

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

July 19, 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, JULY 19, 2019, BEGINNING AT 9:00 A.M., WITH CHAIR KELLY T. KING PRESIDING.

COUNCIL CHAIR KELLY T. KING: Good morning, everybody. It's 9 a.m. on July 19, 2019. This is the Maui County Council regular Council meeting called to order at 9 o'clock a.m.

And, Mr. Clerk, would you please do roll call?

ROLL CALL

PRESENT: COUNCILMEMBERS G. RIKI HOKAMA, NATALIE A. KAMA, ALICE L. LEE, MICHAEL J. MOLINA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ AND CHAIR KELLY T. KING.

EXCUSED: COUNCILMEMBERS TAMARA A.M. PALTIN, SHANE M. SINENCI, AND YUKI LEI K. SUGIMURA.

COUNTY CLERK JOSIAH K. NISHITA: Madam Chair, there are six Members present, and three Members excused. A quorum is present to conduct the business of the Council.

CHAIR KING: Okay. Thank you, Mr. Clerk.

And today we have opening remarks by Councilmember Mike Molina.

Mr. Molina.

OPENING REMARKS

The opening remarks were offered by Councilmember Michael Molina.

CHAIR KING: Thank you, Mr. Molina.

If you can stay standing, all those who would like to, please join me in 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: Thank you. Before we proceed, may I please ask everyone who has a cellphone, iPad, or other noisemaking devices, please silence it. Turn it off or turn it to silence. And also request we maintain decorum at all times in this chamber.

Mr. Clerk.

COUNTY CLERK: Madam Chair, we have received no testimony on ceremonial resolutions. Shall we close testimony on ceremonial resolutions?

CHAIR KING: Any objections to closing testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, testimony for ceremonial resolutions is closed.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 19-129

CONGRATULATING THE HONORABLE JOSEPH
E. CARDOZA UPON HIS RETIREMENT FROM
THE BENCH OF THE SECOND CIRCUIT COURT
OF THE STATE OF HAWAII

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Judge Cardoza has had a long and illustrious legal career.

CHAIR KING: Oh, do you want to ask the Clerk to--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh. Sorry.

CHAIR KING: --read the--

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR KING: --resolution.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, may I ask that the Clerk read the resolution in full?

CHAIR KING: Okay. Okay. We'll go ahead and read the resolution then we can make the motion.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR KING: Mahalo, Mr. Clerk.

Ms. Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RESOLUTION AS READ BY THE
CLERK.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Alice Lee.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Judge Cardoza has had a long and illustrious legal career spanning over 40 years in Hawaii. He began as a Maui Deputy County Attorney in 1975 and eventually was named Second Circuit Chief Judge in 2012.

He presided over the first case in State of Hawaii Environmental Court, that contested it was unconstitutional for the State Department of Health to issue a cane-burning permit to Hawaiian Commercial and Sugar Company. This hearing led to Alexander & Baldwin settling to stop burning cane after December 25, 2015, along with other concessions.

In 2019, he was the Judge who invalidated the license for a company accused of desecrating ancient burials in the Maui Lani housing development and ordered SHPD to hold a contested case hearing. Judge Cardoza was also a champion for providing access to the civil justice system, serving as a vital member of Hawaii's Access to Justice Commission.

He was instrumental in opening Maui's self-help center and establishing the Maui Court Navigator Pilot Program. He has been president of both the Maui County Bar Association and the Hawaii Prosecuting Attorney's Association, and director of the Maui Portuguese Chamber of Commerce and the Maui Catholic Youth Organization.

He is highly respected by his colleagues and community alike for his work, work ethic, demeanor, leadership skills and integrity, who not only exhibits exceptional judicial competence which is why he was honored as Jurist of the Year in 2018, but also has given tirelessly to our community through public participation and service.

He is a devoted father and husband to his children Christiane and Joseph, and wife Paulette. Today we're proud to honor him.

CHAIR KING: Mahalo, Ms. Rawlins-Fernandez.

Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. I have other memories of Judge Cardoza: 1) is a strong support and help with Drug Court; and 2) him being the brother of my classmate, and we all went to St. Anthony.

CHAIR KING: Wow.

COUNCILMEMBER LEE: Thank you.

CHAIR KING: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I just want to echo all of what my colleagues have said about Judge Cardoza. And something else about Judge that I always admired; and he's been a very humble person. And, he certainly fits the, as a great role model and a community servant. And, but he's had to make some tough decisions as was mentioned by Member Rawlins-Fernandez. And I feel blessed not having to go before him. But he certainly is a wonderful man, and you know, I just wish him God speed and everything else for a wonderful life of retirement. And we're certainly very honored to have him here with us today. Thank you.

CHAIR KING: Thank you, Mr. Molina.

Any other comments? Okay, well I'll echo, oh Councilmember Hokama.

COUNCILMEMBER HOKAMA: I'll share a very quick comment, Chair. I think the Judge has not only shown great temperance in the court room, and while some of his cases he has handled has been at times controversial, I more fondly remember him at making a controversial call in a striped shirt against Baldwin on the MIL football field. So, that's my favorite recollection of the referee. But, again, we wish the Judge much happiness and he is due his time to now enjoy life with his family. So, to the Judge, we thank you. And to his family, thank you for sharing him with the greater community. Thank you, Chair.

CHAIR KING: Thank you, Mr. Hokama. Did he make the right decision in his striped shirt?

COUNCILMEMBER HOKAMA: I don't think so.

CHAIR KING: Well, I echo all the--

Ms. Kama, you have a--

COUNCILMEMBER KAMA: Yes. Thank you.

CHAIR KING: Councilmember Tasha Kama.

COUNCILMEMBER KAMA: I think one of my greatest memories of, of Judge is when he had called me and asked me if I would get together some of the leaders of the Micronesian community because his concern was that they weren't being well-represented in court without an interpreter. And so, he was interested enough to try to get the best defense for the least of our people, and I honored him for that. So, I'm glad that we're here today to do this for him. Thank you, Chair.

CHAIR KING: Thank you, Councilmember Kama. And I'm really happy that we are here too. We have to apologize for those who are excused. They're still on the mainland after a national conference that we were all at. But, I'm glad that there's so much of the public here to help us honor Judge Cardoza. And I was especially, have over the years been especially impressed by the Judge's support for various specialty courts, including the Drug Court, the Veteran's Treatment Center, and the Environmental Court; which just had its four-year anniversary about a month ago. And they were all, they also honored the Judge.

But I want to say that, you know, it's, it's, it's always sad when one of the good guys steps down out of active duty. But I think that the Judge will still be a member of our community and maybe, maybe you'll be refereeing more games. And those are, those are judgements that are just, are equally as difficult sometimes, but fun to be involved in. And I look forward to your, to seeing you around the community. And I want to thank you for your, your years of service, long years of service, and good service. So, with that, we will, if there are no other, other comments, we will take the vote. All those in favor of the resolution on the floor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBERS PALTIN, SINENCI, AND
SUGIMURA.

CHAIR KING: Measure passes six to zero, three Members excused; Member Sinenci, Member Paltin, and Member Sugimura.

And if we can call the Judge down, please, to accept. And Judge, we'll ask you to say a few words, if you would, and then we'll ask the Councilmembers to come up and just thank you for your service.

JUDGE JOSEPH CARDOZA: And, aloha everyone. It's certainly a privilege to be here today. Thank you so much for the kind words. I really appreciate that.

I, I do want to say that, you know, we, there's been discussion of the treatment courts and I do want to recognize the Maui County Council, the Administration of the County of Maui for its support throughout the years of our various treatment programs; in particular the Maui-Molokai Drug Court Program. Through these programs, hundreds of individuals have been helped through their struggles in life. And for all, life is a challenge. And for some if can provide special treatment given their unique circumstances, be they, be those individuals be participants in the Drug Court Program or the Veteran's Court Program or those who, under our special services sometimes called HOPE Probation Program as well as other specialty programs. And you know, if we can provide that that's all the better for the community as well as the individuals.

And you should all know that the County of Maui has been a big, big player, a very important part of those efforts. So, I'm here to say thank you to all of you for your efforts and support of these programs. And, other programs are being discussed and, and I think that's great. We've had some discussions about other things that can be done in the community. So, I thank all of you very much. I know you've got some very important business here today and so I don't want to take up much more of your time other than to say thank you.

And I'd like to, let's see I've lost track of where my wife and son are, but, oh there they are back there. My wife and son are back there; my wife Paulette and my son Joey, and my daughter is on the mainland. But, at any rate, they also appreciate your kindness today. So, thank you all for your kind words and I wish all of you the best in the future. I'm going to continue to remain active in the community and I know that all of you will do the same. Thank you.

CHAIR KING: Thank you. And, and Councilmembers, if you will please, we'll give a clap first for the Judge; thank you for your kind words, and join me on the floor to congratulate him.

Mr. Clerk, resolution number.

COUNTY CLERK: Madam Chair, for the record, RESOLUTION 19-129.

CHAIR KING: Thank you, Mr. Clerk.

Okay, Members, I will be convening the public hearing shortly, which was posted for 9:00 a.m. today in the Council chamber. The public hearing is to be held concurrently with this Council meeting. The Office of Information Practices was previously consulted on this and their Sunshine Law compliant procedures will be followed in our meetings today.

MINUTES

of the

PUBLIC HEARING HELD ON

THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, CONVENED A PUBLIC HEARING ON FRIDAY, JULY 19, 2019 AT 9:19 A.M., IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, WITH CHAIR KELLY T. KING PRESIDING.

CHAIR KING: So, public hearing of July 19, 2019 will now come to order, 9:19.

Mr. Clerk, please proceed.

COUNTY CLERK: Madam Chair, proceeding with the presentation of testimony on agenda items for the public hearing and Council meeting. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, 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 eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

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.

Currently, we have no testifiers waiting at our District Offices.

We have 39 individuals signed up to testify in the Council chamber. The first person to testify in the Council chamber on the public hearing agenda items is Joseph Pluta, testifying on both items. To be followed by Shauna Buckner.

CHAIR KING: Mr. Pluta.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JOSEPH PLUTA:

Good morning, Chair King and Councilmembers. Thank you. My name is Joseph Pluta. I'm the President of the West Maui Taxpayers Association Inc. Wish I started 40 years ago. I'd have been in that role for a long time watching, congratulating the Council and Judge Cardoza, God bless him for his service, and all of you for your service to the County of Maui. Thank you.

I'm here to testify to the, these resolutions that I guess I'm opposed to approving a disapproval. I know that sounds weird. But if a resolution is to disapprove, then I'm opposed to disapproving and I vote that there should be reconsideration on items 1 and 2 on the disapprovals of this independent workforce housing developments.

Residing in West Maui for the last 40 years and following these issues all that time very actively, I know that nothing's perfect that's ever been built. There's always proposals, there's always a . . . But the procedure of going through the final process; getting subdivisions, getting permits, normally corrects about 99 percent of all the things that are, were concerns from the very beginning.

So, I urge the Council at this time to reconsider any disapproval and to vote in approval of, to override these disapproval and to approve both these developments. Thank you.

CHAIR KING: Okay, thank you, Mr. Pluta. Seeing no questions, next, thank you.

MR. PLUTA: Thank you.

CHAIR KING: Next testifier.

COUNTY CLERK: Next testifier is Shauna Buckner, testifying on both items on the public hearing agenda. To be followed by James "Kimo" Neizman.

MS. SHAUNA BUCKNER:

Good morning. My name is Shauna Buckner. Aloha, Chair and Councilmembers, and thanks for the opportunity to provide testimony. As a resident on the westside, I would like to voice regarding CR 19-81, support for the adoption of the resolution disapproving proposed workforce housing projects.

We live on Punakea Loop. Our ag land is being used for that intended purpose; ag. We do not misuse this land and we don't have a mega-mansion as a Councilmember referred to at the last Affordable Housing Committee. We are good stewards and expect the same from others, including developers.

First off, this is not about affordable housing. That is a very multifaceted issue. It should be in perpetuity, no lottery tickets, and even if the County gets a portion for those that sell in ten years. As a Councilmember said at the last Affordable Housing Committee meeting, we want people to have good neighbor, neighborhoods to live in. So true. Neighborhoods must be designed for the community betterment. It should not be a short-cut to minimize cost and maximize dollars for developers, such as short cuts with cul-de-sacs and having issues with emergency service access and so on.

Developers should be held accountable for being in compliance with building the number affordable homes committed to and following through in a timely fashion on roadway, environmental plans, and other requirements. This is about Show Me the Water. Unless and until someone shows me the water for even current residents, there's not enough water. We were asked just last week to reduce consumption again. In an, an independent water study under current conditions and current data should be required for all three adjacent projects.

This is also about show me the infrastructure and services. Affordable housing and development of this size must be done right, which means the right place where water supply is assured, County services are available, proper exit routes in an emergency, etc. And don't get me started on the fire concerns. We just had another fire again last week. It's a high wind and fire prone area and it is no joke.

Finally, this is not about not in my neighborhood, it is clear we have a serious housing issue, and specifically a lack of affordable housing. However, that should not supersede what's the right thing to do with this land. This is ag land per the current designation and community planning process. If that were not the case and there was the necessary infrastructure, then I'd have no problem with the development of affordable housing there in perpetuity.

This is really about developers trying to circumvent the community planning process under the guise of affordable housing, so it shouldn't be fast-tracked as such. As shared at the last Affordable Housing Committee on this topic, the State is very critical of the proposal and raised specific issues pertaining to the process, the parcelization, and whether it's appropriate to use ag land for this type of urban development, including the State questioning one-acre ag lots truly being used as ag land. In general, they didn't think this is an appropriate project for ag land.

I support affordable housing, but not at any cost. This is about doing what's right. Let's learn from past mistakes and find the right affordable housing projects. I ask of the Council that you support the adoption of the resolution disapproving these workforce housing projects. Mahalo for your consideration.

CHAIR KING: Mahalo, Ms. Buckner.

Next testifier, Mr. Clerk.

COUNTY CLERK: Next testifier is James "Kimo" Neizman, testifying on both items on the public hearing agenda. To be followed by Hans Michel.

MR. JAMES "KIMO" NEIZMAN:

Aloha.

CHAIR KING: Aloha.

MR. NEIZMAN: And kakahiaka. This is a beautiful place; first time I came in here. I'm about the workforce in Lahaina. We need houses, that's for sure. Peter Martin, I knew him for ages and he's a nice guy. What he says he's going to do, if he doesn't do, we just have to correct him, that's it, period. And, for him to put up the money for all these properties, I mean the homes, it's like, it's not easy. It's not easy.

Now I notice there's three missing. I wasn't hoping for three, I was hoping like full Council so we can get yes or no this morning. And I don't know what's going to happen.

The water thing is, hey, we have water up there, it's just that people are just using foolishly; water running in, on the street, running through our properties. I live up there, I should know. But we live on a different, on a different section of Launiupoko. It's nice and I kind of seen where the houses going to be. It's beautiful, they're going to like it.

But it's up to you folks to help us work this thing out and get it done. I don't know what it's going to take to get it done, what we got to do. But noticing that three people are missing, you know, that's not so good. So, I hope and pray that, you know, you folks help us.

When I talk to Peter Martin, you know, we just talk and we just blab our mouth. But actually when you come over here it's not that easy, you know, facing everybody. Everybody's listening, nobody talking while I'm talking. And while you talking, I'm not talking. So, it's kind of a little nervous, you know. But, Peter Martin, he's a good guy. He's always, to me, he was a good guy. He still remember the things I used to do. And he tells people, hey, you gotta meet this guy, he's the best operator you can find.

Well, I guess so because that's all I do; work, work, work sun up to sun down, seven days a week. And I save whatever we can and not to go out, no smoking, no drinking, no la-la-ing down, down the bars or anything like that. Pau work, go straight home, do my work, and you know, that's how you get ahead. No drinking.

And, if, the kids now is different when we were young. My father tells us you go find a job, you go find a job, not I'm going to go down town and I'll be right back. No, no, no, no. These guys go down town they don't come home till like months. Few days later they come home, you know. So, it's, it's really different. But, thank you folks. This is nice. I like it.

CHAIR KING: Thank you.

MR. NEIZMAN: Thank you.

CHAIR KING: Thank you for coming down.

MR. NEIZMAN: Aloha.

CHAIR KING: Aloha.

Mr. Clerk.

COUNTY CLERK: Next testifier is Hans Michel, testifying on both items on the public hearing agenda. To be followed by Geoffrey Bogar.

MR. HANS MICHEL:

Councilmember and Chair, I thank you for let us come and talk, and hope you guys listen good. Molina had a big paper in the Lahaina News about affordable housing. The next thing I hear, he changed his mind. Hokama, I do not know if he's getting too old or if he has Alzheimer's; he cannot remember everything so well. I don't want to be unkind to you people because we only get a handful here. We're supposed to have a full Council.

I told you before, I came to Lahaina, open Royal Lahaina in '63. I met a beautiful Hawaiian girl. Sorry. She was so good. We got married and we still married after 52 years. No horse around, no cheat each other, through God's will and do things for our kids what was the hardest.

Every time the Council has a opportunity to accept a building project like Pulelehua, nothing happened; Kaanapali Land Company, Pu'ukoli'i Village. Can you imagine the County didn't want to give us water? Now, we'd be able to build next year, they will get the water from Kaanapali or Hawaii Water Company. Where was the County? Where was the Council? Pushing the Water Department . . . order. What happened up Waikapu and Wailuku Heights? Everything got built. Look the houses all the way down to the highway. And now they're short on water. Why? They don't even have a backup well.

And then they talking about Peter Martin doesn't do his thing right. That poor guy when struggle. He got ahead. We need affordable housing for our grandkids. Maybe you guys have your land, your pockets all lined, you're all wealthy people. How's about the poor guy who got nothing? The guy who struggle like us when we worked two jobs. We work, eat and sleep; no gambling, no horse around, no drinking, no smoking, just like my brother in-law, Kimo, have told you. Own a house is a sacrifice, but you got to give the people a chance to buy a house on West Maui.

Never mind all these . . . that come around and testify against the project. That's a good project between Makila and Kau'aula or Launiupoko. The problem with this, people don't even have time to look the land. The land is nice and you're away from tidal waves. And who knows what's comes in the future. I like Molina when pray and ask when you ask for people need a house, Kilauea Mauka. The plantation workers have two and three generation in one house because the kids cannot afford to buy nothing anywhere else unless they go to Kihei. In Kihei and Wailuku Heights, you guys open plenty land, plenty houses. So, it's up to you.

Please help for West Maui so the hotel workers who brings in the money for you guys have a nice paycheck. So, they need the housing and not the drive to Lahaina. I came over here for testify, a string of cars facing to Lahaina. It's ridiculous. Fifty-five year when I was here it was beautiful, same Honoapiilani Highway. It's the same thing. What did the people do? No, no progress. No improvement.

Go to the place in Switzerland where I come from. They make tunnels from, from Launiupoko come out in Maalaea. And they work and put something because the people paying taxes. Here, the taxes always run away. We get nothing, so you have to hold the money; but only give it out for charity. Everybody wants something for nothing. And us dumb buggahs when work. I'm 80 years old and I'm still working. It's not for the money, but for help my kids and grandkids. And that's my duty. And, up to you, Council. You only have a handful guys. If you have to make the decision what's going to be built over in Makila and Launiupoko, please think about it. I cannot ask more than help.

And one more thing about the water. There is not enough water for irrigation, but there is enough water--

CHAIR KING: Mr. Michel, please conclude.

MR. MICHEL: --for drinking water. That I know. I've seen it. And, hanawai water--

CHAIR KING: Mr. Michel, please conclude.

MR. MICHEL: --will come about in a year's time. Takes money, takes time from Wainee Village to Launiupoko.

CHAIR KING: Mr. Michel, your time is up, so if you can--

MR. MICHEL: Okay. Thank you, lady.

CHAIR KING: Thank you.

MR. MICHEL: And please make a good decision. It's all in your hands, not mine.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Next testifier is Geoffrey Bogar, testifying on both items on the public hearing agenda. To be followed by Frank Tam.

MR. GEOFFREY BOGAR:

Hello, Council. My name is Geoff Bogar. Thank you for allowing me to speak today on these two items. It's kind of a double negative. So, I'm basically saying I don't agree with disapproving this low-income housing.

Give you a brief history on me. My parents moved over to Oahu in 1960. I was born in '60. In '63, they moved over here to Maui. I'm telling you this because I've got a little overview of what I've seen myself happen on West Maui. I went Kam III, Lahainaluna, went to the mainland college, came back. I've been working for the County for the last 25 years; actually, in the fire service, so I've seen some of the fire issues the westside has experienced.

But what I have seen on the westside, all the kids I went to school with and grew up with were basically forced because of economic pressures not to live where they grew up. They've had to move to Kihei, they've had to move central, they've had to move Upcountry, because the affordability of a starter home for their families was just out of reach on the westside.

I've seen hotels go up. But as far as residential developments, most of what I've seen has been really large kind of estates be they ag or otherwise, that have just been out of reach for the common man. And every time we give "x" amount to developers, they promise "x" amount of low-income housing. For one reason or another, usually it seems the low-income housing end of the bargain hasn't come through. So, what do we have right now? We've got a lot of jobs and people working on the westside that gotta live on the other side, which kind of stresses the infrastructure; the roads. It's one pile of cars going over in the morning and a pile of cars in the afternoon coming, because your workforce for the jobs on West Maui can't live next to their jobs. It's real easy once you get over here and you get your piece of the pie to go, ah well, I don't want to see anything change. Well, stuff has to change. We need to provide some options for low-income housing or affordable housing on West Maui.

I live in Launiupoko now. I can barely afford my mortgage because I got one of those big lots. But, I'm making it work. But I've got no problem with seeing some of these big lots, a lot of which maybe aren't being used for their original intent of ag, being broken up into more affordable housing, into smaller pieces. I guess, to get to the point I'm trying to make is we need affordable housing. We need low-incoming, low-income housing on West Maui. And I'd really like the Council to reconsider shutting these two, these two developments down. I don't think it's a good idea.

And I, from what I see in the paper, it seems to become one of these things where developer is made out to be the bad guy, particularly Peter Martin. And I don't think that's the case. And even if it is the case, even if he is the bad guy, that's not the point. We're talking about trying to get affordable housing developed on West Maui. Thank you, folks very much for your time. Aloha.

CHAIR KING: Mahalo. No questions?

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Frank Tam, testifying on both items on the public hearing agenda. To be followed by Lawrence Kauha'aha'a.

MR. FRANK TAM:

Good morning, Councilmembers, Chair King. I watched previous testimony in the Committee meeting with interest, which prompted me to come today. Two things I wanted to talk about. First is affordable housing. You know, it's been the hot topic; affordable housing, affordable housing, affordable housing. We have an opportunity right now to get affordable housing. And you shut it down, when's the next opportunity going to come? This is your opportunity.

You know, my family goes back on Maui almost 200 years. My kids live off-island now. You know, they probably never come back unless we have opportunities. If not now, when? Right? And if not here, where? So, that's the question you have to ask yourself, okay.

Second reason I came, you know, a lot of the testifiers, they had issues with traffic, water, fire. I spent 29 years in the fire service, you know, started in '83. For those of you that remember, Kihei burnt all the time, right? Kihei Fire Station was the busiest fire station on Maui back in the 80's, until it got developed. So, you hardly have fires now, you know. People will talk about the fire last week. It's a totally different situation than what we face in West Maui. This development will not affect fire hazard in anyway. And in fact, the more development we have, just like in Kihei, the less chances of fires starting in that area.

What I do know from experience is that when there's brush, there's chances of illegal encampments. A lot of the fires that start come from illegal encampments; not the big ones. And the big ones are driven by wind and we cannot help mother nature. I remember two fires on the westside; one was when Teen Challenge got burnt back in '91 and the one in 2008. Those were all wind-driven. And, most of the fires we have,

you don't hear about, that's on the westside, because they're small and they can be controlled. But, most of those come from, again, illegal encampments. And with this development here, we cut down on those illegal encampments and we cut down on the risk. That's my, that's all I wanted to say. And I thank you for your time.

CHAIR KING: Mahalo, Mr. Tam.

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Lawrence Kauha`aha`a, testifying on both items on the public hearing agenda. To be followed by Mark Nigh.

MR. LAWRENCE KAUAHA`AHA`A:

Good morning, Council. My name is Lawrence Kauha`aha`a. I'm here to testify on the workforce housing, in support of workforce housing. Every year, Lahainaluna, we graduate 200 to 250 students. Of those students, none of them can actually afford any of the housing that's out there now. There hasn't been any significant workforce housing since Kilauea Mauka and Napili Hau. You know, if it wasn't for Maui, Pioneer Mill or Maui Pine, there wouldn't have been any of those. So, again, the question is, if not now, when?

And regardless of the developer, if it's an opportunity to provide the kids of Lahaina a place to live, you should take advantage of it. You're the ones that create the rules and affect the policies that can control the developers. You're the ones that when we have public testimony, can take that information and turn it to what works. Saying "no", I mean, what's going to be there? Another 18, 20 homes versus workforce housing; something that people can move into, something that people can live and call their house and start a new generation.

Like an earlier testifier said, if you go to Kilauea Mauka, if you go down Kuialua Street, I mean, there's cars, you know, six or seven cars per house because you have that many families living in a structure.

As far as water goes, it's going to be an issue 20 years from now. You have to address it. We have to come up with solutions now. You have to work towards something with water. Like Hans Michel said, I mean, the man lives in the valley where all the water is at. He knows what's up there. There is water, but it has to be used wisely. It has to be managed correctly.

Traffic, you know, if you have 400 people living in a subdivision not coming from Wailuku, that's 400 less cars you're going to have on the street at any time. It changes the way the traffic flow is. But we need solutions. And like I said, regardless of the developer, what you think of Peter Martin, it's an opportunity. You can, you can set policies, you can set the standard and uphold it. Thank you.

CHAIR KING: Mahalo.

Next testifier, Mr. Clerk.

COUNTY CLERK: Next testifier is Mark Nigh, testifying on both items on the public hearing agenda. To be followed by Jeff Onderko.

MR. MARK NIGH:

Good morning, Council. I'll be brief. My name is Mark Nigh and I'm here to ask you to, to take the Committee's recommendation and deny these proposals for all of the reasons discussed in previous meetings as, as well as stuff you'll hear today.

I do ask that the Council look hard at any affordable housing now and in the future project, now and in the future to make sure that they stay affordable, not for five to ten years, but for much longer. Perpetuity would be ideal. If other projects had not converted to market rate housing, market rate, there would be a lot more affordable housing. Without this, we will continually be in a hole as far as affordable housing goes. Thank you.

CHAIR KING: Mahalo.

Okay, next testifier.

COUNTY CLERK: Next testifier is Jeff Onderko to be, testifying on both items on the public hearing agenda. To be followed by Michael Phillips.

MR. JEFF ONDERKO:

Good morning, Council. Good morning, community. My name is Jeff Onderko. I am a 17-year West Maui resident. And I'm here to give my humble but, and very myopic, but passionate opinion that this is, I'm going to say a, a affordable housing issue, it's a housing issue specifically in West Maui. And I'm here to demonstrate that there is a huge disparity between West Maui and the rest of the island.

The housing market rents follow the sales market. And what you'll find right now is that it's borderline gouging. And here's a fact, and I pulled this all from this morning; sales in West Maui, okay, this year, right now. There is one home for sale under \$800,000 in West Maui versus fifty listed in Central Maui, okay. Actual sales, twenty homes sold under a million dollars in West Maui this year, 158 sold in Central Maui, okay. Twenty homes sold in Central Maui under 500,000. Those are mostly new products in Central Maui; not resales, not 30-years old. The cheapest home in Lahainaluna Road right now \$839,000. It's a major, major problem.

My story, I don't have any kids, I'm single. I've been here 17 years, self-employed. My rent bill last year, after living in the same house, I was displaced last April, my rent was \$33,000 last year, okay. These are two-bedroom, one bath, meager accommodations, wall unit a/c's, jalousie windows. And there's no guarantee that I get to continue to stay there. I have no control over that. It's a major problem. You know, I hear about water, I hear about resources. The resources are being used. They're just much more dense. They're being all used in the spine, which is up in Lahainaluna, and that's becoming a major problem.

The ordinance you guys passed this year, the ohana ordinance, which was essentially, I'm going to read it. By here, it was to, the purpose of this ordinance, again Ordinance 4936, "The purpose of this ordinance is to increase the maximum floor area of accessory dwellings to make them more livable for growing families and to allow more accessory dwellings in order to increase the County's housing stock." The County needs to be absolutely focused on increasing housing inventory. Alls you did is put a strain on more of the resources that we already have in the same light.

You also, I told you about that price at Lahainaluna \$839,000. You essentially inherently made the land more valuable. You made it easier for owners to charge more rents. And you put a pressing, or stringent on the people who are been living here 20 years, paying taxes for 20 years, trying to get their little piece as I heard before.

Let me use the word sustainability. I hear it a lot. It's a buzzword; sustainability, mostly in farming and land. Sustainability is an attitude. It's an attitude and I'm sure we've all been to Vegas, right? Been to Vegas before. It's a Friday night. Oh my God, minimum gambling table is \$25, \$50. It's unfriendly. It's unsustainable.

Well, the attitude from the, I'll call it homeowner/landowner, the person that's pulling \$7,000 on their rental house cause they've partitioned it up so many times but they own it. The attitude is what can I get, not what should I get, who should I get, and how long do I want them here? We got it absolutely backwards.

It's an absolutely inventory issue and when you add inventory, doesn't mean you build it and more people are going to come. You're going to build it and the people that have been working here hard are going to get their piece. It's not going to put a harder strain on the resources. I thank you for your time.

CHAIR KING: Thank you for your testimony.

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Michael Phillips, testifying on County Communications 19-300 and 19-297. To be followed by Tom Welch.

MR. MICHAEL PHILLIPS (testifying on County Communication Nos. 19-297 and 19-300):

Good morning, Council. Aloha. I'd like to say that I agree with the agenda items of 19-297 and 19-300 and hope you'll approve those today. I'd also like to be here today and talk about a little thing that happened called the fire. It was, recently just happened. I can't tell you how grateful I am to Maui County Fire Department, the Maui County Police Department, the Maui County Emergency Services, for saving our town.

I'm emotional about this because there's a lot of people out there that sacrificed their lives for us today. There's a lot of people that are unsung heroes that will not know what a fireman did, what a policeman did, going through fire and smoke to save our community. These people are heroes to our County. We are indebted to them so much that I can't tell you how grateful I am for their service to our community for saving us. There's thousands of people that were out in our community trying to help the fire. There were thousands of people that go unsung that went beyond the call of duty, personal property, personal integrity, have tried to help others. It was really amazing.

I got a call from Don Couch asking me, Don, Mike can you help us out, our, our evacuation centers have no food. I had four of my employees go back to work and open a restaurant and make hundreds of meals for people that didn't have something to eat. I am grateful for the people that sacrifice their own lives for our safety. And what we have to do to them, what we owe them is a much more, more than your great, at, at more than saying thank, thank you to them.

Can you imagine being stuck in Kihei not being able to get in or out, no way to get in and out? Your family members are there. You can't get to them. The smoke is so bad that you can't see. The fire and the flames are all over the place. The social media showing the place almost burning down. The fear of all the people, of my employees and all my friends in, and, and Kihei, was quite significant. And to know that we had

people like our firefighters, our policemen, and all the other emergency service people, the people flying these airplanes, the people flying these helicopters trying to save our community. I'm indebted and I thank you for your time today.

CHAIR KING: Mahalo, Mr. Phillips. Any questions?

Mr. Clerk.

COUNTY CLERK: Next testifier is Tom Welch, attorney for Kipa Centennial and Hope Builders, testifying on both items on the public hearing agenda. To be followed by Christopher Laidlaw.

MR. TOM WELCH:

Good morning, Chair, Members. I have written copies of my testimony if, if you want to collect them. I'm Tom Welch, attorney for the developer of these two projects.

Two weeks ago, the Housing Committee voted no on both Polanui Gardens and Makila Rural East. Today we humbly ask you to reconsider, to change your vote and either approve it or don't vote and let the 45-day period expire on the 201H, which constitutes an automatic 201H approval. Now, why would we have the courage to ask this? There's eight reasons. And I'm sorry for reading my testimony, but I want to make sure I, I get them all right and, and clear.

First of all, if this project is approved on the 201H either by voting no today and, and or letting it, letting the 45-day period expire, does not approve the project. All it does, it gives this body the time, without a 45-day time limit, to give the projects the consideration they deserve. The projects cannot go forward without the District Boundary Amendment, and your, and your decision on the District Boundary Amendments has no time limit. And on the District Boundary Amendment, later, any vote later, in any vote, you can impose conditions.

2. Housing prices in West Maui are in real crisis for West Maui working people and the needs and, and, and this problem needs your attention and consideration of all possible solutions now.

3. Each of these projects have all the necessary resources, funding and plans, and are ready to move forward now.

4. When, when, before the Housing Committee in June and early July, the developer was not given sufficient opportunity to present the projects. The developer and its

consultants had only ten minutes for each project with only one consultant presenting, and this had to stand up against hours of negative testimony by the same people who always, who always oppose development in this area and who killed Greg Brown's Makila Kai project last year.

5. For example, water is simply not a problem. You need to hear from our water expert to understand the system and the unexpected and temporary circumstance that curtailed irrigation water service recently. You need to hear about the pending conversion of the system to 100 percent wells without requiring any use of the Kauaula Stream water and other facts. You need to hear that the water provider is a State-regulated public utility, governed by Public Utilities Commission whose sole job is to protect the consumer.

6. Fire risk is not a Launiupoko issue, it's a County-wide issue. The Fire Department testified in this case that development here would actually reduce fire risk for this area.

7. You also need to know that the negative letters from the Land Use Commission and the Office of State Planning are the same letters that in my years of practice they send on nearly every 15-acre District Boundary Amendment proposal that comes before a County Council. Those State bodies openly admit being opposed to the 15-acre rule, generally, that enables the County's elected body to act on land use matters. I think they think that that. And they always say that regional impacts need to be considered and the, and, and I think they don't have confidence that the County elected body can act properly on those matters.

Finally, there will be people and houses on this land regardless of whether you vote yes or no. The only question is, will those people be West Maui working families or will they be somebody else?

In the end, please vote yes or no to this, to this proposal, the agenda item before you, to enable this body to give it the full and careful consideration that, that, that the project deserves and without a time limit. In the end, it boils down to a simple question. Does this body want affordable housing or, or not? Thank you.

CHAIR KING: Thank you, Mr. Welch.

Next testifier.

COUNTY CLERK: Next testifier is Christopher Laidlaw, testifying on both items on the public hearing agenda. To be followed by Kawi Keahi.

MR. CHRISTOPHER LAIDLAW:

Good morning, Councilmembers and Madam Chair. I'm going to read my speech. I'm not much of a public speaker. My name is Chris Laidlaw and I'm here to voice my support for affordable housing and for workforce housing, and, and to attest to the blessing that it has been to me and to people that I know. I work for Hope Builders now, but I started building affordable homes when I was 17 right out of college, or it's like right out of high school, yea.

And I worked for Jesse Spencer over in Waikapu Gardens. For the ten plus years that I worked for the Spencer's, I got to see hundreds of examples of the blessing that being able to buy an affordable home is. In Waikapu, we got to help the first about 40 or so families move into their homes on a Saturday. And, never have I seen so much joy, happiness, and thankfulness. Thankfulness not just towards the developer that sold them houses at a fraction of the market value, but also to someone like myself; just a worker, just someone doing their job. What I saw and felt that day has, it's always stuck with me. I've seen so many people's lives change by the opportunity of owning a home. For some people, it gave them the place to start their family. And for others, it gave them somewhere that their family could grow.

Twelve years ago, I was given the opportunity to buy a house in Waikapu Gardens. And I took that opportunity and I made it happen. I had to work longer and harder than I ever had before to be able to buy that house. But the hard work and the perseverance that it took to buy that house have shaped me into the person that I am today. And twelve years later, I'm still living in the house, now with my wife and son. I have been blessed by affordable housing and I'm asking your support that other people's lives can be changed.

I have friends on two incomes that need an affordable home. I have a brother with four kids on one income that desperately needs an affordable home. And I have two-year-old son now who I hope one day will be able to buy a house of his own on Maui affordably. And, I just ask your support for these projects to give our people homes. Thank you.

CHAIR KING: Mahalo for your testimony.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kawi Keahi, testifying on both items on the public hearing agenda. To be followed by Chris Freitas.

MR. KAWI KEAHI:

Aloha, Madam Chair. Good morning, Councilmembers, everybody. My name is Kawi Keahi and I'll be testifying on AH-1 and 2. I am in support of this project. I believe we need affordable housing for local workforce families. I believe every local family has a right to have a house on the hill as any other person. It sickens me to hear people who flew here oppose one project that would benefit people who grew up here. It sickens me to hear my own people cannot see the need for affordable housing. It's disappointing.

My brother, 14 years ago, moved to the mainland, had a wife and two kids, \$4,000 to his name. He took one chance to go to the mainland to make something better of his life. Twelve years now he's been living in Vegas. He had two more kids. He's making it. Hear me, he's making it. But the sad part is, he cannot come home because it's too expensive. His kids never going know, the two kids never going know the joy of growing up in these islands, all because we don't have affordable housing. You know, the list goes on. I get uncles, cousins, friends, who live in Indiana, Alaska, etc. All because they cannot afford affordable housing.

Moving onto the concerns. Fire hazard, true, but I think a big dry open area of brush is more of a fire hazard than having 161 homes there. There are people living in Texas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, and South Dakota knowing it's a tornado zone, but still live there. People living in Louisiana knowing it's a flood zone, but still live there. Why? Because it's home. The same people opposing this project continue to live in that dry area, that fire zone. You continue to live there, yet, you oppose people from having one opportunity to have one home up there.

Traffic. Where is there not traffic congestion? Paia, congested. Puunene, congested. Kihei, congested. Lahaina, congested. So, to shut down this project because of traffic congestion is absurd. People commuting to and from work, tourism, people coming from the other side to go to the beach, surfers, etc., should we stop all them from coming there so we can have one home? No. I say that is one, that is irrelevant. That is one false excuse to oppose this project.

I had to write everything down, so I make my points this time. Water. I'll make it quick. There is sufficient water to go around. And I believe it can be resolved. We leave um to the experts. I not one expert, but I do grow taro and I get water from the stream. If you was for open one Gatorade bottle and pour that thing out, that's how much water comes out of that pipe. But, last week, I've been harvesting taro and they healthy; thank you, Jesus.

So, this is to the Councilmembers. I ask you guys to please approve this project. We need affordable homes. We need to keep our children, family and friends here at home. You guys said you for affordable housing, and today your actions will speak louder than your words. We have a problem before us, please be the solution.

You know, a great man of God once said, "The opportunity of a lifetime must be seized within the lifetime of the opportunity. The opportunity of a lifetime must be seized within the lifetime of the opportunity." Leonard Ravenhill said that. Councilmembers, you have an opportunity to help workforce families achieve something that to many seems unachievable. You have an opportunity to keep us and our children and the generations to come here. Mahalo. Thank you for your time.

CHAIR KING: Thank you for your testimony.

Mr. Clerk.

COUNTY CLERK: Next testifier is Chris Freitas, testifying on both items on the public hearing agenda. To be followed by Lincoln Lin Kee Jr.

MR. CHRIS FREITAS:

Good morning. My name is Chris Freitas. I support this project going on. I lived in Lahaina on Prison Street for 16 years, paid rent \$2400 a month. And if you do the math, that's almost \$450,000. If we had affordable housings, I would be able to probably get on that thing and be able to buy a house of my own.

Four of my adult children, who have graduated from Lahainaluna High School; out of four of them, three of them all relocated to the mainland. I have one in Vegas, one in Sacramento, one in New York. I mean, we need affordable housing for our kids. And I don't know how many of you guys have kids, but I mean, maybe you guys have all big houses and little ohanas that they can live in.

I mean, I want a, I make 55 years old tomorrow. I work hard every day. I work for Peter Martin, who is a good man. I'm employed by him. And you don't know how a blessing it would be to get this project approved, work on that project, get a, buy a house from there and live in there with my, rest of my remaining three kids that I have that are still in school. One is a, in high school in Lahainaluna playing football. I mean, Lahaina is a place that my kids grew up in. Now I live in Waiehu paying \$2200 for a little two-bedroom cottage. I mean, we need this affordable housing.

And then, this thing about fires. Look, look at that big fire we had. Because there's no houses. If there was houses in a area like that, they would never have that fire. I mean, everybody be vigilant, we'd all be helping each other. I mean, I just support this, this project. And I hope you guys approve that it gets done. Thank you so much.

CHAIR KING: Mahalo for your testimony.

Mr. Clerk.

COUNTY CLERK: Next testifier is Lincoln Lin Kee Jr., testifying on both items on the public hearing agenda. To be followed by Brad Sheveland.

MR. LINCOLN LIN KEE JR.:

Good morning, Council. Good morning, everybody. My name is Lincoln Lin Kee Jr. I'm for the affordable housing. I'll make it pretty quick and simple. Here, picture this. Put yourself in the other people's shoes who cannot afford, who, you know, maybe have a job, maybe don't, just trying to make it in life. Or maybe they both have a job but they're still, you know, putting in all that overtime and trying to make it happen, you know. Just put yourselves in, in their shoes and, you know, know how they feel. Like, wouldn't you want affordable housing? You know, wouldn't you want to fight for affordable housing? Sorry.

So, here I just say this, help the people. You know, help, help them. We gotta work together as a community. The people that have a hard time, help them. I mean, you guys are in the position that you are for a reason. You know, God when put you in this position. So, do the right thing and help them. If you can help them, you know, we all can work together. This island would be, Hawaii would be much greater than what it is right now, and the country alone. So, thank you for hearing me. And you guys have a blessed afternoon.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Lincoln Lin Kee, oh, I apologize, Brad Sheveland. To be followed by Stephen Salmon.

MR. BRAD SHEVELAND:

Good morning. I'm Brad Sheveland. Lived on the westside 28 years. I have an 18-year-old son just graduated Lahainaluna, will need a home and I am all for this project. Thank you.

CHAIR KING: Thank you.

Next testifier.

COUNTY CLERK: Next testifier is Stephen Salmon, testifying on both items on the public hearing agenda. To be followed by Joshua Dean.

MR. STEPHEN SALMON:

Good morning, respected Councilmen, Councilwomen. Thank you for the opportunity to speak today. I too hurt for housing. I work two jobs. My wife works a job. And the rents that we would pay for just a room on Lahaina's westside would be \$1,000, just for a bedroom with privileges to a kitchen and a bathroom, which means we have to live amongst other people. And the privacy is an issue as well.

To commute from the other side and to find housing on the other side is also an issue due to the fact that we only have one vehicle because we can only afford one vehicle. So it is difficult to try to make the thing work with jobs and what not.

I'm grateful to Peter Martin. He has offered me a position taking care of the Dickenson property off of 711 Mill Street and has offered me a trailer there and work for trade, which is the only reason I'm making it today. Otherwise I would not be able to make it. My wife and I have slept in the back of our Toyota 4Runner for two years prior to this because of the housing issue. And I just ask that you consider these issues that we're having with the housing on the westside and provide for us people that work for westside and this community and this government here that you guys, you know, what's the word I'm looking for, that you represent. Because we desperately need this.

And we have a man in Peter Martin here who has been called many things but is willing to move forward with this project and has offered to come up with a solution and also the monies to do these things. And I think it's a great solution and an easy opportunity for a decision to be made to help the people of the westside. I have a lot of friends that work two jobs and they all suffer from the same, you know, housing issues. And these are long-term residents of Lahaina, generations deep, you know, that all suffer the

same consequences because of the housing market and the, the rents that are just ridiculous.

And the housing market is becoming smaller now with Airbnb's coming in and taking over the Front Street housing market, you know. So, it's becoming more difficult for us as work people to come and live and provide, you know, these positions that need people to work. So, I would just ask that you reconsider and see the need of the people and meet the need of the people as we voted you in to represent our needs. And our, our desperation is pretty deep right now. So, we would thank you in the reconsideration of this housing project and move forward with it. We need a solution now, today; not tomorrow, today. Thank you very much for your time.

CHAIR KING: Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Joshua Dean, to be followed by Tam Kim.

MR. JOSHUA DEAN:

Good morning, Council. My name is Joshua Dean. I'm here to voice support for this affordable housing project. Just, I'll move real fast, tell my story. I was born and raised in Lahaina. I'm from a family of six children. My father, thank God, was, he got workforce housing for I think it was \$37,000, Wahikuli Terrace. And, you know, and I think about what that did for our family. I mean, the effect that it had through all of our lives was tremendous.

I think the important part for you, Council, is in considering this vote, is to understand who's affected by your vote, right. And what I want to tell you is that because we got into that workforce housing project, my mom was able to stay home, my dad was a construction worker. We weren't rich. In fact, we were poor. My mom, you know, helped, because she was a stay at home mom, she helped the entire community, you know, babysitting kids for free so that they could go to work so that they could pay their bills. My dad would come home to a house full of kids that wasn't his, in addition to the six kids. So, and, and that created this wonderful environment for me to grow up that was full of love and nurturing and care that, and it made me smarter. It made me a harder worker, everything, right.

There's studies that show that financial stress in the home permeates to the children. So that when they go to school they're not concentrating on school. They're think about the conversation that their parents just had last night about how they gotta move in two

weeks with a family of five and where the hell are they going to go, right? How are you supposed to concentrate on what's important as a kid? And then what, you're still supposed to get good grades and then go to after-school programs because your parents are still working. And then you're supposed to go to college and make a living and come back and buy a house? Forget it, right. The effect of not having housing for our people here, I mean, it will permeate through generations and generations.

You know, the meeting was started on a great note with Mr. Mike Molina saying that blessing. I was sitting outside and I recognized the voice. And I said to the person sitting next to me, was that Mike Molina who said that blessing? And he said yea. I said, man, that guy can preach, you know. And it was. I could feel it.

And it, it juggled my mind into thinking about bible stories and one that came to mind was the Exodus, right. What was that, right? It was the Israelites fleeing a situation where they did not have control of their lives, of their children's lives, that they're susceptible to the people who lived around them that were telling them what was good for them. And they said no. They took a stand and they had to undergo persecution and hell to get out and find something to make something of their families, a future for their children. That's what we have on our hands right now, is an Exodus, okay.

It doesn't have to be. Why are we sitting here telling people what's good for them when we know what's good for them; they need to have a house so that they can raise their children, that they can have the hope of living here. We all are here because we've been blessed to live in the islands. Okay, let's give it a shot to these people. These are the ones that are affected. Please, this is the choice. Let's just boil it down to the very basics. Do we want affordable housing or not? Okay, take a vote. Thank you.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Tam Kim, testifying on both items on the public hearing agenda. To be followed by Gordon Firestein.

MR. TAM KIM:

Good morning. I'll be reading on behalf of Tamar Chotzen Goodfellow today. The letter states, I am writing to express my support for the Polanui and Makila Rural East projects. The need for the affordable housing on Maui is at an all-time high. As recent, recently reported by the Realtor Association of Maui, the inventory of single-family

homes is at its lowest level since 2010 and the median price of a single-family home on Maui is at its highest point ranging from \$750,000 to \$813,000 in 2019.

Polanui and Makila Rural East projects won't completely solve the affordability housing crisis, but if approved, the projects will provide a significant number of, of affordable and market single-family homes in West Maui region, which will free up housing in other areas. The recent study showed that for every new house that is built and sold, it frees up three other homes or apartments for occupancy as individuals move into the units vacated.

According to the County of Maui Affordable Housing Implementation Plan prepared in August 2018 for the Office of Council Services, the County needs an additional 12,246 housing units by 2025 or approximately 1,600 units a year from 2019 to 2025. Only a fraction of this volume is in the pipeline. Disapproving projects like this will set the County further behind in delivering what is needed and will discourage other developers from even trying. Mahalo. Tamar Chotzen Goodfellow.

Just to quickly add my personal testimony, I live in, I'm a direct beneficiary of this program. I live in Spencer Homes. And other extended family also live there. And I talk to the friends and my neighbors and they're just like us. They're middle-income family trying just to, you know, trying to provide for the family, to raise their kids, plan for the future, building that nest egg, just trying to live the American dream.

And there's been talks of the, the evil developers; Peter Martin, Jesse Spencer, all these guys. But, after talking to these guys who, and myself who got into these homes, if it wasn't for those guys, we couldn't just make it happen. We couldn't afford these houses that's market value.

And just like, I echo the other supporters that spoke before me. We think about our future, our kids, our time, and even all these things, and without having this, this, the jumpstart in life by buying a house that's affordable to us, our future looks very bleak. And like some of the others said, you know, the, the other option is to move off-island. And, cause the, the affordability is off-island. So, we want to stay on Maui. We love this island, this community, and this program allows us to do that. Thank you very much.

CHAIR KING: Mahalo.

Mr. Clerk.

COUNTY CLERK: Next testifier is Gordon Firestein, testifying on both items on the Council public hearing agenda. To be followed by Hienie Davis.

MR. GORDON FIRESTEIN:

Aloha, Councilmembers. Gordon Firestein, Launiupoko Firewise Committee. You know, fire is obviously top of mind for everyone right now. As you may know, the same day the central valley was burning out of control, we had our own fire in Launiupoko. Fortunately, ours did not get out of control, but from my vantage point only two doors away, it sure looked like it could have. And the wind was blowing in our direction.

