stop. This is not an appropriate area for development, it's not an appropriate time and we need to put all our efforts into those developments in West Maui that are going to up the number.

You know, I'd like to see our Administration go full on with Pulelehua which right now is scheduled to 280, but was promised 450 affordables. And I'd like to see full effort on that to, to have them honor their commitment in any way that they can. If it means us putting money from the West Maui Affordable Housing Fund to help them honor the commitment of 450 affordable homes, not in the transit corridor that people use to get to and from work, that's the type of thing I want to see. I don't want to see us wasting even 45 days for 19 affordable homes in a horrible location for people's safety.

You know, if multimillion dollar homeowner's house burns down, they have all the insurance and resources to rebuild in that area or not. If a 50% AMI person's house burns down, it's devastating. And I'm not, I'm not willing to, to take that risk knowing what I know and my experiences and perspectives of how Kauaula winds are.

My mother-in-law is born and raised in Lahaina, she tells me stories about the Kauaula winds and I know that, you know, while our Fire Department is, is very good, and, and

I don't doubt their abilities, when you're dealing with winds of over 40 miles per hour, there is no guarantees. And Kauaula winds are reported to be over hundred mile an hour because of the venturing effect and the topography of the valley and the wind moving through that small area.

So, to me, I'm not willing to risk the safety of those that are about to come, and those that already live there by adding more traffic onto their evacuation routes that they have currently. And especially without any commitment to keep the evacuation routes open in perpetuity. That's about all I got to say.

CHAIR KING: Thank you, Member Paltin.

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And I just wanted to say, you know, after sitting here for the last five hours listening to the testimony for and against the project, I really appreciate those people that sent in written testimony and also people who took off work today or drove from the westside just to, to come here and waited along with us, five hours just to provide testimony. So I, I really appreciate that every, everyone's testimony was, was very pertinent and, and you know listening to all of them I had to, to make my decision listening to them.

You know, some of the things that, that came up in the testimony that, you know, previous Councils had denied a larger version of this project in, in prior years due to water resource availability, fire prone area concerns, and septic sewage issues within close proximity of the ocean. And in hearing some of the current residents that are on a restriction of water usage, two different zones that, that need to just have water three days during the week. So that was very, you know, shocking for me.

This Council also disapproved two similar projects earlier this year for the, for the same reasons, for all these reasons. So for me I support the community plan process, place my confidence in the decision-making of the, of the West Maui Community district. For me, I would, I would expect no less from my own district. So today I will maintain my vote in Committee and speak against the motion. Mahalo.

CHAIR KING: Okay, mahalo, Member Sinenci,

Member Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. The need for workforce housing remains the number one priority in Maui County. I think we all know that, in fact we all

promised our, our constituents that we would try very hard to help produce those, the housing that we need.

In this case, I feel very satisfied that we have tried our best to add conditions and safeguards to make this a better project. You know, so many other agencies and departments have also reviewed this project along with the public. So, after weighing both sides, I will vote in favor of this project and I know it's, you know, a lot of people still have some questions. But I hope those questions will be answered satisfactorily, and I more than anything, I wish all of the lucky families who will live in Makila Farms great success in their new homes. Thank you.

CHAIR KING: Thank you, Member Lee.

Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. Great discussion today and I appreciate the, I don't know, 60 or so testifiers that came and made the effort to talk to us not only about this but some of the other, other items on our busy agenda. This project which provides opportunities for housing for 19 affordables or workforce housing, and five market, or 15 markets provides opportunities for many families that they would not have.

We provided 36 modifications and we ended up with 24, of which the developer has agreed to. And on this 76 acres of land in, I look forward to seeing what they have planned.

And I want to tell you that I just recently went to Lanai and was, and a person there said, asked me my position on this project. And one of the things that they brought up which I was surprised to talk about this on Lanai, but they said I hope that this project has, has agriculture, has considered agriculture farming into it. And I graciously said yeah, they have and explained about, you know, what the developer has done for the halau as well as for the, you know, cattle ag areas. And she was surprised.

And maybe some of the projects that will come before us will consider this formula because I think it speaks a lot for the project in general besides providing the great prices for, you know, for the homes, 161,700 estimates one bedroom, one bath going to four bedrooms two baths at 265,000. And those are great prices for those that qualify. I mean with all of the, the thought that has gone into and, and the process that this developer has put into this project, I commend it. And I hope that other developers will look at this and take that into consideration.

So I'm going to support this project. I look forward to seeing it start and I think from listening to Greg Brown when he was before us, he sounded like he wanted to start this soon, so that he could get this, you know, some of our housing, some of our housing shortages answered. So, I support this, I thank everybody. I know it's hard for, for some, you know, to take this to, to a decision, but I stand by this project and I hope to see it built. Thank you.

CHAIR KING: Thank you, Member Sugimura. Any other comments?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, there's a lot of testimony today, a lot to process and digest. I speak in strong opposition to the motion for a lot of the reasons that were stated by the testifiers today. I'm going to try to hit all the points. There were so many really good points, and mahalo to everyone who came out to testify.

And I believe a lot of the concerns are legitimate. And I would like to support our Councilmember from that district who is asking us to respect her community and vote no on this project because she knows her district best. I agree with the testifier that, or multiple testifiers that are asking us to do a Ka Pa`akai analysis because so many of the generational families and our cultural practices have been, are no longer available to the people that live there.

As one testifier outlined the timeline for us in 1970, the opelu was pushed out. 1980, lao. 1990 and so on. The other, you know, what he implied but didn't say, and I understood from his testimony is not only were the opelu and the other fish pushed out, and the limu pushed out, but the people of that land were also pushed out. And I, I don't want to keep doing that to the people of that district.

You know, at, at Committee perhaps there were many positive testifiers that spoke in favor of it who were invited to come out to testify. And, but you can't ignore all the testimony that was provided today. Testimony that pointed out very specific asks, people who, you know, took time off from work to come and they don't have a financial interest in this, it's just hoping to appeal to our conscious, conscience in voting today.

One of the testifiers pointed out that we need to stop creating subdivisions that are out on its own, that are detached from communities, and I agree. You know, the precedent that it sets is not good. And, you know, I, I can see this going through and then the other two large developments also going through. And, and then we'll have that whole area all on its own creating more traffic, being, you know, prone to fires, having an even more strain on the aquifer there that, that people have, the testifiers shared with

us, the mo`olelo says that place is dry. Our last testifier, former Councilmember Medina, he has said why would you go and build all these houses out in the desert out there.

And that place was traditionally, it didn't have a lot of water. And then we hear from those that are living there now, the stream is dry. The residents are on water restrictions. There's no water and then we're going to put more people there and there's not enough water there.

You know, this 201H process, it waives a lot of laws and it, to make these exemptions that to me, if we're going to be making like some major exemptions like an environmental review, that it should be like doing, really addressing the housing crisis and this doesn't. For us to make that kind of exception to the laws that we, we've passed, that the State has passed, like to, to make those kinds of exemptions, like it's, it's got to be like a really, really good project and this is not it.

Those holding signs today saying that we want housing now, this project is not going to be done for a long time. It's not going to come now. You know, I, instead of supporting these kinds of projects, we should be supporting projects that conform with the community plans and are supported by the community that would, you know, that would make projects go faster. I want to approve projects that make me feel good about what we are doing like Kaiwahine, Kaiaulu O Kupuohi. There are projects that I felt good that it will service the community.

I don't feel good about this project. A lot of people don't feel good about this project. I don't like the precedent it will set. Again, there is far too many legitimate concerns still, fire, water, sewage, the hydrants are just for the dogs. It's not going to be helping the community. I, I support waiting for the community plan process to be complete and respect the community and to respect that process.

Too many generational families have felt marginalized, dismissed, ignored, and not just those present today. Those who couldn't make it today. Those and all their kupuna, the mo`olelo, the ike kupuna. And those that have testified to say that I would like to have an affordable house but not at the expense on stepping on other people like that who are fighting for, for their existence.

As I opened today with remarks on taking climate change seriously, you know, our mo`olelo tells us that the climate has, has always changed, but the people back, you know, in eras before, changed with it. And here we are, we, we've created development that are, that people want to fight for to be permanent regardless of the change that is happening.

And, and, and decades ago, perhaps we should have had a little more foresight in knowing that we're on an island and perhaps we shouldn't build so close to the ocean. But, you know, I don't know, didn't. And so, but we're here now and I'd like to have that kind of foresight to know that the impacts that this project will have would not be good for future generations.

And so, there is one quote I really liked from a testifier that we should be making thoughtful decisions through inspiration and not desperation. And I don't want to be making decisions out of desperation, Chair. And for those reasons, I will be voting against the motion. Mahalo.

CHAIR KING: Mahalo, Vice-Chair Rawlins-Fernandez.

I see Mr. Molina going for--

COUNCILMEMBER MOLINA: Everybody have their say, at least for the first go around.

CHAIR KING: Yeah, we're in the first go around, so it's your turn, Mr. Molina.

COUNCILMEMBER MOLINA: Okay, thank you. Thank you, Madam Chair. While, you know, I can appreciate all the comments from my colleagues because this is like many, many other projects in the past, tough, but the one undeniable fact is we are in a housing crisis. And we cannot control growth as much as some would like. But it's, it's, until you can stop people from having babies and the allure of coming to Maui, and it's not only just Maui attracts just people from the mainland and around the world, but it's right here from the neighbor islands. I mean many of us have family and friends who have koko in their blood that want to move to Maui and they need housing. So it's a case of demand exceeding supply for houses.

So, and yeah, I know we had a project in this area before that was a much denser project, and some of the issues were, you know, responses were somewhat lukewarm. At least some of the responses for this one was a bit better. And, and I still have my reservations on it, but if we don't address, do something now, then, you know, all of us campaigned before about this is the number one crisis in Hawaii and I think all the counties as been stated, maybe even nationally. So what are we going to do, for me, I'm, the housing crisis, we don't start to nip it in the bud, it's going to be a social genocide of our kamaaina, our younger generation, where we going to put them.

I mean, you know, you have the folks here that want to, that want to move here and retire here, but the emphasis should be on what are we going to do for future generations especially those with, you know koko in their blood. So, you know, it's, sometimes we have to make exceptions to the rule. And unfortunately it's just the

timing of everything coming down right now. You know, it's all landing on us and it's sort of damned if you do, damned if you don't. So we have to, we're in this positions of having to make some tough calls and sometimes our calls are not be perfect.

Just like housing projects, there is no perfect housing project. Yes, there are some other, there were some projects that were previously approved in West Maui but for whatever reasons they never got off the ground. But I can tell you this Madam Chair, I have yet to see a perfect housing project, one without criticism.

You can put out the greatest project and somebody is going to be out there to find a flaw. It's sort of like us, as elected officials, yeah, we can be, seem to think we're the, we're great elected officials but somebody is going to find a flaw in us. Maybe I'll just speak for myself. But thank you, Member Lee, she wanted to reaffirm that.

But you know, and I know, much has, the interesting things I've been hearing about this good project, bad location. The you have folks on the other side saying we need housing and we need it now. And the reality is it's ain't, it's not going, certainly it's not going to happen tomorrow.

And then we heard concerns about the developer's character, which, you know, I'm going to try to filter out because that's something he's going to have to deal with. And of course the, the standard of work that's going, workmanship put into these houses so it's, it's all on the developer or the applicant. So, and of course, those who, if, if this does move out, those who do decide to buy, that's incumbent upon them to take that risk with a leap of faith if they are so lucky to get one, get an opportunity. So it's all on them. We all take a risk in what we buy or what we purchase. And if it doesn't work out, well, you just got to deal with it.

But I, all of the input on this was good, but it's, you know, look at, then you get, you know, fire and traffic concerns. And that's, can be almost applicable for any housing project on this island now that we don't have a lot of our sugar cane and everything else so all we got is nothing but brush.

But, for me Madam Chair, it's just a, you know, I see this as a project that's not as dense as the other one. But something needs to be done, I mean we can just, if we say no to everything, we just got to say no to everything. But this Council for the most part has passed some projects, and we do have to vet everything.

And, you know, I, I kind of have my druthers about the 201H process too, you know. I'm, I'd like to see that thing revamped but on the one hand maybe that's why housing doesn't get done because things get stalled and time is money.

And, you know, we, I, I'm not in favor of the County building houses because, you know, the bureaucracy of government itself. So leave it to the experts who can build houses in an expeditious manner. So, I'll just leave it, I'll just end it here, Madam Chair, so thank you for letting me have my say.

CHAIR KING: Thank you, Mr. Molina. I'm sorry, I didn't mean to, to laugh but you had just spent ten minutes about an exception, then you said there's always going to be an exception to the rule, so a little ironic there.

Who, Mr. Hokama, do you have any comments? No.

Pro Tem Kama, just want to make sure everyone gets their first word in before we go to the second and final comments.

COUNCILMEMBER KAMA: I think what I want to say is it's important that what we do here is we do it for the reasons that we believe. And whenever I vote I always will believe in what I'm doing is what I believe is right. As each Councilmember here has to believe in their heart that what they are doing is right too. And then after it's all over and it's said and done, let's move on to the next project.

But for me, I always have to think about the people who tell me, this is what I have need of, I need this. And for me to deny people when they've already told me this is what they need. And I hear people saying too that no, not in this place, not in this space, but they're not the ones that's crying saying this is what I need for me and my babies. And that's who, the voices I listen to, those who are saying this is what I need.

And yes, we're not going to get it today, but we can't wait 20 years either. Maybe five, maybe less, depending on how fast the developer can get it together and get his shovels in the ground and turn that dirt, but at least we're moving forward. We have to move forward. And, you know, after all the reports and the meetings that we've had, after hearing all the testifiers and reading all the testimonies, you got to do Members, what you know in your heart is right and just call for the vote. That's my comments, Chair. Thank you.

CHAIR KING: I think we have Councilmember Paltin, you have another comment?

COUNCILMEMBER PALTIN: Yeah, if I can do my second and final?

CHAIR KING: Sure.

COUNCILMEMBER PALTIN: So, as a policy maker, I support smart growth. That's the policy that we are being tasked to make decisions on, and smart growth is the way that I

would like to proceed. And I'm very concerned about affordable housing in my district. And so, and the crisis that we're experiencing right now, and so I did do research and due diligence on the issue, and my perspective is that we'll never be able to build our way out of this crisis because there will never be enough affordable housing. It will always, there's no housing in perpetuity that's affordable at this time except for Land Trusts, and there will always be people being born and there will always be people moving here. And something does need to be done.

But through my research what I have found is this crisis, especially for West Maui and South Maui which are our visitor destinations of the County was exacerbated by things like, you know, the Minatoya list which first grandfathered in all of these apartment buildings built prior to 1989 that didn't explicitly prevent short-term rental. So when that decision was codified, we lost thousands of apartment units that people in my community used to live in to short-term rentals.

In 2016, when we allowed apartment zoning to be used for short-term rentals, we lost thousands of units. So if we're not able to build our way out of this 100%, we need to sunset these types of things that contribute to this crisis. It's misleading when we talk about the CPAC, and we talk about short-term rentals, and that there being an 88 cap in some districts. It makes you think that in West Maui there's only 88 short-term rentals because there's only 88 permits, but the reality of the situation is there's thousands and thousands and thousands of short-term rentals, legal in West Maui without a permit.

Historic District 1 and 2, you don't need a permit. Apartment zoning, you don't need a permit. If your house is in a hotel or resort zone, you don't need a permit. If you're in Napili Bay Civic District, you don't need a permit.

So when we're talking about this crisis and no houses being built, it's been exacerbated by actions that this body has taken to take away existing workforce rental housing or owner housing and making it so out of touch for the local person because outside interests commodify housing.

And I think one of the testifiers mentioned it. What we need to do is put a break on speculation, and every market value home that gets built contributes to the speculation. We need the housing for local people, and if we continue to build a small percentage of all the housing that is built for local people and allow the rest to be open to speculation, we'll never get ahead. We'll never have enough.

And so I need, I think we need a multiprong approach. We need to concentrate on the housing where it's best suited and build lots of it. I do appreciate the testifiers comment about eminent domain, you know if, if we do need to take ag lands and, and eminent

domain it for housing, it needs to be in appropriate location, we need to make broad strokes. Our time here is limited and, you know, the, the risk to benefit ratio on people's safety and, you know, just the using of the limited resources that an island can support on these types of not smart growth, you know.

When I, when I first started going to meetings, I was, I was of the mind that we don't need any growth, you know. But in learning about what smart growth is and in stepping back and looking at the big picture that got us to this place that we're at today, we need to take a holistic look and plan for smart growth. And each exception that we make in smart growth is, is going to be the downfall in the long run because you know, when, when Launiupoko was allowed to be developed, you think the people that did it back then wouldn't come back and do the opposite knowing today what they know now. Knowing back then what we know today.

So I'm saying that we just need to look at the big picture and, and don't have regrets in hindsight, because West Maui is precious to, to all the residents, to the State, you know, and I just hate to see us develop not in accordance with smart growth principles because West Maui deserves the same thing as every other place that does follow smart growth principles.

And, and I'd really like to ask my colleagues commitment to, you know, rolling back the thousands and thousands of housing units that we've lost due to short-term rentals. All, all these apartments that now do short-term rentals use to house our workforce. And, and by applying a 1989 decision, when we didn't even have internet at that time, we didn't even have Airbnb or VRBO, and, and to look at the ramifications that it's causing in South and West Maui to our workforce.

And, and take that into consideration and realize that, you know, if we, if we continue at this rate with these plans and types of ratios, it will never get solved and will turn into a worse version of Oahu because we don't have the Ko'olau Mountain Range. We have two little, we Pu'u Kukui and Haleakala, there's no mountain range that captures the water in the same way that Oahu does. We don't, we don't take the majority of the taxes from the people as, as Maui County. So I'm just asking that we don't turn Maui into a second rate Oahu.

CHAIR KING: Thank you, Member Paltin. Any other discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, I wanted to respond to a couple of points that were made on the floor regarding, you know, housing being our

number one issue, and we all ran on working on getting more affordable housing for our community.

And I would like to remind Members that we were the Council that approved the Waikapu Country Town, that's over 1400 houses. We, we approved the UHMC project, that's 52 units. We also just approved Kaiaulu O Kupuohi, which is in Lahaina, 88 units, 89, okay, even more than that.

So, we have and we are creating more housing for our community. This project 19, 19, we're going to make all of these exemptions for 19. Look Waikapu Country Town 1400, Kaiaulu O Kupuohi 89, and then we're going to make the community, make our, the generational families feel dismissed, ignored, and stepped on for 19 houses, 19. Okay, sorry, oh and then one more, there's a, there's another housing project in Kihei, once that kind of gets through, that Ray Phillips is working on another what 44. And I, and I think we already all support that moving through.

So we are accomplishing our campaign promise. We are making good on that promise to our community. I support smart responsible growth like the Waikapu Country Town. That was smart, responsible, it was, they worked with the community, they had community support and it's something that I would like to see other developers strive for because it's us. We make the decision, we shouldn't be settling for crumbs and 19 houses is crumbs.

Once we take this vote, this is only one vote, we pass it. Today is one vote. This is, this is a reso, so there's only one. This is not a bill where we would have two readings. One vote and once we take this vote, we cannot take it back. And when all those reasons that those testifiers listed that we should oppose this project happens, are we going to apologize to them? Are we going to say, sorry, you no more water now. Sorry, the fire when burn down your house. We cannot take it back. We're just going to be putting them in harm's way. I'm not going to vote to do that.

And as Member Paltin said and I've said many a times before, we are not going to build our way out of this problem. Look at Oahu. Did they build their way out of their affordable housing problem? No, they didn't. They still have an affordable housing problem and they are going to continue to build on top of these houses. Now they have these monster houses.

Okay, Member Lee. I know, I just, I would like to take this last opportunity to just appeal to my colleagues that we are doing good work. And we can stand by that good work, and that we don't have to settle for 19. We're, we're doing good work and let's continue to do good work. Mahalo, Chair.

CHAIR KING: Mahalo, Vice-Chair Rawlins-Fernandez.

Any other comments or deliberation?

Okay, then, Chair, will give my quick thoughts. We've listened to a lot of testimony today and I have three major concerns with this project. The first one being water because that's the one we heard the most often, and I'm not convinced that there is enough water in that area.

One of the things that concerned me was the, the five year, five year window that we gave them to start. This is supposed to be a fast track and we're allowing for five years to actually get started. To me that's not fast tracking, you know, two years would have been fast tracking. And that's what that 201H project, the program is for.

I agree that we, we are here to promote smart growth. I agree that affordable housing is a priority, but not at all cost. You know, we're not going, we're not going to develop two houses here, fifteen over there, and three over there. We need to, we need the housing developments and we have passed housing developments. We are fulfilling that promise. We do have affordable rentals getting ready to open up in South Maui, being developed in, being approved in West Maui.

And so, I'm, you know, I'm, I don't want to reiterate everything that was said by all the testifiers, but I do respect the people in that area and the local knowledge that we heard about. And I think that we have to listen, we, if we pass this out, we haven't heard the kanaka maoli who live in that area. We haven't heard the voices of the families that, with the institutional knowledge from that area. I have real concerns about that.

I find it ironic that we had a project that we refused to pass out that had more affordable housing than this one, and we're ready to push this one through. So, I have those concerns.

Probably my biggest concern is planning. I've been a huge proponent of the community plan, respecting the community plan, and we're, we're continuing to pass things through when we have folks from the CPAC who are as we speak formulating the West Maui Community Plan and asking us to wait until they're done. And if we had five years, we have five year before this is even going to start. I believe we should wait and I believe we should let the CPAC make those decisions on what the community needs to look like for the people of West Maui.

I respect my colleague from that area and her opinion and I want to support that. So, and I will not, I'll also not be supporting this project because I don't see it as a huge win

for Maui, for Maui Nui. I wish I did, but I don't, and I think the bigger picture and the statement that we cannot control growth, I think that's what the, the people of Maui are asking us to do especially when it comes to tourism. They're asking us to control that. You know, people are feeling run over by that, and it's happening mostly in these two areas.

So, along with, and I agree with you, Member Paltin that we have to look at some of the past actions that have taken, the taking housing away from our, our residents. But along with that, we also have to look at how we're going to control the tourism growth so that it actually matches up with what we deemed appropriate through the Maui Island Plan. We don't, the general plan, were overrun the requirements of the general plan to keep tourism to a certain amount.

So, for that reason, I won't be supporting this project either. And I appreciate what Pro Tem Kama said, everybody's got to look into their heart and decide what's best for Maui. And we are, you know, some of us are disagreeing but it's, you know, everybody's got to vote their heart and what they feel is right for the island.

So with that, if there are no other second deliberations, I will call for the question. Madam Clerk, I think we need to do roll call.

DEPUTY COUNTY CLERK:	Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA:	YES.
DEPUTY COUNTY CLERK:	Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN:	NO.
DEPUTY COUNTY CLERK:	Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Alice Lee.
COUNCILMEMBER LEE:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Mike Molina.
COUNCILMEMBER MOLINA:	AYE.

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.
COUNCILMEMBER SINENCI: NO.
DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.
COUNCILMEMBER KAMA: YES.
DEPUTY COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: NO.
DEPUTY COUNTY CLERK: Chair Kelly T. King.
CHAIR KING: NO.

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, AND SUGIMURA.

NOES: COUNCILMEMBERS PALTIN, SINENCI,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING

DEPUTY COUNTY CLERK: That's five "ayes" and four "noes"; motion carries.

CHAIR KING: Okay, congratulations to the developers. Alright, moving on Madam Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-169.

COMMITTEE REPORT

NO. 19-115 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that Bill 51 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF MANAGEMENT (ART WORKS, NATIONAL ENDOWMENT FOR THE ARTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR KING: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Kala mai.

I MOVE TO PASS THIS ON FIRST READING.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Lee.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, I lost my notes in all the papers. Yeah, this passed unanimously in my Committee. It's 75,000 for NEA, for the Wailuku Town Art Program. Yeah. That's all.

CHAIR KING: Okay, any comments or further questions. If not, all those in favor of the motion say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

Okay, Madam Clerk.

DEPUTY COUNTY CLERK: For the record BILL 51 (2019).

NO. 19-116 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-170, entitled "RELATING TO THE DESIGNATION OF KAWIKA FREITAS AS THE NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES EXPERT TO THE MAUI PLANNING COMMISSION", be ADOPTED.

CHAIR KING: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT 19-116.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on September 17, 2019, to discuss the nomination of Kawika Freitas to the Maui Planning Commission and designation as the Hawaiian cultural expert. He certainly demonstrated his background very well and went through an extensive testing on the cultural aspects from my Committee Vice-Chair, Ms. Rawlins-Fernandez and due to that and other reasons, your Committee voted 9-0 to recommend adoption of the proposed resolution approving his nomination and I would ask for the Members full support of Mr. Freitas. Thank you.

CHAIR KING: Thank you. Any questions or deliberations. If not, all those in favor of the motion say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero. Welcome to Mr. Freitas, and thank you for your service. I don't think he's here but I just thought I would say that.

Okay, Madam Clerk.

