

# **AFFORDABLE HOUSING COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**September 10, 2019**

### **Council Chamber, 8<sup>th</sup> Floor**

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

**PRESENT:** VOTING MEMBERS:

Councilmember Tasha Kama, Chair  
Councilmember Michael J. Molina, Vice-Chair  
Councilmember Alice Lee (out at 9:35 a.m.; in at 9:40 a.m.)  
Councilmember Shane M. Sinenci  
Councilmember Yuki Lei K. Sugimura (in at 9:22 a.m.; out at 1:55 p.m.; in at 2:00 p.m.)

**EXCUSED:** Councilmember Riki Hokama  
Councilmember Keani N. W. Rawlins-Fernandez

NON-VOTING MEMBERS:  
Councilmember Tamara Paltin

**STAFF:** Alison Stewart, Legislative Analyst  
John Rapacz, Legislative Attorney  
Stacey Vinoray, Committee Secretary

Don Atay, Executive Assistant to Councilmember Shane Sinenci

**ADMIN.:** Mimi DesJardins, Deputy Corporation Counsel, Department of the Corporation Counsel  
Linda R. Munsell, Deputy Director, Department of Housing and Human Concerns  
Rowena Dagdag-Andaya, Director, Department of Public Works  
Michele McLean, Planning Director, Department of Planning  
Oliver Vaas, Fire Lieutenant/Fire Fighter IV, Department of Fire and Public Safety  
Shane Yoshida, Police Officer III, Department of Police  
Corey Tom, Police Officer III, Department of Police  
Karla Peters, Director, Department of Parks and Recreation  
Michael Du Pont, Director, Department of Transportation  
Shayne Agawa, Deputy Director, Department of Environmental Management  
Wendy Taomoto, Engineering Administrator, Department of Water Supply

**OTHERS:** Makila Kai, LLC:  
Greg Brown, Greg Brown Development  
Tom Schnell, PBR Hawaii  
Darren Unemori, Civil Engineer, Warren S. Unemori Engineering, Inc.

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Shyloh Stafford Jones, SJ Ag Operations

Kimokeo Kapahulehua  
Mapuana Samonte  
Attendees: (30)

**PRESS:**     *Akaku--Maui County Community Television, Inc.*

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**ITEM AH-1(3): INDEPENDENT DEVELOPMENT OF THE MAKILA FARMS PROJECT**  
**(LAHAINA) (MISC)**

CHAIR KAMA:   ...*(gavel)*... Good morning. The meeting of the Affordable Housing Committee shall now come to order at 9:03 a.m. I ask your forgiveness for coming late today, I was talking to some very important people, our County Clerk. So, the meeting of September 10, 2019 at 9:03 and this meeting is reconvened from the September 4, 2019 meeting of the Affordable Housing Committee. Please silence all your noisemakers. And today we have with us myself, Tasha Kama the Chair of the Housing Committee. Mr. Mike Molina, the Vice-Chair of the Affordable Housing Committee, good morning.

VICE-CHAIR MOLINA: Good morning, Madam Chair.

CHAIR KAMA: We have with us also Mr. Shane Sinenci, a member. Aloha.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair.

CHAIR KAMA: Oh, aloha kakahiaka. Also, we have voting member Alice Lee. Good morning, Alice, what do we have from you today?

COUNCILMEMBER LEE: Madam Chair, from Japan, all the way from Japan ohayo gozaimasu.

CHAIR KAMA: Oh. Ohayo gozaimasu. We have also with us our non-voting member, Ms. Tamara Paltin. Good morning.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR KAMA: Aloha kakahiaka. We also have I guess coming later on is our current Vice-Chair of the Council, Keani Rawlins-Fernandez. Also coming later on is Yuki Lei Sugimura. And Kelly King our Chair is a Non-Voting Member but is certainly welcomed to join us whenever she feels she'd like to. And this morning we have with us from the Administration, Ms. Linda Munsell, the Deputy Director of the Housing, Department of Housing and Human Concerns. Good morning. Also, we have with us Ms. Rowena Dagdag from the Public Works, thank you for being here this morning. And also, with us we have from Department of Planning, Ms. McLean. Thank you for joining us this morning and I hope not to keep you all too long. Also, we have with us

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our Legislative Analyst, Ms. Alison Stewart. Good morning, Alison, thank you for being with us. Also, we have our secretary of the Committee, Ms. Stacey Vinoray. Thank you again for taking such good notes for us. We have with us also our attorney Mr. John Rapacz. Thank you, John, for all your help on this very difficult issue and complex but thank you very much. And we have with us our Corp. Counsel Ms. Mimi DesJardins, thank you for being with us today. And we have our presenters Mr. Greg Brown and Mr. Bob [sic] Schnell from PBR. Thank you, gentlemen, for being here on time, forgive your Chair for being late. Also, we have joining with us this morning we have the Fire Department, the Police Department, Transportation, Environmental Management, and Water. And when the time comes we're going to allow them to come so that you may ask questions at the appropriate time. So, we're continuing this morning on our agenda item from the past meeting AH-1(3), the Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes) Independent Development of the Makila Farms Project in Lahaina. So, the proposed meeting structure, the presenters are going to present and then we're gonna be able to ask questions of them. And also the staff that are here today and then we'll be able to deliberate and then entertain some modifications and then the recommendations after. So, right now I'd like to ask, Mr. Brown or Mr. Schnell if they have any comments.

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

MR. SCHNELL: Good morning Councilmembers. Good morning, Chair. Thank you for reconvening the hearing. We're having a little bit of technical difficulty with our slides, it's not showing the full slide. I think Staff is working on it if we could pause for a minute would that be okay, Chair?

CHAIR KAMA: You want a brief recess?

MS. SCHNELL: Yeah, so we can work out our PowerPoint slides.

CHAIR KAMA: Okay. Recess at the call of the Chair. . . .(gavel). . .

**RECESS: 9:07 a.m.**

**RECONVENE: 9:10 a.m.**

CHAIR KAMA: . . .(gavel). . . The Affordable Housing Committee of September 10, 2019 will now reconvene. Mr. Schnell, are you ready?

MR. SCHNELL: Yeah we're ready now, thank you very much.

CHAIR KAMA: Okay.

MR. SCHNELL: Thanks for the pause.

CHAIR KAMA: Go right ahead. Thank you.

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

MR. SCHNELL: PowerPoint seems to be working fine. So, I wanted to go over a few points that we...we went over a recap...we went over the detail of the project last time, I wanted to hit some highlights that we may not have had much time to talk about 'cause we had a lot of slides previously. So, I just want to narrow down on a few issues. So, the project is called Makila Farms. Just briefly the location is Launiupoko area, Lahaina is up here Kai Hele Ku is down here and the Launiupoko Beach Park is here. This is three parcels approximately 76 acres in total. This is our site plan and we have our workforce lots at the bottom that are in numbers and we have the market-rate lots that are in letters here. We have access points to the market-rate lots here. This road is designed to either be a turnaround or to go through if something would eventually be built on this side. I want to let Greg talk about access routes again because I know we had a lot of questions about access routes, so briefly Greg will go over these one more time.

MR. BROWN: So, discussing the evacuation routes out of Makila Farms if we look at the six routes that we have labeled route number one is the one in orange that goes out Kai Hele Ku Street which is the way most people use in and out, that's always open. Route number two goes down Punakea Street underneath the bypass and it goes out to Hokiokio, it is paved the whole way. It also is not gated and is always open. Route number three is a evacuation route for the subdivision and that goes up Punakea and then it goes across a paved biking and walking trail that has a bollard on the other side of it. The subdivision road managers in the area have the keys to the bollard and when there's an emergency they open, unlock the bollards, pull the bollards and vehicle access can drive through there and then down Hokiokio. Number four that we have identified goes down Punakea, under the bypass again and then comes out down near the signal at Launiupoko Beach Park. There is a gate right there at the end of route number four where it meets Kai Hele Ku, it's a privately-owned paved road; however, during the emergencies those same managers who have the keys to the bollards or the codes to the bollards open this gate and that was as well open. Access number five...yeah we can talk about six first, the blue one. Access number six is another paved biking path there's a bollard where it meets Kai Hele Ku Street and at the bottom toward where it meets the bypass. Those bollards can also come out and that can be a driving access out of the neighborhood to the south as well. Access number five we're really excited about 'cause we think it'll be one of the best ones. This is a direct access from the bypass into one of our roads. We're not going to put the gate on the Department of Transportation's property, we're gonna put the gate on Makila Farm's property with a 20-foot-wide easement going directly into our road. In the event of an emergency the Fire Department, I believe, can go through any gate they need to, and we would also provide them keys so they would be able to get from the bypass directly into our subdivision as well as folks in the area getting directly out. We are going to contact the Department of Transportation to see what they think about this as well but we do plan to put it on our property regardless. So, we think there's pretty decent access there. So, regarding fire safety for Makila Farms, you

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know, first there's the five asphalt roads, three of them existing around the subdivision currently and two more that we'll be putting into the internal which will allow better access into the area. We're going to add new fire hydrants every 350 feet instead of every 500 feet as required. You can see again the emergency access here that will go from the bypass right into our lower subdivision road that can let residents in and out or the Fire Department in. You know, when we met with the Fire Department the Captain we met with was really stressing how important it would be to try to get the green belt down there wet or areas of it irrigated. So, we've come up with a farming plan that we'll talk about shortly which will keep this entire 500-foot green belt wet and irrigated as well as up above the top of lots 13 through 19 this area will also be irrigated. So, we feel this is going to prevent the fire from being able to spread mauka makai as well in this area being able for it to spread north to south because of the ground here will actually be wet unlike most of the area's subdivision.

MR. SCHNELL: And in just talking to the Fire Department this morning there was some questions about fire flow and the availability of water, so we do have our engineer Darren Unemori here to discuss fire flow standards if necessary. I wanted to give you a little bit more or an update on the Launiupoko Aquifer, we had talked about this previously. The sustainable yield of the aquifer is 7 million gallons per day. The source of that information is the Commission on Water Resource Management plan, it's the 2019 plan update, they published the public review draft in 2018 in October. It's currently probably going to be up for adoption this fall is my understanding. The sustainable yield if you look in the appendices there are sustainable yield numbers for every aquifer in the State. This sustainable yield has remained constant at 7 million gallons per day there is no update since the last plan. So, that's what the Commission on Water Resource projects on the sustainable yield. The update is that I wanted to give you an update on the existing water use, the existing water use is .87 million gallons per day, sorry I didn't put the million gallons per day after that. The information that I had last time was from 2016 it was in the Commission on Water Resource Management plan, we talked to our hydrologist, Tom Nance. Since 2016 there's been a couple new wells drilled in the area. So, we wanted to give you the most accurate information, but if you translate .87 million gallons per day that's 807,000 gallons per day.

MR. BROWN: Yeah, you know, I wanted to add that Tom Nance the hydrologist did contact Roy Hardy the groundwater manager for CWRM and get the current up-to-date numbers as well as there was testimony with people asking questions what about these other new wells that might not be in the groundwater reports, so fortunately Tom Nance is involved with those so he also gave us the information on those wells and what they're projected to pump even though they may not be in the CWRM reports. And this equals the total maximum amount, it could be .87, so as you can see that's still less than a million gallons, and there's a 7-million-gallon-a-day sustainable yield available from the aquifer.

MR. SCHNELL: And just to recap on the drinking water, the drinking water area source is the Launiupoko Aquifer, there are three high-level groundwater wells pumping from the aquifer. The numbers I showed you before include those pumpage numbers from

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these wells. The well's capacity to pump is approximately 800,000 gallons per day. And in technical terms that's the long-term average. Currently the wells in the system up there is using about 200,000 gallons per day, it varies by season. And the extra capacity is using about 600,000 gallons per day. So, the point is that there is plenty excess capacity for the water use from Makila Farms. So, I think it's also important to note that we will comply with "Show Me the Water" which is the requirement before subdivision approval that you must prove to the Department of Water Supply that you have an adequate source of water. So, that's a process that would be ongoing after we get approval and I just wanted to stress that we cannot get subdivision approval unless we get the approval from the Department of Water Supply that we have an adequate supply of water. And that applies to potable drinking water and also irrigation water. And I think it's important to talk about our source of irrigation water. We will construct our own well. Greg Brown owns the property here, it's at a high enough elevation to drill a well and have enough pressure to provide pressure for irrigation water here. We are not tapping into the existing system, the Launiupoko irrigation system. We don't want to be involved with the issues that are associated with that. We will have no water use from Kauaula Stream, no water from Launiupoko Irrigation Company, and again we will comply with the "Show Me the Water." So, my understanding is that after approval Greg would need to pump and test the well before subdivision approval would be granted. So, we have some steps to go to "Show Me the Water." Our hydrologist is confident that the well would provide a yield that would be...meet the demand for non-potable irrigation. And that's based on his years of experience and also being involved with most of the other wells in the area. So, I just wanted to show you the concept plan and get into some slides that, on the ag plan. So, if you look at the difference between this is just the regular concept plan, this is our ag overlay so these green areas are areas that would be dedicated for agriculture use. We have brought on an agronomist to our team and he's helped us a little bit design these areas and recommend some crops and what could be grown successfully. And I believe Shyloh is here, yeah there he is okay, so if we have more questions Shyloh Stafford Jones can talk about agriculture uses. Let me summarize my understanding and Shyloh could go into more detail. So, there would be two ag areas, there would be a pasture area within the greenbelt along the highway and we hope to...this would be operated by one rancher for efficiency and we're talking about a pivot irrigation system, you've seen similar systems that are in the fields in Central Maui now. And then the second area would be behind the second row of workforce homes and this would be a halau resource cultivation area. The idea is that we would provide this land to a halau or maybe multiple halaus at a very nominal cost for them to grow resource plants that they may need for their cultural practices. For example, we understand that aalii grows well here 'cause it's a drought-tolerant plant and it would make a good wind break. Also, we're talking about ti leaf and we can talk about other crops as the halau may want to plant but we have available space for them.

MR. BROWN: You know, I just wanted to add that Kimokeo is here and Mapuana Samonte, a hula kumu will be here at 10:00 as well as resource people to talk about the importance and the benefit of the halau resource cultivation area as needed.

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MR. SCHNELL: So, briefly the benefits, you know, the way we thought about this we had a lot of comments about two-acre workforce lots, would people actually be able to do ag on the land, would they have the resources to develop the infrastructure for that, so this takes that burden away from those folks, it guarantees that ag is going to be used in these areas. It lessens the maintenance for these folks, so if somebody got a workforce home and did not maintain it and they kept...the brush was high. I mean two acres is a big piece of property so their backyards or would, you know, could, will be green and maintained. And it still provides plenty of space for individual homeowners. If I go back to this area these lots although on this map they look a little bit small but actually these lots are at least 30,000 square feet. Yeah, sorry the area, so this is the no-build area, this is where the pasture would be so the light green area...these areas are at least 30,000 square feet. So, if you're familiar with lot sizes that's a very large lot, it's more than a quarter acre.

MR. BROWN: I just want to clarify that they're all two-acre lots that the 30,000 more square feet is just an area within the two-acre lot, it's not a lot within itself. A little confusing with the farming area on there.