And you've heard arguments that building a development would be a good thing because where there are houses there won't be brush. And the Fire Department would work to ensure compliance with the Fire Code, which sounds great. But on the first point, you know, obviously where there are houses, there will be concrete foundations instead of brush on the ground, and granite. Perhaps the entire footprint of the proposed urban area would be completely brush free, I imagine it would.

But, let's just consider Makila Rural East as an example. The urban area is just under 15 acres. The entire development is 97 plus acres. So, that leaves 82 acres that will not have any structures on them at all to start with. It's a lot of acres that need to be managed for the vegetative fuel. As the years go by, yes, the ag lots will be sold and houses will be built, and the amount of brush will go down. But by how much?

In reality, perhaps not much at all. You know, a one-acre lot is 43,000 plus square feet. Let's make the math easy. Suppose someone builds a 3,000 square foot house and they even considering driveways and garages and alike, that leaves tens of thousands of square feet of vegetation to manage and to irrigate. And we know how difficult our water situation is in Launiupoko. So, if you drove around the existing development, you would see that it is far more common than not for properties that are occupied to have significant areas with unmanaged vegetation, not to mention the vacant properties that are completely neglected. So, why is this the case?

That brings me to the second point about compliance with the part of the Fire Code that deals with brush abatement. It simply doesn't happen, except in very few cases where neighbors file a request for service. And understandably, very few people are willing to complain about their neighbors. And none of this is hypothetical. We very nearly had a serious situation when just a little bit of unmanaged vegetation caught fire and we were lucky that it stopped before it could catch the neighboring property's unmanaged vegetation. So, putting a development in a wildland urban interface is not a plan for vegetation management; not within the boundaries of the development and certainly not for the surrounding areas with vast amounts of fuel that are a direct threat.

As much as we need affordable housing, and there really, I don't think there's any argument amongst any of us here how much we need affordable housing, we also need a plan to deal with these fuels. And we don't have one yet. Please disapprove these projects. Thank you.

CHAIR KING: Mahalo for your testimony.

Mr. Clerk.

COUNTY CLERK: Next testifier is Hienie Davis, testifying on both items on the public hearing agenda. To be followed by Kyle Chongkee.

MR. HENIE DAVIS:

Hi. My name is Hienie Davis and I'm reading on behalf of Cliff Libed. The County has limited resources to provide workforce housing in Lahaina. The opportunity to partner with a developer will add, will adjust the nearly 12,600 units needed for local families wanting to live here.

In 2016, the County approved the lot size developments to 7500 square feet. In comparison, the lot size being offered will allow for family gardens growing food to, and growing food to sustain them. Further, workforce will see an immediate decrease in fuel costs. The lots offered is substantial.

While it is, while it is okay to question the land access issues that are currently based on ceded lands, it is not okay to overlook the current law that governs our island.

While it is okay to vote on popular and emotional issues concerning questions on land use that is affected by development, the developer has addressed adequately water availability, sewage, and safety issues with regards to fires.

It is not okay to ignore the pressing need for workforce housing where real estate speculation in, is minimized with the 10-year owner occupied requirement. This formula was successful in development of housing for hotel workers in Wailea and Kihei areas. Lots and homes were \$90,000 for employees in a project in Kahului and Lahaina.

It is okay, it is okay to vote an affirmative or yes to vote to support this project. Lot size cost conform to the 140 percent adjusted AMI and be coordinates with other financial assistance for Maui's local residents. Signed, Clifford Libed.

Just to add, I am also for building these affordable housings. My fiancé and I recently purchased a home in Haiku. Prior to purchasing the home, we lived in my family's compound, where we occupied what was loosely described as a studio. It was more of a bedroom with a icebox, kitchen sink, and bathroom.

Purchasing our house was not easy. Early on, it was made clear that together we made too much to be qualified as for affordable housing. And alone, we wouldn't be approved for a mortgage big enough for the, for the mortgage. After time, it took a lot of work from us, we were able to save and pay off enough debt to purchase our home. And it was, luckily for us, there were moderately priced homes from projects just like this one. I also have a sister who was in the same, in a similar situation. She has, where she, alone she makes too little bit and with a second income, she, she's disqualified for affordable housing.

No, this is not a perfect project, but nothing ever is. We live in an imperfect world, but we shouldn't be robbing future homeowners of their opportunity at their dreams of owning a home. Thank you for your time for listening to what I have to say.

CHAIR KING: Mahalo for your testimony.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kyle Chongkee, testifying on both items on the Council public hearing agenda. To be followed by Joann Meerloo.

MR. KYLE CHONGKEE:

Good morning, everyone. I'm Kyle Chongkee and I am a workforce homeowner. I bought one from Peter Martin. I work for the company as a mechanic. A lot of people that live out Launiupoko was grumbling about the fire. I was one of the guys fighting the fire. I not one firefighter. I was out there with one of their water trucks fighting the fire while everybody was running away. You know what I mean, everybody complain about this fire. Get rid of the brush, build houses. A lot of families need these houses. That's all I got to say. Thank you, guys.

CHAIR KING: Mahalo.

Mr. Clerk--

COUNTY CLERK: Next testifier--

CHAIR KING: --next testifier then we will, we'll take one more testifier then we'll take a short morning break.

COUNTY CLERK: Next testifier is Joann Meerloo, testifying on both items on the Council public hearing agenda.

MS. JOANN MEERLOO:

Good morning, Council. My name is Joann Meerloo and I am reading on behalf of Sally Fujiwara. My name is Sally Fujiwara and I am currently a resident of Wailuku. I used to live in Lahaina and attended elementary school, intermediate school, and ultimately graduated from Lahainaluna High School. While living in Lahaina, we frequently moved, never finding a long-term place that we could call home.

I can say that after 10 long years since high school graduation, I was able to build a family and find a home that I was dreaming of my entire life. Unfortunately, my brother and his family are still searching for that home. My immediate family still resides in Lahaina. My mother, aunt, brother, sister-in-law, and three-year old niece all live in the house, but they do not own. My family and I are working, are hard-working people who typically work eight plus hour days, seven days a week in Lahaina. My brother and his family will likely qualify for affordable housing. Polanui Gardens and Makila Rural East would provide that opportunity for my brother to find his home that he has been searching for.

Growing up in Lahaina, Launiupoko was known for two things; a great family beach and rich-people homes. In today's world, developers of luxury properties seem to focus on getting the most profits out of their ocean-view lots and putting up gates to separate the rich from everyone else. The developers of Launiupoko could easily do that and no one in Lahaina would bat an eye. But to have a developer willing to commingle rich-people housing with workforce housing, while also providing ocean views with some lucky workforce housing lot owners seems insane. Add to the fact that while most affordable housing projects aim to squeeze as many lots into a certain development, Polanui Gardens and Makila Rural East are generously providing 10,000 square-feet of space for workforce housing lots. The developer should be commended based on these merits alone.

To provide workforce housing in Launiupoko for families like mine and many more hard-working families in Lahaina is truly a once in a lifetime opportunity. I am 100 percent in support of these two developments and I hope you will approve it for the people of Lahaina. Sincerely, Sally Fujiwara. Thank you.

CHAIR KING: Thank you for your testimony.

Okay, Members, we're going to take a ten-minute break and then we'll come back and finish up testimony. I think we have about ten more testifiers unless more have signed up. Alright, recess till 10:45.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:34 A.M., AND WAS RECONVENED AT 10:53 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS PALTIN, SINENCI, AND SUGIMURA, EXCUSED.)

CHAIR KING: Okay, reconvening the regular Council meeting and special hearing of July 19, 2019. It is 10:53 and we are on public testimony. We have additional testifiers who have signed up.

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Ashley Hesjedal, testifying on Committee Report 19-87. To be followed by Ariel Martin.

MR. ASHLEY HESJEDAL, HUI NO'EAU VISUAL ARTS CENTER (testifying on Committee Report 19-87):

Aloha Chair King, Council. My name is Ashley Hesjedal. I'm the project manager at the Hui No'eau Visual Arts Center. I'm here regarding Committee Report 19-87, representing Hui No'eau Visual Arts Center.

I won't take up any of your time today. We've had a lot of opportunities to speak about the Hui since January. So, I'd just like to offer myself as a resource if you should have any questions, as well as Executive Director Caroline Killhour and Hawaii Land Use Consultant Robb Cole if you should need us today. Mahalo.

CHAIR KING: Okay. Any objections if we ask Ms. Hesjedal? Do you have a question, Mr. Hokama?

COUNCILMEMBER HOKAMA: No, Chair. Just would ask for your guidance. I do have one, for clarification, but I would assume we'd prefer to do it when we take up that actual committee report, correct?

CHAIR KING: Right.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR KING: Right. We'll ask her, we'll ask her to stay around for, as a resource.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR KING: Okay. No objections. Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Ariel Martin, testifying on both items on the Council public hearing agenda. To be followed by Myrna AhHee.

MS. ARIEL MARTIN:

Hello. My name is Ariel Martin. I wanted to say I am not related to Peter Martin and I've never worked for him. I was born here. I was raised in Paia. I graduated from King K. My goal my whole life was to be able to live on Maui for the rest of my life and to eventually own a home here. I purposely did not go away to college so I would not have student loan debt.

I graduated from college and I got a job in Lahaina. I am a surfer. I would only go to Lahaina to surf. I love surfing there. I had no idea that when I moved to Lahaina in 2015 about the housing crisis and that terrified me. I was one of the lucky people to have recently won in the lottery of a workforce home in Lahaina and I am so grateful. And next month, I will be a homeowner; the greatest joy of my life. I hear everyone struggling and I just feel so lucky that I'm a homeowner or will be next month.

I love Launiupoko. I love surfing there. I want everyone else to love and treat that land with all the respect that they can get. But I want others to have the same opportunity as I have.

Peter Martin has already developed some of that land up there and has already helped people who are non-residents. This is his chance to help us. He is putting it out there. I know a lot of people are against him, but he is one of the only developers who is wealthy enough to make affordable homes. This is our chance to take back some of that land that we deserve as residents. And I'm worried that if we don't take that chance, it's going to be terrible for the Lahaina community. There'll be a hundred less residents there to be able to live there as homeowners.

You know, homeowner is the greatest joy, it sounds like, for everyone when you hear all these testaments before. And I just want everyone to feel just as excited as I feel to coming next month as I'm going to be a homeowner.

And so, I am for the development and I'm for the help, what we can get to get some of that land back to the residents. Thank you.

CHAIR KING: Thank you. Ms. Martin, what, what project, what project is your home in?

MS. MARTIN: I got a house with Habitat of Humanity on the Kahoma Development. I have just volunteered this last year 250 hours of community service on the land. And it was the best exper, like, best experience of my life. And I would only hope that everyone else would be so excited to be able to work and build their own home.

CHAIR KING: Okay.

MS. MARTIN: It's amazing.

CHAIR KING: Thank you.

MS. MARTIN: Thank you.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Next testifier is Myrna AhHee, testifying on both items on the Council public hearing agenda. To be followed by Tom Blackburn-Rodriguez.

MS. MYRNA AHHEE:

Good morning, Chairwoman and Chair, Councilmembers. My name is Myrna AhHee. I am born and raised in Lahaina. I'm so proud today that I had generations here supporting, that my uncle, my mom's brother, my other uncle, my auntie's husband, my grandson is there, future, and my daughter-in-law. But, what I, I mean, we grew up in Lahaina. We had seven kids in my, my family. And we all, our house is huge because my mom guys added to it so we all could live in Lahaina. We all graduated Lahainaluna, you know, and I mean, our neighborhood was love. It has all my cousins, all my, and what I see is, I mean it's just three of us. But my mom comes from a family of 14, so I have 50 plus cousins that some are, some are okay, but some are not. My nieces and nephews, they can't afford Lahaina, you know.

But this is an opportunity now to, hey guys, do it. You know, what, what, why, why no? You know, why? I went, I don't know if you've been up there. It's like, it's such a beautiful project, you know. And the developer is working with you guys to try to make it what we all want it to be, you know. And, yes, you know, I, I've helped a lot of people in the community buy homes. I'm kind of semi-retired in the real estate industry, but I, I've, I've done, I'm doing oils, essential oils. I don't do CBD, but I, I do essential oils. But, that's my love, that's the love I give back to my people.

But, in the past I've helped hundreds of people buy homes. I've done a lot of financing for the Leiali'i projects and just people all over Maui affording homes. And you know, I don't know if you guys all bought a home, but like, my daughter-in-law, the, just the look on your face, you know, when you pass the loan. Even if when you get selected, oh my gosh, that's, then of course it gets kind of scary, cause then now you really got to perform right?

But, just for people, the people of, Lahaina is an awesome community. I'm born and raised. I'm a proud Lahainaluna grad and so are my kids, my mom, my dad, you know. So, I bleed Lahaina, you know. So, it's sad that you guys are not part of the affordable housing to help our community. We have a awesome community. Don't, don't railroad it just because you guys don't like Peter Martin. It's an affordable house. Oh my gosh, go out there and look. You would want it, you know. So, help my family. Help my friends' kids, you know. It's, it's hard.

You know, I was lucky. We had a house, my dad guys added four more bedrooms, so we all could, like, live there. We had a 8 bedroom, well, now it's like 12 bedroom where we all kind of stayed. And that's what they do in Lahaina. They build these, that's not the, not the gentleman's mansion, but they build these mansions so they can accommodate us, you know.

I was fortunate. I married a 7/8 Hawaiian man, Abraham "Snake" Ahi, who, with my, my percentage, my kids can afford Hawaiian Homes. But you know what, we had to pay at least \$250,000 for our home and we don't own the land. It's all leasehold. It's DHHL. So, and we all work. My parents, we were, you know when we were small, we all wanted to go work. I cleaned yard for 25 cents. But that put, instills that work in you to, eh, get what you need. You gotta work for it. You gotta work for it. But don't cut down all these people that need houses.

I mean, I'm so happy when I see some of these subdivisions come up. You know, Habitat gave that and these Kahoma, there's some in Kaanapali. But you know what, crazy. I, I don't know how they afford that. But they are, cause they need houses. So, this is your chance to give the community houses that is affordable, you know. So,

please reconsider and, you know, put us back on track and get this stuff done. Nuff already.

CHAIR KING: Mahalo.

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Tom Blackburn-Rodriguez, testifying on both items on the Council public hearing agenda. To be followed by Rick Nava.

MR. TOM BLACKBURN-RODRIGUEZ:

Madam Chair, Members of the Council, my name is Tom Blackburn-Rodriguez. I live in Kihei. My family has lived in Hawaii since 1870. I'm testifying as an individual on item 19-1, regarding the Polanui Gardens Workforce Housing Project and the Makila Rural East Workforce Housing Project. And again, thank you for the opportunity to testify this morning.

Two things before I begin my testimony, my remarks as a resident of Kihei that experienced being cut off by the recent wildfire. I want to be sure and thank the Council for appropriating the funds to ensure our Fire and Police Departments have sufficient resources to protect our community. Thank you for that.

I'd also like to thank Goodfellow Brothers and West Maui Land for their courageous help and for their employees who risked their lives on our behalf. This example reflects the best of Maui.

I'm testifying in support of the housing projects under consideration today. I recognize and honor the many hours of discussion on these projects and that the projects were defeated in a vote before the Affordable Housing Committee. However, despite that reality, I want to touch on a larger issue. Quite simply, how did we get here? Is the process broken? Without pointing fingers or assigning blame, is there a better way to avoid the long days of contentious debate when housing projects are brought before this body, which has overwhelmingly demonstrated its commitment to building housing for our residents? Housing that does not just currently exist as prices continue to skyrocket and landlords take advantage of their renters by raising rates and gouging the renters without any controls whatsoever. And that is the next issue coming to the Council.

I do not have the answer to these questions, but I believe they are worth exploring. For example, might a mediation option be available to the parties before they bring a

project to the Council? Should the Council abandon the 201H process? Is it really speeding up the development of affordable house, of affordable housing as advertised? I recognize the process now in place to seek community input, but is it working? Our community should not be divided; it should be united in working to reach the common goal of affordable housing for our residents.

Again, I encourage you to explore these questions and to ask, is there a better way? Given the principles and the values of this Council, any vote against a workforce housing project cannot be an easy vote. It can be a painful vote, even if it is believed to be a necessary one. I respect the Council's views and hope there is an examination of what can be learned from this debate as we move forward.

Again, I support the two projects and I thank you for the opportunity to testify today. And God bless the first responders who served Maui so well this week. I only hope they will be able to find an affordable home and not have to move to the mainland. Thank you very much.

CHAIR KING: Mahalo, Mr. Blackburn-Rodriguez.

Next testifier, Mr. Clerk.

COUNTY CLERK: Next testifier is Rick Nava, testifying on both items on the Council public hearing agenda. To be followed by Pat Borge.

MR. RICK NAVA:

Good morning, Madam Chair. Good morning, Councilmembers. Thank you for having this opportunity to speak on behalf of supporting the Makila Rural East. I am Rick Nava. I'm from Lahaina and it's really nice to see Mr. Neizman here, and listening to Myrna earlier remind me of the old days when we were growing up in Lahaina. And believe it or not, we actually use to play football right on Front Street in Mala. Thank you, Myrna. And those are the old days right now.

And this Council here has the opportunity to really keep our family together. As a businessowner and as a family man growing up in Lahaina, the lack of workforce housing in Lahaina is really at a crisis. I have a son who when he moved to Las Vegas to go to attend college in 2000, he wanted to come back here to, to Maui; especially in Lahaina, as a Lahainaluna graduate, to, to teach. Unfortunately, he can't, so he's still in Lahaina [sic]. And every time we have a family gathering, we're always doing a Facebook and, you know, he feels so left out.

Further, as a businessowner, it is being a lot more difficult now to find good employees. Most of the employees are on this side of the island and they really do not want to drive to Lahaina. You know, even though we have the bypass, the bypass is really not helping too much right now. It is very unpredictable that fortunately for me I have employees actually who starts at 4:30, leave their home in Kihei and Wailuku at 2:00, to make sure that they are in Lahaina by 4:30. That's how bad it is right now.

You know, we all need, you know, during the election, every one of us talked about affordable housing or workforce housing. We have a chance right now to deliver on those words. As most of us know, you know it is, we don't even know what is affordable housing, really, because the money that we make here it's really difficult as it is. Most work two, three jobs to just make ends meet. And most of these people, because of their love for Lahaina, they do it, their love for their family, they do it. But, help us out. Our family is breaking down because they are moving away. You know, it's nice that they could still move here, come to, come here to Wailuku or Kahului, but most of them, the opportunity is really out in the mainland and they can't, because they can't afford to live here in Lahaina.

Again, Madam Chair, Councilmember, I humbly ask for your support for this project, so that we here on Maui, we are here, and we could still continue to live right here on the island. Thank you so much for your time.

CHAIR KING: Mahalo, Mr. Nava.

MR. NAVA: Thank you.

CHAIR KING: Next testifier, Mr. Clerk.

COUNTY CLERK: Next testifier is Pat Borge, testifying on both items on the public hearing agenda. To be followed by Stephen Smith.

MR. PAT BORGE:

Good morning, Madam Chair and Councilmembers. My name is Pat Borge. Just want to give you a little bit of history of myself here. I was born and raised in Puunene. And I also had family that use to live in Lahaina. My Aunt . . . I don't know if some of you guys knew her, and my Uncle Mike, they were the, one of the better opelu fishermen in Lahaina at that time. My aunt had to sell her house cause she couldn't pay the taxes and she moved to Florida, and so did her two daughters. Of course, my uncle passed away. But I also have a daughter that lives in Oakland, California, she's a police officer, one of the roughest city's compared to what Maui is. And I have grandchildren. And I

got relatives all over the, all over the United States and they all want to move back to Maui, but they can't afford to.

But this project here, this affordable housing project, fast-track housing, and the way it's being handled here, it's not right. I cannot support this project, because when somebody, a developer uses affordable housing as power, he's chumming the waters here, and put all you Council people back against the wall here to vote on something that is not right. And they using all these people, eh, you know, years and years ago, I testified on so many issues on affordable housing when all the construction boom back in the 80's. And it, and what, we still got the same problem.

What is affordable housing? How much is affordable housing? How much? You think any of you guys going to be able to afford this house? You know what's going to happen? They going to build a, the acre lots above you and what's going to happen? You going to work two, three jobs to make your mortgage and you're probably going to be cleaning the guy's yard above you. That's what's going to happen. So, don't let this, eh, this is, this is a bunch of palu in the waters to get all you guys all excited. You guys should have been excited years ago. Thank God we get all these young guys that I see pushing right now for affordable housing.

But, God, for this guy to come here, Mr. Martin. And you know, I was in the military for four years. I came back in 1970. I couldn't find one puka shell lei on the beach. I wonder why. I read the papers the other day, he made \$70,000 on puka shells. How's that? So, he really care about the aina eh? You cannot even find one puka shell today. But what I'm saying is that there's so much issues that gotta be solved by the Council before this development starts. Someday they, he's going to do it, but do it the right way; not this way.

If I was you, Council, don't vote on it. Let the 45-days run out then it's not on your backs. Aloha and thank you for your time.

CHAIR KING: Thank you, Mr. Borge.

Next testifier.

COUNTY CLERK: Next testifier is Stephen Smith, testifying on both items on the public hearing agenda. To be followed by Abby Droad.

MR. STEPHEN SMITH:

Aloha, Council.

CHAIR KING: Aloha.

MR. SMITH: As you guys know, normally I come here, I'm like really upset, almost screaming because I'm really passionate about making sure that we have housing for our people. You know what, after this, after this thing went, I guess, on Akaku, all these old timers started walking up to me and telling me, wow, you and brother Bruce, eh, I applaud you guys because so much of us feel the same way. When we born, we no talk, we no talk, we no testify; everybody else does, yea.

Today, I'm so happy to hear all the testimony from the local guys that, who need homes, families, because they know people that need homes. I tell you what, I working at Waiale Elua right now. And I tell you what, you think it's easy to build these homes? We work 60-hour weeks. My daughter, I'm 60 years old right now, my daughter told me on the birthday, dad, how long you going work? How can you keep up like this? Leave dark, come home dark, dirty, dirty, exhausted. You know why I do it? Every single day, yea, I go to work happy. And I go to work happy because I doing something. So much people on this island don't do nothing, don't give back. They don't, they don't bring solutions. We need affordable housing.

I go to work with this guy. We fricken dirty every day, like dying tired. Why we do it? Because there's a need. I could be retired right now. I was retired. I came back and I do this because we need the houses. My daughter now just graduated. You know where she went? She went to Oregon to live. She shouldn't go to Oregon to live. She should live here. She cannot afford rent. You know what, eh, it's not easy building these homes. It's hard, hard work. You know the guys that testified, they never need to testify. They testified because the reason we all go to work is because we care and we like make one difference; that's why we testify. That's all I have.

CHAIR KING: Thank you, Mr. Smith.

Next testifier.

COUNTY CLERK: Next testifier is Abby Drood, testifying on both items on the public hearing agenda. To be followed by Shalia Keahi.

MS. ABBY DROOD:

Good morning, Council. My name is Abby and I'm here to testify on behalf of affordable housing. I'm here to read a letter that my mom wrote, but first I would just like to add my own personal testimony really quick. I'm currently a student attending college on

the mainland. I moved there so that I will be able to get a job that will enable me to move back here. I hope that one day I'll be able to afford to move home. I'm so scared that without affordable housing my younger sisters, and my cousins, and my friends, and myself will not be able to come home and live here anymore. So, that's all for me and I would just like to read this letter from my mom.

My name is Heather Haynes and I am writing this in support of affordable housing and specifically Peter Martin. While I don't have a background in housing development, I'd like to add my viewpoint as a Native Hawaiian mother, born and raised on Maui, and currently practicing medicine with the Native Hawaiian health systems. Like everyone here, I want to ensure that my kids, my patients' kids, and their future generations, are able to grow up and thrive in this community. However, I fear that as a cost of living continues to rise, they will not be able to do so.

One of the biggest threats to our community is the lack of adequate and affordable housing for our local residents. This shortage makes it so our local community members can no longer afford to live here, meanwhile allowing more and more non-locals, who can afford the rising prices, to move here. Without affordable housing options on Maui, our kids will not be able to live here.

Speaking on behalf of Pete's generosity and his contributions to our community, I trust his intentions 100 percent. While some of you may be here because you question his motives, I can assure you he means to help. Pete is an extremely valuable member of our community. His consistent generosity supports many of Maui's nonprofit organizations and fulfills some of our community's most pressing issues, housing included.

As a member of the Pacific Cancer Foundation's board of directors for the past 12 years, I am beyond grateful for the generous donations Pete has made to the Foundation each year. Being a nonprofit, the Pacific Cancer Foundation depends on contributions from donors in order to continue serving all Maui County residents, I'm, all Maui County residents whose lives have been touched by cancer.

I'm confident that the program's success is due to generous individuals such as Peter Martin. Additionally, Pete supports the Hawaiian Canoe Club, Montessori School of Maui, Maui Preparatory Academy, the Ho'omoana Foundation, just to name a few.

Seeing the number of ways in which Pete has positively impacted our community, I have no doubt that he is making the right decision by developing affordable housing options for Maui residents. Thank you for your time.

CHAIR KING: Thank you.

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Shalia Keahi, testifying on both items on the public hearing agenda. To be followed by Jasmine Vergara.

MS. SHALIA KEAHI:

Aloha, County Councilmembers, Chair King. I'm here testifying as an individual. My name is Shalia Keahi and I also represent my family, my big family that's growing. Between my husband and I, we have seven children and five grandchildren, with one more on the way, praise Jesus. All born and raised here on Maui. Our population is growing, and we need more homes. Five of my seven children are young adults, so I'm here testifying on their behalf as well. I know they would love to come alongside my husband and I to purchase one of these parcels. And we're all first-time homebuyers.

My dad, who's, who was recently a first-time homebuyer was a long-time resident of Lahaina until just February. But he moved to Wailuku, right here at the Kehalani. They had those new duplexes. He got one of those. And now he has to commute because he works at the Hyatt. He's a sales manager at the Hyatt by day and a musician at the Tihati show at night.

The traffic as we've heard earlier, I'm just echoing the previous testimonies, from Central Maui to Lahaina for the commuters is really bad. I commute from Lahaina to Kahului cause I work in Kahului. But the cars commuting from Central Maui to Lahaina, there's a long string of cars in the morning, and then in the afternoon when I'm going home, they're all trying to come back to Central Maui. So, I don't believe that this is going to cause more traffic. I believe it's going to alleviate some of the traffic. Because if these commuters had the opportunity to buy a home closer to work, that would help them a lot. I don't think they want to have to travel, commute one hour, and then have to go work for another eight.

Another thing was, the opposition was saying was the fires. And we heard, even from the firefighters, that development would actually help the fire hazard. So, I don't think that that's a good argument. These, these projects would in fact lessen the risk of fires. As we heard two firefighters say earlier today, that's a no-brainer.

I heard somebody say that, show me the water. We have plenty of water. And I can show you the rainbows in West Maui. West Maui has the most beautiful rainbows. There's always rainbows in West Maui. So that means there's rain in West Maui. So we have adequate water and I don't, so I don't think that's a reason to stop these projects from going forward. God always provides our needs, like Councilmember Mike Molina said earlier. Thank you for that prayer; that was a blessing.

And we have Peter Martin, a developer that's willing to provide affordable homes for us. I want to own one of these homes. I want to own one of these properties. I'm 43 years old and I've never been able to afford a home here on Maui and I've been on Maui all my life. My daughter, one of them graduated from Kamehameha, the other one graduated from Lahainaluna. She's 23, a young adult. She has her own children too. I'm sure she would love to be able to afford this, this housing project. She's like, mom, my credit score is good. My credit score is 700, mom. I said, yea, hopefully we can get one house, yea, hopefully we can get property. But we're not going to do it if it's a million dollars.

So, I, and I'm thankful to Peter Martin for his generosity. He's not only been generous in providing these projects, he also has the homeless project that's on his radar. And that's the reason my husband and I are here. We've been before the Planning Commission to get permits for that and he's been very generous to my family and I. While we're waiting on this project, we're living in one of his homes in, in, on Hokiokio. And we've started farming and taro patches. We just harvested the first patch. We have three more patches to go and we would never want to take advantage of his generosity. So, we hope to actually be able to purchase a home of our own.

And like the newspaper said, you know, I've asked people to come and testify because I know they would be for this project. But the thing is they're afraid of the opposition. People are afraid to come and speak for the projects because they're afraid of the opposition. So, I'm, I'm not afraid to speak. We need these projects. We need affordable housing and we need it now. And we need it in West Maui. What a beautiful location. What a beautiful opportunity for us, the workforce, to be able to afford something that has such a beautiful view. I walk the bypass in the mornings with my dog and I'm like, God, thank you. This is beautiful. The bypass is beautiful. You know, and, and all of these issues have and can be addressed. And I think the developer has already addressed them. And so, thank you for reconsidering the disapproval and thank you for your time.

CHAIR KING: Thank you for your testimony. I just have one question, Ms. Keahi.

MS. KEAHI: Sure.

CHAIR KING: Thank you for being here. What is your price range? What would you be able to afford? Do you know that?

MS. KEAHI: I was prequalified in the past. When we first got married, we got prequalified for 375. I think at this point, we make more money, we, but we still fit with, under the, the 100,000, 110,000. We still are under that point. Last year, we made about 90 according to our tax return. And so, we would still have to get prequalified.

CHAIR KING: Okay. Thank you. Thanks for the information.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR KING: Oh, I'm sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Before we call up the next testifier, could we have staff fix the timer? It seems to be falling.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR KING: Okay. Short recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:25 A.M., AND WAS RECONVENED AT 11:26 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS PALTIN, SINENCI, AND SUGIMURA, EXCUSED.)

CHAIR KING: Okay. Back in session; reconvening 11:26.

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Jasmine Vergara, testifying on items on the public hearing agenda. To be followed by Vince Bagoyo.

MS. MARIA DEMELO:

Good morning, Councilmembers. Jasmine was not able to be here today. So, I'm going to read her testimony. My name is Maria Demelo.

Maui is my home and over the years, I have watched the island evolve through social change. As social changes were made back then of the clear, clearing of, for roads and landscaping, there are changes that are occurring in the present, and more will be made in the future. As someone who was born and raised on Maui, I want the island to maintain such, its natural beauty. I understand the concerns of the many locals who are apprehensive about development. However, I'm also aware of the concerns of the lack of affordable housing. My, many families similar to mine have been driven out of the island because of the severity of the cost of living. It is heart wrenching to feel that we can no longer afford to live in the place that we call home.

Those on opposition of these workforce housing projects are taking away the opportunity for people who need this. This is not a want for many, it is a necessity. Therefore, I would like you to reconsider these projects that will provide much opportunity for those in need. For many of us, Maui is our home. This is where we grew up, and this is where we want to stay. Thank you.

CHAIR KING: Thank you, Ms. Demelo. Can you, can I ask you to go fill out a, one of these forms?

MS. DEMELO: Yes.

CHAIR KING: Cause your name's not on here. It's someone else's name.

MS. DEMELO: Okay.

CHAIR KING: So, please fill that out and turn it back in with your number on it.

MS. DEMELO: Yes, I will.

CHAIR KING: Thank you. I appreciate it.

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Vince Bagoyo, testifying on the public hearing agenda items. To be followed by Dave Ward.

MR. VINCE BAGOYO:

Good morning, Council Chair Kelly and Councilmembers. Thank you so much for allowing me to testify. My name is Vince Bagoyo and I'm one of the consultants for one of the projects. But I'm testifying as an individual this morning.

I, as I looked around and many testimonies that were shared this morning, it kind of remind me about my own experience. You know, my family grew up in Keawe Camp in Lahaina and in Kapunakea Camp right behind the Lahaina Gateway Shopping Center. My dad came to Hawaii in 1946, one of the last Sakada. My uncle came to Hawaii in 1926 and lived in Lahaina, worked in Pioneer Mill. We were fortunate enough to, my family, to own a home, both in Lahaina and in Kahului when my parents moved to Kahului.

I had the privilege of working with Peter Martin on Waiale Elua, 70 affordable homes. And I also had the privilege of working with Spencer on the second Waikapu Gardens. And it's really so amazing to see families being able to own a home. About a month and a half ago, we had a lottery and I was involved in the lottery, picking of names on Waiale Elua project. And you could see the excitement of those who got selected; 70 families.

One of them that really reminds me of the people that we're trying to serve, he is a, he's married to a . . . from Fairmont and he works as a valet parking attendant at Maui Memorial Hospital. And they were so happy and elated to own a home finally. And hopefully they're going to be moving in before the end of the year. And that's the kind of people that we're trying to, to serve; the working people.

I have known Peter for the last several years. And I could tell you being a member of the hospital foundation board, he's been generously contributing to the hospital year after year since I was a, at the board for the last five and a half years.

You know, I have seen, I've been here for about 50 years on Maui and I have seen the growth that took place on Maui. I mean, most of the good places that many of us when we were teenagers to play are now being gentrified and being occupied by well to do people. I could name you several of them. Honolulu, there used to be a camp. P'uukoli and Kaanapali, there used to be a camp. Olowalu, there used to be a huge camp in Olowalu that we use to hang out in, Wainee Village.

I think we have an opportunity today, with your approval, to help our residents. Your decisions today is very important. Today you will have, your decisions today will have a profound impact on working families here on Maui. And we are at a crossroad. It's either say yes or say no.

That parcel, that property at Launiupoko is either going to be built for workforce housing or will be built for the high-end. I mean, I, I drove there a few days ago. There's currently one being built right next to this project on Hokiokio and that's going to be a multi-million-dollar project. And that's what you're going to see if you don't put

affordable housing, workforce housing in this parcel. I just got a message from a realtor. There's one that is listed right now in Launiupoko at \$3.3 million. And I don't think that's what you want to see. I think in your heart, I know that in your heart you want workforce housing, in your heart.

I mean, I had the privilege of praying this morning with Councilmember Tasha Kama, with several pastors here on Maui. And we pray, we prayed this morning that your decision will be the decisions that will work for the working people. That's how we're praying, that's how we're praying.

I have my own house; my family, my kids. In fact, my youngest daughter who is pregnant, she came to visit us for a week, this week. She left yesterday. And she asked me, dad, will I ever going to be able to come home? And I said, you cannot afford it. Stay where you are. And that's a shame. That is a shame. So, I think my prayer today for all of you as a Councilmember is to make that right decision. Be on the side of workforce--

CHAIR KING: Please conclude, Mr. Bagoyo.

MR. BAGOYO: Thank you so much. Appreciate it.

CHAIR KING: Thank you for your testimony.

MR. BAGOYO: Mahalo and God bless.

CHAIR KING: Okay. Next testifier.

COUNTY CLERK: Next testifier is Dave Ward, testifying on Committee Report 19-81. To be followed by Ke'eaumoku Kapu.

MR. DAVE WARD (testifying on Committee Report 19-81):

Good morning, Madam Chair.

CHAIR KING: Good morning.

MR. WARD: Members of the County Council My name is Dave Ward. I do a lot of business with Peter Martin, but I just want to let you know I'm not involved in these specific projects. So, we all know that our families in Maui County need housing. You know, it's talked about in the paper. You know, it's kind of common knowledge in the community. And West Maui is in dire need of housing for our, for our local families.

So, who's going to build this housing? So, the government and nonprofits will build some amount of housing, but it's, it's not enough. It's not enough housing to take care of the need out there. So, the other group is the private sector. And there is a group, you know, that makes their business building homes; building homes in places for people to live and work. And those folks are labeled developers. Many times that gets preceded with a negative adjective in front of it, but that's, that's the people that build the houses.

So, where are they going to build these houses? So, over the last few years, I've been focused on trying to find places where we can build workforce housing. And while it seems like there would be lots of places to do it, the opportunities are really limited, and there's lots of reasons for that. One's infrastructure, right. There's not, there's not enough infrastructure to the project. Upcountry is an example of that. Other are cultural. You know, there's, there's cultural impacts in various places.

Another is really the cost of building the first house. So, in many places that are zoned, are entitled for, for this type of housing, it really costs a whole lot to build that first house because of that infrastructure that's required. These projects are independent. They can be built very quickly and without the need for County to pitch in for infrastructure. So, when? When is this going to be built? When are we going to build these houses?

This area, Makila, was reviewed for six years in a public process called the Island Plan, the update of the General Plan. When that process started in 2006, people in our industry were told, please respect the process. Don't proceed with projects until the Island Plan is complete. Once that is complete, then you can move forward. That, that process ended in 2012. These projects, this area was identified as an area for growth and is on maps. And it actually has a story related to it. So, it's very clear that this is an area for housing.

So, in conclusion, I just want to urge you guys to vote yes on these projects and provide our families a place to live.

CHAIR KING: Thank you, Mr. Ward.

Mr. Clerk.

COUNTY CLERK: Next testifier is Ke'eaumoku Kapu, testifying on the public hearing agenda items. To be followed by Kuulei Palakiko.

MR. KE'EAUMOKU KAPU:

Good evening, County Councilmembers. Ke'eaumoku Kapu from Lahaina.

CHAIR KING: Good morning.

MR. KAPU: And I wasn't born there, but my root is from there. My father is from there, his father before him and his, his father before him. Over seven generations, my kuleana and my families lived in that valley. But I wasn't born there, so let's get that record clear. And I'm not about or against affordable homes. And I'm not here to take away dreams from different people. And I'm not here to convince anybody whether or not this place is an appropriate place to do it.

I'm here to tell you guys that this circumventing this law, the law of the land. My whole issue on all these properties that was once managed by Pioneer Mill, sold to West Maui Land Company with a warranty title deed for \$15 million of 5,000 acres. I can attest and challenge the validity of those titles that I own an undivided interest of those lands, every one of those lands; especially the lands that was submitted to this County, the last time we were in the front, the Lunalilo lands, their estates of 30 parcels that was granted back to the original heirs and kuleanas of this very area we talking about.

So, when I talk about where did we fit in as kuleana landowners, we got to talk about whether or not the validity of these titles that was acquired by this company, whether or not it's legitimate. And I am willing to challenge the validity of those titles to the last breath in my body. I'm not trying to make things hard for anybody. I not trying to make the issue even more complicated for you.

The bottom line it boils down to, yea, you make a decision that will hinder the rights of families that have an undivided interest, then you just as much as the problem than the solution. When we talk about affordable homes, that's a, how would you say, a dream of somebody's made up little story on how we going to provide for people that live here. But then, Launiupoko is provided for people that are not from here. So now all of a sudden, what, 20 years later we start pegging families against families all on the basis of a so-called promise of affordable homes. That should be kind of separated; when you talk about affordable and you talk about workforce housing. That's a different story within there. So, if you guys decide to put development over here, you guys also gotta consider how it's going to hinder our affairs; families that live in that valley for generations.

Yes, I return home. Yes, I challenge the validity of these titles. And yes, I won, I won these properties back. I proved through the court judicial system that I have an interest,

whereas Makila Land Company does not have an interest to the lands that I live on. And every other property that I will claim, I will fight to show the validity of where I coming from as an undivided share of properties that was awarded to me from the time of the crown, through my genealogical connection of why I exist today and why I stand on that mountain. I think we getting the misnomer here. What is very important for all of us is happening right now. This room is filled with people who have an interest.

My people are on that mountain. They're on that mountain protecting what is rightfully ours. That mountain is shining a beacon to everything that is hewa that is going on within this State and County. I think this Council needs to consider there was a proclamation that was signed by the Governor. And this proclamation talks about resources and lands that they would secure, the United States of America would secure, which they don't own these lands, they don't own the resources.

The Governor has declared war against all of us and we here fighting for change. These kind of things that we think going better our life knowing that the Governor can all of a sudden sign by the will of his hand our rights, our justifications pertaining to we being here. I not talking about just Native Hawaiians on this proclamation. I talking about everybody that lives in Hawaii. He declared Martial Law on the Big Island. In here also talks about a chapter where every Mayor in the State of Hawaii has signed to supply support that is happening on Mauna Kea. Where now all of a sudden, where is Mike Victorino? Where is the Mayor? How does he feel about this topic?

We over here getting brainwashed about something, yea, when we got bigger issues that we gotta worry about that's happening up on Mauna Kea. Our people are being threatened.

CHAIR KING: Mr. Kapu.

MR. KAPU: And we over here talking about affordable homes. This is bullshit. So--

CHAIR KING: Mr., Mr. Kapu.

MR. KAPU: Whichever way you guys decide on the fate of this development, I will stand these grounds, I will defend it at all costs, and I will challenge Mr. Martin and all his developers and the validity of these claims.

CHAIR KING: Mr., Mr. Kapu, we have to conclude. Thank you. Thank you for your testimony.

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Kuulei Palakiko, testifying on the items on the public hearing agenda. To be followed by Aina Kohler.

MR. KUULEI PALAKIKO:

Aloha mai kakou.

(Spoke in Hawaiian.)

My name is Kuulei Palakiko of the Valley of Kauaula, also standing here as a representative of generations going as far back as my family has resided on Kauaula Valley and in Kauaula Valley all the way through our kingdom times and before that.

And so, I come before you because I recognize the passion of everybody who speaks out for the need for housing, including myself, a father of five children also having to answer the same questions. And so, it's easy for us to vote according to our emotion and according to the, to the passion and the tears that we see of the people, the working class who needs these houses. But, the issue at the very core of this doesn't come from majority. It comes from a minority. It comes from a minority of kanaka maoli who live in Kauaula and have ike or kela aina, a vision and an understanding of the aina that nobody else can attest to, cause we live that aina. And that's the passion you hear from Uncle Ke`eaumoku. I'm here in the short time to just set the, the record straight.

We not against affordable housing. We're against affordable housing anywhere that is going to impact our precious resources, Kauaula, that we fight every day. And I have to tell you, I will attest and testify to each and every one of you. I have no ill-will towards Peter Martin. We shook hands earlier today. Many of my cousins and family work for his various companies, or companies that he's involved with. In fact, I've always prided myself on being a good judge of character cause I asked Ke Akua to show me if someone has a good `uhane. And I truly believe, and I might even get in trouble with my own ohana, but I truly believe that Peter Martin has a good heart.

But for a number of reasons, we find ourselves in opposition to each other. And for that fact, I would like to clear a few things as related to this article that was presented yesterday to the Maui News. Number one, right at the beginning, there was a, there was a statement made where Peter Martin shared that he moved to Maui at a particular time; 1970, I believe. Then went back and came back again with his wife to be at the time. First disadvantage, you not from this aina so your perspective of how to treat this aina, how to look at land, water, resources, each other, you come from a disadvantaged State, cause we the kanaka maoli. Now, some people over the course

of time, their mentality and their perspective changes because they live here, and they recognize the value of how we live.

The other thing, next thing that I'd like to talk about is this idea that said at one time Peter Martin has been termed, and since then, has been termed, "the man who bought the land from Pioneer Mill". And that is a major issue because of what Uncle Ke`eaumoku shared. We know, kanakas been fighting with the plantation before we've been fighting with the developers, because of the clouded title issue. And you all know, you have all heard the stories of kanakas that have been swindled out of the aina for whatever reasons.

But, if I can use and ask Uncle Ke`eaumoku and his ohana for permission, if I can use them as an example as he just did; just because clouded title hasn't come to the surface, doesn't mean it doesn't exist. So there has to first be a permanence of understanding of who own the aina before you start building and developing it. That's one of our major issues.

And so, perhaps Peter Martin bought into a system that realized after the fact, oh my goodness, I didn't get full disclosure on what we were purchasing and now he's dealing with the backlash. I cannot say. But that's the next issue.

I go onto this issue of water that's talked about. And my family's name was mentioned in this without my permission; Palakiko's talking about water. Oh, they get 800 gallons according to an agreement that was made between the developers and Kuleana Kuikahi, which is our family's organization, our LLC. And that is correct, but the numbers are just the numbers. There's no factual evidence to report on a regular basis whether or not these numbers are consistently happening, cause there's no infrastructure in place for that. So, people can throw numbers out all the time, but let's be grounded in the reality of things.

So, when I stand here on behalf of we who live in Kauaula and tell you this is not the place for this subdivision. We don't have the resources. And mahalo Tita for talking about the anuenue in the sky, the rainbows, and we get the most beautiful rainbows, therefore we must have rain. That's not how it works.

Very last point, really quickly, is I am here to say that I am so flabbergasted at the audacity that continues to happen where we have professionals who are supposedly knowledgeable in an area like hydrologists. And that we as a kanaka maoli are being pushed aside and being marginalized saying that we don't know what we talking about. Your hundreds of years of environmental science, western environmental science as opposed to our thousands of years of living here and understanding the delicate balance of our resources.

(Spoke in Hawaiian.)

We will stand for Kauaula. Take your subdivision and let's fight for rights, and let's fight for housing--

CHAIR KING: Mr. Palakiko.

MR. PALAKIKO: --but put it where it needs to be. Mahalo nui.

CHAIR KING: Thank you for your time. Thank you. Mahalo for your testimony.

MR. PALAKIKO: Aloha.

CHAIR KING: Aloha.

Mr. Clerk.

COUNTY CLERK: Next testifier is Aina Kohler, testifying on both items on the public hearing agenda. To be followed by Chris Fishkin.

MS. AINA KOHLER:

Aloha. My name is Aina from Lahaina. And I just want to say that was extremely well-spoken, these two gentlemen; the Kapu's and the Palakiko's in regards to the land ownership. It's a very sensitive issue, one that I am aware of. One that's probably on my, in my growing up here, from here, yea, that, that's probably the biggest one that I'm most sensitive about. Everything else can be, I think addressed. But until we do find the proper ownership, those titles, that stuff, that's a big thing.

So, yea, a little background though from my story. Because it's a huge issue in Lahaina, so what do we do? Do we just keep fighting? Keep arguing, keep nothing, keep doing nothing because we can't come to some sort, some form of agreement? I came here today, and I wasn't going to talk. I came to learn. I put my name down just in case I felt like I had a right to talk. I like to hear both sides of the arguments. I don't like to jump to conclusions. I like to make educated statements. And what I can say for myself is my perspective in growing up here, in knowing all the families, in being sensitive towards so many different areas that is, you know, we're talking about today.

I, I grew up in Lahaina. I'm from Lahaina. My husband and I are both firefighters for Maui County. I lived in Portland for eight years. We bought a house, started a family.

But there was something missing. I, my roots, everything I knew, every, all of me is from Lahaina. I have no family on the mainland, all my family is here. I came back cause I wasn't connected. I wasn't doing anything over there. I had a great job, making money, had a house, beautiful family; but not connected. I grew up here learning about ohana, about community and one day giving back to the community. That was so important to me, that gave so much to me.

So, right now I've been back two years. I was gone for eight years, been back for two years and I'm doing what I can. I'm trying to give back. I donate my time to the community by coaching sports, teaching kids, I've started a surf school where we have after-school surf programs to the kids in Lahaina. I'm currently in the process of trying to form a nonprofit so that all the kids who deserve every right to surf after school that don't have people watching them can come surf with us. I'm also a member of the CPAC Committee for West Maui. I found my way back here and I'm lucky that I've had such a strong well-established base to come back to.

I'm in support of these affordable lot and workhouse, and work housing as long as it's right, okay. As long as it's not on, you know, taken land. And I just would, I would hope that everybody involved would work together to research and to come to a conclusion that we can agree on.

CHAIR KING: Ms. Kohler, can you, can you conclude? Your time's up.

MS. KOHLER: Okay. Don't I get two of them, because it's two things?

CHAIR KING: Oh, okay.

MS. KOHLER: Okay. Thank you.

CHAIR KING: I wasn't sure if--

MS. KOHLER: The, back to my. I want homeowners to have stronger ties to the community. Right now, anybody who can afford a place in West Maui is not from West Maui, I guarantee you that. I, we sold a house in Oregon to move here and had a down payment ready for a house; cannot afford a house; both firefighters. I have two jobs, still can't afford a house. We live in my parents downstairs. Don't get me wrong, we love being close to them, it's been a great time. My kids are growing up with their grandparents. I don't want, you know, and they're growing up in a community that is strong, that cares for them, and they can feel that. But right now the only way it seems like to get land on the westside is if somebody dies, is if you inherit land, if your family is lucky enough to have land. And that's pretty sad.

As for some of the concerns with water. I just have some questions, I guess, that we want to ask. Why, why is there not enough water to go around, to have the families up in the valley getting enough water while sharing water elsewhere? I don't know this, okay. There should be, Pu'u Kukui is the ninth wettest spot on earth, the ninth wettest spot on earth. And I'm just curious, like, how do we, how do we make it all work so that everybody can be happy. I'd like to, I'd like to come to compromise. The Hawaiian families have the rights to these water, but I agree that with the right terms, could be able to be shared.

But I can also understand when the feeling of things constantly taken from you. So, I understand that as well. One of the funny part is the people that live in Launuiapoko that are against this, this is what kills me, because you got your lots, you got your water, you got your stuff. And all of a sudden, nobody else can have theirs. That's interesting.

Traffic. Let's look to the future for traffic. Let's talk about traffic. When nobody on the workforce that works in West Maui lives in West Maui. How much traffic are we going to have then when everybody's coming from the other side, which is pretty much happening already. More local housing on the westside will actually mean less traffic coming from Kahului. Yea, we'll go to Costco. Yea, we'll go get our stuff we need from the other side, but we ain't going over there. Once you're in Lahaina, you want to stay in Lahaina. I don't ever come to the other side except for this kind of stuff, except to go to Costco. Who will work in the hotels in West Maui if no, if there's nowhere for the workers to live? We waste gas.