DEPUTY COUNTY CLERK: You have before you Committee Report 19-117, from the GET Committee recommending--

CHAIR KING: I'm sorry did you want to give us a resolution number first.

DEPUTY COUNTY CLERK: Yes, for the record RESOLUTION 19-170.

NO. 19-117 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-171, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO INVESTIGATE ACTIONABLE CLAIMS AGAINST BANK OF AMERICA AND THE BANKING AND MORTGAGE INDUSTRY", be ADOPTED.

CHAIR KING: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-117.

COUNCILMEMBER KAMA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR KING: Moved by Member Molina, seconded by Member Sugimura.

COUNCILMEMBER SUGIMURA: No, Tasha.

CHAIR KING: Oh, I'm sorry, Ms., Member Kama.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on both August 6, 2019, and September 17, 2019, on this particular issue. And the timeline of events as noted in Committee Report 19-117 paints a clearer picture of how we ended up where we are here today.

And we also entertained representatives from Na Po'e Kokua, State Department of Hawaiian Homelands, and an attorney from the Starn O'Toole Marcus & Fisher representing Bank of America at our Committee, one of our Committee meetings. And, after much discussion, your Committee voted 9-0 to recommend adoption of the revised proposed resolution authorizing Maui County to employ special counsel in this matter. Thank you, Madam Chair.

CHAIR KING: Okay, thank you. Any questions or comments. I think we were all in that Committee meeting. Okay, all those in favor of the motion say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

Madam Clerk.

DEPUTY COUNTY CLERK: For the record RESOLUTION 19-171.

NO. 19-118 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Bill 52 (2019), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-343, from the Chief of Police, be FILED.

CHAIR KING: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-118.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on September 17, 2019. The proposed bill would authorize an intergovernmental agreement with the Crime Prevention and Justice Assistance Division, State Department of the Attorney General, for a grant award of \$54,962. And this grant would also fund additional training for the Police Department personnel such as patrol officers and detectives to help address domestic violence issues and other related topics. Your Committee voted 9-0 to recommend passage of the proposed bill on first reading and filing of the communication. Thank you very much, Madam Chair.

CHAIR KING: Okay, thank you. Any questions or comments? If not all those in favor of the motion say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

Madam Clerk.

DEPUTY COUNTY CLERK: For the record BILL 52 (2019).

NO. 19-119 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that Resolution 19-172, entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION, TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP, AND TO CHANGE THE ZONING FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032 (DOOR OF FAITH CHURCH)", be ADOPTED.

CHAIR KING: Councilmember Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE RECOMMENDATION IN
COMMITTEE REPORT 19-119.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Moved by Member Paltin, second by Member Sinenci.

Ms. Paltin.

COUNCILMEMBER PALTIN: The resolution will transmit to the Maui Planning Commission bills to grant various land use entitlements requested by Door of Faith Church for the church . . . The entitlements will allow the church to build their church building, however, before the Council can consider . . . the Charter requires appropriate planning commission to review proposed land use ordinances--

CHAIR KING: Ms. Paltin, would you like to take a short recess?

COUNCILMEMBER PALTIN: --such as these and provide findings and recommendations to the Council. You can support my motion if you want to. Thank you.

CHAIR KING: Any questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I think that was the motion, right? Second.

CHAIR KING: The, the motion was already made previously and seconded by Member Sinenci. So that was the explanation of the motion. So, any, any deliberation on the question. Okay all those in favor of the motion say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes nine to zero.

Madam Clerk.

DEPUTY COUNTY CLERK: For the record RESOLUTION 19-172.

NO. 19-120 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill _____ (2019), entitled "A BILL FOR AN ORDINANCE RELATING TO EXTENSIONS FOR CONDITIONAL PERMITS AND RENEWALS FOR BED AND BREAKFAST HOME, SHORT-TERM RENTAL HOME, AND SPECIAL USE PERMITS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-67, from the Acting Planning Director, be FILED.

CHAIR KING: Councilmember Paltin.

COUNCILMEMBER PALTIN: Based on all the testimony that we received, I don't feel that it was, the impacts of the various permits appear to be broader than what was discussed in community, Committee. Therefore I would appreciate the body's support of the PSLU, of my recommendation to recommit Committee Report 19-120 to the PSLU Committee for further discussion and consideration.

CHAIR KING: Could we do this by . . . County Clerk, do we need a motion or can we do this by consensus?

COUNCILMEMBER HOKAMA:

MOVE TO RECOMMIT.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, we have, we have a motion, Mr. Hokama moved to recommit, seconded by Councilmember Lee. All those in favor, any, any comments or questions, if not all those in favor say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero to recommit Committee Report 19-120 to PSLU Committee.

Madam Clerk.

DEPUTY COUNTY CLERK: Madam Chair, proceeding, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 49 (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.530.030,
MAUI COUNTY CODE, RELATING TO CIVIL FINES FOR UNPERMITTED
TRANSIENT ACCOMMODATIONS AND SERVICE METHODS FOR GENERAL
ADMINISTRATIVE ENFORCEMENT

CHAIR KING: Councilmember Tamara Paltin.

COUNCILMEMBER HOKAMA:

I MOVE TO PASS BILL 49 (2019) ON SECOND AND FINAL
READING.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved Councilmember Paltin, seconded by Vice-Chair Rawlins-Fernandez.

Ms. Paltin.

COUNCILMEMBER PALTIN: Bill 49 (2019), will allow the County to place higher initial and daily civil fines on illegal short-term rental homes and other transient accommodations. No further discussion.

CHAIR KING: Okay, I think we were, most of us were in that Committee. Any questions or comments. If not all those in favor of the motion say, "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes second and final reading, nine to zero, unanimous.

Madam Clerk.

DEPUTY COUNTY CLERK: Madam Chair, there's no further business before the Council.

CHAIR KING: Members, I'm sorry we didn't recognize members of the audience. Just informational to, to the Councilmembers, there, we got some information and I think I mentioned this earlier but I just wanted to give details for the service for our friend

Danny Mateo. Sunday, October 13, at Ballard Family Mortuary, public visitation will begin at 10:00 a.m., memorial service will begin at 1:00 p.m. Molokai service will be on Friday, October 18, at Lanikeha Community Center in Hoolehua, next to the fire station. Visitation is from 10:00 a.m. to 1:00 p.m., services 1:00 p.m. to 4:00 p.m.

And we will be recognizing the family in our chambers on October 22, which is the date that they requested since they can be here. Depending on Members who hopefully will, you know, contact me as soon as possible so we can decide if we are going to go ahead with the next meeting on the 18 or move it to the 22. We definitely, if we go ahead with the 18, we can still do our business and recess to the 22nd and come back for the resolution. So either way, we'll recognize the family on the 22nd.

Any other further business, Councilmembers? Okay, if not, meeting is adjourned. It's 4:18, thank you Members for all your hard work.

ADJOURNMENT

The regular meeting of October 4, 2019 was adjourned by the Chair at 4:19 p.m.



JOSIAH K. NISHITA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

My name is Paele Kiakona and I'm testifying on
C.R. 19-114

I do not support any fast track housing at Makila and I urge you to look into the character of this developer and how he is using affordable homes to develop more market priced homes for his own financial gain.

He has often threatened that he can build a total of 9 luxury homes right now which is not the whole truth. Ultimately this is still ag land and all dwellings need to be accessory to agriculture. He can build a main house, which should be accessory to ag and the additional accessory dwellings can not be more than 1000 square feet and must show that they are needed to further the ag being done on the property.

The condition on this 201H that the project start within 5 years and be completed within 10 years is much longer than most 201H conditions that call for a start within 2 years and completion within 5 years. Greg Brown's reasoning for the longer start time is that he still needs to actually dig his well and show that he has the water to move forward.

There has been nothing stopping him from digging that well right now or back when he originally got the permit for the well, especially if he is threatening to build luxury homes when this fast track process does not move forward. Sure, he already has water meters from Peter Martin, but we all know Peter Martin's non-potable water source is insufficient for existing homes in Launiupoko and so given the choice of providing adequate non-potable water to luxury homes or allowing them to join the ranks of Launiupoko residents that have inadequate water speaks to his character as a developer.

If this is how he treats multi-million dollar future clients, how will he treat our people that need affordable homes that are lining up for the chance to buy a home sight unseen. Our people that do not have the deep pockets and recourse to put together a law suit if they get shafted by him as many other residents in Launiupoko have already done.

His scheme for the 9 luxury homes right next to the highway bypass has dried up with the county cracking down on illegal short term rentals and he knows this as he's already been issued six notice of warnings and two notice of violation for illegal short term rental by the Planning Department for properties he owns at Launiupoko. He claims these are all for sale homes fully furnished which we know is for the buyer to continue on in the illegal short term rental business. His properties have names like Ocean Bungalow, Sea Star Bungalow, Ocean Star, Sea Star, Sunbeam Maui, Sea Cliff and Sea Grace so they're not directly traceable to him and he claims others use pictures off of the internet to advertise their own properties but then when you read the reviews sent in, it describes his property to a "T".

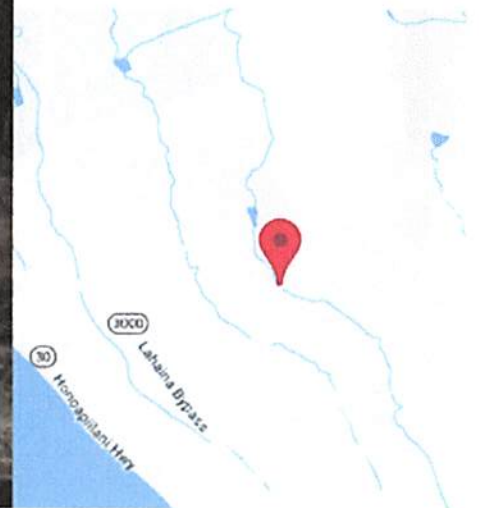
Bottom line there are serious questions as to the character and credibility of this developer and there are many promises that have been made that are not spelled out in the conditions. Our existing community plan calls for no further development south of Puamana or north of the pali and community outreach leading up to the community plan update shows the community does not want to see further density in this area. This is our transit corridor in and out of West Maui, this is not smart growth and it will cost the larger Lahaina community in the long run by allowing this sprawl for such a small amount of affordable homes while allowing the developer to make millions on all the market rate lots he will then be entitled to develop.

Oct 2
Yesterday, 9:39 PM GMT-10:00

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samsung SM-G930V
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Lahaina



Rose Valle

Off Kai Hole Kust



Oct 2

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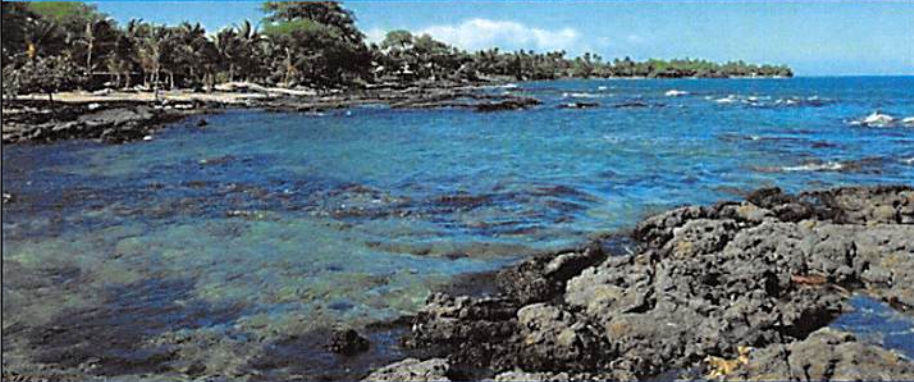
Lahaina







Identifying locations of sewage pollution within Puakō's watershed for management actions

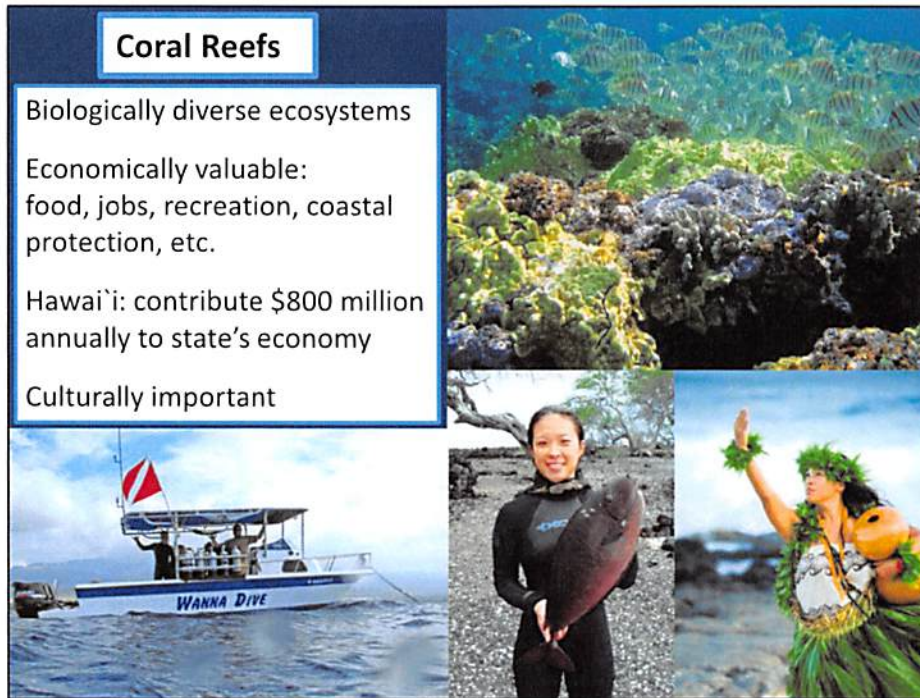
T.N. Wiegner¹, L.M. Abaya¹, S.L. Colbert¹, J. Panelo¹, S. Adnan Sultan², A. Sharif³, C. Demapan¹, J. Stuart¹, K. Remple⁴, and C. Nelson⁴

¹University of Hawai'i at Hilo; ²University of Northern Florida; ³Moravian College; ⁴University of Hawai'i at Mānoa



 UNIVERSITY OF HAWAII HILO    *Mahalo to our funders: NOAA, HDAR, UH Hilo, Sea Grant, & NSF*

Thank you for inviting us to share our science with you and to the Coral Reef Alliance for organizing this gathering. Before starting, I would like to acknowledge my colleagues in the audience that have contributed to this research effort: Steve Colbert (UHH), Jim Beets (UHH), Courtney Couch (HIMB) and Chad Wiggins (TNC). We are excited to share our findings with you today and, after our brief presentation, we will do our best to answer your questions.



Coral reefs are among the most biologically diverse and economically valuable ecosystems on Earth, providing hundreds of billions of dollars in food, jobs, recreational opportunities, coastal protection, and other valuable services. In Hawai'i alone, for example, coral reefs are estimated to contribute \$800 million dollars annually directly to the state's economy. Coral reefs are also culturally important; for example, the Kumulipo, the Hawaiian Creation story, starts with the creation of coral polyp.

Sewage pollution

Poses threats to human & coral health

Release: pathogens, nutrients, cleaning chemicals & hydrocarbons

Human health threats: abdominal, skin, urinary, & blood infections

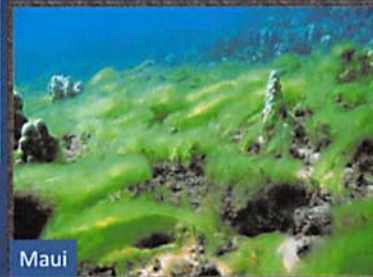
Ecological effects: shift from coral- to seaweed dominated reefs, & eutrophication

Declines in coral & reef fish

Increased prevalence & severity of coral and reef biota disease & infection



Oahu

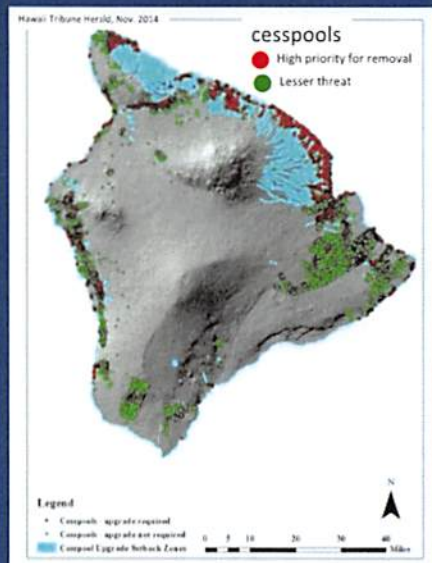


Maui



Sewage pollution poses a threat to human and coral reef health, with discharge of pathogens, nutrients, cleaning chemicals, and hydrocarbons into nearshore waters. Human health effects from sewage inputs range from abdominal infections, to skin, urinary, and blood ones. Ecological effects of sewage pollution include shifts from coral- to seaweed- dominated reefs, eutrophication, declines corals and reef fish, as well as high occurrence of diseases and infections of reef biota.

Hawai'i: Many reefs are impacted by sewage from cesspools



***Most commonly used domestic waste depositories**

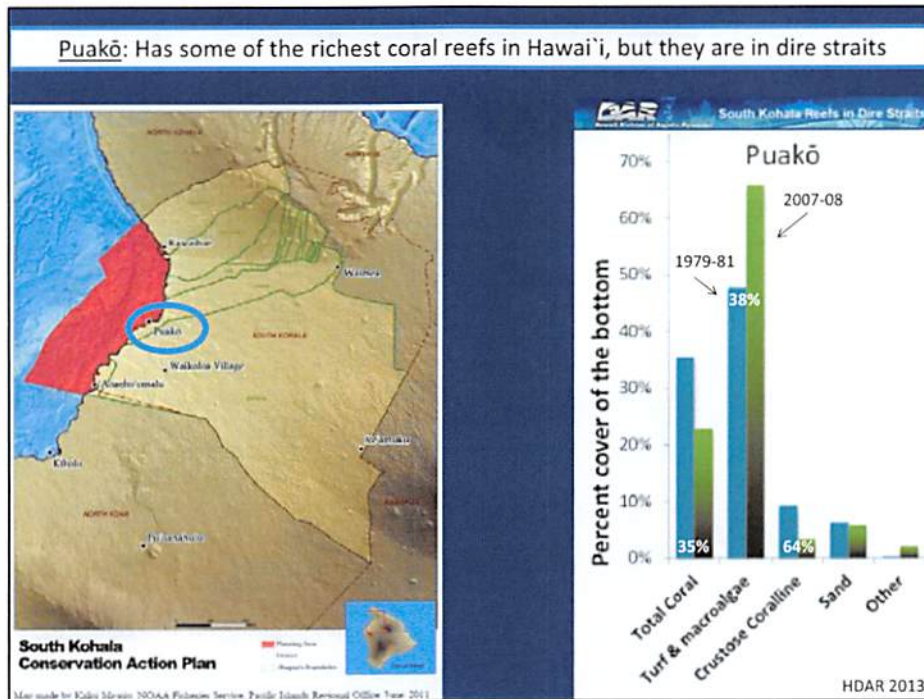
***~90,000 statewide, ~50,000 on Big Island**

***Used more in Hawai'i than any other state**

Cesspool



Unbeknown to visitors, but well known by residents, Hawai'i's coral reefs are impacted by sewage primarily through a diffuse, widespread source—cesspools. These are the most commonly used domestic wastewater depositories in Hawaii, and they are used more widely here than any other state in the nation. Hawai'i Department of Health estimates that there are presently 90,000 cesspools in the state, with 50,000 are on Hawaii Island. Fall 2016, HDOH finally banned new cesspool construction in the state, the last state in the nation to do so; Rhode Island the second to last state to do it, did it in 1968.

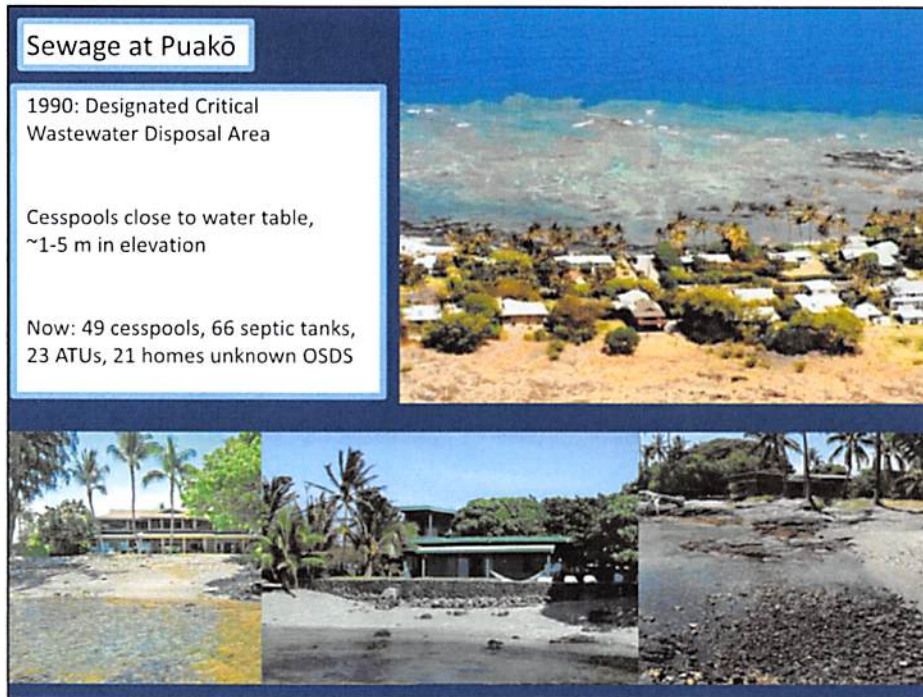


Symptoms of sewage pollution are becoming more apparent on the outer Main Hawaiian Islands in rural areas, such as Hawai'i Island. In these areas, coral reefs are still relatively healthy, underscoring the urgency for improved sewage disposal management.

Hence, Hawai'i State's Coral Reef Strategy, Objective 1, is to reduce key anthropogenic threats to nearshore coral reef sites.

Pūako is located in one of two priority sites identified for site-based actions. Pūako's coral reefs are considered some of the richest in the state.

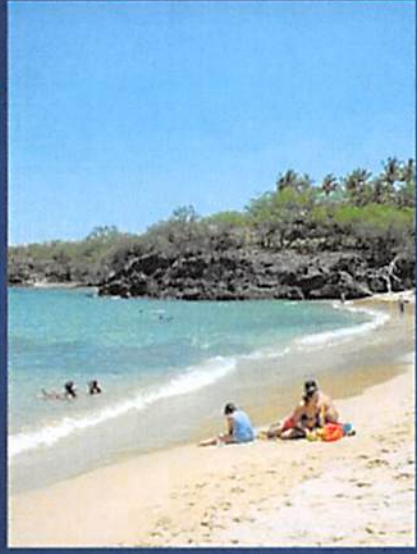
But, according to a recent Hawaii's Division of Aquatic Resources report – Puako's reefs are in dire straits. Coral cover has decreased 35% up to 50%, with algal cover increasing 38% in the last 30 years. It is suspected that sewage pollution maybe one contributing factor to these documented changes to Puako's reefs.



Concern over sewage pollution at Puako is not new; residents have been worried about its impacts to the reef since the 1960s. As a result, in 1990, Pūako was designated as a Critical Wastewater Disposal Area. These are areas where the disposal of wastewater has or may cause adverse effects on human health or the environment due to existing hydrogeological conditions. The condition at Pūako is that cesspools are in close proximity to the water table, which is 1 to 5 meters in elevation. As a result, homeowners building new homes or renovating existing ones are required to install septic tanks. Presently, there are 49 cesspools, 66 septic tanks, 23 ATUs, and 21 home where the type of OSDS is unknown.

Project Sparked by Community Concern

1. Is sewage in Puakō's waters?
2. Where is it coming from?
3. Does the type of sewage disposal system matter?



In 2013, the Puako Community Association enlisted UH Hilo and TNC to help answer the questions: Is sewage in Puako's waters? And since then, we have been collecting information through several different research projects to address this question, and the answer is yes.