MR. SCHNELL: Right. Sorry. That's...I didn't use the right terminology, but that's correct. So, we talked about this slide. So, we talked to Shyloh quite a bit and his plan to get crops growing in this area is that this area has been fallow for over 20 years so the first thing that you need is to plant a cover crop and multiple cover crops to regenerate the soil. So, we're just talking about establish a cover crop, and he's suggesting purple-top turnips, the tap roots break up the soil and add organic matter to the soil. Also, radish breaks up the soil, adds organic matter and then it deep mines nutrients back to the surface of the soil. There are other crops that we're...that he's proposing and for various things. So, the buckwheat would attract beneficial insects, the ryegrass would tie up nitrogen so it would remove nitrogen and the spring oats establishment hold soil...holds soil together. So, there's a process to regenerate this soil and we do that through cover crops. And then after about three to four months of cover crops, you know, we look at it, we manage it and eventually the idea is for the pastures to regrow buffelgrass in the area, this would be grazing grass for cows. So, the cover crops are the preliminary step and then we move on to the actual use. And Shyloh provided these images for us so this is the lower area, there's the bypass right here and we're talking about pasture paddocks. So, these dark lines are dividing this area into three paddocks. I understand that it's important to rotate the cows through different paddocks so that the first one can regenerate. So, that's what we're talking about on this area. It also simplifies irrigation and these are just kind of we haven't refined this but these are the kind of pivot spray areas that would be irrigated. We'll work with Shyloh about, you know, the areas here too. So, for the cultural resource area, the bypass is here, the homes are here but we have this diagram of this would be a drip irrigation system. A drip irrigation system is good for drought-tolerant plants. Also, this area is not as wide as the other areas so the sprayer doesn't work in this area and the drip irrigation would be ideal it also conserves water. I talked about border area aalii as a wind break, ti plants, other plants can be grown in this area and we need to talk to the halaus further to redefine that.

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MR. BROWN: You know, I just want to add as well that we're going to cultivate and plant this and establish it so there's not a big expense to the halau or whoever is going to steward it, whatever group so it's not going to cost them thousands of dollars and years in labor to get it going. We're going to come in with a big push and get it all established and growing and get the soil regenerated and then turn it over to them with the hope that they'll just, you know, maintain it with hundreds of their students.

UNIDENTIFIED SPEAKER: You want to talk about the kids on the land?

MR. BROWN: Yeah well, you know, what else we think it will do and, you know, I can let Kimokeo elaborate on this if he gets a chance to talk is it'll bring all the children from the community who are in halau and are learning hula and that sense of community up to the land and so they won't only be learning things in their halau, but they'll be learning how to garden and cultivate crops and, you know, how to harvest and gather them correctly as a community together which we hear is a really important thing.

MR. SCHNELL: I wanted to keep things brief, I didn't want to go over everything that we've provided before. I do have my previous slides available if we need to talk about those but I just wanted to keep it real brief and highlight some of the things that we didn't get time to elaborate on last time. So, thank you.

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

CHAIR KAMA: Thank you. So now, Members, at this time if we have questions for the project proponents we can entertain that along with any other questions you might have for the administrative staff. But if...I have invited the administrative staff to come and if you have any questions I wanted them to answer them that you have, answer them and then they can go back to work so that we don't have them languish here all day. So, we're gonna start with the Department of Fire and after we talk to the Administration we have if no questions then I will call on you, Ms. Lee. So, the Fire Department does anyone have questions for the Fire Department? Yes, Mr. Sinenci? Would the Fire Department please come down?

COUNCILMEMBER SINENCI: Thank you, Chair. I just had one question.

CHAIR KAMA: Yes. . . .*(inaudible)* . . . Closer to you.

MR. VAAS: Oliver Vaas, Lieutenant with the Fire Department. Just wanted to say that Captain Haake had other business to attend to today and he brought me over here for the hearing so we're pretty up to date on the project. We've spoken with the developers as well so I'm here to answer any questions or concerns you may have.

CHAIR KAMA: Thank you. And so, Mr. Sinenci, if you would, I just wanted to acknowledge that Ms. Sugimura is here, thank you for joining us this morning --

COUNCILMEMBER SUGIMURA: Thank you. Sorry I was...

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CHAIR KAMA: --at 9:22.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Thank you. I'm sorry go ahead, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Lieutenant, for being here. I know, you know, at the previous projects fire was a...one of the issues and it looks like the developer has added a couple more fire hydrants that are beyond what is required. Is that correct?

MR. VAAS: There seems to be some fire hydrants that have been added in. The fire hydrants per code are adequate to mitigate any kind of hazards that are there if developed in this way. I believe that they're restricting the home sizes and the number of homes in the affordable area so they do have probably above and beyond what is required for fire protection. I do have a question as to what the flow will be, but even the minimum requirements are enough for that area.

COUNCILMEMBER SINENCI: Okay. Thank you. Right, we did have some testimony from present residents above the site at Launiupoko that they had I guess a restricted water use to a couple days a week so we would want to see the flow standards as well before the project gets going. My second question was where's...

MR. VAAS: I'm sorry, can I just comment on --

COUNCILMEMBER SINENCI: Go ahead, Lieutenant.

MR. VAAS: --restricted water use? Quite often any kind of private water system whether it be Launiupoko or Kaanapali or anywhere they're always gonna have...try to keep a reserve and the requirement for the fire protection. What they may do is restrict water use, or sorry, water use for domestic use when they feel that, that fire reserve could, you know, be compromised. So, usually that happens way in advance of losing what's available for fire. So, restricted water use doesn't always mean that that's gonna affect the water available for firefighting activities. But that would be something that you'd have to clear up with what's available and, you know, get the numbers on that. So, it's good that you follow up on that.

COUNCILMEMBER SINENCI: Okay. Thank you. And so, a follow-up, Chair. So, when you're using water to fight fires you need to have that water source from the hydrants? It cannot come from I guess a big tank, a storage tank?

MR. VAAS: When...for subdivision protection we require that we have fire hydrants in place to assist with firefighting activities. Now, when you talk about building requirements as to what's gonna protect the home itself there are other options. One of those is a tank but that is only for protection of that property and that house. If that house should be within range of those hydrants then the hydrant is useable for them. One concern we had in Launiupoko over the past was that some of these homes because of

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the size of the lots might have been further from the hydrant than makes the hydrant useful. So, some of these people have opted to put things in like sprinklers and those type of things. In the configuration of these lots and the road configurations by nature they would all fall within that range to those hydrants. Since they're not developing at the very end of these long lots they're gonna be within range of the hydrants that are near to them and that is another reason they have opted to put more hydrants in so that it is more convenient for more lots to access.

COUNCILMEMBER SINENCI: So, individual homes could technically put their own storage tanks on the property?

MR. VAAS: One option is to have a tank, it's by NFPA 1142 design which is a tank that holds water for firefighting purposes but is required to have access to it by the trucks, it also needs to have a standpipe that we can hook up to our trucks and then draft from that. It is something that is available as an option although a lot of people may choose sprinklers instead because it's a little easier on the access requirements.

COUNCILMEMBER SINENCI: Thank you. Last question, Chair.

CHAIR KAMA: Yes, go ahead.

COUNCILMEMBER SINENCI: Where is the nearest fire station to the site?

MR. VAAS: The closest fire station to this site would more than likely be the Lahaina Fire Station located by the Civic Center. Secondly, Wailuku would have a decent response time to this area so it...in a small scale, you know, house being impinged by fire one or the other might make it there. In a large scale, you know, we fight this traffic issue and that's more of an issue with the highways going from there. So, you don't know who's gonna show up first but you have adequate access and response times from both directions.

COUNCILMEMBER SINENCI: Yeah. Thank you. 'Cause I know for East Maui some rural areas fire insurance would not cover some homes because they're too far away from the fire station and it wouldn't allow enough time for the fire station to reach the fire. So, a lot of people would not...cannot get fire insurance coverage. So, thank you for the questions and answers.

CHAIR KAMA: You're very welcome. Mr. Molina?

VICE-CHAIR MOLINA: Thank you, Madam Chair. Good morning, sir. Just a quick follow-up on the response times. Any idea what the response time would be I guess like you said it might depend on traffic, but Wailuku or Lahaina who could get there faster?

MR. VAAS: I would say response time is more impeded by traffic. To give you a number, we might have some stats of the average response times but really what matters is on the day it happens I can't tell you that they're gonna be there in 12 minutes and then that day it takes them 20 'cause it could take them five. It really does depend on traffic

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and the scale of what's going on. We also...people always think that all they have to think about is the fire department in their district well that they could be on another call. So, you're looking at scale of emergency.

VICE-CHAIR MOLINA: A lot of different variables with it. Okay.

MR. VAAS: Yeah. So, even if I had those stats in front of me I'm not sure it'd be adequate information for decision making.

VICE-CHAIR MOLINA: Okay. And then so I guess just to cut through the chase so is the Department comfortable with the developer addressing the fire concerns at this point?

MR. VAAS: I've been watching the development in Launiupoko for a long time. I think about what originally turned out to be large acreage lots has turned into a few more hazards than we thought in the beginning just because people have built bigger homes which we now require to be sprinklered, people have added homes in either subdividing or condominiumizing. So, my concern with this development is minimal as compared to some of the things that have gone on in the past. We've learned lessons from the past, we've applied those lessons to our reviews of new subdivisions. The developers have been coming in to see where other people have shortfalls. So, we are working harder to get better protection for anything new and up and coming and we've also implemented stricter requirements on some of the development of old subdivisions because we feel like some places need more protection. So, on new building permits we do require sometimes sprinklers, better access and I think we're moving forward in a positive way. I really don't have a concern for fire protection for this particular project because they've met everything we've asked for.

VICE-CHAIR MOLINA: Would that also include, I believe that another project that we dealt with I believe Captain Haake mentioned flame, using flame-retardant materials for the construction. Is the developer also amenable to that? I'll ask them, I can ask them later.

MR. VAAS: Well, flame-retardant materials when you're looking at...I mean that might protect somebody's home from being, you know, burned. But if that fire is to the point where your house could catch on fire you want to be out of there.

VICE-CHAIR MOLINA: Yeah.

MR. VASS: You know, it's great if your house survives but we're talking life safety. So, what we...what our biggest concern is, let's not let those fires get to those homes in the first place. Flame-retardant materials are great to save some property but it certainly...our main concern is life safety. First, we protect the lives and we try to protect the homes and then we try to protect the land. But if we keep the fire from getting to these homes that's your best bet.

VICE-CHAIR MOLINA: Okay. Sounds good. Okay thank you, Lieutenant. Thank you, Madam Chair.

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CHAIR KAMA: Any other questions? Thank you, Lieutenant, very much. Yes. Oh yes, Ms. Sugimura? Thank you.

COUNCILMEMBER SUGIMURA: Thank you. So, I like...thank you very much for being here and your testimony and I like hearing that your Fire Department has minimal concerns and the developer seems to have met the parameters for safety for our...for the potential residents in the development project. And life safety is always a priority. When Captain Haake was here before on a project for Launiupoko he talked about how having development helps with fire prevention in general so you don't have just vacant land and I wondered if you had an opinion...if you had a chance to look at what their farm plan is about and if you have an opinion about that? It might be something new and premature to ask you but.

MR. VAAS: I would be glad to give you my opinion from reviewing and seeing what fires we had in the past. Like I said, this project for us meets our code requirements, even some of our more stricter requirements and how we want to apply them. The farm implementation plan, our concern is that they create something that is going to create a buffer between highly combustible land and this land. By keeping it irrigated and by keeping it managed that's going to do that. How they do that is up to them. I don't know in the future how this ag plan is gonna follow through. There's no promises being made there, there's no laws, documents or anything being implemented there. So, like all these projects you can meet it all on paper, when this thing gets developed, you know, they will get their notices if the land looks like it's becoming a hazard. Now whether they do that through agriculture or individual owners, however they do it that's gonna be something they'll have to address. So, we see tall, dry brush you're gonna get a notice and how it gets taken care of, well that's just like the rest of our land everywhere else.

COUNCILMEMBER SUGIMURA: Thank you, appreciate your honesty and forthrightness. Thank you.

MR. VAAS: I would have to say that this is probably one of the first developments I've seen come through where they came right up front with a plan to create boundaries for fire concerns. I know a lot of this stemmed from our fires in the past but I'd like to see this as a future where landowners are being responsible for the perimeter of their developments. Most of the time people are asking to build right up to the edge of their properties and that's where our problem is 'cause guess what, your neighbor wants to do the same thing. So, we have to have agreements between neighboring lands to protect their properties and in this case this property is trying to do it, we'll see what the next developer does in the surrounding areas.

COUNCILMEMBER SUGIMURA: Agree, it's a good example. Thank you.

CHAIR KAMA: Ms. Paltin, you had some questions for the Fire Department?

COUNCILMEMBER PALTIN: Yes, please, thanks, Chair. I was wondering before you mentioned the minimum required flow of a hydrant, do you know what that is?

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MR. VAAS: In an agriculture development we're looking at 500 GPMs.

COUNCILMEMBER PALTIN: Five hundred gallons per minute?

MR. VAAS: Yeah. And we'd like to see that come out of these individual hydrants at a minimum. I believe that in this area they'll probably have a little bit more than that plus they're having additional fire hydrants. You know, that's something that as we develop this plan and look into this we'll be taking up with the engineers and making sure that adequate water supply is there before we approve.

COUNCILMEMBER PALTIN: Do you know what is the adequate water supply for 18 hydrants at 500 gallons per minute?

MR. VAAS: For...no.

COUNCILMEMBER PALTIN: Oh.

MR. VAAS: I can tell you that we just want to open one up and see 500 gallons come out of that thing at a minimum. And that's...

COUNCILMEMBER PALTIN: Okay.

MR. VAAS: Yeah, what it requires to get all those hydrants running and what size pipe and that, that is something that our engineers are gonna figure out and put their approval on and then we'll confirm that.

COUNCILMEMBER PALTIN: Okay. And then is it okay to ask you like operational questions or is it more fire prevention?

MR. VAAS: You can ask and if I can't get you an answer then I will find that answer for you and get back to you. But I've been in operations for ten years so I have a little bit of an idea of what goes on there.

COUNCILMEMBER PALTIN: I guess so my question is like how you said depending if it's Wailuku or Lahaina or say even those two are...and Kapalua is also, when people give you keys to the property does every single engine, tanker, mini do they all have the keys or does it run with the crews? Like how does...like?

MR. VAAS: We all carry a K-12. And that's a saw that cuts through steel.

COUNCILMEMBER PALTIN: Oh. So, the keys doesn't really matter.

MR. VAAS: So, we'll take about three seconds to look for that key and if at three o'clock in the morning I can't find that key then we get to have fun.

COUNCILMEMBER PALTIN: Okay. Cool.

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MR. VAAS: So, we're not concerned about keys.

COUNCILMEMBER PALTIN: And then how long does it take to hook up to from arrival to shooting water from a hydrant about?

MR. VAAS: Well, we carry tank water so for our initial attack we have water on our trucks, we also for any brush fire incident or areas with limited water we bring a tanker truck. So, quite often it might be the second-in company that grabs the hydrant or as the company starts fighting fire they might extend the hose to the hydrant. So, I mean time wise if we needed to hit a hydrant right away we can have water into the trucks and out the hoses in less than two minutes.