Fires. We talk about wild and urban interface fires which are basically brush fires that threaten the community. However, the most deadly dangerous fire where most lives are lost are from structures that occupancy is overcrowded, cluttered, that there's a problem, okay. So, I'm a firefighter and I know that kind of stuff. So, everyone has a rental on their property. Everyone has too many people in their houses. That causes deadly fires. Most deaths come from over-cluttered, over-occupied houses. I'm just going to state that. Mahalo for your time. I just hope to get this resolved in a peaceful way. Aloha.

CHAIR KING: Thank you, Ms. Kohler. Just one question. When does the CPAC start meeting? Were you given a date yet?

MS. KOHLER: July 25.

CHAIR KING: Oh, okay. Thank you. Any other questions? Thank you for being here.

MS. KOHLER: Thank you.

CHAIR KING: Mr. Clerk, how many more testifiers do we have?

COUNTY CLERK: Approximately 12.

CHAIR KING: Twelve. Okay. I know we have one Councilmember who has to leave early and I'll just kind of leave it up to him if he, when he wants to take off.

Next testifier.

COUNTY CLERK: Next testifier we have is Chris Fishkin, testifying on both items on the public hearing agenda. To be followed by Uilana, Uilani Kapu.

MR. CHRISTOPHER FISHKIN:

Aloha, Councilmembers. My name is Christopher Fishkin. I'm also now the host of a new, new show on Akaku, uploaded to YouTube called "Maui Real News". I covered Peter Martin's situation. I want to give first deference to Ke`eaumoku Kapu in his claims, which I was just recently made aware of, and definitely give the title and ownership its due. I'm coming here as a haole and I'm trying to make a contribution.

Mr. Martin has been out of compliance for 20 years in Olowalu. He was issued a notice of non-compliance in 2010. And there's still no greenways in Olowalu. I'll challenge the Planning Department that refuses to abide by Title 18 and investigate and do its inspections pursuant to the amendments in Title 18 to inspect for final compliance. We're talking about greenways and historic preservation that's still out of compliance in Olowalu. I don't think this Council has the right to give him the right to produce another development without being in compliance with his previous development. It doesn't make any sense, especially when it comes to 10,000 acres just burning up. And we're talking about greenways and fire mitigation in Olowalu that is in non-compliance right now. I'm going to leave this for the Clerk.

And as far as solutions, it's easy. There's actually experts right now. And if anyone in this Council would like to meet with me, Keani has proposed Palama Drive. That proposal has been in the works for 11 years. There's been a proposal that Patrick Wong killed for affordable housing. We have all the plans that can be built out by the County in 12 to 15 months. Take down those walls, give back the views, beautification, the whole nine yards; 12 to 15 months.

If you deny Peter Martin this really bad opportunity, we don't need more gentlemen's housing in this island, you can buy back that property and build it out yourself. It's not

a developer we need, it's builders. We have plenty of them. The County owns all these properties that have come into its possession because of bad settlements through the Department of Corporation Counsel. We now own the land outright, free and clear, Palama Drive. Buy the land back from Peter Martin if he can't build on it. And then negotiate with the kanaka maoli so that you can build on the appropriate affordable housing.

With the interest rates we have right now, all that money to be paid back to the County. You can build it out; \$300,000/\$400,000 a house and people can pay affordable rates and, and the County gets their money back. This is not rocket science. We don't, you're dealing with developers, you're not dealing with experts; separate from developers. The developers have interest. People who spoke here today, even Myrna AhHee, she's, anyone ever tell, did she say she's a real estate lender? You know, talking about homes, I believe she's got three homes in Hawaiian Home Lands, one outside of that, her family. She's a real estate lender. I mean, you know, we can do better than this, we really can.

And I'd be happy, I'm going to do my next show on how we can build out Palama Drive in 12 to 15 months with a builder, not a developer; a builder. And so, I am here to oppose Peter Martin, because how can you give a project to someone who's out of compliance, and especially with the fires we just had? Doesn't make any sense. He is still in non-compliance. How much do you owe the County, Mr. Martin, for being out of compliance with SMA permits?

And now, I want to quickly shift to Michele McLean, who's the Director of Planning who isn't enforcing Peter Martin being out of compliance. And not just Peter Martin, but other developers that she refuses to issue notices of non-compliance on. It is her job under Title 18 to review and shall inspect all construction and improvements under their jurisdiction. Subdivision improvements shall not be considered complete and acceptable until such improvements are certified in writing and applicable reviewing agencies. None of this gets done in the County of Maui. The law is not enforced by this admin, the former Administration or this Administration.

And that's the job of the Planning Department and if they keep getting advice from Corporation Counsel, they're going to continue not to enforce the law because our Department of Corp. Counsel, unfortunately, is in the service of private interest; not in the service of this County.

And I have, through my show and to the Federal, through the Feds, I've initiated a, a request for criminal investigation of Moana Lutey and several of her deputies. She lied during confirmation hearings to get this job. And Patrick Wong, in Palama Drive, has never been requested where he made all that money from when he advised this

Council to buyback the Fairways at Palama Drive. Nobody had subpoenaed or requested or done an audit of where his \$250,000 a year in gambling winnings came from. Coincidentally at the same time, he negotiated with the lawyer to buyback the Fairways. And he was confirmed without that information; it's just a simple G-2 form. This Council needs to start investigating. Please slow down this fast track because it's not good for anybody.

And I want to praise Mike Molina and Riki Hokama for voting in that Committee to deny this. And it should be denied. And this fund, this compliance issue should be forefront right now. So, thank you very much for your time, Councilmembers. I'm trying to keep it real. Thank you.

CHAIR KING: Thank you for your testimony.

Mr. Clerk.

COUNTY CLERK: Next testifier is Uilani Kapu, testifying on both items on the public hearing agenda. To be followed by Yolanda Dizon.

MS. UILANI KAPU:

Aloha mai kakou. Here we go again. Our kia'i of Maui send their aloha. It's been rough for them up there, but they're holding it down as we speak. There's so much going on in Maui. Our testifier earlier testified on water. Pu'u Kukui, 300 million gallons yesterday. She testified at our, our conference saying that that went down to 200 million this year. So, that, that shows your water is, it's not here. I mean, that's proof. That's Pu'u Kukui, that's our vein. That's our mama that feeds us, that gives us that nutrients that we need in our wao akua. Where Mauna Kea is, that's our vein. So, you guys want water, there it is. We don't have water to sustain us here and that's proof, that's evidence from our Pu'u Kukui experts.

I'm against this development. They don't own Lunalilo lands. Lunalilo lands is still perpetuation for the people of Hawaii. This property is on Lunalilo lands. You know, we can go back and forth. We can talk about our disappointments and our, our appreciations and everything. But we all have to remember that this is a sensitive issue for all of us. We all want homes.

My son put his name in the hat for Kahoma. He was next on the list. Somebody got, somebody was not approved, and he was supposed to be next. And he wasn't called, somebody else got put in his place. I just had a son that had to move to Big Island. So, you know what, my family is moving. We have kuleana lands that we live on, but

they still, you know, they, they know. They know what's right. They know what's true. And I want to share that because I'm not here grumbling about affordable housing. I'm up here educating people on what is right, what is just.

What, you know, when Jo-Ann Johnson was in, in office, I wish we put that moratorium together. And I wish we did that so we can look at our infrastructure. We can look at what we have to sustain ourselves as a people that live on an island surrounded by water. We need to put that moratorium together so we can look at what we have. We're killing ourselves. We're building an Oahu. We moved away from that. Do we want Maui to turn into Oahu? We opened up our airport; there we go.

You know, we sat down with Pete, we had mediations, we did everything. We were sitting in lawsuits and more to come if we keep it up. Because we have to remember, yea, we're all for our future, we're all for our people to stay home, there's more people coming, there's more development coming, but the aina speaks. Mauna Kea going blow. She's percolating. And when she blows, I hope everybody's ready. I hope you guys are ready for this cause I am. Our pules, our prayers, our aina, our, our skies speak to us and they let us know that, you know, we can't fight but you can. And if they, if we don't succeed, the land will let us know. Our kupuna iwi are coming up. How much more need to be desecrated? How much more need to be dug up because of developers wanting to build things?

You know if everybody wanted all of this, where were you during the GPAC when we spent hours, and hours, and hours talking about where things belong? Where were you on the community plan. You guys had your County, your County rep talk. West Maui doesn't want affordable housing there. We spoke. We've spent that time there and I just wanted to remind you on that. Mahalo.

CHAIR KING: Mahalo, Ms. Kapu.

Next testifier.

COUNTY CLERK: Next testifier is Yolanda Dizon, testifying on both items on the public hearing agenda. To be followed by George Brown. Last call Yolanda Dizon.

MS. YOLANDA DIZON:

Good morning. My name is Yolanda Dizon, also a resident of Kauaula. Here we go again, like cousin Ui said, here we go again. In the late 1970's, my parents and her siblings and families fought Pioneer Mill for lands that was leased to them and never given back. Took them over 10 years to get our kuleana lands back. They're passed

and gone already, all of them. But, we're still here. And it's just that from when we were born, from when we were little, we were taught to respect the aina, respect our resources. We had rules that we needed to follow, you know, and not kapulu, not overtake.

Today, we are overtaking to the point where there is no water. Oh yea, there's water, but not enough. We forget we live on one island. Really? What is the population of Maui? Much less the westside. Much less Kihei; Kihei. And that's the saddest thing. When the planning was done for Kihei, one way in, one way out. It didn't have to come to that. If those that were in charge, whether it be the County Council or whoever, had allowed all that development to happen and almost, thank God, nobody died. Same with the westside. Thank God in 2018 nobody died. We have one way in and one way out of West Maui, not even including Kahakuloa, because Kahakuloa you cannot. You cannot evacuate out from that area. You'll be dead, unless you run to the ocean if there's a big fire, like just happened in 2018.

The point and fact is we're not here to argue. We're all in agreement that we do need affordable homes. That is not the argument. The argument is safe building, safe planning. Back in the day, years ago, when we used to come up front for all, a lot of projects and a lot of it was with Pete. Things could have been fixed then, but no. It was allowed to just overlook the rules and regs and fast track. It's gotten so out of hand it's ridiculous. We all need affordable homes. You know what, I don't want to even use the word affordable cause that's bologna. There is no such thing anymore.

Your job, and I, and I, and I know it's not an easy job, is just look to your conscience. Put the safety of your community first and not just slide it through. A lot of this fast track, a lot of projects that Pete has come up with, you know, it was never personal with him from the beginning. But he seems to have just slithered through like a snake to bring this projects out; the slithering. He has, and the thing is we're always put in a place where we're the enemy. We're not the enemy. We live here. Our people live here. We have nowhere to go. If this place is destroyed by whatever, shortages, whatever, we cannot jump on one plane and go move to California because we get family over there. This is our home.

Look Oahu. Don't let this become another Oahu. They're already out of resources where they like grab energy from Lanai and Maui. Are we going to get to that point before what, we say enough is enough? Well, too late. That'll be too late. Our people are going through so much. It's not we're against affordable homes. It's please put the safety, have them go through what is expected of them; the rules and the regs. We're expected to follow rules. They need to follow rules. They need to go through the protocol. And then if you meet that, fine, build.

My family, if I'm outside watering my yard up in Kauaula, somebody taking a shower, I go wash, somebody else go wash, no more water; no more water. And that was before Launiupoko. Was that my six minutes?

CHAIR KING: Thirty more seconds.

MS. DIZON: That was before Launiupoko. So, I don't care what they say in the paper. We have not, we don't have enough water for just our families that from Kauaula, much less Launiupoko. And there are real farmers up there. There's some real farmers. I don't doubt it. I have friends up there who really farm. But they putting us, now it's Launiupoko and the Kauaula families protesting against because Launiupoko don't want anybody in their back yard. Maybe a lot of them do not, but there are some who are just saying it from experience. Like we are saying it from experience.

CHAIR KING: Now your time's up Ms. Dizon.

MS. DIZON: Thank you.

CHAIR KING: Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is George Brown, testifying on both items on the public hearing agenda. To be followed by Rick Medina.

MR. GEORGE BROWN:

Chair, Members, thank you for allowing me to talk today. I don't support these projects. You've all heard the need for the housing, and I don't think anybody has said, oh we don't need housing. However, I don't know if you know that Peter Martin owns 180-acres between the Lahaina Aquatic Center and Lahaina recreation fields and the bypass. These properties have the infrastructure, including multiple roads, access, recreation, resources, and two wells; Pioneer Mill Wells A and B. I use to work for Pioneer Mill. I know about these wells, they're right there in the, in the Wainee Village area.

If you take that 180-acres and you divide it into lots comparable to what are below the highway there, you get 800 to 1,000 lots in just that 180-acres. He's talking about 100 up in Makila. By my math, 800 to 1,000 is kind of better, I think.

Also, I've testified last year before the previous Council that the State Housing Development Finance Corporation has 468-acres between Wahikuli Subdivision and, and the Lahaina Civic Center. That's another 2 to 3,000 lots. So, there is land available for this that that can be used already.

What I would like to have you consider is this question is can the people of Maui rely on you to respect the Maui County Code 19.30A.020, under which it says, agricultural lands, which are the lands that, that Mr. Martin wants to develop, are to be kept the highest priority in the agricultural district?

I ask you to turn these, these projects down. Look at the other areas. We're talking about 2, 3,000 other areas for the housing that is needed over there. Thank you.

CHAIR KING: Thank you, Mr. Brown.

Mr. Clerk.

COUNTY CLERK: Next testifier is Rick Medina, testifying on both items on the public hearing agenda. To be followed by Zandra Amaral-Crouse.

MR. RICK MEDINA:

Thank you very much, Madam Chair.

CHAIR KING: Aloha.

MR. MEDINA: I'm a, I'm a retired Councilmember; retired 25 years ago. When Alice Lee and I left the Council, we thought we left it in good shape. You know, we always provided the County with the infrastructure it needed so that it could build housing and it could build business.

Now, over the years, we fell short of that responsibility. Our job on the Council was to provide the infrastructure necessary to help people build affordable housing. And that was, that was it. If we didn't have enough affordable housing, it was because we failed to provide the water that was necessary.

Now, other issues have come up since then, confusing me as to why we don't have affordable housing. When I see people wanting to build affordable housing, I understand they should be able to be allowed to build it. But now, today, I hear some objection to what these people want to build. Now, it's not in the community plan to build affordable housing then it should be denied. What did we have community plans

for? We have community plans because we take the, the responsibility of making these decisions . . . Members of the Council. You just follow the community plans and if the community plan says we're going to allow affordable housing in this area, you go ahead and do it. But, if the community plan says no you can't do it, you just do that.

So, if anybody wants to say why you said no, you said you just follow the community plan, that's it. If you don't follow the community plan, what is the community plan for? It's useless, yea? It's useless. But the community plan was the version, I think, that was adopted because the people wanted that community plan to be that way. So, you're going to violate the community plan, then you must put this on the shelf until the community plan is revised, okay. That would be my position. You just don't do anything that is beyond the community plan guidelines. If you don't follow the community plan, there's no sense in having a community plan, okay.

So, if that decision is going to be made on, based on community plan, if it's adhering to community plans, proceed. If it's not, deny. And that's how you . . . if that's how you do the law according to what the people want you to do. Just follow the Charter. Once you follow the Charter, you're going to satisfy most of the people, okay. Thank you very much.

CHAIR KING: Thank you very much, Mr. Medina.

COUNTY CLERK: Next testifier is Zandra Amaral-Crouse, testifying on both items on the public hearing agenda. To be followed by Peter Mahe.

MS. ZANDRA AMARAL-CROUSE:

Aloha, Madam Chair and Councilmembers. As I sat there, my name is Zandra Amaral-Crouse. I am a real estate broker. I am testifying on a personal, my behalf. And I recall, as I listened to the testimony of all of people I grew up with, people that I worked with that decided to make Maui their home and the controversy surrounding affordable homes.

I recollected being on the campaign trail with you, Council Chair. Kelly, you're doing a great job. Thank you, ma'am. And all of you, Mike, Alice, Riki, all of you Keoni *[sic]*, yes, and Tamara. I'm sorry, I'm sorry, I'm sorry. Thank you, thank you. We all ran on the slate of affordable housing; each and every one of you touched my heart as a local girl from Paukukalo. I believed in all of you and the support that you had and the sincerity that you had in wanting to create a place for our children to live affordably on Maui, Molokai, and Lanai, in your respective communities.

I recall coming home in '87; sick, broken, taking 20 years to rehabilitate because of an accident I had in California, and being blessed with an affordable home in 2009 at the corner of Hoalike and Ohukai; abutting Haleakala Ranch. And as that young lady testified of watching the feelings of someone getting their key, I cannot tell you how touched I was, and the tears me and my family shed when that key was handed over to me. And when the County Clerk said, Zandra Amaral; I knew I had my home. And I could come home from California to rehabilitate and to raise my daughter, my son, of which I'm blessed with ten grandchildren with.

Affordable housing is direly needed, Madam Chair, Council people. And if not now, when? If it is not there, where? I humbly ask all of you. There are needs. There are concerns. But it seems like every time an affordable project comes before the Council, there is so many good reasons not to, but there are even better reasons for it. As a principle broker and past owner of a real estate firm here on Maui, the last 17 people I put in homes was in Las Vegas; young men and women.

I've got a son, Leroy Souza, who's thinking of moving to Utah. When my grandson, by the way who is playing with Central Maui East 15-16 baseball players, they won their game yesterday; so, you go East Maui, yea, Central. In any event, that's the proud grandma in me. But, this boy did win the 2016 Little League International World Series, for which I'm very proud.

But, the fire. I was affected by the fire. My house being on the corner of Hoalike and Ohukai, I was asked to evacuate. I went to my son's house. Came home in the morning to my house, my backyard was on fire, where yeah, Haleakala Ranch, my house abuts Haleakala Ranch. Had I not, and I humbly say this, had I not been opposed to Spencer's homes, affordable housing behind my house, some 15 years ago, my house would not be in jeopardy of burning. There would be no brush. There would be homes. The fire is caused because combustibles. I know in back of my house one was started by a bottle that acted as a magnifying glass. Had houses been there, it been more controlled.

As far as affordable housing, you have done your feasibility studies. And you had determined through your task force, as well as the State, that thousands of homes are needed for our children here on Maui Nui prior to 2025. And at the rate we are going, we will continue to send our children to Las Vegas. We will continue to send our children to Utah.

And as someone who worked in the judicial system for a very long time, I, for a little while, I'm sorry, I can tell you that without a home comes crime. There's some kind of stability that will, I'll take my next third, on the second one. I don't gotta wait yea. But, I guess, we need to really start thinking about who is to benefit from our affordable

homes. And along with creating the affordable homes, I highly recommend, Council, that you put, my second item, thank you.

CHAIR KING: I think you, Mr. Clerk, did you already give her?

COUNTY CLERK: Yea, Madam Chair, I reset the clock once already.

CHAIR KING: Okay, so you're, you're at the end of your testimony.

MS. AMARAL-CROUSE: Oh okay. Thank you, guys.

CHAIR KING: Thank you.

MS. AMARAL-CROUSE: But I humbly ask all of you to vote in favor of these projects, because if not now, when? Thank you.

CHAIR KING: Okay. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR KING: Oh, I'm sorry, Ms. Crouse, we have a question for you from Vice-Chair Rawlins-Fernandez.

MS. AMARAL-CROUSE: Hello.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Amaral-Crouse. Mahalo for your testimony and congratulations to your grandson.

MS. AMARAL-CROUSE: Aole pilikia. Mahalo.

VICE-CHAIR RAWLINS-FERNANDEZ: Just a quick question. What would you consider affordable so that your son would be able to stay and not move to Las Vegas?

MS. AMARAL-CROUSE: I think, as a principle broker having working with many mortgage people and going through the process, our young men and women really can afford the mortgages on 350, \$400,000. What they cannot afford is the down payments. That's a big part. Mike Molina, thank you for the grant you had in place to put my son in his home. Yes, thank you. But, 350, 400,000. If they give up the beer, the cigarettes, and put that into an escrow account, it's doable. But, they gotta make the sacrifices your parents made, my parents made. You know what I mean? They gotta work with you guys.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

MS. AMARAL-CROUSE: Aole pilikia.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Next testifier is Peter Mahe, testifying on both items on the public hearing agenda. To be followed by Lori Sablas.

MR. PETER MAHE:

Aloha, Councilmembers. My name is Peter Mahe. And quick and simple, and I'm here for supporting the affordable housing. It's the only reason for a, I have three kids and we, we, that's a part of our dream day and night to become one of the owner, house, first owner of the house. And we've been working hard for this, every day out there. And I know so many people out there been waiting for this moment to get an opportunity for the housing. But is all depend from you guys. Anyway, I'm asking for your supporting. Thank you so much.

CHAIR KING: Mahalo, for your testimony.

Mr. Clerk.

COUNTY CLERK: Next testifier is Lori Sablas, testifying on both items on the public hearing agenda. To be followed by Kainoa Casco.

MS. LORI SABLAS:

What is it; good afternoon, wow. This is very educational, I know for me, I know for you, to be in a process like this, to hear emotions on both sides. My name is Lori Sablas. I was born and raised in Lahaina. And, you know, when I needed to buy a home, I was one of those who spoke. I couldn't afford a place there, so I ended up buying a home in Kihei and I've been there now for 32 years. But all my career I've worked in Lahaina, so I had to commute.

And I'd like to speak on behalf of the workforce cause I consider myself a workforce. Again, as I said at the last time I was here, I purposely rode the bus cause I wanted to talk to the people, to the working people; hey, what's up, what's going on, what's some of the problems. Many times, the decisionmakers are so . . . that they lose track of the working people, the people who are like today.

And thank you to so many of the testifiers who took the time out from their jobs to come here and testify, because you know what? We spent hours and hours on pros and cons, but bottom line is we all know that we need workforce housing. No matter what is said, we need workforce housing.

Now, a no vote in my humble opinion, a no vote from you is the easy way out. Because you say no and this is all pau; all the work, all the time, all the testimonies that have come before you. It's going to go wash away because you vote no. Do you want to do that? I hope not. I hope that you vote yes and take the challenge of coming up with solutions, coming up with ways to put our people.

I was so touched by both sides. I mean, I know the Kapu's for a long time. I've worked with them. I know Peter Martin, because I serve with him on communities, and I know his generous side. And it really breaks my heart, as someone who loves Maui, to see this division. And you, each of you, have the authority and the power to make a difference for hundred families. And I hope, I hope that you really take it into consideration and just not, you know, not take to heart what has been said today.

As one famous lady said, when they take the low road, we'll take the high road. All of you, I encourage you to take the high road and vote for the people who are working today who cannot come. And that's who I want to represent. My time is up, so mahalo. Thank you.

CHAIR KING: Mahalo, Ms. Sablas.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kainoa Casco, testifying on both items on the public hearing agenda. To be followed by Joyclynn Costa. Last call Kainoa Casco.

Next testifier is Joyclynn Costa, testifying on both items on the public hearing agenda. To be followed by Doris Lang.

MS. JOYCLYNN COSTA:

Aloha, Councilmembers, Chair. My name is Joyclynn Costa. I'm a homeowner and I own my home because my father was a construction worker. He pretty much built out Lahaina. And today, he drops his tears because if he knows now what he knew then, what, if he knew then what he knows now, he would not have had or wanted to do what

he did; moving koa, digging iwi, desecrating walls, hiding artifacts. Cause that's what you do; move them away and just build.

So, my home was built on the blood of the kanaka. He testifies that there is no carpenter anymore; that now you have divvied them up so that all they become is specialists. So, you can't build a house without a framer, but he can't be the roofer, and that can't be the cabinet maker, and you cannot. So, his question was, what is the best tool in a construction worker's box. And I don't know if anyone in the green shirts sitting here can answer that question, cause he threw me for a loop. Some came up with screwdrivers and hammers, and saws, and power tools. His answer was a shovel. Cause if you cannot create the foundation, then you will never plumb the house; you're going to end up with crooked house that the door cannot close, the window cannot open, the cabinet door keep falling off. But our young construction workers now really don't get it. So, with that type of mentality, we don't quite understand when people come and testify about affordable homes.

I remember the days of Hicks Homes. Remember that? Cheap, single wall, yea. Just put the girth around, hold everything together. But was enough for start one solid foundation for build on. But now we have outside speculators that come. And like, like a disease, infect our minds to create the narrative of what an affordable home is.

And I like Mr. Medina's testimony because straight shoot. The people who put you in office, if that's what they want and that's what's on their plan, good. But if there is an opposition and there is an unrest within your people, then you need to find out. This is why I wear this shirt today. This is Ka'apuni. Back in the early 2000's, Mr. Kapu decided that we needed to get this circuit out; find out the pulse of the people, not sit behind a desk, not answer one phone or email, but actually truly walk the island. And we did. Amazing. People were standing out in the rain waiting for us to get there, because they needed to be heard. Now, if we sit in a room like this, you don't hear the people. You hear only who can come here; that's a problem.

What's happening in our island now is a cultural genocide, not just as Hawaiians, but just as Hawaii in general. Because today when you meet somebody, the question is, oh where you live? Now, if you live in Lahaina, ooh, you must have money. If you live in Wailea, ooh you must have one beautiful home, right? That's kind of like the mentality. Or, where you work? Oh, you must make big bucks. You one construction worker? You guys make big bucks, yea, \$30 an hour and up. Before, the question was, who your family, yea, who your family? They get to know you, not your value.

Is that the, is that my two items?

CHAIR KING: You have thirty seconds.

MS. COSTA: So, the last thing I want to say is I'm the one who gave all of you the probate to the Lunalilo estate. Please look into that. And if you have any questions, please call me. I have done extensive research on Lunalilo and his property. It cannot be sold. And there are many of you on this Council that actually may have an interest there, because he left it for his people. I have a one-third interest. So, please look into the paperwork that I gave you cause I went from the archives to the law library and beyond. Mahalo.

CHAIR KING: Thank you, Ms. Costa.

Next testifier.

COUNTY CLERK: Next testifier is Doris Lang, testifying on both items on the public hearing agenda. To be followed by Dave Minami. Last call Doris Lang.

Next testifier is Dave Minami, testifying on Committee Report 19-81. To be followed by Mark Deakos.

MR. DAVE MINAMI (testifying on Committee Report 19-81):

Good afternoon Council and Chair. My name is Dave Minami and I'm the operations manager for West Maui Land. And most of the guys you see with the yellow shirts, they're my crew. And I want to say that we support this project 100 percent.

These men, we always kind of get the bum rap all the time. But these guys are there. They work hand in hand with the first responders whether it be natural disasters, fire, you name it. These guys are there. They're the ones that help with the community, get people home, get people to safety, get the water flowing.

Now, of my crew, there is, there's about eight, nine of them, of the crew, there's only two that have a home. So, I think that's a pretty good snapshot of the westside. A lot of the people don't have homes. They gotta, you know, two of them get to go home to their families, the rest, well, they, their families too. But, you know, it's multi-generational, mom and pop, they gotta go home or they go see grandma, grandpa, or they rent. We need to give these people homes. They are the people that are the nuts and bolts of the community.

You know it amazes me that the Committee is built to help get affordable housing. And with all the testimony, expert witnesses, and engineers and what not, with all the data that was given, in my opinion, it was, we were able to answer all the questions, all the important questions, whether it be fire, traffic, water. And it amazes me that we still get so emotional when the facts are there. The facts are there. We were able to answer. You heard the fire captain talk about it'll be better if there is houses there. But we get so emotional and wrapped up, I just hope that we could just, we need houses.

And try not to look at so much personal issues. You know it's strange that in Launiupoko, all the people from the mainland, was not from here, which is majority of the people out there, with high-end homes are opposing this project because they're saying it's not in my backyard. People in Launiupoko, I heard them testify that, oh they employ 500 people. Now . . . of his testimony the other week, I wonder how many of those have a home. If he employs that many people, he should be looking at giving them homes as well. And then a significant other of that person also said it's the wrong place, it's too far. You know, it's one-mile from Lahaina so it's not too far. I measured it myself. It's about one-mile to the youth center.

You know, with regards to water, we gotta make sure that we understand the process of, the operation of the water. There's two systems. By now, you guys should all be experts on it. There's a non-potable system, which is the one that's struggling. And the reason why you know was with the recent CWRM decision that kind of put a monkey wrench in everything. But those issues are being addressed, they're being addressed. It just takes a little bit of time.

Now, with regards to potable water, there's no issue with potable water. There's plenty of water. Show me the water, that was the concept of the, the County quite a while; Show Me the Water, well there's water.

Now, if you talking about stream water, again, that's non-potable. As of several weeks, we haven't even drawn water from the stream. We're running independently right now. So, if their people are saying no more water, it's, they're taking everything, we not getting nothing. When I say they, meaning the valley people. We not taking any water from the stream right now.

So, I mean, I can hear all the heckling in the background and whatever, you know, that shows you the integrity of some of those people. When somebody get the floor, show some respect.

But anyway, we, in closing, we need homes for our people. The people that really need it are the ones that look after your safety, teaching your kids in school, preparing your food, checking you out at the grocery store. Those are the people that need homes. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR KING: Mr. Minami, can you answer a question? Mr. Minami, we have a question.

Vice-Chair Rawlins-Fernandez.

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

MR. MINAMI: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: I wanted clarification. So, you criticized those that live in Launiupoko now that they're not from here. What kind of safeguards or what kind of guarantee would you be able to give to our community that these houses that would be built would be for our community and not for more people who weren't born and raised here?

MR. MINAMI: Well, I think that's probably a better answer by the project chair or, you know, by the developer himself. But from what I understand there are some safeguards put in or preference put in that you gotta be from Maui, you gotta be local.

VICE-CHAIR RAWLINS-FERNANDEZ: I think--

MR. MINAMI: That's, that's what I understand.

VICE-CHAIR RAWLINS-FERNANDEZ: I don't think that's legal.

MR. MINAMI: Yea, well, yea maybe you can, unless--

VICE-CHAIR RAWLINS-FERNANDEZ: And I, I reviewed the application and I didn't see any safeguards in place.

MR. MINAMI: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: No residency requirement, that would be legal. So, I just--

MR. MINAMI: That might be a question for somebody else; not me. I take care of water and operations.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'm just clarifying your testimony.

MR. MINAMI: You got a broken pipe, I fix um.

VICE-CHAIR RAWLINS-FERNANDEZ: And in your testimony, what you're pitching is that these houses would be for local people, and I think it's disingenuous to say that to the community when there's no safeguards in place for that to, to actually happen.

MR. MINAMI: I see.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

MR. MINAMI: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: Mahalo. Thank you for your testimony, Mr. Minami.

Mr. Clerk.

COUNTY CLERK: Next testifier is Mark Deakos, testifying on both items on the public hearing agenda. To be followed by Albert Perez.

MR. MARK DEAKOS:

Members of the Council, Chair. My name is Mark Deakos, 23-year resident in West Maui. I'll say this, we desperately need affordable housing. I don't think anybody in this room denies that, certainly none of these Councilmembers sitting here deny that. It's not about whether or not we need or don't need affordable housing; that's not the issue. We don't have a development problem, we have a design problem. Okay, I'll say that again, it's not a development problem, it's a design problem.

Okay, the Chair of the Planning Commission testified last time, looked you in the eye, and remind that he's paid by the developer and Chair of the Planning Commission supporting this project, but he looked you guys in the eye and he said every project has impact, okay. Basically, and a lot of the testifiers said today, you're basically choosing between affordable housing or not, okay. But you're not. Those who vote

against this are not against affordable housing. You guys want to fix it, but do it right to address all the issues in the room.

Okay, Peter Martin was quoted as saying, you folks should just say yes to fast track even there, if there are serious issues with the project. Okay, that mindset is exactly why we have traffic issues, shoreline issues, water quality issues, drought, you know, stream, dried up streams, fire issues. That mindset that we can't have both, we can't address those issues and have affordable housing.

So, what if Peter Martin came to you and said I want to deal with the powerlines that are sparking a lot of these fires? So, I'm going to design my development 100 percent energy renewable, okay. I'm going to get rid of the powerlines. I'm going to design the project to address the stream water so that it goes back into the stream cleaner than when it came out, and we're going to take all the water that lands on the property and inject that into the aquifer instead of putting another straw in. Okay. What if he designed affordable housing close to where people work, where they buy their shopping supplies, all that so, so there's no more gas needs. They address the traffic issues, you remove that. So, what if the design of the development actually fixed a lot of the problems that we're having or discussing today?

And that's what communities across the country, across the world, they're doing that. They know, they're redesigning how we build to address environmental and social issues. Over 300,000 projects have been developed like that. We have one on the Big Island with the Hawaii Prep Academy. There're living buildings that are positively impacting our communities and the environment, okay.

The difference between those communities that are doing this and us is we don't, we need the leadership to set the bar, okay. Ask Peter to come back with a project that addresses that. And I do believe that he does have the heart to do that. But he needs, if it's not requested, if the bar isn't set at a certain level, you're going to get the less bad, the less impactful types of projects that we're seeing.

So instead of Peter's quote in the Maui News that homeowners get a nice view of the ocean, what if he described how his design project would be done and it would address the energy issues, the water, the pollution, the traffic and the affordability. They're not just affordable homes, but affordable living.

Okay. These developers, they can do a lot better than what they are asked to approve, what they are asking you to approve of today. So, tell the developers to bring you back a project design that addresses all the genuine concerns that people in this room have; the water, the fire, the pollution, the traffic, the affordability in perpetuity. Okay. You don't want to be here in five, ten years when all these homes flip to market value.

You're starting all over again. Okay. We don't need projects that are less bad. They just have to do what others are already doing throughout the other places.

So, it only takes that first development, that first request from the Council to set the bar, let those developers meet that standard, which other communities are, and now you've set a new bar, so we don't continue to do stuff that's less bad, less bad.

So, when Councilmember Hokama says he's not going to support less than 100 percent affordable housing, he's not against affordable housing. He's trying to fix the problem, not with a project like that that's going to have everyone back here in five, ten years. So, I believe this County Council can set the new bar so that we can address all of the issues that have been discussed today. Thank you.

CHAIR KING: Mahalo, Mr. Deakos. Questions?

Mr. Clerk.

COUNTY CLERK: Next testifier is Albert Perez. Mr. Perez is the last individual who has signed up to testify in the Council chamber or at the District Offices.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION:

Good morning, Chair.

CHAIR KING: Good morning.

MR. PEREZ: Good morning, Councilmembers. I'll be testifying on two public hearing items today. I am Albert Perez, the Director of the Maui Tomorrow Foundation. And I just want to say, I need housing too. But we are building the wrong things, we are building the wrong things in Maui County. And we are not, what we are building is affordable for millionaires from around the world and our property tax structure attracts them here because our property tax, residentially, is low compared to the rest of the United States, okay. So, I need housing too, but this is not the way to do it.

And nobody's talking about the fact that only 35 of these homes will be truly affordable for those who make the median income and below. Nobody is talking about the fact that by doing this process through the 201H process, there's roughly four times as many of those mansions that can be built through this process. So, no, we don't want mansions and they shouldn't be built because that's not true agriculture. So, our Planning Department should be finding a way to stop that. We don't want these to be

turned into, you know, luxury transient vacation rentals that are illegal. So, we're addressing that as a County.

But, you know, this is not an affordable project. It is a 51 percent affordable project, or nominally. But, it's only about a 15 percent truly affordable project, so we need to keep that in mind. And as far as those market homes, those mansions, that's half the project and there's no guarantee for local people in that.

There are some big projects, such as Pulelehua and Puukolii that have, they are fully entitled. Total from my calculations is 2040 units that are fully entitled. So, and then there's also Leiali'i on, I understand that has some legal issues, but that's over 4800 units. So, just, just to say these are not our only options.

My opinion is that the County needs to get back into the housing business and work with people, work with developers who want to do 100 percent truly affordable housing. That is what we need. And we need to stop giving away our infrastructure capacity for more hotels, more commercial. We need people to be able to live and work in the places where we have employment, so, in West Maui, we need that.

As far as fire, if we were to listen to the people who say that developing is the solution to preventing fire, then I guess the whole, the solution would be to pave the whole island and we wouldn't have to worry about it. That is not going to happen. No matter what, we're going to have the urban wildland interface. What we need is enforcement about unmaintained vegetation. And we need to prioritize that enforcement in areas that are next to developed areas.

I'd like to address the Maui News article from yesterday. I found that very interesting, very enlightening. And the quote that I found most interesting was from Mr. Martin, who said, "he only did 50 affordable lots, because anymore would prompt a sewage treatment plant. If I did 51, I'd have to do a sewage treatment plant. There's no question that's exactly why I did it." And then he said, "if I had to do a treatment plant, he'd have to do an EIS and that's where the lawsuits come in."

Well, segmenting the project is one way to bring the lawsuits in like the last time we had a Makila Project. And also avoiding the DOH rules and avoiding an environmental impact statement trigger is another way to bring in the lawsuits. So, this solution, unfortunately for Mr. Martin doesn't avoid those lawsuit problems.

And furthermore, those statements in the paper support what we've been saying, that if it violates those rules and, excuse me, Mr. Martin appears to have, as far as the, the Maui Island Plan, he seems to have a basic misunderstanding of how it works. So, it's supposed to work in concert together with the community plans; urban growth

boundaries is the outer edge. And the community plan, according to the community, says, how much within that urban growth boundary we're going to allocate for the growth this time around? And maybe next community plan there'll be more left over. So, that's how it works.

In West Maui, this process is now starting, and sentiment in the community is clearly to provide housing in infill areas where there's already water and wastewater and roadways, and not in fire-prone Makila. In fact, the community said, we want to preserve agriculture and open space in that area.

Finally, Mr. Martin says, that it takes him 12 years to get to a no and that's because he's pushing projects that the community doesn't want. So, I would urge Mr. Martin to have a talk with Mike Atherton and follow his example, because Mr. Atherton reaches out to the community, he follows the community plans, he asks the community what they want. So, let's honor the community's wishes and you will have better luck. Thank you.

CHAIR KING: Mahalo, Mr. Perez. We have a question for you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Perez. Mahalo for your testimony. So, you said that there would be 35 truly affordable homes that would be built from these projects. What's the price range or at what point would you consider a house to be truly affordable?

MR. PEREZ: Well, the definition that we use at Maui Tomorrow is the 100 percent of the median income, the area median income. So, I think right now that's for an entire household, everybody, their income put together is \$83,800, I believe. And I don't remember exactly the price of the home, but I think it was less than half a million.

VICE-CHAIR RAWLINS-FERNANDEZ: Less than half a million?

MR. PEREZ: Yea. And that's not, I mean, the people who are on the verge of being homeless are the ones who need the help the most from all of us. And those people don't make \$83,000 a year. But that's why the County needs to get into the housing business because the market is not providing a solution for those people.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I, I guess I disagree with your definition of what truly affordable would be for our community. I would think it would be closer to something like 200,000. And the 35 homes would be at the, the lowest about 365,000. So, okay, mahalo, Mr.

MR. PEREZ: I agree with you. I agree with you, Council, Councilmember, that 100 percent of median is too high for the people who need the help the most. Those people need affordable rentals, cause I don't know that we can provide housing for \$200,000, so.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Perez.

MR. PEREZ: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: Mahalo. Mr. Perez, so we were quoting the community plan, the West Maui Community Plan, earlier. Is that the current version or the proposed version?

MR. PEREZ: The current version.

CHAIR KING: The current version is what you were quoting? Okay. I just wanted to double-check. I didn't know if there was a draft out of the new version. I haven't seen one.

MR. PEREZ: Well, there is a draft out but it's kind of a skeleton draft. And my understanding is that the Planning Department did that so that the community can fill in the rest of it.

CHAIR KING: Okay.

MR. PEREZ: But I don't think it goes into much in the way of specifics.

CHAIR KING: Okay. Alright. Thank you.

MR. PEREZ: Thank you.

CHAIR KING: No other questions. Mr., thank you for your testimony.

Mr. Clerk.

COUNTY CLERK: Madam Chair, there's no further individuals signed up to testify in the Council chamber or at the District Offices--

CHAIR KING: Okay.

COUNTY CLERK: --who wish to offer testimony. And we have received written testimony for this meeting--

CHAIR KING: Okay.

COUNTY CLERK: —and the public hearing.

CHAIR KING: Is there anyone in the chambers who wants to step forward and testify? If not, 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. Tom Welch;
2. Brad Sheveland;
3. Tamar Chotzen Goodfellow;
4. Gordon Firestein;
5. Clifford R. Libed;
6. Sally Fujiwara;
7. Heather K. Haynes;
8. Jasmine Vergara;
9. Christopher Fishkin.
10. Doris Lang;
11. Dave Minami;
12. Mark Deakos;
13. Janet Maher;
14. Barry and Irene McPhee;
15. Robert Sternthall;
16. Larry Stevens;
17. Suzanne Albers;
18. Bob Freimuth;
19. Leslie Freimuth;
20. Maura Mark;
21. Frank and Tamara Woods;
22. David and Chrissy Nutter;
23. Kurt and Beth-Ann Thompson;
24. Gary Miyamoto;
25. Darla White;
26. Marty Cooper;
27. Don McLeish;
28. Maria Linz;
29. Kai McPhee;

30. Gregory and Bernadette Owens;
31. Jeff and Sue Anderson;
32. Donna Brown;
33. Kamuela Guth;
34. Craig Studwell;
35. Thomas Landrigan;
36. Rona Landrigan;
37. malolokai@yahoo.com
38. Jacob and Hailey Ramey;
39. Adrienne Wong;
40. P. Denise La Costa;
41. Tom Witten;
42. Dom Marino;
43. Kristi Fallon;
44. Annie and Chris McNeil;
45. Wendell Payne;
46. Greg Miller;
47. Doug and Donna Poseley;
48. Ed and Mary Jane Brown;
49. Steve Goodfellow;
50. David, Miki and Amelia-Grace Ugrinich;
51. Pat Mifsud;
52. Lori Gomez-Karinen;
53. Patricia Kahahane;
54. Anne Rillero;
55. Tina Wildberger;
56. Pamela Tumpap, Maui Chamber of Commerce; and
57. Petition signed by five people.

CHAIR KING: Okay. Written testimony is received. Any, any objections to closing public testimony?

COUNCILMEMBER LEE: Oh no, Madam Chair.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE: I have a question. If we close public testimony now, would we be able to have public testimony when this matter is scheduled next Friday?

CHAIR KING: No, it would be, this, there will be a continuation of this meeting and the public testimony will have been closed. There are no other testifiers, so basically this is the meeting that we would be continuing on, on the 26th.

COUNCILMEMBER LEE: Yea, but I'm, I'm trying to think of a way that we would allow public testimony again when we take this matter up next, next Friday.

CHAIR KING: Well, people can write in. There's nothing that prevents anybody from writing in to all of us.

COUNCILMEMBER LEE: Are you planning to take a vote on this matter today, right now?

CHAIR KING: No.

COUNCILMEMBER LEE: So, see, that's why, what I'm saying.

CHAIR KING: We haven't gotten to that point yet in the, in the agenda.

COUNCILMEMBER LEE: Yea, so your--

CHAIR KING: But we can't continue on with the, with anything on the agenda. We can't deliberate on anything until we close public testimony.

COUNCILMEMBER LEE: And that's where I have a concern, Madam Chair, is that if we close public testimony now, we will not be able to hear public testimony next Friday and you have this plan to not take a vote on this matter today. Is there any particular reason why you, you have a plan not to take a vote on this matter today?

CHAIR KING: Yes, because we're going to be losing quorum very shortly here.

COUNCILMEMBER LEE: But we have quorum now.

CHAIR KING: We actually had, well we, we still have other items on the agenda before we get to the item. But we have one Councilmember who's been hanging on till the end of testimony, who's going to leave at noon. We have another Councilmember who has a plane to catch.

COUNCILMEMBER LEE: Can we have a recess? I'd like to, I'd like to discuss this with some of our staff.

CHAIR KING: Discuss what? The public testimony?

COUNCILMEMBER LEE: Well, we can take the vote on it now, right now, right this second. If we, if we--

CHAIR KING: We aren't at that point in the agenda, so I'm not entertaining a motion.

COUNCILMEMBER LEE: No, no, no. But I'm saying if we close public testimony now and begin with our regular agenda, we can move this item up to the calendar, to the beginning of the calendar, we can vote on it right now.

CHAIR KING: If we decide to move it.

COUNCILMEMBER LEE: Yea. And why wouldn't we, because we have people in the audience who are very--

CHAIR KING: Because we don't, because we don't have people who wanted to be here for the vote. And those, there are three, all three Members wanted to be here for the vote, the three that are excused.

COUNCILMEMBER LEE: Well, they should have been here then.

CHAIR KING: Well, they're not. They were excused.

COUNCILMEMBER LEE: Well, can I have at least the courtesy of having a recess to discuss this with our staff?

CHAIR KING: I'm going to go to Councilmember Rawlins-Fernandez next before the recess.

VICE-CHAIR RAWLINS-FERNANDEZ: Real quick. Maybe it will clarify what Member Lee is asking for. So, mahalo, Chair. So, if we left public testimony open, all those that testified today would not be able to testify next week when we, when we reconvene.

CHAIR KING: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Is, is, is, I was just wondering if that was the intention of Member Lee?

COUNCILMEMBER LEE: Right, to have, to invite more people to testify. Cause if, if the plan is, and I didn't realize the plan was not to take the vote today, you know, I didn't realize that, you know, something was, was up. I think we should have been notified that the plan was not going to be to take the vote today. So, if that's the case, then I think the people need to have the opportunity to speak again when the item comes up and it is ready to be voted on.

CHAIR KING: Nobody would be--

COUNCILMEMBER LEE: That's my point.

CHAIR KING: Yea, Councilmember Lee. Nobody would be allowed to speak again who's already spoken, because this is, the meeting next Friday would be a continuation of today's meeting and people cannot come back in the same meeting and testify again.

COUNCILMEMBER LEE: So, I can see that if you recess the meeting. But if you adjourn today's meeting, why can't they come back next Friday to--

CHAIR KING: Because, actually, we're past the posting date. So, the, we have to recess so that all these items stay on the agenda for next Friday.

COUNCILMEMBER LEE: You mean to say that we foresaw, we foresaw--

CHAIR KING: We can't repost a new, if we adjourn, we have to post a new meeting. We don't, the meeting deadline was noon today for posting for next Friday.

COUNCILMEMBER LEE: Yea, but you already posted it for next Friday.

CHAIR KING: We posted today's meeting. If we recess today, we will continue on next Friday with today's agenda.

COUNCILMEMBER LEE: Well, I, I just, to be clear and to be transparent, I had no idea you weren't planning to take a vote today.

CHAIR KING: Yea, it depended on how long the testimony went. But, you know, I, I wasn't sure how long the testimony was going to go. But now that we're into the lunch hour already and we have two Members who are going to be leaving soon.

COUNCILMEMBER LEE: Well, you know, they're not leaving this second. I mean, we could take the vote. We really could take the vote.

CHAIR KING: We could if we wanted to, but we're going to follow the agenda.

COUNCILMEMBER LEE: The agenda that we weren't aware of.

CHAIR KING: No. You have the agenda in front of you. It's posted.

COUNCILMEMBER LEE: No, but we didn't realize--

CHAIR KING: We, we actually our agenda--

COUNCILMEMBER LEE: --that you weren't planning to take--

CHAIR KING: --was going to be--

COUNCILMEMBER LEE: We didn't realize you weren't planning to take a vote today.

CHAIR KING: Well, I wasn't planning to take a vote if the, if the testimony went this long, because I knew I had two Members that were going to be leaving early.

COUNCILMEMBER LEE: But they're here is my point.

CHAIR KING: They are here.

COUNCILMEMBER LEE: That's my point.

CHAIR KING: We're not done with, we're not even closed with public testimony yet.

COUNCILMEMBER LEE: Yea, we can close it right now because there's nobody else to testify.

CHAIR KING: And we are into our lunch break.

COUNCILMEMBER LEE: And we could take a vote right now.

CHAIR KING: We could, but you're the only one who wants to.

COUNCILMEMBER LEE: Well, that's what we're here for; to take votes.

CHAIR KING: Yes, and we're here to address our agenda which is in front of us.

COUNCILMEMBER LEE: And--

CHAIR KING: I'm going to go to Councilmember Molina.

COUNCILMEMBER LEE: And that is the reason why I, I feel that we need to, I don't want to just rely on your opinion. I want to check with our staff on, on the details of this procedure.

CHAIR KING: Okay. We'll, we'll go the staff in a minute.

Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just to kind of maybe help resolve this issue. I mean, you have the prerogative as the Chair, or any Member of this body can call for a motion whether to end testimony today or not. So, I just throw that out there, so I'm hoping that'll resolve the situation, the issue here that is currently on the floor right now. So, you know, we, we've done it before on whether to close public testimony or not.

CHAIR KING: Okay.

COUNCILMEMBER MOLINA: So, I just throw that out for consideration.

CHAIR KING: And if we do not close, yea, the problem is if we do not close the public testimony, we can't address anything else on our agenda, because we can't deliberate until public testimony is closed. So, if we need a motion, does someone want to make a motion to close public testimony? Or are there objections to closing public testimony?

COUNCILMEMBER LEE: I object.

CHAIR KING: Okay, then do we need a motion? Somebody want to make a motion to close public testimony?

COUNCILMEMBER HOKAMA:

MOVE TO CLOSE.