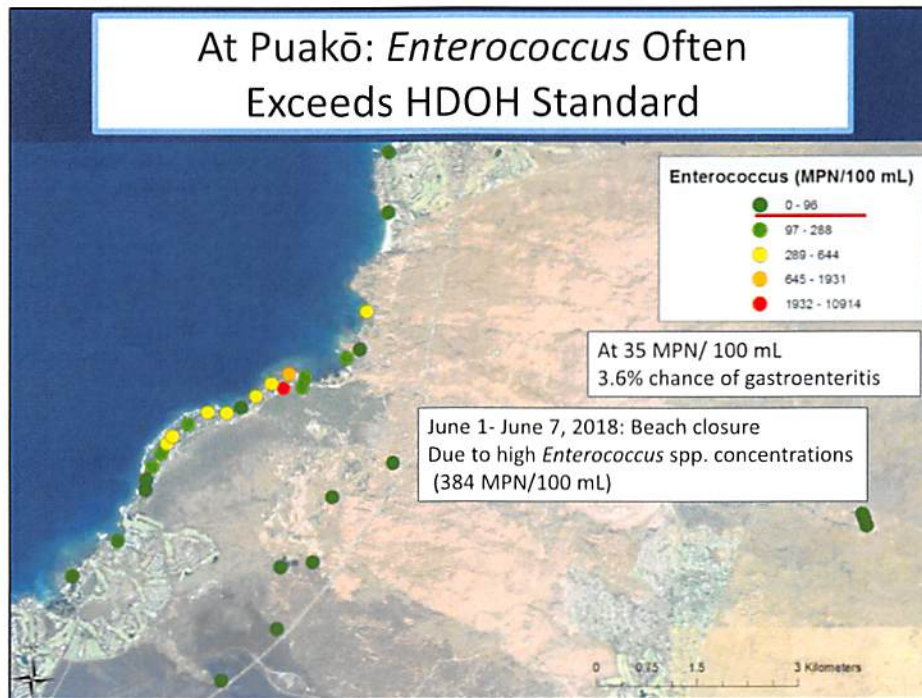
How do we know this? Over the last three years, we have made measurements of sewage indicators (fecal indicator bacteria, stable nitrogen isotopes, nutrients), as well as conducted dye tracer tests. From this research, we have shown that sewage is present, and traveling from homes to the shoreline within hours to days.

And although we have documented this, many community members have asked us whether upslope communities or adjacent resorts could also be contributing sewage pollution to Puako's waters. Our most recent efforts have sought to answer this question, and to address whether the type of sewage disposal system a property has matters with respect to nearshore water quality.

Where is the Sewage Coming From?



We sampled waters from groundwater wells at Waikoloa Village and Mauna Lani, and from resorts' shorelines at Mauna Kea, Hapuna Prince, Fairmont Orchid, and Mauna Lani – analyzing them for sewage indicators. Here is what we found (next slide)



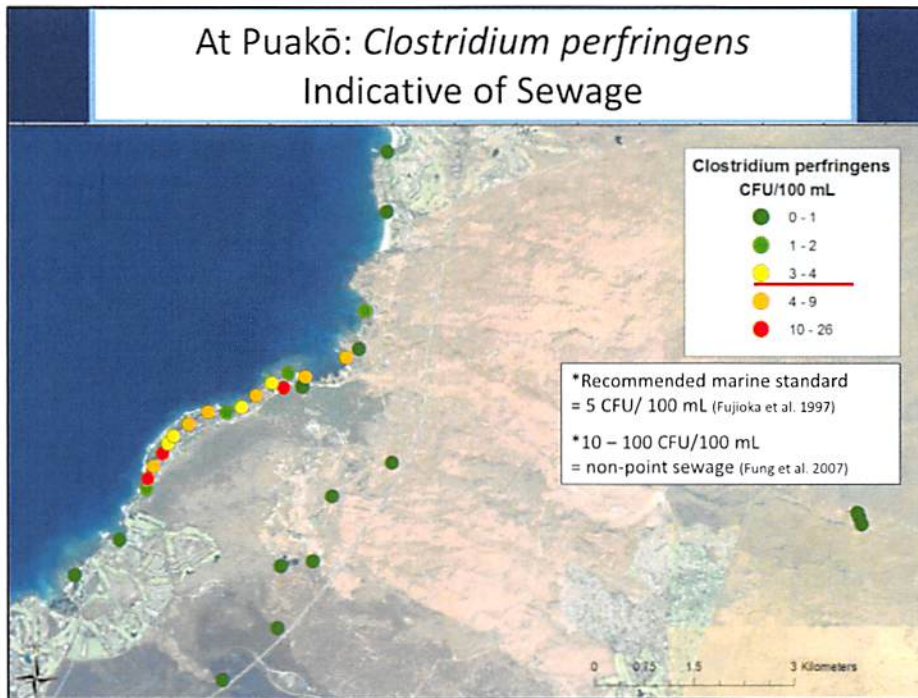
Enterococcus, a FIB, has concentrations that often exceeded HDOH single sample maximum of 104 MPN/ 100 mL.

Upslope wells and resorts' shoreline waters had low concentrations that were all below HDOH's standard.

The US EPA's marine waters recreational standard is 35 MPN/ 100 mL (geomean), and at this level, your chance of getting gastroenteritis is 3.6%.

Most concentrations at Puako are 2 to 3 orders of magnitude higher than this standard

Earlier this month (June 2018), HDOH closed the beach at their sampling site (between Puako Beach Drive 56 and 58) for six days due to elevated concentrations (I think this is one of our stations near the point).

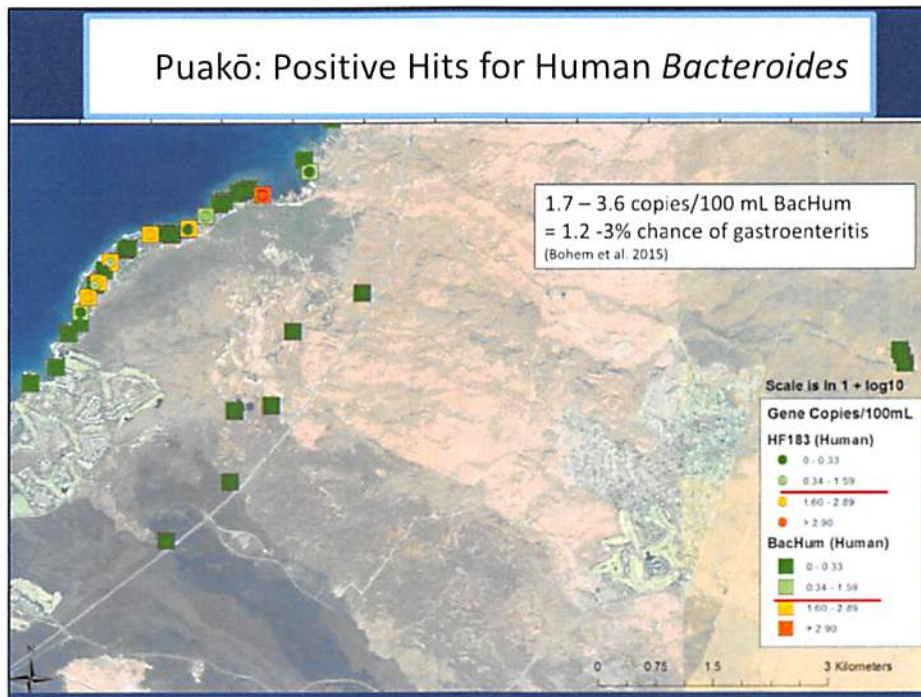


Because *Enterococcus* can naturally occur in Hawaiian soils, HDOH uses a secondary FIB – *Clostridium perfringens* which is thought to be a more specific indicator of sewage pollution.

Clostridium perfringens concentrations at Puako often exceeded the recommended marine recreational waters standard of 5 CFU/ 100 mL,

With several stations having values indicative of non-point source sewage pollution (10 -100 CFU/100 mL).

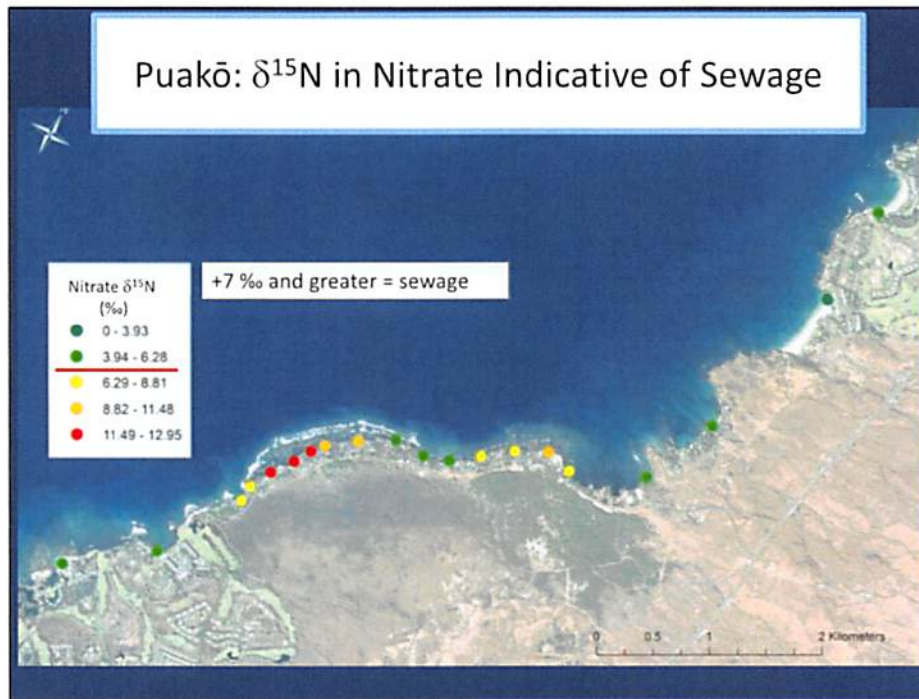
Concentrations upslope and at adjacent resorts were low.



Over the last 10 years or so, more specific methods have been developed to identify fecal bacteria sources to waters. Specifically, molecular markers have been developed for the bacteria *Bacteroides*, which is the most abundant bacteria in the human gut. We now have methods that can identify ones of human origin in the water.

Positive hits for human bacteroides (using two different markers) only occurred at Puako.

Also, it has been found that when the concentrations are 1.7 -3.6 copies/ 100 mL, your chance of getting gastroenteritis is 1.2-3%. Concentrations were within this range at some stations within Puako.



We also measured stable nitrogen isotopes in nitrate. Nitrate is a nutrient.

We found that values at Puako were indicative of sewage (>+7), while values upslope and at adjacent resorts were indicative of soil and fertilizers.

(do we have an updated map which includes resort values?)

Take Home Message #1

- Sewage indicator values were highest along Puakō's shoreline
- Sewage is largely entering the water table at Puakō, and not at the other locations

Does the Type of Sewage Disposal System Matter?

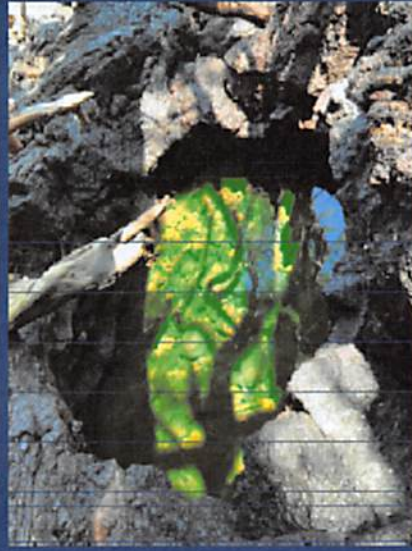


Second question, does the type of sewage system matter? Do they all leach into the water table? Do they differ in their time of travel from the home to the shoreline?

Over the last year and still ongoing, we have been working to answer these questions.

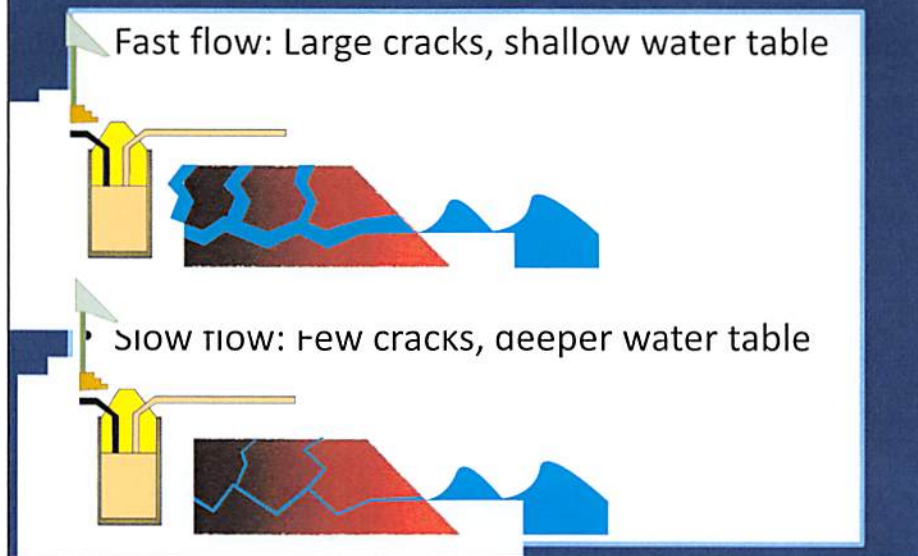
Dye Reached Shoreline Quickly

- 9 dye tracer tests:
 - 4 Cesspools
 - 2 Septic Tanks
 - 3 ATUs
- Dye reached shoreline in < 5 h, up to 10 d
- ***No difference among systems***



We have now tested how fast water travels to the shoreline from cesspools, ATUs, and septic tanks. Our dye tracer studies documented dye reaching the shoreline in less than 5 hours up to 10 days. Both the shortest and the longest travel times came from homes with ATUs!

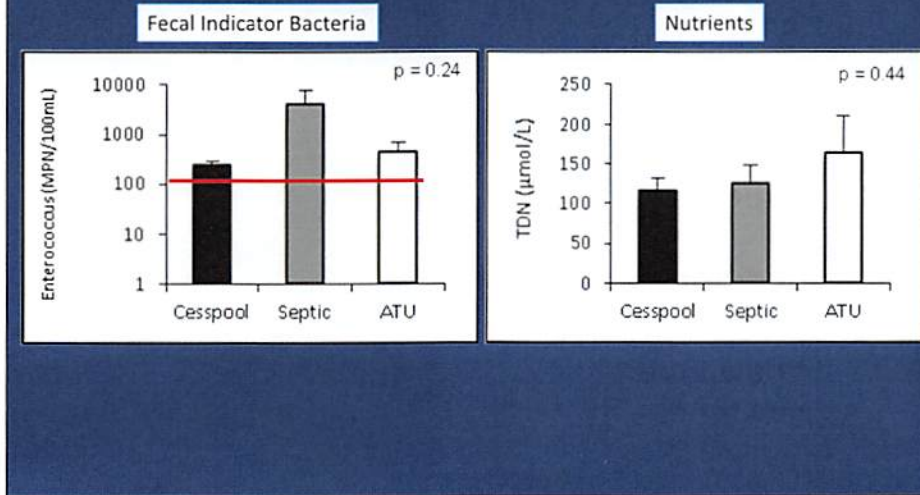
Flow to the shoreline depends on geology



How is this so? Well travel time largely depends on the geology. Dye traveled fast in areas where there are large cracks in the basalt and the water table is close to the ground's surface. Greater chance for dye to hit a crack and reach the water table faster.

Where the cracks in the basalt are smaller and/or fewer and the water table is deeper, there a smaller chance for the dye to seep into a crack and reach the water table. So, the dye travel time is greater.

Water quality was similar in front of homes, regardless of sewage disposal system type



We also assessed water quality in front of the homes with different types of OSDS. We found that water quality was similar in front of all the homes where we sampled, regardless of the system type. For example, Enterococcus was similar in front of homes with different OSDS, and concentrations were greater than the HDOH single sample maximum. A similar pattern was observed for nutrients too. Here is an example of Total Dissolved Nitrogen, concentrations were all greater than 100 $\mu\text{mol/L}$.

Take Home Message #2

- Dye reached shoreline
 - 5 h – 10 d
 - Time affected by geology, not system type
- No difference among system type
 - flow time
 - water quality



CONCLUSIONS

- Sewage indicator values greatest at Puakō
- Dye from sewage systems reached shoreline
 - 5 hrs – 10 days (cesspool, septic tanks, ATUs)
 - No difference in system type
 - Flow to shoreline
 - Water quality
 - Geology more important
- Paramount to minimize land-based pollution for human and coral reef health

This is a transition slide for CORAL to present their work.

Questions?



Mahalo

To our collaborators: Puakō Community Association, TNC, South Kohala Conservation Action Plan Program Coordinator, Coral Reef Alliance, HDOH, Cornell University, UHH Analytical Laboratory, Louise Economy, Melia Takakusagi & all our PIPES and CMORE interns

To our funding sources: Hawaii Division of Aquatic Resources Coral Reef Working group, NOAA Coral Reef Conservation Program, UHH PIPES Internship Program (NSF REU) , Center for Microbial Oceanography and Education (NSF), UHH Research Council and Marine Science Department

Lastly, I would like to mention that this project of documenting sewage pollution and working with the Puako community to investigate solutions to their problem would not be feasible for one group to do; we have been able to accomplish so much so far from our collaborations with PCA, TNC, Coral Reef Alliance, and Cornell University. It has been an amazing opportunity to work with them, as well as our many other collaborators and funding agencies. Mahalo you for your attention. I'd be happy to take any questions

10/04/19 County Council

Testimony Items CC 19-401, and 19-402

I fully support the creation of area advisory committees to the planning commission as the Hana Advisory committee has been in existence for many years, and I would hope that adding two more, South Maui, and Paia-Haiku would begin the creation of advisory committees for the rest of Maui's district areas.

Creating advisory committee's to the planning commission would be a way for the planning commission to reach out to the community, to hear thoughts from a dedicated group of residents who are directly impacted by the decisions of the planning commission for their particular area, by holding public meetings on relevant topics that could be attended more easily by the public than at regular planning commission meetings which are always held during the day, during work hours, and many times at the same time as council or committee meetings.. The advisory commissions would be able to hold public hearings in the evening, so that people who are working typical daytime hours, could more easily voice their opinions and satisfy those people who want and need to be heard. It's a way to bring developers directly into the community that they are impacting, by the county prescribing that they present their projects in front of a group of people who live and work where projects will be built. Increased community involvement, and being more transparent are critical to solve the issues that plague and delay developments, when it comes to bridging the gap of developers needs and residents wishes.

The bills in some respects are very similar, but have some differences which I would like to point out, and I have also submitted this as written testimony.

CC 19-401 is stand alone Paia-Haiku version

CC 19-402 is South Maui version, adaptable for future committees

Each proposes adding a new line in section 2.40 of the Maui County Code. Hana Advisory Committee is established in section 2.40.130. I would put these two right after Hana as 2.40.131, and 2.40.132, and have available 2.40.133-136 for future West Maui Advisory Committee, Wailuku AC, Kahului AC, and Makawao/Pukalani "Upcountry" AC.

Similar, is that these both amend Maui County Code 2.28.070 which relates to one member having demonstrated expertise in native Hawaiian traditional and customary practices. 19-401 The Paia Haiku amendment reads just for Paia Haiku and reads member shall have expertise in this area, where 19-402 encompasses any and all current and future Advisory Committee's, and reads one member must have expertise in this area. I am in favor of 19-402 here.

Same similarity goes for both items amending Maui County Code section 2.28.080 which relates to Native Hawaiian Law training course requirements. 19-401 again just discusses Paia-Haiku, where in 19-402 the wording encompasses any and all current or future Advisory Committee's. I recommend again supporting 19-402 for the more encompassing description.

A major difference and one that speaks to increasing checks and balances of the county government, 19-401 has the Mayor appointing all members. The Mayor currently appoints all members of the Maui Planning Commission, so to have a mayor also appoint advisory committee members would make this commission too "hand picked". 19-402 checks and balances the planning commission appointments by allowing for 6 of the 7 members to be chosen by the councilmember serving that district, and 1 member to be appointed by the Mayor. All members would need confirmation by the full council in both 19-401 and 19-402. Again I recommend CC 19-402 as it speaks better to fairness of our government system.

The biggest difference and disappointment in both of these is how matters appear before the committee.

In 19-401 it describes (in a newly created Section 2.28.090 D. 1.) that "the Paia-Haiku committee advises the Maui Planning Commission on matters including: SMA permits, change in zoning, conditional permits etc.". but has no guarantee making sure these items are seen by the advisory committee if the Planning commission chooses not to send to them.

This ambiguity as I see it, vs. in CC 19-402 where it is more strongly worded (in Section 2.28.060 amending the already existing Hana advisory committee language D. 1.) "Each advisory committee will review and provide a recommendation on all changes in zoning, conditional permits, all items in section 19 of this code, etc..."

I feel this language is a little better, but still does not go far enough to make sure that these matters are seen at the advisory committee before the Planning commission can take it up. It would be a shame and waste of time to form these advisory committees, only to have the Maui Planning Commission take the matter up before the advisory committee had an opportunity to review and make comments. I urge stronger language to guarantee that the advisory committee has an opportunity to review any of these matters and make comments before the planning commission either schedules or views the matter, within certain timeframes of course. 2.28.060 D 2 could add a line to read "The planning commission cannot take up an item until the advisory committee comments have been received, or 90 day time frame for comments has passed."

One last difference are as I see it, 19-401 Paia-Haiku version creates a separate new section 2.28.090 which forms separate Paia Haiku Advisory Committee duties, functions and makeup. Basically expanding the Hana Advisory Committee section 2.28.060. Where 19-402 uses the framework of the existing Hana Advisory Committee text 2.28.060 but amends and expands it to be able to allow for any and all future advisory committees.

For instance, if 19-402 version would be passed, the council could easily expand or add any new district advisory committees by adding just one "sub" letter line to section A. 1. Where existing A.1.says "There is established the following..."

Existing...a. The Hana Advisory Committee to the Maui Planning Commission,

Proposed...b. The South Maui advisory committee to the Maui Planning Commission, etc.: So it would be for instance A.1.

And so on....c. The Paia- Haiku Advisory Committee to the Maui Planning Commission

d. The West Maui Advisory Committee to the Maui Planning Commission, etc...

Please remember, these advisory committees are only advisory to the Maui Planning Commission. They have no power to be legislative decision makers, acting only as a voice and platform for more community involvement, which is what we all want.

I urge you to pass 19-402 but with additional language to guarantee the advisory committees get to review and make comments on listed agenda items ahead of the planning commission.

Mahalo,

Scott Shapiro

To: Kelly King, Chair
Maui County Council

From: Albert Perez, Executive Director
Maui Tomorrow Foundation

Date: October 4, 2019

Re: CR 19-11, AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES)
(INDEPENDENT DEVELOPMENT OF THE MAKILA FARMS PROJECT (LAHAINA)) (AH-1(3))

Aloha Chair King and Members of the Council,

The proposed Makila Farms would NOT be consistent with the West Maui Community Plan. While the applicant has increased the size of the affordable lots to the two-acre minimum, the Makila Farms proposal does not comply with several of the policies of the community plan, which are an integral part of (and just as valid as) the land use designations. The inconsistencies with these policies are detailed below. A lot of thought was put into these policies, and the deliberations of the West Maui Community Plan Advisory Committee should be honored.

Here are the names of the citizens who worked long and hard on the current West Maui Community Plan:

Andrea Heath-Blundell, Co-Chair	Laurie Lei Kam
Robert P. Derks, Co-Chair	Mike Kudlich
Barbara Akiyama	Star Medeiros
Naomi Brath	David Morrell
Dave Chenoweth	Dennis Y. Nakamura
Randy Draper	Alvin T. Pelayo
Alvin Hokamura	Louise Rockett

If you approve Makila Farms today, you will be sending three messages:

1. The hard work and vision that these people put into the West Maui Community Plan is not respected.
2. The current members of the West Maui Community Plan Advisory Committee may be wasting their time.
3. Citizens should not have faith in the community planning process, because well-connected developers now how to undermine it.

Please allow the West Maui CPAC to do what they were appointed to do, instead of undermining their efforts. They are making good progress, and we should be encouraging them rather than telling them their efforts don't matter.

In 1998, the Maui County Council adopted the Agricultural Zoning Ordinance, codified as MCC 19.30A, Agricultural District. One of the purposes of the Agricultural District is "to implement land use policies consistent with the Maui County General Plan and Community Plans . . ." Its intent includes mitigation of rising property values of farm lands to make agricultural use more economically feasible. By allowing an exemption from the "sliding scale" agricultural zoning law, the Makila Farms proposal would do the opposite, in direct opposition to the following objectives and policies of the West Maui Community Plan:

p. 14

Intended Effects

A.5. Encourage infill in order to protect agriculture and mauka open spaces.

Comment: Rather than being an infill project, the Makila Farms proposal would continue the sprawl that should never have been allowed to occur in Launiupoko.

Objectives and Policies for the West Maui Region in General:

5. . . . Lands north of Kapalua and south of Puamana to the region's district boundaries should ensure the preservation of traditional lifestyles, historic sites, agriculture, recreational activities and open space.

Comment: The Makila Farms proposal's three existing parcels, lying south of Puamana, are clearly outside the boundaries for development chosen by the community, and should remain in true agriculture with the larger lot sizes that were required by the "sliding scale" Ag Zoning Ordinance.

p. 24

Objectives and Policies

2. Provide for the preservation and enhancement of agriculture.

a. Maintain the land acreage required to sustain present and future agricultural operations and open space.

Comment: The 1998 Ag Zoning Ordinance put an end to 2-acre subdivisions, consistent with this policy.

The three existing lots owned by developer Greg Brown were previously subdivided under the limitations of the "sliding scale" agricultural zoning law, which prohibits further subdivision; this limitation was noted on the title to the land. Similar to the previous two proposals by developer Peter Martin, this proposal is an attempt to get around the "sliding scale" subdivision limitations that the applicant agreed to when he purchased these lots.