COUNCILMEMBER PALTIN: And are you familiar with any exemptions to the Fire Code in this project?

MR. VAAS: I don't believe...they've mentioned a few exemptions but in an analysis of the type of property that they're working on they've already met the requirements. So, at this point I don't see that they're asking for any Fire Code specific exemptions in this property, in this project.

COUNCILMEMBER PALTIN: Not the length of the road with the cul-de-sac isn't...

MR. VAAS: There are subdivision requirements and some other requirements in there. When you have lots of a larger size you're already exempt from some of these requirements so we have...this length of road has a required turnaround in it and has the required widths. They've met those, we can adequately get into this property, access, turnaround, so from what I have now from the latest documents they've met the Fire Code requirements for access.

COUNCILMEMBER PALTIN: So, we wouldn't need to grant them any Fire Code exemptions?

MR. VAAS: Not that I can see at this moment, I'd have to look at very specifically what they're asking for and see that they're not already exempt 'cause I believe for the lot sizes that they have they've already met the exemption.

COUNCILMEMBER PALTIN: And then have you from the...are you familiar with all the exit routes, I think they had five exit routes, are you familiar with all of those?

MR. VAAS: I'm...I have an idea of what they're speaking of and I've been in that area so I do...I don't know if every one of those areas is easily traversed with a fire truck at this point. I also know that we don't require five routes, you know, so, you know, we have some areas in a lot of developments you have one way in and one way out so having two is great, any more than that is just more options. I think that there's maybe concerns with other people traffic related further down as...but at this point I...they're beyond the access that we require.

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COUNCILMEMBER PALTIN: And then you mentioned like traffic could be a challenge in getting there and fighting the fire. I was wondering, you know, in fighting fires in general the effects of wind and strong wind and, you know, like the topographical features of the land because of the valley and the venturi effect coming through. Kauaula winds historically as a known area, what is the effect on strong winds maybe coupled with traffic, maybe coupled with fires in other areas and the capacity of the Fire Department to cover these things?

MR. VAAS: Oh, I think we've had some great examples of that in the past. I mean we've put everything we had at this last fire. Access is most important to us, we got to be able to get there and we have a lot of areas in Maui we can't get to, we have a lot of areas in Maui that don't have water. So, Launiupoko can be challenging. All these new roads that they're putting in and all these developments are actually reducing the fire risk. Because people put in a pool, they water their gardens so that part is reducing it. I've been...I used to work up in Launiupoko when it very first got developed and when that development first started those winds were crazy. I thought people would be crazy for living there, I watched sheets of plywood just fly away but those kinds of winds can happen in the valley, they can happen in other places, you know, the more we protect our own properties the better off we're gonna be. So, yes that, rest of that land is very challenging for us. But our main concern is buffering the people from those hazards 'cause fires can happen, but our job is to make sure we put the protection in place between those lands that catch on fire and those people that are trying to live there.

COUNCILMEMBER PALTIN: So, the last fire there was, you know, I seen some pictures of like animal carcass and, you know, I guess, you know, wildlife fleeing the fire and they didn't make it out. I mean thank goodness it was not property or people but in theory if the fire, if the valley's on fire and whether you're in a car or not and the fire overcomes you as you're running away, like how the folks in Kauaula Valley didn't have a chance to get to their cars to drive out. I mean what is the area that they would go to the beach park, stay on the highway? Like how, which direction should they go just downwind, upwind?

MR. VAAS: Yeah. So, I mean you're talking about having an emergency plan and that's something I'd be happy to sit down with any community and develop. So, we can look at people's communities or their situation, sit down with them, they can come to our office, and we can go over what their best emergency plan is. 'Cause a lot of this has to do with preparation, not I got stuck on the day, but what did you do prior to that to make sure that you have...I heard something about an exit being blocked, I'm not...I don't really know all the details on that but that's the sort of thing we want to be looking out to make sure exits are cleared every day, you know, for people to leave for whatever reason. And we also...people like to put the responsibility on governing offices, on the Fire Department and everybody else, but we all got to be responsible for our own land. If you're squatting on a piece of land you got to make it safe for yourself, if you're living on a piece of land that you paid bazillions of dollars for you got to protect yourself. So, to me it's, if this is your home do what you can to protect your perimeter and then educate your neighbors to do the same.

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COUNCILMEMBER PALTIN: And then as far as the hydrants goes is it the water company, the landowner, or the Fire Department that inspects those?

MR. VAAS: First of all, there'll be an engineered plan and then they're gonna implement this plan in construction. During construction the Fire Department will be doing inspections as well as whatever water company takes responsibility for these and the engineer is always involved to make sure that things are being built to the plan that was designed and approved. And then there'll be requirements to keep up with maintenance and testing so that just because it worked on the day it was inspected we still want those same results five years down the road, ten years down the road.

COUNCILMEMBER PALTIN: So, who is the entity that keeps track of the maintenance and testing?

MR. VAAS: If the roads remain private within the association, the homeowner's association would have to take responsibility for that, if the contract goes to a water company they have to take responsibility for that. We expect to see updated reports of fire inspections mostly if there's deficiencies. So, if they get annual inspections done and everything is working great we don't need to hear about it, but when there's a deficiency we expect a report to come to our office.

COUNCILMEMBER PALTIN: So, you expect to receive annual inspection reports like people do for their fire hydrants? Or only if there's a problem you expect a report?

MR. VAAS: Well, as a...when you're a public water service company or private water service company you have an obligation and a contract to fulfill that your product is always working and with that comes annual inspections. And then when those inspections for some reason like there's a cap missing on a hydrant, okay, you replace it, the hydrant is not putting out any water okay you have to send in a report, that fire protection is inadequate and what your plan is to fix it and what you're gonna do in the time that this particular piece of fire protection is out of service.

COUNCILMEMBER PALTIN: So, basically it sounds like the water company would be responsible for upkeep and maintenance and you expect them to contact you if there's problems?

MR. VAAS: I don't know who's taking responsibility for these hydrants, but that's the gist of it. Also, our companies are out there quite often so we might go for a small fire of, you know, two square feet, but we're gonna look at that hydrant, we're gonna look at the access, we might flow water out of it. We do training in all these neighborhoods, we pick different neighborhoods, we go train, we flow water. So, we are looking at hydrants here and there but we do expect people to take responsibility for their fire protection projects and to submit any deficiencies in the plan of action.

COUNCILMEMBER PALTIN: Is there any chance if the surrounding brush is on fire that it could ember onto the properties dwellings and houses could burn down or is it...I

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mean is that not possible at all? If they follow all this greening and keep it irrigated and...

MR. VAAS: Where an ember ends up from a fire is...can be somewhat unpredictable. The more space you give it, the more control you have, the better you are protected. We've seen, you know, fires get stopped by a ten-foot dirt road and we've seen fires jump a 60-foot-wide road. So...

COUNCILMEMBER PALTIN: And the wind is a major factor in that?

MR. VAAS: But if you have a property, you know, that is well irrigated and you have your defensible space and you manage your brush, then the chances of you becoming a fuel chain is a lot less.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Thank you, Ms. Paltin. So, Members...thank you very much, Lieutenant. And if there are no other questions, thank you. Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Sorry, Chair. Just for clarification it looks like in here it says fire protection, fire flow of a 1,000 gallons per minute but I don't know if that's for agriculture or but it's in here it says fire protection a 1,000 gallons per minute sustainable for two hours is required to protect a single-family home within the Makila Farms development.

MR. VAAS: Is that what they're proposing or is that...

COUNCILMEMBER SINENCI: This is what it says in...

MR. VAAS: Is that the ag requirement?

COUNCILMEMBER SINENCI: Yeah, I'm not...it doesn't say if it's agriculture or not, it just say's a 1,000 gallons.

MR. VAAS: There's different requirements for different types of zoning.

COUNCILMEMBER SINENCI: You think we can get clarification on that?

MR. VAAS: Sure, I can give you...and an ag development generally it's 500 GPM.

COUNCILMEMBER SINENCI: Five hundred? It may be --

MR. VAAS: Depending on --

COUNCILMEMBER SINENCI: --...(inaudible)... what this...

MR. VAAS: --what sort of zoning they're going for it could change. Yeah.

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COUNCILMEMBER SINENCI: Okay. Thank you. Thank you Chair.

CHAIR KAMA: Thank you, Mr. Sinenci. Thank you, Lieutenant. And so, Members, if you have no more questions we're going to ask the Police Department to come up. So, is the Police Department here?

MR. VAAS: Thank you, Chair.

CHAIR KAMA: Oh. Thank you. Can you please come down? Thank you very much, sir. Thank you for joining us this morning, we hope not to keep you too long. If you can just identify yourselves and I think we're gonna start from, Mr. Sinenci, if you have any questions for the Police Department then we'll just mosey on down. If it's okay. So, let them identify themselves and then they can share.

MR. YOSHIDA: I'm Officer Yoshida, I'm from Lahaina, I'm a Community Police Officer.

MR. TOM: And I'm Officer Tom, I'm also a Community Police Officer from Lahaina.

CHAIR KAMA: Thank you for coming. Welcome. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you. Chair. I just was wondering do you guys have a like a district where you guys go, you stop at or where Wailuku District take over particularly in this area? Is this within you guy's district?

MR. YOSHIDA: Yes, this district is directly into Lahaina. The cutoff for our district is the Pali Tunnel.

COUNCILMEMBER SINENCI: The tunnel. Okay. Thank you. Thank you, Chair.

CHAIR KAMA: Mr. Molina?

VICE-CHAIR MOLINA: Thank you, Madam Chair. Good morning, gentlemen. Just one I guess basic question with how the developer has addressed any traffic concerns, any comments from the Department, are you guys okay or see a need for additional, what's the word I want to use, additional I guess --

CHAIR KAMA: Concerns?

VICE-CHAIR MOLINA: --assistance from the developer or how to address the traffic potential traffic concerns this could generate? Trying to make the question as simple as possible and I cannot even formulate it myself so.

MR. YOSHIDA: Yeah, I believe I know what you're trying to get around to. Being that there will be more development, there will probably be more vehicles in that area traveling down the bypass. As we all know it's a trying task for us to move traffic flow in and out of that area. Being that this development may 'cause more housing for residents in that area it may also decrease the traffic for us. But as for response for us to that

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area, I mean given with the bypass access for us we can pretty much get there pretty quickly if we need be.

VICE-CHAIR MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR KAMA: Ms. Lee, do you have any questions for the Police Department?  
Ms. Sugimura, do you have any questions?

COUNCILMEMBER SUGIMURA: No.

CHAIR KAMA: Ms. Paltin?

COUNCILMEMBER SUGIMURA: Thank you for being here.

CHAIR KAMA: Oh. Thank you. Thank you very much for coming.

MR. YOSHIDA: Thank you.

CHAIR KAMA: So, we're going to now move on to the Parks Department. So, is Parks here?

MS. PETERS: Good morning, Chair and Committee. Karla Peters, Director, Parks Department. So, we're in agreement with the proposed exemption for the projects. Per the Code 18.16.320 the development would require 17,000 square foot of land for park dedication which is basically less than all of the individual lots. There is also a fee that would also be required that we are...it would be their lands or fee dedication so the fee dedication for the West Maui Community Plan area is \$8,140 per lot or unit in excess of three. So, that would mean a about approximately \$276,000 assessment. We are though in agreement of the exemption.

CHAIR KAMA: Thank you. Mr. Sinenci, any questions?

COUNCILMEMBER SINENCI: Where would those, the park property be on the project?

MS. PETERS: So, we did not identify any because we were in agreement with the exemption.

COUNCILMEMBER SINENCI: Oh.

MS. PETERS: But if there was...if we were not the requirement would be 17,000 square feet which what we thought it's less than all of the individual lots. And there is a trail system going there mauka to makai which we feel is then providing some connectivity.

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

CHAIR KAMA: Mr. Molina? Ms. Lee? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: None.

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CHAIR KAMA: Ms. Paltin? Yes, go right ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Peters, for being here. So, I just wanted to get it...get...be clear. So, there is a 17,000-square-foot park that would have been required but it's not required because of the workforce or the affordable housing component it's being waived?

MS. PETERS: So, the applicant, yes, is requesting the exemption per the 201H process and we are in agreement of that. So, the Code requires either land or cash in lieu and we are again in agreement with the exemption request.

COUNCILMEMBER PALTIN: So, the exemption request would be...or if it wasn't being exempt it would either get \$276,000 or 17,000 square feet?

MS. PETERS: Correct.

COUNCILMEMBER PALTIN: Not both?

MS. PETERS: No, either or. So, if they did land dedication they would be required to do an agreement which would come to this body prior to it being accepted.

COUNCILMEMBER PALTIN: And that mauka-to-makai trail you're talking about, that's nothing to do with it?

MS. PETERS. Correct. We were just looking at open green space and we had seen that as providing some connectivity, but other than that it was we were in agreement of the requirement or waiving the requirement for park dedication, yes.

COUNCILMEMBER PALTIN: And that trail is that like the fluorescent green --

MS. PETERS: Yeah maybe --

COUNCILMEMBER PALTIN: --on the right-hand side?

MS. PETERS: --the applicant can address more about that trail.

COUNCILMEMBER PALTIN: But Parks and Rec would not be maintaining anything on here?

MS. PETERS: No. There would be no County-owned property for park on this development.

COUNCILMEMBER PALTIN: And is there any consideration for increased usage of nearby parks like Launiupoko, Puamana and like that or it doesn't really matter?

MS. PETERS: We didn't feel that there would be that much of an increase due to the low density of 34 lots.

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COUNCILMEMBER PALTIN: Okay. And then in exchange for not having the \$276,000 or the 17,000-square-foot park it's that they're giving 19 affordable homes. Is that the exchange?

MS. PETERS: As well as that 500-square-foot buffer that they're saying so it is open space or and it would be for ag purposes right. So, the Department would not be required to manage or maintain anything on property.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: Thank you, Ms. Peters --

MS. PETERS: Thank you.

CHAIR KAMA: --very much for being here. Next, Department of Transportation. Thank you for being here.

MR. DU PONT: Good morning, Chair.

CHAIR KAMA: Good morning.

MR. DU PONT: My name is Michael Du Pont, Deputy Director of County Department of Transportation.

CHAIR KAMA: Mr. Sinenci, do you have any questions?

COUNCILMEMBER SINENCI: Thank you, Chair. Mr. Du Pont, do you see any potential problems with the design of this project?

MR. DU PONT: Right now, the Department does not, we do currently have one route that services the vicinity; however, we do not have capacity at this time to add service. Maybe in the far future when it gets more dense and more housing in the area then we can look at redoing some of our routes in the area.

COUNCILMEMBER SINENCI: And to your knowledge the applicant is not dedicating any of the roads or streets to the County?

MR. DU PONT: Not to my knowledge.

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

CHAIR KAMA: You're welcome. Mr. Molina? Ms. Lee? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: No, no questions.

CHAIR KAMA: Ms. Paltin?

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Du Pont, for being here. So, this subdivision if in the future we had capacity or whatever you could service it?

MR. DU PONT: We could and what...if you look at the map, the through streets and things like that, that makes it so accessible for bus routes.