CHAIR KING: Okay.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Moved by Councilmember Hokama, seconded by Councilmember Molina.

Any discussion? All those in favor of closing public testimony say "aye".

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

CHAIR KING: Any opposed?

NOES: COUNCILMEMBER LEE.

EXCUSED: COUNCILMEMBERS PALTIN, SINENCI, AND
SUGIMURA.

CHAIR KING: Okay. That's five "ayes" and one "no"; motion carries. Public testimony is closed.

I will also now be adjourning the public hearing and then we'll be continuing with the agenda if Councilmembers so choose. Public hearing of July 19, 2019 is now adjourned.

ADJOURNMENT

The public hearing of July 19, 2019 was adjourned by the Chair at 1:14 p.m.

CHAIR KING: Okay, so Members, it's 1:14. What is the prevailing desire to continue with the agenda until we lose quorum, or to take a lunch break and just recess until the 26th?

Councilmember Molina.

COUNCILMEMBER MOLINA: Madam Chair, at what point will we be losing quorum? I understand one Member will be leaving.

CHAIR KING: Well, I know we're going to lose quorum by 2 for sure, possibly earlier.

COUNCILMEMBER MOLINA: Doesn't leave us much to consider after our break, I guess.

CHAIR KING: So, we can continue until 2, or we can just recess now and then go, you know, we can go to lunch, and we can recess until the 26th.

COUNCILMEMBER MOLINA: I'm okay to, if we want to continue till 2 to address some of the business here. It's your call, Chair.

CHAIR KING: Okay. Councilmember Hokama.

COUNCILMEMBER HOKAMA: I was just going to ask for a short recess, so I may check with my calendar and already arranged, arrangements I've made.

CHAIR KING: Okay. We will, if you can then we can go into our lunch break.

COUNCILMEMBER HOKAMA: Yea, so I just need--

CHAIR KING: Okay. Recess 1:15.

COUNCILMEMBER HOKAMA: --five minutes or less.

CHAIR KING: Call of the Chair, I guess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:15 P.M., AND WAS RECONVENED AT 1:23 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBERS PALTIN, SINENCI, AND SUGIMURA, EXCUSED)

CHAIR KING: The regular Council meeting of July 19, 2019 will reconvene. It's 1:23. And if Councilmembers are willing to stay a little bit longer, we can get through the communications, at least, of the agenda. And so we'll go ahead and start there.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meetings of March 8, 2019, March 22, 2019, and April 5, 2019 were presented at this time.

CHAIR KING: Vice Chair Keani Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE MEETING MINUTES READ BY THE CLERK.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, any discussion? If not, all those in favor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBERS PALTIN, SINENCI, AND
SUGIMURA.

CHAIR KING: Motion carries six, zero, three excused; Members Sinenci, Paltin, and Sugimura.

Okay. Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 19-293 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated July 9, 2019)

Transmitting 125 contracts/grants for June 2019.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 19-293, WITH
THE EXCEPTION OF JOB NO. WW19-15Q-WW-19-15 [SIC],
OKAY, YEA, THE KIHAI WASTEWATER GRIT SYSTEM
REPLACEMENT.

CHAIR KING: Okay. Any other?

Councilmember Hokama.

COUNCILMEMBER HOKAMA:

I'LL SECOND THE MOTION FOR THE CHAIR.

CHAIR KING: Okay.

COUNCILMEMBER HOKAMA:

I WOULD LIKE TO ALSO REQUEST TO OUR APPROPRIATE COMMITTEE, BUDGET, THE FOLLOWING CONTRACTS FOR ADDITIONAL COMMITTEE REVIEW; C-6770 AND C-6773, THIS BOTH RELATES TO THE MAUI LANI PARKWAY KAM AVENUE CIP PROJECT. I'D LIKE TO ASK THAT CONTRACT C-6298-1, I WOULD JUST AGAIN, OUR FAMOUS HR PAYROLL WORKDAY CONTRACT TO BE SENT TO COMMITTEE FOR REVIEW. CONTRACT C-6745, UNDER THE OCS PROGRAM REGARDING GRANICUS, I THINK MANY OF US HAVE SOME INTERESTING COMMENTS WE CAN FOR RECOMMENDATIONS REGARDING THIS. THE FIFTH CONTRACT IS C-5817-5, AGAIN, THIS WOULD BE UNDER THE OCS DBA MAUI SCRIBERS

I just, I would like the Committee to have additional reviews since we're moving towards--

CHAIR KING: Okay, any objections?

COUNCILMEMBER HOKAMA: --elimination of the transcription program.

CHAIR KING: Okay. Thank you.

COUNCILMEMBER HOKAMA: And one last one, Chair.

C-5823-4, THIS IS THE TYLER TECHNOLOGIES CONTRACT REGARDING MAPPS. THANK YOU.

CHAIR KING: Okay. Any objections to those contracts being reviewed? Any other contracts that any Councilmembers would like to pull out of this?

Mr. Clerk.

COUNTY CLERK: Madam Chair, and just for the record, Ms. Rawlins-Fernandez's contract, she requested, what Committee was she requesting that to be sent to?

CHAIR KING: Ms. Rawlins-Fernandez. I think it's probably infrastructure.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. Probably Member Lee's yea, WAI.

CHAIR KING: WAI.

COUNTY CLERK: Thank you, Madam Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: If she wants it.

COUNTY CLERK: And then for the record, I believe all the other contracts as indicated by Councilmember Hokama was to the EDB Committee.

COUNCILMEMBER HOKAMA: Correct.

CHAIR KING: To EDB.

COUNCILMEMBER HOKAMA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. To EDB then.

CHAIR KING: Okay. Alright. We have Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chair, if I may. If our, my colleague would allow me to make some comments on the motion.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

COUNCILMEMBER HOKAMA: Thank you. Chair, I just take note to you and my fellow colleagues my disappointment, again. This is not a good practice on the, on behalf of our Administrations current and past, and the Departments regarding the executement of again very light for, fourth quarter agreements for their various entities, whether it's

the non-private . . . vendor. Annually, the same three agencies stick out like a bad bruise on my big toe; Office of Economic Development, Housing and Human Concerns, and the Water Department, by continuing to process late in the last quarter. For me, they're making it difficult for Finance as we do our bookings, our general ledger balances and how we do our closing our fiscal year books.

I would hope that the Budget Office would give direction to the Departments that this type of practices, because my concern, when you sign that contract in the late fourth quarter, what happened to our providers that had to incur and hold costs for the first three and a half quarters. I think that's very unfair of us to process in this manner. And there is something wrong since this seems to be a habitual practice of various Departments. So, maybe this is something our Budget Chair or the appropriate standing Committee Chairs can review with their appropriate Departments. Thank you, Chair.

CHAIR KING: Okay. Thank you, Mr. Hokama.

Alright, so we have a motion by Vice-Chair Rawlins-Fernandez, and a second by Councilmember Hokama. Any other comments or discussion on the contracts? If not, all those in favor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBERS PALTIN, SINENCI, AND
SUGIMURA.

CHAIR KING: Measure passes, six "ayes", zero "noes", three "excused"; Members Sinenci, Paltin, and Sugimura.

Okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: The Clerk. Okay.

CHAIR KING: Oh, I'm sorry. Mr. Clerk.

NO. 19-294 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 1, 2019)

Transmitting Modification Order No. 7, from the State of Hawaii, Department of Health, for the Strategic Prevention Framework Partnerships for Success Grant in the amount of \$100,000.

CHAIR KING: Vice Chair Rawlins-Fernandez. Now.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request you ask our Clerk to also call up County Communications 19-295 through 19-300 at this time?

CHAIR KING: Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections.

Mr. Clerk.

NO. 19-295 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 2, 2019)

Notifying of intended voluntary contributions for Fiscal Year 2020 received from senior program participants totaling \$207,879, with no Letter of Intent.

NO. 19-296 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 9, 2019)

Transmitting a copy of the contribution award letter from Alexander & Baldwin, Inc., for the A&B Kokua Giving Contribution Program in the amount of \$20,000.

NO. 19-297 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 3, 2019)

Transmitting a grant agreement with the State of Hawaii, Department of Health for the Emergency Medical System grant in the amount of \$376,865.83.

NO. 19-298 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 3, 2019)

Transmitting a grant agreement with the Office of Youth Services for the KALO Program in the amount of \$89,000.

NO. 19-299 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 3, 2019)

Transmitting a grant agreement with the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas Grant in the amount of \$156,800.

NO. 19-300 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 3, 2019)

Transmitting a copy of the budget approved by the E911 Board for the State E911 Wireless Commission in the amount of \$1,811,530.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 19-294
THROUGH 19-300.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. These communications are for informational purposes only. None require Council action, I therefore request they be filed. Mahalo.

CHAIR KING: Okay. Any questions or discussion? If not, all those in favor of the motion say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBERS PALTIN, SINENCI, AND
SUGIMURA.

CHAIR KING: Measure carries six "ayes", zero "noes", three "excused"; Members Sinenci, Paltin, and Sugimura.

Mr. Clerk.

NO. 19-301 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated July 3, 2019)

Transmitting the State of Hawaii Commission on Water Resource Management water use reports for May 2019 for all registered well reporters in the County of Maui.

CHAIR KING: Okay. Councilmember Lee.

COUNCILMEMBER LEE:

I MOVE TO FILE CC 19-301.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Lee, seconded by Councilmember Hokama.

Ms. Lee.

COUNCILMEMBER LEE: Yes. These reports are routinely submitted to the Council for informational purposes. No legislative action is required. Thank you, Chair.

CHAIR KING: Okay.

Thank you, Ms. Lee. All those in, any discussion? If not, all those in favor of the motion on the floor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBERS PALTIN, SINENCI, AND
SUGIMURA.

CHAIR KING: Motion carries six "ayes", zero "noes", and "three" Members "excused"; Paltin, Members Sinenci, Paltin, and Sugimura.

Mr. Clerk.

NO. 19-302 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,
(dated July 10, 2019)

Relating to the Councilmembers' report on the blessing of the Kalama Kai workforce housing project on July 8, 2019.

CHAIR KING: Councilmember Kama.

COUNCIL MEMBER KAMA:

I MOVE TO FILE COUNTY COMMUNICATION 19-302.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Kama, seconded by Vice-Chair Rawlins-Fernandez.

Councilmember Pro Tem Kama.

COUNCILMEMBER KAMA: Chair King, Councilmember Sugimura and I attended the blessing of the Kalama Kai Residential Workforce Housing Project on July 8, 2019 at 45 Kanani Road in Kihei, located within a short walking distance from Cove Beach Park.

I'm making this report pursuant to the State Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes.

The Kalama Kai Project is a 40-unit residential workforce housing development. The project contains mostly three-bedroom units. Each unit includes an open living room, dining area, and lanai. A majority of the units also have ocean views. The Kalama Kai project was constructed by Armstrong Development and the project incorporates a swimming pool and a barbeque area, and also includes several freestanding carports with photovoltaic solar panels, which will significantly reduce common area energy costs.

This gathering was hosted by Armstrong Kalama Limited, celebrated the completion of the project. The new homeowners, employees of the building, and construction workers were blessed by Kahu Kimokea Kapulehua after congratulatory statements were made by the County Managing Director Sandy Baz representing Mayor Victorino, Council Chair Kelly King, and Armstrong Builders CEO Robert Armstrong.

It was noted that this project could serve as a case study for future affordable workforce housing projects. Valuable lessons were learned during the process to successfully bring this 100 percent workforce housing project to life.

A quorum of the Council was not present at the meeting. And the blessing of the Kalama Kai Residential Workforce Housing Project was not specifically and exclusively organized for or directed toward Members of the Council, but was an event whose invitation list was developed by Armstrong Builders LLC. No commitment relating a vote on any Council business was made or sought at the meeting. Council Chair, that concludes my report.

CHAIR KING: Thank you, Councilmember Kama. It was very thorough. And it was an exciting day.

COUNCILMEMBER KAMA: Yes, it was.

CHAIR KING: We can close another one off the books that we've completed.

COUNCILMEMBER KAMA: Yes.

CHAIR KING: And people have moved in. So, thank you for that report.

Any discussion or questions? If not, all those in favor of the motion on the floor to file the report say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBERS PALTIN, SINENCI, AND
SUGIMURA.

CHAIR KING: Motion carries six "ayes", zero "noes", three Members "excused"; Members Sinenci, Paltin, and Sugimura.

Mr. Clerk.

NO. 19-303 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,
(dated June 28, 2019)

Relating to Councilmembers' report on the active shooter training on June 25, 2019, on the eighth floor of the County Building.

CHAIR KING: Okay. Councilmember Pro Tem Kama.

COUNCILMEMBER KAMA:

I MOVE TO FILE COUNTY COMMUNICATION 19-303.

VICE CHAIR RAWLINS-FERNANDEZ:

SECOND.

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

Councilmember Pro Tem Kama, your report.

COUNCILMEMBER KAMA: Councilmembers Molina, Sinenci, Sugimura, and I attended the active shooter presentation and exercise held in this Council chamber on June 25, 2019.

I am making this report pursuant to the State Sunshine Law, specifically Section 92-2, 92-2.5(e) of the Hawaii Revised Statutes.

This exercise was provided by the Department of Police with cooperation from the Department of Corporation Counsel, Risk Management Division, and designed to inform attendees about survival techniques during an attack by an armed intruder to the Council chamber.

As an introduction to the topic, Searay Beltran, a County Safety Specialist with the Department of the Corp. Counsel reviewed with attendees the status of safety and security measures for the County building. He noted that the County owns equipment for screening visitors, x-ray machine, and metal detector, but that third-party contract work, workers are needed to operate this equipment.

Further, he noted that the double doors nearest to the elevator should be unlocked at all times. Staff can still access the doors with their badges and no alarm will sound. The double doors should be equipped with panic alarm push bars and a large pictogram signage to inform the public that if doors are pushed open without a badge, the door will sound an alarm. This will provide an emergency evacuation route from the chamber to comply with State OHSA regulations.

The exercise included a presentation by Sergeant Jan Pontanilla, who reviewed the history of attacks in private and government office settings. She introduced the run, hide, fight protocol that is part of a nationally recognized technique used by the Department of Homeland Security and taught on a national level.

After the presentation, attendees participated in the three scenarios that included the use of blanks in actual firearms. The scenarios provided a somewhat alarmingly realistic experience that made many attendees seriously consider the challenges to addressing an attack within this chamber. We further discussed the issue of building security at our GET Committee meeting on Tuesday, July 2.

One result of the realistic exercise was that our chamber required additional cleaning accomplished by the Department of Public Works custodial staff that impacted your usual custodial schedules. I'd like to express for the record my thanks for their hard work to restore our chamber to the usual level of cleanliness. I would recommend that for future similar scenario-based trainings that funds be budgeted to provide the necessary resources for the additional cleaning . . . by the scenarios.

A quorum of the Council was not present at the meeting. This presentation and exercise was not specifically exclusively organized for or directed towards Members of the Council. No commitment relating to a vote on any Council business was made or sought at this meeting. And Chair King, that concludes my report.

CHAIR KING: Thank you very much Pro Tem Kama. So, can you repeat who was present at that meeting?

COUNCILMEMBER KAMA: Councilmembers Molina, Sinenci, Sugimura, and myself.

CHAIR KING: Oh, okay. Great. Alright, any other discussion or anybody want to add anything? I, I, I guess my one question to you is what, what happened that it required cleaning?

COUNCILMEMBER KAMA: The gun powder was just all over--

CHAIR KING: Oh, there was gun powder.

COUNCILMEMBER KAMA: --the desks and all over so that she had to come in and just wipe down, even the chairs and the floors.

CHAIR KING: Oh.

COUNCILMEMBER KAMA: So, that took an extra amount of time.

CHAIR KING: So, even the blanks have, had gun powder?

COUNCILMEMBER KAMA: Oh yea. Yes. Yes.

CHAIR KING: Wow. Okay. Alright. Well thank you for that report.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: Any other questions or discussion? If not, all those in favor of filing the motion on the floor, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBERS PALTIN, SINENCI, AND
SUGIMURA.

CHAIR KING: Measure carries six "ayes", zero "noes", three "excused"; Members Sinenci, Paltin, and Sugimura.

Okay. Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted.

NO. 19-304 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated June 28, 2019)

Transmitting the plan of audits proposed to be conducted during Fiscal Year 2020.

The recommended action is that County Communication No. 19-304 be referred to the Economic Development and Budget Committee.

NO. 19-305 - SHANE M. SINENCI, COUNCILMEMBER,
(dated July 10, 2019)

Relating to the curbside-recycling program known as the "3 Can Plan".

The recommended action is that County Communication No. 19-305 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 19-306 - YUKI LEI SUGIMURA, COUNCILMEMBER,
(dated July 2, 2019)

Relating to managing feral chickens.

The recommended action is that County Communication No. 19-306 be referred to the Healthy Families and Communities Committee.

NO. 19-307 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated July 5, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.530.030, MAUI COUNTY CODE, RELATING TO CIVIL FINES FOR UNPERMITTED TRANSIENT ACCOMMODATIONS".

The recommended action is that County Communication No. 19-307 be referred to the Planning and Sustainable Land Use Committee.

CHAIR KING: Okay. Members, any objections to the referrals? Or anybody want to pull anything out?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections. Okay. We'll, referrals as noted, as read by the Clerk.

And so, we're getting into our Committee reports. And I did have a request from Member Paltin that we wait on the affordable housing projects since that is her district. And so, I'm going to go ahead and recess the meeting. Recess until July 26, 9 a.m. Okay. Will, in the chambers. Alright. Thank you. 1:42 recess.

(THE REGULAR MEETING OF *JULY 19, 2019* WAS RECESSED BY THE CHAIR AT 1:42 P.M., AND WAS RECONVENED BY THE CHAIR ON *JULY 26, 2019* AT 9:00 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR KING: Good morning. This is the Maui County Council reconvened regular Council meeting from July 19, 2019. Today is July 26, 2019, and we will reconvene this meeting at 9 a.m. as indicated at the end.

Mr. Clerk, do you, my name is Kelly King, I'm the Chair of the Maui County Council. Mr. Clerk, can you take roll call for this morning's reconvened meeting.

ROLL CALL

PRESENT: COUNCILMEMBERS G. RIKI HOKAMA, NATALIE A. KAMA, 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: NONE.

COUNTY CLERK JOSIAH K. NISHITA: Madam Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

CHAIR KING: Okay. Thank you, Members, for being present at 9 a.m.

And Mr. Clerk, please proceed with the agenda. We had finished with the county communications. So, we're onto committee reports.

COUNTY CLERK: Madam Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 19-81 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 19-130, entitled, "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be ADOPTED;
2. That Resolution 19-131, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be ADOPTED;

3. That the proposed resolution entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED;
4. That the proposed resolution entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED;
5. That the proposed resolution entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED;
6. That the proposed resolution entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED;
7. That County Communication 19-249, from the Director of Housing and Human Concerns, be FILED; and
8. That County Communication 19-250, from the Director of Housing and Human Concerns, be FILED.

CHAIR KING: Okay. Thank you, Mr. Clerk.

And, Pro Tem Kama, may I request, before you do your motions that we bifurcate these into the two separate projects that are in here so we can take one project up in a motion?

COUNCILMEMBER KAMA: Yes, you may. And I think, well, Vice-Chair Mike Molina is going to give the report this morning.

CHAIR KING: Oh. Okay. So, you'll make, be making the motion as well? Okay.

Councilmember Molina. And then so, so, let's take up the Polanui Gardens Project first. Or you can give your whole report, but when you make your motion, let's try to do the motions per project cause there's a lot of items on here and it can get confusing.

COUNCILMEMBER MOLINA: Okay. Let's give this is a try first.

CHAIR KING: Okay. Thank you.

COUNCILMEMBER MOLINA:

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 19-81.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Council Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Okay, Madam Chair. Well, the recommendations of this motion include the adoption of the resolutions disapproving the Polanui Gardens and Makila Rural-East Projects submitted pursuant to Section 201H-38 of Hawaii Revised Statutes. What's also included is the filing of the resolutions approving the projects and approving the projects with modifications, along with filing the county communications related to the district boundary amendments for these projects.

Your Committee expressed concern about various aspects of the proposed projects and voted 4-3 to recommend disapproving resolutions and related files.

CHAIR KING: Okay. Thank you, Councilmember Molina. So, I guess, so now we have a motion on the floor for the entire, the entire committee report.

COUNCILMEMBER MOLINA: Madam Chair, if I could add. I mean, maybe procedurally if Members could request separation.

CHAIR KING: Okay. Does anybody who wants to separate this? I just wanted to suggest that for ease. But if everybody's good with just taking this up as one motion, then I'm fine with that. No, okay, we have no request for separation, so we'll continue.

Discussion or questions? No, no comments or questions. Or, if not, we'll--

COUNCILMEMBER MOLINA: Madam Chair, I guess Council Rules would allow us two, to speak to the motion up to two times.

CHAIR KING: Right.

COUNCILMEMBER MOLINA: So, I've done my first time, so I'll go ahead and yield the floor to the Committee Chair or anyone else that would like to give their comments--

CHAIR KING: Speak to the motion.

COUNCILMEMBER MOLINA: --on this motion. Thank you.

CHAIR KING: Okay. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I'm going to support my, my vote in Committee.

CHAIR KING: Okay.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: To approve the disapproval.

COUNCILMEMBER SINENCI: To disapprove.

CHAIR KING: Okay. The, the Committee Report, the motions in the Committee Report are to disapprove both projects and then to file the, the, the motions for the approvals.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR KING: Okay. Thank you.

Any other comments or, Councilmember Yugimura, or Sugimura.

COUNCILMEMBER SUGIMURA: So, I will also be consistent with how I voted in the Committee, Affordable Housing Committee, and that I support this project. I support our working families who are looking for homes. I support that Peter Martin has a courage to move forward this 201, these two 201H projects. And I think because of the nature of he financing 100 percent these projects, that he's able to do the things that I heard other Councilmembers hope for as we've gone through other projects of being able to provide homes for people who actually work and live in Lahaina, or people who work in Lahaina that have to drive to Lahaina because they, there's not enough

housing in that area that they can afford. And that, I believe these two projects would have provided a wonderful place for working families to have the opportunity to live in a place like Launiupoko that would not be afforded to them if we didn't do these affordable housing projects.

And as I said in Committee that, Mr. Martin, if he wants to do it, he doesn't have to, if he doesn't get this 201H or affordable housing projects, he can just go ahead and subdivide the, the parcels of land that are being proposed and people can just build mega-mansions. And I want you to know I am not supporting mega-mansions, because I notice that when the Maui News article came out about this project, and I think it was one of the closing statements in the, in the article, people thought that I was proposing that we should build more mega-mansions and that I was being talked down about that in, in social media.

So, I, I just want people to understand what our laws are and what Mr. Martin is trying to do for the people of Maui County. I commend him. I commend his hardworking staff. I think it was interesting testimony that just happened at the public hearing. I think we heard from people who are, you know, wanting homes. And I, I'm not going to be supporting the disapproval again.

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

Any other? Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. My apologies for not being here on the 19th. I had a prior commitment. So, I just wanted to speak to the, you know, the previous comments about mega-mansions and the supporting our, not supporting this motion. And because the developer has every right to develop mega-mansions doesn't mean that he should, and it doesn't mean that he will.

I recently met with the developer at Mahana Ridge Estates, which is a 51-lot luxury development. And he's built two of the 51, but he hasn't sold them. And that's, for many years, it's, one is like 6.8 million and one is 7.4 million, and he, he's not developing the rest until he can sell one, you know.

And, because this property is, you know, right above the bypass now, it's highway traffic, not great water, fire hazard. I mean, if you can get somebody to buy that for millions of dollars, good luck.

But other than that, my understanding when I came into this job is that we're policymakers and we're in a serious crisis of housing and it's our responsibility to look at the big picture. And so, I mean, I can't see making a horrible policy decision right

out the gate without, you know, trying other avenues to solve this crisis. I feel like this solution that's put before us is not a real solution. I mean, if you have a couple hundred affordable homes, affordable for like 5 to 10 years, that's not going to solve the, the problem, you know. If we use our limited resources in a way that doesn't take good planning, and good policymaking and, you know, good use of the limited resources we have into consideration then what, what are our children going to have. If, is this the kind of intergenerational investments that we want for our future generations, not, not following good policy, not following good planning?

So, just last night our West Maui Community Plan Advisory Committee met and, and you know, it was, it was 5:30 to 10:30 about. And that's all volunteer members putting in hard, hard work, like, I think some of them might have been buyer's remorse after sitting through that first meeting. And so, I, I, I want to respect the work that they're doing. It's a six-month period.

And, and you know, the discussion was about our resources; about our limited water resources, our limited land, we're an island. We don't, we don't have like, if we're going to develop it, at least develop it with sound land use policies. We know there's water shortage for non-potable water. You know there's sewage issues. Build a wastewater treatment plant and reuse that wastewater, you know. Don't make bad policy decisions six months into the job. That's not, I can't do that so that's what I, what I got right now.

CHAIR KING: Thank you, Member Paltin. And your, when you're talking about the advisory, that's the CPAC for the new community plan? Okay. Thank you.

Any other discussion? Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. And I do support this project as well, so I will be voting no on, on the no. It's very confusing, but anyway I do support the project. And I, I'm actually deeply disappointed that many of the testifiers who came to the last meeting sincerely were pleading with us to give them a chance to at least try to be some of the new homeowners in this project. Most of them live on the westside and work on the westside, well, they want to. Most of them work on the westside and some of them live in other places and they want to live where they work.

Since 2017, there have only been a fairly small number of new homes in West Maui. So, it's incumbent upon us to try and provide at least some, meet some of the demand of the people who really need housing. We have to take into consideration that we can't stop the train simply because infrastructure lags. It's our job to bring it, infrastructure, up to par. It's really not the developer's responsibility.

Also, you know, we need a wide range of housing types. We need affordable housing. We need workforce housing. We need gap group housing. And the County and the State can't provide all of those different, that wide range of housing types. We all have to work together. So, my thinking is, you know, the County should do whatever it can to provide subsidized housing so that the, the lower income groups and the disadvantaged can have a chance at housing. But we also need private developers to step up and provide the workforce housing and the gap group housing. And there is a tremendous need for all of, all types.

And we just recently reviewed, the other night in West Maui, the, the project by Mr. Bigley. And you know, it's wonderful that he's going to provide 100 percent affordable housing. But look how he's financing this. He's finan, over 90 percent comes from State and County and, and Federal sources. So, you know, if, if that's what it takes to provide affordable housing, we all need to work together and not abdicate our responsibility to private developers who cannot provide 90 percent subsidies in their projects. So again, Madam Chair, I'm voting in favor of the project and against the, the motion. Thank you.

CHAIR KING: Okay. Any other comments, Councilmembers?

Councilmember Kama, Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I too still am going to retain my vote to support this project. But, and it is too bad that we don't have the testimonies to be able to hear what we heard last week when many of our Members were outside of the State and were preoccupied and, you know, had other commitments. Because even I too was caught off guard with the 19th. I thought it was the 26th and then we changed it.

And so, but I wanted to take the opportunity to just read one testimony that wasn't even three minutes long. So, I'm going to take that opportunity now. And it says, this is from Kawi Keahi. It's his testimony and I'm going to read it verbatim.

It says, Aloha, Madam Chair. Good morning, Councilmembers, everybody. My name is Kawi Keahi and I'll be testifying on AH-1 and 2. I am in support of this project. I believe we need affordable housing for local workforce families. I believe every local family has a right to have a house on the hill as any other person. It sickens me to hear people who flew here oppose one project that would benefit people who grew up here. It sickens me to hear my own people cannot see the need for affordable housing. It's disappointing.

My brother, 14 years ago, moved to the mainland, and had a wife and two kids, \$4,000 to his name. He took one chance to go to the mainland to make something better of

his life. Twelve years now he's been living Vegas. He had two more kids. He's making it. Hear me, he's making it. But the sad part is, he cannot come home because it's too expensive. His kids never going to know, the two kids never going to know the joy of growing up in these islands, all because we don't have affordable housing. You know, the list goes on. I get uncles, cousins, friends, who live in Indiana, Alaska, etc., still because they cannot afford affordable housing.

Moving to the mainland concerns me. So, fire hazard, true, but I think a big dry open area of brush is more of a fire hazard than having 161 homes. There are people living in Texas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, and South Dakota knowing it's a tornado zone, but still live there. People living in Louisiana knowing it's a flood zone, but still live there. Why? Because it's home. The same people opposing the project continue to live in that dry area, and that's fire zone. You continue to live there, yet, you oppose people from having one opportunity to have one home up there.

Traffic. Where is there not traffic congestion? Paia, congested. Puunene, congested. Kihei, congested. Lahaina, congested. So, to shut down this project because of traffic congestion is absurd. People commuting to and from work; two reasons, people coming from the other side to go to the beach, surfers, etc., should we stop all of them from coming there so we can have one home? No. I say that is irrelevant. That is one false excuse to oppose this project.

I had to write everything down, so I make my points this time. Water. I'll make it quick. There is sufficient water to go around. And I believe it can be resolved. We leave them to the experts. I know I'm not an expert, but I do grow taro and I get water from the stream. If you fill up one Gatorade bottle and pour that thing out, that's how much water comes out of that pipe. But, last week, I've been harvesting taro and they're healthy; thank you, Jesus.

So, this is to the Councilmembers. I ask you guys to please approve this project. We need affordable homes. We need to keep our children, family and friends here at home. You guys say you're for affordable housing, and today your actions will speak louder than your words. We have a problem before us, please be the solution.

You know, a great man of God once said, "The opportunity of a lifetime must be seized within the lifetime of the opportunity. The opportunity of a lifetime must be seized within the lifetime of the opportunity." Leonard Ravenhill said that. Councilmembers, you have an opportunity to help workforce families achieve something that so many seems unachievable. You have an opportunity to keep us and our children and the generations to come here. Mahalo. Thank you for your time.

That is his testimony and that, out of all the testimonies that day, touched me. And you know, I always think about don't tell me no can, help me how can. And that has always been my mantra; that if we can't, then let's work on how we can. And Madam Chair, that is my comments for today. Thank you.

CHAIR KING: Thank you, Councilmember Kama.

Any other? Councilmem, or Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I'm going to also keep the vote that I made in Committee, which was to disapprove the project. So, I'll be supporting the Committee's recommendation of disapproval of the two projects.

I was here for the testimony and I can help to recap for those that missed it. So, one of the, many of the testifiers made the point that, you know, is the land title valid? Is it free and clear? And I don't think we've received evidence that it is.

Second thing that many testifiers who supported the disapproval of this project stated was that they support affordability in perpetuity because they recognize that we would be back at square one in 10 years. And we have to stop doing that because we're not fixing the problem if we continue to require it to be affordable for such a short time.

Water. Many testifiers provided documents and notices to show that there's been a lot of demands of them to be more restrictive of their water use, you know, while some testifiers claim that there is sufficient water. Many testifiers who live there testified to the fact that they, there is a water shortage. If there are other residents using water at the same time, then, you know, the, their faucet will not turn on. There won't be any water that'll be coming out.

And I wanted to bring up the Waikapu Country Town Project that agreed to a condition that requires residents, the residents that'll live there to help invest in supporting the watersheds that provide those communities water. And I think that's such a progressive idea and it's something that I think many new projects and developers should look at, because we need to invest. Going forward, water is going to get scarcer. And if we're not doing more to protect our watersheds, and not just our government, but we together as a community, then we're going to be in serious problem.

For the, what was it yesterday or the other day, July 24, so Wednesday. There was a large ad in the newspaper, and it had a misleading statement that said that these projects are consistent with the County's directed growth plan and are consistent with the Maui Island Plan. And that these projects are appropriately cited and designed.

But, if you were to go the Maui Island Plan on page 8-62, you'll see a Makila discussion that indicates that this area was designated rural. There's no mention of the proposed urban residential, and no mention of undersized sub-standard one-acre agricultural lots. Neither of these projects comply with the Maui Island Plan's designation of rural.

Many of the testifiers felt like this was personal against Mr. Martin. And, I mean for me, I don't even know Mr. Martin. So, this is not personal against him. And I don't know if, you know, because many of them were employees of Mr. Martin, that if that is what is being communicated, and I just, I wanted to correct that; that this is not personal against, you know, one person. This is about doing projects that'll truly serve the community in providing housing, affordable housing, truly affordable housing that won't have the kind of impacts like this project and will have more guarantees.

Because, you know, a lot of testifiers and, you know, our Councilmembers here spoke to the need of those who want to return to the communities that they grew up in or who work, you know, in West Maui and they don't want to do that commute. But there's no guarantee that those who grew up there would get these houses, because it's a lottery. And the developer didn't even put residency, residency requirement to qualify. So, you know, it, it may not even be a local person. Not just someone who is, grew up in West Maui, but it may not even be someone that is living on Maui. And so, there's just no protection and safeguard and no guarantee that, you know, local people would be getting this house in the lottery.

And so, for those and many other reasons, I, I will remain steadfast in my vote to disapprove this project, both projects. Mahalo.

CHAIR KING: Mahalo, Vice-Chair Rawlins-Fernandez.

Okay, I think we had everybody. Is there anybody who didn't get to give the first comment? Mr. Hokama, no.

Okay, we'll do the second round. Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Well, let me just first start off by saying this is certainly not a happy day because whatever vote we take will be praised by some and condemned by others. But it has certainly been a very highly passionate and emotional issue.

Let me first state my displeasure with the fast-tracking process. As I stated in Committee, our backs are put up against the clock. And this is a significant project in an area that's sensitive to many. And to have to make decisions without fully vetting out these projects, it's tough on the Council and tough on the community. You know,

whether we like it or not as Councilmembers, any project that comes before us, we need to do the proper vetting and sometimes it takes time, and frustrating to some.

But look at the, Mr. Atherton's project. Yes, it took time, but it was fully vetted, and you got something that's good out there. So, and I appreciate Mr. Martin doing his part to address the affordable housing issue. But supporting these projects means you're also supporting market-rate homes. And according to the voices I hear in the community, that is not a high priority; market-rate homes. The community wants affordable or attainable rate homes as well. So, it's a double-edge sword if you support these projects. So, and I know all the talk about affordable, which is a good component of this, but you are also going to be supporting market-rate homes.

And many have already stated the concerns about water and fire and everything else, so I'm not going to touch on that. But the fast-track process also lets the developer off the hook with addressing traffic impact, or traffic impact fees to address those issues. And for me it's just something that's maybe a little bit too much, and with too little time to, to make a sound decision on this. So, you know, I feel for those who certainly need the homes. But you know in a perfect world I would have wished that when the first homes were put up there by Mr. Martin were affordable homes instead of market-rate homes, you know. But this is not a perfect world. And you know, there's nothing against the law with trying to make a profit and so forth. But there is also a price to that as well.

The community plan process, if I may touch on that, Madam Chair, too, as it was stated by my colleagues. The process has started and I'm not sure if this, these projects are consistent with what is in the community plans at this point. And maybe if the developer would have chosen to maybe wait to see and let the community plan process take its course, and then go from there. Cause sooner or later, we got to respect the wishes of the community as how they want it to grow and where they want appropriate growth to occur.

So, it's definitely painful, Madam Chair, this decision, but I'm going to support the motion to deny these projects. And I know all of us here certainly afford, support the need for affordable housing, but by the same token, we would have to respect the wishes of our community members who want us to vet these projects out appropriately and address the concerns. So, we got to hear the concerns from all sides. So, I'll leave it at that. Thank you, Madam Chair.

CHAIR KING: Okay. Thank you, Mr. Molina.

Any other second comments? Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to bring up another, you know, one of the questions that came up at the last meeting was to see if one of the developers ever registered in Hawaii. And so, I don't know if they had registered with the Hawaii business, I think it was Kipa Centennial. And that was one of the questions I brought up if it, if it was, if their application was still valid if you weren't registered in the State of Hawaii. So, I don't know.

CHAIR KING: Did you get an answer to that?

COUNCILMEMBER SINENCI: No. We didn't. That was one of the questions that came up in--

CHAIR KING: Committee.

COUNCILMEMBER SINENCI: --in Committee. I don't know if the staff looked that up for the, for the committee report.

CHAIR KING: Mr. Kushi, do you know if there was an answer to the, Mr. Sinenci's question on whether the developer? Can you restate your question?

COUNCILMEMBER SINENCI: I, I believe it was Kipa Centennial. And the question was if they were registered to do business in Hawaii, because they were listed on the application for the 201H?

FIRST DEPUTY CORPORATION COUNSEL ED KUSHI, JR.: Madam Chair, Member Sinenci, I wasn't here at the meeting. I don't recall any request from our, made of our office to check on that. So, my answer is I don't know.

COUNCILMEMBER SINENCI: And so, the question at, at the Committee was to see if that application was even valid if, if you weren't registered. So, I just wanted a follow up answer--

CHAIR KING: Okay.

COUNCILMEMBER SINENCI: --on that.

CHAIR KING: I don't know if we have anybody who's designated as a--

COUNCILMEMBER SINENCI: Okay.

CHAIR KING: Council Pro Tem Kama, did you, do you know if that question was submitted to the developer?

COUNCILMEMBER KAMA: I do not know that.

CHAIR KING: Okay, was not submitted by--

COUNCILMEMBER KAMA: I know the issue did come up--

CHAIR KING: Okay.

COUNCILMEMBER KAMA: --and Shane did raise it.

CHAIR KING: Okay.

COUNCILMEMBER KAMA: But I don't know if anybody followed up.

CHAIR KING: Okay, so your Committee did not submit that question?

COUNCILMEMBER KAMA: No.

CHAIR KING: Okay. Thank you.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yea, that came up, your, from Mr. Sinenci. And I think even discussions, further discussions on it through other Committee members. But that particular entity said that it was registered, they will be registering or even as our meeting was going on, they were registering it with, with Hawaii. And that the--

CHAIR KING: Okay. So, there was no follow up?

COUNCILMEMBER SUGIMURA: It was taken--

CHAIR KING: So as far as we know, they were trying to get registered in the State of Hawaii, but we don't know if they had, there was no follow up to answer?

COUNCILMEMBER SINENCI: Yea, so if we can check. That was one of the, the issues.

COUNCILMEMBER SUGIMURA: Would it change your vote though? Just curious.

COUNCILMEMBER SINENCI: Well, I don't know if it even invalidates--

CHAIR KING: Just, just stick with--

COUNCILMEMBER SINENCI: Well, I don't know if it even invalidates the application. So, that was just, you know, was brought up at the last meeting.

CHAIR KING: So, we don't have an answer for you at this point.

COUNCILMEMBER SINENCI: Okay. You know, my, my vote to disapprove, we did go through a lot of different affordable housing projects like, this week the Kupuohi Project and also Waikapu. And so, those were, I thought they were great presentations and I felt that the developers for both projects, you know, came with their i's dotted, t's crossed. And, and it was very refreshing to, to see these types of affordable housing come to fruition or even get started off the books. So, I just wanted to pledge my support for 100 percent affordable housing.

And, and part of the reasons why, you know, this project came under my radar is one that it, it's come to the past Councils before. And they had found, and they spent time and energy vetting this project prior to, to my presence here on, on the Council, so they had some concerns about it back then and, and so, and we still do today.

I support the affordable housing in perpetuity. I think that's been the problem that has been in the Council is that these affordable housing turn, turnover in 10 years and back to market rates that, that our working families cannot afford. And there were questions about this project continuing to be affordable because of the multiple cars that you would need, the ATU maintenance fees, the private utilities cost that would, would, you know, some of the HO, HOA fees that would accompany. So, these are all extra costs that would probably stack up on top of the affordability rates.

I too believe when it comes to Councilmember Molina, the 201H process seeks to rush the process in 48 hours *[sic]* and puts the onus on us to decide without really, you know, it seems to circumvent some of the, the County policies that we've established like the two-acre ag lots. And even the State Agriculture Department said that it exacerbates the problem with gentlemen estate lots that inflate agriculture land values that benefit the homeowner via property tax exemptions and lower water rates, thereby providing no viable agriculture production on ag lands, reducing lands available for farming, and making it more expensive for farmers. So, I support continued agricultural zoning use in this area.

And lastly, I believe that the, the developer has other lands that may be closer to town where he could easily hook up to sewage and water resources, where there is more wrap around services, where you wouldn't have to always get on a car to get anywhere to access, you know, schools, hospitals, public services. So, I'm hopeful that, you know, that a project comes back where you have a lot of the same benefits like, like this project has, but where we can easily vet it and, and support it wholeheartedly. So, with that, I'm going to continue my vote. But just realize that my vote comes with a lot of responsibility. And I, and I look forward to continuing our quest for affordable homes on the westside. Thank you, Chair.

CHAIR KING: Thank you, Mr. Sinenci. And so--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, really quick.

CHAIR KING: Ms., question for--

VICE-CHAIR RAWLINS-FERNANDEZ: I just, I have an answer for Member Sinenci.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: My office did a quick search on the Department of Commerce and Consumer Affairs website and it doesn't look like Kipa Centennial is in the database.

CHAIR KING: Not registered?

VICE-CHAIR RAWLINS-FERNANDEZ: They're not in the database, so not registered.

COUNCILMEMBER SINENCI: Question the validity of the application if not.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: Mahalo.

Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. On regard, in regard to that point, I recall that the attorney for the developer, Tom Welch did come and explain the status of that, the filing of that application. And according to him, and it didn't seem to be opposed by Council or anybody else with the Administration, that that filing wasn't necessary to file an application for a 201H. But it really doesn't matter. You don't have the votes anyway, so why waste time on that issue?

Okay, getting back to housing. All of us, I believe, were given a West Maui Community Plan housing technical resource report dated October 15, 2018. And this was provided to us by the Planning Department, so this is not something I just dreamt up. And on page 2, under Countywide Policy Plan and Maui Island Plan, it says, "Expanding housing opportunities for residents is one of the key strategies (Strategy E) identified in the Countywide Policy Plan to achieve the Plan's future vision. The Maui Island Plan has a whole chapter (Chapter 5) dedicated to housing." And the top listed Maui Island Plan housing objectives includes more livable communities that provide a mix of housing types, land uses, income levels and age. Just as I said, you know, we can't just do subsidized housing. We need a variety of housing types.

And then to the issue of the 201H, the very purpose of the 201H process is to circumvent a variety of ordinances and requirements in order to expedite the otherwise extremely lengthy land use process.

So, you know, these are a couple of points I made for clarification. And, you know, people reference the West Maui Community Plan. This is a process and I hope whoever has the Committee on community plans really studies the, the process, because what we have now is a really almost dysfunctional disjointed process.

The last time the West Maui Community Plan was approved was when I was on the Council in 1996. I mean, this is totally unacceptable. So, whomever is in charge of community plans, I would hope that it'll be your priority to fix this mess so that everything is up to date and not, you know, segmented so, so that people who contributed to the plan can see the implementation of the plan and not, you know, not their grandchildren. So, it's important that we really try and fix this as, as a high priority for this Council. Thank you, Madam Chair.

CHAIR KING: Thank you, Councilmember Lee.

Any other second comments? Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to echo Member Lee's sentiments on the community plan process, and also Member Kama's sentiments about, you know, working together and moving forward. As I see it, like as policymakers, now the parameters have been kind of set, you know. And, you know, this isn't the only project that's come before us. It won't be the only project in the future. And I hope it's not one of those, you know, take my toys home and go kind of things.

Like everybody stated, you need development that is 100 percent affordable in perpetuity. And, and we do have this 201H tool to fast-track the process. And I think

if, like how one of the other Member's said, all the i's are dotted and the t's are crossed, and the community is for it, that's what the 201H process is for. Like, let's move it forward, it's 100 percent affordable, it's in the right area, it's going to stay affordable for 30 years, you know. That's, I think that's what the 201H process was for; not for, you know, projects that don't necessarily have the i's dotted and the t's crossed.

And so, from another meeting that we had, sorry, can't remember cause it's blending together, but people said that if, if the developers can't do it, if they can't do this 100 percent affordable, they can't do it like how other folks have been able to, maybe we don't need out-of-state developers. Maybe we need local builders. It's, it's not a question about this project; it's a question about we need affordable housing. Who's going to step up and be the builder? And, and if an out-of-state developer can't make the numbers work to make it 100 percent affordable, they can't make the numbers work to give the existing homeowners water on a regular basis, then, you know, either strive for that goal or, or let's go with local builders who can.

So, we still got like a year and a half left and I hope that we can work together and, and seeing what the parameters are, create the housing that, you know, that we can all get behind and support. And, and work with the community plan guys and the Administration to make sure that the, the community plan moves along at a faster rate than it's been doing. And, maybe give those guys some a/c too, cause was hot last night.

CHAIR KING: Thank you, Member Paltin.

Okay, any other comments? Second and final.

Councilmember Kama.

COUNCILMEMBER KAMA: I just want to thank this Committee, the Housing Committee. And I want to thank you too even though you don't sit on it or Member Paltin. But because the committee work of housing is hard work. It means that we're going to disagree. But it doesn't mean we stop loving each other. It doesn't mean that we stop working with each other. And it doesn't mean we stop talking. All it means is that we just keep working on the next project as it comes through. So, I just want to lay that out to the Committee, that we are the Council; that's who we are. And to be effective, we have to keep talking even if it means disagreeing. Let's just keep the conversation going.

So, while we may have crashed and burned on this project, hey, we rose from the ashes the other night. So, there's good things that can happen. We don't always have to feel that . . . feel sad for this project, let's all grieve together, okay. Cause if we can

grieve, but once this is done, then we go back and do the work that we have before us and there's joy again. Joy always comes in the morning and that's what makes me happy. That's why I love getting up. So I love coming here. Even today, it's a good day because we're all here. Thank you, Chair.

CHAIR KING: Mahalo, Pro Tem Kama. Thank you for those comments.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo Pro Tem Kama for those last positive words. I agree with you, you know; I love working on this Council. I think that we were doing such amazing work in blazing new trails. And I know together we can definitely raise the bar. And you know, I think that our community deserves it and we shouldn't just settle for crumbs. So, mahalo, Chair. And, mahalo to everyone for their continued hard work.

CHAIR KING: Mahalo, Vice-Chair. So, if there's no other comments, I'm going to finish up with my comments. And just in hearing, sitting through some of the Committee work from my office and, and seeing a lot of the same testifiers I think came to the Committee as came to the Council meeting last week, so I heard some repeats. And I thought, a former Councilmember from years past who called out Alice Lee as a colleague during his testimony, mentioned that, you know, this is a, this is an issue that weighs heavily on the community plan.

And so, you look at the community plan, is it in the community plan? And looking at the West Maui Community Plan, the area is designated agriculture, the mauka areas are designated for agriculture and open space. The Community Plan does list several projects for housing, including Pulelehua and Puukolii, but it doesn't list the project that we're talking about today as one of the projects designated. And, and you know, to everyone's point, this is an old plan; 20 years plus old. And we're in the process of reviewing it.

So, you know, my, my, I, my proclivity would be to wait until we give the Community Plan a chance to be reviewed. It is a horrible process. We're already out of compliance. We were out of compliance when I got on the Council, three, two and a half years ago. We were out of compliance ten years ago, because these community plan reviews were supposed to happen every ten years.

And there is money. We, Council, we put money in the budget this year for two things: one to, for the Planning Department which oversees this project to simultaneously outsource the next community plan which would be South Maui; and also, we put money in there for them to hire a consultant to figure out a new process so that we

don't have this three and a half year process, linear process and we go one community plan at a time. This is not working in this day and age. We should be able to get outside that box and move faster. And so, I agree with all the comments that have been made about this community plan.

And that being said too, on the affordable housing issue; one, I believe that workforce housing needs to be done in concert with the businesses that need that workforce housing. And I've seen it happen in the past and it failed in South Maui because we had, I think was the Grand Wailea when they opened up, they put workforce housing in, that went to market at some point. And we have no workforce housing for the Grand Wailea. The whole point back then was you're going to create all these jobs, all these people are going to be driving in, where's the housing to put it in. It's no longer there. That's what happens with the ten-year issue.

So, I'm not in, I am in favor of us, we looking at in. And this is State. This is a Hawaii Revised Statute, this 201H process, so we are going to have to make proposals to the State Legislature if we want to make changes in it. But, I'm not in favor of this 45-day rush through, you know, before we get a chance.

And, I also wanted to make the statement, that when we were going through the budget process, most of us agreed that what we really need to focus on is the 80 percent and lower AMI group. Those are the people who have the most dire need. I think we heard that the bulk of it, from the, from the Housing Department that the bulk of the need is there and that if we can address the 80 percent under, the other part will take care of itself. This project starts at 80 percent and goes up. So, and there are only 15 houses in the 80 percent to 100 percent category, which is under, which is like around 369,000. All the rest of them are above 400,000 go up to over 650,000.

So, I don't see this as truly affordable for the bulk of the people who need it. You know, the, there are other affordable housing projects on the westside. You, you, some of you went with the Affordable Housing Committee the other night to discuss the project up there by Star Noodle, which is 89 units, 100 percent affordable rentals. We have the Kahoma Residential Subdivision. We have the Kaiaulu Maui Workforce Housing, which is aina, Aina Lani Pacific. And we have Pailolo Place. Those are the four projects so far that are in West Maui that we can pinpoint.

So, it's not, this is not a do or die, this is not the only project for West Maui. And these other projects are closer to infill, to the areas where people need to live to easily commute to where they're working, you know. And, and to me that should be the goal is to, I don't know ways, and one of the, one of the issues that Councilmember Lee brought up with the funding is that when you start getting into, you know, you do have to look for these other areas of funding. And we probably need the developers that

are finding this to give, to do some kind of workshop or seminar for all the other developers and, you know, share the information of where this funding is.