If these Makila projects get through, they will establish a precedent that will render all of Maui County's Community Plans toothless. All land between Launiupoko and Olowalu will be at risk of being urbanized. In fact, land anywhere in Maui County will be at risk.

There are developers who are experts at providing 100% affordable housing. Some of them run nonprofits like Ikaika Ohana (Doug Bigley), which is providing homes at 60% of AMI or less; others are private developers, like Ray Phillips, who is proposing an infill development of 40 homes at 80 – 140% of AMI.

Asking luxury home developers to provide us with affordable housing is not working. They are motivated by profit, and we get additional market homes that our working residents cannot afford, and more gentlemen's estates that raise the cost of agricultural land & make farming unprofitable.

Prior to 1990 there were 1,000s of affordable housing units built, because the County used its creativity to require it. The county could do this again. Take the example of Kaua'i, where the county acquired land for affordable housing, and then invited nonprofit developers to build there. This is a workable solution, and it respects the community's plan.

We need truly affordable housing, but why do people who are struggling have to end up risking their lives in a fire or flood zone just to get a home? Maui County can do better than that.

Our Mayor and Council need to step up to the plate and help committed affordable housing developers build 100% truly affordable housing in places already chosen in our Community Plans. Not in known fire hazard zones.

Please deny this project.

Mahalo.

ORIGINAL

FILED

2010 MAR 16 PM 1:38

J. KAYA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

**BRONSTER HOSHIBATA
A Law Corporation**

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**Attorneys for Plaintiffs
ROBERT JAY APPEGATE and
JOANNE APPEGATE, Individually and
as Trustees of the Robert and JoAnne Applegate Trust**

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

**ROBERT JAY APPEGATE and
JOANNE APPEGATE, individually and
as Trustees of the Robert and JoAnne
Applegate Trust,**

Plaintiffs,

vs.

**GREGORY E. BROWN, BD
PROPERTIES HAWAII, LLC dba
BROWN DEVELOPMENT PROPERTIES
HAWAII, ROBERT H. DEIN, ALL
ISLANDS, INC. dba CENTURY 21 ALL
ISLANDS, JOHN DOES 1-10, MARY
DOES 1-10, DOE CORPORATIONS 1-
10 and DOE ENTITIES 1-10,**

Defendants.

**CIVIL NO. 10-1-0181 (1)
(Contract)
COMPLAINT; DEMAND FOR JURY
TRIAL; SUMMONS**



COMPLAINT

Plaintiffs ROBERT JAY APPEGATE and JOANNE APPEGATE, individually and as Trustees of the Robert and JoAnne Applegate Trust, bring this Complaint by and through their attorneys, BRONSTER HOSHIBATA, and allege and aver as follows:

PARTIES

1. Plaintiffs ROBERT JAY APPEGATE and JOANNE APPEGATE are married adult individuals residing at 150 Lau Awa Place, Lahaina, State of Hawai'i 96761, TMK: (2) 4-7-012-022 (the "Property"). They are Trustees of the Robert and JoAnne Applegate Trust, which owns the Property.
2. Defendant GREGORY E. BROWN ("Brown") is an adult individual residing in the County of Maui, State of Hawai'i.
3. Defendant BD PROPERTIES HAWAII, LLC dba BROWN DEVELOPMENT PROPERTIES HAWAII ("Brown LLC") is a Hawai'i limited liability company with its principal place of business in Lahaina, State of Hawai'i. Brown is the sole member of Brown LLC.
4. Defendant ROBERT H. DEIN ("Dein") is an adult individual residing in the County of Maui, State of Hawai'i, and is authorized to engage and be engaged as a real estate agent of All Islands, Inc. dba Century 21 All Islands.
5. Defendant ALL ISLANDS, INC. dba CENTURY 21 ALL ISLANDS ("Century 21") is a Hawai'i corporation with its principal place of business in

the City and County of Honolulu, State of Hawai'i, and is authorized to do business as a general real estate brokerage throughout the State of Hawai'i.

6. Defendants John Does 1-10, Mary Does 1-10, Doe Corporations 1-10, and Doe Entities 1-10, (collectively, "Doe Defendants") are defendants named herein whose true identities and capacities are presently unknown to Plaintiffs, or whose connection to the activities alleged herein or responsibility for the damages to Plaintiffs alleged herein are presently uncertain or unknown. Plaintiffs name Doe Defendants pursuant to Rule 17(d) of the Hawai'i Rules of Civil Procedure, and will identify said defendants when their true identities, capacities and/or responsibilities are made known to Plaintiffs.

JURISDICTION AND VENUE

7. This Court has jurisdiction over the subject matter of this action pursuant to H.R.S. § 603-21.5(a)(3).

8. This Court has jurisdiction over the parties to this action pursuant to H.R.S. §§ 634-35(a)(1), (2) and (3).

9. Venue is proper in this Circuit Court pursuant to H.R.S. § 603-36(5).

FACTUAL ALLEGATIONS

10. On or about December 22, 2004, Brown purchased the Property, also known as Lot 22 of the Makila Plantation-Phase 2, situated at Launiupoko, Lahaina, Maui, for approximately \$1,400,000.

11. Brown and Brown LLC developed the Property and constructed a single family residence, consisting of a main house, a detached one bedroom

ohana or guesthouse, a 4,000 square foot auxiliary building, and a swimming pool on the Property.

12. Brown resided at the Property from approximately 2005 to 2008, while it was being constructed and without a certificate of occupancy ever having been issued.

13. On or about August 21, 2007, Defendants listed the Property for sale. Dein and Century 21 served as the real estate agent and broker, respectively, for Brown. Brown and Brown LLC co-listed the Property with Century 21 and Dein.

14. Defendants marketed the Property as a 5,283-square-foot single family residence with a detached ohana unit, situated on 195,148 square feet or 4.48 acres of land.

15. On February 12, 2008, Plaintiffs made a written offer to purchase the Property from Brown for \$5,000,000.

16. On February 14, 2008, Brown accepted Plaintiffs' offer.

17. The purchase closed on May 29, 2008.

18. Defendants received substantial commissions from the sale.

19. The Purchase Contract requires that Brown fully and accurately disclose in writing any fact, defect, or condition, past or present, that would be expected to measurably affect the value of the Property to a reasonable person and that such disclosure shall be prepared in good faith and with due care and shall disclose all material facts relating to the Property that: (i) are within the knowledge or control of Seller; (ii) can be observed from visible, accessible

areas; or (iii) are required to be disclosed by Section 508D-15 and Section 421J-2 of the Hawai'i Revised Statutes.

20. In the Seller's Real Property Disclosure Statement dated February 14, 2008, however, Brown failed to accurately or truthfully disclose certain conditions of the Property including, but not limited to, the following:

- a. Brown denied current or past defects, malfunctions or major repairs in the:
 - i. Ceilings;
 - ii. Driveways;
 - iii. Electric outlets/switches/lights;
 - iv. Fences/perimeter walls;
 - v. Floors/floor coverings;
 - vi. Foundation/slabs;
 - vii. Plumbing;
 - viii. Roofs;
 - ix. Exterior walls; and
 - x. Interior walls.

- b. Brown did not disclose the full extent of the defects, malfunctions or major repairs to or in the:
 - i. Appliances;
 - ii. Lawn sprinkler system; and
 - iii. Swimming pool.

- c. Brown denied or disclaimed knowledge of any:
- i. Encroachments;
 - ii. Violations of government regulations or ordinances related to the Property;
 - iii. Zoning or setback violations and/or citations;
 - iv. Violations of the Covenants, Conditions and Restrictions ("CC&Rs") covering the Property;
 - v. Additional material facts regarding the Property or neighborhood that should be disclosed;
 - vi. Original improvements or additions, structural modifications, or alterations built without building permits; and
 - vii. Building permits not finalized or closed by the permitting agency.
- d. Brown did not disclose the full extent of the nonconforming uses or restrictions on rebuilding on the Property.

21. Plaintiffs reasonably and justifiably relied upon Brown's Disclosure Statement in purchasing of the Property.

22. After the sale closed, however, Plaintiffs discovered that Brown's disclosures and representations in the Disclosure Statement were false and misleading, as more fully set forth herein.

23. Defendants never provided Plaintiffs a set of the County approved plans or as-built plans for the improvements on the Property. Thus, Plaintiffs

are unable to determine whether the improvements were constructed pursuant to the County approved plans and where certain improvements, such as the septic tank, are located on the Property.

24. During inspections of the Property before and during escrow, Defendants on several different occasions showed Plaintiffs and confirmed what were purportedly the locations of the boundary pin and boundary lines. After closing, Plaintiffs discovered that Defendants misrepresented the locations of the boundary pin and boundary lines. As a result, the land area on the Property is significantly less than what Defendants led Plaintiffs to believe they were purchasing, and portions of the improvements encroach on the neighboring property.

25. When Plaintiffs moved into the Property, they found the house filthy, riddled with defects, and with the grounds overgrown. The Property had clearly not been cleaned, pet treated, or maintained in the same condition as it was during the final inspection, which was required by the Purchase Contract.

26. Plaintiffs discovered and continue to discover numerous and substantial defects, nonconforming uses, and violations on the Property, including but not limited to:

- a. The boundary pin and boundary line locations are not where Defendants represented, which resulted in substantially less land area than Plaintiffs were led to believe they were purchasing, and portions of the improvements actually encroach on the neighboring property;

- b. Many building permits for the improvements on the Property were never closed;
- c. Brown and/or Brown LLC never obtained a certificate of occupancy for the Property;
- e. The front gate and wall violate Maui County Code § 19.30A.030 and exceed the four-foot height limit for walls and structures within the yard setback area;
- f. The infinity swimming pool was poorly constructed, as the plaster in and around the pool is peeling off, the water does not flow over the infinity edge, tiles are falling off, and the deck sinks in several areas; in addition, the pool failed the final inspection by the Maui County inspector;
- g. The improvements on Property violate the applicable CC&Rs, as amended and restated;
- h. The driveway is cracking and unstable in numerous locations;
- i. The floors, travertine tiles, interior and exterior walls, and ceilings are cracking throughout the main house and auxiliary building, with new and increasingly larger cracks appearing every week;
- j. Faulty and unsafe electrical problems exist throughout the Property, fail to meet building code requirements and present a dangerous condition;

- k. The sliding glass doors in the main house and auxiliary building were not functional, and the entire glass in one of the sliding glass doors has since cracked;
- l. Many of the roofing tiles were not affixed to the roof properly or adequately and therefore are loose, thus creating a hazardous condition;
- m. The lawn sprinkler system on the Property was installed improperly, and the sprinkler system for the neighboring property was connected to the Plaintiffs' water meter;
- m. When Plaintiffs first moved in, the kitchen appliances were filthy and unsanitary or nonfunctional, and they could not be utilized until thoroughly cleaned or replaced; and
- n. When Plaintiffs first moved in, the landscaping was so overgrown, Plaintiffs had to immediately hire a landscaper to remediate at significant cost to Plaintiffs.

27. Initially, after discovering some of the defects, Plaintiffs and their agent contacted Defendants on several occasions to request that they remedy the defects known to Plaintiffs at the time. Defendants either ignored Plaintiffs' and their agent's requests or refused to remedy the defects.

28. As the owner, occupant, builder, developer, and co-listor of the Property, Brown and Brown LLC knew or should have known of the numerous defective conditions, nonconforming uses, violations of Maui County codes and

regulations, violations of the CC&Rs, and encroachments on or in the Property and should have disclosed them to Plaintiffs.

29. As the broker and agent of the Property, Century 21 and Dein knew or should have known of the numerous defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments on or in the Property and should have disclosed them to Plaintiffs.

30. As the owner, occupant, builder, developer, and co-listor of the Property, Brown and/or Brown LLC knew or should have known the actual locations of the boundary pins and boundary lines for the Property and should have represented them accurately to Plaintiffs.

31. As the broker and agent for the Property, Century 21 and Dein knew or should have known the actual locations of the boundary pins and boundary lines for the Property and should have represented them accurately to Plaintiffs.

32. Defendants' misrepresentations and omissions were made to Plaintiffs for the benefit of Plaintiffs as prospective purchasers of the Property and to induce Plaintiffs into purchasing the Property.

33. Defendants intended for Plaintiffs to rely upon their misrepresentations and omissions.

34. Had any of the Defendants disclosed any of the defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments truthfully or

represented the true and actual boundaries of the Property to Plaintiffs, Plaintiffs would not have purchased the Property.

35. Plaintiffs reasonably and justifiably relied on Defendants' misrepresentations to their detriment.

36. Defendants' misrepresentations and omissions about the Property to Plaintiffs are so substantial and fundamental to the Purchase Contract that they defeat Plaintiffs' object in the agreement and the intent of the Purchase Contract, and therefore entitle Plaintiffs to rescind the Purchase Contract.

37. In the alternative, Plaintiffs are entitled to damages from Defendants in an amount to be proven at trial.

38. On or about December 28, 2009, Plaintiffs demanded rescission of the Purchase Contract from Brown and offered to return the Property and restore the value of any benefit received under the Purchase Contract. Brown never responded.

COUNT I

(Fraudulent Misrepresentation Against All Defendants)

39. Plaintiffs reallege and incorporate by reference the averments contained in paragraphs 1-38 as though fully stated herein.

40. As set forth above, Defendants made numerous misrepresentations of fact to Plaintiffs regarding the defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments on or in the Property and misrepresented the true and actual boundaries of the Property to Plaintiffs.

41. Defendants' misrepresentations of fact were material to Plaintiffs' decision to purchase the Property, the value of the Property and the purchase price.

42. Defendants had a duty to Plaintiffs to obtain and communicate the information set forth above truthfully and accurately.

43. Defendants knew or should have known that their representations about the Property's improvements, conditions and boundaries were false, and Defendants intended that Plaintiffs rely on the misrepresentations.

44. Plaintiffs did in fact rely upon Defendants' misrepresentations in deciding to purchase the Property to their detriment.

45. Plaintiffs' reliance upon Defendants' misrepresentations were reasonable and justified.

46. As a direct and proximate result of Defendants' fraudulent misrepresentations, Plaintiffs suffered injury and damages.

47. Defendants' fraudulent misrepresentations about the Property justify rescission of the Purchase Contract *ab initio*, Defendants' disgorgement of the sales commissions, and restitution to Plaintiffs, or alternatively, damages from Defendants in an amount to be proven at trial.

COUNT II

(Fraud by Omission Against All Defendants)

48. Plaintiffs reallege and incorporate by reference the contained in paragraphs 1-47 as though fully stated herein.

49. Defendants failed to disclose material information to Plaintiffs, including, among other things, the numerous defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments on and in the Property.

50. Defendants had a duty to Plaintiffs to disclose the information set forth above.

51. Defendants' omissions were material to Plaintiffs' decision to purchase the Property, the value of the Property and the purchase price.

52. Had Defendants disclosed any of the information described above, Plaintiffs would not have purchased the Property.

53. Defendants knew or should have known that their omissions of fact were misleading and would induce Plaintiffs to purchase the Property, and Defendants intended that Plaintiffs rely on the omissions.

54. Plaintiffs did in fact rely upon Defendants' omissions of fact in deciding to purchase the Property to their detriment.

55. Plaintiffs' reliance upon Defendants' omissions of fact were reasonable and justified.

56. As a direct and proximate consequence of Defendants' omissions, Plaintiffs have suffered injury and damages.

57. Defendants' fraudulent omissions of fact about the Property justify rescission of the Purchase Contract *ab initio*, Defendants' disgorgement of the sales commissions, and restitution to Plaintiffs, or alternatively, damages from Defendants in an amount to be proven at trial.

COUNT III

(Breach of Contract Against Brown)

58. Plaintiffs reallege and incorporate by reference the averments contained in paragraphs 1-57 as though fully stated herein.

59. Plaintiffs and Brown entered into a valid and enforceable Purchase Contract to purchase and sell the Property.

60. Plaintiffs fulfilled all conditions and obligations required by the Purchase Contract.

61. Brown materially breached the terms of the Purchase Contract by misrepresenting and/or failing to truthfully disclose the numerous defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments on or in the Property and misrepresenting the true and actual boundaries of the Property.

62. Brown's misrepresentations and omissions are so substantial and fundamental to the Purchase Contract that they defeat Plaintiffs' object in the agreement and the intent of Purchase Contract.

63. As a direct and proximate consequence of Brown's breach of contract, Plaintiffs are entitled to rescind the Purchase Contract *ab initio*, the disgorgement of any commissions Brown received from the sale, and restitution, or alternatively, damages from Brown in an amount to be proven at trial.

COUNT IV

(Unfair and Deceptive Trade Acts or Practices Against All Defendants)

64. Plaintiffs reallege and incorporate by reference the averments contained in paragraphs 1-63 as though fully stated herein.

65. As set forth above, Defendants made numerous misrepresentations and/or omissions of fact to Plaintiffs regarding the defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments on or in the Property and misrepresented the true and actual boundaries of the Property to Plaintiffs.

66. Said material misrepresentations and omissions would tend to mislead or deceive consumers acting reasonably under such circumstances and did, in fact, mislead Plaintiffs under the circumstances described above.

67. Defendants violated Haw. Rev. Stat. § 480-2 by engaging in said unfair and deceptive acts and practices.

68. Plaintiffs are consumers under Haw. Rev. Stat. § 480-1.

69. Defendants' unfair and deceptive acts and practices render the Purchase Contract void and unenforceable at law or in equity, pursuant to Haw. Rev. Stat. § 480-12.

70. Alternatively, Defendants' unfair and deceptive acts and practices actually and proximately caused injury and damages to Plaintiffs in an amount to be proven at trial.

71. As a consequence, Defendants are liable for treble damages, attorneys' fees, and Plaintiffs' costs of suit as provided by Haw. Rev. Stat. § 480-13.

COUNT V

(Negligent Misrepresentation Against All Defendants)

72. Plaintiffs reallege and incorporate by reference the averments contained in paragraphs 1-71 as though fully stated herein.

73. Defendants had a duty to exercise reasonable care in obtaining and communicating information to Plaintiffs about the Property.

74. Defendants made material misrepresentations of fact to Plaintiffs regarding the defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments on or in the Property and misrepresented the true and actual boundaries of the Property to Plaintiffs.

75. Defendants' representations were untrue, which they knew or should have known in the exercise of reasonable care were untrue.

76. Defendants' material misrepresentations were made to Plaintiffs for the benefit of Plaintiffs as prospective purchasers of the Property.

77. Defendants intended for Plaintiffs to rely upon their representations.

78. Plaintiffs were unaware of the falsity of the representations and reasonably and justifiably relied upon the misrepresentations described above to their detriment.

79. As a direct and proximate consequence of Defendants' negligent misrepresentations, Plaintiffs are entitled to rescind the Purchase Contract *ab initio*, disgorgement of any sales commissions from Defendants, and restitution, or alternatively damages from Defendants in an amount to be proven at trial.

COUNT VI

(Negligent Failure to Disclose Against All Defendants)

80. Plaintiffs reallege and incorporate the averments contained in paragraphs 1 through 79 as though fully stated herein.

81. Defendants had a duty to exercise reasonable care in obtaining and communicating information to Plaintiffs about the Property.

82. Defendants failed to disclose material information to Plaintiffs, including, among other things, the numerous defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments on and in the Property.

83. Defendants' omissions were misleading or false, which they knew or should have known in the exercise of reasonable care.

84. Defendants' material omissions were made to Plaintiffs for the benefit of Plaintiffs as prospective purchasers of the Property.

85. Defendants intended for Plaintiffs to rely upon their omissions of fact.

86. Plaintiffs reasonably and justifiably relied upon Defendants' omissions and were induced into purchasing the Property to their detriment.

87. As a direct and proximate consequence of Defendants' negligent omissions of fact, Plaintiffs are entitled to rescind the Purchase Contract *ab initio*, disgorgement of any sales commissions from Defendants, and restitution, or alternatively damages from Defendants in an amount to be proven at trial.

COUNT VII

(Breach of Covenant of Good Faith and Fair Dealing Against Brown)

88. Plaintiffs reallege and incorporate by reference the averments contained in paragraphs 1 through 87 as though fully stated herein.

89. Plaintiffs and Brown entered into a valid and enforceable Purchase Contract to purchase and sell the Property.

90. Every contract, including the Purchase Contract at issue here, includes an implied covenant of good faith and fair dealing to make fair and accurate representations when performing one's obligations under the contract and to not deprive the other party of the benefits of the contract.

91. Brown breached the implied covenant of good faith and fair dealing imposed by the Purchase Contract by misrepresenting and/or failing to truthfully or accurately disclose the numerous defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments on or in the Property and misrepresenting the true and actual boundaries of the Property.

92. Brown's misrepresentations and omissions are so substantial and fundamental to the Purchase Contract that they defeat Plaintiffs' object in the agreement and the intent of Purchase Contract.

93. As a direct and proximate consequence of Brown's breach of the implied covenant of good faith and fair dealing, Plaintiffs are entitled to rescind the Purchase Contract *ab initio*, disgorgement of any commissions Brown received from the sale, and restitution, or alternatively, damages from Brown in an amount to be proven at trial.

COUNT VIII

(Negligence Against All Defendants)

94. Plaintiffs reallege and incorporate by reference the averments contained in paragraphs 1 through 93 as though fully stated herein.

95. Defendants owed a duty of reasonable care to Plaintiffs to investigate, obtain, communicate and disclose truthful and accurate information about the defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments on or in the Property and the boundaries of the Property to Plaintiffs.

96. Defendants breached their duty of reasonable care by failing to investigate, obtain, communicate and disclose truthful and accurate information about the Property, as described above.

97. Defendants' breach of duty actually and proximately caused Plaintiffs to suffer injury and damages.

98. Plaintiffs are entitled to an award of damages from Defendants in an amount to be proven at trial.

COUNT IX

(Punitive Damages Against Brown)

99. Plaintiffs reallege and incorporate by reference the averments contained in paragraphs 1 through 98 as though fully stated herein.

100. As set forth in Counts I and II above, Brown made numerous fraudulent misrepresentations and omissions of fact regarding the defective conditions, nonconforming uses, violations of Maui County codes and regulations, violations of the CC&Rs, and encroachments on or in the Property and misrepresented the true and actual boundaries of the Property to Plaintiffs.

101. Brown's fraudulent conduct was willful and wanton, with a total disregard for the truth and to Plaintiffs' welfare.

102. As a result of Brown's willful and wanton misconduct, Plaintiffs sustained substantial financial loss.

103. Plaintiffs are therefore entitled to punitive and/or exemplary damages against Brown in an amount to be shown at trial to deter Brown and others from similar willful and wanton conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for Judgment in their favor and against Defendants, jointly and severally, as follows:

- A. Rescission of the Purchase Contract *ab initio*;
- B. Disgorgement of all sales commissions from Defendants;
- C. Restitution for all amounts paid by Plaintiffs pursuant to and as a result of the Purchase Contract;

D. Special, compensatory and general damages in an amount to be determined at trial;

E. Interest;

F. Punitive, exemplary, and/or treble damages under Haw. Rev. Stat. 480-13 in an amount to be determined at trial;

G. Reasonable attorneys' fees and costs; and

H. Any other relief as may be deemed just and equitable by the Court.

DATED: Honolulu, Hawai'i, March 10, 2010.



MARGERYS. BRONSTER
REX Y. FUJICHAKU
CATHERINE L. AUBUCHON

Attorneys for Plaintiffs
Robert Jay Applegate and JoAnne Applegate,
Individually and as Trustees of the Robert and
JoAnne Applegate Trust

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

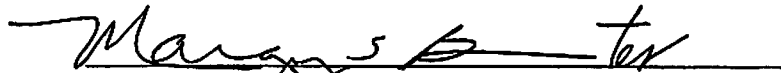
STATE OF HAWAII

ROBERT JAY APPEGATE, JOANNE)	CIVIL NO. _____
APPEGATE, Individually and as)	(Contract)
Trustees of the Robert and JoAnne)	
Applegate Trust,)	DEMAND FOR JURY TRIAL
)	
Plaintiffs,)	
vs.)	
)	
GREGORY E. BROWN, BROWN)	
DEVELOPMENT PROPERTIES, HI LLC,)	
ROBERT H. DEIN, ALL ISLANDS, INC.)	
dba CENTURY 21 ALL ISLANDS, JOHN)	
DOES 1-10, MARY DOES 1-10, DOE)	
CORPORATIONS 1-10 and DOE)	
ENTITIES 1-10,)	
)	
Defendants.)	

DEMAND FOR JURY TRIAL

Plaintiffs Robert Jay Applegate and JoAnne Applegate, individually and as Trustees of the Robert and JoAnne Applegate Trust hereby demand a trial by jury of all issues so triable herein.

DATED: Honolulu, Hawai'i, March 10, 2010.