COUNCILMEMBER PALTIN: Okay.

MR. DU PONT: So, it would be something we would look at.

COUNCILMEMBER PALTIN: And then do you or is anybody from the State DOT coming or do you have communication with them?

MR. DU PONT: Not at this time.

COUNCILMEMBER PALTIN: Okay. Do you have any knowledge if it hasn't been approved does the DOT need to approve ingress/egress onto the highway?

MR. DU PONT: That would --

COUNCILMEMBER PALTIN: Or --

MR. DU PONT: --be State DOT.

COUNCILMEMBER PALTIN: --you don't know if...

MR. DU PONT: Yeah that wouldn't be County DOT.

COUNCILMEMBER PALTIN: Okay. Is someone from the State gonna be coming?

CHAIR KAMA: No.

COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: But not to say that we couldn't.

COUNCILMEMBER PALTIN: Okay. Yeah 'cause I mean if that, that number five can we just do it without the DOT's...can anyone just make an ingress/egress to the highway without permission or do we need, like what are the steps to do that?

CHAIR KAMA: So, Staff, could we take that question into consideration and maybe send it out to DOT State? Would that be helpful?

COUNCILMEMBER PALTIN: Yeah that'll be helpful and then maybe also the left turn off the highway into the Lahainaluna Road if there's any traffic study on that from developing this area. If there's kids or teachers that are gonna be making the left-hand turn

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that's kind of a area that there's a lot of car accidents. So, just wondering the impact to that.

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER PALTIN: But no further questions for County DOT.

CHAIR KAMA: Okay. Thank you. I have a question, Mr. Du Pont, so how much density do you need to have in order to get another bus route into that area?

MR. DU PONT: So, we're still coming up with that plan. When we look at new subdivisions and projects that are going on we tend to look at our existing routes as it speaks right and what are we trying to do to add the service into our existing stuff and how we can extend it to our new service. So, we're still putting that plan together. right now, we're looking at what's existing now all of the new homes that's coming up around here and things like that, so we're just trying to focus on what we have now and start planning for the future.

COUNCILMEMBER PALTIN: Oh, can I?

CHAIR KAMA: Thank you. Yes.

COUNCILMEMBER PALTIN: One more question?

CHAIR KAMA: Go ahead.

COUNCILMEMBER PALTIN: I just was wondering what is...where is the current closest bus stop to this area?

MR. DU PONT: The current closest bus stop would be the Wharf Cinema Center. That's our bus hub in Lahaina.

COUNCILMEMBER PALTIN: And so...

MR. DU PONT: There's no stops along...the last stop would be from Maalaea and then the next stop would be the Wharf Cinema Center.

COUNCILMEMBER PALTIN: Oh okay. Thank you.

MR. DU PONT: You're welcome.

CHAIR KAMA: With no other questions, Mr. Du Pont, thank you so much for --

MR. DU PONT: Thank you, have a good day.

CHAIR KAMA: --coming. You also. So, now we're going to hear from the Department of Environmental Management.

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MR. AGAWA: Good morning, Chair.

CHAIR KAMA: Good morning.

MR. AGAWA: Good morning, Members. Shayne Agawa, Environmental Management Deputy Director. So, our role as Environmental Management is somewhat limited with this project. We do recognize that they are intending to use an aerobic treatment unit type of system similar to septic. So, that would be under the Department of Health's jurisdiction. We want to make it clear that these systems will not be owned, maintained or, yeah, basically owned or maintained by the County, it would be privately owned and maintained. From the solid waste side because the roads are gonna be maintained as private they would not be available for County refuse pickup they would need to utilize a commercial refuse pickup. Other than that, I am open for any questions you guys might have.

CHAIR KAMA: Thank you, Mr. Agawa. Mr. Sinenci? No questions? Mr. Molina?

VICE-CHAIR MOLINA: Thank you, Madam Chair. Good morning, Mr. Agawa. Just your comments I know that you mentioned that aerobic treatment unit system, the spray fields I guess they're supposed to have...I...where...from your discussion with the developer where is the spray fields to be located?

MR. AGAWA: We haven't gotten into that much detail with the developer. Basically, they proposing this aerobic treatment unit which is somewhat of an upgrade from a standard septic system from my knowledge. There is an option for a centralized system meaning one treatment unit or a decentralized meaning individual, that hasn't been relayed to us as which route they're going. But, yeah, no further details other than the type of treatment unit that they're intending to use.

VICE-CHAIR MOLINA: Okay. Thank you. I guess I'll get into it once we talk with the developer about this system we'll get into more details. Thank you.

CHAIR KAMA: Ms. Lee? Ms. Sugimura? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Agawa, for being here. I just was wondering, you know, like we had some issues about injection wells and what not recently but and I don't know if this is like, you know, beyond but being that we have this excess R-1 water and maybe not this developer but the area in general surrounding this area is brown and nearby like little subdivisions are having trouble with the non-potable water. Is there...I know we went through this in the budget and stuff but is there a timeline or a plan to get the R-1 water out to Launiupoko? Or a cost? Or is that --

MR. AGAWA: At this time...

COUNCILMEMBER PALTIN: --the direction we're moving?

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MR. AGAWA: Yeah. Good question. At this time, we don't have any plans to take it out south of Lahaina town. We do have plans to take it out just north of Lahaina in the Kaanapali area. So, as Director Nakagawa mentioned before we are in talks with landowners, we do have CIP projects in the works as we speak to extend our R-1 system and we also are in talks of acquiring some land from a private landowner out in that northern Kaanapali area for water retention for our R-1 system. The other option is to build a tank that will allow us to provide more R-1 to more customers, future customers. And as far as south of Lahaina no plans at this moment.

COUNCILMEMBER PALTIN: And just to run a line to say Kai Hele Ku or that direction, do you know like a ballpark estimate of what that would be?

MR. AGAWA: Oh, it would be in the millions considering our treatment plant now is out in Honokowai and Lahaina has been known similar to Kihei to have blue rock type of subsurface, it'll be very costly, multi-millions definitely just for the line to stretch out south.

COUNCILMEMBER PALTIN: Like hundreds of millions or tens of millions?

MR. AGAWA: I would need to do an engineer's cost estimate and I can get that answer for you as far a ballpark cost but right now I wouldn't be able to put a close number to it.

COUNCILMEMBER PALTIN: And there's no plans to go south? Like the furthest south you go is Honokowai?

MR. AGAWA: No, furthest south we go is Kaanapali, that's extending from our Honokowai treatment plant South towards Kaanapali.

COUNCILMEMBER PALTIN: Thank you.

MR. AGAWA: You're welcome.

CHAIR KAMA: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Chair, so if I could for clarification...no, if I could for clarification, I may have misunderstood what you said but the aerobic treatment units did you say it treats to R-1?

MR. AGAWA: No. The aerobic treatment unit is a step up from the standard septic-type unit. It uses aerobic technology, it introduces oxygen to the treatment system. What I want to make clear is that it's a below quality of effluent from our treatment plant. So, our treatment plant goes to R-1.

COUNCILMEMBER SUGIMURA: Right.

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MR. AGAWA: These units are I would say like a two-stage, basically there's still suspended solids, high oxygen levels, that type...high ammonia so it's, I wouldn't say far from an R-1 but it's not close to R-1.

COUNCILMEMBER SUGIMURA: Okay. So, I misunderstood you. Thank you, I was wonder wow if they can put it to the same standard that your injection well does that's super, super amazing. So, thank you for knowing your information.

CHAIR KAMA: If there are no other questions, thank you very much, Mr. Agawa, for being here.

MR. AGAWA: Thank you.

CHAIR KAMA: And now we have the Water Department.

MS. TAOMOTO: Good morning --

CHAIR KAMA: Good morning.

MS. TAOMOTO: --Chair and Councilmembers. Wendy Taomoto, Department of Water Supply, Engineering Program Manager. I'm available to answer any questions, but this subdivision is...although it's a private water system the jurisdiction we have is in Chapter 14.12, Water Availability.

CHAIR KAMA: Thank you. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you Chair. Thank you, Ms. Taomoto, for being here. You know, we had some testifiers ask about the, you know, the aquifer that's being drawn from, do you know how many other wells tap into this aquifer?

MS. TAOMOTO: We are not reviewing for that at that level, what we're reviewing is the engineering consultant for the applicant will submit an engineering report for the Department...from the...that the Department of Health approves and basically that report gives the verification that there's a long-term reliable supply. I believe for the potable water system they're proposing to use the Launiupoko water system's water. And so that goes through a process on the use of those wells through CWRM, Commission Water Resource Management on the aquifer side, and from the water quality side it goes through the Department of Health. And so, there's other State agencies responsible for that type of concerns so we are, basically what the rules say we're required to make sure that they have obtained approvals from appropriate agencies. So, at this time without a complete submittal I am reluctant to, you know, 'cause we really don't have all the documents submitted and reviewed at this time.

COUNCILMEMBER SINENCI: So, it's still ongoing?

MS. TAOMOTO: It's still an ongoing submittal process for us, yes.

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COUNCILMEMBER SINENCI: Okay. And then Mr. Schnell mentioned that he would comply with "Show Me the Water" mandates and that would also be part of that process?

MS. TAOMOTO: Yes. I'm...he's well aware that he needs to go through the submittals, the complete the submittals and the reviews to obtain the Director's written verification of the long-term reliable supply of water. Yeah, so we're working with him.

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

CHAIR KAMA: Mr. Molina?

VICE-CHAIR MOLINA: Thank you, Madam Chair. Good morning, Ms. Taomoto. You mentioned the project will be using Launiupoko Water Company as their source of potable water. Has the Department received a will-serve letter from the Launiupoko Water Company to assure that there's a long-term reliable water supply for this project?

MS. TAOMOTO: We did receive a letter, but we are requesting a follow-up for that letter with the recent changes as we understand potentially being temporary where the potable water system is supplementing the non-potable system. So, we are requiring a recertification of that letter in light of that situation so we're still waiting for that information to come.

VICE-CHAIR MOLINA: Okay. Thank you.

MS. TAOMOTO: Thank you.

VICE-CHAIR MOLINA: Thank you, Madam Chair.

CHAIR KAMA: Ms. Sugimura? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. And thank you, Ms. Taomoto, for being here. I just was wondering if you knew the amount of source required for 18 fire hydrants with 500 gallons per minute capacity for 2 hours?

MS. TAOMOTO: I would have...I didn't bring my...I have my calculator but I could calculate it for you, but it would basically be you're saying it's 18 fire hydrants, 500 gallons per minute all 18 going off at the same time?

COUNCILMEMBER PALTIN: No. But what kind of source is required to provide that --

MS. TAOMOTO: So...

COUNCILMEMBER PALTIN: --on-demand availability?

MS. TAOMOTO: Yeah. So, what you're asking is really a fire question on the fire protection side 'cause it's a private water system. We're not...the Department is not...doesn't

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have the jurisdiction, it's the Fire Department. But it's, you know, depend...I mean I don't know what answers you're trying to seek but it's assuming that not all the fire hydrants are being used so it would be a hypothetical. But that would be more for Fire 'cause I'm not sure what they're expectation is on how many fire hydrants they would need to be in service and providing that 500 GPM demand for their needs. Sorry.

COUNCILMEMBER PALTIN: Oh, I asked the guy he never know either.

MS. TAOMOTO: Oh, yeah. It's a hypothetical that's why, it depends on the fire.

COUNCILMEMBER PALTIN: And then like you said Chapter 14 is your jurisdiction so what does that include? Like if it's a private water?

MS. TAOMOTO: So, for private water systems, water availability 14.12 is the Chapter that we have jurisdiction in because it's a private water system.

COUNCILMEMBER PALTIN: So, basically the "Show Me the Water" is what you're talking about?

MS. TAOMOTO: "Show Me the Water" is basically our jurisdiction. So, in other words in other subdivisions where we have full jurisdiction we make the water system requirements which they then construct and dedicated to the Department, we don't make the requirements. Because its private water Fire makes the requirements.

COUNCILMEMBER PALTIN: And then you were saying like in this part of the process you don't have the full information in the submittal yet. Do you know the process like we approve the 201H, and then you have the full information or like how...do you know at what point you should be having the full information? Is it after he drills the well and then gets the reports is that at that time you have the full information for the submittal?

MS. TAOMOTO: So, we are working with the applicant and the consultant to get all the information we need to sign off on the written determination for water availability. In...if you read the Code 14.12 it will say prior to construction plan approval and so we expect that they will meet that deadline as construction plans would not be approved until they get that letter from our Director. So, whatever it takes to get our approval which includes...like getting into kind of the details of it is the water demand, verification of the water demand for the final lot configurations, the well drilling permit, stuff like that is still being resolved or reconciled.

COUNCILMEMBER PALTIN: So, you don't know yet what the water...the potable water demand is for the 34 houses?

MS. TAOMOTO: We have an estimate of that water demand and then we're just basically refining the numbers. It's nothing to be of concern but we're just refining the

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numbers. You know, engineers we gotta get it down to the one decimal point so we're finding the numbers and once we have completed our review we expect to sign off.

COUNCILMEMBER PALTIN: And that would be before or after the, we vote? That's after we vote you sign off?

MS. TAOMOTO: That's up to you.

COUNCILMEMBER PALTIN: Oh, okay. And then...

MS. TAOMOTO: The water, sorry, the water availability chapter doesn't address that.

COUNCILMEMBER PALTIN: Oh.

MS. TAOMOTO: It says that prior to construction plan approval the written determination is required.

COUNCILMEMBER PALTIN: And then that recertification letter that I guess you were mentioning to Councilmember Molina, when do you expect that to be?

MS. TAOMOTO: Shortly after the water demand numbers are finalized.

COUNCILMEMBER PALTIN: Oh, okay.

MS. TAOMOTO: The water company would then certify they can provide that water demand --

COUNCILMEMBER PALTIN: Okay.

MS. TAOMOTO: --to the subdivision.

COUNCILMEMBER PALTIN: Thank you.

MS. TAOMOTO: So, shortly.

COUNCILMEMBER PALTIN: Okay. And then are we hearing from the Launiupoko Water Company or...

MR. SCHNELL: No. We don't have a representative from the Launiupoko Water Company. But we do have our civil engineer Darren Unemori here that can speak to water issues too.

COUNCILMEMBER PALTIN: Okay. So, the civil engineer is working with the Launiupoko Water Company?

MR. SCHNELL: The civil engineer is working with our hydrologist Tom Nance who you met yesterday and the Water Department, yes.

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COUNCILMEMBER PALTIN: The County Water Department or the Launiupoko Water Department?

MR. SCHNELL: Well, there's communication both ways so yes he's working with the County Department of Water Supply and also gathering information from the Launiupoko Water Company.

COUNCILMEMBER PALTIN: And...how come nobody from the Launiupoko Water Company is here today?

MR. SCHNELL: We didn't think to ask because, you know, based on the preliminary calculations there is water available in their system and we do have a will-serve letter but as Wendy mentions we need to refine the will-serve letter with more information. But we have received the will-serve letter saying that they would provide water to the property. But we need to narrow down on the exact amount of water that they would be providing.

COUNCILMEMBER PALTIN: Okay. And do you have...did we get that amount, the estimate of water that it would be needed yet? Or we're waiting for the final?