But the all, the downside of taking Federal funding is you cannot designate it just for Hawaii residents, certainly not Maui residents. If you take Federal funding, you can't discriminate. However, there are ways that you can make it easier for local people to apply. And I think, I know I've talked to a couple developers who are getting very creative with that, because they do truly want this to be, want their affordable housing to be local.

The, the project that's getting ready to, in the next couple of weeks, they're going to be announcing their lottery for the North Kihei Kaiwahine Apartments. And those are apartments, those are 100 percent affordable for under 60 percent AMI for, for, I'm not sure if it was 55 or 65 years. But you know, for most of us my age, or that's perpetuity for us. But that's a project that's going to be, it's going to allow somebody making 30,000 or under to get a two-bedroom apartment for, you know, starting at \$511 a month.

That's the kind of funding that we're looking at. That's what we set, when we committed, when we talked about this in budget and we said we need to focus on 80 percent and under, this is what we committed to and this where we see the greatest need. So, and it doesn't have to just be in certain areas, but it has to be done correctly and it has to be truly affordable as many of you talked about, and it also has to be appropriate.

And I don't even want to get into the segmentation issue, but I do have documentation from, a communication from the Department of Health that says that all the projects in the master plan for the development of this area would be considered in the total development of the area. So, putting it into three different parcels and saying that each one, if it's 50 or less doesn't have to have the wastewater treatment facility is not accepted by the, our Department of Health per this, this response email to Vice-Chair Rawlins-Fernandez's office.

So, I, I think there's a lot of those issues that we have to work out. Councilmember Sinenci said we have, these are, things come to us to fast-track but they're not always appropriate to fast-track. And so, that's our job to look through them. And I do think that there are some really good things happening in various areas that we are making progress on with affordable housing, and especially affordable rentals that are coming up.

So, I want to thank, again, our Pro Tem Tasha Kama for, you know, just kind of saying what's in all of our hearts, that we will go forward, and we will continue to work on the

issue. Because, yes, we do see it as a crisis, but it's a crisis that needs to be handled as a crisis. And I see that the biggest part of that crisis is the lowest income. So, I'm going to be supporting the motion on the floor, because I want, this is what I want to see. I want to see the lower income addressed. I want to see longer periods of affordability. And I'm not, you know, hard and fast in perpetuity, but I think 30 years is, should be a minimum, especially if we're going to fast track and give entitlements. So, that's my, that's my one and only comment. And if we're all ready, I figure everybody has had their two.

COUNCILMEMBER MOLINA: Madam Chair, just a point of information.

CHAIR KING: Sure.

COUNCILMEMBER MOLINA: Just so we're clear on what we're voting on as it relates to the motion so there's no confusion out there that I've seen occur in the past with other matters.

CHAIR KING: Would you like to restate?

COUNCILMEMBER MOLINA: Yea. So again, the motion if you vote "yes", it's to deny the projects. If you vote "no", that means you're not in favor of denying the projects. So, just so everybody is clear what the yesses and no means as it relates to this motion. Thank you.

CHAIR KING: Okay. Is everybody clear? Okay. Alright, we'll, we'll do roll call vote I guess on this one, since we know there's some division.

Mr. Clerk.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: NO.

COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: AYE.
COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: AYE.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: NO.
COUNTY CLERK: Presiding Officer Pro Tem Tasha Kama.
COUNCILMEMBER KAMA: NO.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
COUNTY CLERK: Chair Kelly T. King.
CHAIR KING: AYE.

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

NOES: COUNCILMEMBERS KAMA, LEE, AND
SUGIMURA.

COUNTY CLERK: Madam Chair, that's six "ayes", three "noes", motion passes.

CHAIR KING: Okay. Thank you, Mr. Clerk. We're, that, that includes all of the filing of the county communications and filing of the opposing motions.

Okay, Mr. Clerk, continuing on with our agenda.

COUNTY CLERK: For the record, RESOLUTIONS 19-130 and 19-131.

COMMITTEE REPORT
NO. 19-82 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Resolution 19-132, entitled "APPROVING THE DIRECTOR OF FINANCE TO COMPROMISE A CLAIM RELATING TO REAL PROPERTY TAXES FOR TAX MAP KEY (2) 2-1-013:079," be ADOPTED; and
2. That County Communication No. 19-140 from the Director of Finance, be FILED.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 19-82.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Lee.

Ms. Rawlins-Fernandez, speak to your motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Lee. Mahalo, Chair. The purpose of this proposed resolution is to approve the Director of Finance to compromise a claim exceeding \$500 per Subsection 3.48.010(L), Maui County Code. The claim relates to tax map key (2) 2-1-013:079.

Your Committee revised the resolution to require the property owner to pay all delinquent property taxes by July 31, 2019, to receive the benefits of this compromise. Your Committee voted 7-0 to recommend adoption of the proposed resolution and filing of County Communication 19-140. Mahalo, Chair.

CHAIR KING: Okay. Mahalo. Any comments or questions? This went through Committee, so if not, 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 passes nine to zero, unanimous.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-132.

COMMITTEE REPORT

NO. 19-83 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-133, entitled "RELATING TO THE
APPOINTMENT OF BRIAN HAUSER TO THE COUNCIL ON AGING," be ADOPTED.

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-83.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez, who is also the Vice-Chair of your GET Committee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on July 2, 2009 *[sic]* to discuss the appointment of Brian Hauser to the Council on Aging. And your Committee voted 9-0 to recommend adoption of the proposed resolution approving his nomination. Thank you.

CHAIR KING: Thank you. Any comments, questions? If not, 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 passes nine to zero, no opposition.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-133.

COMMITTEE REPORT

NO. 19-84 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-134, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30181567461-0001 OF ALLSTATE INSURANCE COMPANY, ON BEHALF OF ADOLFO CASANOVA MARTINEZ," be ADOPTED.

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If there are no objections, can we have the Clerk call up Committee Reports Nos. 19-85 and 19-86.

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: One objection.

CHAIR KING: Oh, one objection.

VICE-CHAIR RAWLINS-FERNANDEZ: 19-86. If it could be separated.

CHAIR KING: Okay. So, we'll bring up 19-85 and do those two together.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

COMMITTEE REPORT

NO. 19-85 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-134, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30191690556-0002 OF FIRST INSURANCE COMPANY OF HAWAII, LTD., AS SUBROGEE OF DEAN BOWMAN," be ADOPTED.

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Committee Report No. 19-84 and 19-85 have to do with--

CHAIR KING: Would you like to make a motion first?

COUNCILMEMBER MOLINA: Oh yes.

OKAY, MOVE TO ADOPT COMMITTEE REPORTS NOS. 19-84
AND 19-85.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Madam Chair. Here we go. For the first, for the Adolfo Casanova Martinez claim, the, your Committee voted 8-1 to recommend adoption of the proposed resolution to authorize settlement.

And for Committee Report No. 19-85, with regards to the First Insurance Company of Hawaii, on behalf of Dean Bowman, your Committee, for the proposed resolution authorizing the Corporation Counsel to settle the claim for \$21,027.24 was authorized by a unanimous 9-0 vote. Thank you.

CHAIR KING: Okay. Thank you, Mr. Molina. Any comments or questions on 19-84 and 19-85? If not, all those in favor of the motion on the floor to approve both of those communications, or committee reports, 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: Okay. Measure passes nine to zero for those two Committee Reports. Moving on Mr. Clerk.

COUNTY CLERK: Relative to Committee Report 19-84, for the record, RESOLUTION 19-134. Relative to Committee Report 19-85, for the record, RESOLUTION 19-135.

COMMITTEE REPORT

NO. 19-86 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-135, entitled "AUTHORIZING SETTLEMENT OF KELLY PAUOLE VS. COUNTY OF MAUI POLICE DEPARTMENT, ET AL., CIVIL NO. 18-1-0007(2)," be ADOPTED.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-86.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Councilmember Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. This matter deals with a complaint that alleges employment discrimination and retaliatory acts by the Department of Police against Plaintiff Kelly Pauole. After an executive session meeting, your Committee voted 6-1 to recommend adoption of the proposed resolution authorizing settlement. Thank you.

CHAIR KING: Okay. Thank you, Mr. Molina.

Any comments or questions that we can do in open session? If not, all those in favor of the motion on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Okay. Measure passes nine *[sic]* to one.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Eight. Eight.

CHAIR KING: Oh, I'm sorry. Eight to one. Eight to one. Vice-Chair Rawlins-Fernandez, thank you for correcting my math.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-136.

COMMITTEE REPORT

NO. 19-87 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 40 (2019), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX

MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 41 (2019), entitled "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEY (2) 2-4-002:006 (POR.)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 42 (2019), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICTS TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That the County Clerk RECORD the unilateral agreement; and
5. That County Communication 19-198, from the Planning Director, be FILED.

CHAIR KING: Okay. Councilmember Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 19-87.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Okay, moved by Councilmember Paltin, seconded by Councilmember Sinenci.

Ms. Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO AMEND THE CHANGE IN ZONING BILL BY ADDING A THIRD CONDITION OF ZONING TO READ AS FOLLOWS: "HUI NOEAU AND ANY FUTURE OWNER OR LESSEE MAY NOT OPERATE A TRANSIENT VACATION

RENTAL, A BED AND BREAKFAST HOME, OR A SHORT-TERM RENTAL HOME ON THE PROPERTY OR PROVIDE OVERNIGHT ACCOMMODATIONS FOR STUDENTS ON THE PROPERTY".

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Paltin, seconded by Councilmember Hokama.

Ms. Paltin, do you want to give the committee report and then give your reason for the amendment?

COUNCILMEMBER PALTIN: Hui Noeau operates a visual arts center in Makawao, Maui, Hawaii. It has historically relied on a State Land Use Commission Special Permit to operate. The requested land use entitlements would allow Hui Noeau to operate in compliance with the County and State law without a permit.

One aspect of Hui Noeau's program is to invite renowned artists from around the world to share their knowledge with the community. Visiting artists may stay at a guest cottage on Hui Noeau's property. To ensure this use remains limited to visiting artists, I am proposing this new condition of zoning.

CHAIR KING: Okay. And do you want to read the motion? The, did you already read that amendment?

COUNCILMEMBER PALTIN: Yea, I, I read it.

CHAIR KING: Okay. Okay. So, right now, Members, we have an amendment to the main motion on the floor. And we do have someone from Hui Noeau if there are questions. I see somebody in the audience. Would you like to hear from Hui Noeau?

COUNCILMEMBER SUGIMURA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

COUNCILMEMBER MOLINA: Yes.

CHAIR KING: Would you come forward please and state your name and position at the podium over here?

MS. ASHLEY HESJEDAL: Good morning, Chair, Council. Ashley Hesjedal from the Hui Noeau.

CHAIR KING: Okay. And your position at Hui Noeau.

MS. HESJEDAL: The project manager for the capital campaign and organizer of the, the County and State.

CHAIR KING: Okay. So, Mr., Councilmember Molina followed by Vice-Chair Rawlins-Fernandez, had questions for you.

COUNCILMEMBER MOLINA: Thank you. Good morning. Just a quick question. I know one part of the amendment would ban any overnight accommodations for students on the property. Have you in the past allowed people just to stay over? You know, sometimes you have visiting artists or school groups or anything? Or has that always been a policy not to allow anyone staying overnight with school children--

MS. HESJEDAL: Let me see if I, if I'm answer you correctly. Be, aside from the artist cottage where we have the visiting artists stay, do we have any other?

COUNCILMEMBER MOLINA: Yea, and I wonder if this amendment could affect that as well?

MS. HESJEDAL: That's actually one of the discussions Councilmember Paltin and I have had, because we definitely wanted to make sure, like, because our, with aloha program is, is growing which is our, you know, focuses on, on the Hawaiian arts and culture. So, if we have a group come from another island, let's say, would they be impacted if they couldn't stay on our property for free? And that was kind of the only way we got them to come to Maui.

I feel like we got that worked out so that that's not impacted as long as we're saying, you know, we're sticking to it's not a vacation rental. So, we're not, we wouldn't be charging an artist to come and stay if it was one or two people. So, that's, I think that's covered if that's--

COUNCILMEMBER MOLINA: Okay, so you're okay with the amendment as proposed?

MS. HESJEDAL: Actually, if we're, we were prepped all the way until the word "property" on number 3. And so, prepared this morning to, to go, it goes with the law which our board of directors has the approval, has given the approval already to, for our executive director to agree to anything that's goes with the, the way the law is already stated. This last sentence will have to go back to the board of directors to get their approval

most likely cause it's something the executive director might not be able to agree to without the board of directors approval. Possibly--

CHAIR KING: Ms. Paltin, was this worked out with the--

COUNCILMEMBER MOLINA: Thank you.

CHAIR KING: --with the director?

COUNCILMEMBER PALTIN: Yea. It was my understanding that this change in zoning was only for that 14-acres. And if they wanted to have an event as Mr. Molina was stating, they had that grassy area as well, as part of their property, but that this conditions of zoning were strictly for the change in zoning property. And it's to, you know, keep it to the uses that are currently going on and not go beyond it was--

CHAIR KING: So, maybe, maybe we can add the language--

MS. HESJEDAL: And--

CHAIR KING: --and adding a third condition of zoning for that.

COUNCILMEMBER PALTIN: I mean, I'm okay with bringing it back to my Committee if, if we need to--

CHAIR KING: Alright, well--

COUNCILMEMBER PALTIN: --further discuss it.

CHAIR KING: Mr. Molina, are, is, are you?

COUNCILMEMBER MOLINA: Yeah--

CHAIR KING: Okay. So, let me let, let me give the floor to Vice-Chair Rawlins-Fernandez for your question, you can follow up.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member Molina asked the question that I was wondering if, if it's a activity that is currently happening on the property, if Hui Noeau supports this condition. And then, it sounds like the last portion of it, where it says, "provide overnight accommodations for students on the property" is the point of contention. And I'm wondering if maybe we added something like "for a fee". Like, if, "may not provide overnight accommodations for students on property for a fee", or

something where there's exchange of money happening. Because that, that's what you're trying to avoid, right?

COUNCILMEMBER PALTIN: Yea, we don't. Yea, we don't want to run into like a Lumeria type of situation.

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

COUNCILMEMBER PALTIN: So, that's, yea.

CHAIR KING: So, would that, would that, Mr. Kushi, if, would that, the idea of charging for overnight, isn't that already covered in the previous part of the statement that says, "Hui Noeau and any future owner or lessee may not operate a transient vacation rental, a bed and breakfast, or a short-term rental". Wouldn't that cover students, charging students? Cause they're not, we're not trying to eliminate, I mean, correct me if I'm wrong, Councilmember Paltin.

COUNCILMEMBER PALTIN: On the--

CHAIR KING: I'm not trying to eliminate their ability to host groups of students.

COUNCILMEMBER PALTIN: In Maui County Code, Chapter 19.04.040, under the transient definition, it specifically says, "This definition shall not apply to nonpaying guests of the family occupying the unit and to patients or clients in health care facilities, full-time students, employees". So, that's the reason why it was specifically inclu, excluded from the definition of transient. And knowing the problems that we're having with that other property was the reason why it was included here, like, you know, learning from what's going on at Lumeria.

CHAIR KING: Okay. Maybe you can share some of those problems with the rest of us who don't know what's going on. The, the problems that you're referring to.

COUNCILMEMBER PALTIN: It's not, is it, is it not on the agenda? Or, I mean, Lumeria, they, do we need to go into executive session, or? So, they--

CHAIR KING: Well, we're trying to pro, this, this statement, we're trying, if we're trying to keep students off the property, there's some reason why--

COUNCILMEMBER PALTIN: So, there is some question to the definition of a full-time student and whether it's then a B&B and what kind of things are the students learning? And I don't know if you've heard of Lumeria?

CHAIR KING: I've heard of it, but I haven't heard of any problems going on, so I'm just wondering what the issues are?

COUNCILMEMBER PALTIN: Yea, so, I mean, it's, they have enforcement issues because it's what a student, definition of what a student is, and staying overnight, and.

CHAIR KING: Okay. Are you, do you have any other questions, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: No. I yield the floor.

CHAIR KING: Okay. Okay. Let me call on Councilmember Hokama and then Councilmember Lee.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. For Mr. Kushi, one of my things that I'm getting confused is they're asking for a zoning change from interim and ag to public/quasi-public. I get that. So, under permitted uses, public/quasi-public, there's no overnight accommodations as I understand the zoning code. So, would have to still get a permit for use eventually. So, doesn't matter with the condition, right? Because the zoning code does not allow it under public/quasi-public.

CHAIR KING: Mr. Kushi.

FIRST DEPUTY CORPORATION COUNSEL: Madam Chair, Member Hokama, my understanding which is limited of transient rental vacation issues is that it must be included or must be permitted within the zoning category.

COUNCILMEMBER HOKAMA: No. No, I mean I had no problem with the language, that's why I supported the amendment to make sure that there's no accommodations for transient use or temporary use. My concern is about this student use now, yea. Even if we're talking about eliminating or placing fee to clarify, that's still not one permitted use, so they would still need to come back for a use permit through the Planning Department, right, if they want to, or get a variance?

FIRST DEPUTY CORPORATION COUNSEL: Yes. I mean, if it's a full-on vacation, transient vacation rental situation.

COUNCILMEMBER HOKAMA: What about overnight, this overnight accommodation? Because it's still housing.

FIRST DEPUTY CORPORATION COUNSEL: If they pay for it, it's considered a, you know, one-day fee.

COUNCILMEMBER HOKAMA: Yea, well, they saying they not paying, right, the students?

FIRST DEPUTY CORPORATION COUNSEL: Well, that's the issue.

COUNCILMEMBER HOKAMA: So, my thing is that's still housing, though, even if it's free.

FIRST DEPUTY CORPORATION COUNSEL: Again, you know, this is a zoning issue.

COUNCILMEMBER HOKAMA: That's right.

FIRST DEPUTY CORPORATION COUNSEL: And under conditional zoning, you may attach conditions that you deem in the interest of the public. Again, whether the applicant agrees to it or not, that's your problem.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR KING: Wait just a minute, Ms. Mr. Hokama has the floor.

COUNCILMEMBER HOKAMA: I'm done, Chair. Thank you. I know how I'm going to vote.

CHAIR KING: Okay. Okay, thank you. Then I'm going to go to Councilmember Lee and I'll come back to you.

Councilmember Lee.

COUNCILMEMBER LEE: I tend to agree with you, Madam Chair. I don't see the need for the last, one, two, three, "or provide overnight accommodations for students on the property". I, I think, see it's too bad you mentioned something about people staying, the artists staying overnight. I feel that, you know, this is, it's just a matter of accommodation, a temporary accommodation as, as a way to, you know, help people come to Maui to visit and provide information. And I, I really, that's the problem that the County is so super strict and so inflexible sometimes. I think the main issue is that they are not allowed to operate a transient vacation rental or B&B or short-term rental, whether they have one or two students stay overnight or artists stay overnight, I don't really think that's a, that's an issue for us to deal with today.

CHAIR KING: Okay. Thank you.

Councilmember Paltin.

COUNCILMEMBER PALTIN: So, just the problem is students are not transients per Code and it's unclear what constitutes a full-time student. Some of the problem with Lumeria is some folks feel it's a hotel where you just need to take a class and thus abusing that student definition in being as, you know, Hui Noeau is a board of people that can turn over and they do teach classes. We just wouldn't want any type of thing where, you know, they could be accused of hotel that gives classes and let's folks stay.

But you know, if it's getting into too involved of a conversation, I'm glad to bring it back to my Committee and, and we can further vet this out. I don't want to take up too much of the time on the Council. It's up to the rest of my colleagues if they want to vote on it as is or if they would like to return it to my Committee. I'm okay either way.

CHAIR KING: Okay. Thank you. Mr. Kushi, so does a, does the idea of charging students or anybody else for accommodations, is that not covered under the phrase "short-term rental"? Maybe we take the word "home" out? Because it already, the first part of the, the amendment prohibits short-term rental home on the property. If we just say short-term rentals, that should cover anybody doing a short-term rental. And then, you know, if they want to have groups of students come overnight for free and to take a class that's one thing, but they wouldn't be charging them. Would that work? Would that cover that student phrase?

FIRST DEPUTY CORPORATION COUNSEL: Well, Madam Chair, the way I understand it, if they're not charging, charging anything it's not a rental. And you know, it's like a guest in my, your house.

CHAIR KING: Right. Right, but if they are charging--

FIRST DEPUTY CORPORATION COUNSEL: If they are charging, then it's a commercial--

CHAIR KING: Then it would be covered under that phrase short-term rental.

FIRST DEPUTY CORPORATION COUNSEL: Correct, correct.

CHAIR KING: Right. So, I think that--

FIRST DEPUTY CORPORATION COUNSEL: Correct. And whether or not it's allowed in, in that zoning category is another question.

CHAIR KING: Right. So, that's what I'm trying to get at. The, the, the intent of this, as I understand it, is not to disallow groups of students coming to stay overnight if there's some reason why, you know, you need to support their overnight accommodations to

give them an experience at Hui Noeau as long as you're not charging. Are you, is that the intent?

COUNCILMEMBER KAMA: They're just charging for the class, the intent.

COUNCILMEMBER PALTIN: The intent was, you know, based on my staff's experience in enforcement and the current problems that we're facing with another property owner on this issue. That's language was to make it more clear because students, full-time students, students are not in the Code, so then we're making it clear of what we're talking about. We didn't, you know.

CHAIR KING: But, but what is your intent? Is your intent to disallow students from coming to stay for free at this property?

COUNCILMEMBER PALTIN: As part of this change in zoning. The change in zoning was simply to not have them return to the State every year to get this permit. We wanted to continue operation as is, not to use this change in zoning to, you know, allow for more than what it was intended. That was it.

CHAIR KING: Okay. But if their intent, but if they are currently allowing bringing in groups of students and allowing them to stay there for free, because that's the only way they could give them whatever experience, the art experience that they're trying to get.

COUNCILMEMBER PALTIN: Yea, that's--

CHAIR KING: This would preclude that because this doesn't say just for pay. So, I'm not, I don't know what the, is the intent to not allow them to do that?

COUNCILMEMBER PALTIN: It's, well, that's not what they're doing right now--

CHAIR KING: Okay. I thought I heard that they were doing that, so maybe we can clarify from Hui Noeau.

MR. ROB COLE: Good morning, Chair.

CHAIR KING: Good morning.

MR. COLE: My name is Rob Cole of Hawaii Land Use Group and I'm assisting Hui Noeau. And I apologize, I was actually downstairs just trying to contact the executive director about the new condition, and I apologize for missing the first part of the discussion here.

To clarify, the residential use at the Hui is very limited to what they call the "Artist in Residence" program. And this program works opposite that of a vacation rental in two important ways. First, the selection process. It's not the visitor who selects the Hui to stay; it's the Hui who selects artists to come and teach. And second is the transfer of funds. It's reverse of what a vacation rental would be. The Hui incurs a cost which it tries to find funds for through its donors, grants, and programs to bring these artists in. So, these artists are brought in to, they are paid to come to the Hui and teach classes. And their accommodations are given to them as, you know.

CHAIR KING: Okay. So, but that's not the piece that's in question. What's in question is do you have groups of students that you bring over to stay their overnight? I don't know if you have a auditorium—

MR. COLE: There, there currently is--

CHAIR KING: I mean, schools do that sometimes. They, you have groups of students sleeping in the gymnasium for a sports event or something like that, so do you have any operations like, you know, what, that would, this would impede if we put this in here?

MR. COLE: There are currently are no programs such as, like, you know, a dormitory program for students to come in or students one at a time. The only time a student may come is in conjunction with the "Artist in Residence" program. For example, like if an artist comes in from the Big Island and they bring one of their students with them, and that's I guess one of the concerns we would have is are we over-regulating this program which doesn't have much impact whether or not the artist brings a student or their partner or an assistant. We're talking about one, possibly two units of an old residential property that's 15-acres; 25-acres if you consider the entire estate. I don't see that that's going to change.

Now, the first part of the condition we have no problem with. The Hui has never offered any property for rent as a vacation rental, bed and breakfast, or similar and has no plans to do so. And I believe under the new zoning, not only would they be prevented from constructing any type of residential units, those uses, those vacation rental uses would be outright illegal. So, we have no problem with the first part.

It's just the second part we feel like, you know, are we over-managing this "Artist in Residence" program which, you know, I believe the, the oversight should be commensurate with the potential impact. And we're, we're talking about bringing in, you know, a very small group, one at a time for only a portion of the year with great positive impacts to the County when these artists come and share their insights and knowledge.

CHAIR KING: Okay. Thank you. Any other questions?

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you for that explanation. And I think I would, well, first of all, in order for you to, the Hui to have a short-term vacation rental, bed and breakfast they would have to get a permit, so it's not something that you would just decide to do. So I'm not even sure why we need to put this in, unless if we think the Hui now, Hui Noeau is going to do things illegal which I don't think we think that way with the quality of your board and the organization.

And I think what we're trying, over, overly trying to regulate is your "Artist in Residence" program which I think you said during your presentation in Committee that it's something that Ethel Baldwin started, who started the Hui, and it's, it's been a practice of the Hui. I don't think that there was a thought that you would abuse it or didn't sound like it when we had the Committee discussions. So, I can't support this motion, cause I don't think that it's necessary. You wouldn't do any of these illegal activities. And then I think we're trying to over, overly regulate your "Artist in Residence" program which I think is a good thing. I'm not too sure what's happening down the street at, or up the street at the, at the luminary—

COUNCILMEMBER PALTIN: Lumeria.

COUNCILMEMBER SUGIMURA: Lumeria. But I don't think that's the same situation where we're having that kind of, it sounds like some kind of abuse that we haven't heard of yet. But I'm not going to support this one. I don't think we need this amendment, so I'm not going to support it. Thank you.

CHAIR KING: Okay. Just to remind everybody that this, the way this is worded, it says, "Hui Noeau and any future owner". So, you know, this is trying to also stabilize the uses against who might buy a piece of property and possibly change the use.

Council Pro Tem Kama.

COUNCILMEMBER KAMA: I'm sorry, I, I don't sit on the Committee and so I just wanting to ask the Chair of the PSLU, what your concerns were regarding students being overnight.

CHAIR KING: Member Paltin.

COUNCILMEMBER PALTIN: Yea, so, I mean, like Councilmember Yuki Lei Sugimura said, I don't have any doubts about Hui Noeau or their board. I, I think they run an outstanding program. But knowing that, you know, like any board, you can have new members. And you know, being that Lumeria is right up the street, say they come on the board and they do what they're doing at Lumeria over here, and it's kind of like, you know, you need to learn from experiences. What, what I understand they do is, Lumeria is, to some people, operating as a hotel and they offer free accommodations for their students, but they need to pay tuition for the classes. So, I mean, we, we've seen already just down the road of how things can go sour if it's not spelled out.

And, you know, I wouldn't want to preclude like, say the residence in artist is a master canoe builder and you have people coming from all over the State to do it, and maybe they camp out on the other 10-acres on the property that isn't up for the change in zoning. So, I think, you know, when, when it was a Council-initiated zoning, the, the point of it was so that they could get this State funding, that's why it was pushed through. They're getting State funding.

And so, also as an ease so that they don't have to go to the State every year for like a special use permit. We're just going to change in the, change in zoning. And so, the way that it was presented to me is like, you know, we just want to keep doing what we're doing and, and so the conditions were written in that format to keep doing what they're doing and the knowledge that, you know, not everything lasts forever. If, if at some time they want to change it into something else, then let the community know, let the Council know what's, what's going to be different.

And so, for me, I just was trying to make, keep everything tight and, and learn from what's going on in the surrounding area. There's a lot of creative people in Maui and, you know, they use every opportunity to take advantage of it. And I'm, I'm not saying at all that Hui Noeau is, but you know, people move away, people pass away, and new people come in. And for me, that was me doing my due diligence. And if, if others don't agree, then they don't agree, but that's my best effort to make what was presented line up with what I present. And, and take into fact other items on my master agenda that I'm having to deal with. I don't want to have that happen to someone else down the road that they have to deal with a situation when couple words could have cleared it up. So, that, that was my thought process.

COUNCILMEMBER KAMA: Well, in the discussion that was going on down here, that's what it sounded like was going on, so I just wanted to be clear that I'm not imagining, but things like that could occur. Thank you, Chair.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: Yea, it's hard if you're, if you're not a Committee member to catch up to the situation, so.

COUNCILMEMBER KAMA: Yea. But I got it. Thank you.

CHAIR KING: Thank you, Member Kama.

Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Well, first of all, I think we can take care of this matter here without having to send it back to Committee. I know Member Paltin's got a laundry list of things she has to deal with in that Committee, so I'd like to get this matter addressed.

I believe this is just first reading, Madam Chair, correct? We, this has to go through one more reading? Okay. And I guess maybe at that point, assuming this passes whether it's, you know, with this amendment or not, Mr. Cole probably gets some input from the board of directors as to what's being proposed. So, just, just for thought and consideration if we want to take action.

CHAIR KING: Okay. If we make a significant change in the second reading, then it does have to go back to Committee. So, you know, we want to make sure that we're fairly good when it comes out of first reading with what, what the intent is.

COUNCILMEMBER MOLINA: Yea, I know how substantive this amendment would be but, you know, we'll see. Thank you.

CHAIR KING: Right. Councilmember Lee, followed by Councilmember Sinenci.

COUNCILMEMBER LEE: Thank you, Madam Chair. I appreciate the Committee Chair's desire to, you know, discourage, I suppose, abuses. But the fact is, we have not heard of any abuses. I haven't heard of any complaints. And this really seems to me as an overreach. I am against the last part of the amendment, specifically "provide overnight accommodations for students on the property". I think this is really unnecessary and they should be able to invite whomever they want to, to spend the night as, as their home. So, I mean, otherwise, I mean where do you end? I mean, you could exclude nursing homes and, you know, brothels and, and a lot of, a whole lot of things you could, you add here. So, until and if that occurs, I don't think we need to regulate it. Thank you.

CHAIR KING: Okay. Thank you, Member Lee.

Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I too appreciate the Committee Chair's explanation. I can see where some other businesses have abused this, this zoning, and to try to circumvent some of the, you know, the hotel zoning so that they can say that they're having classes and charging a tuition and not having to collect for, for hotel operations. So, I can see where she's coming from.

And I know Member Keani Rawlins-Fernandez said something about "for pay". And after listening to her explanation, I would support in the same lines of students on the property who pay tuition for, for, you know, in those same lines, I would support. So, "provide overnight accommodations for students on the property who pay tuition". So, it would be free if they, if they stayed for free, but just to, I mean if you're paying tuition to sleep over, that could be construed as paying for, for a room, right? But trying to just kind of disguise it as tuition; I think that's what she's trying to, so I would support that. Thank you.

CHAIR KING: Okay. Just for myself, I think if we, I, I do think this is a little bit of an overreach, because if we're going to start getting into every possible situation where someone could affect, we would have to have a lot longer list than that. So, my preference would be to take the word "home" out of it so it just says, a "short term rental on the property" and put a period after "property", so that it would read "Hui Noeau and any future owner or lessee may not operate a transient vacation rental, a bed and breakfast home, or a short-term rental on the property". And I think that gets rid of any attempt to house students or large groups of students for money, because they, that would still be a short-term rental.

But it would allow them to do what a lot of the schools do. And I know you're not a school, but I think in some ways you operate like one because you do have high school students and younger. And a lot of the schools throughout our County house big groups of students during sporting games or history week, or whatever competitions they're doing. They open up their gyms and they bring their sleeping bags and they sleep on the floor or, you know, some other place in the, in the, on the school property for free because that's the only way they can afford to come here and actually participate. So, I wouldn't want to restrict Hui Noeau from doing the same thing if their property happens to offer up to some neighboring school activity or something.

So, anyway that would be my, my preference would be to do, to make those changes and then that would keep it from being a bed and break, an overnight short-term rental

for pay. And I think the, when we, when we look at some issues that are problems for the community, you know, like whatever may be happening up the street from this property that is being discussed, that, that, those things need to be kind of, and they are being brought out now. Because now in this age of Facebook and instant communication, you know, these kinds of issues can come out and pressure can be put on these operations that if it's, if it's incurring inconveniences to the greater community that, that can happen that way and it does happen that way.

So, people, and then if it in, if it involves us having to regulate something after that, then it will come to us. And that's what happened with Hanakao'o Beach Park. You know, there was a lot of communication about the issues that were going on there. It resulted in something coming to the Council. We passed a regulation. We banned the commercial operation. And that's what happens. That's kind of the process.

But if we, if we start trying to go into every situation and trying to anticipate everything that may go wrong, we would have a long laundry list of all of these amendments, because there's other groups that may be abusive and may come up with some ideas. I mean there's always somebody willing to look for a loophole and try to do something. But you know, we have to, we have to kind of weigh the good with the bad and we don't want to put an overburden on an operation that we know, even though we, we are anticipating the future, that we know is, is a great asset to our community.

So that, that's, anyway that's my input. I, I, I don't think I would support this amendment with that additional piece, but I would support it with just ending it at the word "property".

Ms. Paltin.

COUNCILMEMBER PALTIN: So, I think that short-term rental isn't defined in the Code, but short-term rental home is. So, maybe short-term rental home and transient vacation rental or something, something maybe. I'm okay with that sentiment if Corp. Counsel can make it--

CHAIR KING: Mr. Kushi.

COUNCILMEMBER PALTIN: --all legal.

CHAIR KING: We have reference to STR's, which is short-term rentals. But, so, is that sufficient if we, will that cover if we take the word "home" out, does that cover every short-term rental whether it's a home or commercial property?

FIRST DEPUTY CORPORATION COUNSEL: Transient vacation rentals, generally. But again, bed and breakfast is a different category.

CHAIR KING: But we do have a short-term rental category in our tax code, right? It's not called short-term home, it's called short term rental?

FIRST DEPUTY CORPORATION COUNSEL: It's in the tax code, but it's not in the zoning ordinance.

CHAIR KING: Is short-term rental?

FIRST DEPUTY CORPORATION COUNSEL: Short-term rentals is in chapter, Title 19. Bed and Breakfast--

CHAIR KING: Okay.

FIRST DEPUTY CORPORATION COUNSEL: --is also defined in that. But again, the tax code in Title 3 has its own definitions.

CHAIR KING: Okay. But we do have a definition for short-term rental?

COUNCILMEMBER PALTIN: Is it okay to consult with our attorneys on the zoning definition of short-term rental versus short-term rental home?

CHAIR KING: Mr., Mr. Raatz, do you, can you make a comment on that? Do we have a definition of short-term rental?

DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Chair. Yes, in Title 19, the Zoning Code, the term short-term rental home is defined. It's, it's a turn of, term of . . . its own category for zoning. Short-term rental is, in itself without the word "home" is not defined. It's, so that's not a term of . . . in the zoning code.

(Councilmembers Hokama and Kama were excused at 10:37 a.m.)

CHAIR KING: Okay. So, we better leave the word "home" in there and that covers everything?

DIRECTOR OF COUNCIL SERVICES: We would recommend that just because that is a term--

CHAIR KING: Okay.

DIRECTOR OF COUNCIL SERVICES: --that can be enforced in the zoning code.

CHAIR KING: Okay. So then, so then, you know, my proposal would be just to end that, end that amendment after the word "property" with a period.

Councilmember Lee.

COUNCILMEMBER LEE:

SO, MOVED.

CHAIR KING: Okay we, we have a motion on the floor. So, so the motion is to amend the amendment.

COUNCILMEMBER LEE: Right. Yea.

CHAIR KING: Okay, but we can only do that once. We can't amend an amendment, of an amendment. So, now we need to vote on amending the, do we have any comments on the amendment to the first amendment, to Member Paltin's amendment? We're not trying to amend the Constitution.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Quick question, I guess.

CHAIR KING: Ms., okay, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Just for clarification on the floor. Mahalo, Chair. Okay, so short-term rental home, so providing overnight accommodations for students on the property would fall under the activity described as short-term rental home?

CHAIR KING: Or, or transient vacation rental. Because there's transient vacation rental, bed and breakfast, or short-term rental.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR KING: If they're charging for it.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. If we can have one of our attorneys confirm that? I was trying to look at, look for the--

CHAIR KING: That's what we just confirmed. That--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR KING: That's, there is a definition for it.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Great. Okay.

CHAIR KING: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you.

COUNCILMEMBER PALTIN: I have a--

CHAIR KING: Ms. Paltin.

COUNCILMEMBER PALTIN: --a suggestion from a attorney to say, "short-term rental home on the property, not unless in conjunction with the "Artist in Residency" program.

CHAIR KING: Okay, well, let's, okay cause we're not going to do, we can't do a next arm of this amendment. So, first let's go ahead and vote on this amendment. You can make another motion if you want to after the, if this passes or fails. Okay, so we're trying to amend the amendment to, right now there's a motion to amend the amendment to just end it after the word "property" and eliminate "or provide overnight accommodations for students on the property". Okay. Okay, all those in favor say "aye".

COUNCILMEMBER PALTIN: Point of information. You wanted to leave it "short-term rental home on the property", period?

CHAIR KING: Right.

COUNCILMEMBER PALTIN: Okay.

CHAIR KING: Okay, so all those in favor of the amendment to the amendment say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND KAMA.

CHAIR KING: Measure passes seven to zero, with two "excused"; Members Hokama and Kama.

Okay, so now we're back to the vote on the amendment. And the amendment, as amended, now has been shortened.

COUNCILMEMBER PALTIN: I move that we vote on the amendment.

(Councilmember Kama returned to the meeting at 10:40 a.m.)

CHAIR KING: Well, the amendments on the floor, as is. If you wanted to try to amend it again, now would be your time.

COUNCILMEMBER PALTIN: I'll pass on that.

COUNCILMEMBER SUGIMURA: You're not going to amend it?

CHAIR KING: Okay, so we have the amendment. So, let's vote on the amendment to the motion. All those in favor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay. Measure passes eight to zero; eight "ayes", zero "noes", one "excused"; Mr. Hokama.

Now we're back to the main motion as amended.

Mr. Clerk.

COUNTY CLERK: Thank you, Madam Chair. I would request if it's the Council's intent, the motion that just passed to amend the main motion was to include a new condition of zoning to "Exhibit C" on the Change of Zoning bill. I would just note for the Council that "Exhibit 3" to the unilateral agreement also includes those conditions of zoning.

But the motion did not include any changes to "Exhibit 3" of the unilateral agreement. So, if it is the Council's intent to include that language on the unilateral agreement filed, I would ask that that language be added to the UA as well. Thank you.

CHAIR KING: Okay. So, do you have a new—

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, do we need a motion for that, Mr. Clerk, or can we just?

COUNTY CLERK: Madam Chair, it would be cleaner if we could get a motion to include that language on "Exhibit 3" to the unilateral agreement.

CHAIR KING: Okay.

COUNCILMEMBER LEE:

SO, MOVED.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER PALTIN: So, moved.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR KING: Motion to include the language on "Exhibit 3" to the unilateral agreement. Moved by Councilmember Lee, seconded by Councilmember Sinenci.

All those in favor of the motion on the floor, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay, so we will include that. And now we're back to the main motion of the, of the, let's see, did we already vote on the main?

COUNCILMEMBER SUGIMURA: Now we have to vote on the main motion.

CHAIR KING: The main motion, as amended, with this amendment. Okay.

So, the main motion in Committee Report 19-87, as amended. Any discussion? Okay. All those in favor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay. Measure passes eight "ayes", no "noes", and one "excused"; Member Hokama.

MR. COLE: Thank you.

CHAIR KING: I hope you're good with that. We do have one more reading. So, thank you.

MR. COLE: Thank you very much. And we'll amend the UA and get it to Council Services for our next reading. Thank you very much.

CHAIR KING: Okay. Thank you for being here. Appreciate it.

Okay, Mr. Clerk.

COUNTY CLERK: For the record, BILLS 40, 41, and 42 (2019), respectively.

CHAIR KING: Okay.

COUNTY CLERK: Madam Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 39 (2019)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.44,
MAUI COUNTY CODE, RELATING TO BOND COVERAGE FOR MEMBERS
AND SUBORDINATES OF THE MAUI REDEVELOPMENT AGENCY**

CHAIR KING: Vice Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 39 ON SECOND AND FINAL READING.

COUNCILMEMBER LEE:

SECOND.

(Councilmember Hokama returned to the meeting at 10:43 a.m.)

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

Ms. Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Lee. Mahalo, Chair. Bill 39 amends Chapter 2.44, Maui County Code, to permit the Director of Finance to procure a bond for the Members and subordinates of the Maui Redevelopment Agency in accordance with Section 53-2B, Hawaii Revised Statutes. Mahalo, Chair.

CHAIR KING: Okay. And did you want to just give a brief, well, this is second and final reading, so I don't think we have to go over what the Committee vote was.

Any discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: The vote was unanimous, I think.

CHAIR KING: Alright. Okay. Any discussion or, or questions? If not, I'll call for the 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?

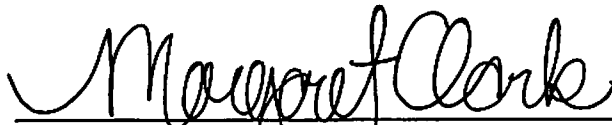
NOES: NONE.

CHAIR KING: Motion carries nine to zero; unanimous.

Thank you for joining us for the last vote, Mr. Hokama. And I believe there's no further business before the Council. And so, the meeting, the reconvened meeting from July 19, 2019 is now adjourned at 10:44 a.m.

ADJOURNMENT

The regular meeting of July 19, 2019 was adjourned by the Chair on July 26, 2019 at 10:44 a.m.

A handwritten signature in black ink, reading "Margaret Clark", written over a horizontal line.

MARGARET C. CLARK, DEPUTY COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

July 19, 2019

Testimony of Tom Welch,
Attorney for Hope Builders LLC and Kipa Centennial LLC

RECEIVED

2019 JUL 18 AM 7: 57

OFFICE OF THE
COUNTY CLERK

Two weeks ago the Housing Committee voted no on Polanui Gardens and Makila Rural East. Today we humbly ask you to reconsider, to change your vote and approve it. Or alternatively just let the 45-day period expire without a vote.

Why would we have the courage to ask this? Here's why:

1. An approval by vote today or by 45-day expiration does not approve the project itself. All it does is to give you the time, without a 45-day limit, to give these projects the consideration they deserve. The projects cannot go forward without the district boundary amendment, and your decision on that has no time limit. And on the district boundary amendment vote later you can impose conditions.
2. Housing prices in West Maui are a real crisis for West Maui working families and needs all possible solutions now.
3. Each of these projects have all necessary resources, funding and plans, and are ready to move forward now.
4. When before the Housing Committee in June and early July the developer was not given sufficient opportunity to present the projects. The developer and its consultants had only ten minutes for each project with only one consultant presenting, and this had to stand up against hours of negative testimony by the same people who always oppose development in this area and who killed Greg Brown's Makila Kai last year.
5. For example, water simply not a problem. You need to hear from our water expert to understand the system and the unexpected and temporary circumstance

that curtailed irrigation water service recently. You need to hear about the pending conversion of the system to 100% wells without requiring any use of Kauaula Stream water and other facts. You need to hear that the water provider is a State-regulated public utility, governed by the Public Utilities Commission whose sole job is to protect the consumer.

6. Fire risk is not a Launiupoko issue, it is a County-wide issue. The fire department testified that development here will reduce fire risk.

7. And you also need to know that the negative letters from the Land Use Commission and the Office of State Planning are the same letters that in my years of practice they send on nearly every 15-acre district boundary amendment proposal. Those bodies openly admit being opposed to the 15-acre rule that enables the County's elected body to act on Land Use matters.

8. There will be people and houses on this land regardless of whether you vote yes or no. The question is: Will those people be West Maui working families or will they be somebody else?

9. Please vote yes enable this body to give it the full and careful consideration it deserves and without a time limit.

From: Brad Sheveland <brad@westmauiconstruction.com>
Sent: Thursday, July 18, 2019 8:22 AM
To:
Subject: RE: Quick Survey

Aloha,

I have lived on the West side of Maui for the past 28 years.

I have been a Home owner in Launiupoko for the past 4 years.

YES I support the proposed Polanui and Makila Rural East projects 100%.

My children were born and raised in Lahaina and will be starting families of their own in the next few years.

They would like the opportunity to start and raise their families in the town they grew up in.

Far to many families are living stacked on top of each other, two families in a single family home. This needs to stop.

I Vote 100% yes on the Polanui and Makila Rural East projects.

Brad Sheveland
99 Wailau Pl.
Lahaina, Hi. 96761

RECEIVED

2019 JUL 18 AM 7:53

From: Harmony Hallas <Harmony@westmauiland.com>
Sent: Thursday, July 18, 2019 7:41 AM
To: County Clerk
Subject: FW: Testimony in favor of Polanui and Makila Rural East Projects

OFFICE OF THE
COUNTY CLERK

Hi,
Please see testimony below for CR19-81.
Thanks. Harmony.

From: tamar@chotzen.com <tamar@chotzen.com>
Sent: Thursday, July 18, 2019 4:06 AM
To: countyclerk@mauicounty.gov
Subject: Testimony in favor of Polanui and Makila Rural East Projects

RE: July 19, 2019 Council Meeting, Committee Report 19-81, Polanui and Makila Rural East Projects

I am writing to express my support for the Polanui and Makila Rural East projects. The need for affordable housing on Maui is at an all-time high. As recently reported by the Realtor Association of Maui, the inventory of single-family homes is at its lowest level since 2010 and the median price of a single-family home on Maui is at its highest point ever ranging from \$750,000 to \$813,000 in 2019.

The Polanui and Makila Rural East projects won't completely solve the affordability housing crisis but, if approved, the projects will provide a significant number of affordable and market single-family homes in the West Maui region, which will free up housing in other areas. A recent study showed that for every new house that is built and sold it frees up 3 other homes or apartments for occupancy as individuals move into the units vacated.

According to the County of Maui Affordable Housing Implementation Plan prepared in August 2018 for the Office of Council Services, the County needs an additional 12,246 housing units by 2025 or approximately 1,600 units a year from 2019 to 2025. Only a fraction of this volume is in the pipeline. Disapproving projects like this will set the county further behind in delivering what is needed and will discourage other developers from even trying.

Mahalo.

Tamar Chotzen Goodfellow

RECEIVED

From: Gordon Firestein <gfirestein@seapact.com>
Sent: Tuesday, July 16, 2019 11:31 AM
To: County Clerk
Subject: testimony re: CR 19-81

2019 JUL 16 AM 11:49

OFFICE OF THE
COUNTY CLERK

Aloha, County Council members,

I write as a resident of Launiupoko and in my capacity as chair of the Launiupoko Firewise Community.

First, a big thank you for the hard work and long hours you have invested in vetting the Makila projects in the Affordable Housing committee.

I really appreciate that those of you on the committee heard the community, took the objections to heart, weighed the pro's and con's, and came to the conclusion that these projects ought to be disapproved. I urge you to ratify that decision Friday.

Fire is obviously top-of-mind for everyone right now. As you may know, the same day the Central Valley was burning out of control we had our own fire in Launiupoko. Fortunately, ours did NOT get out of control, but from my vantage point only two houses away it sure looked like it could have and the wind was pushing it in our direction.

I mention this is to offer context for a respectful counterpoint to remarks made by a fire department official at an earlier hearing. The committee report says:

"A representative of the Department of Fire and Public Safety said the Department would work with the developers during the subdivision process to ensure compliance with Fire Code requirements. The representative also stated that developing the land could mitigate the potential for fires because brush would be cleared, open areas would be maintained, and residents could build defensible spaces around their property."

We live in an **existing** subdivision, with the **same developer** and the **same Fire Code requirements** involved with the proposed Makila projects. Our community has been working hard, for years, to implement firewise best practices. And with the involvement of the homeowners associations we've made significant progress. Yet fire is still a clear and present danger to us.

It is true that on the footprints of the existing homes and landscaping, yes obviously the brush has been removed. But that leaves a lot of land area with dry grass and haole koa in the already populated areas, both on the properties with homes and the vacant parcels adjacent to the others. A drive around the neighborhood would quickly illustrate what I call the over-the-hedge syndrome. In other words, fire-resistant landscaping up to the hedge, but a disaster waiting to happen from the hedge to the property line, which may be hundreds of feet away. The exact same conditions would apply to the Makila projects even at full build-out. It will be many years before all of those 1-acre lots are sold, and in the meantime there is no protocol in place for managing the vegetation on them in the absence of enforcement of the Fire Code.

Dr. Clay Trauernicht is a wildland fire specialist at UH-Manoa, and he offered written testimony to the Affordable Housing Committee on this topic. A couple brief excerpts (emphasis added):

"Especially in light of the unprecedented fire events that threatened lives, destroyed homes and other infrastructure in August 2018 on West Maui, I urge the committee to **exercise extreme caution** and carefully consider our current vulnerability to fire with respect to any proposed housing developments in the region. In short, although the conditions

brought on by Hurricane Lane have been described as a 'worse case scenario', the quantity/extent/condition of hazardous fuels and the risk and rates of fire ignitions remain unchanged on West Maui. While it is true that building on undeveloped lands removes brush within the immediate footprint of the development, **the risk of fire posed by the surrounding landscape remains high for both existing and proposed developments."**

He goes on to mention a number of firewise practices that should be required, and then says:

"Even with these measures in place, nothing has been done to reduce the risk of fire across the larger landscape and reduce vulnerability to existing communities in the area. We are now living in a post-plantation era which means extremely high fire risk nearly year round in many areas of the state. Ignitions are one aspect of this risk, but there is also little to no accountability or incentive for landowners, especially of larger parcels, to actively reduce fire risk through vegetation management, or brush reduction. The high fire risk on West Maui, and our very recent, first-hand experiences, force us to consider the threats and implications of new developments beyond the immediate project footprints."