MARGERY S. BRONSTER
REX Y. FUJICHAKU
CATHERINE L. AUBUCHON

Attorneys for Plaintiffs
Robert Jay Applegate and Jo Anne Applegate,
Individually and as Trustees of the Robert and
Jo Anne Applegate Trust

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

ROBERT JAY APPELEGATE and)	CIVIL NO. _____
JOANNE APPELEGATE, individually and)	(Contract)
as Trustees of the Robert and JoAnne)	
Applegate Trust,)	SUMMONS
)	
Plaintiffs,)	
vs.)	
)	
GREGORY E. BROWN, BD)	
PROPERTIES HAWAII, LLC dba)	
BROWN DEVELOPMENT PROPERTIES)	
HAWAII, ROBERT H. DEIN, ALL)	
ISLANDS, INC. dba CENTURY 21 ALL)	
ISLANDS, JOHN DOES 1-10, MARY)	
DOES 1-10, DOE CORPORATIONS 1-)	
10 and DOE ENTITIES 1-10,)	
)	
Defendants.)	

SUMMONS

STATE OF HAWAII

TO: THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to serve upon the law offices of Bronster Hoshibata, whose address is 1003 Bishop Street, Suite 2300, Honolulu, Hawaii 96813, Plaintiffs' attorneys, an answer to the Complaint which is herewith served upon you. This action must be taken within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to make your answer within the twenty (20) day time limit, judgment by default will be taken against you for the relief demanded in the complaint.

Pursuant to Rule 4(b) of the Hawai'i Rules of Civil Procedure, this summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the general public, unless a judge of the above-entitled court permits, in writing on this summons, personal delivery during those hours.

A failure to obey this summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: WAIAIKU Honolulu, Hawai'i, MAR 16 2010



Clerk of the Above-Entitled Court

RECEIVED

From: Morgan Abel <morganabel@pacificwhale.org>
Sent: Wednesday, October 02, 2019 1:22 PM
To: County Clerk
Subject: Testimony Supporting Agenda 19-114

2019 OCT -2 PM 1: 57

OFFICE OF THE
COUNTY CLERK

Dear Council Chair Kelly King,

I am writing to you to give you my testimony for agenda 19-114. I support the adoption of the resolution approving Makila Farms with modifications. My fiancé and I have lived on Maui for 4 years now and have always struggled with rent living paycheck to paycheck. Working in the tourism industry we meet and hear the stories of tourists everyday and a lot of them have houses, condos, or timeshares, that they only use a few times a year while us Maui residents live in overcrowded houses paying rent for a single room. Makila Farms needs to be approved to show Maui residents that we CAN live the lives we've dreamt of. I fully support agenda 19-114. For the above reasons it is imperative that we do not wait for the West Maui Community Plan to be updated before Makila Farms is approved.

Aloha-
Morgan Haley Abel
Staff Coordinator
Pacific Whale Foundation
300 Ma'alaea Road
Wailuku, Hawaii 96793
203-257-5337

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From: mark albers <omwao@icloud.com>
Sent: Monday, September 30, 2019 12:05 PM
To: County Clerk
Subject: Opposition to CR-19-114. Makila Farms

RECEIVED
2019 SEP 30 PM 1:18
OFFICE OF THE
COUNTY CLERK

Sent from my iPad

Aloha Council Members,

This letter is in opposition to the large housing development proposal know as Makila Farms.
201 H

This housing development is an attempt to wrongly preempt the West Maui Community Plan know as CPAC.

Many citizens have devoted countless hours and energy towards this plan in an effort to guide the future of west Maui in a positive and responsible way towards ensuring that it will not be exploited, by protecting the land and ocean from further abuse. If this development would not pass an Environmental Impact Study it should not be allowed.

This large and Dense housing project would be very detrimental not only to the neighborhoods nearby, But also to west Maui in general. It would add to the many problems that already exist in that area, Such as:

Lack of water. The homes in Makila and Launiupoko have been under a strict Ag water restriction for months where the water is mandatorily turned off 3 or 4 days every week. It is a desert on this side with average rainfall of 3 to 5 inches per year.

Extreme Fire prone area. The offshore Devil winds are very frequent and more homes would mean more danger in the way of fewer escape routes, more people, more congestion, and added fuel for fires.

Traffic congestion. There is gridlock on the Bypass below these neighborhoods almost every day.
This proposal would add to that problem.

Construction pollution. The offshore winds will blow the dirt directly into the ocean which is only one mile away thus destroying what's left of our coral reefs.

We are grateful that most of you on the committee have the foresight and wisdom to realize which values you hold above all others :

THE ENVIRONMENT IS MAUI !

Our islands well being IS our aina and our kai.
We would be nothing without it.

We all need to ask ourselves what Maui needs and what will hurt it and therefore hurt the people living here.

What we need MORE of:

1. Truly Affordable housing in the right locations.
2. Clean water and healthy coral reefs
3. Open space and parks.
4. WISDOM: Leaders who understand what really Matters and vote to preserve what we have left.

5. Conservation

What we need LESS of:

**Pollution Vehicles Hotels Tourists Greed
Exploitationmultimillion dollar homes
Off shore investors who don't give back.**

Please deny the Makila Farms project. It is part of the problem not part of the solution.

Mahalo,

Suzanne Albers

October 4, 2019

Aloha & Good Morning Chair King, Maui County Council members, testifiers on behalf of affordable/workforce housing crisis and guests here today:

My name is Julia Alos and I support Makila Farms and the glimmer of hope it will give folks here. I've chosen to echo a sentence or two, from a few testimonies you've hopefully read, recapping "the plight of our workforce" and the daily, dire and desperate struggles they face just to live here.

Both college educated professionals, unable to afford a decent home and will be driven off the island further contributing to the teaching shortage. Please think about us, the working Maui people who build the infrastructure of Maui. I am a native Hawaiian born here. It's giving us locals a chance to have a piece of land to work and farm. I've lived on Maui 29 years and would greatly appreciate the opportunity to finally own a home for our family, affordable housing is so needed on Maui. I have lived here 20 years and its so hard to find housing that's affordable where me and my family can breathe and not struggle. Please give us people of low income a chance. We are definitely in need of affordable housing. This project is absolutely necessary for the future vitality of Maui. As a neighbor of Greg's he encouraged us to farm on Ag land and taught us how to farm so we would be of support to our community. Lived here over 20 years and rent a small 1.5 bdr house with our 7 year old in the shark pit of a neighborhood in Lahaina paying over \$2k per month. Please help me and the local people remain here on Maui. This is our home. Born and raised on Maui and my family's home for generations. We are in desperate need of affordable housing. Makila Farms is a project I would like to see approved so that more families can stay on Maui and can contribute to the community. I rent a studio which cost more than \$2k monthly. Born, raised here, single mom, I have extreme difficulty in the last several years finding affordable, clean and kid friendly place to live. In the last 5 years I've had to move 7 times. I could go on and on reading the heartbreak that these folks have poured out to you asking for your support of Makila Farms. These folks are not asking for a hand out, their looking for signatures to approve this project. Perhaps Makila Farms should be a litmus test, a trial for Maui County and a way to show the work force that you truly care and you're willing to help them with this crisis.

Has the county council truly considered the repercussions to continually looking the other way, hoping it will end or in a few years or decade from now it will be addressed or you'll leave it to your successors to deal with? Rest assured these folks that grease the engines of the economy here will be pushed to the brink, give up, be forced by your inactions to hear their pleas for affordable housing and leave, because there are no alternatives on the horizon. I could deduce what will happen, and it should weigh heavy in your consciences. So too shall the ALOHA, or brand that drives our economy, they will take that with them and go.. Will those millionaires in mansions leave their homes to come clean the rooms, wait on tables, run for valet cars, protect swimmers at the beaches by lifeguarding, greet them at the hotels and airports, pick the fruits and vegetables from our fields that our cooks prepare to feed them, serve them at numerous

capacities at the airport, uber them around, work the tourist kiosks and adventure tours, drive the busses that transport the workers daily to work, replace the county workers, of all rank and file, that keep the services for residents and visitors alike, entertain them at luaus, massage the malihini, teach your children, and on and on? No those folks in mansions will have to learn how to clean their own pools, their homes and their STVR's, mow their own lawns and so on. Who will be providing the "kala" for the county coffers when these folks leave? The talent here isn't easily replaced or trainable, these are seasoned workers at all facets and levels that are critical for the county's survival. This will then be your epic crisis for the willful neglect of looking the other way. The consequences are dire and the collapse the economy is imminent, when the spirit of aloha dies in despair because these folks can no longer wait for this crisis to abate. The indigenous people and long time residents, the heartbeat of the workforce of this economy will leave to find another place to call home. They will survive, will Maui County? Pass Makila Farms and give the people of the west side a glimmer of hope, this is a small step to a bigger problem you will face if you fail these folks now. They won't forget, they will blame you for having to leave the place they have called home for most of their lives. Mahalo for your time, I do hope you consider the costs of not passing this development.

Mahalo for your time,

Julia Alos

From: Jeff and Sue Anderson <smander@pacbell.net>
Sent: Wednesday, October 02, 2019 7:22 PM
To: County Clerk
Subject: Written Testimony re 10/4/2019 County Council Agenda Item CR 19-114

RECEIVED
2019 OCT -3 AM 8:00
OFFICE OF THE
COUNTY CLERK

County Council Members,

I do not support adoption of the resolution to approve the Makila Farms project.

Does this project REALLY help the affordable home shortage?

Conventional wisdom says sure, we're adding 19 new affordable homes, maybe more if buyers decide to add ohana cottages. But, it is more complicated than that.

To understand the net effect, we need to look at the market rate homes. This developer is a luxury home builder. This project is motivated by the creation of 15-30 luxury homes. Whether they build them or sell the lots to other luxury home builders, the market rate main homes will sell at the area's competitive price of \$3-5M. Add up to a couple \$M more for a cottage.

Following past area trends, these luxury homes will be bought by wealthy families and LLCs, mostly from off-island. Buyers of expensive luxury homes consume a lot of service sector labor. Of course we don't know exactly who will buy these homes and what their needs will be but wealthy homeowners typically employ house cleaners, pool cleaners, landscapers and farm managers. They often contract for in-home massage, yoga and personal training. Add in labor for window cleaning, pest control, and other periodic maintenance. Wealthy families are also large consumers of dining and entertainment. Add all this up, the total consumption of service sector labor supporting these luxury homes will vary but we can safely assume it will be substantial.

In periods of high unemployment this additional demand for service sector labor may be a good thing for the local economy. But in a tight labor market (like now) the additional demand for labor means people working in West Maui. Service sector jobs like these are performed by people who need affordable housing. Thus, these luxury homes will create additional demand for affordable housing; the question is how much? Does it reduce the project's net benefit moderately by just a few affordable homes or does it wipe out the benefit altogether? There are few definitive studies of this tradeoff but work done by Lance Collins and others suggest the net effect of a 50% luxury home / 50% affordable home project is near zero (that is, the additional affordable home supply is offset by the additional demand).

If the net effect on the affordable home shortage is a wash, this 201H application essentially becomes a developer subsidy for a project that just increases West Maui population. That calls into question the project's value in terms of helping the affordable home shortage and whether the fast track process is appropriate for this project's review.

Jeff Anderson
619-203-9542

From: Dierl Bagusto <anykinestuff@yahoo.com>
Sent: Thursday, October 03, 2019 9:55 AM
To: County Clerk
Subject: Makila Farm Project

RECEIVED

2019 OCT -3 AM 10: 15

OFFICE OF THE
COUNTY CLERK

I vote no!

Marie Biga
22 Puakala Place
Kahului, HI 96732
(808) 276-3210

RECEIVED

2019 OCT -3 AM 8:00

OFFICE OF THE
COUNTY CLERK

Kelly King , Chair – Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Subject: Makila Farms and Farming the Halau Garden

Aloha Madam Chair:

I have communicated with the Developer Greg Brown about potentially being the operator for Makila Farms Halau Resource Garden. I currently farm plumeria and green ti-leaves on 2 acres in Puunene. Over the past 2 years, I have had the privilege of having youth groups from MEO and Maui Youth and Family Services come to my farm in Puunene to visit and learn about the Hawaiian Culture through a scavenger hunt activity and other activities that allow these youth to malama and respect the Hawaiian Culture.

I have outgrown our 2 acre lot in Puunene and understand what it would take to grow and maintain a farm on 7 acres as I have the experience to maintain it. Farming a halau resource garden would enable such youth groups and halau haumana from the community to participate.

I am the Kumu Hula of Hui! Lanakila Productions (for over 30 years) where I teach and practice hula and Polynesian dance. I am also a Hawaiian Studies Teacher in the State of Hawaii, Department of Education, Hawaiian Studies Kupuna Program. I have taught Hawaiian Studies to the 6th grade classes for 18 years.

Mahalo for your attention.

Aloha,

Marie Biga

County Clerk

From: millena Buraco <millenalima@icloud.com>
Sent: Wednesday, October 02, 2019 9:39 AM
To: County Clerk
Subject: Makila kai farms

RECEIVED

2019 OCT -2 AM 10: 14

OFFICE OF THE
COUNTY CLERK

Aloha and thank you for taken your time to read my testimony.

I am one of the hundreds family that are holding down a big hope to be able to own a house.

The work force project gives us a big chance to became a home owner. The riches and tourism are the one always benefit from our land.

We are people that makes Maui a great place to live and visited.

We do need to be appreciated and took care of.

Government has to do more for a local community.

It is a crucial time for us low income families.

Rentals are out of control also the price market for houses.

Please please please help us. We need this project. We need our dream come true.

Aloha Milli

Kelly King, Counsel Chair – Housing Committee
Maui County Council
Kalana O Maui Building, Eight Floor
200 South High Street
Wailuku, Hawaii 96793

RECEIVED
2019 OCT -2 AM 11: 22
OFFICE OF THE
COUNTY CLERK

RE: Affordable Housing Project (Chapter 102H, Hawaii Revised Statutes) Independent Development of Makila Farms Project (Lahaina) (AH-1 (3)) Agenda Item 19-114

Dear Kelly King, Chair - Housing Committee

Aloha Housing Committee,

My name is Martha Cabo, a Maui resident, with hopes to maybe own a home in Maui in the very near future with our community support for affordable housing projects. Now, as all of you on the housing committee are already aware of the need for affordable housing in the island, the Makila Farms Project would provide an opportunity for residents to have a chance to achieving their dreams of owning a home and more importantly, having a property with agriculture space to grow food and be self-sustaining.

Therefore, I am writing to you to inform you that I fully support the Makila Farms Project and the developer, and ask your favorable support of the project so it can move forward and provide much need housing for those, like me, who's hopeful to have the opportunity to own property to live and thrive on MAUI.

Again, I support the Makila Farms project and once again I ask for your favorable support of the project for our residents.

- Agenda item 119-114 – I am in support of the adoption of the resolution approving Makila Farms with modifications.
- You do not think it is necessary to wait for the West Maui Community Plan to be updated (which could take another 2 years) before Makila Farms is approved.

Mahalo in advance,

Martha Cabo

County Clerk

From: Susan Carroll <suzan2034@gmail.com>
Sent: Tuesday, October 01, 2019 4:17 PM
To: County Clerk
Subject: Testimony from Susan Carroll 09-04-2019.pdf
Attachments: Testimony from Susan Carroll 09-04-2019.pdf

Attention: Council Chair, Kelly King

* Agenda item 19-114 - I am in support of the adoption of the resolution approving Maxilla Farms with modifications.

* I do not think it is necessary to wait for the West Maui Community Plan to be updated (which could take another two years) before Manila Farms is approved.

Susan J Carroll

Sent from my iPad

RECEIVED
2019 OCT -1 PM 4: 31
OFFICE OF THE
COUNTY CLERK

AH Committee

From: Susan Carroll <suzan2034@gmail.com>
Sent: Wednesday, September 04, 2019 9:28 AM
To: AH Committee
Subject: Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes) (Independent Development of the Makila Farms Project (Lahaina)) Agenda Item AH-1 (3)

Tasha Kama, Chair – Housing Committee
Maui County Council
Kalana O Maui Building, Eight Floor
200 South High Street
Wailuku, Hawaii 96793

RE: Support Makila Farms AH-1 (3)

Dear Tasha Kama, Chair - Housing Committee

I am writing you to let you know I support the affordable housing project of Makila Farms. There needs to be more affordable housing on Maui. Many of us have had family members move to the mainland because they can't afford to buy a home and live here. I for one, would like for my children and grandchildren to have the opportunity to stay on Maui. The independent development of Makila Farms would offer families that ability. I urge you to support this affordable housing project.

Thank you for your consideration.
Susan J Carroll

Sent from my iPhone

RECEIVED
2019 OCT -1 PM 4: 31
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Dallas Castillon <dallasp555@yahoo.com>
Sent: Tuesday, October 01, 2019 3:51 PM
To: County Clerk
Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Farms PROJECT (LAHAINA)) (AH-1(3)) Agenda Item 19-114

Attn: County Council, Kelly King

Dear Council Chair, Kelly King

As a born and raised Maui resident, I am sending you this email to show my support to the Makila Farms Affordable Housing Project. I believe this is a great opportunity for local families who are striving to have sustainability and gives them a chance to be able to make the dream of having their own home a reality. As a local business owner, my occupation contributes to the community by means of a recycling program. The Makila Affordable Housing Project would be a contribution to those trying to find an "affordable" house that meets their income.

Mahalo for your all your help!

Dallas Castillon
(808) 268-9891

- **Agenda item 19-114 - I am in support of the adoption of the resolution approving Makila Farms with modifications.**
- **I do not think it is necessary to wait for the West Maui Community Plan be updated (which could take another 2 years) before Makila Farms is approved.**

RECEIVED
2019 OCT -1 PM 4: 17
OFFICE OF THE
COUNTY CLERK

To: Kelly King, Chair
Maui County Council

From: Mark Deakos, Ph.D.
4993 Lower Honoapiilani Rd
Lahaina, HI 96761

October 3, 2019

Re: FILING OF RESOLUTION DISAPPROVING THE MAKILA FARMS PROJECT

Aloha Chair King and Members of the Maui County Council,

All of you are well aware of Maui's diminishing environmental capital (loss of coastlines, beaches, coral reefs, fish, water quality, native species, flowing streams, etc.) and degrading social capital (traffic, fire risks, cost of living, inequity, poor education, access to healthy, affordable food, etc.). As a Council, you need to adopt projects that reverse this degradation, projects that are net positive, not just "less bad." Fortunately, hundreds of projects across the United States have met the 20 criteria needed to be "regenerative", or "net positive." Attached is a table that lists these 20 criteria and evaluates how well the Makila Farms project meets each criterion:

Criteria		Imperative for Net Positive Impact	Description	Does Makila Farms address this Criteria?
PLACE	1	LIMITS TO GROWTH	Only build on previously developed sites and do conduct an environmental services audit of the land.	No
	2	URBAN AGRICULTURE	Based on the Floor Area Ratio < .09%, at least 50% of the land should be used for agriculture.	No
	3	HABITAT EXCHANGE	For each hectare (2.5 acres) of development, an equal amount of land away from project site must be set aside in perpetuity for conservation.	No
	4	HUMAN-POWERED LIVING	Each new project should contribute toward the creation of walkable, pedestrian oriented community.	No

Criteria		Imperative for Net Positive Impact	Description	Does Maklla Farms address this Criteria?
WATER	5	NET POSITIVE WATER	One hundred percent of the project's water needs must be supplied by captured precipitation or other natural closed-loop water systems, and/or by recycling used project water, and must be purified as needed without the use of chemicals. All stormwater and water discharge, including grey and black water, must be treated onsite and managed either through reuse, a closed loop system, or infiltration.	No
ENERGY	6	NET POSITIVE ENERGY	One hundred and five percent of the project's energy needs must be supplied by on-site renewable energy on a net annual basis, without the use of on-site combustion. Projects must provide onsite energy storage for resiliency.	No
HEALTH + HAPPINESS	7	CIVILIZED ENVIRONMENT	Every regularly occupied space must have operable windows that provide access to fresh air and daylight.	Unknown
	8	HEALTHY INTERIOR ENVIRONMENT	Must create a Healthy Interior Environment Plan that explains how the project will achieve an exemplary indoor environment.	No
	9	BIOPHILIC ENVIRONMENT	The project must be designed to include elements that nurture the innate human/nature connection.	No
MATERIALS	10	RED LIST	All materials in the built environment are regenerative and have no negative impact on human and ecosystem health, no Red List materials or chemicals.	No
	11	EMBODIED CARBON FOOTPRINT	The project must account for the total embodied carbon (tCO ₂ e) impact from its construction through a one-time carbon offset from an approved carbon offset provider.	No
	12	RESPONSIBLE INDUSTRY	The project must advocate for the creation and adoption of third-party certified standards for sustainable resource extraction and fair labor practices. Applicable raw materials include stone and rock, metal, minerals, and timber.	No
	13	LIVING ECONOMY SOURCING	The project must incorporate place-based solutions and contribute to the expansion of a regional economy rooted in sustainable practices, products, and services.	No

Criteria		Imperative for Net Positive Impact	Description	Does Makila Farms address this Criteria?
	14	NET POSITIVE WASTE	The project team must strive to reduce or eliminate the production of waste during design, construction, operation, and end of life in order to conserve natural resources and to find ways to integrate waste back into either an industrial loop or a natural nutrient loop.	No
EQUITY	15	HUMAN SCALE + HUMANE PLACES	The project must be designed to create human-scaled rather than automobilescaled places so that the experience brings out the best in humanity and promotes culture and interaction.	No
	16	UNIVERSAL ACCESS TO NATURE + PLACE	All primary transportation, roads and non-building infrastructure that are considered externally focused must be equally accessible to all members of the public regardless of background, age and socioeconomic class—including the homeless—with reasonable steps taken to ensure that all people can benefit from the project's creation	Unknown
	17	EQUITABLE INVESTMENT	For every dollar of total project cost, the development must set aside and donate half a cent or more to a charity of its choosing or contribute to ILFI's Living Equity Exchange program, which directly funds renewable infrastructure for charitable enterprises.	No
	18	JUST ORGANIZATIONS	The project must help create a more JUST, equitable society through the transparent disclosure of the business practices of the major organizations involved. At least one of the following project team members must have a JUST Label for their organization.	No
BEAUTY	19	BEAUTY + SPIRIT	The project must meaningfully integrate public art and contain design features intended solely for human delight and the celebration of culture, spirit, and place appropriate to the project's function.	No
	20	INSPIRATION + EDUCATION	Educational materials about the operation and performance of the project must be provided to the public to share successful solutions and to motivate others to make change.	No

As you can see, this project doesn't even meet the very basic criteria of place, water and energy. How can we expect to make positive change in our communities with such a low bar?

In addition to not meeting any of the criteria for net positive impact, this project is requiring that you modify the law for further subdivision, make a mockery of the West Maui community wishes and dismiss their Community Plan process, approve 43 septic systems when we are trying to phase them out and convert agricultural lands to housing.

The future of our keiki rely on your leadership to heal the damage we have done and set a new bar for regenerative growth. We still have the opportunity to make the necessary changes and provide our future generations with a habitable planet, but this will not happen with business as usual projects.

Please deny the Makila Farms project and support a Living Buildings Community Challenge workshop so that developers, planners and decision makers can learn and understand how communities are implementing regenerative growth across this country and around the world.

Thank you for your kokua,

**Mark Deakos
Napili
280-6448**

County Clerk

From: Michelle Debaldo <michelle.debaldo@k12.hi.us>
Sent: Thursday, October 03, 2019 10:11 AM
To: County Clerk
Subject: In support for Makila Farms AH-1 (3)

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2019 OCT -3 AM 10:15
OFFICE OF THE
COUNTY CLERK

Kelly King, Chair – Maui County Council
200 South High Street
Wailuku, HI 96793

RE: Support Makila Farms AH-1 (3)

Aloha Kelly King and Maui County Council Members,

My name is Michelle DeBaldo. I am writing you to explain why the Makila Farms Workforce Project needs to be approved.

I am a first/second grade Special Education teacher at King Kamehameha III Elementary. I have worked very hard to get this position: 2 Bachelor's degrees, 2 Masters degrees and 15 years teaching experience. Unfortunately, teacher salaries in Hawaii are the lowest in the country (taking into account the cost of living) making it very difficult to maintain an adequate lifestyle here. Moving to Hawaii 4 years ago and with so little years' credits being transferred to my new school, I have taken a \$20,000 paycut to keep doing the job I love so much. In my previous residence of NYC I was able to afford a one bedroom apartment for \$1,750, yet living here I have only been able to afford a 10x10 room in a large house for \$750 that is shared with 8 other residents. I don't have enough space in my room to keep my belonging and need to rent a storage space. At 43 years old, it's shameful that I cannot afford an adequate apartment on my own in Lahaina. With the way things are going, the dream of owning my own home is unrealistic. I don't have any children, no pets, not in a relationship and after 3 years of using the bus to get around I've been finally able to save enough to buy a used car. As a single person, I have a very difficult time affording things on my own, let alone save money.

I'm asking the West Maui Community Planning Action Committee to approve The Makila Farms project. If it is approved, I will not only be able to finally fulfill the dream of owning my own home, but will have the amazing opportunity to also own a farm. The farm will allow me to give back to the community as well give my students first hand experiences of how sustainability works because I plan to raise animals as well as agriculture on the property. Our schools need qualified teachers, and having this local workforce housing will help keep stability in our neighborhood.