MR. SCHNELL: So, Darren could address the projected demands for potable water. It's in his preliminary engineering report that's in the application. And my understanding is that Darren has been talking to Wendy and other Department of Water Supply people to work out the exact numbers on what would be required.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: Thank you. Thank you, Ms. Taomoto, for being here.

MS. TAOMOTO: Thank you.

CHAIR KAMA: Members, it's about our break time, so I'm gonna call a break till 10:45 a.m. We are now in recess. . . .(gavel). . .

**RECESS: 10:27 a.m.**

**RECONVENE: 10:45 a.m.**

CHAIR KAMA: . . .(gavel). . . The Affordable Housing Committee meeting of September 10, 2019 is now reconvening at 10:45 a.m. So, Members, we have with us Department of Public Works and Department of Planning. So, should we take Public Works first? Any questions for Public Works? Yes?

MS. DAGDAG-ANDAYA: Can I just make some comments before questions?

CHAIR KAMA: Yes.

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MS. DAGDAG-ANDAYA: I did want to mention to the Committee that the Department responded to the applicant's request for a review of the subject project on December 17, 2018. And we didn't have any comments really related to the proposed exemptions, our only comment was to or suggestion was that the applicant work with adjacent landowners in developing a master plan for the surrounding areas. So, that was our only comment to them was, you know, we thought it'd be best if this area was master planned. With respect to the exemptions being requested we found that there are two specific exemptions in here under item B1 and B2, I think it's listed as Exhibit A in your file. The first one being an exemption from Section 18.16.050 minimum right-of-way and pavement width shall be granted to exempt the project from widening the Punakea Street [sic] pavement. My understanding is that the Punakea Street [sic] pavement in the site plan runs to the left of the subject area, it's already developed, there's a 20-foot pavement there with a 40-foot right-of-way that meets the existing agriculture standards. Exemption number two, B2, exemptions from Section 18.16.130 cul-de-sacs, shall be granted to allow the Road B cul-de-sac to exceed 550-feet in length provided that a truck turnaround will be constructed to ensure that emergency access is not compromised by this exemption. We heard from the Fire Department earlier, this exemption, generally 550 feet, I think in, according to the Code if it's in...let me just pull it up. In agricultural-type subdivisions the 18.6...I'm sorry I'm pulling it up here, what it reads, is *a cul-de-sac shall be as short as possible and shall not be more than 800 feet in agricultural areas and no more than 550 feet in other areas nor serve more than 20 lots*. So, for this exemption if we were to stick with agricultural standards they would, I think they would meet the requirement. But if it's anything other than ag then they would have to comply with that 550-foot threshold. So, that's the, I believe that's the reason why the applicant is asking for that exemption. According to Fire Department and you might want to take, go back to the testimony provided by Fire, it seems that they do meet the requirements for truck turnaround and emergency with respect to this section of the Code. So, we don't have any other concerns. We would have had to consult with Fire anyway for this section. And other than that, the other exemptions I would defer to the other departments that have gone up. I know Planning is here today so we can also discuss exemption B3 and C1. You already heard from Karla Peters from the Parks Department and they didn't have any concerns with respect to exemption B4. So, those are the only comments that we had relating to the exemptions. If you had questions regarding exemption A1, 6...I'm sorry, Section 16.04C.440 is under Fire Department's jurisdiction so they would have to comment regarding that exemption. I also wanted to note that the existing streets in the area we have Punakea Street [sic], Haniu Street, they are all privately owned and maintained and are not County roads. Roads A and B that are proposed in the project would also remain private and be maintained by the, I'm assuming the homeowner's association. These roads do not connect to any County roads; however, in...if there are questions regarding ingress and egress onto Lahaina Bypass, I would defer those questions to Department of Transportation, State DOT. And that's all, Chair.

CHAIR KAMA: Thank you, Ms. Dagdag. Yes, Mr. Sinenci?

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COUNCILMEMBER SINENCI: Thank you, Chair. I just had one question for Director. So, it looks like the Lahaina watershed flood control, do you know if any of the planned flood diversions go through any of the site lots?

MS. DAGDAG-ANDAYA: Chair? My understanding is no it doesn't go through any of the site lots.

COUNCILMEMBER SINENCI: It falls short, it ends before the site?

MS. DAGDAG-ANDAYA: I believe so. Yeah.

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

CHAIR KAMA: Thank you. Mr. Molina? Ms. Lee? Ms. Sugimura? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Dagdag-Andaya, for being here. My question is in regards to the recordation with the State of Hawaii Bureau of Conveyances of September 24, 2007. It looks like Milton Arakawa was the Department of Public Works Director at that time. And the part I'm concerned with is it says on Page 3 the middle paragraph, I'm not sure if you have a copy but it says the provisions of this agreement shall be a covenant running with the land and shall be binding on all present and future owners, lessees and occupants and anyone claiming under said owners their heirs, personal representatives, successors, and assigns provided that any of the foregoing may petition for the termination of this agreement as it applies to a lot that it is...that is no longer zoned Agricultural District. So, is there a need to petition for further subdivision because I think from the recordation of this Exhibit A says if this is Lot 4, 5, and 6 that it's supposed to be 25 acres or sorry Lot 3, 4, and 5 supposed to be one 25 acres. So, what is the process for undoing this recordation within the Bureau of Conveyances?

MS. DAGDAG-ANDAYA: Chair? So, the document that you're referring to is the agreement for allocation of future subdivision potential. It's a standard agreement that we have. And I think maybe...I'd like to ask if we could direct the question to Corporation Counsel, she might be able to provide information that I don't have.

COUNCILMEMBER PALTIN: Okay. Thank you.

MS. DESJARDINS: Chair?

CHAIR KAMA: Go ahead, Ms. DesJardins.

MS. DESJARDINS: Thank you. Okay. So, this allocation agreement stemmed from the, one of the original subdivisions of this property, it was originally 271 acres, and then under Chapter 19.30A, this agreement, once the 25 acres or a little bit more than 25 acres for those three lots that we're discussing today in order for...that was the allocation that was finally submitted as what was allowed. So, the allocation agreement that you're looking at is required under the zoning law to be recorded. The

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developer is asking for an exemption from that today for further subdivision approval. So, you folks have to agree to allow further subdivision of those three 25-acre parcels in order for this to happen. In the...

COUNCILMEMBER PALTIN: I understood that part. My question was what is the process? Like what about this part about petition for termination of the agreement, like is...

MS. DESJARDINS: So, the petitioning would be if it no longer applies to...if it's no longer a zoned Ag, this is still going to be zoned Ag. So, the petitioning process that I understand would only apply if for some reason there was a Change in Zoning from Ag to something else.

COUNCILMEMBER PALTIN: Is it not Rural in the...

MS. DESJARDINS: It's zoned Ag, State Ag and County Ag.

COUNCILMEMBER PALTIN: Okay.

MS. DESJARDINS: It's not zoned Rural.

COUNCILMEMBER PALTIN: And so, the only thing to undo this is the 201H process?

MS. DESJARDINS: That's correct. Yeah. So, because it's the 201H allows the exemption from this that's the reason why they would be able to further subdivide this property. Otherwise the three 25-acre parcels remain as three 25-acre parcels.

COUNCILMEMBER PALTIN: And the reason for it to be three 25-acre parcels in the first place that's gone as well or?

MS. DESJARDINS: No. That was the requirement under the zoning law 19.30A.030. If you look at the sliding scale of allocation of the size of these lots this agreement is required under that Code section to be recorded. That was intended to be the minimum size lot allowed; however, 201H is a process that allows this body to override that in the name of affordable homes. Otherwise the allocation agreement simply reiterates what the law says which is that these folks cannot subdivide less than 25 acres.

COUNCILMEMBER PALTIN: Well, what was the purpose of that sliding-scale agreement? Because they already subdivided as much as they could --

MS. DESJARDINS: Correct.

COUNCILMEMBER PALTIN: --without any permissions?

MS. DESJARDINS: No, no, no, they got permission. So, when I believe it was Peter Martin who originally owned --

COUNCILMEMBER PALTIN: Or public input?

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MS. DESJARDINS: --the 271 acres. This allocation agreement involves 11 lots of which three of these are at issue. So, if you look at the very last page and you see the lot allocation chart that tells you what is the sort of bare minimum subdivision allowed under the Code for these lots. So, if you look at three, four, and five on the allocation of lots which is the bottom chart, you see that three, four, and five have minimums of 25 acres so you can't go below that. And that's what the zoning codes says for ag district. Through the 201H process there is the ability of this Council to amend that through the 201H process. The only other way to amend it is if for some reason this was no longer zoned Ag and then you would petition to take it out of this requirement because it wouldn't be Ag, but there's no request here to remove this from Ag zoning that's why the lots are two acres.

COUNCILMEMBER PALTIN: So, there's no request to take it out of Ag but the request is to subdivide it further? Is...

MS. DESJARDINS: In order to do this development, right. So, --

COUNCILMEMBER PALTIN: And then...

MS. DESJARDINS: --that exemption either is if you don't grant that exemption then the development cannot go forward.

COUNCILMEMBER PALTIN: And is that exemption for both the workforce housing lots as well as the market-value lots?

MS. DESJARDINS: For all 76 acres, that's correct. So, the 3 lots together that make up this project are each 25 acres so that's where you get your approximately 76 acres. So, the subdivision configuration chart that you have which is this, shows you the entire subdivision proposal for the 76 acres so that includes both the affordable and the market-rate lots.

COUNCILMEMBER PALTIN: So, with the 19 affordables at 2 acres per that's about 40 acres, you could still leave the one lot in 25-acres or...

MS. DESJARDINS: So, if you did that then I would assume you can ask the developer, if they're not able to develop the market-rate lots I don't think they're going to be developing just the affordable lots. So, the entire development --

COUNCILMEMBER PALTIN: Well, they would --

MS. DESJARDINS: --consist of 76 acres.

COUNCILMEMBER PALTIN: --be developing that 25-acre lot, they're still allowed to develop the 25-acre lot with 3 dwellings. If the bottom 50 acres is subdivided the market value could be the one 25 acre 'cause it's 76 acres? No? Is that not a thing?

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MS. DESJARDINS: So, the I guess I'd have to say the...since we're looking at an entire project that consist of all three of those you would...I'd probably defer to the developer whether or not that would be something that they would think is feasible, you know, what I'm saying? Because the idea is, is that they're going to be developing market-rate lots to help subsidize the affordable lots. So, the idea is to take the entire three lots and subdivide it but they need that exemption in order for that to happen. But I hear what you're saying, what if we just don't let them subdivide one 25 acre.

COUNCILMEMBER PALTIN: Yeah.

MS. DESJARDINS: That would be changing the...

COUNCILMEMBER PALTIN: 'Cause we're already like...we're already subsidizing 276,000 in waived park fees and then if you figure each market value has an additional cottage that's more park fees up to like \$400,000 of subsidizing this project in terms of exemptions.

MS. DESJARDINS: So, the park fees go by lots, not by the number of homes that are developed on there, I'm pretty sure, I thought that's what Ms. Peters said. Is that it's by the, you take the number of lots and you have a multiplier. So, I don't think that would be more money that they would be asking. Yeah it's 8,140 per lot so it doesn't matter how many homes you put on there, in excess of three lots is when you start charging the fee. So, then they either have to give the park a 17,000-square-foot park or the \$276,000, that won't change depending on how many homes you build.

COUNCILMEMBER PALTIN: Okay. Alright so, then this is the exemption that this Council needs to grant for this 201H to move forward is to allow them to further subdivide the 25 acres?

MS. DESJARDINS: That's correct and that's part of your Exhibit A, the last exemption that's talked about is the exemption, yeah, exactly what you said. So, the place where you're going to find that is on the resolution, any of the resolutions that were transmitted, all three have Exhibit A attached that talk about that exemption.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: Thank you. And now...yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Yeah I'm just trying to follow along the line of questioning from Member Paltin. So, and a testifier had brought it up last week, so she mentioned the provisions of this agreement shall be a covenant running with the land and shall be binding on all present and future owners, lessees, and occupants. So, with the exemption that becomes moot?

MS. DESJARDINS: So, with the exception of a 201H project they...it is binding and it does run with the land. So, if for example --

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COUNCILMEMBER SINENCI: ...(inaudible)...

MS. DESJARDINS: --if you were to allow this exemption what would probably have to take place is that they would have to amend this allocation agreement and re-record it because there's 11 lots and not all 11 of those lots are under this subdivision, only three of them are. So, what would be happening is, is that three of those would be accepted out of this run with the land, final binding allocation agreement. Because you have exempted that and you're allowing further subdivision of it for a 201H project.

COUNCILMEMBER SINENCI: Okay. And then I believe Councilmember Paltin was saying that the three lots, Lots 3, 4, and 5 had been subdivided and so, can you tell us where those lots are? The three lots of 25 acres...

MS. DESJARDINS: So, that's within the black boundary marking which is also the...takes up the entire plat that we've been talking about this morning, the green where all the subdivided lots are of this project. So, this project is made up of three lots.

COUNCILMEMBER SINENCI: And so, each of the three lots is that gonna include some of the workforce housing --

MS. DESJARDINS: Correct.

COUNCILMEMBER SINENCI: --which is, you know, why we're getting the 201H exemptions?

MS. DESJARDINS: Exactly right.

COUNCILMEMBER SINENCI: I would love to see, you know, where those three lots...

MS. DESJARDINS: So, can you see in this picture right here the yellow lines that run through...

COUNCILMEMBER SINENCI: Oh.

MS. DESJARDINS: Those are the three 25, approximately 25-acre lots.

COUNCILMEMBER SINENCI: But wouldn't the top be just the market-rate lots? The mauka lot...

MS. DESJARDINS: According to the configuration, yes it looks like the top...yeah, there you go. So, there's no longer 3 lots delineated right it's the whole area 76 acres and it looks like most of the market-rate lots are at the top of the three lots. You're correct.

COUNCILMEMBER SINENCI: And those lots would still qualify for the 201H exemption?

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MS. DESJARDINS: They are part of the 201H project. So, in order to be able to build the affordable homes they are building market-rate homes to help subsidize the cost of building the affordable homes which is allowed under 201H.

COUNCILMEMBER SINENCI: And then for the developer, would those lots also be allowed to do ohana lots? Ohana dwellings on top of the market-rate lots, the top 15?

MS. DESJARDINS: So, under the current ag law we're not talking about ohanas, we're talking about farm dwellings because this is an ag subdivision, okay, but essentially the law does allow on each of these lots without any modifications or restrictions by this body allows for a accessory dwelling of 1,000 square feet or less plus the main house.

COUNCILMEMBER SINENCI: And so, those dwellings wouldn't be considered market-rate dwellings?

MS. DESJARDINS: So, that gets into the meat of whether you're going to...what your requirements are going to be for this project. So, pretty much come to the end of the legal part of it, legally I'm telling you what you can do but what the developer is proposing to do I think you want to ask them those questions about what do they intend to restrict or not restrict this development in terms of accessory dwellings.

COUNCILMEMBER SINENCI: Because I think if we...if they're considered market rate then that would take the number of the market rate from 15 to potentially 30 and that would take it over the 50 percent affordability.