To summarize Dr. Trauernicht, no development (existing or proposed) ought to be exposed to the risks that exist now of a landscape scale wildfire. We know, after the Hurricane Lane fire and now the Central Valley fire, those risks hit 100% probability all too often.

Please disapprove these projects. And please take this opportunity to consider what the County's role ought to be in reducing this ongoing danger to the community.

Sincerely,

Gordon Firestein

186 Paia Pohaku Pl.
Lahaina HI 96761

RECEIVED

From: Peter Martin <Peter@westmauland.com>
Sent: Thursday, July 18, 2019 6:34 AM
To: Clifford Libed; County Clerk
Cc: harmonyhallas
Subject: Re: Letter of support Makila Housing Project

2019 JUL 18 AM 7: 53

OFFICE OF THE
COUNTY CLERK

- Thank you Cliff

Pete

From: Clifford Libed <betterwaymaui@gmail.com>
Date: Thursday, July 18, 2019 at 6:32 AM
To: "county.clerk@mauicounty.us" <county.clerk@mauicounty.us>
Cc: "harmonyhallas@gmail.com" <harmonyhallas@gmail.com>, Peter Martin <Peter@westmauland.com>
Subject: Letter of support Makila Housing Project

The county has limited resources to provide workforce housing in Lahaina.

The opportunity to partner with a developer will address the nearly nearly 12,600 units needed for local families wanting to live hear.

In 2016, the county approved the lot size development to 7,500 square feet. In comparisom, the lot size being offered will allow for family gardens growing food to sustain them. Further, workforce will see an immediate decrease in fuel cost. The lots offered is substantial.

While it is okay to question land access issues that are currently bases on ceded lands, it is not okay to overlook the current law that governs our island.

While it okay to vote on popular and emotional issues concerning questions on land use that is affected by development, the developer has addressed adequatly water availability, sewage, and safety issues with regard to fires.

It is not okay to ignore the pressing need for workforce housing where real estate speculation is minimized with the 10 year owner occupied requirement. This formula was successful in development of housing for hotel workers in the Wailea and Kihei area. Lots and homes were \$90,000 for employees in project in Kahului and Lahaina.

It is okay to vote an affirmative or yes vote to support this project. Lot size cost conform to the 140 percent adjusted AMI and be coordinates with other financial assistance for Maui's local residents.

Mahalo,

Clifford R. Libed
Ph: 808 298-8472

Sally Fujiwara
45 Malihini Place
Wailuku, Hawaii 96793

To Whom It May Concern:

My name is Sally Fujiwara and I am currently a resident of Wailuku. I used to live in Lahaina and attended elementary school, intermediate school and ultimately graduated from Lahainaluna High School. While living in Lahaina, we frequently moved, never finding a long-term place that we could call HOME. I can say that after 10 long years since high school graduation, I was able to build a family and find that home that I was dreaming of my entire life. Unfortunately, my brother and his family are still searching for that home.

My immediate family still resides in Lahaina. My mother, aunt, brother, sister-in-law and three-year old niece all live in a house that they do not own. My family are hard-working people who typically work 8+ hour days, 7-days a week in Lahaina. My brother and his family will likely qualify for affordable housing. Polanui Gardens and Makila Rural East would provide that opportunity for my brother to find his home that he's been searching for.

Growing up in Lahaina, Launiupoko was known for two things; a great family beach and rich-people homes. In today's world, developers of luxury properties seem to focus on getting the most profits out of their ocean-view lots and putting up gates to separate the rich from everyone else. The developers of Launiupoko could easily do that and no one in Lahaina would bat an eye. But to have a developer willing to commingle rich-people housing with workforce housing, while also providing ocean views for some lucky workforce housing lot owners seems insane. Add to the fact that while most affordable housing projects aim to squeeze as many lots into a certain development, Polanui Gardens and Makila Rural East are generously providing 10,000 SF of space for WORKFORCE HOUSING LOTS. The developer should be commended based on these merits alone.

To provide workforce housing in Launiupoko for families like mine and many more hard-working families in Lahaina is truly a once-in-a-lifetime opportunity. I am 100% in support of these two developments and I hope you will approve it for the people of Lahaina.

Sincerely,



Sally Fujiwara



Aloha.

My name is Heather Haynes and I am writing this in support of Peter Martin. While I don't have a background in housing development. I'd like to add my viewpoint as a Native Hawaiian mother, born and raised on Maui, and currently practicing medicine with the native Hawaiian health systems. Like everyone here, I want to ensure that my kids, my patients' kids, and their future generations, are able to grow up and thrive in this community. However, I fear that as the cost of living continues to rise, they will not be able to do so. One of the biggest threats to our community is the lack of adequate and affordable housing for our local residents. This shortage makes it so that our local community members can no longer afford to live here, meanwhile allowing more and more non-locals -- who are able to afford the rising prices -- to move here. Plain and simple, without affordable housing options on Maui, many of our kids will not be able to live here in the future.

Speaking on Pete's generosity and contributions to our community, I trust his intentions 100%. While some of you are here because you question his motives, I can assure you he means to help. Pete is an extremely valuable member of our community. His consistent generosity supports many of Maui's nonprofit organizations and fulfills some of our community's most pressing issues, housing included.

As a member of the Pacific Cancer Foundation's board of directors for the past 12 years, I am beyond grateful for the generous donations Pete has made to the foundation each year. Being a non-profit, the Pacific Cancer Foundation depends on contributions from donors in order to continue serving all Maui County residents whose lives have been touched by cancer. I'm confident that the program's success is due to generous individuals such as Peter Martin. Additionally, Pete regularly supports the Hawaiian Canoe Club, Montessori School of Maui, Maui Preparatory Academy, the Ho'o Moana Foundation, and the Maui Economic Development Board, just to name a few.

Seeing the number of ways in which Pete has positively impacted our community, I have no doubt that he is making the right decision by developing affordable housing options for Maui residents.

Mahalo for allowing me to share my thoughts.

Sincerely,
Heather K. Haynes, M.D., M.P.H.

From: Jasmine Vergara <jasvergara87@yahoo.com>

Date: July 18, 2019 at 7:35:06 PM HST

To:

Subject: Testimony

Dear Maui County Council Members,

I would like to ask for your consideration in the need for workforce housing in which the Polanui Gardens and Makila Rural East projects are able to offer. Please take into consideration that people in the workforce community are in need of homes, yet the concept of owning a home is out of reach for many, including working families and individuals.

In the 1920's, my great-grandparents arrived in Lahaina. They put in real labor toward the development of this island, from assisting in the pavement of the roads that we drive on today to clearing land for the cane and pineapple fields. They eventually moved back to the Philippines where my grandfather was born. After much rejection, my grandfather finally made it to Maui at 50 years old, where he worked at Pioneer Mill until retirement. He gravely wanted his family to reside here in hopes of a better life.

Maui is my home and over the years, I have watched the island evolved through social change. As social changes were made back then of the clearing for roads and landscaping, there are changes that are occurring in the present, and more will be made in the future. As someone who was born and raised on Maui, I want the island to maintain much of its natural beauty. I understand the concerns of many locals who are apprehensive about development. However, I'm also aware of the concerns on the lack of affordable housing. Many families similar to mine have been driven out of the island because of the severity of the cost of living. It is heart wrenching to feel that we can no longer afford to live in the place that we call home.

I have been a single mother much of my adult life, and I cannot express to you how difficult it has been to provide a stable home for my children while keeping up with rising costs. I am one of many millennials carrying overwhelming workloads just to get by. I don't come from money; I've always worked for everything I have. I put myself through college while raising my daughter, I've learned to manage my finances and live within my means. I am doing everything in my power to provide stability for my family. However, there is not much opportunity to have that feeling of permanency and independence here on Maui, no matter how hard one tries. Even with much effort, I cannot express how difficult it is for many people.

Those in opposition of these workforce housing projects are taking away the opportunity for people who need this. This is not a want for many, it is a necessity. Therefore, I would like you to reconsider these projects that will provide much opportunity for those in need. For many of us, Maui is our home. This is where we grew up, and this is where we want to stay.

Thank you,

Jasmine Vergara

Christopher Fiskin
Written testimony

CHARMAINE TAVARES
Mayor
JEFFREY S. HUNT
Director
KATHLEEN ROSS AOKI
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 26, 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
#7007 2560 0001 7799 7861

Olowalu Elua Associates, LLC
33 Lono Avenue, Suite 450
Kahului, Hawaii 96732

Attention: Mr. Peter Martin

Dear Mr. Martin:

SUBJECT: REQUEST FOR SERVICE NO. 10-0000452: FAILURE TO COMPLY WITH SPECIAL MANAGEMENT AREA (SMA) USE PERMIT FOR THE OLOWALU SUBDIVISION, LOCATED AT OLOWALU, MAUI, HAWAII; TMK(S): (2) 4-8-003:005, 10 (POR.), 41, 42, 43, 50 (POR.), 63 (POR.), AND 78 (POR.); AND (2) 4-8-004:011, 12, 13, 14, 15, AND 16 (SM1 99/0021)

This is in reply to your letter dated March 15, 2010, attached as Exhibit No. 1, a response letter to our Notice of Warning issued on February 25, 2010.

The following are responses to your replies to Conditions No. 2, 4, 8, 11, 12, 14, 19, 32, and 33, attached to SM1 99/0021. The original conditions of approval for SM1 99/0021 are attached as Exhibit No. 2:

Condition No. 2 - The project was to commence no later than September 30, 2002, which it did; however, Condition No. 2 states that the project "shall be completed within five years after the date of initiation." Failure to complete this project within the five-year period coupled with no recorded and/or approved time-extension requests may indicate that this SMA Use Permit 99/0021 has been automatically terminated;

Condition No. 4 - Final construction does not appear to have been completed and current construction does not appear to be in accordance with preliminary subdivision plans received on November 9, 1999. Dirt fire roads do not appear to have been completed according to the Uniform Fire Code with the road ending in a locked gate at the Honoapiilani Highway, the preservation plan is not fully implemented, few greenways have been installed, bikeways are not evident, and highway improvements for ingress and egress off the Honoapiilani Highway have not commenced. The interior road system as originally designed on the subdivision plan does not appear to match that which was constructed. The road identified as Luawai Street at the Olowalu Mauka Subdivision sign is not in agreement with the plans filed with the County and appears to have been constructed without revisions to the subdivision map;

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793

MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634

CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

Condition No. 8 - Full compliance with government regulations has not occurred as the project is out of compliance with both the SMA conditions and the Conservation District Use Permit (CDUP) conditions as noted in this letter;

Condition No. 11 - The property has not been developed in substantial compliance with the representations made to the Maui Planning Commission (Commission). At this time it appears this failure to develop the property in accordance with the SMA may lead to the revocation of this SMA Use Permit 99/0021;

Condition No. 12 - Infrastructure improvements including roads, traffic related improvements, greenways, and possibly drainage have not been completed prior to final subdivision approval and bonds are not on file with the County per the wording of Condition No. 12;

Condition No. 14 - The roadways do not appear to have been constructed in substantial compliance with the greenway plan. The greenways do not appear to have been completed per the application plan and neither have improvements been made for a channelized intersection and means of ingress and egress from the Honoapiilani Highway as noted in the subdivision plans;

Condition No. 19 - The preservation plan has not been implemented. There is no evidence of viewing platform construction for historical sites No. 4710 and No. 4718 as outlined in the Department of Land and Natural Resources (DLNR) letter of March 7, 2002. The growth of invasive species of trees and bushes is evident especially at the important site No. 04, Kawaialoa/Kaiwaloa heiau. Little to no maintenance appears to be occurring on numerous sites. There is no interpretative signage evident at the sites. The condition of the petroglyph viewing site in the Olowalu valley is in very poor condition. There is no interpretative signage, the red railings are unsafe and deteriorated, and the platforms for viewing are nonexistent;

Condition No. 32 - No roadway improvements for ingress and egress from the Honoapiilani Highway to the Mauka Subdivision have been initiated per the Environmental Assessment (EA) and the Subdivision plans. The originally approved highway improvements consisted of Driveways A, B, C, and D as noted in the Final EA and plans submitted to the Commission for review and approval. Driveways A, B, C, and D are depicted on the original subdivision plans that were included in the traffic study and EA submitted by the developer in connection with the issuance of the SMA. The developer is now proposing a relocation of Driveway D. This revised proposal was discussed with the Maui Department of Transportation (DOT) in 2003. However, no EA has been completed to date although a Draft EA is being processed by Munekiyo & Hiraga, Inc. as of late 2009. This relocation of Driveway D may be problematic in its connection with the internal road system for the development, the increase in traffic in this area, and the plan originally approved by the Commission. The relocation of Driveway D does not connect to an approved Olowalu Mauka subdivision access road approved in the original subdivision. Failure to complete a channelized intersection according to plan with left turn lanes, acceleration lanes, bike lanes, and paved shoulders is a violation of the SMA conditions. Although there was a caveat to hold off developing the highway improvements if a phasing plan for project development was agreed to, no phasing plan is evident and at this stage of the development there should have been roadway improvements as initial phases of

Mr. Peter Martin
April 26, 2010
Page 3

the project have been completed. There is no evidence of this "phasing plan" on file with the DOT. The inability of the Developer to move forward on this critical road improvement signals non-compliance with the SMA conditions. The efficacy of a relocation of Driveway D from that originally proposed is not evidenced in any updated traffic report analysis on file. The original Olowalu Mauka roadway system connects to the original location of Driveway D, not the relocated Driveway D as proposed; and

Condition No. 33 - The roadway light within the subdivision meeting a maximum wattage of 100 w hps does not appear to have been completed.

In conclusion, the Olowalu Subdivision is in noncompliance with SM1 99/0021 according to a project site visit held on January 22, 2010, for Conditions No. 2, 4, 8, 11, 12, 14, 19, 32, and 33, as approved by the Commission on September 19, 2000.

Thank you for responding to your Notice of Warning. Please be advised that a Notice of Violation will be issued if the responsible party does not show any effort to comply with our Notice of Warning. Should you require further clarification, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,



JEFFREY S. HUNT, AICP
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Kurt F. Wollenhaupt, Staff Planner
Sonny Huh, Zoning Inspector, Zoning Administration and Enforcement Division
Project File
General File

JSH:KFW:vb

K:\WP_DOCS\PLANNING\SM1\1999\99sm121Olowalu\Review\Department Response to NOW Letter.DOC

Mayor

DAVID C. GOODE
Director

MILTON M. ARAKAWA, AICP
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT
LAND USE AND CODES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96738

Land Use and Codes Administration

TRACY TAKAMINE, P.E.
Wastewater Reclamation Division

LLOYD POWELL, P.E.
Engineering Division

JOHN D. HARDER
Solid Waste Division

BRIAN HASHIRO, P.E.
Highways Division

April 30, 2002

Mr. Robert Horcajo, Project Manager
OLOWALU ELUA ASSOCIATES, LLC
173 Hoohana Street, Suite 201
Kahului, Hawaii 96732

SUBJECT: OLOWALU MAUKA SUBDIVISION
TMK: (2) 4-8-003:010, 050-070, & 073-082
(2) 4-8-004:011-016
LUCA FILE NO. 4.766

Dear Mr. Horcajo:

Final approval for the subject subdivision (consolidation of 38 lots and resubdivision into 34 lots and 5 roadway lots) has been granted on April 30, 2002. This final approval is based upon Section 18.04.020(C) of the Maui County Code (Ordinance 2372). An approved final plat is enclosed for your records.

The State of Hawaii, Department of Land and Natural Resources, State Historic Preservation Division has attached the following condition to this final approval:

"...the terms specified in the accepted preservation plan and burial treatment plan are followed and an acceptable archaeological monitoring plan for sites 4820 and 4821 is submitted to this office for review prior to the commencement of any ground-altering activities. In addition, an acceptable report documenting the findings of the monitoring activities will be submitted to this office for review upon 180 days following the completion of the proposed undertaking."

In accordance with Section 18.04.020(D) of the Maui County Code, the lots created by this subdivision shall not qualify for this exception with respect to any subsequent consolidation/resubdivision of any of the parcels.

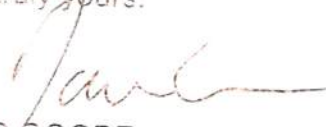
Mr. Robert Horcajo, Project Manager
SUBJECT: **OLOWALU MAUKA SUBDIVISION**
LUCA FILE NO. 4766

April 30, 2002

Page 2 of 2

If you have any questions regarding this letter, please call Mr. Lance Nakamura of our Land Use and Codes Administration at 270-7252.

Very truly yours,



DAVID GOODE
Director of Public Works
And Waste Management

Enclosure: Approved Final Plat

LUCA 4. S. LUCA ALL SUBDIVISIONS SUB REG 42761.1.1.1

xc: Dept. of Finance, Real Property Tax Division w/final plat
Dept. of Finance, Tax Map Division w/final plat
Building Permit Section w/final plat
Engineering Division w/final plat
Dept. of Planning w/final plat
Dept. of Water Supply w/final plat
Police Dept. w/final plat
State Dept. of Health w/final plat
Maui Electric Co. w/final plat

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 19, 2000

Mr. Robert Horcajo
Olowalu Elua Associates, LLC
173 Ho Ohana Street, Suite 201
Kahului, Hawaii 96732

Dear Mr. Horcajo:

RE: Special Management Area (SMA) Use Permit for the Proposed
Olowalu Subdivision at TMK: 4-8-003:5, 10 (Por.), 41, 42, 43,
50 (Por.), 63 (Por.), and 78 (Por.) and 4-8-004:11, 12, 13, 14,
15, and 16 at Olowalu, Maui, Hawaii (SM1 990021) 4.760/4.758

At its regular meeting on September 12, 2000, the Maui Planning Commission (Commission) conducted a public hearing on the above-referenced application. At the meeting, the Commission clarified the record as follows:

1. Commissioner Star Medeiros who was a member of the Citizens Advisory Committee (CAC) for the West Maui Community Plan clarified the park designation and language. During the CAC's discussions on the park site at Olowalu, the reduction of 50 percent of agriculture related to the reduction of sugar cane cultivation and not to other agricultural crops that could be grown on the site. As such, the 50 percent reduction of agriculture has occurred. Based on the language, the applicant is advised that a 30-acre park should be reserved on the Camp Pecusa side of the makai lands in Olowalu.
2. Commissioner Joe Bertram III requested that the applicant work with Maui Electric Company to encourage energy efficiency in the project and use of alternative energy options such as solar panels.

The Commission, after due deliberation, voted to grant approval of the Special Management Area Use Permit, subject to the following conditions:

STANDARD CONDITIONS:

1. That construction of the proposed project shall be initiated by September 30, 2002. Initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Failure to comply

within this two (2) year period will automatically terminate this Special Management Area Use Permit unless a time extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. The Planning Director shall review and approve a time-extension request but may forward said request to the Maui Planning Commission for review and approval.

2. That the construction of the project shall be completed within five (5) years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Planning Director shall review and approve a time-extension request but may forward said request to the Maui Planning Commission for review and approval.
3. The permit holder or any aggrieved person may appeal to the Maui Planning Commission any action taken by the Planning Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission.
4. That final construction shall be in accordance with preliminary subdivision plans included in the submittal received on November 9, 1999.
5. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.
6. That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with Section 12-202-17(d) of the Special Management Area Rules of the Maui Planning Commission. However, in the event that a contested case hearing preceded issuance of said Special Management Area Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.
7. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Special Management Area Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Management Area Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County

of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Planning Department within ninety (90) calendar days from the date of transmittal of the decision and order.

8. That full compliance with all applicable governmental requirements shall be rendered.
9. That the applicant shall submit plans regarding the location of any construction-related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase to the Maui Planning Department for review and approval.
10. That the applicant shall submit to the Planning Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. A preliminary report shall be reviewed and approved by the Planning Department prior to issuance of a grading permit. A final compliance report shall be submitted thirty (30) days after the completion of the subdivision to the Planning Department for review and approval.
11. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Special Management Area Use Permit. Failure to so develop the property may result in the revocation of the permit.

PROJECT SPECIFIC CONDITIONS:

12. That the applicant shall be responsible for all required infrastructural improvements including, but not limited to water source and system improvements for both domestic and fire protection, drainage improvements, traffic-related improvements, wastewater system improvements, and utility upgrades. Said improvements shall be constructed concurrently with the development and shall be completed prior to final subdivision approval or bonded in accordance with Title 18, Maui County Code, relating to the subdivision ordinance.

13. That as represented by the applicant, an approximate 54-acre cultural reserve for historic and cultural preservation operated and managed by the Olowalu Cultural Reserve, a non-profit organization, shall be established in perpetuity to ensure preservation of historic and cultural resources, as well as to perpetuate the Hawaiian culture and continued access to Native Hawaiians to "gather", to perform religious practices, and to attend to their own kuleana. Access to the cultural reserve shall be open to the general public as a cultural reserve. Access for recreational purposes shall be as approved by the Olowalu Cultural Reserve (as amended).
14. As represented by the applicant, the roadways for the proposed subdivisions shall be constructed in substantial compliance with the proposed greenway plan identified in the application. For each phase of development, final plans for the applicable increments of the approximate sixty (60) acres of greenways shall be submitted to the Maui Planning Department for review and approval. Said greenway areas shall be regularly maintained and access to the greenways shall be open to the general public for access and recreational purposes (as amended).
15. That the applicant shall establish an irrigation system for the proposed agricultural subdivisions which addresses the supply, storage, and distribution of irrigation water to the proposed lots, and is secured in terms of permit acquisition, quality, quantity, availability, and year-round operations and maintenance. Documentation that the irrigation system has been established shall be submitted to the Maui Planning Department within ninety (90) days of construction of the subdivision.
16. That the applicant shall prepare a dust- and erosion-control plan for review and approval by the Maui Planning Department to ensure that any fallow agricultural lands do not create future adverse dust and erosion impacts on the surrounding area. Said plan shall be reviewed and approved by the appropriate State of Hawaii agencies and implemented as soon as practicable by the applicant and its assigns and successors. A copy of the approved dust- and erosion-control plan for the agricultural lands shall be submitted to the Maui Planning Department and the Department of Public Works and Waste Management for our records (as amended).
17. That potential buyers will be advised that the lots are for sale as commercial agricultural lots and of Hawaii's Right to Farm Act which prohibits conditions, covenants, and restrictions that will prevent or impede reasonable agricultural use of the lots.
18. That the Maui/Lanai Islands Burial Council shall review the mitigation proposals for all burials.

19. That the applicant shall submit a detailed preservation plan (scope of work) for the sites identified for preservation to the Department of Land and Natural Resources, State Historic Preservation Division (SHPD), for approval. This plan will include buffer zones, interim protection measures (as needed), and long-range preservation plans. No land alteration may occur in the vicinity of these sites until minimally the buffer zones and interim protection measures are approved and the SHPD verifies the interim protection measures are in place. No preservation activities may occur in these sites until the preservation plan is approved. The SHPD shall verify in writing to the County when the plan has been successfully executed.
20. That archaeological data recovery shall occur at the sites identified in the survey reports. The applicant shall submit an archaeological data recovery plan (scope of work) for these sites to the SHPD for approval. The SHPD shall verify in writing to the County when the plan has been successfully executed. Further, as noted, the gleayed marsh soils shall also undergo archaeological data recovery. Minimally, data recovery fieldwork must be successfully concluded (and verified in writing by SHPD) prior to land alteration in this part of the project area. The SHPD shall verify in writing to the permitting agencies when the plan has been successfully completed.
21. That archaeological monitoring of land-altering construction in the sand areas along the shore shall occur, as a contingency to identify, document, and treat any burials that might be found. A monitoring plan (scope of work) shall be submitted to and be approved by the SHPD prior to the beginning of the monitoring. This plan must specify how any burials that are found will be documented archaeologically, notification procedures, and treatment measures that will be taken. This scope should be completed before a monitoring contract is negotiated.
22. All preservation areas and buffer zones shall be clearly marked on the subdivision plans and recorded with the property documents to ensure that future owners of the lots are aware of these restrictions to the lots.
23. That as represented by the applicant, the oral history work shall be expanded to include more people of the Olowalu area, such as existing and former residents, persons who have knowledge of their ancestors living in the area, and the kupunas.
24. That adequate buffers between the cultural preserve areas and the agricultural lots shall be established to ensure that the cultural experience is not impacted by the agricultural use and structures on the adjoining lots. Mitigation measures from high boundary

walls, residences, farm buildings, and operations shall be submitted to the Maui Planning Department for review and approval.

25. Unless removal is necessary for intersection improvements, to the extent practicable, the Monkey Pod trees within the subject property on both sides of Honoapiilani Highway shall be retained and consideration shall be given to extending the Monkey Pod trees as part of the cultural landscape (as amended).
26. That structures located within the floodway Flood Zone A0 and A4 shall be constructed above the flood elevation. Measures such as post and pier construction shall be considered to conform to the Flood Hazard District and to allow flood waters to continue to traverse the property (as amended).
27. That future buyers of lots shall be informed that development within flood hazard areas shall be implemented in accordance with Chapter 19.62, Maui County Code (as amended).
28. That use of soil as fill is prohibited within the Shoreline Setback Area, except for clean sand. Further, any grading or mining of a coastal dune is prohibited.
29. That a minimum shoreline setback of 150 ft. from the certified shoreline shall be established for all lots on the makai portion of the subdivision regardless of a government beach reserve fronting the subdivided lots. No structures shall encroach into the Shoreline Setback Area to ensure that future shoreline erosion and storm-wave action will not adversely affect structural development on the properties.
30. That public lateral pedestrian access along the shoreline within the Shoreline Setback Area shall be provided. Landscaping in the area within 50 ft. of the shoreline should be spaced far enough apart so as not to interfere with lateral access. Further, as represented by the applicant, mauka/makai public shoreline access from Honoapiilani Highway and public beach parking shall be provided near the Olowalu Mill site to Olowalu Landing, as well as access points to the shoreline from both ends of the makai Olowalu lands. Documentation that access, as required, has been provided shall be filed with the Departments of Public Works and Waste Management, Parks and Recreation, and Planning prior to final subdivision approval (as amended).
31. As represented by the applicant, the existing cane haul road (approximately 80 ft. wide) on the mauka side of Honoapiilani Highway shall be set aside as a reserve (Roadway Lot 39) for

future roadway expansion or relocation of Honoapiilani Highway (as amended).

32. That roadway improvements to Honoapiilani Highway, including left-turn storage lanes, acceleration and deceleration lanes, driveway connections, etc., as identified in the applicant's Traffic Impact Assessment Report (TIAR), and as required by the Department of Transportation shall be provided in conjunction with the development of the subdivision. The roadway improvements shall be reviewed and approved by the Department of Transportation. Construction of the improvements shall be completed prior to occupancy of the agricultural lots unless a phasing plan for the improvements is reviewed and approved by the Department of Transportation.
33. That the outdoor lighting plans for the subdivision shall be submitted to the Maui Planning Department for review and approval to reduce the negative impacts on seabirds, especially the dark-rumped petrel (*Pterodroma phaeopygia sandwichensis*) which is a federally endangered species. All potential owners of the lots shall be informed that appropriate measures approved by the Maui Planning Department shall be taken to reduce the negative impacts of night lights (as amended).
34. That future buyers of the lots shall be informed that there may be potential waste from the old mill site (Olowalu Mill) and other vacated agricultural industrial areas. Remedial cleanup must be conducted before any new development occurs.
35. That future buyers of the lots shall be informed of the survey monuments located within the boundaries of their lots which need to be protected from any development activities. Further, in the event the survey monuments are disturbed or destroyed during development of the subdivision or properties, it will be the responsibility of the applicant, assigns or successors to reference and replace the monuments.
36. That Condition Nos. 16, 17, 21, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, and 35 shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances within sixty (60) days from the date of receipt of this decision. A copy of the recorded unilateral agreement shall be filed with the Planning Director and the Director of the Department of Public Works and Waste Management within ten (10) days of recordation.

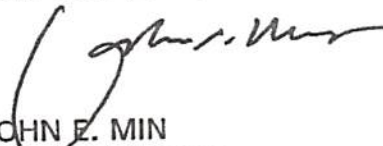
The conditions of this Special Management Area Use Permit shall be enforced pursuant to Sections 12-202-23 and 12-202-25 of the Special Management Area Rules for the Maui Planning Commission.

Mr. Robert Horcajo
September 19, 2000
Page 8

Further, the Commission adopted as its Findings of Fact, Conclusions of Law, Decision and Order the Planning Department's Report and Recommendation Report prepared for the September 12, 2000 meeting and authorized the Planning Director to transmit said Decision and Order for the Commission.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,



JOHN E. MIN
Planning Director

JEM:CMS:cmb

c: Clayton Yoshida, AICP, Deputy Planning Director
Aaron Shinmoto, Planning Program Administrator (2)
LUCA (2)
Department of Water Supply
Michael Munekiyo, AICP, Munekiyo, Arakawa & Hiraga, Inc.
Patricia Nishiyama, Na Kupuna O Maui
Ed Lindsey
Buck Buchanan
Timothy Johns, Department of Land and Natural Resources
Kazu Hayashida, Department of Transportation
James Nakatani, Department of Agriculture
Gary Gill, Department of Health
Colleen Suyama, Staff Planner
Project File
General File

(K:\Planning\SM1\99SM121\99SM121v)

From: Doris Lang <doelang@yahoo.com>
Sent: Wednesday, July 17, 2019 2:31 PM
To: County Clerk
Subject: CR-19-81 Makila Rural-East and Polanui Gardens

RECEIVED
2019 JUL 17 PM 3:05
OFFICE OF THE
COUNTY CLERK

CR-19-81
Makila Rural-East
Polanui Gardens

Aloha Council Members,

My husband Gordon started a FireWise group in Launiupoko with a small group of neighbors. We succeeded in being a Certified FireWise Community which is recognized at the Federal and State level. As for now, we are the only FireWise neighborhood on the West side. Our contribution to being fire safe with our neighbors, is by creating defensible space by cutting down and removing flammable sources. In addition, we have been helping our neighbors be aware and to do the same. Recently, we had a small fire in a grass field three doors away from our home. We were lucky the winds were light and the fire wasn't moving quickly. It happened during the massive Central Maui Fire, we were fortunate some firefighters remained in Lahaina. We were told that our nearest hydrant didn't have enough water pressure and that a pumper truck needed to be brought in.

A fire department official spoke at one of the AH meetings, saying that owners need to be responsible for fire prevention measures around their property. He is absolutely right, but the truth is, they're not and there is no enforcement for their neglect. Majority of homeowners in Launiupoko have landscaping done weekly on their portioned manicured land but avoid addressing their tall brown grasses, the dry Haole Koa and their neglected overgrown ravines that if ignited could be equivalent to lighting a fuse and could consequently put many more properties in jeopardy.

The official also stated that with homes taking up space on fallow land, there would be less fuel. Although mathematically this is true. It doesn't address the massive fuel surrounding the development making hundreds of homes at risk where families would be living.

In the past month, Launiupoko residents have received two notices from Launiupoko Irrigation Company telling us we need to reduce our usage. "Show Me The Water" Law needs to be adhered to. You, as caring Council Members should not have to be put on a short time line while we are experiencing a water crisis.

I AM ASKING YOU TO PLEASE REJECT THIS APPLICATION!

Mahalo
Doris Lang

Good morning Chair/council members

My name is Dave Minami,

I am the operations manager for west Maui land and we support this project 100%

The gentlemen behind me make up our field crew and they are all from Maui. Out of these 8 men only 2 have their own home. The rest goes home to mom & Dad, multigenerational or rent. I think this is a pretty good snap shot of the reality on the West side.

It amazes me that a committee, put together to help find or make AFFORDABLE housing can deny a project that has been put out there to help provide working people a chance to get something that they can call their own. All of you need to look back, perhaps 10, 20 or so years ago when you and your family got your first home. The feeling of success, pride and ownership and a joyful occasion it was. These men deserve that too.

The project has answered all of the major issues with professional engineers, and experts. From FIRE, TRAFFIC, and water. Each of them did their job and they all have stated the FACTS of their work.

But instead of deciding on Factual data. it looks like we are deciding on emotion and personal issues. Isn't it strange that all of the people from the MAINLAND (Not from Maui) with high end homes in Lpoko are opposing this in their backyard? Someone in Lpoko said they employ 500 people...how many of those have their own home? As an employer does he care? Instead I see signs of a bed & breakfast fronting his large home. I also believe his significant other said that this project is too far from town. REALLY? 1 mile!!! It's a great location and it should be shared.

With regards to water, we need to make sure that we understand that there is Potable and NON potable out there. We have no issues with delivery of Potable water and I think by now you are fully aware of the Non Potable situation since CWRM decision. But again we have a plan in place and it is being worked on diligently to provide the community with both.

In closing, We need homes for our people. These are the ones that are looking after your safety, teaching your kids, preparing your food or checking you out at the counter.

Mahalo,

He

RECEIVED

From: deakos@hawaii.edu
Sent: Wednesday, July 10, 2019 4:14 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: A revolution in building design that is spreading around the world

2019 JUL 16 AM 9:13

OFFICE OF THE
COUNTY CLERK

Honorable Members of the County Council,

I hope you will take the time to watch this short video and I hope it inspires you like it did me.

<https://youtu.be/gSMecC6pcGo>

The last testifier in front of the Affordable Housing Committee said something that struck me as very troubling but is likely the mindset of most. He said "all projects will have impacts and if you wait for the perfect project, it will never come." He was correct in saying that all projects will have impacts but he failed to mention the thousands of projects across the nation and across the globe that have a positive impact on people and our planet, thanks to design champions and incentivizing policies.

We can no longer pick projects on the basis of them being "less bad." We need a revolution in how we build and retrofit structures here on Maui. Fortunately this revolution is already spreading across the globe and in many places across the United States. Scientists give us 10 – 15 years to change our behavior, because if we don't, leaving our children an uninhabitable planet is inevitable.

I hope that the next time you are evaluating a new development or even a retrofit, ask the developer why does it not incorporate green building designs to work with and not against nature. Cost is no longer an issue, it's about leadership.

Demand more from developers. Insist on the first net positive project and the rest will follow, guaranteed. Your keiki deserve it.

Mahalo,

Mark Deakos
Napili
280-6448

JULY 18, 2019

Maui County Affordable Housing Committee

RE: Testimony requesting the Maui County Council ACCEPT the Affordable Housing Committee's recommendation to DISAPPROVE AH-1(1), AH-27, AH-1(2), AH-28 (Polanui Gardens and Makila Rural-East proposed developments) and request applicant reapply with "Affordable, Green Communities" Certification or equivalent.

Honorable Members of the Maui County Council:

"We don't have a pollution problem we have a design problem"

The last testifier during the Affordable Housing Committee meeting on July 3 said: "there is always going to be impacts so you can't keep waiting for a better project", referring to the further depletion of the Launiopoko aquifer, the additional groundwater contamination from the septic systems, increased traffic, putting more people in harm's way in a wildfire prone area with no water. Maybe there will always be impact but that doesn't mean it can't be a positive impact.

Imagine your house is flooding because the kitchen faucet won't turn off and the plumber tells you he will make the problem only a little bit worse and try not to make it a lot worse. Would you be ok with that, having your kids inherit a broken, damaged house? Then why do we allow projects that promise to be "less bad" to move forward? All living creatures on Earth (other than humans) design the stuff they need without compromising the needs of future generations.

WHAT IF a properly designed project produced more renewable energy than it used and didn't have the need for MECO powerlines that will spark a wildfire during the next heavy winds? What if it was designed with recycled materials to keep costs low and lasted longer than standard materials, materials that absorb carbon. What if it was designed to put water back in the stream cleaner than it came out, or captured water on the property to charge the aquifer rather than deplete it and minimize stormwater runoff that is killing our reefs. What if the affordable houses were designed close to where people work and shop so they could walk to everything they needed, minimize traffic, to make both the home, and living in it, affordable?

The great news is we have figured out how to design homes, communities and entire cities sustainably, green, and at the same cost as traditional development. These communities are being built across the globe and across this country, hundreds of thousands of green, affordable, sustainable homes and communities that are not "less bad" but are good, net positive, designed to regenerate the damaged social and environmental capital that we have caused. But they are only being built in communities where leadership demands it.

There is no reason we shouldn't be designing regenerative, healing communities like this right here in Maui. But change doesn't happen without you. Remember how getting rid of plastic

RECEIVED

2019 JUL 18 PM 1:28

OFFICE OF THE
COUNTY CLERK

bags was going to kill all the businesses? How dare you! Guess what, business wasn't impacted but we sure see fewer plastic bags in our oceans and in our trees. This wouldn't have happened without good leadership.

These developers can do a heck of a lot better than what they are asking you to approve but only if you ask for it. Tell the developers to bring you back a project design that addresses all the genuine concerns of people in this room (water, fire, pollution, traffic, affordability in perpetuity, affordable living) instead of a project trying to be "less bad." They just have to do what others are already doing.

Yes, there is always going to be impacts, but whether or not they are negative or positive depends on you. It only takes that first development to set the new bar and now we begin to see the change we desperately need for our keiki.

I believe this County Council is the beginning to that change.

Mahalo,

Mark Deakos, *Ph.D.*

Napili

808-280-6448

References to green, sustainable, affordable housing developments and certifiers:

1. Living Building Challenge (<https://living-future.org/lbc/>)
2. Living Building Challenge Workshop (<https://living-future.org/events/lbc-4-0-workshops/>)
3. Enterprise Affordable Green Communities (<https://www.enterprisecommunity.org/solutions-and-innovation/green-communities/certification>)
4. The Business Case for Living Buildings in 2019 (<https://www.greenbiz.com/article/built-last-business-case-living-buildings-2019>)
5. The Greenest Commercial Building in the World (<http://www.bullittcenter.org>)
6. Hawaii Prep Academy Living Building (<https://living-future.org/lbc/case-studies/hawaii-prep-academy-energy-lab/>)
7. Green Affordable Housing (<https://www.globalgreen.org/blog/green-affordable-housing>)
8. Turning Crisis into Creation with Green Affordable Homes (<https://www.greenamerica.org/your-home-detoxed/turning-crisis-creation-green-affordable-homes>)

RECEIVED

From: jmaher@hawaiiintel.net
Sent: Thursday, July 18, 2019 7:36 AM
To: County Clerk
Subject: Vote No on Makila Rural East and Polanui Gardens

2019 JUL 18 AM 7:53

OFFICE OF THE
COUNTY CLERK

To the County Council,

I am writing to urge you to vote no on the fast track application for these two developments. I am a concerned west Maui resident who is very much opposed to creating more urban sprawl in this area. I am concerned about the impacts on traffic, overcrowding and environmental impacts. I am also concerned that there is not adequate infrastructure in place to support this kind of high density development. Please vote no on these applications so that Lahaina doesn't end up just like Kihei.

Thank you,

Janet Maher

RECEIVED

From: Irene McPhee <irenemcphee@hotmail.com>
Sent: Thursday, July 18, 2019 4:23 AM
To: County Clerk
Subject: Fw: Testimony for Maui County Council Hearing July 19, 2019

2019 JUL 18 AM 7:53

OFFICE OF THE
COUNTY CLERK

July 17, 2019

Maui County Council

RE: POLANUI GARDENS WORKFORCE HOUSING PROJECT
MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT
Aloha Council Members,

My name is Kenneth Barry McPhee, I live with my family at 225 Punakea Loop. We have lived in Launiupoko for 19 years. Ours is an agricultural coconut farm and our son and his wife operate a coconut farm tasting tour called Punakea Palms. This farm tour is currently rated as the # 1 activity on Maui on Trip Advisor.

Although we are 100% in favor of true affordable housing, we are opposed to these proposed developments for many reasons, which others have addressed including community plan conflicts, fire evacuation, potential sewage problems, road egress, etc.

However, the main reason we are opposed to this development has to do with the lack of water, which we as a community are already experiencing. Regardless of what the developers and their paid water experts are saying about the abundance of water, reality says otherwise. For over a year, the common areas in our community have been on tight water restrictions, and many of our neighbors have reported that they do not have water for irrigation. As of today, most of the grass in the roadside areas is dead, and the lovely monkey pod shade trees are stressed and starting to die as well. The water company LIC has apparently put us on a two day per month watering schedule, but in our area we have not seen the irrigation water come on for several weeks.

We have spent hundreds of thousands of dollars on our coconut farm and designed our irrigation system around the 1-1/2" non-potable meter we have. On the advice of the water company LIC, when surface water sources became restricted, we installed a crossover from our potable water supply to our non-potable supply. As our potable meter is only 3/4", the cross over provides insufficient flow to run our irrigation systems, and when it diminishes the flow of household water to our house and cottage. When we contacted the water company and asked them to install a larger potable meter, we were denied. Why, if there is an abundance of potable water, as the developer claims? In fact we've been informed that from now each ag lot will only be issued one potable meter even if the lot is condo-minimized. Again, why if there is an abundance of water?

We have already lost our common area green belt/fire break, and worse yet, stand to lose our entire farm and landscaping if water availability is further restricted. We hear the developer claim that

there is plenty of water in the potable aquifer, but if the entire Launiupoko farming community is forced to switch to potable water for farm irrigation and landscaping because the non-potable source is unavailable, then how long can the aquifer remain unaffected.

We feel that the developer of these proposed affordable housing projects, who is the same developer who sold us the agricultural property, who is the very same entity who owns the water systems, must provide for the needs of the existing homes and farms before adding several hundred more homes onto a water system that is already inadequate for present needs.

Thank you for your time and attention to my testimony,

Kenneth Barry McPhee

Me Ke Aloha...

Barry & Irene McPhee

PO Box 127 Lahaina, HI 96767

Irene 808 298-4597 Barry 808 298-4586

irenemcphee@hotmail.com

barrymcphee001@hotmail.com

From: Bob Sternthall <mauibob@hawaiiintel.net>
Sent: Thursday, July 18, 2019 7:37 AM
To: County Clerk
Subject: CR 19-81

RECEIVED
2019 JUL 18 AM 7:53

OFFICE OF THE
COUNTY CLERK

Esteemed Council representatives,

Thank you for your service on behalf of our county. I am writing to urge you to validate the vote of the Affordable Housing Committee and vote no on CR 19-81. This project has already been denied numerous times and the compelling reasons for denying it have not changed. In fact, they have become worse.

This is not a "not in my back yard" issue as proponents claim. This is an infrastructure and environmental sustainability issue. Traffic (even with the bypass), evacuation routes, wastewater, reef health, fire protection, proven water availability, and other first responder protection are some of the main conditions that have not been addressed to support a development such as the one upon which you will vote today.

It is a given that the supply and availability of housing of an affordable nature is necessary. This can be accomplished if the county and state work together to support a sustainable infrastructure to support these developments. Fast tracking the permitting process is not the answer. It will only lead to shortcuts taken by developers that could become public safety concerns, such as turning space for fire engines in cul de sacs and lack of sidewalks. Due to the scale of these projects, it is even more imperative that they comply with the full permitting process as would any citizen who wants to build a dwelling. Otherwise, the community as a whole does not have equal protection under the law which is a constitutional right.

Thank you for taking time to read this. Please vote against approving this project.

Respectfully,

Robert Sternthall
Lahaina

Sent from my iPhone

RECEIVED

From: Larry Stevens <lfstevens@earthlink.net>
Sent: Thursday, July 18, 2019 7:49 AM
To: County Clerk
Subject: Polanui Gardens and Makila Rural-east

2019 JUL 18 AM 7: 53

OFFICE OF THE
COUNTY CLERK

To Whom It May Concern

I encourage the Council to reject the plans for Polanui Gardens and Makila Rural-east.

These developments have many drawbacks:

- Increased traffic on an already overloaded highway
- Missing infrastructure for managing/supplying water and wastewater
- Violates West Maui Community Plan

Please reject these plans.

Larry Stevens

From: MARK ALBERS <omwao@icloud.com>
Sent: Sunday, July 14, 2019 5:08 PM
To: County Clerk
Subject: Fwd: Makila Project is EXPLOITATION

RECEIVED
2019 JUL 16 AM 9:13
OFFICE OF THE
COUNTY CLERK

Begin forwarded message:

From: MARK ALBERS <omwao@icloud.com>
Subject: Makila Project is EXPLOITATION
Date: July 14, 2019 at 5:06:02 PM HST
To: Kelly.King@mauicounty.us
Cc: MARK ALBERS <omwao@icloud.com>

Aloha County Council,

This letter is being sent to you to voice OPPOSITION to the Peter Martin Makila project in Launiupoko.

Please REVIEW the video of the public testimony from the hearing that took place before the Affordable Housing Committee on June 19.

On that long day of testimony, Around 50 people, or more, spoke out in OPPOSITION to the Makila Project, including Hawaiians. Every testifier had many excellent points as to why this Peter Martin development proposal is so wrong for this location. We praise the Affordable committee members who used common sense and voted against it.

This large housing project is only an attempt by the developer to profiteer by including over 100 multi million dollar market priced homes along with the AH homes, which wouldn't end up being affordable anyway. Please do not let undue influence lead you to make the wrong decision!

It would be a mistake and very detrimental to all of west Maui if this passes as it stands. This location is not sustainable for hundreds of homes for many reasons, as testifiers pointed out on June 19.

Again, please watch and listen to the video.....Listen to the people....Be PONO and deny this development.

Mahalo, Suzanne Albers

From: Bob <bobfreimuth@comcast.net>
Sent: Monday, July 15, 2019 3:57 AM
To: County Clerk
Subject: Launiupoko development

To Whom It May concern, These developments are totally inappropriate for this area. Lack of water for fire protection or agriculture is only one issue. The proximity to the ocean of so many septic tanks is a pollution problem that endangers water quality and our reefs. Traffic and school concerns are not addressed. Almost important is that this is an attempt to rezone ag land to high density housing to profit developers disguised as affordable housing. The houses revert to market in 5 to 10 years meaning they are not meant to be affordable housing except for the original buyers and of no bennifit to the community. Land this close to the ocean should remain open or low density for Maui not to become another Oahu. Bob Freimuth.

RECEIVED
2019 JUL 16 AM 9:13
OFFICE OF THE
COUNTY CLERK

From: Leslie Freimuth <lesliefreimuth@comcast.net>
Sent: Monday, July 15, 2019 6:58 AM
To: County Clerk
Subject: Development of Affordable Housing, Polanui Gardens and Makila Rural East.

> To Whom It May concern, These developments are totally inappropriate for this area. Lack of water for fire protection or agriculture is only one issue. The proximity to the ocean of so many septic tanks is a pollution problem that endangers water quality and our reefs. Traffic and school concerns are not addressed. Almost important is that this is an attempt to rezone ag land to high density housing to profit developers disguised as affordable housing. The houses revert to market in 5 to 10 years meaning they are not meant to be affordable housing except for the original buyers and of no bennifit to the community. Land this close to the ocean should remain open or low density for Maui not to become another Oahu.

Leslie Freimuth
32 Awaiku Street
Lahaina, Hi 96761

RECEIVED
2019 JUL 16 AM 9:13
OFFICE OF THE
COUNTY CLERK

From: Maura Mark <mauramark4@gmail.com>
Sent: Monday, July 15, 2019 6:59 AM
To: County Clerk
Subject: Launiupoko proposed development

> To Whom It May concern, These developments are totally inappropriate for this area. Lack of water for fire protection or agriculture is only one issue. The proximity to the ocean of so many septic tanks is a pollution problem that endangers water quality and our reefs. Traffic and school concerns are not addressed. Almost important is that this is an attempt to rezone ag land to high density housing to profit developers disguised as affordable housing. The houses revert to market in 5 to 10 years meaning they are not meant to be affordable housing except for the original buyers and of no bennifit to the community. Land this close to the ocean should remain open or low density for Maui not to become another Oahu.

Maura Mark
Launiupoko resident on Haniu St.

RECEIVED
2019 JUL 16 AM 9:13
OFFICE OF THE
COUNTY CLERK

From: Frank Woods <frankwoods970@gmail.com>
Sent: Tuesday, July 16, 2019 8:33 AM
To: County Clerk
Subject: Letter in Reference to: Affordable Housing, Polanui Gardens, and Malika Rural East

To Whom it May Concern:

The developments that are proposed for Polanui Gardens and Malika Rural East are inappropriate to the area. The developer owns land that is located in Lahaina with access to water, sanitation, electrical power, and with easy access to town. Potentially, the effects of on site sanitation could lead to many unintended negative consequences.

Last year during the hurricane and fires, the residents of our area were trapped on the by-pass with no means of egress. More density is not the answer for employee housing at Launiupoko, especially with only the first owner having that benefit, and thereafter they are free market units which will become unaffordable. The employee housing is a subterfuge for gaining a lot of free market development.

The only way to maintain units for employee housing is to CAP the rate of appreciation for the units at 3% per annum.

Thank you,

Frank & Tamara Woods
948 Kai Hele Ku
Lahaina, HI 96761

RECEIVED
2019 JUL 16 AM 9:13
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Chrissy Nutter <sundc@hawaii.rr.com>
Sent: Tuesday, July 16, 2019 6:40 PM
To: County Clerk
Subject: CR 19-81

My concern, in 3 previous hearings, regarding CR 19-81 is again specific - sewer treatments.