I want to call West Maui home forever. Thank you for your consideration.

Sincerely,
Michelle DeBaldo
1/2 Special Ed Teacher, MS.ed.

--
Michelle DeBaldo, 1st/2nd Grade Special Educ Teacher
King Kamehameha III Elementary School

This is a staff email account managed by Hawaii Department Of Education School District. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.

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2019 OCT -2 AM 8: 08

Aloha,

I am submitting testimony to oppose:

201H DEVELOPMENTS: POLANUI GARDENS AND MAKILA RURAL EAST.

OFFICE OF THE
COUNTY CLERK

The community has repeatedly expressed a resounding objection to urban sprawl on agriculture land with no infrastructure.

The community plans are clear. Overriding the community plan to convert Ag land into urban is a big problem. These plans are supposed to have the weight of law, and there is a process to amend them which requires public input that the developers are intentionally avoiding here. They are also avoiding being responsible for infrastructure. Moving forward, from this project on, please require that all new developments must either establish new or pay for and support expanding the existing infrastructure.

Additionally, I am concerned about all the cul de sacs (no potential to hook up a bus route). What about the already overly burdened local schools? I am concerned about pesticides in the soil as well as market rate "fake farms" and the gentrification of the state agricultural district.

How can you sell agriculture lots to someone who is not making that home their primary residence? How can you farm from another state? This is a blatant abuse of the purpose of agriculture land. When we rely on 90% of our food being shipped in, we can't afford another vacation home taking up more agricultural space, driving up land costs, and using precious resources to water a lawn every day that is only used 2 -4 weeks a year. These market priced homes on agriculture lots serve no purpose in our community. In fact they end up costing our community severely in many many ways.

It is time for our county council to show some integrity and flex their muscle. As we have all acknowledged, we are in a housing crisis. Please do not feel pressured to approve housing development plans that do not meet the needs of our community or would cause us more problems in the future i.e. lack of infrastructure to support it.

If you are a developer and you live in Hawai'i then you need to be developing to solve problems for, and serve the needs of, our community. If you're not doing that then you're developing to serve your own needs (i.e. extraordinary profits) and we don't need that.

The community plans are clear. Don't succumb to the pressure of developers who complain they won't be able to make any money unless they have a certain mix of market priced homes or that if they provided infrastructure it would kill their project. Don't believe it. Because what hasn't been defined here is the amount of money they will make. I assure you they intend to continue to make the same extraordinary profits they have always made with all their past developments. They are not in business to make a moderate profit or even worse yet, a fair profit. They are looking to maintain their revenues to the level they always have. I am sorry but the sun has set on those good old days. That time has passed. Maybe it will come again, but right now is the time of serving the community; not of special interests.

Other affordable developments have been accomplished in the recent past and I assure you, a profit was made. If our standards of what we need to support our community, and the laws we have put in place to protect it, make it so they cannot turn a profit; then there's something wrong with their plan. If they can't fix it to be profitable to them then they should move out of the way because there are certainly other developers who are willing and able to work within our community guidelines. We do not owe these developers anything. We can say no. We can tell them to do it the way we need it or don't do it at all. I guarantee you they will find a way. County Council you just need to have the integrity to uphold the laws as they stand. No need to re-zone or amend anything to accommodate 'for-profit' developers.

County Council , I urge you, be brave, have integrity, tell them to revise it so it serves our community in the way we need it. They will or they won't. But in the end, we won't have compromised the integrity of our community. Because we can't get that back. Stand strong.

Mahalo,
Dina Edmisson

County Clerk

From: Russell Evans <russelldevans@gmail.com>
Sent: Tuesday, October 01, 2019 11:41 AM
To: Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura; County Clerk
Subject: Committee report No. 19-120

Honorable Kelly King, Chair
Council of the County of Maui
Wailuku, Hawaii 96793

RE: Committee report No. 19-120

Aloha County Council

Thank you for addressing the need to have a grace period for the renewal process. It makes sense. However we feel it does not make sense at this time to change the deadline so drastically.

Thank you for considering my testimony

Best,
Russell Evans
16 Holomakani Place
Lahaina, HI

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County Clerk

From: Russell Evans <russelldevans@gmail.com>
Sent: Tuesday, October 01, 2019 11:43 AM
To: Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura; County Clerk
Subject: RE: Committee report No. 19-120

Honorable Kelly King, Chair
Council of the County of Maui
Wailuku, Hawaii 96793

RE: Committee report No. 19-120

Aloha County Council

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Thank you for addressing the Planning Department's need to provide a grace period while they process permit renewals. I certainly do not want to be told that my permit is expired because the department has not processed it before the expiration date. My permit currently requires that I submit my renewal within 90 days of the expiration and I will be sure to meet that requirement. However, it does not seem to make sense for new applicants to have a different renewal requirement than existing permit holders. This would create confusion by having two different renewal requirements.

It seems that the intent of this measure was drastically changed in committee. The original purpose of this bill was to automatically extend Bed and Breakfast Home Permits, Short Term Rental Home Permits, and Special Use Permit while applications for renewal are in process.

While the grace period needed by the department was addressed in the revised bill, there was not a lot of reasoning as to why we need to change the period from within 90 days to the no later than 60 days before the permit expires. Having the cut off day 60 days before someone's actual expiration date could be confusing given that we have had the other deadline for so long.

Further in the Planning and Sustainable Land Use Committee Report dated October 4 on page 2 it says "Your committee amended the revised proposed bill to require applications to be submitted no later than 60 days to allow permit holders more time to submit their applications"

However this gives permit holders in fact less time, as they will have to submit their renewals at least 60 days in advance of their expiration date.

This proposed change also is eliminating a provision that the Council put in place just last year that would allow a permit holder to submit a "late" renewal under certain conditions. This was adopted to help eliminate the need for the department to process an entire new application rather than just a permit renewal, when a permit holder fails to renew on time.

I support the original version of this measure that was proposed for the department to set their own work priorities in permit renewals without worrying about the processing of a renewal provided that it was submitted prior to its expiration.

Thank you for considering my testimony

Best,
Russell Evans

From: Bob <bobfreimuth@comcast.net>
Sent: Sunday, September 29, 2019 11:43 AM
To: County Clerk
Subject: Fwd: affordable housing projects

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2019 SEP 30 AM 10:13

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Begin forwarded message:

From: Bob <bobfreimuth@comcast.net>
Subject: Fwd: affordable housing projects
Date: 30 August 2019 at 08:38:21 GMT-6
To: AH.committee@mauicounty.us

Begin forwarded message:

From: Bob <bobfreimuth@comcast.net>
Subject: affordable housing projects
Date: 30 August 2019 at 08:36:39 GMT-6
To: AH.Committee@mauicounty.us

To Whom It May Concern, I am opposed to the affordable housing projects proposed for the Launiupoko area in general and am writing about Makila Farms in particular. The fact that the project has added ohana's to its plan only adds insult to injury. This area already is at the breaking point in terms of water, and traffic. The fire danger as has been shown in the past is very high. Allowing all these septic systems this close to the ocean will a disaster for the reef and the ocean ecology in general. I believe that high density employee housing is a need for the Westside but it should be placed where it has access to city water and city sewer. I also believe that these high density high impact projects should not be fast tracked because of their long term effects they need to be closely vetted. Thanks for your attention. Bob Freimuth

From: Leslie Freimuth <lesliefreimuth@comcast.net>
Sent: Sunday, September 29, 2019 11:43 AM
To: County Clerk
Subject: Makila Farms opposition letter

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COUNTY CLERK

>> To Whom It May Concern, I am opposed to the affordable housing projects proposed for the Launiupoko area in general and am writing about Makila Farms in particular. The fact that the project has added ohana's to its plan only adds insult to injury. This area already is at the breaking point in terms of water, and traffic. The fire danger as has been shown in the past is very high. Allowing all these septic systems this close to the ocean will a disaster for the reef and the ocean ecology in general. I believe that high density employee housing is a need for the Westside but it should be placed where it has access to city water and city sewer. I also believe that these high density high impact projects should not be fast tracked because of their long term effects they need to be closely vetted. Thanks for your attention.

Leslie Freimuth
Launiupoko

AH Committee

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2019 OCT -3 AM 8:00

From: john fujikawa <jhfuji@yahoo.com>
Sent: Tuesday, September 03, 2019 11:58 AM
To: AH Committee
Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Farms; Lahaina) AH-1(3) Sub(3)

OFFICE OF THE
COUNTY CLERK

Chair Tasha Kama – Housing Committee
Maui County Council
Kalana O Maui Building, Eight Floor
200 South High Street
Wailuku, Hawaii 96793

Dear Tasha Kama,

I own property on Punakea Loop located above the proposed Makila Farms project. My wife and I got married at Black Rock years ago and have been coming here ever since. In 2015, we purchased land on Punakea Loop and Greg Brown built our dream home and smaller ohana in 2016. We continue to vacation here with our 2 daughters as often as we can. We hope to eventually retire here in paradise.

Greg and Brown Development did an outstanding job building our homes. We found the quality of the house to be of top quality. Greg and his workers listened to us throughout the process and were very reasonable when various issues came up.

We support the proposed Makila Farms project. The idea of having homes for local workforce is a very positive thing for the area. While there are potential problems with increase traffic, sewer issues and water issues. I believe Brown Development has addressed this.

I believe the positive benefits of having the local workforce as my neighbors far outweigh the potential negative aspects of Makila Farms. I would definitely welcome my new neighbors with the Aloha spirit that Maui is known for!

I hope you will approve Makila Farms.

Thank you,

John and Nahal Fujikawa
Punakea Loop
Lahaina

County Clerk

From: Amber Gifford <amberonislands@gmail.com>
Sent: Tuesday, October 01, 2019 5:13 PM
To: County Clerk
Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Farms PROJECT (LAHAINA)) (AH-1(3)) Agenda Item 19-114

Tasha Kama, Chair – Housing Committee Maui County Council
Kalana O Maui Building, Eight Floor
200 South High Street
Wailuku, Hawaii 96793

RE: Support Makila Farms AH-1 (3)

Dear Tasha Kama, Chair - Housing Committee Putting forward my support for the Makila farms development as Maui is desperate need of affordable housing, my family has followed this development in support of since 2017. It's seeming the developer has done so much to really accommodate all those opposed. I support this development and hope the council can too.

- I am in support of the adoption of the resolution approving Makila Farms with modifications.
- I do not think it is necessary to wait for the West Maui Community Plan be updated before Makila Farms is approved.

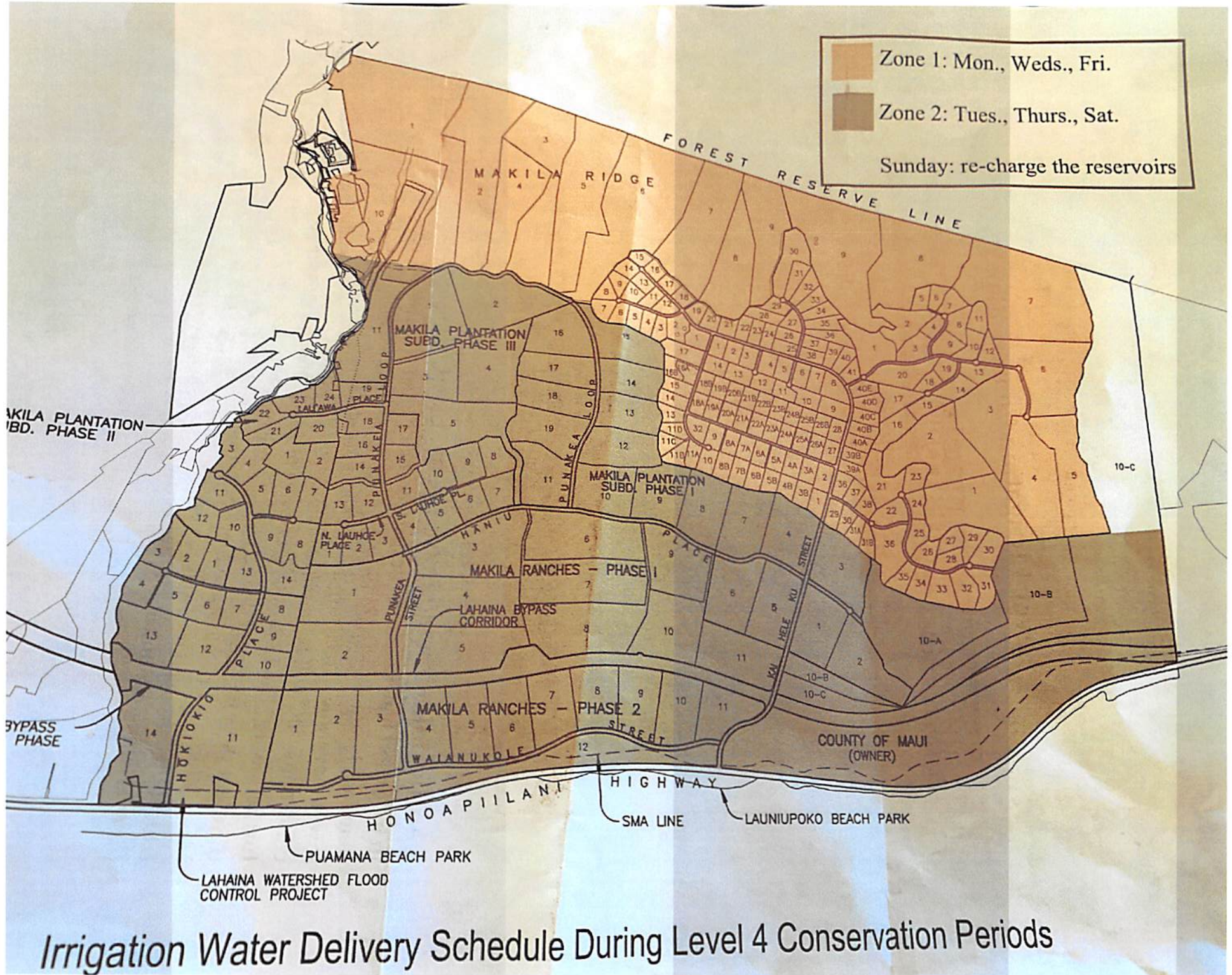
Thank you Amber Gifford
(808)283-9193

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County Clerk

From: Beau Guyette <beaug@insuliteglass.com>
Sent: Tuesday, October 01, 2019 10:03 AM
To: County Clerk
Subject: Makila Farms
Attachments: IMG_1306.jpg; ATT00001.txt

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Irrigation Water Delivery Schedule During Level 4 Conservation Periods

County Clerk

From: Jeff Jenson <jjenson@utopianlvh.com>
Sent: Tuesday, October 01, 2019 10:36 AM
To: Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura; County Clerk
Subject: RE: Committee report No. 19-120

Honorable Kelly King, Chair
Council of the County of Maui
Wailuku, Hawaii 96793

RE: Committee report No. 19-120

Aloha County Council

Thank you for addressing the need to have a grace period for the renewal process. It makes sense. However we feel it does not make sense at this time to change the deadline so drastically.

Thank you for considering my testimony.



Jeff Jenson (RS-81701)
Realtor and CEO of Utopian LVH, Inc.
Direct: (808) 250-1244 | Email: jjenson@utopianlvh.com

Royal Realty, LLC (RB-20324-1)
300 Ohukai Road #B326 Kihei HI 96753

www.UtopianLVH.com
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County Clerk

From: Mike Johnson <mike@islcs.net>
Sent: Wednesday, October 02, 2019 11:26 AM
To: County Clerk
Subject: Makila Farms Affordable Housing

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2019 OCT -2 AM 11: 53
OFFICE OF THE
COUNTY CLERK

Kelly King, Chair – County Council
Via email: county.clerk@mauicounty.us
Maui County Council
Kalana O Maui Building, Eight Floor
200 South High Street
Wailuku, Hawaii 96793

Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Farms PROJECT (LAHAINA)) (AH-1(3)) Agenda Item 19-114

Aloha Madame Chair King:

I am in support the adoption of the resolution approving Makila Farms with modifications Agenda item 19-114

I have followed both Makila Kai and Makila Farms since inception and strongly believe in the projects as being of great benefit to the Lahaina community. I have been engaged in selling building materials to various professionals in the Islands since 1999 and have worked with and continue to work with a large number of entities doing business in the area.

We feel strongly that the developer has satisfactorily addressed and solved all outstanding related issues that had been raised by the community. Specifically I have been engaged in many of this specific developers projects (Greg Brown/Brown Development) since the early 2000's. Greg's commitment to his customers' satisfaction is paralleled only by his speed, accuracy and attention to detail. This particular set of attributes is a rare commodity in today's current business culture and is what makes Brown Development an exceptional company to work with.

I have and still do advocate for affordable housing in the Islands. At all opportunity presented to us, ICS works to help Developers in many different ways in an effort to bring projects like these to fruition. Sadly for the most part many of these projects never do come to fruition. This outcome benefits the few and not the many.

Hopefully this can and will change as affordable housing on the West side is at crisis level needs. It would be a disservice to the community for the West Maui Community Planning Action Committee to further delay this or any other judiciously vetted affordable housing project in West Maui. These homes are amazingly affordable and these projects should go forward and not die on the vine as so many in the past have.

Respectfully

Mike Johnson
Island Contractors Supply LLC
360-804-2210

County Clerk

From: Delores Laczynski <dad998@aol.com>
Sent: Wednesday, October 02, 2019 11:38 AM
To: County Clerk
Subject: I support Makila Farms

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2019 OCT -2 PM 1:05

OFFICE OF THE
COUNTY CLERK

I support Makila Farms. I am building a home just feet from the proposed subdivision right next to it in Puunoa. We need this in our community. The Developer has solved the concerns over three years.

I own another home built by Greg Brown and Brown Development in Launiupoko which is part of a two acre lot. Greg did a great job with my home. I did a lot of work to my home after I bought it from Greg and he went out of his way to help me with subs and materials to save me money. A company you can trust.

Put this project through, many of us that live in and love this area believe we should allow our hard working local community to live up here with us.

"I do not want the West Maui Community Planning Action Committee (CPAC) to delay this or any other project that has any affordable housing in West Maui. We are in housing crisis mode."

Bob Laczynski.

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

County Clerk

From: Brandon Makaawaawa <bird.bran07@gmail.com>
Sent: Thursday, October 03, 2019 4:52 PM
To: County Clerk
Subject: Testimony in support of resolution 19-117

October 3, 2019

Aloha Maui County Council

My name is Brandon Makaawaawa and I am the Vice-President of Na Po'e Kokua and I am in strong support of resolution 19-117 entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO INVESTIGATE AND LITIGATE ACTIONABLE CLAIMS AGAINST BANK OF AMERICA AND THE BANKING AND MORTGAGE INDUSTRY."

As part of my testimony I am including emails I made to Deputy AG Ryan Kanaka'ole regarding the internal memo that Ryan sent to the Maui GET committee and the Maui Corp Counsel on 8/6/19 stating that the AG's office did not have enough evidence to go after Bank of America for not fulfilling their \$150 million dollar commitment to the Hawaiian people. There was also an article in the Star-Advertiser this past Monday entitled "State won't pursue bank on \$150 million commitment to Hawaiian Homelands" talking about this memo.

We are asking that in light of the AG's stance that they will not pursue Bank of America on behalf of the Hawaiian people's \$150 million dollar unfulfilled commitment, that it is imperative that Maui County move forward with this resolution to seek more information to hire a special counsel and by passing this resolution we hope it also encourages the other county's to take similar actions to finally help bring justice to our people for this \$150 million dollar promise broken.

Mahalo for your support,
Brandon Makaawaawa
Vice-President of Na Po'e Kokua

Email to Ryan On 8/6/2019:

Aloha Ryan,

My name is Brandon Makaawaawa. I am vice president of the board of Na Po'e Kokua and a member of the Hawaii Fair Lending Coalition. I also serve as deputy head of state for the Nation of Hawaii and I live on Hawaiian Homelands in Waimanalo.

On Tuesday, August 6, 2019, I traveled to Maui to testify before the Maui County Council's Governance, Ethics, and Transparency Committee on matters related to Bank of America's record of foreclosure fraud and relating to the Federal Reserve System's order requiring Bank of America to provide \$150 million in FHA-247 mortgages on Hawaiian Home Lands. The testimony that I gave to the Maui Council follows:

We've heard a lot about the rule of law recently when it comes to TMT's so called rights to build what it wants on our Mauna.

But when it comes to big banks what Hawaiians have learned over the past quarter century is that the rule of law does not always apply to us and it is selectively enforced. The three page timeline that Chairman Molina provided in County Communication 19-107 makes this very clear. Bank of America believes it is above the law and the government often supports that belief. Yesterday I sent a chart to the GET committee which adds more detail to Chair Molina's timeline from 2003. Does everyone have a copy?

Take a look at the third box down to the right of the bank of America logo. I'll read it:

In March of 2003, Micah Kane [Who at that time was chair of the department of Hawaiian Home Lands] meets with Bank of America executives three weeks after Hawaiian homelands beneficiaries are forcibly evicted by 80 law enforcement officers — as a matter of "principle" — over \$250,000 in overdue mortgages.

This is what I mean by selective enforcement of the law. Despite the fact that Bank of America admits in writing that it completed only 2% of its commitment by the deadline, the Lingle administration was eager to work things out with Bank of America. Hawaiian Homelands beneficiaries including Kupuna and Mo'opuna didn't receive the same treatment and were forcibly evicted in an early morning raid for a manini amount of money.

When you look over the rest of the chart, you don't need to be a lawyer to understand that the Lingle administration continually put Bank of America's corporate agenda before the urgent needs of the Hawaiian people repeatedly and we're not even looking at what happened in later years, particularly in 2007. But I only get 3 minutes so what happened in 2007 will need to wait.

Today, the second resolution you are considering is entitled "Authorizing the Employment of Special Counsel to Pursue Sanctions and Other Remedies for Fraudulent Foreclosures." I'm not a lawyer but my fiancé is. She specializes in housing discrimination law and I've learned a few things from her.

First, lawyers like my fiancé who fight discrimination and injustice and work for the people are somewhat rare because the odds are stacked against them and banks and other corporations pay better.

Second, there was an article published on Law.com six weeks ago with the headline: Maui County Officials Consider Recruiting Miami Litigator Bruce Jacobs in Affordable Housing Fight. An early draft of the resolution you are considering today was included with the article and considered authorizing the employment of the Bruce Jacobs' firm as special counsel to pursue sanctions and other remedies for fraudulent foreclosures.

Third, I have spoken directly with Bruce Jacobs and I believe him to be the type of lawyer who is committed to ensuring that even a corporation as powerful as Bank of America with more than \$2 trillion in assets needs to be held accountable to the rule of law.

Bank of America should not be allowed to continue to default on its commitments and commit fraud on the courts.

Finally, this is the Governance, Ethics, and Transparency Committee. I would ask that you keep your deliberations on the special counsel transparent and not close them off to the public by denying Corporation Counsel's likely request that you go into executive session.

I submitted the chart which I referenced in my testimony (see attached) to the Maui Council the day before the hearing so the council members had it available for review. What the council members did not have available for their review before last

Tuesday's hearing was your email to Maui County's Corporation Counsel regarding Bank of America which you sent on August 5 at 1:35pm. In fact, your email was distributed as the hearing was well underway and after public testimony was closed.

If your email regarding your views on Bank of America had been made publicly available prior to the hearing, here are the questions I would have raised during my testimony:

1. Why did you apologize to Maui County's Corporation Counsel for your "late response" claiming that "matters on the Big Island" — as you refer to the enormity of what is happening on the Mauna — "have been taking much of my offices resources lately"?
2. Why are you not instead apologizing to the Kupuna — not just the Kupuna that your office had arrested on the Mauna — but also the Kupuna who stood up to Bank of America 25 years ago and those who are now Kupuna a quarter of a century later and who continue the work of holding Bank of America accountable to the rule of law?
3. My understanding is that your division within the office of the Attorney General is responsible for Hawaiian Home Lands, Housing and Public Safety. Why are you focused on arresting or ignoring Kupuna rather than working with them to hold Bank of America accountable for its long overdue commitment to housing on Hawaiian Homelands?
4. During your office's "review" of Bank of America's failure to fulfill its commitment to federal banking regulators that it would make \$150 million in FHA-247 loans between 1994 and 1998, why didn't you contact Na Po'e Kokua and the Hawai'i Fair Lending Coalition? Both Governor Ige's April 18, 2018 letter to Bank of America and the stated policy of the Hawaiian Homes Commission (which the Governor included in his letter and Jobie Masagatani reiterated during her testimony) along with resolutions passed by three county councils and the state senate make it clear that NPK/HFLC have a central role in holding Bank of America accountable for fulfilling its Hawaiian commitment. NPK/HFLC have hundreds of documents relevant to Bank of America's Hawaiian commitment and we have repeatedly requested a meeting with the attorney general.
5. Why did the Attorney General delete key elements of the FOIA appeal which the Governor's office submitted for review before it was submitted to the Federal Reserve Board?

We have many additional questions for the Attorney General, but I would ask you to answer these first five by the end of the day tomorrow. I am also requesting an in person meeting with the Attorney General.