MS. DESJARDINS: So, that's something to definitely consider. Yes, you're right and so the 201H projects, there needs to be 50 percent of the housing minimum needs to be affordable. So, you have to be careful of that ratio, right, of building too many market-rate lots, later adding them on and then now suddenly you don't have a 50 percent. So, I think the developer is going to be addressing that.

COUNCILMEMBER SINENCI: Okay. Would the...one more, Chair?

CHAIR KAMA: Go ahead.

COUNCILMEMBER SINENCI: And would the developer be petitioning with the Bureau of Conveyances to do those changes that have been recorded at the Bureau?

MS. DESJARDINS: So, what would happen is if you folks approve the project as it's being presented right now or with modifications then the zoning law requires them to record with the Bureau of Conveyances the re-allotment of what you folks are going to allow if that's the way you proceed. It's an amendment to the agreement that's already on the books with Bureau of Conveyance 'cause remember that doesn't...that covers a lot more than just these three lots. But it's not a petitioning of Bureau of Conveyances, it's just recording a document.

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COUNCILMEMBER SINENCI: And not a Change of Zoning?

MS. DESJARDINS: No Change in Zoning is required for this project because they're not asking for the lots to be less than two acres which is the minimum ag lot.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

CHAIR KAMA: You're welcome. Mr. Molina? Ms. Lee? Ms. Sugimura? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Just one other question for Ms. DesJardins. If we grant this exception for Lot 3, 4, and 5 there's nothing...like how there's 11 lots total and we're only looking at 3, 4, and 5 now, is there anything that would make us then grant this type of exception for Lot 1, 2, 6, 7, 8, 9, 10, 11? Like are we then...have to allow them like fair same thing?

MS. DESJARDINS: Chair?

CHAIR KAMA: Yes, go ahead, Ms. DesJardins.

MS. DESJARDINS: That isn't part of this project so, it's not gonna affect it at all. You would have to for example if somebody came in with Lots, you know, 7, 8, and 9 and said we want to do a similar project you would examine that project independent of this project. There may be considerations about how many other subdivisions are in the area, I don't know, you know, what would be your consideration but in short, no this is not opening up anything in terms of those other lots from a legal point of view you're not waiving anything, you are simply making an exemption for the three lots that we're talking about.

COUNCILMEMBER PALTIN: So, then like...is...how...does segmentation is it...it's not segmentation is what you're saying?

MS. DESJARDINS: No, it's not related to segmentation. Right now, the fact that there are 11 lots under this allotment agreement just happens to be because this was a 271-acre parcel that was subdivided by Peter Martin back when he owned the entire project back in I think it was 2007. So...

COUNCILMEMBER PALTIN: So, the two project or the two...the five parcels that he still owns, those, when he talks about developing those that's segmentation but this isn't because it's a different owner?

MS. DESJARDINS: Well, it's a different owner and right now there aren't any other subdivisions in the area. So, in other words Makila...Peter Martin's project was not approved so you don't have a subdivision of a similar nature in the area so right now what you have is just a request from a different developer to develop three, four, and five.

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COUNCILMEMBER PALTIN: So, in order for it to not be segmentation in the future you don't develop one, two, six, seven, eight? Or it's not...how does it...

MS. DESJARDINS: So...

COUNCILMEMBER PALTIN: Like what if in the future after this project gets through with this whatever the formula is with the conditions and whatnot and then say one, two, six, seven, and eight comes through with a replica thing is it then segmentation? Like how do we...

MS. DESJARDINS: So, you would have to make that determination as a Council as to whether you think segmentation is occurring at that point. Right now, I don't see a segmentation issue because there isn't anything else on the table, this is it. But if somebody who developed a bunch of...I mean I get where you're going like if somebody who owned similar lots in that area or was working in concert to developers in that area you may have a segmentation argument. It's hard for me to hypothetically tell you that, that might happen in the future 'cause I don't know what's going to occur. All I can tell you is you're not effecting the fact that these other remaining, you know, nine lots or eight lots are still subject to this allocation agreement unless you folks lift it --

COUNCILMEMBER PALTIN: Through the 201H.

MS. DESJARDINS: --through another 201H. At which point you would probably look at the surrounding area and see what's going on or if somebody petitioned because it was no longer under Ag and then you would be lifting this restriction because it's not an Ag property any longer.

COUNCILMEMBER PALTIN: So, as of right now one, two, six, seven, and eight are still bound by this Bureau --

MS. DESJARDINS: That is correct.

COUNCILMEMBER PALTIN: --of Conveyance recordation and the only way to come out would be a 201H or for it not to be an Ag anymore?

MS. DESJARDINS: That is correct.

COUNCILMEMBER PALTIN: And then if it's not in Ag anymore, if it's Rural they still have to go petition the Bureau of Conveyances?

MS. DESJARDINS: So, first of all the Change in Zoning would have to come through this body and then at that point if they got a Change in Zoning then they would be petitioning the Bureau of Conveyances from the language that I'm reading in here to lift this, let's just call it a burden for argument, okay, on the land because it no longer applies, right, because it's no longer Ag. The reason why this allocation agreement exists at all is because this is Ag property and it's required to be recorded because of

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that and the sliding scale was intended to keep these parcels large. The fact that 201H allows exemptions to those...there's considerations to look at whether or not to grant that exemption and that's what you folks are reviewing as part of this project.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: Thank you.

COUNCILMEMBER SINENCI: Chair?

CHAIR KAMA: Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: I was...just one more question for Ms. DesJardins.

CHAIR KAMA: Go ahead.

COUNCILMEMBER SINENCI: So, it looks like on Page 107 exemptions requested I can't find that request. On the 19.30A.0 is it 040? There is...

MS. DESJARDINS: So...

COUNCILMEMBER SINENCI: There is an 030.

MS. DESJARDINS: Right. So, a couple things about that one is that your correct that it doesn't have the 040 exemption request here. There is however on Page 19 if you look at the footnote on that page it says, that the last thing that they're asking for is that all lot allocation agreements with the County of Maui pertaining to the property which is the three parcels we're talking about and recorded pursuant to 19.30A.030 shall not apply to Makila Farms. So, when I read that it looked to me like they included in here a waiver or an exemption from that allotment agreement acknowledging and recognizing that it exists. However, I also understand in conversations with the developer that they understand that they need to probably amend Exhibit A attached to the Reso and specifically ask for an exemption from 19.30A.030G and 19.30A.040. And that's why you don't see it in the application that needs to be corrected because the exemption is to both of those 030 and 040.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

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

VICE-CHAIR MOLINA: Yeah. Thank you, Madam Chair. Just for you line of questioning for this round was it supposed to be primarily for Public Works or is there some flexibility I can ask Corporation Counsel a quick question?

CHAIR KAMA: Well, since she's here you might as well.

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VICE-CHAIR MOLINA: Oh, okay. Yeah. Just a quick question for Ms. DesJardins. On the application itself, you know, the 201H-41 under HRS defines a project as primarily designed for lower income housing and I'm not sure if the word primarily is defined in this section so does this body have flexibility to amend the application without it having to be, the applicant having to resubmit? So, for example if I believe Mr. Brown has 19 affordable units, if the body wanted to add more or if the developer wanted to add more can we...do we have that flexibility without it having to go back, the developer having to resubmit it?

MS. DESJARDINS: Chair?

CHAIR KAMA: Yes, go ahead.

MS. DESJARDINS: So, you have the ability to do three things, one of three, either approve it as the application states, approve with modifications and those could include more affordable homes, lots of changes to this project or you could just disapprove it. So, 201H anticipates that a preliminary plan and specifications are presented to this body, you have 45 days to review it and then there's a final plan that comes out of that review. And that would include deliberation, talking about what other types of modifications. As you know and I will say you probably have more experience with 201H's than I do, that's not uncommon that through this deliberative process things change and different things are put out on to the table to accommodate for concerns, public concerns, Council concerns.

VICE-CHAIR MOLINA: Okay. Well, thank you for that clarification and for refreshing my memory. Thank you, Madam Chair.

CHAIR KAMA: Okay. Thank you. So, let's go to Planning since she's here. Good morning, it's still morning, Ms. McLean, thank you for being with us. So, did you want to make some comments before we ask questions of the Members?

MS. MCLEAN: Yes. Thank you, Chair.

CHAIR KAMA: Thank you.

MS. MCLEAN: We have some comments that we have shared with the developer and these are things we just want to bring to the Committee's attention. The property is designated within the rural growth boundaries of the Maui Island Plan; however, as you know we're going through the community plan update for West Maui and going through different growth scenarios and through the community outreach that we've done and now starting with CPAC meetings. There is not support for increased density in this area despite the Maui Island Plan designation. So, that's just information we wanted to share with the Committee. As was just discussed the lots are prohibited from further subdivision under the ag bill sliding scale so that would be an exemption that the Committee would have to approve to allow further subdivision and that was the intent of the sliding scale to allow some subdivision but then to leave larger lots unsubdividable. We also wanted to comment on the, what appears to be

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the developer's restriction on having two dwellings per lot and I believe that restriction may be needed because otherwise it would approach the Department of Health's threshold for requiring a wastewater treatment plant. So, up to 50 homes in a development can be serviced by individual waste water systems but once you get above that, that triggers a requirement from DOH for a wastewater treatment facility. So, I think that's why there's the restriction on the second farm dwelling which was this should sound familiar to you because this was also the case with the other 201H's that you reviewed on either side of this so that's been out in the open, just wanted to remind you of that restriction. We do think that's a shame because we need housing and that if development is going to occur here that we'd like to see as many houses as possible but nonetheless that's, that's a constraint that the developer is endeavoring to work with. And as you've heard us say before on the roadway design we would like to see those roads connect. If for example you live in one of those lower lots and you wanted to visit someone who lives just one lot above you, you would have to drive out and up and around and down to get to their house rather than having a connection in between that you could drive to or better still walk to. So, we've been making that comment on every 201H project that we see that we're looking for connectivity and walkability. And related to the greenbelt that is a requirement in the Maui Island Plan to have that greenbelt but I just want to make sure the understanding is that this was not described as a greenway, as a public amenity, it doesn't connect to things on either side it was more of a visual buffer. So, that would be the intent going forward that this wouldn't be a publicly accessible greenway. Related to that a final few comments and these are things you may want to clarify with the developer that the trail on the side I believe the developer intends to be maintained so that would be a recreational amenity for the people who live here. We do have a concern about Park's requirements not being fulfilled because the people who live here will need recreational amenities. But as the Parks Director said if that trail is going to be developed and maintained then that is an opportunity for these people to have that recreational resource. And lastly you might want clarification from the developer on that ag plan it does seem like they've really endeavored to develop that plan for the most makai lots that have that greenbelt where they're going to be developing the agriculture there. But you'd want to confirm who owns that land, and who will pay for the water, and the maintenance and so forth. If there's liability, if their homeowner's association fees, things like that, that could tie in to the affordability of these workforce housing units overall. It's a neat idea and you just might want to have a better understanding of that before you make your decision. So, thank you, Chair.

CHAIR KAMA: Thank you. Questions for Ms. McLean? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. So, the applicant is asking for an exemption from the Maui Island Plan?

MS. MCLEAN: No, they are not asking for that, they do not need that, same as they don't need exemptions from State or County Ag other than the ability to further subdivide. So, they don't need an exemption from the Maui Island Plan.

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COUNCILMEMBER SINENCI: Okay. And then you mentioned this was...your last comment about who owns the agricultural portion at the bottom near the road, this is where they plan to do ranching?

MS. MCLEAN: Yes. My understanding is that the lot owners will own the entirety of their lots but there's a collective farm plan so that those owners don't have to conduct the agriculture themselves which can be, you know, that can be burdensome on somebody so they have a plan to conduct the agricultural activities here which is great, we're supportive of that. But to have a better understanding if you own the property but then someone else is conducting the ag on your property you'd want to know do I have to pay for that, what's my responsibility as the owner toward that. So, I would imagine the developer has good answers to those questions as they're things that you just might want to have a better understanding of.

COUNCILMEMBER SINENCI: Thank you, Director. Thank you, Chair.

CHAIR KAMA: Mr. Molina? Ms. Lee? Ms. Sugimura? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. McLean, for your comments. I got kind of a lot of questions but I don't know where to start. For the market-value homes on Ag land, what way are you...like what way does...so, the general sentiment within West Maui, maybe Maui or whatever might be that Launiupoko is fake farms. They growing TVRs and BNBs or whatever is the sentiment. How are those...like I mean and then it's great that there's a plan for the affordable component but what about the 15 market value, is it...it's not farm plan anymore, is it just simply a declaration that they're doing ag and how do you as the Planning Department enforce that?

MS. MCLEAN: That's correct. We don't require the farm plan in advance anymore, we require that the owners sign a declaration that they understand the requirements of State and County Agricultural laws and that they will comply. And so, then from that point it becomes similar to how it is now with the farm plan that if we have reason to go back to the property to enforce and see that agricultural activity is occurring then we can go back and cite for non-compliance with zoning.

COUNCILMEMBER PALTIN: And then is that determination based on like a number of gross sales of their agricultural product? Or how do you make that determination that there's real farming going on?

MS. MCLEAN: In the County Code in the Ag District the definition of farm refers to a majority of the property being used for agriculture. So, agriculture is not defined as being purely commercial so there isn't an income requirement for it, it can be subsistence. And so, we look for that majority use, so we look at the property and determine how much of the property is useable so if there're steep gulches or things like that we discount that physical area and then the majority of that remaining useable portion has to be in ag.

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COUNCILMEMBER PALTIN: Is there any requirement like that the trees be in rows or anything like that or they can just be scattered?

MS. MCLEAN: We don't have that requirement because the Code doesn't have that requirement.

COUNCILMEMBER PALTIN: And then what you were saying before about the accessory dwelling, by dwelling you mean building that somebody can live inside of?

MS. MCLEAN: Correct.

COUNCILMEMBER PALTIN: And if each of the 15 market values are allotted an accessory dwelling and then that brings the total number of dwellings in this project to 49, does it still meet the 50 percent affordable? Would it not be like 24 or 25 affordable units? Or how does that work?

MS. MCLEAN: I believe the restriction on that second dwelling would apply to all the lots, not just the workforce lots. So, if that prohibition is throughout the development then it would still meet and would exceed the 50 percent affordable requirement.

COUNCILMEMBER PALTIN: Oh so, all the lots can all build an accessory dwelling?

MS. MCLEAN: I believe the proposal in front of you is for none of the lots to be allowed to build the accessory dwelling.

COUNCILMEMBER PALTIN: Oh, not even the market value?

MS. MCLEAN: Correct.

COUNCILMEMBER PALTIN: We'll ask that question when we get to the...

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: Or ask it now or what? Sorry, I didn't understand.

UNIDENTIFIED SPEAKER: ...(inaudible)...

COUNCILMEMBER PALTIN: Okay. So, then just another question and it's kind of uncomfortable because...but I did speak with the developer and just because of your Department is tasked with enforcement and we had a e-mail testimony and I got the developer's side and I was wondering if you could provide the Department's side. Based on that, you know, sometimes folks use pictures of open house to advertise their short-term rentals and that there's...it looks like the testifier said that there's an open case on an illegal short-term rental and then the developer said that's just pictures of their house and it kind of goes to the credibility situation and that this happened previously in November and March. And I was wondering why if it's happening and it's being resolved why it continues to happen, it's almost like maybe

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harassment if it's somebody else using a picture of the person's open house as an illegal short-term rental? And I just I wanted verification if possible that the story that we heard is as you understand it?