The segmented bypass approach to state EIS evaluation is dangerous and makes the council liable for its actions. I note also lack of concern regarding the Lahaina cesspool problem along with the waste water injection legal process. All other problems regarding water, transportation, density should be common knowledge after all these studies and hearings. I am a retired military surgeon concerned about water purity and public health.

David J Nutter, Col USAR Retired

David & Chrissy Nutter
524 Kai Hele Ku St
Lahaina, HI 96761
808-214-5669
360-298-0213

sundc@hawaii.rr.com
dcnutter@gmail.com

RECEIVED
2019 JUL 17 AM 7:49
OFFICE OF THE
COUNTY CLERK

RECEIVED

June 14, 2017

2019 JUL 17 AM 7: 49

Re: CR 17-84 and CR 17-85 Committee Reports; Land Use Committee

MAUI COUNTY CLERK

Dear Robert Carroll,

We are writing to you to express our **extremely strong opposition** to the proposed Makila Kai development and Mr. Greg Brown's request for a fast track approval under Section 201H. We attended the Land Use Committee meeting on May 31 and presented our objections to the fast track approval of Makila Kai. Over 90% of those in attendance at the meeting expressed their OPPOSITION to this development and using Section 201H to fast track the process. We were shocked and appalled that the Land Use Committee voted 5-3 in favor of Mr. Brown's request for approval under Section 201H. The mere fact that Mr. Brown has made this project "49 homes" should be cause for alarm! By creating a small project, he avoids many required processes for developments of on a larger scale, including Environmental Impact Studies. It should be noted that his "49 homes" also allow for 24 additional Ohana units to be built that are in his plan, but not included in the total number of homes. The project does not really generate any significant "affordable homes" on Maui. Only 8 of the proposed 25 affordable homes are to be priced below moderate for incomes between 81% and 99% of Maui County medium income. His "gift" of a \$50,000 price reduction to qualified buyers is merely a shell game moving money from the profits of selling 24 market priced homes. Attached at the end of this letter is a schedule of proposed pricing from the Makila Kai website labeled as Exhibit 1.

We purchased our home in Makila Plantation in 2009 because of the AG nature of the entire area and to be able to enjoy a peaceful uninterrupted time on Maui. Over the years we have also been opponents of Bed and Breakfast permits being issued to homes in our area because we felt that they would detract from the rural AG development lifestyle. We strongly believe that the entire Launiupoko hillside area that is designated as Agricultural ("AG") must remain in the same land use designation.

We, like the vast majority of Launiupoko Makila Plantation owners and the other Launiupoko Homeowner's Associations disagreed by overwhelming majority with the previously proposed larger scale project that was abandoned over a year ago. Now, Mr. Brown and Peter Martin are proposing to create "mini" developments in order to avoid having to go to the State of Hawaii to get the zoning changed for these smaller projects. Don't be fooled! They are nothing more than a couple of wolves in sheep clothing. The overall impact on the combined smaller projects will have the same disastrous impact on

current homeowners in the area, and West Maui, as the larger project they abandoned last year. Breaking these larger AG lots into smaller rural lots and then "throwing the County a bone" with a few affordable homes where the developer "gives" \$50,000 to the buyers is just the first step in their plan to maximize their profits on the sale of the higher density lots adjacent to the affordable homes. Their aim is to maximize profits and their return on investment. It is NOT to be good citizens and develop homes to help County residents. Mr. Brown has a history on Maui of building homes that don't stand up to the test of time and he is not a well respected member of the County. I urge you and the other Council members to do your due diligence on him and his Company. This is not the kind of individual you want to "fast track" homes and avoid standard building permitting processes and checks and balances.

We believe there are areas that will have significant adverse impacts as a result of the proposed development(s):

- 1 - Traffic
- 2 - Water and Segmentation
- 3 - Environment and Beach access 4 - Lifestyle.

1 - Traffic and Segmentation: Everyone who lives in the Launiupoko area knows there are currently major issues with traffic at Kai Hele Ku. This is the only road that provides entry/exit for entire Launiupoko Hillside and this is the same road that would be used for Makila Kai proposed development as well as other future West Maui Land projects. The extension of the Lahaina bypass will make matter even worse as its

exit/entrance will be on Kai Hele Ku as well. Kai Hele Ku will become the only by-pass exit/entry for anybody trying to get to Launiupoko beach and beaches south. Currently, residents on the hillside have to often times wait at a red light for up to 5 minutes in order to make a left hand turn to head south towards Olowalu. Adding additional higher density developments to access Kai Hele Ku on top of expected additional traffic from the bypass will be disastrous and will greatly increase traffic congestion and the potential for car accidents. Kai Hele Ku also serves as the only real evacuation road in the event of a fire in the area. The additional density of homes will create a potentially dangerous fire evacuation situation. More detailed studies need to be performed and effective alternative evacuation routes need to be determined! This is not something that should be ignored and should not be something “to be determined later” once the 201H fast track is approved. We need an adequate plan and solution NOW not later!

On May 5th '17 Makila Planation owners had a meeting with Brown development to give him opportunity to present his development. He was asked how would Makila Kai residents exit and enter their development. He stated that they would use Waianukole Place road (newly built road by West Maui Land, parallel to Honoapiilani Highway). He was reminded that that road will most likely be gated off for future Makila Ranches

exclusive use (as per Maui News Jan 26th '17 article: developer requested that this road would not be public road and could be gated off, as county failed to purchase overpriced non buildable land bellow it). Mr. Brown proceeded to say that they would use emergency dirt road as an alternative. Brown did not say at any point that they would come up to Punakea loop or Haniu St. In his current proposal and on the Makila Kai web site the only direct access to his proposed development is from Haniu St. and Punakea Loop. Currently there is ongoing litigation affecting potential use of Haniu and Punakea Loop by the proposed development as these are private roads for the use of residences in the Launiupoko and Makila Homeowner's Associations.

In addition to the incremental traffic due to the increased population density on and around Kai Hele Ku, the larger and more significant impact will be on the traffic along the Honoapiilani Highway beginning at the Maalaea Harbor Area. This two lane road provides the only realistic access to the entire West Side of Maui. It is not uncommon for the 13 mile drive from Maalaea Harbor to Kai Hele Ku street to take more than ONE HOUR every day during heavy traffic times around tourist arrivals and worker shift changes at the West Maui resorts/ restaurants. Additionally, it seems that every week or two there are automobile accidents that cause the highway come to a standstill bringing the entire West Side to GRIDLOCK. Any additional development, of any kind, on the West Side of Maui should be curtailed until there is an adequate solution to this problem fully in place and operational.

2 - Water: We own an AG property of 5.5 acres. In order to be in compliance with the AG codes we were forced to come in to compliance by the County in order to be granted a permit to add Solar panels to our property. The property we purchased was built by Mr. Brown and was occupied for FIVE YEARS by the former owner and was NEVER in compliance with the AG requirements. At a cost of over \$100,000 we added agricultural activities to our property on over 2.5 acres of land that had no prior AG. As of today approximately 65% of our land is under some form of AG. However, the access to AG water has often been a very big issue. Plants require water!! On many occasions over the past 7 years we have had shortages of AG water or situations where AG water was shut off due to waterline breaks, damaged pipes or clogs. The results were disastrous to our AG activities and killed or damaged many of our plantings. What's going to happen when there are hundreds of additional homes using the water? Virtually ALL of the water for our area comes from the West Maui Mountains above the Launiupoko area. It does not matter where the wells are located, they ALL draw from the same source. We sat through the testimony at the Land Use Committee ("LUC) hearing on May 31 and virtually every resident discussed WATER issues. The LUC members asked questions about water to other members of County Departments and in our opinion, got very little

valuable information back from them. The issues with our water are with the PRIVATE Launiupoko Agricultural and Potable water companies. The County department officials advising the LUC do not have the information to make the claims they made!

Water issues are having major impact on all residents of Maui. Launiupoko has had its fair share of warnings of inadequate water supply and notices to conserve water. On May 5th, Makila Plantation Owners meeting, Brown stated that he would drill his own water well, “as there were issues with new well currently being drilled by the Launiupoko water company”. This new well currently being drilled by Launiupoko Water Company, is digging for additional water that will be needed for planned Makila Ranchers-another higher density non-Ag. development by West Maui Land. In April '17 Annual Makila Plantations meeting, Peter Brown-owner of West Maui Land and Launiupoko Water Company stated that he is planning on adding another 210 parcels with same purpose as Makila Kai and plans to use fast track 201H process as well. These wells access the SAME water we all use! The fact that these two developers are breaking their projects down into smaller pieces in order to avoid County oversight should be very alarming to you as a Council member. Why would they abandon their larger project a year ago only to return to the County and request a “fast track” Section 201H approval. This is in fact THE SAME LARGE SCALE DEVELOPMENT plan they had. Now they are just trying to maximize their profits and avoid County oversight and all of the research on environmental, public safety, water and traffic issues. You can't let them get away with this!!!

3 - Environment and Beach Access: Protection of shore lines and reduction of Ocean water pollution should and must be a priority for the County and State. Having septic tanks for the proposed higher density developments, so close to the ocean, has the potential to create leaching of untreated septic waste into the ocean and endanger even further our coral reefs, marine life and ocean water quality. Higher density developments should be done in areas that have septic processing facilities already available.

On most work days and especially on weekends it is very difficult to find parking at the Launiupoko beach. Mr. Brown's project about 50 new homes which can house up to 7 inhabitants, with assumption of 2.5 cars per house would yield about 123 cars. Another development that is in the planning process by Peter Martin and West Maui Land calls for an additional 210 homes of similar character. We are talking about another 525 cars on top of 123 for total of about 648 additional cars. If you create a precedent here and open the flood gates for the same type of rezoning to happen there will be cumulative adverse impacts on our lands, that will ultimately destroy our environment and appeal of Maui as a tourist destination.

4 - Lifestyle: Most homeowner's purchased property in this area because of it's lifestyle opportunities and financial value. The hillside is generally a peaceful and serene environment with expansive views, open space and agricultural activities. Having privacy on 1 to 25+ acre lots is what sold many homeowners on this area. Allowing for rezoning of the large AG lands below Haniu Street will DESTROY this lifestyle and will have a significant detrimental financial impact on many current homeowners as the \$value placed on their current "lifestyle" will be eliminated by higher density homes,

traffic, environmental issues and all the other problems caused by this proposed development and future proposed developments.

We strongly urge you to VOTE NO on Mr. Brown's request and to VOTE NO on any other future requests to change the zoning on any parcels of land in the Launiupoko area. The AG land designation should remain as such. Don't be fooled by the wolves wearing sheep clothing.

Sincerely,

Kurt & Beth-Ann Thompson 85 Lau Awa Place
Lahaina, HI 96761

County Clerk

From: gary <onsitehawaii@aol.com>
Sent: Tuesday, July 16, 2019 5:42 PM
To: County Clerk
Cc: harmony@westmauland.com
Subject: CR 19-81 Makila Housing

Council Members,

My name is Gary Miyamoto, and I have had the privilege of working with West Maui Land for almost Twenty years. Over this time I have seen them develop housing for local families. From the Launiapoko subdivision to Haiku, Waiale. There interest is in providing much needed housing for our local Ohana. I ask that you approve the proposed development. My family and I support this 100%.

Mahalo

Gary Miyamoto

RECEIVED
2019 JUL 17 AM 7:50
OFFICE OF THE
COUNTY CLERK

From: Darla J White <onareef@yahoo.com>
Sent: Wednesday, July 17, 2019 10:25 AM
To: County Clerk; Tasha A. Kama; Mike J. Molina; Alice L. Lee; Yukilei Sugimura
Subject: Testimony - Olowalu & Makila Projects
Attachments: DWhite-Testimony-Polanui-Makila-developments.pdf

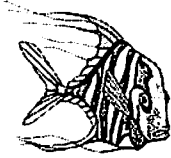
Dear Council members,

Please see the attached testimony opposing the Olowalu and Makila Projects.

Mahalo, Darla White

Darla White, MSc.
808-345-2312
onareef@yahoo.com
@fishonareef
<https://www.linkedin.com/in/darlawhite>

RECEIVED
2019 JUL 17 AM 10:59
OFFICE OF THE
COUNTY CLERK



Darla J. White, MSc.

Cell: (808) 345-2312

E-mail: onareef@yahoo.com

LinkedIn: <https://www.linkedin.com/in/darlawhite/>

July 17, 2019

Dear Council members,

I strongly oppose and ask that you disapprove the Polanui Gardens and Makila Rural-East projects. This was already voted down in the Affordable Housing Committee, and for good reason. Not only does it do nothing to solve the affordable housing crisis, but it will be exempt from the community planning efforts, and that is unacceptable. This is the same development that was already rejected by the county, and is being re-branded as something different using a work-around. The cons outweigh the pros. Water, fire, and traffic concerns have not been addressed. West Maui would benefit from long term visions that have a positive impact on communities and the environment, instead of the short-term gains of a few. Maui can do better, not just 'less bad'.

Opposing this development and re-zoning of the areas is the pono thing to do.

Mahalo for all of the work that you do.

Sincerely,

Darla White

County Clerk

From: marty.cdb@gmail.com
Sent: Wednesday, July 17, 2019 12:12 PM
To: County Clerk
Subject: CR 19-81

Importance: High

RECEIVED

2019 JUL 17 PM 12:47

OFFICE OF THE
COUNTY CLERK

Please help the local people, of the County of Maui, get into more housing.

These types of projects need to be approved.

Best Regards,

Marty Cooper

FATHER OF 7 KIDS – ALL BORN HERE IN HAWAII

CWA Ventures, LLC - License 7350-A, Principal Architect

Cooper Design Build, Inc. - License BC 27530, RME / General Contractor

Cooper & Cooper, Inc. - Real Estate Solutions / Maui Director

PO Box 1062, Puunene, Hawaii 96784

Fax: 808 877 7119

Cell: 808 870 3274

This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, and is legally privileged. Unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender at 808 873 0292 or by reply e-mail, and destroy the original and all copies of the message. All rights, including copyright, reserved.

Thank you.



Please consider the environment before printing this email.

County Clerk

From: Don Mcleish <dmcleish@pacbell.net>
Sent: Wednesday, July 17, 2019 12:47 PM
To: County Clerk
Subject: Proposed developments: POLANUI GARDENS AND MAKILA RURAL-EAST PROJECTS

Please disapprove these developments: POLANUI GARDENS AND MAKILA RURAL-EAST PROJECTS.

We need to improve our infrastructure for existing residents and focus on affordable housing for residents and not off island part timers or investors.

Don McLeish
62 Haku Hale Pl.
Lahaina, HI 96761

Cell - 510-388-2127
<http://dmcleish.com>

RECEIVED
2019 JUL 17 PM 12:49
OFFICE OF THE
COUNTY CLERK

RECEIVED

From: maria.bacalso@gmail.com
Sent: Wednesday, July 17, 2019 3:02 PM
To: County Clerk
Subject: Oppose Polanui Gardens and Makila Rural East

2019 JUL 17 PM 3:32

OFFICE OF THE
COUNTY CLERK

Aloha Council Members,
Mahalo for taking the time to read this entire testimony.

My name is Maria Linz, and I am a resident of Lahaina.

I am writing in OPPOSITION to the proposed developments Polanui Gardens and Makila Rural East which are being proposed for the Launiupoko area in West Maui. The developers attempt to fast track this process and changing zoning from Agricultural to Urban is completely irresponsible.

While our 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. This area is not and cannot be connected to county sewer or water. The water here comes from Kaua'ula stream and the current residents of launiupoko are often already under water restrictions because there isn't enough water available to support the homes that already exist. Plus last year the CWRM board reinstated streamflow standards which lowers the amount of water that can be taken from the stream because they have illegally diverting the water and cutting off flow to the local families who have lived below the developers diversion for generations. 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. All of this land the developers bought has clouded title and over the past couple years multiple lawsuits have been won by the local families who actually hold the title to the land. 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. Had the wind been blowing the opposite direction during last years fires this whole area would have been wiped out, and with out 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 there tonight. The Polanui gardens area as it stands right now is only allowed to subdivide and build 3 properties on it. But by using a 201H affordable housing loophole they are able to build and then sell 66 properties turning what would have been perhaps a 6 million dollar profit into a 10's of millions dollar profit. Don't think they are building this development because they want to help the community and the need for affordable housing. They are doing it in this way to maximize their profit, without care for the fact that the area cannot support this amount of housing. This same developer also owns the entire wainee area above the aquatic center and below the bypass which can be connected to county services and can have the infrastructure needed to support it, but they don't want to build there because they cannot sell that area for the same high end prices they can get in Launiupoko. They could build this exact development on that land which is less than a mile away and actually could support it, but they won't make as much money if they do it there. If they actually were trying to solve the housing crisis, they would also make these homes affordable in perpetuity, instead of only 10 years at which point they will turn into market price homes. They are dangling the carrot of affordable housing hoping that by doing so those of us who are desperate to buy an affordable home will let 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 just last year, Under the previous name Makila Kai, 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.

I myself inquired about Makila Kai when I first heard about it because I too am desperate to find an affordable home. However after doing more research I was able to take off my rose colored glasses of desperation and step back and realize that not every proposed affordable housing development should be built. We absolutely need affordable housing, but it must be done right and in the right places. It would be irresponsible to allow it to happen here.

Please oppose these developments and do not allow them to fast track the process, and continue working towards affordable housing in West Maui in an area that would be more appropriate for it.

Mahalo for your time and consideration!

Warmest Aloha,
Maria Linz
Resident of Lahaina
maria.bacalso@gmail.com

July 17 2019

Maui County Council

RE Polanui Gardens Workforce Housing Project
Makila Rural-East Workforce Housing Project

RECEIVED

2019 JUL 18 AM 7: 54

OFFICE OF THE
COUNTY CLERK

Aloha Council members,

I am writing this letter to strongly urge that you do not approve this development as proposed. My name is Kai McPhee, I am a lifetime resident of Lahaina and currently own and operate a family farm in the Makila Plantation division directly adjacent to the proposed development area. Our farm is 14 years old. We currently harvest and process coconuts from our approximately 300 coconut trees. The main use of our farm is to give daily educational tours to our community and visitors that focus on the cultural, economic, and biological value of the coconut and coconut tree.

I would like to clarify that I am not blindly opposed to affordable housing. Our community is in desperate need for solutions to an incredibly hostile housing market. I personally would be an extremely qualified candidate for a project of this nature, and I assure you, if this project had any merits my name would be the first on the list. But unfortunately, on close review, this proposal proves riddled with haste, deception, and a general lack of motivation to actually help anyone (or a very select few) in our community with actual housing.

As I understand this proposal, the developer would like to grant a small handful of lottery winners the opportunity to purchase sub-market value (not even affordable) housing that will soon return to a market value. Who does that help? In five to ten years these people will most likely be unable to afford NOT to sell. And what did we trade for that charade? The developer is fast-tracked to their true motivations of market value profits using resources that are already too thin to go around. AND, we have indefinitely converted a quaint agricultural district on the outskirts of Lahaina, into urban zoning. This is the specific place where West Maui currently experiences the worst traffic delays, the most severe droughts, and a very uncertain access to water; the most important resource for a farm on land zoned for agriculture.

This does not seem like a good trade-off to me. It is not well organized or presented. Most importantly, it directly defies the goals and intentions our community has been working towards. We can do better than this, please do not allow this proposal to pass.

Mahalo for your consideration,
Kai McPhee

From: keytolyf@aol.com
Sent: Wednesday, July 17, 2019 11:11 PM
To: County Clerk
Subject: Affordable Housing Report CR 19-81 201H fast track for Makila Rural East and Polanui Gardens housing developments.
Attachments: July 17 meeting.docx

Please accept this email as written testimony for the aforementioned meeting, Friday, July 19 whereby the Maui County Affordable Housing Committee considers bills for 201H fast track status and agriculture to urban boundary amendments (zoning changes) to enable Makila Rural East and Polanui Gardens housing developments. Although being encouraged by my neighbors in Launiupoko, and others in the community, to voice my opposition to the aforementioned bills, as mentioned in my earlier emails to you and your committee members, I am neither pro nor con regarding these developments as long as I and my wife are given the same consideration. My neighbors relate that my property will be most affected, which is true, as it borders said development. When looking over the notification put forth by Deborah Belle, CMCA, of Management Consultants of Hawaii, regarding the upcoming meeting this Wednesday, I couldn't help but notice the statement, "If approved, these developments would be built between Haniu St and the Bypass, immediately makai of Makila Plantation," which, as per my earlier emails to you and your staff suggests, amply describes my property and what I've been telling you all along. Please refer to my earlier emails to you and your staff detailing the exact same qualities my property has in common with these two proposed subdivisions. In looking at the picture outlining my property in "Red" and comparing it to the developments being considered in "Blue" you'll see that they are in exactly the same area mentioned by Deborah Belle. As such, at a minimum, as part of their requirements in the approval process, said developers should be required to grant exemptions to us from our CC&Rs mandating us to change our zoning from Ag to Rural before being able to subdivide. Furthermore, County ideally should allow our property located in Launiupoko to be incorporated into the Maui Island Plan/Urban Growth Boundary to help facilitate and expedite our Ag subdivision request. Although we would rather simply subdivide our property into smaller agricultural lots, should the developments of Makila Rural East and Polanui Gardens be granted their applications as outlined, we are open to having our property be given the same consideration for 201H fast track status and agriculture to urban boundary amendments (zoning changes). As such, my wife and I humbly request that we be considered for said request as it seems only fair and the right thing to do. Should said developers be granted their approval without our being given the same consideration, it seems not only unfair but, un-American.

Mahalo for your Kokua.

Sincerely,

Dr. Greg Owens/Dr. Hugs

RECEIVED
2019 JUL 18 AM 7:54
OFFICE OF THE
COUNTY CLERK

Gregory and Bernadette Owens

P.O. Box 11286
Lahaina, HI 96761
(808) 357-0031

RECEIVED

2019 JUL 18 AM 7:54

July 17, 2019

DEPARTMENT OF HOUSING & HUMAN CONCERNS
COUNTY OF MAUI
2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805
county.clerk@mauicounty.us ah.committee@mauicounty.us

RE: Makila Plantation Phase I, Lot 5, 16.055 acres
TMK (2) 4-7-001:005

OFFICE OF THE
COUNTY CLERK

SUBJECT: COUNTY COUNCIL MEETING JULY 19th REGARDING ZONING CHANGES BETWEEN HANIU AND THE LAHAINA BYPASS - A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR:

- A. 14.390 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:007 (POR.), 008 (POR.) AND 010 (POR.)
- B. 14.453 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13: 01 (POR.) AND 02 (POR.)

Dear Members:

It is hoped that my numerous attempts to provide testimony on the aforementioned is entered into the records and that this emailed testimony isn't, like all my other attempts, blocked by your computers. I have received none other than 11 returned email testimonies as follows: "postmaster@mauicounty.us, 'Your message wasn't delivered. Despite repeated attempts to deliver your message, the recipients email system refused to accept a connection from your email system...No connection could be made because the target computer actively refused it.'" This, despite using the following emails provided by Maui County government sites: county.council@mauicounty.us, county.clerk@mauicounty.us, Tasha.Kama@mauicounty.us, Alice.Lee@mauicounty.us, Tamara.Paltin@mauicounty.us, planning@mauicounty.gov, ah.committee@mauicounty.us. This despite using approved email addresses publicly displayed on Maui County websites and provided by County Personnel. Hopefully, this is just an oversight and not a deliberate attempt at preventing my testimony from being entered into the record.

Recently, the Maui County Council Affordable Housing Committee has rejected the above proposed 201H fast track subdivisions of Makila Rural East and Polanui Gardens for lack of merit. It is interesting to note that said applicants based their proposed subdivisions upon Affordable Housing with committee members noting that the applicants were designating less than 15% of their total developed area to be affordable housing while designating the rest, over 96 acres, to be "market rate." In so doing, the developers, at today's market evaluation, stood to make between the upper double digit tens-of-millions to perhaps over \$100 million dollars. Regarding these proposed subdivisions, I want to clarify a few things for you before you approve these subdivisions and to address the concerns raised at various meetings regarding fire, flooding, traffic and the lack of available water in the area. Regarding the limitation of water, just come and take a look at the properties in Launiupoko, Puunoa, Makila Plantation and others to see for yourself just how brown things are getting. Interesting thing about the water situation here in Launiupoko: Prior to being denied these same two subdivisions on Agricultural lands, the developer, WML, vigorously fought for their, and our, water rights here in Launiupoko. Then, after being denied their developments on Ag land, they quietly allowed said water rights to be revoked by the PCRM. As a consequence, they now use the lack of affordable water as impetus in changing the zoning from "Agricultural" to "Urban." Interesting and convenient, don't you think? I and everyone else up here does. Anyone skimming the surface would come to the same logical conclusion. When residents of Launiupoko and the Hawaiian families living in Kauaula Valley agree, shouldn't you listen? Of course! Manipulating the water as a pretext for changing zoning from Ag to Urban is as transparent as it gets.

It is interesting to me that each of these two subdivisions is for 14-plus acres to be used for affordable housing while setting aside 96-acres for "market rate" development. I can see their argument for "Fast Track" approval of the 14-plus acre developments but not for the 96 acre parcels. If these are part of the "Fast Track" approval process, then, by all means, I wish to have my 16-acre parcel approved for such. After all, as my wife

bluntly put it, "dirt is dirt" in her email to you dated June 17, 2019. In her letter, it was detailed that our property, located at 25 Haniu Street, is virtually identical to those that are seeking subdivision approval. As she put it, "if you look at the accompanying photos taken just yesterday, you'll notice two pictures of dirt that look exactly the same. One is taken from my property and the other is taken from the property being considered for fast-track approval seeking rezoning from Ag to Urban. If you look very closely, perhaps under a microscope, you'll notice small, almost undetectable differences between the dirt on their property and mine."

"The same goes for looking at our respective lots. Both areas had been under cane cultivation for almost 150 years. They both are bordered by Hokiokio St. to the North, Kai Hele Ku St. to the South, Haniu St. to the East and the Lahaina Bypass to the West. Their lots are approximately 14 1/2 -acres whereas ours is 16. They're touting their lots as "vacant" where ours is 99.9987% vacant. Heck, our property is connected to theirs with only a thin barbed-wire fence separating the two. The only difference between our dirt and theirs is that the developers of Makila Rural East and Polanui Gardens, West Maui Land Co. (WML) and Brown Development (BD) managed getting their dirt included in the Maui Island Plan/Urban Growth Boundary while keeping our dirt out of it. Even worse, is the fact that WML deliberately chose to keep our dirt out of the Maui Island Plan/Urban Growth Boundary and has written into our CC&Rs restrictive covenants preventing us from doing the same? If you don't believe me, consider this statement by Patrick Ihu whom we consulted:"

"It seems all of the other lots mauka of the Proposed Lahaina Bypass are zoned rural and within the proposed general growth boundaries except for Dr. Owens Lot and his neighbor's lot which seemed to have been purposely left out of the rural area and remains Ag."

"Or better yet, look at the following pictures. You'll notice immediately that my lot, outlined in red, has been deliberately left out of the mix despite being in the exact same area and even connected to the areas being considered for rezoning and fast-track. It's all so obvious. Perhaps that's why former County Council Member Elle Cochran said the following: 'anyone can tell that they (the developers) drew all this sh*t up!'" As my wife put it in her letter, "I believe that if you and your members truly look over these pictures, I'm sure that you'll come to exactly the same conclusions that both Elle and Patrick came to. As such, my husband and I humbly ask that you and your commission either assist us in being included in the process by having our property, located within the Boundary, to be considered for amending the State Land Use District Classification from Agricultural District to Urban District (Conditional Boundary Amendment) as is being done with Makila Rural East and Polanui Gardens or in having them, as a minimal requirement in approving their subdivisions, remove the restrictive covenants placed into our CCRs preventing us from further subdividing and have their help, with the County's approval, to include us into the Maui Island Plan/Urban Growth Boundary so as to enable us to also help with the current housing crisis through being able to further subdivide our Ag property. To do so otherwise would invite public scrutiny/opinion to believe that only the privileged are granted the ability to do so. Of course, my dad, born and raised in the Philippines, always used to talk how the rich and powerful got their way back home in the Philippines and it is hoped that Maui isn't following in their example."

With the developers citing the urgent need for additional housing on Maui in support of their subdivisions, why have they limited others, like me, from developing their properties as they are now doing? Think about it for a moment, why have they put into our CC&Rs restrictive covenants meant to limit our ability to subdivide? Why have they deliberately (see Patrick Ihu's comments above) left our properties out of the Maui Island Plan/Urban Growth Boundary? If their argument is about creating more housing opportunities on Maui, shouldn't they be for allowing us to do the same?

When my wife and I met with then Mayor Alan Arakawa a number of years ago to discuss the effects the Lahaina Bypass was having on our property, we discussed a myriad of things regarding development in our area including: Fire, Flood and the effects of the moving of the Lahaina Bypass. At that time, Mayor Arakawa informed us that the developer (WML) had "agreed to and was required to provide for an Agricultural buffer/greenbelt between the Bypass and the developments above." In looking over the documents on the Maui County website (mauicounty.legistar.com/view.ashx?m=F&ID) for Polanui Gardens and Makila Rural East, this "Agricultural buffer/greenbelt" is conspicuously absent. Regarding flood mitigation discussed with Mayor Arakawa on Kai Hele Ku Street, he said that the developer was required to fulfill their obligations. However, aside from the temporary swales that I allowed WML to construct on my property during a severe flooding event, NOTHING has been done by WML to mitigate the flood potential along Kai Hele Ku Street as evident by the flooding of the lower part of Kai Hele Ku Street where it intersects the Lahaina Bypass. It is interesting to note that, at that time, the mayor advised us to sue WML for "failure to disclose" these matters relating that, "disclosure is everything." West Maui Land's response, "The Mayor must have been confused."

As my wife put it, "with these developers placing emphasis on developing the 'vacant properties makai of Haniu St. (as is our property),' having already been granted inclusion in the Maui Island Plan/Urban Growth Boundary and now seeking rezoning from Ag to Urban, we hope to be included in the recommendations approved by Planning at this time. It seems only fair and natural that we be included in the process. With our lot being over 99.99% 'vacant' and in the area described, we believe that we should be included in any effort to rezone along with the other lots 'makai of Haniu St.' After all, dirt is dirt. Should a variance be needed to account for the .0013% that is developed, it is hoped that County Planning grant a variance to include us into the proposed amendment. Of course, I hope the use of the term 'vacant' isn't a blatant or deliberate attempt by the large developers in the area to pursue approval of the proposed developments to the exclusion of others like myself, who, being smaller landowners could also benefit from a change in zoning from Agricultural to Rural and are willing to help ease Maui's current housing crisis. We too wish to be afforded the same opportunity as the developers of Makila Rural East and Polanui."

As my wife and I have repeatedly stated, we are not for or against these subdivisions. We all agree that the Maui General Plan needs to be updated to allow for growth to ease Maui's housing crisis. Hence, our seeking subdivision. We do not have the resources to hire expensive attorneys, architects, or personnel to attend meetings on our behalf, yet we too seek the same consideration currently being granted the large developers in our area who cry for more housing while preventing us from subdividing ourselves. As such, we seek to have our lot either allowed to be further subdivided as Ag, by having the developers remove their restrictive covenants from my CC&Rs with the County granting us subdivision approval for Ag, or identified as "Rural" and included in the "Rural Growth Boundary" designation of the Maui Island Plan and Urban Growth Boundary as are the proposed subdivisions. We would also like to be included in the CPAC discussions and hope to gain the support of the General Plan Advisory Committee in making this happen. As we understand it, the large developers in the area, Peter Martin representing Makila Kai and Makila Rural East, Greg Brown of Brown and Associates representing Polanui Gardens and others seek inclusion of their lands "makai of Haniu St." (Where our Lot is located) and, as such, seek to change zoning on their lands, "vacant properties makai of Haniu St." from Agricultural to Rural. In consideration of these ongoing discussions and workshops being held in West Maui focused on the West Maui Community Plan in regards to Launiupoko, Olowalu and Ukumehame, as they relate to the Maui Island Plan and Urban Growth Boundaries, my husband and I humbly ask Planning to consider placing our real property located at 25 Haniu Street, Lahaina, HI 96761, Lot 5, Makila Plantation in Launiupoko, TMK (2) 4-7-001:005, in "the Planned Growth Areas/Rural Growth Boundaries" of the Maui Island Plan and within the Urban Growth Boundary. Why the large developers in the area are granted inclusion in the Maui Island Plan/Urban Growth Boundary, and are able to rezone from "Agricultural" to "Rural" while small landowners such as my husband and I are not afforded the very same opportunity? If that were the case, it seems far from being Pono, is unfair and definitely un-American.

FIRE:

Living as a resident in Launiupoko, I know full well the concerns others in my area have in regards to Fire, Flood, Traffic and the Lack of Water. I've lived through them all. In fact, my home was almost destroyed by a brush fire when it came within 50' of my front door (see picture on the left) and that wasn't even the big fire of 2018 (see picture on the right) that almost engulfed our entire neighborhood. Additionally, when I met personally with then Mayor Alan Arakawa on July 23, 2012 to discuss the relocation of the Lahaina Bypass, he said, "West Maui Land Company was supposed to build an Ag border between the Bypass and the subdivisions above to protect those areas from fire." He was resolute in his conviction that this was previously agreed upon and his County legal Counsel nodded in agreement. Of course, when asked about this, West Maui Land Co. simply responded that the Mayor must have been "confused." To my knowledge, West Maui Land Co. has done nothing to address and mitigate the issues of FIRE, FLOODS, TRAFFIC and the LACK OF WATER as you will clearly see by the following pictures:

FLOODS:

On multiple occasions the flooding in our area has been catastrophic. On one occasion, the flooding was so severe on my street of Kai Hele Ku that over 2' of water, rock and debris was flowing down the street next to my house and into the ocean below, damaging the reef at Launiupoko. When asked by Dave Minami, Operations Manager of West Maui Land, Co. to allow his company to install temporary swales on my property to direct the water away from Kai Hele Ku Street, I promptly allowed it to prevent further damage to said reef. Of course, the flooding last year of the Lahaina Bypass at the Kai Hele Ku junction shows that the problem has

not been resolved. In fact, to my knowledge, West Maui Land has done nothing to address this continuing problem. When I someday remove the temporary swales, I fear for the reefs below.

TRAFFIC:

Although the Lahaina Bypass was supposed to reduce traffic congestion in the area, a 10 minute trek to my home in Launiupoko from my office in Lahaina now can take over an hour-and-a-half. Upon arriving, I can see from my lanai the Kahului bound traffic backed up all the way to Hokiokio Street in bumper-to-bumper traffic. Adding to this congestion will be the hundreds of cars from these new subdivisions.

LACK OF WATER:

Please review the following photos taken recently showing exactly how the limited water situation is affecting our landscaping. Please note that it was repeatedly mentioned by WML representatives at the respective meetings that there is no water issue. These areas were pristine and green prior to WML losing the ruling to the PCRM. Interestingly, after complaining for months about the limited water issue, our landscapers just yesterday discovered a "broken pipe" which, if you look closely at the picture* below, looks to have been cut.

My wife and I respectfully request that this matter be referred to the appropriate Council committee for review and discussion. We appreciate your attention to this matter and sincerely thank you for any and all help that you may provide. Please do not hesitate in contacting us should you have any questions regarding the aforementioned.

Sincerely,

Greg Owens, D.C.

PS Please note that I tried to include graphic pictures detailing the extent of the FIRES, FLOODS, TRAFFIC and LACK OF WATER but they couldn't be sent due to technical difficulties. They are, however, available upon request should you chose to view them.

Please review my article in the Lahaina News titled, "Remove roadblocks to affordable housing" for further clarification. In it, I ask for all of us to "Work together to make Maui a better place for all of us. Our Keiki and our future depend upon it."

Remove roadblocks to affordable housing

Published in the Lahaina News, July 11th – July 17th, 2019

I have been reading with great interest the following articles about the proposed subdivisions in Launiupoko: “Council working against the clock to review two Launiupoko affordable housing projects” by Louise Rockett of the Lahaina News, “Housing panel concerned with a lack of water” by Colleen Uechi, Assistant City Editor The Maui News and, of course, “Launiupoko projects to provide affordable housing to local families” by none-other than Peter Martin Himself. The word “NIMBY” (Not In My Back Yard) is often used by those attacking opposition to development. Well, the two proposed projects of Makila Rural East and Polanui Gardens are literally in my back yard. If anyone is to be affected by these subdivisions, it’s me. No matter the names of those applying for these subdivisions, they are distinctively Peter Martin.

Yet, I know that Maui desperately needs affordable housing. As a resident of Launiupoko myself, I wholeheartedly agree with Peter Martin in the need for affordable housing. He knows full well that I’ve been trying to get his company’s, and the County of Maui’s, help in subdividing for over a decade to ease the housing crisis without success. As a chiropractor I see the need for housing in the eyes of folks I see every day; from those who can’t afford homes to employers who can’t find enough workers due to the lack of affordable housing. So many of us living here on Maui struggle everyday just to make ends meet, and it’s about time to change that.

After reading Peter’s article, I’d like to suggest that instead of viewing people as “opposition,” that he try to listen to their concerns, find common ground and implement changes where possible. Having lived through multiple fires and floods and dealing with traffic in the area, I fully understand their concerns. Instead of seeing “wealthy people who recently purchased agricultural lots in Launiupoko” and “some folks living in Kauaula Valley” as the opposition, try working with them for a change. Many of those “wealthy people” work for a living. They work hard to keep up with their bills too and yes, some of these same folks made you rich. The “folks living primarily in Kauaula Valley,” mainly Hawaiians are just trying to survive and I hope you and your company for a change begin helping them rebuild their lives, not just their homes. Regarding “houses for our locals,” if it’s truly about helping ease Maui’s housing crisis, get the County Planning Department to reassign Makila Plantation and have it included in the Urban Growth Boundary of the Maui Island Plan. You and the County left us out of those plans in 2012 and now’s the change to change that. Remove the impediments you put into our CC&Rs that keep us from subdividing and get the County to do the same. Whether your subdivisions are approved or not, Maui desperately needs more housing in the future and Makila Plantation has the land to do it. Getting us into the mix and by including us in the Urban Growth Boundary/Maui Island Plan will help ease Maui’s housing crisis. Let’s face it; if it is truly about affordable housing as you say then shouldn’t you be helping everyone to do what you’re doing? Help us in removing these roadblocks and pave the way for helping us to ease Maui’s housing crisis. After all, Maui needs housing, but housing that’s done right. Rather than fighting opposition, let’s all work together to make Maui a better place for all of us. Our keiki and our future depend upon it.

Greg Owens, D.C.

RECEIVED
2019 JUL 18 AM 7:54
OFFICE OF THE
COUNTY CLERK

From: Jeff and Sue Anderson <smander@pacbell.net>
Sent: Wednesday, July 17, 2019 7:45 PM
To: County Clerk
Subject: Written Testimony re 7/19/2019 County Council Agenda Item CR 19-81

RECEIVED

2019 JUL 18 AM 7: 57

OFFICE OF THE
COUNTY CLERK

County Council Members,

I support the Committee Report CR 19-81 recommendation to disapprove Makila Rural East and Polanui Gardens projects.

This is Different

	Typical Affordable Housing Project	Makila Rural East and Polunui Gardens
Location	Usually Infill or organic expansion from similar urban use	Isolated islands of urban density surrounded by a sea of agricultural lots
Zoning	Usually within existing urban zoning	Requires rezoning agricultural land to include small urban spot zoned pockets within the agricultural zone
Segmentation	Each project is presented and evaluated as one project	These two projects, and a third one called Makila Farms, were segmented into pieces from a large project called Makila Rural which masks the full impact and implication of the larger whole and which in total exceeds the statutory limit (< 15 acres) allowed for expedited review
Project Scope	Focused on affordable homes, sometimes with market rate homes	Market rate luxury farm/home sites dominate these projects. Approval would create many more 1-acre luxury farm/home sites than allowed under agricultural zoning.
Market Rate Homes	Market rate homes are similar to and compatible with affordable homes	Luxury farm/home sites would sell in the million dollar range on which multi-million dollar homes would be built
Water	County provided reliable water supply is available and used for the project	County water is not available at this location. These projects are dependent on private water supplies that have been stressed with existing use resulting in frequent irrigation water outages and crop loss. These private systems have little redundancy.

Sewage	County provided sewer and sewage treatment is available and used for the project	County sewer is not available at this location. These projects are dependent on individual septic systems. To address concerns with reef pollution the projects propose the use of Advanced Treatment types which require frequent expensive maintenance and which studies have shown to be unreliable, primarily due to poor maintenance
Wildfire	Projects are built within residential neighborhoods unlikely to be affected by wildfires	The dense urban parts of these projects would be built as isolated islands surrounded by agricultural lots, many of which are fallow or used for grazing with combustible brush
We need better opportunities for real affordable housing solutions		

Jeff Anderson

Donna Brown
82 S. Lauhoe Place
Lahaina HI 96761
donnabro@hawaii.edu

RECEIVED

2019 JUL 18 AM 7: 57

Testimony for POLANUI GARDENS (LAHAINA)) (AH-1(1)) and Makila Rural-East workforce housing project ((AH-1(2)) and AH 27 and AH 28 District boundary amendments changing zoning from agricultural to urban.

OFFICE OF THE
COUNTY CLERK

I oppose these projects for the following reasons:

For the past 2 years there have been meetings and community input for the West Maui community plan. The next phase is review by the Maui planning commission and then finally Maui county Council approval. I was at most of the meetings and the over-arching theme was-No urban sprawl. Keep future development within walking-biking distance to schools, shopping and places of work. Develop walking and biking paths to connect neighborhoods. There is nothing close to this area, so people would have to drive for everything. Traffic in West Maui has already become dismall.

Why fast track this now? Why not wait until the community plan is finalized and make it conform to the plan? Why not go through the proper channels and get the required permits for development? Perhaps the developers are pushing to get their developments approved before the West Maui community plan comes out?

When Pioneer Mill stopped growing sugar on West Maui and sold the land to developers, the West Maui community strongly opposed development at Launiupoko for all the same reasons it is not a good idea today. The only reason the existing development was able to happen was because it was promised that it would remain in ag. The development is already much denser than the West Maui community expected.

Here is a list of some of the reasons these developments are in the wrong place:

The developers are asking for **exemptions** for many regulations including following: community plans, traffic impact fees, fire code, electrical code, plumbing code, building codes, grading and grubbing rules and more. These are all things that are important and should not be exempted.

No sewage system, so more cesspools which will leach into the ground water. If I were to pick only one issue as the most important, it would be the sewage issue with its drastic effect on our reefs and ocean resources. If this development goes through, there will be 161 houses instead of the 5 or 6 agricultural lots as this land is configured currently. The septic systems they are proposing have a failure rate of 92% due in part to lack of expensive maintenance. The added effluent load into the water lens and ocean can be extremely detrimental to our reefs and near shore ocean environment. Our reefs are dying and cannot take more sediment and sewage nutrients I have been studying Maui's reefs for almost 30 years and they are in trouble and very close to the tipping point where they will not survive more stress. (Please feel free to contact me if you want more information on this.) Launiupoko Park is right below this proposed development and is one of our few nice family beach parks for locals. It is also a regular resting place for endangered Hawaiian monk seals. We have already lost so many beaches for locals on Maui. We can't afford to lose this place to polluted water.

Traffic.--No walking access to anything and no public transportation to this area.

We need to preserve ag lands and open space on West Maui. The views are a big part of what attracts visitors.

All Lahaina public schools are already beyond capacity.

Extreme fire hazard area- Lack of emergency ingress and egress. These developments will more than double the population of the area.

These workforce housing units could be sold at market value in 5 to 10 years. We all agree that we need more workforce housing but it needs to be done right and remain affordable in the long term. In fact the majority of

these homes will not be affordable for families where each member is working only one job. I work full time as a scientist and teacher and I would not be able to afford these homes.

There is no guarantee that the workforce housing will be sold to long time Maui residents. We all want our keiki to be able to afford to stay on Maui. The majority of jobs on West Maui are not paying enough for local people to afford the cost of these homes. What we really need are affordable rentals for people working in the visitor and service industries.

Water shortage- The Hawaii Commission on Water Resources Management has recently directed returning water to streams.

Launiupoko Beach Park and Puamana Beach Park are over-crowded and over capacity. West Maui in general is already over capacity for the infrastructure.

Segmentation- we need to look at the cumulative impacts of the multiple proposed developments.

The developers already own land in town within walking and biking access to schools and other facilities including infrastructure for sewage disposal. Why not develop there? We need to build communities that are truly sustainable and remain affordable for local families.

Rules, regulations and codes are made for good reasons. The developers are asking for many exemptions to county rules and codes. What is the point of having regulations and a community plan when they not followed? Makila Rural East has 46 workforce housing units and 45 market value ag lots on 1 acre lots. I don't think one more workforce unit was the intent of the law when it says to fast-track, the majority of the project must be affordable. In addition, Maui county ag lot minimum size is 2 acres. So the 1 acre market price lots can not be considered ag.

The cumulative impact of these projects will change the face of West Maui forever. Therefore it should be thought out carefully and **not** fast-tracked.

Mahalo, Donna Brown

From: Kamuela Guth <kamuela.guth@gmail.com>
Sent: Wednesday, July 17, 2019 10:30 PM
To: County Clerk
Cc: peter
Subject: CR 19-81

RECEIVED
2019 JUL 18 AM 7:57
OFFICE OF THE
COUNTY CLERK

Aloha,

My name is Kamuela Guth and I support the Polanui and Makila Rural projects in West Maui. I was born and raised in Lahaina, also a resident in Launiupoko. The fact is we need housing for our workforce. We need workforce housing for our firefighters, lifeguards, police, EMS, nurses, teachers, county workers as well as the private sector workers. Most people drive into West Maui for work and need an opportunity to live in the community that they work in. The council has an opportunity to support a workforce project and developer who is ready to start this project once it is approved. If this project does not go through, there will be unintended consequences. The developer can sell the large lots as is and the buyer can put up a home and cottage that will be vacant most of the year. I urge you to support the workforce of our community, support this project, and say yes to workforce housing.

--

Mahalo,

Kamuela Guth
M: 808.357.8398

From: Kamuela Guth <kamuela.guth@gmail.com>
Sent: Wednesday, July 17, 2019 3:57 PM
To:
Subject: Re: Quick Survey

Aloha ,

Below is a response to your survey.

1. I am 34 years old and was born and raised in Lahaina.
2. We have lived in Launiupoko since 2016.
3. Yes, I support the Polanui and Makila Rural projects. West Maui need workforce housing for our firefighters, lifeguards, police, EMS, nurses, teachers, county workers as well as the private sector workers. Most people drive into West Maui for work and need an opportunity to live in the community that they work in. The council has an opportunity to support a workforce project and developer who ready to start this project once it is approved. If this project does not go through, there will be unintended consequences. The developer can sell the large lots as is and the buyer can put up a home and cottage that will be vacant most of the year. I urge you to support the workforce of our community, support this project, and say yes to workforce housing.

From: Craig Studwell <cstudwell@yahoo.com>
Sent: Thursday, July 18, 2019 8:03 AM
To: County Clerk
Subject: Written Testimony re 7/19/2019 County Council Agenda Item CR 19-81

RECEIVED

2019 JUL 18 AM 8:04

OFFICE OF THE
COUNTY CLERK

County Council Members,

I support the Committee Report CR 19-81 recommendation to disapprove Makila Rural East and Polunui Gardens projects.

This is not due to "not in my back yard" thinking, but rather the following:

This is Different		
	Typical Affordable Housing Project	Makila Rural East and Polunui Gardens
Location	Usually Infill or organic expansion from similar urban use	Isolated islands of urban density surrounded by a sea of agricultural lots
Zoning	Usually within existing urban zoning	Requires rezoning agricultural land to include small urban spot zoned pockets within the agricultural zone
Segmentation	Each project is presented and evaluated as one project	These two projects, and a third one called Makila Farms, were segmented into pieces from a large project called Makila Rural which masks the full impact and implication of the larger whole and which in total exceeds the statutory limit (< 15 acres) allowed for expedited review
Project Scope	Focused on affordable homes, sometimes with market rate homes	Market rate luxury farm/home sites dominate these projects. Approval would create many more 1-acre luxury farm/home sites than allowed under agricultural zoning.
Market Rate Homes	Market rate homes are similar to and compatible with affordable homes	Luxury farm/home sites would sell in the million dollar range on which multi-million dollar homes would be built
Water	County provided reliable water supply is available and used for the project	County water is not available at this location. These projects are dependent on private water supplies that have been stressed with existing use resulting in frequent irrigation water outages and crop loss. These private systems have little redundancy.
Sewage	County provided sewer and sewage treatment is available and used for the project	County sewer is not available at this location. These projects are dependent on individual septic systems. To address concerns with reef pollution the projects propose the use of Advanced Treatment types which require frequent expensive maintenance and which studies have shown to be unreliable, primarily due to poor maintenance

Wildfire	Projects are built within residential neighborhoods unlikely to be affected by wildfires	The dense urban parts of these projects would be built as isolated islands surrounded by agricultural lots, many of which are fallow or used for grazing with combustible brush
We need better opportunities for real affordable housing solutions		

We all agree that housing is needed. Please don't be blind to the real issues. There are more appropriate locations on the West side that could match the needs.