Aloha,
Brandon Makaawaawa
VP Na Po'e Kokua

Email to Ryan Kanaka'ole on 8/19/19:

On Aug 19, 2019, at 5:19 AM, Brandon Makaawaawa <bird.bran07@gmail.com> wrote:
Aloha Ryan:

I am following up on my email of August 12, 2019, which I sent to you following the August 6, 2019 Governance, Ethics, and Transparency Committee hearing on Maui, at which your email of August 5, 2019 was distributed at the hearing after public testimony was taken and without prior notice to the GET committee staff.

I called your division within the Attorney General's office last Wednesday to confirm that you had received my email and was told that your office was drafting a response.

I have yet to receive that response.

Meanwhile, as you may be aware, the Honolulu City Council Executive Matters and Legal Affairs Committee is hearing a Resolution regarding Bank of America on Tuesday, August 20, 2019 at 1pm. Bank of America lobbyist Ivan Lui-Kwan of Starn O'Toole Marcus & Fisher has already submitted your August 5 email to the City Council along with the following interpretation:

"The State of Hawaii Office of the Attorney General has determined that there is no legal basis to pursue BoA on its \$150 million commitment. Please see attached an e-mail dated August 5, 2019 from the Office of the Attorney General to the Maui County Council. This determination by the State of Hawaii office of the Attorney General follows meetings which BoA has had with Governor David Ige as follows..."

As I'm sure you are aware, Governor Ige has not made any statements that indicate that the position of his administration has changed from what the Governor stated in his April 18, 2018 letter to Bank of America's Cathy Bessant.

Therefore, please answer the five initial questions I sent you in my email last Monday along with the following additional questions by Tuesday, August 20 at 10am.

Is Ivan Lui-Kwan's characterization and interpretation of your August 5, 2019 email to Maui County's Corporation Counsel accurate?

Was your August 5, 2019 to Maui County's Corporation Counsel reviewed by anyone in the Office of the Attorney General who has expertise and experience in federal bank regulation?

If so, why didn't you provide the position on official letterhead? If not, what prompted you to submit the email to the Maui County's Corporation Counsel?

Was Attorney General Clare Connors made aware of the views expressed in your August 5 email before you sent it? Have you communicated with AG Connors since you sent the email?

Was Governor David Ige or anyone in his office advised of your August 5 email before it was sent? Has anyone from the Governor's office contacted you since August 5 regarding Bank of America?

Have you had communication with anyone at Starn O'Toole Marcus & Fisher regarding Bank of America, including but not limited to former Hawai'i AG Doug Chin and BofA lobbyist Ivan Lui-Kwan?

Again, please answer all the questions I sent you in my email last Monday (see below) along with the additional additional questions above by Tuesday, August 20 at 10am.

Aloha,
Brandon

Email to Ryan Kanaka'ole on 8/23/19:

From: Brandon Makaawaawa <bird.bran07@gmail.com>
Sent: Friday, August 23, 2019 3:44 PM
To: Kanaka'ole, Ryan KP <ryan.kp.kanakaole@hawaii.gov>
Cc: DHHL Director <dhhl.director@hawaii.gov>; Masagatani, Jobie K <jobie.k.masagatani@hawaii.gov>;
get.committee@mauicounty.us; hulul@oha.org; Connors, Clare E <clare.e.connors@hawaii.gov>; Oku, William F <William.F.Oku@hawaii.gov>; kehau.filimoeatu@gmail.com
Subject: Re: Follow up email to 8/12/19 and 8/19/19 email Kūpuna Bank of America and the rule of law

Aloha Ryan

I am following up about my two emails I sent to you on August 12th and August 19th with questions pertaining to the Bank of America unfulfilled \$150 million dollar commitment and your personal opinion of its validity. We would like to have our questions answered because currently the Maui County Council is using your email you sent to the Council on August 5th as the official position of the Attorney Generals office regarding the commitment. We would like to know for sure where the AG's office stands officially regarding this commitment because the Maui Council will be hearing a resolution to seek hiring special counsel to go after Bank of America on September the 14th.

This commitment is drastically needed in our community, the lack of housing is one of the fundamental obstacles stopping the progress of our lahui. Anytime we can all work together to seek justice for our people we should all be in support.

Aloha,
Brandon Makaawaawa
Vice-President Na Po'e Kokua

Sent from my iPhone

County Clerk

From: Ed Mark <edmark3@gmail.com>
Sent: Wednesday, October 02, 2019 5:25 PM
To: County Clerk
Subject: Makila Farms

RECEIVED
2019 OCT -3 AM 8:00

OFFICE OF THE
COUNTY CLERK

Maui County Council,

I am opposed to the affordable housing projects proposed for the Launiupoko area in general and am writing about Makila Farms in particular. The fact that the project has added ohana's to its plan only adds insult to injury. This area already is at the breaking point in terms of water, and traffic. The fire danger as has been shown in the past is very high. Allowing all these septic systems this close to the ocean will a disaster for the reef and the ocean ecology in general. I believe that high density employee housing is a need for the Westside but it should be placed where it has access to city water and city sewer. I also believe that these high density high impact projects should not be fast tracked because of their long term effects they need to be closely vetted.

Mahalo.
Ed Mark
173 Haniu Street
Lahaina, HI 96761
edmark3@gmail.com
805.453.2688

County Clerk

From: Lucia Maya <luciakmaya@me.com>
Sent: Tuesday, October 01, 2019 3:13 PM
To: Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura; County Clerk
Subject: RE: Committee report No. 19-120

Honorable Kelly King, Chair
Council of the County of Maui
Wailuku, Hawaii 96793

RE: Committee report No. 19-120

Aloha County Council -

RECEIVED
2019 OCT -1 PM 3:23
OFFICE OF THE
COUNTY CLERK

Thank you for addressing the need to have a grace period for the renewal process. It makes sense. However we feel it does not make sense at this time to change the deadline so drastically.

Thank you for addressing the Planning Department's need to provide a grace period while they process permit renewals. I certainly do not want to be told that my permit is expired because the department has not processed it before the expiration date. My permit currently requires that I submit my renewal within 90 days of the expiration and I will be sure to meet that requirement. However, it does not seem to make sense for new applicants to have a different renewal requirement than existing permit holders. This would create confusion by having two different renewal requirements.

It seems that the intent of this measure was drastically changed in committee. The original purpose of this bill was to automatically extend Bed and Breakfast Home Permits, Short Term Rental Home Permits, and Special Use Permit while applications for renewal are in process.

While the grace period needed by the department was addressed in the revised bill, there was not a lot of reasoning as to why we need to change the period from within 90 days to the no later than 60 days before the permit expires. Having the cut off day 60 days before someone's actual expiration date could be confusing given that we have had the other deadline for so long.

Further in the Planning and Sustainable Land Use Committee Report dated October 4 on page 2 it says "Your committee amended the revised proposed bill to require applications to be submitted no later than 60 days to allow permit holders more time to submit their applications"

However this gives permit holders in fact less time, as they will have to submit their renewals at least 60 days in advance of their expiration date.

This proposed change also is eliminating a provision that the Council put in place just last year that would allow a permit holder to submit a "late" renewal under certain conditions. This was adopted to help eliminate the need for the department to process an entire new application rather than just a permit renewal, when a permit holder fails to renew on time.

I support the original version of this measure that was proposed for the department to set their own work priorities in permit renewals without worrying about the processing of a renewal provided that it was submitted prior to its expiration.

Thank you for considering my testimony.

with aloha,
Lucia Maya

808-866-8246

County Clerk

From: Kai McBride <kaiconcierge@gmail.com>
Sent: Wednesday, October 02, 2019 10:06 AM
To: County Clerk
Subject: Makila Farms and affordable housing

RECEIVED

2019 OCT -2 AM 10: 14

OFFICE OF THE
COUNTY CLERK

Dear Council,

Please consider approving Makila Farms for its affordable workforce housing project in Lahaina. As a 30 year resident of Maui, I have seen the population explode while housing, especially affordable housing has become non existent.

This is a worthy project and I hope you will approve the housing project. I pray that I will be lucky enough to one day own an affordable house on this beautiful island I call home.

Mahalo nui loa,
Kai McBride

From: Colin <colin@lahainaconstruction.com>
Sent: Wednesday, October 02, 2019 8:03 PM
To: County Clerk
Subject: We are in support of the adoption of the resolution approving Makila Farms with modifications, agenda item number 19-114.

RECEIVED

2019 OCT -3 AM 8:00

OFFICE OF THE
COUNTY CLERK

Dear Council Chair Kelly King;

My wife and I have been Westside residence for over 20 years. I am in construction she does office work. We have bartended, waited tables, worked on homes, worked in offices over that time period. We currently rent a very small 1 1/2 bedrooms house with our 7 year old daughter in the Shark pit neighborhood of Lahaina and pay over \$2000 a month.

We would LOVE to see the MAKILA FARMS have the opportunity to be developed. Almost every resident in Lahaina would love to live in that location, if they are telling you otherwise they are not being honest. Currently living very close to this location I know that there are several ways in and out of this area so traffic impact would be minimal. The location is very close to Lahaina and therefor very convenient. I believe it would reduce traffic because now families who have a home there wouldnt have to drive from Honokawai or Napili to take their kids to one of the 3 schools in the area.

We are very excited to see that Makila Farms has increased the lot size to 2 acres and the affordability clause to 30 years! Greg and his team have really addressed the issues of long lasting affordability, access, water, and actually provides a fire buffer with its number of streets, green belts and very large yards. I have been at ground ZERO for 3 of the last major Westside fires. Streets, green yards and neighborhoods are what provide fire buffers and stop the spread of the fast moving grass fires. I have witnessed it first hand!

I strongly urge you to please consider approving this development. It might be the only chance for my wife, daughter and I to own an affordable home in Lahaina!! West Maui is in a full blown housing crisis! Please help!

Thank you

Colin, Rita and Caelin McClintock

Sent from my iPad

From: Pat Mifsud <pat-ee@hotmail.com>
Sent: Thursday, October 03, 2019 4:39 PM
To: County Clerk
Subject: Makia Farms fast track

Please do NOT pass this fast track housing for very few will benefit and the negative affects will last for ever. There is already a water shortage in the neighborhood. We have big concerns about safe evacuations due to the fires. We are all concerned about all the negative affects to the reefs (the water quality of life for all living things in the ocean). I bought my property in 2007 when the neighborhood was not so built and we were told those lots would always stay as big lots. (ranches). The developers have already built further into the mountains than what we were told. This project is just about how to make as much money as possible. People come to Maui to get away from everything and now the first thing they see when entering the west side is that it is being over built. The whole mountain is built into!! When are we going to STOP this to save the beauty for future generations to enjoy? When the freeway was built right in our front yards we had to put up with all the construction for years with all the inconveniences such as dust all over our properties each day, detours to be able to get to our own houses, traffic problems, noise (pounding where our houses shook from the machines getting the rock piles broken up from early to late each day. We all have suffered enough but we All knew and accepted the freeway was needed but this fast track housing project is NOT needed and has so many negative impacts that will last forever. Please do the right thing. Thanks Mrs. Mifsud

County Clerk

From: Robert Monteiro <bo.monteiro1@gmail.com>
Sent: Tuesday, October 01, 2019 12:48 PM
To: County Clerk
Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Farms PROJECT (LAHAINA)) (AH-1(3)) Agenda Item 19-114

Attn: Council Chair, Kelly King

My expectation is that this housing development gets approval.

Agenda item 19-114 - I am in support of the adoption of the resolution approving Makila Farms with modifications. I **do not** think it is necessary to wait for the West Maui Community Plan before Makila Farms is approved. This plan should be approved today.

Looking at the numbers and all the developer has provided, it is completely at a superior level compared to other developments that have been built and are being built currently. The price point, the size and choices they are offering, going above and beyond for sustainable affordability and beatification of the area developed. This project is a working Maui residents dream. Please do the right thing for MAUI and allow them to create amazing affordable homes for our Ohana.

Thank you for your time,

Robert Monteiro Jr.
340 Komo Mai Street
Lahaina, Hawaii 96761
254-261-8073

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2019 OCT - 1 PM 1: 04
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Michele Moore <michele.moore@live.com>
Sent: Tuesday, October 01, 2019 5:27 PM
To: County Clerk
Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Farms PROJECT (LAHAINA)) (AH-1(3)) Agenda Item 19-114

Dear Council Chair Kelly King,

I sent a letter of opposition to this project to you on September 3, 2019. Since 2008, I've had a residence (built by Brown Development) in Launiupoko and also own vacant land in Makila Plantation I.

Since submitting my original letter, I have researched the environmental impacts of this project further as well as the project's benefits to the community-at-large.

I am changing my position from one of opposition to one of support. Residents of Maui deserve to have access to housing and Greg Brown is doing the right thing by providing a resource so desperately needed. Brown Development is a top-notch builder and is keeping land in ag, which is very important to the Launiupoko community.

The Makila Farms plan also includes fire protection measures which may reduce fire severity, while also providing increased escape routes. I am still trying to obtain details on the freshwater lens for West Maui. Because the lots in Makila Farms are a minimum of 2 acres each, hopefully homeowners will keep at least part of their land in a natural state. Thus, the impact to the aquifer's freshwater lens from drilling wells for this project may be sustainable. Fire safety and protection of the freshwater lens were my main reasons for opposing this project in my first letter.

But I respectfully change my position for the reasons stated above.

- **Agenda item 19-114 - I am in support of the adoption of the resolution approving Makila Farms with modifications.**
- **I do not think it is necessary to wait for the West Maui Community Plan be updated (which could take another 2 years) before Makila Farms is approved.**

Michele Moore 425-223-1989

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County Clerk

From: Nagata, Kosei <Kosei.Nagata@fnf.com>
Sent: Wednesday, October 02, 2019 10:29 AM
To: County Clerk
Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Farms PROJECT (LAHAINA)) (AH-1(3)) Agenda Item 19-114
Importance: High

Council Chair Kelly King
Maui County Council
Kalana O Maui Building, Eight Floor
200 South High Street
Wailuku, Hawaii 96793

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2019 OCT -2 AM 11: 22
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COUNTY CLERK

- RE: Agenda Item Number 19-114 / Makila Farms Project

Dear Council Chair Kelly King

I have lived on Maui since 2015 and have been commuting to work from Kula to Lahaina, 5 days a week. I am on the road an average of 3 hours a day—precious time that is taken from my family. If the Makila project is approved, I would like the opportunity to apply for one of the lots so that my commute is not strenuous. I ask that you please consider this project as it will provide affordable homes to long-term residents and I am in support of the adoption of the resolution approving Makila Farms with modifications.

I had a colleague who was raised and lived in Lahaina her entire life. Recently, she had to uproot her family and move to the mainland because homes are unaffordable and unattainable for many on the West side. My former colleague informed me that she just bought a 4 bedroom house for a little over \$250,000.00. I was really happy that she was able to purchase a home but know she would've loved to stay on Maui if provided with the same opportunity. If Makila Farms is approved and moves forward, many families will be able to make their dreams come true.

I know Greg Brown to be honest and trustworthy. His work reflects his pride and integrity to do the job right.

I support Makila Farms and Brown Development to start the project and I recommend that the County of Maui approves the Makila Project.

Lastly, I do not think it is necessary to wait for the West Community Plan be updated (which could take another 2 years) before Makila Farms is approved.

Mahalo,

Kosei Nagata

Kosei Nagata
AVP, Escrow Officer

727 Wainee Street Suite 102; Lahaina, HI 96761
O: (808) 661-4960 | D: (808) 446-8377 | C: (808) 271-8796
F: (808) 661-5878



Connect: kosei.nagata@fnf.com | [View & Share Recommendations](#)

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From: Mark Nigh <menigh@gmail.com>
Sent: Wednesday, October 02, 2019 7:20 PM
To: County Clerk
Subject: Makila farms 201H application

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2019 OCT -3 AM 8:00

OFFICE OF THE
COUNTY CLERK

During testimony, Mr Brown said that if you didn't grant this application that he would build 6 McMansions on the 3 lots. Instead, if this proposal goes through. He will be able to build as many as 30 on the market rate lots!

That does not seem like a good deal for Maui to get 19 affordable rate houses.

I ask that you deny this request.

County Clerk

From: Palmer, Mercy <Mercy.Palmer@fnf.com>
Sent: Wednesday, October 02, 2019 4:20 PM
To: County Clerk
Subject: Attn: County Council Chair Kelly King | RE: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Farms PROJECT (LAHAINA)) (AH-1(3)) Agenda Item 19-114
Attachments: Testimony from Mercy Palmer 09-03-2019.pdf
Importance: High

RECEIVED
2019 OCT -2 PM 4:23
OFFICE OF THE
COUNTY CLERK

Attention: Kelly King

Please see my attached letter in support of the Makila Farms Project.

In addition, I am in support of the adoption of the resolution approving this project with modifications. I don't think that waiting for the West Maui Community plan to be updated is feasible as that may take another approximately 2 years before getting approved.

Thank you for your consideration,

Mercy Palmer
Sales Executive, AVP | Fidelity National Title
Na Keiki O'Emalia – Board of Directors
Hui No'eau Visual Art Center – Co-President, Board of Directors
Cell: 808.280.6726 Mercy.Palmer@fnf.com

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AH Committee

From: Palmer, Mercy <Mercy.Palmer@fnf.com>
Sent: Tuesday, September 03, 2019 1:33 PM
To: AH Committee
Subject: SUPPORT MAKILA FARMS - AH1(3) Sub(3)

Tasha Kama
Chair – Housing Committee
Maui County Council
Kalana O Maui Building
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Ms. Tasha Kama,

This letter is to share my support for the Makila Farms project by Brown Development.

There may be an amount of people that will be against this project. However, we have a need on the islands for affordable homes for today's local families. We have so many of our families, friends and co-workers moving away to be able to afford a home. So the people that may be against this project – know that they are also taking away the opportunity for our local families to own a home. As an example, one of our co-worker (Born on Maui and Lahaina resident) recently moved away to the mainland. They are a family of 5 and she said the cost of living is too high here and they will never be able to afford a home on Maui. Which also means that we lost a great employee!

The opportunity to own 2+ acre lots and be able to farm and grow their own food is so beneficial for our local families. I hope that you will also share your support and help our local families be able to own their piece of Maui so that they don't have to move to Las Vegas, Utah, etc. If this project doesn't go through there will be an influx of mainland homeowners and we will not be seeing the next generation of our local families growing their roots here on Maui.

Thank you so much for your time and consideration and hope to also see your support towards the Makila Farms project.

Sincerely,

Mercy Palmer
Sales Executive, AVP | Fidelity National Title
Na Keiki O'Emalia – Board of Directors
Hui No'eau Visual Art Center – Co-President, Board of Directors
Cell: 808.280.6726
Mercy.Palmer@fnf.com

From: J/T Petersen <jimpatpet@gmail.com>
Sent: Thursday, October 03, 2019 9:01 AM
To: County Clerk
Cc: Tricia Petersen; JT Petersen
Subject: CR 19-114 Makila Farms
Attachments: image001.png

RECEIVED
2019 OCT -3 AM 10:15
OFFICE OF THE
COUNTY CLERK

Dear Chair King and Council Members,

I am submitting my testimony to urge you to DISAPPROVE the Makila Farms project notwithstanding the recommendation of the Affordable Housing Committee to approve with modifications.

There is a laundry list of reasons not to approve this project, including the oft cited list regarding lack of infrastructure, traffic, wastewater, water, irrigation water (on ag land), inadequacy of safety considerations, evacuation routes and further urban sprawl. However, the main reason today is that the West Maui Community Plan Advisory Committee is still in the process of updating the community plan. To approve this project now would render their efforts to this point, moot.

Please disapprove this project and wait for the West Maui CPAC to complete it's work.

Very Respectfully,
Tricia Petersen


Tricia Y. Petersen – Executive Vice President

39300 Civic Center Drive #300

Fremont, CA 94538

tpetersen@petersendean.com



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If you need to reach the senior management team at PetersenDean please contact us at prioritycare@petersendean.com

From: Sandrella <sandrella77@aol.com>
Sent: Wednesday, October 02, 2019 10:10 AM
To: County Clerk
Subject: Support Makila Farms Affordable Housing West Maui

Kelly King , Chair – Maui County Council
200 South High Street
Wailuku, Hawaii 96793

RE: Support Makila Farms AH-1 (3)

RECEIVED
2019 OCT -2 AM 10:14
OFFICE OF THE
COUNTY CLERK

Aloha Kelly King and Maui County Council members,

My name is Sandra Rivas, I am the technology teacher at King Kamehameha III Elementary. I am writing for your consideration to approve the Makila Farms workforce project. I have been practically homeless since June 1st, if it were not for my hanai family in Kihei, I would be on the streets. I've been renting a bedroom since I started working in Lahaina on July 2016, unfortunately my landlords put the condo on the market and I had to move out. Just a FYI, in case it is not evident, renting in Lahaina is a BIG challenge, it's expensive and difficult, even more so when you are a pet owner. I've been commuting to Lahaina from Kihei, adding to my carbon footprint on this planet and to this beautiful island. As a teacher, with 19 years of teaching under my belt and a Masters, it is shameful that I can not afford my own place in Lahaina or Maui nevertheless! Something needs to be done! Our keiki keeps losing well qualified teachers, due to the housing crisis and cost of living. Are you aware of the teacher shortage and the turnover rates? We need affordable housing on Maui, specially on the Westside, immediately! We, the workforce, can not wait for the West Maui Community Plan to be updated before Makila Farms is approved. **I am pleading to the West Maui Community Planning Action Committee (CPAC) to not delay this project, affordable housing is NECESSARY in West Maui. We are in a housing crisis mode.**

This project is first of its kind, that I know of, a 30 year workforce housing project. We need this as soon as possible. This project is not only affordable but unique, to offer a home and a 2 acre farm. It's amazing for a Maui resident, specifically a teacher to be provided the opportunity to own a home and a farm. I am a strong believer in family farming. I'm a firm believer in sustainability. I believe in regenerative, ecological techniques, in growing and raising our food. I would love to farm what I consume, and bring my harvest to local farmers markets to better feed my community, pesticide free nourishment. Please make home and farm ownership a reality for working folks in West Maui. Thank you for your time and consideration of Makila Farms Workforce Project.

Mahalo nui loa,

Sandra Rivas
Technology Teacher, M.ED

From: Lori Sablas <sablasl001@hawaii.rr.com>
Sent: Wednesday, October 02, 2019 9:40 PM
To: County Clerk
Subject: Agenda Item 19-114

RECEIVED

2019 OCT -3 AM 8:00

OFFICE OF THE
COUNTY CLERK

Aloha, Council Chair Kelly King and fellow council members;

My name is Lori Sablas, lifelong resident of Maui. I consider myself a strong advocate for the community; especially our workforce. I am writing in strong support of the adoption of the resolution approving Makila Farms with modifications. It is annoying to me that some council members take so much air time asking question after question and adding condition after condition, only to vote no in the end. What a waste of time! Why don't they look for solutions and not only find "pukas" in a project.

I also do not think it is necessary to wait for the West Maui Community Plan update by the present West Maui Advisory Council. While I do think it is very important to get community input, I question whether these CPAC meetings are able to hear the "real heart of the community". Through AKAKU, I have been made aware of what this group is doing and I applaud their dedication and efforts and have utmost respect for Pam Eaton and her team. However, I do not believe their comments or recommendations should be taken seriously; again, because I do not see a significant number of the local community present at these meetings. The meeting that Mr. Brown held at the Lahaina Methodist Church had more community members in attendance than any of the CPAC meetings. The majority of the attendees strongly supported Mr. Brown's project. Perhaps, a survey directed specifically to members of the west Maui community would be more indicative of what their opinions are about the need for workforce/affordable housing. At the last Affordable Housing Committee meeting, I shared the Maui Economic Development Board's final analysis of the West Maui Workforce Housing Survey. Here's a recap: **Of the 361 workforce members who responded to the survey, 42% live in a multiple-generation housing. 53% responders rent. 84% of respondents who currently rent reported that if affordable homes were available, they would like to buy one.** What Mr. Brown is proposing is what the West Maui workforce community is asking for. And they want it NOW. Not five to ten years down the road. How many more of our workforce community are we going to have to lose if we continue to meet, talk, assess, recommend, but take no action!

Please, Council Chair King and fellow council members.....do what you promised to get elected and give the West Maui workforce what they are asking for NOW!