MS. MCLEAN: I'm not familiar with the specific situation that you're describing. If the case is...if what you're saying is that I'm operating an illegal short-term rental and I'm putting up ads of your house is that what you're saying?

COUNCILMEMBER PALTIN: Okay. So, we had a testifier submit testimony that there's a notice of violation on, date of notice was August 21, 2019, date of violation September 4<sup>th</sup>...can't read it, but for a property that's owned by Greg Brown and in my talking to him he said that this has happened previously in November and March and it's his house that he owns that's not being used as a short-term rental. They're having open houses and folks are taking pictures of the open house and posting it on their illegal short-term rental and if this is like the third time that this property is being cited like that like why does it keep happening?

MS. DESJARDINS: Chair? I'm sorry, can I say something?

CHAIR KAMA: Yes. Go ahead, Miss...

MS. DESJARDINS: So, I just want to caution the body on the Sunshine Law. This is not part of the discussion about this project so just need you folks just to be careful that there's --

COUNCILMEMBER PALTIN: Just need credibility.

MS. DESJARDINS: --no notice.

COUNCILMEMBER PALTIN: Going for credibility --

MS. DESJARDINS: Well...

COUNCILMEMBER PALTIN: --of like --

MS. DESJARDINS: I'm not sure though...

COUNCILMEMBER PALTIN: --if he's operating an illegal short-term rental and then making these commitments to us. If there is...

CHAIR KAMA: Ms. Paltin, Ms. Paltin, if you don't mind I'm going to call for recess.  
...*(gavel)*...

**RECESS: 11:34 a.m.**

**RECONVENE: 11:35 a.m.**

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CHAIR KAMA: ...*(gavel)*... The meeting of the Affordable Housing Committee is now reconvened. Members, I just want to get a temperature from you are you all...or did you all plan to stay here all day? Just let me know 'cause if not I need to know that too 'cause I'm not sure if I should buy you lunch or buy you dinner. But so, Mr. Sinenci, are you able to stay until what time?

COUNCILMEMBER SINENCI: Do we have an afternoon meeting, Chair? Oh, there is none.

COUNCILMEMBER PALTIN: It got cancelled.

COUNCILMEMBER SINENCI: I would like to take a break at some time.

CHAIR KAMA: Okay. Mr. Molina?

VICE-CHAIR MOLINA: I'm here for the duration, Madam Chair.

CHAIR KAMA: Ms. Lee?

COUNCILMEMBER LEE: Likewise.

COUNCILMEMBER PALTIN: Yeah till the end.

CHAIR KAMA: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: ...*(inaudible)*...

CHAIR KAMA: Okay we're here. Okay. So, why don't we continue with Ms. Paltin's questions and as Ms. DesJardins has told us that we're not here to talk about somebody's credibility, we're here to talk about the merit of the project. So, that being said we're gonna let Ms. Tamara finish her questioning and then we'll probably call a lunch break around 11:45-ish.

UNIDENTIFIED SPEAKER: ...*(inaudible)*...

CHAIR KAMA: Yeah, when she's pau around 11:45-ish or thereabouts and then we'll come back...then we'll break for lunch and then we'll come back in an hour whenever that may be. Okay. Does that sound good? Okay. Thank you.

COUNCILMEMBER PALTIN: So, you want me to move on from the --

CHAIR KAMA: Please if you would.

COUNCILMEMBER PALTIN: --credibility issue?

CHAIR KAMA: Yeah.

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COUNCILMEMBER PALTIN: Okay. So, right now you got 13 folks working on the Community Plan Advisory Committee and they meet like twice a week or four times a month and they put in like five hours per meeting and they read all the papers and things like that. And what effect does it have if we're making the decisions that they're supposed to be making ahead of them making it on...in terms of the morale, in terms of their efforts? Just from the scoping meetings we've seen that there was a strong community desire not to increase density. So, how does us like kind of superseding the work, the hard work that they're doing affect their work?

MS. MCLEAN: I brought up the community plan update process because I thought it was important for this Committee to know. The CPAC though doesn't have final authority over what goes into the community plan, that's this Council. So, after the CPAC finishes and it goes to the Planning Commission, the Planning Commission could turn everything that they did upside down and then the Council could do the same thing again. And so, I brought the comments up because I thought it would be important for this Committee to know what the CPAC is leaning toward and what input we've received from the community. But with the community plan as with this project it...the Council has the ultimate say. So, that's a decision you folks need to make.

COUNCILMEMBER PALTIN: So, but us or say what you're saying if the Planning Commission turns everything around what the community group does or if we turn everything around what the community group does, as you go on and do your community plan advisory committees throughout the County does that make your job easier or harder if they have to put in all these hours, read all these papers, listen to all this testimony and then we take what we've been given or the Planning Commission takes what they've been given and says, you know, what that's great you did all that work and you spent all that time and you listened to all those people but we're just gonna say something else.

MS. MCLEAN: That's a very important point, it would make our job more difficult. I think it would make it more difficult for the Council to appoint CPAC members who are willing to dedicate themselves to the process. At the same time though they are aware that what they are putting together is a recommendation and I think there are some members who will follow that process all the way through and advocate for what they feel most strongly about. But yes, overall it would make things more difficult.

COUNCILMEMBER PALTIN: Okay. I got no objections to taking a lunch break.

CHAIR KAMA: Ms. Sugimura? Okay so, Members, we're gonna take a lunch break from now until 12:30, 12:40 p.m., or one o'clock? One o'clock, Okay, so we're going to take a recess for lunch until one o'clock. Recess. . . .(gavel). . .

**RECESS: 11:39 a.m.**

**RECONVENE: 1:02 p.m.**

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CHAIR KAMA: . . .*(gavel)*. . . The Affordable Housing Committee of September 10, 2019 will now reconvene at 1:02 p.m. Thank you, everyone, for coming back, certainly do appreciate it. So, we have with us today Mr. Mike Molina the Vice-Chair, Mr. Shane Sinenci, Ms. Yuki Lei Sugimura, Ms. Alice Lee, your Chair is here, and we have non-voting Member Tamara Paltin with us. Good afternoon, everyone.

COUNCILMEMBERS: Good afternoon.

CHAIR KAMA: Thank you for coming back. And I really mean that. So, I think we left off with our questions to our Planning Director. So, did we all finish up talking to our Planning Director, did anyone have any last-minute comments or questions? Okay, seeing none. So, yes, Ms. Lee?

COUNCILMEMBER LEE: I think during the break there was a clarification made on whether or not all the lots could have ohana dwellings or just the market. Could we have a clarification on that?

CHAIR KAMA: Sure. So, we want to have that clarified by the developer right?

COUNCILMEMBER LEE: Well, yeah, okay.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: But it was from the Planning discussion yeah.

CHAIR KAMA: Okay. Planning? You want to continue that discussion and then finish that off?

MS. MCLEAN: Thank you, Chair. As far as the zoning is concerned each lot could be developed with two dwellings and I want to clarify technically speaking these are all farm dwellings. They aren't ohanas or accessory dwellings on ag land, they're all farm dwellings. Under Ag zoning one cannot be larger than 1,000 square feet. So, there's two farm dwellings, we call it a main farm dwelling and a secondary farm dwelling for the smaller one. So, as far as the zoning goes there could be two and then the developer can comment on what the proposed restriction may be.

COUNCILMEMBER LEE: Alright.

MS. MCLEAN: Thank you, Chair.

COUNCILMEMBER LEE: Developer?

MR. BROWN: We had restricted the second farm dwelling on the workforce lots, on the 19 lots and not restricted it on the 15 market lots. Our counsel didn't see an issue with that because they were lots and not all separate dwellings being sold. However, we're open to modifications if the Council has recommendations on that.

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COUNCILMEMBER LEE: Okay. So, then that would lead to me asking Housing a question.

CHAIR KAMA: Ms. Munsell?

COUNCILMEMBER LEE: Hi, Linda. Okay.

MS. MUNSELL: Aloha.

COUNCILMEMBER LEE: So, wouldn't that then disrupt the proportion of market versus affordables? Normally, we would 51 percent minimum remember...51 percent minimum affordable to 49 percent market.

CHAIR KAMA: Go ahead, Ms. Munsell.

MS. MUNSELL: Aloha, Chair. Thank you for the question. My name is Linda Munsell, I'm the Deputy Director of Department of Housing and Human Concerns. Thank you for the question. Yes, that...the 201H does require more than 50 percent of the units have to be affordable and so if all of those market units were developed with additional farm dwellings on it then it could tip that scale, yes.

COUNCILMEMBER LEE: Okay. Thank you for that clarification. We're gonna need the developer at some point to respond to that issue okay. Or do you want it now?

CHAIR KAMA: So, I have a question. So, if you double the lots on all 19 and all the 15 would you still have that problem?

MS. MUNSELL: The...yeah...you would have more than 50 percent of the units as workforce units in that case yes.

CHAIR KAMA: Okay. Thank you. So, yes any other questions for the Planning Director, Members?

COUNCILMEMBER PALTIN: I did.

CHAIR KAMA: Yes, Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. When you were saying to...responding to Member Lee about the two farm dwellings, one of those farm dwellings was the main house right? So, it wasn't like the main house and two farm dwellings?

MS. MCLEAN: Correct. There's a total of two farm dwellings allowed on each lot, one we refer to as the main farm dwelling 'cause it effectively doesn't --

COUNCILMEMBER PALTIN: Bigger?

MS. MCLEAN: --have a limited size, the second one which we call the secondary farm dwelling is limited to a 1,000 square feet.

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COUNCILMEMBER PALTIN: And what is the difference between a farm dwelling and an ohana?

MS. MCLEAN: It's the terminology in the County Code. The County Code...because the Ag District is agriculture, the permitted uses in the Ag District are farm dwellings, not single-family dwellings or accessory dwellings. Those are allowed in the Residential districts and in other districts. So, it's the terminology that's used, but they're technically not ohanas or accessory dwellings in Ag, they're farm dwellings.

COUNCILMEMBER PALTIN: And then if we were to double the workforce houses allowed as well as doubling the market-value houses that is allowed, were you not saying something about the wastewater and the DOH over 50 units triggers the need for a sewage treatment or something? Was that you?

MS. MCLEAN: I was the one who made the comment and that was based on the earlier projects that you saw that had smaller lot sizes and that had more than 50 units. And that was why on those projects --

COUNCILMEMBER PALTIN: The segmentation...

MS. MCLEAN: --the secondary, the two dwellings per lot were not allowed because that would put the unit count beyond Department of Health restrictions. Corporation Counsel showed me Department of Health rules and it seems that and I'll ask Corporation Counsel to further --

CHAIR KAMA: Yes.

MS. MCLEAN: --clarify this that if the lots are at least one acre in size then you can exceed that number 50. And so, if that is the case and this project does develop more dwellings then it does not appear that, that Department of Health restriction would limit them. In other words, they could provide the two per lot.

COUNCILMEMBER PALTIN: And then so, if it's at least one acre in size is there any limit to it? Can you do a hundred units or...I mean if it's less than two acres...if there's less than one acre in size it can't be more than 40...50 but if it's less than one acre in size is there no limit whatsoever?

MS. MCLEAN: If it's one acre in size or larger it doesn't seem that there would be a limit.

COUNCILMEMBER PALTIN: So, then...but they can't subdivide a one acre...they can't subdivide the two-acre lots into one acres and it still be considered Agricultural zoning?

MS. MCLEAN: That's correct. County Agricultural zoning has a minimum lot size of two acres. State Agriculture has a minimum lot size of one acre. So, the County zoning is more restrictive in that way, we require larger lot sizes and I would imagine that the

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State Department of Health rules parallel the State Ag requirements by going with one acre.

COUNCILMEMBER PALTIN: So, then really would it be only option to CPR the two-acre lot to make another dwelling to or it would just be one owner two-acre lot, two farm dwellings?

MS. MCLEAN: CPR'ing doesn't change the number of dwellings that can be built. CPR'ing is just an ownership mechanism. So, if a lot is allowed two dwellings it can be owned by one person or it could be CPR'd and owned by two people, but that doesn't increase the development potential of the property. I believe the developer has proposed various CC&R restrictions and so there could be a prohibition on CPR'ing but I don't really know that, I'm not sure what purpose that would serve but that could, that could be imposed on this project. But CPR'ing doesn't allow or restrict...I mean CPR'ing doesn't increase the development potential of the property. So, that doesn't really pertain to this.

COUNCILMEMBER PALTIN: Thanks. I think I got that. Thank you.

CHAIR KAMA: Okay, you're welcome. So, yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Just a clarification question. So, you still cannot go over the 50 houses, if not that'll generate the sewage treatment plant? Is that correct? For this particular...

MS. DESJARDINS: Chair?

CHAIR KAMA: Mimi, yes.

MS. DESJARDINS: So, during the break I was...it was brought to my attention there is a Department of Health rule that says that for individual wastewater systems Rule 11-62-31.1 does state that total development of an area shall not exceed 50 single-family residential lots or exceed 50 dwelling units except for developments consisting of one dwelling unit per acre or greater. So, in this situation if you had a main dwelling and a secondary farm dwelling whether you CPR'd it or not that's the maximum amount of development that would be allowed on each lot is two dwellings, right, the main one and then the 1,000 square feet or less. So, under this DOH rule that wastewater treatment would not be triggered because the lots are two-acres. So, you would have one house per one acre, I mean whether they're right next to each other or not that would be how it would be counted apparently that would not be triggered.

MR. BROWN: Could I elaborate on that as well?

COUNCILMEMBER SINENCI: Go ahead.

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MR. BROWN: You know in addition to this rule we also wouldn't go over 49 because the what you're referring to is over 49 dwellings or units and what we're planning on the workforce 19 lots is just to have one ATU unit per lot that can serve up to five bedrooms. So, those bedrooms can be in one home or they can be a combination of the home and the second farm dwelling, and since all the second farm dwellings if we did agree to build them would be under a 1,000 feet, they would likely all be less than two bedrooms. So, we could place all the homes that are under five bedrooms so we'd still only have 19 ATU on the workforce and even if all the market doubled the 30 ATU that would still be 49. But regardless that seems to be irrelevant because of the Department of Health rule but we kept it under 49 anyway.

COUNCILMEMBER SINENCI: So, the ATU units have a capacity of five bedrooms?

MR. BROWN: Correct.

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

CHAIR KAMA: Welcome. Any other questions for Planning or Housing? Okay. So, I don't see that, so, Members, questions for the project developers. So, I have a couple of questions, but I know Ms. Lee wanted to go first.

COUNCILMEMBER LEE: Thank you, Madam Chair. Okay. Most of my questions have to do with housing and I'm very impressed with the...with your efforts to keep the prices low and of course there's a huge need in West Maui for affordable housing. But what I wanted to know I'm sure it's not required but I can't imagine you making a profit when you're selling a house at \$161,700. So, could you tell me what the subsidy on that is 'cause certainly that's not the market, that's below market so what do you think the market would be on that?