Craig H Studwell

County Clerk

From: thomas landrigan <toroland12@icloud.com>
Sent: Thursday, July 18, 2019 8:09 AM
To: County Clerk
Subject: CR 19-81

RECEIVED

2019 JUL 18 AM 8:20

OFFICE OF THE
COUNTY CLERK

Dear Honorable Chair and Members of the County Council of Maui,

Thank You for listening and evaluating the the proposals for POLANUI GARDENS and MAKILA RURAL EAST housing projects.

Your heart says that it wants to give the opportunity of affordable housing. It is being presented to you...with conditions. You are being asked to allow the developers to make a sinful amount of profit; a trade-off which is just not worth compromising our collective beliefs.

I keep an open mind to new ideas and believe that what has been proposed and presented is not new. These plans are reincarnations of the previous failed developments of Makila Rural and Makila Kai.

Makila Rural was withdrawn after the planners realized that such a large project would be subject to scrutiny by the State of Hawaii. Such oversight would defeat it so segmentation was their solution.

Makila Kai was rejected by the County after much credible testimony. That issue was finalized by a Council vote of rejection.

Now we are looking at two current proposals, which are listed as Independent, but are actually one in the same. Another so called "Independent" Development called Makila Farms is to follow.

Please vote AGAINST both resolutions WITHOUT modifications. Modifications are an affirmation that the facts presented and the science should be overridden by the desire to have some affordable housing on these lands.

Citizens believe in affordable housing which fits with existing infrastructure and services. The list against developing these Makila Lands is long. Safety is the greatest factor. The horrific fires and emotional testimony is enough to project a dire scenario in which hundreds of people are trapped mauka due to congestion and mayhem below.

Fast Track is being abused. The volumes of paperwork dropped on the County with a 45 day deadline to act is unreasonable. It is reminiscent of the worldwide tourist scam of Three Card Monty or a shell game or for that matter any con game you have experienced where a decision has to be made immediately and odds are slanted against you.

There is time to consider affordable housing. Reject these developments now and seek other developers willing to partner with the County. Look for sincere business people who care so much that they do not demand a cash windfall for appearing to be altruistic.

"Only The Unprepared Are Overcome By Pressure" said the famous Coach Lou Holtz.

Rushing anything and forcing an outcome never works out well. The other half of the County Chamber, the citizens NOT being paid to be at these hearings, elected this slate of representatives because we believed in you.

Rejecting these developments shows respect for the Native Hawaiians who so eloquently related their genuine and historical concerns.

I did not find credible the testimony of "water experts" who have a great vested financial interest in the outcome. In fact, I found it repulsive that workers were being paid to essentially demonstrate at the county while concerned citizens were there doing their civic duty.

Contrary to the partisan ramblings of the hired help, I direct you to the June 19, 2019 submission by Mark Deakos Ph.D.. I believe what was said by Mark Deakos and Doctor David Nutter, stressing their concern for runoff and seepage of the waste treatment solutions promoted by the developer has not carried the appropriate weight.

On February 6, 2019, none of this was mentioned when I attended a Workshop, hosted by the Maui County Planning Department concerning The Maui Island Plan & The West Maui Community Plan. It was one of many public workshops which the Planning Department conducted in geographic areas around the County. This one focused on Launiupoko, Olowalu and Ukumehame.

Each session recorded the public's preference and evaluation of issues and specific locations to implement growth and development. Maps the size of a table were provided to be written upon. There was a scribe for each of about six working groups who gathered notes for a spokesperson to present findings to the greater gathering. Ke'eaumoku Kapu spoke on behalf of our group. Although developers and realtors were dispersed among us there was not one word of the these two developments and the third one to be presented soon.

Does anyone think these voluminous development plans just happened AFTER the county asked people for input to The West Maui Community Plan ?

Since the West Maui Community Plan is being updated, the scientific facts gathered at the hearings for POLANUI GARDENS and MAKILA RURAL EAST housing projects MUST be included and considered in all future planning for roads, wastewater treatment and housing. Previous testimony, the reasons for the failure of previous attempts to run development by the County in fast track fashion should also be revisited.

Don't be fooled by the developers. Please DO NOT MODIFY their proposals.

This area has been rejected ALREADY by the County for good reasons. It was perceived to be a sneaky way to be allowed to sell many clustered expensive homes in a place not zoned for that type of development.

Affordable Housing does not have to come with conditions. It can be a 100% project in an area where services currently exist. Locations have been offered, some have already been approved and all should be explored.

On behalf of the voters who really care about SAFETY, ENVIRONMENTAL IMPACT, SCHOOLS, HEALTH, WATER ISSUES & WATER RIGHTS, TRANSPORTATION, CULTURAL RIGHTS and all the numerous reasons presented, please cast the following vote:

A proposed resolution entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES." The purpose of the proposed resolution is to disapprove the proposed project.

A proposed resolution entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURALEAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES." The purpose of the proposed resolution is to disapprove the proposed project.

Thanks for reading my comments,
Tom Landrigan

From: Rona Landrigan <rlviolin28@gmail.com>
Sent: Thursday, July 18, 2019 8:34 AM
To: County Clerk
Subject: CR 19-81

RECEIVED
2019 JUL 18 AM 8:54

OFFICE OF THE
COUNTY CLERK

Dear Honorable Chair and Members of the County Council of Maui,

I am writing in opposition to CR 19-81, the proposals for Makila Rural East and Polanui Gardens.

I attended the Affordable Housing Committee meeting on June 19 and was impressed by the impassioned and heartfelt testimony of many members of our West Maui and greater Maui Community. The majority of testifiers were strongly against these proposals.

The central issues and concerns over water, fire safety, traffic, septic systems, cultural rights, lack of access to shops, schools, medical care, public transportation etc. expressed repeatedly by residents provided overwhelming evidence and a clear picture of why this location is not suited to this type of development.

Like many West Maui residents, I had to flee the fires on August 24 last year. Just after 1am, amidst howling winds, I heard urgent hammering on my front door by Maui Police Department and a neighbor. I grabbed my go bag and ran shoeless to my car, driving away from the flames, which were closing in on my house from 2 directions, grateful to be safe.

I have very real concerns over what might happen the next time the West Maui Mountains catch fire... If these new developments were to go forward, we would have hundreds more people and cars trying to evacuate the Launiupoko/Makila area. Would families be trapped, unable to leave their cul-de-sacs? Would that in turn prevent people who live mauka of these proposed developments from getting out?

Another issue worthy of consideration is the well-documented overcrowding in West Maui schools. I substitute teach at Lahaina Intermediate School and from there have been watching the progress of the construction of the much needed new wing at Princess Nahi'ena'ena School over the past 2 years. As we know, these infrastructure changes do not happen fast.

This is of particular concern when the 2 proposed projects presented by the developer are presented as 201H projects, which, even in a tied vote from the Council, would be fast tracked and exempt from environmental and other scrutiny.

Both developments are located on agricultural land and each would require a district boundary amendment to allow the density of development set forth in their plans. It is my belief that to help make Maui a sustainable community, we have to keep agricultural land for farming – once changed it can never go back.

Also, with the many concerns over water in this area, the riparian and appurtenant water rights of the Kuleana in Kaua'ula Valley should be acknowledged under state law. This has been brought to the forefront with the recent CWRM decision to protect and restore the instream flow at Ukemehame, Olowalu, Launiupoko and Kaua'ula Streams.

I am well aware of the need for truly affordable housing in West Maui and it is my understanding that other locations have been identified with infrastructure already in place, and are consequently far more suited to fulfilling those affordable housing needs.

For these reasons, I am respectfully asking that you disapprove of the proposals for Makila Rural East and Polanui Gardens.

Thank you for taking the time to read my comments.

Sincerely,

Rona Landrigan

From: gb <malolokai@yahoo.com>
Sent: Thursday, July 18, 2019 8:30 AM
To: County Clerk
Subject: Polanui Gardens and Makila Rural Testimony

RECEIVED

2019 JUL 18 AM 8:54

OFFICE OF THE
COUNTY CLERK

Testimony for POLANUI GARDENS (LAHAINA)) (AH-1(1)) and
Makila Rural-East workforce housing project ((AH-1(2)) and AH 27 and AH 28 District boundary
amendments changing zoning from agricultural to urban

Take Peter Martin at his word!

Peter Martin wrote in Maui News Opinion 7/1/2019, “There is no greater fulfillment as a developer than to see tears of joy of local families who finally can own a home. That is why I am committed to providing affordable and workforce housing to our local residents and will continue to do so for the rest of my life.”

Peter Martin et al own 180 Acres above the Lahaina Aquatic Center and Lahaina Recreation Center fields. They are below the Lahaina Bypass Highway and stretch from Lahainaluna Road to Kauaula Stream. These properties have the infrastructure including multiple road accesses, recreation resources and two wells (Pioneer Mill Wells A and B).

These lands are designated on the Maui Island Plan as urban!

These acres could be subdivided into 800 to 1,000 lots!

Would you disagree that 800 to 1,000 affordable homes would fulfill the workforce housing needs considerably better than Peter’s proposed development of 100 affordable homes not to mention 61 one acre lots for “wealthy people” to build “mega-mansions”?

Save the 9 agricultural lots, they cannot be subdivided smaller without rezoning! If the issue is “mega-mansions” 9 is certainly less than 61!

Isn’t it interesting that Martin vilifies the very buyers who made him very wealthy (“wealthy people who recently purchased agricultural lots”), but at the same time proposes to develop 61 one acre lots he plans to sell to these very same types of buyers?

Challenge Peter Martin to put his money where his mouth is!

County Clerk

From: Hailey Ramey <hramey@gmail.com>
Sent: Thursday, July 18, 2019 8:46 AM
To: County Clerk
Subject: July 19th County Council Hearing

RECEIVED
2019 JUL 18 AM 8:54
OFFICE OF THE
COUNTY CLERK

Aloha Council Members,

We are writing you to urge you to vote no on the proposed zoning changes in regards to the the Polanui and Makila Rural-East projects. My husband and I were both raised on Maui and are raising our two young children here. As local business owners in the community we struggle with the high costs of living and see the necessity for well planned affordable housing. What is being proposed is NOT that.

What this community needs in regards to further development is SMART development, development that is designed to benefit the growing number of people affected by the housing crisis. Development that allows the community who it is intended to serve the opportunity to take part in planning it.

What this 201H fast track process looks like to us is the exact opposite. A development designed to maximize profits off land that was never intended to be urban in the first place. A handful of workforce houses in order to meet the minimum requirements necessary to sell the rest of the plots for maximized profits. A development that is far more beneficial to the developer and investors than the community it claims to be intended for.

IF a change in zoning would be beneficial to the West Maui community in the form of smarter development, we would urge the committee members to consider proposals that offer better long term solutions to the housing crisis. These solutions need to address existing issues with infrastructure such as the water shortage, fire hazards, evacuation routes, flooding of roads (Kai Hele Ku/Bi-pass) caused by prior poor planning, a lack of amenities required to serve a growing community, sewage and waste disposal, etc. As a member of the Launiupoko community we have seen first hand the fragility of the water supply. Our family's coconut farm is currently threatened by a lack of non-potable water and an unrealistic expectation to switch over to potable water which cannot meet our farm's demands. Adding hundreds of more homes to this area will only exacerbate the water shortage.

In allowing the 201H fast track development plan to pass we believe the current issues facing the surrounding communities would only be exacerbated. Ten years from now when the hand full workforce homes are sold again at market price we will be left with nothing more than another gentrified neighborhood which will no longer serve the working class people it was guised to benefit in the first place.

Lastly this looks to us like a Trojan horse for further fast track development of this nature... Community planning over developer profits!

Thank you for your consideration,

Jacob and Hailey Ramey

RECEIVED

2019 JUL 18 AM 10: 53

OFFICE OF THE
COUNTY CLERK

July 18, 2019

Adrienne Wong
P. O. Box 333
Wailuku, Hawaii 96793

Maui County Council Members
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

Dear Maui County Council Members:

Subject: Polanui Gardens Workforce Housing Project (AH-1(1))

I am writing to ask you to support this proposed workforce housing project. I am in full support of this project for the following reasons:

- It will provide much needed affordable housing for residents that live and work in the West Maui area.
- As I understand, this proposed workforce housing project will consist of fifty 10,000 square foot sized lots. 10,000 square foot parcels are a generous size for single family homes. The average sized single family lot on Maui is about 6,000 square feet.
- Close proximity to residents that work in West Maui. This would give the residents more opportunity to spend quality time with their Ohana.
- Access to agricultural lands for these residents to grow their own food. How sustainable is that!

Under this 201-H permit processing, the developer is basically asking for exemption from the numerous permit fees, not life safety requirements, i.e.-water, fire, traffic, etc. If you make affordable housing requirements too restrictive for our residents, you will drive away the local families that need it the most.

Don't deny the West Maui families their dream to own their "piece of paradise". Please vote "Yes" for the Polanui Gardens Workforce Housing Project!

Sincerely,



Adrienne Wong

RECEIVED

2019 JUL 18 AM 10: 53

OFFICE OF THE
COUNTY CLERK

July 18, 2019

Adrienne Wong
P. O. Box 333
Wailuku, Hawaii 96793

Maui County Council Members
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

Dear Maui County Council Members:

Subject: Makila Rural East Workforce Housing Project (AH-1(2))

I am writing to ask you to support this proposed workforce housing project. I am in full support of this project for the following reasons:

- It will provide much needed affordable housing for residents that live and work in the West Maui area.
- As I understand, this proposed workforce housing project will consist of forty six 10,000 square foot sized lots. 10,000 square foot parcels are a generous size for single family homes. The average sized single family lot on Maui is about 6,000 square feet.
- Close proximity to residents that work in West Maui. This would give the residents more opportunity to spend quality time with their Ohana.
- Access to agricultural lands for these residents to grow their own food. How sustainable is that!

Under this 201-H permit processing, the developer is basically asking for exemption from the numerous permit fees, not life safety requirements, i.e.-water, fire, traffic, etc. If you make affordable housing requirements too restrictive for our residents, you will drive away the local families that need it the most.

Don't deny the West Maui families their dream to own their "piece of paradise". Please vote "Yes" for the Makila Rural East Workforce Housing Project!

Sincerely,

A handwritten signature in black ink, appearing to read 'Adrienne Wong', with a long, sweeping horizontal line extending to the right.

Adrienne Wong

County Clerk

From: P. Denise La Costa <pdenise@lacostarealtyhawaii.com>
Sent: Thursday, July 18, 2019 10:51 AM
To: County Clerk
Subject: CR 19-18
Attachments: 1539 IRRIGATION WATER NOTICE 070819.pdf

RECEIVED
2019 JUL 18 AM 10:53
OFFICE OF THE
COUNTY CLERK

P. Denise La Costa
1022 Kai Hele Ku Street
Lahaina, HI 96761
808-280-2132
pdenise@lacostarealtyhawaii.com

July 17, 2019

Honorable Council Members and County Clerk,

Re: CR 19-81

My letter is sent to ask you to attend the Council Meeting as a Whole on Friday, July 20, 2019 and vote AGAINST the two projects that will be presented.

I am attaching a copy of the letter that all residents of Launiupoko received last week from Launiupoko Water Company. How can more homes be supported? There was a fire started off the walking trail which was thankfully put out by a neighbor before it got out of control. These projects have nothing to do with “not in our neighborhood” and EVERYTHING to do with “Show Me The Water”, septic tanks too close to the ocean, additional congestion with vehicles, over use of our natural resources and lack of access via bicycle or walking to schools, medical offices and work places.

Maui County definitely needs more affordable *rentals and housing* but adding additional burden to the already waning water resources in the Launiupoko area is inviting a catastrophe. Homes and apartments should be built on existing water and sewer laterals close to services and schools that exist. And, since they are not ‘affordable in perpetuity but for only 10 years, those lucky enough to get a home in the lottery will sell at market rate after that period and the ‘affordable crisis will continue.

Please, please, please vote to DECLINE these projects put before you as the Affordable Housing Committee did.

Mahalo nui for taking the time to read my note and attachment and continue doing your great work to protect our aina, wai and kai.

Respectfully submitted,

P. Denise La Costa

With regards and Aloha,

P. Denise La Costa RB#17578

Principal Broker/Owner

La Costa Realty Hawaii'i, LLC RB#18349

P. O. Box 12424

Lahaina, HI 98761

Office: (808) 667-7800

CELLULAR (808) 280-2132 Call or Text

pdenise@lacostarealtyhawaii.com

2018-2023 - Maui County Planning Commissioner

2018 Dame of Honor-Orthodox Order of St. John Priory of Russia - Hawai'i Priory

2017-2018 President - Maui Commercial Round Table

2015 through 2016 State Chair - Realtor Political Action Committee

2013 President - Realtors Association of Maui

2004 through Present - Member West Maui Community Task Force

ABR-Accredited Buyers' Representative

SFR-Short Sale and Foreclosure Resource

DR-Designated Realtor

RENE-Real Estate Negotiations Expert

www.LaCostaRealtyHawaii.com



“Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, and character.”

—William Arthur Ward



CRITICAL AND IMPORTANT

Dear Member of Mahanalua Nui HOA,

Due to the lack of rain/stream water, we have been forced to rely on groundwater as our only source of irrigation water for the reservoirs. Demand has increased because of the dry weather and reservoirs are being emptied daily. As a result, Launiupoko Irrigation Company – LIC may be forced to cut back service to alternating days of availability. Alternative watering sources (such as tanker trucks) are also being considered for common area trees until more water is available.

LIC has asked the HOA to assist in notifying owners of the extreme water shortage and to ask all homeowners to reduce landscape and crop watering to the lowest level possible to maintain life. Your HOA and LIC will be closely monitoring usage of all homeowners during this critical time to ensure compliance with water conservation. Once again, we ask that everyone take immediate steps to reduce agricultural water usage. Additional sources of irrigation water are being developed and the delivery system is being expanded to accommodate the shift to ground water as our primary source of agricultural water, however, improvements will not be completed for another 7 to 12 months. In the meantime, should we continue to experience dry weather patterns, the situation will worsen. We emphatically ask that you take steps now to reduce your agricultural water usage so that our water company can work to keep up with the minimum needs of our community. One of the easiest ways of accomplishing this is to change your irrigation timers with a “Seasonal Adjust” to something less than 100%, such as 50% - 60%. Additional tactics for water savings are listed in the pamphlet “***Water Conservation for Launiupoko***” found on the

HOA's website, or it can be emailed to you by contacting Hawaiiana Management Company.

If you have an approved potable water switchover system, we ask that you switch over now to potable water irrigation, at least until the agricultural water shortage is abated.

The HOA will be monitoring water usage and especially any violations of the Mahanalua Nui OFFICIAL RULES, namely WASTE OF WATER (see below). Please report any violations of the WASTE OF WATER Policy or any water leaks immediately to Community Manager, Mr. Craig Bode of Hawaiiana management at 270-3218 or craigb@hmcmt.com.

Mahanalua Nui Homeowners Association

Official Rules excerpt

WASTE OF WATER

As a precious and limited resource, wanton waste of water hurts the entire community. In times of water shortage, the Association may announce and enforce "No Water Days" among other restrictions at the discretion of the Board. At any time, if regular inspections of the subdivision reveal excessive waste of water, i.e. water running down the street, sprinklers watering the street, broken pipes, or watering during "No Water Days," the Association may impose fines up to \$100 per day at the discretion of the Community Manager and up to \$500 per day at the discretion of the Board.

Mahanalua Nui HOA

Board of Directors

From: Tom Witten <twitten@pbrhawaii.com>
Sent: Thursday, July 18, 2019 10:59 AM
To: County Clerk
Subject: CR 19-21 Testimony in Support of Makila Rural Workforce Housing and Opposed to Denying Proposed Workforce Housing in West Maui

RECEIVED
2019 JUL 18 AM 10:59
OFFICE OF THE
COUNTY CLERK

Aloha Honorable Councilmembers,

In my over 40 years of experience in community planning on Maui and throughout the State, the two Makila Rural Growth area projects (Polanui Gardens and Makila Rural East) are offering to help meet the housing needs on West Maui. As noted in our prior testimony, the need for affordable workforce housing on Maui Island and more specifically on West Maui have become a crisis. When land owners/developers offer to help meet this housing need at a location that has been planned for and appropriately designated (since 2010 and approved by the County in 2012) for under the adopted Maui General Plan/ Maui Island Plan –Directed Growth 2030, it should be embraced and approved.

As noted in the testimony on both these projects, the infrastructure issues have been addressed. Yes, there is significantly more investment needed to convert the irrigation system to a groundwater sourced system but those plans are underway. A quick recap of key issues that have been addressed include:

1. Water- The aquifer has a sustainable yield of 7 million gallons per day. With additional wells for non-potable irrigation sources, the irrigation system will be dependable and capable of providing irrigation water throughout the service area. The potable water system is adequate to meet the project needs as currently developed. Both of these private water systems are governed under the rules of the Public Utilities Commission to ensure that the public's interests are adequately served.
2. Wildfire Hazards- This hazard affects most of the existing settlement areas throughout West Maui and the subject lands have a similar risk. However, with the water system upgrades planned with these two projects, the wildfire risks can be significantly reduced in the area. Implementing fire mitigation measures throughout these planned neighborhoods, the MFD testified that the fire risks will be reduced.
3. Traffic- The traffic study affirmed that no significant impacts on traffic will result from the addition of these housing units. With the hope that existing West Maui employees that currently commute daily from central Maui to west Maui will be able to afford housing at Makila, this will reduce the commuter traffic on Honoapiilani Highway.
4. Wastewater- Both projects have been planned to allow for individual wastewater systems. By utilizing a aerobic treatment unit (ATU) or a standard septic system, the costs for these systems are comparable or less than if the County served these neighborhoods with a Wastewater Treatment Facility. As provided by expert witness testimony, this solution is environmentally superior and much more cost effective and energy conserving than developing a regional wastewater treatment system.
5. Community Facilities- Both projects have planned for neighborhood parks that will be privately developed and maintained. This will add to the recreational facilities that are currently lacking in the Makila- Launiupoko rural settlement area.
6. Maui General Plan/Maui Island Plan- As noted, these projects are located in an area that has been planned by the County to provide for 200 homes in a rural setting, just as proposed. When the Maui Island Plan was adopted by the County in 2012, it became law. With the West Maui Community Plan poised to start an update, that plan must be consistent with the directed growth plan included in the Maui Island Plan. The subject projects are consistent with that General Plan. In these cases, no land use exemptions are needed to the General Plan/ Maui Island Plan since that vision for rural settlement in this area was established 10 years ago in one of the most exhaustive community based planning process if have participated in.

The 201H process to expedite the delivery of affordable housing requires that all the technical studies and County and State agencies are consulted. This process is exhaustive in detail and has taken over 2 years and has resulted in the County's

Administrations support of both projects. What else is needed to encourage land owners to deliver affordable workforce housing? The County Council approval is needed.

Please consider the facts of both projects and find a way to revive the approval of these projects. Maui Island and especially West Maui have been in a housing crisis for over a decade.

Mahalo for your consideration.

Tom Witten, FASLA

Thomas S. Witten, FASLA
Chairman

PBR HAWAII

Land Planning | Landscape Architecture
Environmental Planning | Land Use Entitlements
1001 Bishop Street Suite 650
Honolulu, HI 96813
Phone: 808-521-5631
Fax: 808-523-1402
Email: twitten@pbrhawaii.com
www.pbrhawaii.com

County Clerk

From: Kelly King
Sent: Thursday, July 18, 2019 2:07 PM
To: County Clerk
Subject: FW: Workforce Housing

RECEIVED
2019 JUL 18 PM 2:08
OFFICE OF THE
COUNTY CLERK

From: Dom Marino <mauivip1@gmail.com>
Sent: Thursday, July 18, 2019 9:05 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Workforce Housing

Dear Kelly,

I read the Maui News this morning regarding the Workforce Housing Subdivision in Lahaina. As a General Contractor I put in a small subdivision for Peter Martin in Haiku about 30 years ago. I decided I could not work with him. We have not spoken since. I understand personality clash, but must look to the greater good, affordable housing.

This project will provide many homes to local families. As a private enterprise, the owner may choose to sell to locals only. With the 10 year buy back clause, much speculation is tempered, leaving long term local owners. I have built several homes for myself, and completed many projects. I can say there is no "perfect" project, or home. There is always something that could be done differently. But this project has a lot of bases covered to get locals into homes in the foreseeable future.

All of us understand the basic economic law of supply and demand. There is no supply. Economist Paul Brewbaker a half dozen year ago predicted the current \$800,000 median house price at a Maui Chamber meeting. It is a lack of supply. With no supply, the price will continue to rise to a million and beyond.

Several councils ago, a bill called "show me the water" passed. Was any affordable housing built in that time? The intention was there, but as my Mom used to say, "The Road to Hell is paved with good intentions".

I addressed the Maui Contractors Association back in the 90's with what was regarded as the most depressing talk the group had ever heard. I talked about local families where parents both worked a couple jobs to rent or buy a home. I asked who was looking after the children? What kinds of social problems would arise with a lack of parental guidance? How much stability does a child have when regularly forced to relocate because parents don't have a home? Different school? Friends? Who keeps an eye on them, who cares?

I truly believe you need to quickly pass all affordable housing projects. This is not about anything other than increasing inventory so local people can own homes. Make sure, as in this project, locals are getting the homes.

Thank you for your consideration.

Aloha,

Dom Marino

808-870-5762

County Clerk

From: Kristi Fallon <twobeadskristi@yahoo.com>
Sent: Thursday, July 18, 2019 2:48 PM
To: County Clerk
Subject: CR 19-81

RECEIVED

2019 JUL 18 PM 2: 54

OFFICE OF THE
COUNTY CLERK

Aloha Council Members!

My name is Kristi Fallon. I moved to Maui 27 years ago and have been working and living on the West Side for 25 years. I am a renter as there are no affordable homes available. I work full time as a Massage Therapist at the Westin and rarely take vacations because it is expensive to live here. But Maui is my home.

There's lots of real estate available for the wealthy and nothing for the workers.

I am in total support of the proposed developments by Peter Martin in Loniopoko. Peter is trying to do the right thing by providing affordable housing for the hardworking residents of Maui. Voting YES for these projects would help us so much.

Thank you and Aloha!

Kristi Fallon

Sent from my iPhone

From: Annie McNeil <puamananani@gmail.com>
Sent: Tuesday, July 16, 2019 3:29 PM
To
Subject: Dear Maui County Council,

Dear Maui County Council,

West Maui Land wants to keep the existing rural and urban boundaries in the Olowalu and Makila areas so that they can provide more homes for people in those regions. We wholeheartedly support their efforts.

We are a family invested in Maui, having had a home here since 1997. We have embraced Maui as an island of racial and economic diversity, an island where middle class residents can (hopefully) afford to have a stable and secure existence. We know that this island certainly has no problem attracting the high roller class of homeowners who use the island for a posh retreat part of the year. Allowed to run rampant, the trend will drive inflation of living costs beyond the reach of the rest of us and leave no room for the majority of families to live and work here. With fewer here who can afford the cost of living (average Maui home costs upward of \$800K!), there'll be a resultant labor shortage, which leads to a myriad of other problems.

As a commitment to, and investment in, this island life, the fabric of which we've become a part of, we want our two sons to have the ability to stay on the island and, someday, raise families of their own. I should say, we want them to have the ability to AFFORD to stay on the island and own their own homes. It's because of Peter Martin, and other responsible developers, and their well thought-out plans for affordable housing construction, that this proposal makes so much sense. Our oldest son has directly benefitted from their efforts, and recently purchased a home in a beautiful workforce housing neighborhood called Pauwela Homes in Haiku. The moment our son stepped foot in his new home, he was right side up, the house already being worth more appraisal-wise than his home loan.

We need to see a lot more Pauwela Workforce Housing neighborhoods all over Maui, especially in Lahaina and Olowalu where there are many beautiful, large estates but very little middle class neighborhoods to live in for local residents that live, have families and work there. Those who WORK (hard) here year round should be able to afford to LIVE here year round. Neighborhoods that are economically diverse should always be the goal.

Thank You,
Annie and Chris McNeil

Quick Survey

peter <peter@hopebuildershawaii.com>

Wed 7/17/2019 2:41 PM

To: Kyle Ginoza <kyle@hopebuildershawaii.com>; Harmony Hallas <harmony@westmauland.com>

2 attachments (3 MB)

makila project flyers 2.pdf; Makila Growth Area map P-MRE.pdf

Aloha,

Can you answer a quick survey for me? I want to share this with council on Friday, July 19th meeting. Please review the attached description of the proposed projects.

1. How long have you lived in Hawaii? 44 yrs

2. How long have you lived in Launiupoko? 19 yrs

3. Yes, I support the proposed Polanui and Makila Rural East projects.

I SUPPORT AFFORDABLE HOUSING FOR SINGLE FAMILIES

If you would like to talk about the proposed projects, call or email me, Kyle Ginoza, or Harmony Hallas. Thank you very much.

Pete

877-4202

Will R
WENDELL PAYNE
870-2969

From: Gregory <millerpi@hotmail.com>
Sent: Wednesday, July 17, 2019 5:19 PM
To:
Subject: Re: Quick Survey

Sent from my iPhone

Aloha,

Can you answer a quick survey for me? I want to share this with council on Friday, July 19th meeting.
Please review the attached description of the proposed projects.

1. How long have you lived in Hawaii? 4 years _____
 2. How long have you lived in Launiupoko? 4 years _____
 3. Yes, I support the proposed Polanui and Makila Rural East projects.
_____yes_____
- _____

From: millerpi@hotmail.com

Date: June 18, 2019 at 2:16:04 PM HST

To: ah.committee@mauicounty.us

Subject: Makila development projects.

Thank you council members for accepting my written email testimony. I will keep it short and concise.

I support these projects.

Let me first start off by offering my opinion not as to the project scope, but the involved developer. In this case the developer is Mr. Peter Martin.

For reasons unknown to me, when people hear the word "developer" they get anxious, and their blood pressure spikes. But realistically, where would all of us be without them?

A developer is not an evil person, in bed with the devil. They are businessmen and women. As such, they are not in business to lose money. They must, as all of us, earn income sufficient to provide for their families and livelihood. A developer's goal is to make a profit, or they would be out of business. It's impossible to provide housing to people below market costs and remain in business.

Having said that, I know factually Mr. Martin is exceptionally capable of developing and providing the desperately needed low income housing projects being discussed here today.

Take a moment and do a little due diligence and you'll learn and see about other successful projects completed under the leadership and direction of Mr. Martin. An important point worth mentioning is

1

Mr. Martin's sincere passion for hiring local people. Mr. Martin has told me many times, no one works harder than Hawaiian's.

I am acutely aware of issues which currently exist at and near the proposed development site. Issues include infrastructure concerns, water availability and more. I'm confident none of these issues are insurmountable. Mr. Martin can mitigate these issues and concerns utilizing his vast development skills, knowledge, and numerous resources.

Warmest regards,

Greg Miller

From: Donna Poseley <donnaPoseley@gmail.com>
Sent: Thursday, July 18, 2019 8:32 PM
To:
Subject: Housing

My husband and I have been owners in Launiupoko since 1999 and understand the resistant of our neighbors that oppose the work force housing projects, those who fear change as negative.

Doug, who has lived on Maui since 1962, and I since 1982, have seen many changes. As the sugar plantation era came to an end, the once green fields became dry and desolate. We remember Peter first talking about buying the land in Launiupoko, how excited we were that we may be able to live on a property larger than those of a typical neighborhood, to have a greenhouse and use the area to grow food, Plants and raise animals. The opposition at that time for development was equal to what we are seeing today, 20 years later. I can't think that many Mauians would now say that the development of Launiupoko has made a negative impact on Maui life. The land is being loved by its owners and well taken care of. I thank the planning commission that with all the controversy, they were able to see that this project filled a need on West Maui and approved it.

Now, I believe we can all see that the need for work force housing is critical for west Maui. My family, consisting of parents, siblings, nieces and nephews have all had to leave the west side, even though they still work here. They all travel the Pali twice a day and impact the traffic, because there are no options for rent or purchase here.

The naysayers agree that we need this housing, but all say it should be elsewhere. They believe that Lahaina is the answer. Isn't it understood that Lahaina is pretty much developed and the only option there would be to go up? I can't imagine a more terrible scenario than having high rises in Lahaina to house our workers. We have been able to keep the character and charm of a historic town, but that would certainly ruin it. I would ask the opposition, what do they suggest as a solution to the housing shortage here? Home values and property taxes will continue to soar as supply and demand will make it impossible for the worker to own on this side. In addition, I fear that it could make it harder for the ones of us who have worked multiple jobs our entire life to be able to live as we do.

I see how the work force projects in Waikuku have succeeded, with the owners proud to finally have a place of their own. They take care of their property and seem to have a close knit community of like minded people. I can't think it would be any different in Launiupoko and therefore support the project. Sincerely, Doug and Donna Poseley

From: Doug Poseley <poseleyd001@hawaii.rr.com>
Sent: Wednesday, July 17, 2019 5:32 PM
To:
Subject: Re: Quick Survey

1:50
2:1 year
3: yes

Sent from my iPhone

Aloha,
Can you answer a quick survey for me? I want to share this with council on Friday, July 19th meeting.
Please review the attached description of the proposed projects.

1. How long have you lived in Hawaii? _____

2. How long have you lived in Launiupoko? _____

3. Yes, I support the proposed Polanui and Makila Rural East projects.

From: Mary Jane <mjed222@gmail.com>
Sent: Wednesday, July 17, 2019 6:05 PM
To:
Subject: Re: Quick Survey

We have lived in Hawaii 20 years. We have lived in Launiupoko 17 years
Yes we support both projects. There are professionals such as teachers, small business owners, fire and policemen
among many other hard working Mauians that would live a chance to live here.
We believe water and infrastructure issues are being resolved

Ed and Mary Jane Brown

Sent from my iPhone
Ed and Mary Jane
808 268-0105

From: Steve Goodfellow <steveg@goodfellowbros.com>
Sent: Thursday, July 18, 2019 5:25 AM
To: countyclerk@mauicounty.gov
Subject: West Maui Housing

RE: July 19, 2019 Council Meeting, Committee Report 19-81, Polanui and Makila Rural East

Dear Councilmembers:

I am writing to express my support for the Polanui and Makila Rural East projects that are on the council agenda for approval or disapproval on July 19, 2019 agenda. You are well aware of the housing needs for our workforce on Maui and especially in West Maui, so I won't elaborate on that. I would like to highlight the following two points to take into consideration.

1. The property the projects are proposed on is designated as rural growth area on the Maui Island Plan. The Planning Guideline per the Maui Island Plan is for 200 dwelling units in this specific area. There has been a lot of debate during the hearings for this project on the appropriateness of housing in this area and there was a lot of debate during the general plan process. During that process it was decided this should be an area to meet the housing needs of Maui. An area for up to 200 units. We will not make progress toward meeting the housing needs of our workforce if projects in areas that are designated for housing are disapproved.
2. There are only a few developers on Maui with the capability and know-how to provide housing in a project like this. Peter Martin and his team have the passion and capability to get it done here and elsewhere on the island. They have completed recent affordable projects in West Maui, Haiku and now Central Maui. Let's work with and support our local developer to build affordable housing rather than drive them away.

Mahalo for your consideration.

Steve Goodfellow

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer and more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

From: DAVID UGRINICH <dulandscapes@aol.com>
Sent: Thursday, July 18, 2019 4:38 PM
To: county.clerk@maui.county.us;
Subject: In support of CR-81 Polonui & Makila Rural East

Aloha,

I am in full support of work force housing in Maui and especially on the West side. Please support CR 19-81 (Polonui & Makila Rural East). We desperately need affordable housing on Maui! My wife and I have been on Maui for over 30 years and my daughter was born and raised here for 18 years. She has never lived in a house we owned! We have only been able to afford to rent. None of her friends live in houses that they own. All of them have had to rent, and all of them have had to move at least 4 times since they were born. Please give us hope that we can live and retire here on Maui without having to fear not having a place to live. We are not alone. There are thousands of us desperately seeking a place to call our own.

Mahalo,

David, Miki and Amelia-Grace Ugrinich

Sent from my iPad

County Clerk

From: Pat Mifsud <pat-ee@hotmail.com>
Sent: Thursday, July 18, 2019 5:28 PM
To: County Clerk
Subject: Fast track

I am one of the owners and we have had water problems where we did not have any egg water and the fire almost took our house last year. We need to make sure there is enough water for everyone and we can get everyone out when there is a emergency like we have already seen. We feel this project is not good for the environment and can cause problems for years to come. Please do the right thing. This project is about the developers making the most money they can. When we bought in 2007 we were told those land parcels would not be split and would be kept as large ranches. The reason why we choose Maui and this neighborhood was for the NOT being overgrown. PLEASE do the right thing.

Get [Outlook for Android](#)

From: Larry Karinen <lkarinen2@gmail.com>
Sent: Thursday, July 18, 2019 8:44 PM
To: countyclerk@mauicounty.us
Subject: Written testimony for Affordable Housing
Attachments: Affordable Housing Testimony.pages

Aloha, Maui Council Members,

I am sending my testimony in two ways: (1) as a cut and paste and (2) as an attachment below. The cut and paste is in case you are unable to open my attachment. Thank you for your consideration.

Here's the cut and paste:

July 19, 2019
Maui Council Members

Subject: Support for Workforce Affordable Housing

Aloha, Council Members,

I am Lori Gomez-Karinen, a retired educator for three years after being a teacher, curriculum specialist for 47 and 1/2 years. I am a product of Lahaina, born and bred, growing up during the Plantation Era. It is from this vantage point that I give testimony for affordable housing.

I grew up in the Plantation homes which were provided by Pioneer Mill Inc. for their workers in the field, offices, and mill at rental fees that matched their modest wages. As Tourism and Hospitality grew to be the robust industry it is today, the need for affordable homes became more and more pronounced. The hotels as a hui, a group, did provide some land for affordable homes to be built.

Unfortunately, the need for affordable housing is still of dire urgency. I am speaking also today for the teachers, the educators, who elect to teach in Hawaii and who find it difficult to make a living here in Hawaii. We have lost so many excellent teachers/educators from the 70's to our current times. In addition, we have lost so many of our children who have had to leave their beloved homeland in order to make a living. There are so many who are living on the mainland with deeds to their own homes. Homes they could not afford here in Lahaina.

We are taught, spiritually, that affliction produces endurance; endurance produces character; and character produces hope. Hope does not disappoint. It is with great hope and prayers that you consider supporting our Affordable Housing for the Workforce. Affordable Housing will keep the workforces from the Hotels, Businesses, Education, Healthcare, Police, and many more who make up our community, the ability to remain here on Maui No Ka Oi.

Thank you for your time and consideration. "Malama pono": Do what is right. Engage in smart planning by honoring the rule of the land and respect for our Hawaiian Culture. I'm for affordable housing; however, wise planning but not at the expense of our Hawaiian people and their rightful resources. Haste makes waste. Malama pono!

Warm aloha,

Lori Gomez-Karinen, 45 Kai Ala Dr., Lahaina, Maui, HI 96761

Attachment:

AH Committee

From: Patricia Kahahane <pmkahahane@gmail.com>
Sent: Wednesday, June 19, 2019 10:45 AM
To: AH Committee
Subject: Polanui Gardens and Makila Rural East

Aloha Committee Members,

Thank you for your time and hard work considering a very controversial proposal.

I moved to Maui in 1980 and bought my first home in 1986, affordable housing in Napili, Hale Noho. It was a wonderful neighborhood of long time West Maui residents. My husband and I sold that home in 1999 because our children were attending Kamehameha Schools in Pukalani. We bought a lot in Mahanalua Nui (Launiupoko) and built our home in 1999-2000 doing most of the building and all of the landscaping ourselves.

I am in support of these projects that will provide affordable to homes to West Maui residents IF the county counsel does everything legally possible to insure these homes are for current long time West Maui residents or long time West Maui residents who've had to move away and would like to come home.

I'm ashamed of some of my neighbors who have expressed a "not in my backyard" opinion regarding affordable homes. I love living in Launiupoko and I don't imagine I would love in any less if there were affordable homes built close by.

If the committee members are not convinced that this housing proposal is a good fit for West Maui I would like to urge you to continue to negotiate with the developers to reach a satisfactory middle ground. I would be happy to see friends and coworkers have the same life changing opportunity I experienced when I bought my affordable home.

Thank you again for your time spent working for the citizens of Maui,

Patty Kahahane

Harmony Holmes

104 Malapua Place
Kula, HI 96790
July 18, 2019

Dear Maui County Council Members,

I am writing to voice my opposition to the proposed Makila Rural East and Polanui Gardens.

I ask that the County Council delay this project for the reasons cited below, and also consider the two projects as one development, since both are co-owned by Peter Martin, are in close proximity to each other, and would be built at the same time. Such a large development needs to be created in accordance with the West Maui Community Plan.

I am against allowing these developments to proceed as currently configured for these reasons:

1. Potential of harming the nearshore ocean reefs:

A recent scientific study of 30 years of data in the Florida Keys showed that human-caused NITROGEN has been the leading cause of their severe coral reef decline. Nitrogen results from improperly treated human wastewater and from fertilizers in our yards and for agriculture.

Here on Maui, nearly 50% of the reefs at Olowalu and Launiopoko suffered bleaching in 2015. Causing additional nitrogen to the water around them will reduce their ability to survive. These new Peter Martin developments, which together would feature 158 new individual septic systems rather than a state of the art sewage treatment facility, would result in seepage of nitrogen through our porous volcanic soil to the reefs. In addition, fertilizers used by these homes for lawn and garden care, as well as for any agriculture, could also cause additional nitrogen to seep into the ocean.

Peter Martin admitted in the July 18 issue of The Maui News that breaking up the original one large development into two smaller developments, made it possible for the developers to bypass local laws that require the construction of a sewage treatment facility to handle the wastewater.

By the way, ATU septic systems are not the answer, as they are expensive and complicated to operate. For homeowners on a budget, the answer is to revert to operating these systems as ordinary septic systems.

Without a sewage treatment plant, who is the winner? The developer. Who is the loser? The environment and our coral reefs.

2. Affordable housing

The so-called affordable single family lots are not being placed into a program that would keep them as "affordable" for the future. Instead, the homeowners would be allowed to sell these homesites at whatever price they wish in 5 to 10 years. These lots could be flipped for great profit. This does not answer the challenge of providing longterm affordable housing for our community. If we are going to designate homesites as affordable, they should truly be kept as affordable for the long term.

3. Traffic

The Honoapiilani Highway already suffers from too much traffic. Adding 158 more homes to this area before solutions have been established for this over-used road is shortsighted and will only exacerbate the traffic problems on this highway. The excessive traffic, with stop and go conditions and constant traffic jams, undermines the satisfaction and safety of all residents and visitors who rely on this road.

I ask that for all of these reasons that this project be delayed until:

1. A proper sewage treatment plant can be planned, reviewed, approved and constructed for this area.
2. Limits be placed on the resale prices of the affordable housing lots, to keep them truly affordable
3. A traffic plan be completed and implemented for the Honoapiilani Highway that recognizes the impact of 158 new homes and provides true mitigation measures.

Thank you.

Anne Rillero

104 Malapua Place

Kula, HI 96790

808-280-3196

annerillero@gmail.com

County Clerk

From: Rep. Tina Wildberger <repwildberger@capitol.hawaii.gov>
Sent: Friday, July 19, 2019 6:55 AM
To: County Clerk
Subject: Fwd: Launiupoko zoning change - opposition testimony

Tina Wildberger
District 11 Representative
South Maui
808-870-1739
repwildberger@capitol.hawaii.gov

Begin forwarded message:

From: repwildberger@capitol.hawaii.gov
Date: July 19, 2019 at 8:42:13 AM MDT
To: county.clerk@mauicounty.us, yukilei.sugimura@mauicounty.us, tasha.kama@mauicounty.us,
alice.lee@mauicounty.us, mike.molina@mauicounty.us
Cc: Keani.Rawlins@mauicounty.us, kelly.king@mauicounty.us, tamara.paltin@mauicounty.us
Subject: Launiupoko zoning change - opposition testimony

Aloha Maui County Housing Committee Members,

We must not continue to develop without requisite infrastructure. You all are on the front lines of being able to change how our community gets developed. With no waste-water accommodation in this delicate area, housing should not be considered. We must change the way our communities get developed and start planning wastewater treatment where we want to put our housing. Westside waste water treatment is so inadequate already, the Airport Beach high rises should never have been green lighted.

While we need affordable housing, this project does not offer housing in perpetuity. Developers continue to profit off of projects without long term benefit to the community.

I would like to see state and county working together coupling financial resources and efforts to plan and build the infrastructure that we need to build the housing our working families are waiting for. Let's work together to plan what we want, rather than have speculators tell us what they want to build and where.

We have comprehensive community plans. Let's stick to them and plan for the roads, schools, and wastewater to support the housing we'd like to see realized in the future.

We should be considering sustainable development. Smart building systems that impact our natural resources less detrimentally.

Let's seek balance between our community needs and the short term desires of developers. This project isn't right for this delicate place. Please do not change the zoning or approve this development.

Tina Wildberger
District 11 Representative

South Maui
808-870-1739
repwildberger@capitol.hawaii.gov



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**Testimony on CC 19-91
Relating to Resolution Disapproving the Makila Rural-East
Workforce Housing Project
Friday, July 19, 2019**

Dear Chair King, Vice-Chair Rawlins Fernandez, and
Members of the Maui County Council,

Mahalo for the opportunity to submit testimony on the resolution to disapprove the Makila Rural-East Workforce Housing Project.

We are deeply concerned with the effort to disapprove this affordable housing project and want to share our reasons why. Our County is in crisis with a backlog of needed affordable housing and with few projects in the pipeline, it is important to consider the ramifications of disapproving any affordable housing development.

This project would provide units in West Maui that would help people live closer to work (lessening drive times so they have more time with their families), help reduce over congested roadways, and bring more workers to the area that businesses could employ. We understand there are water, transportation and infrastructure issues, but those issues are common to many, if not most, affordable housing developments and we are always going to have people who don't want an affordable development in their area. However, given our crisis, we need to look at new solutions to break through these log jams and find ways to build affordable developments. It is always wonderful to have a range of affordability options within affordable developments, but projects have to pencil out to move forward and right now, getting more projects in the pipeline seems to be the common goal. In that vein, we must find ways to work together and make compromises to get needed houses built.

We feel more options could be explored at this point versus denying this project, which is ready to move forward. Rather than throwing the baby out with the bathwater on what could provide 96 housing units in the near term, it's time to think outside the box and explore every option before denying it. Further, if we deny the project given those concerns, does that then set a precedence to deny future projects and limit our options moving forward. We feel that new approaches must be employed, and we must keep as many options as possible open to move needed projects forward, eliminate the backlog and create affordable housing and rentals for today's and future generations. Therefore, we ask that this measure to disapprove the project not pass.

We appreciate your consideration.

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.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**Testimony on CC 19-307
Relating to Civil Fines for
Unpermitted Transient Accommodations
Friday, July 19, 2019**

Dear Chair King, Vice-Chair Rawlins Fernandez, and
Members of the Maui County Council,

We appreciate the Council taking up this proposed bill to establish civil fines as illegal short-term rentals and B&Bs are deeply concerning for our community. We support the committee referral to move this forward and will be ringing in when it is heard in committee.

We appreciate the opportunity to testify on this matter and therefore 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.

PETITION IN SUPPORT OF PROPOSED WORKFORCE HOUSING IN LAUNIUPOKO

We, the undersigned, support the proposed two workforce housing projects being presented to the Maui County Council on July 19, 2019 which will provide 100 much needed homes in

1. Name Gary Chalks ^{West Maui} Address 140 Omaila Pl Lahaina
Signature [Signature] Date: 7/14/19
2. Name John E. Alexander Address 140 Omaila Pl 96761
Signature [Signature] Date: 7/14/19
3. Name Lori Gomez-Karim Address 45 Kai Ala Dr., Lahaina 96761
Signature [Signature] Date: July 17, 2019
4. Name Larry Gustaf Karim Address 45 Kai Ala Dr. #122 Lahaina
Signature [Signature] Date: 7/17/19
5. Name _____ Address _____
Signature _____ Date _____
6. Name _____ Address _____
Signature _____ Date _____
7. Name _____ Address _____
Signature _____ Date _____
8. Name _____ Address _____
Signature _____ Date _____
9. Name _____ Address _____
Signature _____ Date _____
10. Name _____ Address _____
Signature _____ Date _____

PETITION IN SUPPORT OF PROPOSED WORKFORCE HOUSING IN LAUNIUPOKO

We, the undersigned, support the proposed two workforce housing projects being presented to the Maui County Council on July 19, 2019 which will provide 100 much needed homes in

1. Name Marta Olancho ^{West Maui} Address P.O. Box 1373 Lathama
Signature [Signature] Date: _____

2. Name _____ Address _____
Signature _____ Date: _____

3. Name _____ Address _____
Signature _____ Date: _____

4. Name _____ Address _____
Signature _____ Date: _____

5. Name _____ Address _____
Signature _____ Date: _____

6. Name _____ Address _____
Signature _____ Date: _____

7. Name _____ Address _____
Signature _____ Date: _____

8. Name _____ Address _____
Signature _____ Date: _____

9. Name _____ Address _____
Signature _____ Date: _____

10. Name _____ Address _____
Signature _____ Date: _____