With respect,

Lori Ululani Sablas
151 Kupuna Street
Kihei, HI 96753

808 879-4318

County Clerk

From: Surina Shankar <sshanka2@hotmail.com>
Sent: Wednesday, October 02, 2019 7:33 PM
To: County Clerk
Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Farms PROJECT (LAHAINA)) (AH-1(3)) Agenda Item Number 19-114

Kelly King, Chair
Maui County Council
Kalana O Maui Building, Eight Floor
200 South High Street
Wailuku, Hawaii 96793

RECEIVED
2019 OCT -3 AM 8:00
OFFICE OF THE
COUNTY CLERK

RE: Support Makila Farms AH-1 (3) Agenda Item Number 19-114

Dear Kelly King, Chair - Maui County Council

I have been living in the Hawaiian Islands for 15 years. In my first career, as a Social Worker, I worked for multiple non-profits serving Hawaii's families and youth on Oahu and Maui, including Family Programs Hawaii, Easter Seals, and Imua Family Services. Five years ago, I changed careers and became a full-time-teacher at Maui High School. I continue to serve our youth and their families. However, like many working-class residents, I frequently consider the overwhelming challenges of buying a home on Maui. With median home prices well over 700,000, I continuously have to consider returning to the mainland where the cost of living and income are not so sadly misaligned. PLEASE, West Maui Community Planning Action Committee (CPAC), DO NOT DELAY this or any other project that has any affordable housing in West Maui. We are in a housing crisis, and the workforce of Maui need affordable housing NOW.

Please support Makila Farms to help address the critical lack of workforce homes on Maui. Makila Farms is a one-of-a-kind project that will provide workforce housing to buyers earning 50 to 100 percent of the median income. Buyers like myself, teachers, police officers, firefighters will be able to afford these homes. The homes will be on two-acre lots allowing for simultaneous improvements regarding Maui's agricultural needs and workforce housing

needs. Additionally, these homes will be affordable for 30 years, which goes above and beyond the code requirements of 5-10 years. Nineteen lucky recipients will be able to choose the size of their home so that they can afford one no matter their family size.

Makila Farms has addressed former community concerns and is no longer requesting exemptions to existing land use designations or boundary amendments. The development conforms with agricultural zoning development standards, and it will not use any stream water or conventional septic tanks. Makila Farms has considered both fire safety and drainage and protection of ocean water. They are maintaining 80 percent open space, preserving views by only building single-story homes, and will not allow short term rentals or further subdivision.

Makila Farms is the development made for the workforce of Maui. It provides homes on agricultural lots, meeting both the need for workforce housing and the need for diversified agriculture on Maui. Once again, I plead with the Maui County Council to continue to support Makila Farms so that the workforce of Maui can afford to stay on Maui.

Mahalo,

Surina Shankar

County Clerk

From: Sydney Smith <malikoestate@hawaii.rr.com>
Sent: Tuesday, October 01, 2019 10:59 AM
To: Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura; County Clerk
Subject: RE: Committee report No. 19-120

Honorable Kelly King, Chair
Council of the County of Maui
Wailuku, Hawaii 96793

RE: Committee report No. 19-120

Aloha County Council,

The original purpose and intent of the changes to the Short term rental and B and B Bill was to give more time to legal permit holders and more time for busy County Planners to process renewals.

This version however gives permit holders and Planners less time, as they will have to submit their renewals at least 60 days instead of 90 days in advance of their expiration date.

This proposed change also is eliminating a provision that the Council put in place just last year that would allow a permit holder to submit a "late" renewal under certain conditions. This was adopted to help eliminate the need for the department to process an entire new application rather than just a permit renewal, when a permit holder fails to renew on time.

I support the original version of this measure that was proposed for the Department of Planning to set their own work priorities in permit renewals without worrying about the processing of a renewal provided that it was submitted prior to its expiration.

Please, when amending ordinance, make the jobs easier for citizens and over-worked County workers...not harder.

Thank you for considering my testimony

Sydney Smith
Maliko Estate Coffee

808-268-3646 (call or text)
808-572-0072 (farm)

RECEIVED
2019 OCT -1 PM 1:05
OFFICE OF THE
COUNTY CLERK

RECEIVED

2019 OCT -2 AM 11: 22

OFFICE OF THE
COUNTY CLERK

Dear Chair King:

I am a local agronomist that has been hired by Mr. Brown of Makila Farms to assist on implementing his cattle farm and Halau resource garden. We have a cattle ranch operator (Pohakea ranch) and an experienced local farmer interested in managing the Halau resource garden.

The Developer of Makila Farms is agreeing to implement the farming for the rancher and the farmer which is a huge help. Startup costs on farming can often prevent the farming or ranching from happening. In this scenario with having the developer pay for the initial implementing of the Ranch and Farm, I anticipate we will have many experienced and qualified applicants who will be able to operate both on a long-term basis.

Signed:

J. Shyloh Stafford-Jones

RECEIVED

TO: Councilmember Kelly T. King, Chair of the Council of the County of Maui
FROM: Steve Strombeck
RE: Written Testimony in **OPPOSITION** to Makila Farms Project
October 4, 2019 meeting agenda item I, Committee Report No. 19-114
DATE: October 3, 2019

2019 OCT -3 AM 10:15

OFFICE OF THE
COUNTY CLERK

Aloha Chair King:

I live at 24 South Lahoe Place, near the proposed Makila Farms project. I am writing to oppose this project for the following reasons:

- **The project is inconsistent with the Maui Island Plan**, which designates the project area within the Rural Growth Boundary rather than the Urban Growth Boundary.
- **This project has the potential to add up to 68 new dwellings (two “farm dwellings” on each of the 34 lots) to the Launiupoko area**, not just 34 dwellings as originally represented in the developer’s HRS 201H application.
- **There is not enough water to serve our existing agricultural communities.** Adding a new development project will only make the situation more dire. Although the Affordable Housing Committee’s proposed modifications to the project with respect to water are a good start, I do not see how the developer can possibly establish a long-term, reliable source of water to these 68 new dwellings when my neighbors and I are already facing water shortages and rationing.
- **Adding more houses in this area would make the traffic unbearable and potentially impede residents’ ability to get to safety in the event of an emergency.** Existing traffic conditions in Launiupoko are already bad. West Maui has experienced multiple fires over the past few years due to dry and hot conditions, and more houses, coupled with inadequate access routes, could lead to disaster if another fire occurs.
- After the proposed 271.175-acre “Makila Rural Community” project failed to gain traction, the developer tried and failed to develop multiple smaller projects on the same land by segmenting the land and requesting district boundary amendments for smaller areas that were conveniently below the 15-acre threshold for determination by the County Council rather than the State Land Use Commission.

If this project is approved, the developer will likely use this project as a justification for approving the next project, causing a “domino effect” of rezoning in the area and the loss of even more agricultural land.

The State Land Use Commission, in its November 15, 2018 letter to the developer’s consultant, voiced opposition to the Makila Farms project:

Based on our understanding of Makila Farms, we believe that our previous comments remain applicable despite the changes undertaken to the number of lots and their acreages. In particular, we continue to question whether the proposed housing community is, in fact, an appropriate use within the State Land Use Agricultural District especially given the poor quality of the soils (the soils are characterized as “stony to very stony” and there is no existing irrigation system on the site) and no evidence of a comprehensive and vetted farming plan at this time. *We do not believe that homeowner gardens, as stated in the application, constitute agricultural uses as envisioned by HRS chapter 205.* As you know, agricultural activities in the State Land Use Agricultural District must be actively and primarily pursued.

Until such time [the developer] can demonstrate that Makila Farms is a valid agricultural subdivision consistent with the spirit and intent of HRS chapter 205, it is our position that [the developer] should file a district boundary amendment petition with the Land Use Commission (LUC) to reclassify the entire approximately 76.1-acre property from the State Land Use Agricultural District to the State Land Use Rural District. As we previously pointed out, we believe that such treatment of Makila Farms will enable the LUC to consider the project in an open forum to determine areas of statewide interest and appropriate mitigative measures.

(Emphases added).

I urge the Council to heed the recommendations of the Land Use Commission and the significant and consistent community opposition to new housing developments in Launiupoko. Please do not approve the Makila Farms project.

Please feel free to call me at (707) 527-2204 if you have any questions about my testimony. Thank you for your time.

- Steve Strombeck

October 1, 2019

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2019 OCT -2 AM 8:08

OFFICE OF THE
COUNTY CLERK

Maui County Council Members,

We STRONGLY oppose the approval of Makila Farms Workforce Agricultural Community (the "project") that was submitted by Makila Kai LLC ("MLK") and respectfully request that you DENY the approval of the project

We have been fighting a variety of projects over the past 10 years related to these parcels of land. The current designation of this land is Agricultural and consists of 6 distinct parcels (Lots 3, 4, 5, 6, 7 and 8) that were part of a future development plan named Makila Ranches. MLK is proposing to significantly increase the density of homesites in this area from a maximum of 12 (with second dwellings) up to a new maximum of 68 homesites (including second dwellings).

Non-Potable Water Issues

The underlying irrigation water infrastructure areas can't support the current homes in the hillside let alone this added level of density. The CWRM decision to dramatically reduce the availability of surface water from the nearby streams has had a HUGE negative impact on the availability and reliability of non-potable water to all homeowners in the area.

The project documents state that Launiupoko Irrigation Company ("LIC") recently completed construction and pump testing of a new non-potable well, with an expected long-term yield of approximately 0.5 MGD. LIC supplies non-potable irrigation water to virtually all of the homes on the Launiupoko hillside AND HAS BEEN UNABLE TO MEET CURRENT DEMANDS for the existing homesites and agricultural properties. LIC notified residents via a notice dated September 16, 2019 that they are unable to keep up with demand and has implemented procedures for a Level 4 water conservation level. See Attachment #1.

Our property, as well as all other properties in the area, are in drought conditions. We have substantial investments in agricultural plantings as well as lawn and landscaping plantings. The lack of irrigation water has had and is continuing to have major impacts on our properties. As these plantings die and wither in these conditions not only do they represent significant financial losses but they also create substantial additional fuel for wildfires.

Future Development

The project can't be looked at all alone by itself! The developers are merely trying to "segment" this particular project under the banner of "affordable workforce housing". Once all of these future developments are completed there could be 195 new homesites not including second dwellings (O'hanas) that may be constructed on the sites. With second dwellings the total may rise to above 270 homesites.



While the Maui community is in desperate need of affordable housing, it has to be done right and in the right areas. This proposed area is zoned agricultural, and does not have the infrastructure or resources to support 200+ new homes that these new developments would add. Our properties are zoned AG and REQUIRE, based on the size of the lot, up to 50% of the land to be under some form of agriculture, as defined. The ability to have a dependable source of AG water is essential and this has not been the case in the past 2 years and continues to this day. Many families on the "hillside" have made investments of hundreds of thousands of dollars on AG activities.

Other Matters

Since there are no sewer connections they would have to add 200+ new septic tanks which have increasing environmental and legal concerns associated with them.

Fires are a major risk to this area. There is only one road in and out of the area, and this is the most fire prone area on the west side of Maui. Our property experienced over \$175,000 in damage as a result of the fire and one of my neighbors' homes adjacent to our property was completely destroyed and burned to the ground. Had the wind been blowing the opposite direction during last years fires our home would have been a total loss and this whole area would have been wiped out. Without the proper roads and infrastructure the risk of being trapped and unable to escape the fire is extremely real. Last year during the fires the fire hydrants in the area did not even work because as stated above there isn't enough water to serve the area. There will be more fires in the area, in fact there was a small fire here recently.

They are dangling the carrot of affordable housing hoping that by doing so all the other issues slide and fast track this development, while they take their millions of dollars and run leaving the people who bought those homes with the aftermath. This same area was disapproved for development for all these above reasons. The developer came back with nearly the same development plan but doubling the amount of affordable houses on it thinking now magically all the problems will go away because everyone will be blinded by the affordable housing. Don't be fooled, don't fall for it.

Yes we absolutely need more affordable housing on Maui, but this proposed area cannot support these developments and it would be irresponsible. We need to complete the analysis that was started for the West Maui Community Plan and then determine where housing should be developed. The bigger question is, why hasn't the County designated a lower cost area and properly incentivized developers to build affordable rentals in that lower cost area? Instead, they continue to find a "work around" excuse in the name of affordable housing to allow a huge developer to make larger profits by increasing density in an area that's not designed for it, even though they already can't provide enough water for those that already live there?

We strongly oppose the Makila Farms proposal and urge the Committee and Council to reject the plans.

Kurt & Beth Thompson
85 Lau Awa Place
Lahaina, HI 9676

ATTACHMENT 1

WEST MAUI LAND COMPANY, INC.

LAUNIUPOKO — OI OWALU — KAUAULA — KAHOMA — MAKILA

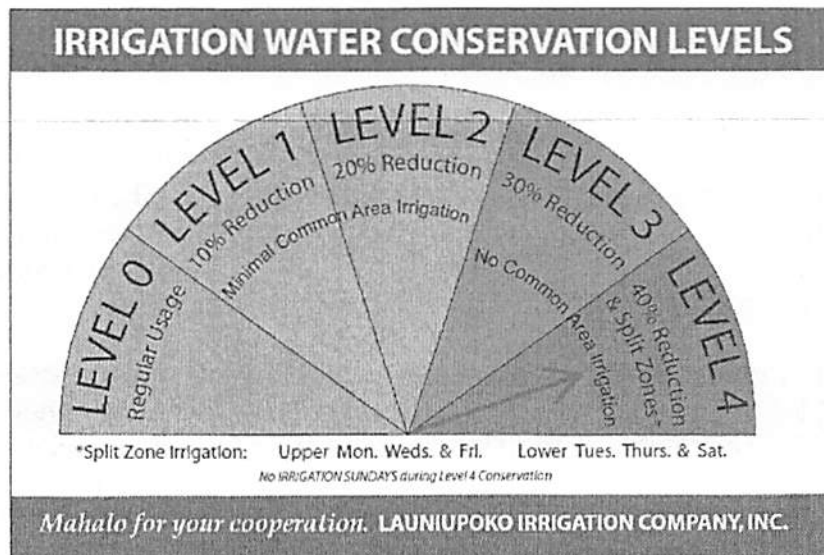
305 E. Wakea Ave., Suite 100
Kahului, Maui, Hawaii 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

Notice

September 16, 2019

Level 4 Irrigation Conservation



Launiupoko Irrigation Company, Inc. (LIC) has experienced an increase in irrigation water use over the past few months and is unable to keep up with the demand. Low water levels impact customers at higher elevations more than those at lower elevations. To ensure a more equal distribution of water during drought conditions, LIC will be implementing Level 4 Irrigation Conservation measures until further notice. The Level 4 Conservation plan splits the area into two zones with different days for water delivery. Zone 1 will have irrigation water delivery available Mon., Weds. & Fri. and Zone 2 on Tues., Thurs. and Sat. See attached map for Zone 1 & 2 locations. Mahalo to the customers who have made real efforts to conserve water, and for everyone's continued cooperation on using this shared resource.

ATTACHMENT 1



Irrigation Water Delivery Schedule During Level 4 Conservation Periods

County Clerk

From: david tomkinson <davetonka6@yahoo.com>
Sent: Thursday, October 03, 2019 11:09 PM
To: County Clerk
Subject: Makila Farms

Dear Kelly King,

My name is David Tomkinson I have lived in the west Maui community for the last 13 years I have raised my kids here. It has become home to me. I love living and working in this community. But the likelihood of finding a decent affordable place to live that you can also have a garden to grow your own food has been like hunting for unicorns you just never find one. When I heard about this Makila farms project I got very excited about it. And now that I have learned more about it I am even more excited. I love the fact that it is an agricultural neighborhood. That is very important to me. I helped establish the Napili Community garden in 2011 and served on the board there as plot Manager . My time spent at the Garden working the land with my family and community growing our own fruits and veggies made me realize that I definitely need my own permanent space to take my gardening skills to the next level to really incorporate permaculture principles of water conservation and soil building and make the land bloom and thrive into a sustainable food forest. The type of space and zoning I would require to live on and to make my own mini food forest on do not exist, or at least I can not afford such properties. So this is why I support this Makila Farms workforce housing project. I see this as a dream opportunity to be able to live on my own mini farm that I hope to turn into a living example of what you can accomplish applying smart permaculture techniques and smart water conservation. I have heard of the developer for many years and I'm very familiar with the projects he has completed in the past and I have no doubt they can accomplish the task of making this a thriving positive example of proper land use. Please please pass this project because if it passes and I am lucky enough to be selected it will give my family hope to be able to stay in west Maui, the community that has become our home. We don't want to pick up and move to the mainland because there are no other opportunities for the type of home and land ownership we are looking for we want to stay here and continue to thrive and build our community like we have for the past 13 years.

Thank you,
David Tomkinson
808-298-6994

Sent from Mail for Windows 10



Virus-free. www.avast.com

County Clerk

From: Peter Trunk <peterthetrunk@hotmail.com>
Sent: Tuesday, October 01, 2019 12:29 PM
To: Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura; County Clerk
Subject: RE: Committee report No. 19-120

Honorable Kelly King, Chair
Council of the County of Maui
Wailuku, Hawaii 96793

RE: Committee report No. 19-120

Aloha County Council:

In Germany they say: "Why make it easy if you also can make it complicated". Of course this is a sarcastic comment addressing the "red tape" of government.

Committee report No. 19-120 must have been created by Germans!?!?

Thank you for addressing the need to have a grace period for the renewal process. It makes sense. However we feel it does not make sense at this time to change the deadline so drastically.

Thank you for considering my testimony

Best,

All the Best
Peter Trunk
peterthetrunk@hotmail.com

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2019 OCT -1 PM 1:04
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MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Testimony on Bill 49
Civil Fines for Unpermitted Transient Accommodations &
Service Methods for General Administrative Enforcement
Friday, October 4, 2019

Dear Chair King, Vice-Chair Rawlins-Fernandez and
Members of the Maui County Council,

The Maui Chamber of Commerce does not condone illegal activities and supported the Charter Amendment to increase these fines during the 2018 election. Therefore, we support Bill 49 to increase civil fines for unpermitted transient accommodations.

While there are times when it would be helpful to have an actual amount, as opposed to a maximum amount as listed in the proposed bill (so people will know the actual fine they will receive), we honor the recommendations of the three island Planning Commissions, who feel it is important for the Director to have discretion.

Further, we appreciate that enforcement of transient vacation rentals is also being discussed as the level of fines will help to ensure we have funding for enforcement to address this situation that is so important to our local community.

We appreciate the opportunity to provide testimony and ask that this bill be passed.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

County Clerk

From: Wendy B <wendyhooper.maui@gmail.com>
Sent: Thursday, October 03, 2019 5:06 PM
To: County Clerk; AH Committee
Cc: Mary Jane
Subject: We support Makila Farms!

Maui County Council
Kalama O Maui Building, Eighth Floor
200 South High Street
Wailuku HI 96793

RE: Support Makila Farms

Dear Chair,

We have rented in Launiupoko for several years. We have been waiting for a chance to own our own home in Launiupoko. We support workforce housing. Makila Farms will give us and others such as teachers a chance to live in this beautiful agricultural community. This development is an innovative, affordable, well designed project. We have reviewed the issues for the past two years since Makila Kai was introduced. We feel that water, wastewater, traffic, fire and zoning have been addressed in the Makila Farms proposal.

I do not want the West Maui Community Action Committee(CPAC) to delay this or any other project that has any affordable housing in West Maui.

There is a dwindling to non-existent middle class here on Maui. We are a professional, highly-educated middle-aged married mother and father of 2 who cannot find a place to live. We cannot afford to buy a house in this market, nor can we afford to rent any longer. We don't need more condominiums with expensive HOA's. We need homes with space to raise our families and grow a garden and enjoy what little time we have after working to be outside. Look around at the state of housing here. Multiple families are living together to make ends meet; Mothers and fathers are having to work multiple jobs; large families are squeezing into 1 and 2 bedrooms. Renters have the added expenses of having to move every year to chase an affordable home.

You should approve Makila Farms for so many reasons, among them:

Greg Brown is a trusted builder with years of experience on the island and can get the project done and done right.

Makila Farms has addressed the following community concerns:

All Agricultural lots (2+ acres)

- **No changes or exemptions to the existing land use designations;**
- o No State Land Use District Boundary Amendment
- o No exemption to the West Maui Community Plan
- o Conforms with Agricultural Zoning development standards (expect for minimum lot width)
- **Preserves the character of the area, allows for small-scale agricultural uses, homeowner gardens, and other agricultural uses to enable self-sufficiency and promote sustainability**

- **No stream water from Kaua'ula or Launiupoko Streams used**—Makila Farms will drill its own non-potable well for irrigation water
- **No conventional septic tanks:**
 - o Aerobic treatment unit (ATU) technology used to provide a higher level of wastewater treatment than standard septic-type wastewater Systems
 - o ATUs treat water using the same processes as a municipal treatment plant
 - o In compliance with all State of Hawai'i Department of Health standards
 - **Fire Safety and good Egress routes.**
 - o Fire hydrants placed every 350 feet, closer than the required 500'
 - o 5 asphalt fire breaks (roads) around and within Makila Farms
 - o Multiple existing emergency egress routes
 - **Drainage and protection of ocean waters:**
 - o Two new oversized retention basins will greatly exceed County requirements
 - o The basins will retain runoff from Makila Farms and upstream mauka properties to improve downstream drainage conditions:
 - Existing flows from mauka lands and the site will be reduced by approximately 60% (based on a "10-year" storm), decreasing the amount of storm water flowing downstream toward the ocean and decreasing the risk of downstream flooding
 - By capturing and holding stormwater storm water flows, the basins will reduce the amount of sediment and pollutants flowing downstream toward the ocean

The Makila Farms Community is 80% open space.

Makila Farms is ready to begin. Last I heard, there were over 225 of us on the waiting list for these 19 homes. Unfortunately, we will have to leave the island if more homes do not become available for the people (us) supporting this economy.

If there is no affordable housing nor the opportunity for home ownership, who will work at the hotels, stores, restaurants, schools, banks and provide the other services on this island? The island cannot survive on retirees and tourists alone.

We highly recommend that this project be approved based upon all factors as it is an overwhelming benefit to our island, it's people and our community.

Thank you for giving your consideration to this well thought out affordable development.

Sincerely,--

 Aloha pumehana,

by:wendy@Living Soul All Rights Reserved

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**NOTICE TO AGENTS IS NOTICE TO PRINCIPALS,
NOTICE TO PRINCIPALS IS NOTICE TO AGENTS!**

County Clerk

From: Jim Westerkamp <jimmygreen101@yahoo.com>
Sent: Wednesday, October 02, 2019 10:08 AM
To: County Clerk
Subject: Fwd: Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes) (Independent Development of the Makila Farms Project (Lahaina)) Agenda Item AH-1 (3)

RECEIVED
2019 OCT -2 AM 10:14
OFFICE OF THE
COUNTY CLERK

Sent from my iPhone

Begin forwarded message:

From: Jim Westerkamp <jimmygreen101@yahoo.com>
Date: September 4, 2019 at 7:35:40 AM HST
To: AH.Committee@mauicounty.us
Subject: Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes) (Independent Development of the Makila Farms Project (Lahaina)) Agenda Item AH-1 (3)

Tasha Kama, Chair – Housing Committee
Maui County Council
Kalana O Maui Building, Eight Floor
200 South High Street
Wailuku, Hawaii 96793

RE: Support Makila Farms AH-1 (3)

Dear Tasha Kama, Chair - Housing Committee
The opportunity that Malika Farms present to people like me is like a dream come true. After living and working on Maui for over 28 years it has become apparent that this may be my only I am able to start a farm to grow various fruits and vegetables as well as some indigenous species. Imagine 19 lots creating a communal garden/farm with the agricultural zoning intact...! It is possible now...!

Thank you,

Jim Westerkamp

[Insert text here.]
Council Chair Kelly King

I am emailing you today to express my support for the Makila Farms Project, Agenda Item 19-114. As I have stated before, I have lived on the West Side for over 28 years and this project would be a dream come true for me and many others. With the adoption of the modifications proposed to the project, I believe the agenda should be approved and that the wait for the West Maui Community Plan is not needed due to the great importance of this project to people like myself.

Thank you,

Jim Westerkamp

County Clerk

From: Katie Zimmerman <kzimmerman@whalersassociates.com>
Sent: Wednesday, October 02, 2019 10:22 AM
To: County Clerk
Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Farms PROJECT (LAHAINA)) (AH-1(3))

To whom it may concern,

Good day, I am writing in support of the Makila Farms project. Affordable homes are greatly needed in West Maui to allow working people to realize the dream of home ownership and to help alleviate the traffic on the Pali from workers commuting into/out of West Maui.

Some past concerns have been addressed by the developer:

- they will not use stream water from Kaua'ula or Launiupoko Streams and will drill their own non-potable well.
- they will not use conventional septic tanks and instead will employ Aerobic Treatment Unit technology in compliance with the State Dept of Health standards.
- they will keep the homes affordable for 30 years, much longer than the current code requirement of 5-10 years.

I respectfully request that the County Council seriously consider moving the project forward. While some community members may think the project is not perfect, how long is our community willing to wait to create a perfect project and what conditions will we have to endure in the mean time?

Furthermore, I do not want the West Maui Community Planning Action Committee (CPAC) to delay this or any other project that has any affordable housing aspects in West Maui. We are in housing crisis mode.

Thank you for your time and consideration,

Katie Zimmerman, REALTOR® (S) e-PRO

RS-75832



Are you interested in receiving updates on what's happening in Maui? Please 'Like' me on Facebook: <http://www.facebook.com/katiezimmermanrealestate>

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website: www.mauiluxuryrealestateteam.com
facebook: www.facebook.com/katiezimmermanrealestate

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