MR. BROWN: Well similar homes in Launiupoko that are on two-acre lots that are CPR'd sell for 1.2 to \$1.5 million is what they sell for. Maybe I shouldn't say similar, they'd be a little nicer than these homes. The way that we're going to be able to subsidize this is by building the market product and the market product where you build are going to be similar homes to this but just slightly larger floor plans and a little updated finishes which would allow us to sell them hopefully to some of the professionals that live on that side such as managers, entrepreneurs, or others that need it in that market and that's what would subsidize the workforce.

COUNCILMEMBER LEE: Okay. But I really would like to know what is the subsidy for this \$161,700 property...dwelling?

MR. BROWN: So, what's...

COUNCILMEMBER LEE: Is it \$300,000? Is it \$400,000? What's the actual cost of this?

MR. BROWN: The actual cost of that home is probably closer to 3 or \$400,000 if you add in the land, the roads and the cost of construction. Some of them we will be able to sell

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for that price but as you can see many of them, if one bedrooms requested and will not be able to sell for that price.

COUNCILMEMBER LEE: So, these...the lists of purchase prices, sir, is that it's just an idea or is you're planning to sell it at these prices?

MR. BROWN: No, we're selling them at these prices if somebody draws the lottery and they want the one-bedroom home and they're in the 50 percent AMI. If everyone in the 50 to 60 percent wants a one bedroom we will sell them all at that price. We're proposing that.

COUNCILMEMBER LEE: So, the actual cost for that \$161,700 home is really somewhere let's say 350,000 and would the cost be similar to with the two-bedroom home and the three-bedroom home because the prices are close? Sales prices are close.

MR. BROWN: The costs go up when the home gets larger, the square foot price. So, you could expect it could go up by, you know, 20 percent.

COUNCILMEMBER LEE: And when you qualify people you take into account not only P&I but and mortgage insurance but all the items that you list here property tax, homeowner's dues which is quite substantial? So, that 50 percent income person would have to qualify for that \$1,360 a month yeah?

MR. BROWN: Yes.

COUNCILMEMBER LEE: Payment. So, when you qualify people you take all of that into account right?

MR. BROWN: Yes.

COUNCILMEMBER LEE: And not only the sales price.

MR. BROWN: Correct.

MR. SCHNELL: If I could interject. The prices would be established as per the Department of Housing and Human Concerns' guidelines for the affordable housing prices. So, there's a table that they have for each income group.

COUNCILMEMBER LEE: Okay. So, are these based on the 2018 or 2019?

MR. SCHNELL: That's based on the 2019 and that's based on an interest rate of about 4 percent. I think there's a range that they provide on there but in the Department of Housing and Human Concerns' list, you know, they have prices for 4 percent, 5 percent, you know --

COUNCILMEMBER LEE: Yeah.

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MR. SCHNELL: --the interest rates vary.

COUNCILMEMBER LEE: I'm aware of that. Okay. I think Ms. Munsell had a comment to make?

CHAIR KAMA: Yes, Ms. Munsell.

MS. MUNSELL: Yeah I think the, if you're looking at the original prices of things I think that they were based on the 2018 or is there an additional handout that I'm missing? But the prices and the income levels would actually be established at the time they start their marketing. So, it'd be based on whatever those sales guidelines say at the time that, that process begins.

COUNCILMEMBER LEE: Which is fine because normally the median income doesn't rise that much, it's, you know, a few percentage points. The only difficulty is we can't control interest rates and that may be an issue when it's time to sell. Okay. So, are you going to allow the affordable owners to have a farm dwelling or you're gonna delete it from the market homes?

MR. BROWN: We had not planned on it but if Council requests it then yes we will consider it and likely allow it if this body feels that they would like that we could allow it.

COUNCILMEMBER LEE: I don't think Mr. Brown it's a question of like I think it's a question of what the policy has been all along for 201H projects. So, it's really not targeting you, it's the numbers if, you know, 51 percent affordable, 49 percent market and that's how it should be.

MR. BROWN: Okay.

COUNCILMEMBER LEE: Yeah. Thank you.

MR. BROWN: Yeah.

CHAIR KAMA: Thank you, Ms. Lee. Yes, Mr. Molina?

VICE-CHAIR MOLINA: Yeah. Thank you, Madam Chair. Prior to my opening up with my line of questions for this round I am planning on or have submitted a document to you --

CHAIR KAMA: Yes.

VICE-CHAIR MOLINA: --with several conditions for this Committee to consider --

CHAIR KAMA: Thank you, yes.

VICE-CHAIR MOLINA: --at a later point.

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CHAIR KAMA: Yes, we will.

VICE-CHAIR MOLINA: But just to open things up. Good afternoon, Mr. Brown. During the last review of this project I guess there was concerns about land ownership and everything else. Have any...well first of all do you have any issues currently or pending right now with the property that you own for this project?

MR. BROWN: No, there's no land problems with this project.

VICE-CHAIR MOLINA: Unlike the other neighboring --

MR. BROWN: Yeah.

VICE-CHAIR MOLINA: --properties that was discussed. Okay good, just wanted to make that clear. And then also with regards to the water I guess the Department verified that you have a will-serve letter, I guess a revised one that will go to the Department at a later point?

MR. BROWN: Yeah. Correct we have a current will serve letter they wanted some of the water calculations they're working on with our engineers revised so we're in the process of requesting that from the water company.

VICE-CHAIR MOLINA: Okay. And then you're also gonna be you won't tapping into the Kauaula Stream for this project?

MR. BROWN: We will not be using any stream water from Kauaula or any stream.

VICE-CHAIR MOLINA: Okay. And let's see one more thing. With regards to the affordability now you're not gonna be planning on...no one can sell the units at market rate, the affordable units I should say and you're gonna...you'd be open to if we put a condition in there that none of the affordables can be sold at a market rate?

MR. BROWN: Yeah. We could definitely put a condition in there that none of the affordables could be sold at a market rate. We could also just sell all of the affordables at a market...at I mean at a workforce rate, we could CPR and sell them all so we make sure they all went to workforce buyers.

VICE-CHAIR MOLINA: Okay. And then I had one question that I asked the, Mr. Agawa from Environmental Management. The spray fields approximately what area...because there was concerns I guess about a study done by Texas A&M about the water from the aerobic treatment units that humans and pets should avoid this area. Just for my curiosity where would the spray fields be as it relates to this?

MR. BROWN: So, there was a misunderstanding, we're not doing spray fields. When you have any food that's for human consumption then you can't do spray fields. So, since we're having cattle below and you could eat the cattle and we're concerned that in the halau resource gardens there could be bananas and papayas and such that we won't

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be using any kind of a spray field down there, it would go into a leech field and our engineers are here to talk about that as well. They could help clarify.

MR. SCHNELL: Let me help clarify that point. So, we're not proposing to use any of the output from the ATUs systems as a spray field. But the potable water that would come from our well would be up to standards to be able to be sprayed. The non-potable sorry, the non-potable.

VICE-CHAIR MOLINA: Okay. Thank you, and my last question for now. Mr. Brown, are you open...I know you have 19 units listed as affordable and I understand you gotta make it work with the numbers, are you open to adding additional affordables and reducing the number of market-rate units?

MR. BROWN: So, we'd be willing to add the second farm dwelling to all of the affordables and CPR and sell them. We couldn't reduce the amount of market-rate units with a subsidy that we would have to be covering on all those workforce units. But that would give you 38 workforce units if you wanted us to do that at 50 to 100 percent. And our market would stay the same. So, ultimately we'd be doubling the amount of workforce units for you.

VICE-CHAIR MOLINA: So, and the total number of structures in the projects would go up from, it's currently 34 so if we're allowed to...

MR. BROWN: So, it was 34 but the market always had home and cottage so with the workforce having home and cottage now it would be 68. They would each have a home and a cottage. I'm not planning on building every home and cottage on the market right away, you know, but they likely could get built out in the end with all home and cottage.

VICE-CHAIR MOLINA: Okay. Yeah I was kind of looking for, you know, maybe an additional three or four, maybe five affordable units and reducing the market by a little bit so. But I understand I guess you have to have, you know, to make it work you got the numbers but yeah so anyway I thought I'd just throw out my wing and a prayer out there for that. Anyway, okay I'm done for now, Madam Chair, at a later point we can discuss the proposed conditions --

CHAIR KAMA: Yes. Thank you.

VICE-CHAIR MOLINA: --for the Committee's consideration. Thank you, Mr. Brown.

CHAIR KAMA: Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just a couple questions, Mr. Brown. So, for the, I think the cultural assessment they mentioned that there were two mounds of rocks and that the report might have been...it might be some older heiau on the site and the cultural impact assessment.

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MR. SCHNELL: I can address that question.

COUNCILMEMBER SINENCI: Go ahead, Mr. Schnell.

MR. SCHNELL: There are rock piles on the property and they were included as part of an archeological inventory survey that was conducted for the property and there's rock piles in many areas in this area. During the course of the bypass highway or the EA for the bypass highway, the State Historic Preservation Division after they deconstructed some of these rock piles determined that the rock piles are not...they might be historic sites because they're more than 50 years old but they are not historic sites that can change any cultural resources and SHPD actually issued a letter to say that further deconstructions of these rock piles do not require an archeological monitoring plan.

COUNCILMEMBER SINENCI: Oh, okay but that was the State. This one says as of this writing both mounds remain as recorded several years ago without having been disturbed or taken apart, the impetus is for monitoring the clearance of these mounds as well as the landscape itself was multifold, SHPD through community consultation noted the possibility that older structures or heiau may exist under the large mounds having monitored many such mounds previously in both Launiupoko and Maalaea. Are those mounds listed on the map? Or that was...

MR. SCHNELL: ...(inaudible)... Sorry I can refer to where they are on an aerial photo. But if you look at Appendix N in the application...

CHAIR KAMA: What page number?

MR. SCHNELL: Sorry it's not numbered. So, it's Appendix N and it's the first page of the Appendix N.

MR. BROWN: While we're all looking for that I'd just like to add that many of these mounds are gone because since SHPD cleared them Hawaiian Dredging ground up a large portion of them and used them on the bypass highway so most of them are nonexistent any more. There is two still on our property that they had slated to grind up they just never got to them.

COUNCILMEMBER SINENCI: Okay.

MR. SCHNELL: So, sorry have you've found Appendix N the first page?

COUNCILMEMBER SINENCI: Yes.

MR. SCHNELL: So, you see the letter from the State Historic Preservation Division dated April 29, 2014, the pertinent part is towards the end of the letter, in the last sentence of the second-to-the-last paragraph where it says further archeological monitorings of feature 5950 which refers to all of the rock piles has been fully documented and is unnecessary.

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COUNCILMEMBER SINENCI: That is in the second to the last paragraph again?

MR. SCHNELL: It's the, yeah, the first full paragraph on the second page right before the last paragraph, the last sentence.

COUNCILMEMBER SINENCI: Okay. Thank you. And then, Chair, \_\_\_\_ question, and so on the map it has the darker Agriculturally-zoned areas for the work house...the workforce housing but there is no Agriculturally zoned for the market, the market-rate homes. Are they required to have agriculture on the market-rate homes?

MR. BROWN: Yeah. The other two acres would be the same as the other two-acre lots up there, they're required to have the majority of the property in farming. The ones that I build out I will implement agriculture on. I've built on many lots up here and many of the homes in Launiupoko that actually do have a farm I put them in for them whether they're palm farms or plumeria farms or other farming to meet the requirement. So, the lots that we build we will implement the 50 percent or the majority of farming and I'd be...I'd welcome that as a condition 'cause we plan to do it.

COUNCILMEMBER SINENCI: And then will those market-rate homes qualify for an Agriculture tax rate?

MR. BROWN: So, they'd be the same as all the other agricultural properties in the County whatever that is.

COUNCILMEMBER SINENCI: Okay. So, you're gonna include the agricultural sections at a later time? Is that what you said on the market rate?

MR. BROWN: Yeah. On the market rate 'cause they may be different individuals ,someone might want plumerias, someone might want coco trees and they're more likely to be able to afford the maintenance and the water on them so we'll implement little farms depending on what they might want and a lot of people like fruit trees.

COUNCILMEMBER SINENCI: And, Chair, just the line of questioning is just to, you know, not have these huge mansions, you know, and I know million dollars, \$6 million and then they're paying an Agricultural rate so that was some of the concerns of past developments that they were luxury, large homes yet they were paying agricultural fees. So, a lot of constituents felt there was, you know, an equity issue here that you were able to buy these lots at market rates upwards of several million dollars and you had some plantings but you still were afforded the Agricultural tax rates. So, just some of the questions my office has received. Thank you, Chair.

CHAIR KAMA: Thank you. Any other questions for the developers? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. In relationship to this conversation I just wanted to add in if I could the question that actually Planning brought up and said that with the affordable housing lots that you're gonna be putting in...sorry, the ag

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portions and the halau portions. So, who would be maintaining that and how would it get maintained? Is it...

MR. BROWN: So, we're going to implement and plant out the halau resource gardens as well as the cattle ranch --

COUNCILMEMBER SUGIMURA: Okay.

MR. BROWN: --and get it to the point where it's a viable garden and a viable ranch. And then the plan would be to find an operator such as a halau or multiple halaus and not charge them anything to use it. The trade would be they would be required to keep it irrigated, green and maintained if they want to keep the operation agreement on it. And that would go for the cattle ranching and the halau resource garden. You know we really looked at ways to try and bring income in for the HOA but we felt if we tried to do that as difficult as it is to farm that it may end up costing the HOA money. So, the bottom line that we came up with the best scenario would be to find a good operator who would just keep them maintained and green without costing the HOA anything. So, as of now that's our plan, we're open to suggestions.

COUNCILMEMBER SUGIMURA: That's good so basically the...you as a developer would put in the infrastructure needed to maintain the halau section as well as the livestock section and if you...then you would find somebody...I guess I thought...I was hoping that kumu hula was still here.

MR. BROWN: Yeah she was going to try to come back after lunch, if I see her I'll identify her, I think she had to run to Wailea and back for a work thing.

COUNCILMEMBER SUGIMURA: Oh. Okay. So, I was just wondering if they could, you know, speak to that as to what they see as the possibilities. And then so, the livestock or cattle section how would that work?

MR. BROWN: Well so, that's where I think maybe the spray fields got mixed in with the ATUs and we will have spray fields there and we have our agronomist here who could talk more about that but we're going to put in a overhead irrigation system that's similar to what you see watering the sunflowers and then we would build three paddocks, we would reestablish a ground plant that will put nutrients into the soil and we will reestablish the natural buffelgrass and we'd rotate the cattle between the three paddocks and back. And then again I plan to find an operator and I know several of them on Maui as I am a cattle rancher as well who would love to have a small cattle ranch. There's a herd of cattle called Dexters, I used to have 18 or 20 of them and they're wonderful little cattle, they're easy on the land, they're the smallest breed of cattle, it's really beautiful to look at them when they're calving every year and if you take care of them they're a great little farm ranch to grow so that's what we're planning something like that, that's a viable farm.

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COUNCILMEMBER SUGIMURA: That's nice, and then the I guess the ag plan that you presented in your presentation you show the different types of plants that you're planning on planting just to re-nourish the soil and to bring it back.

MR. BROWN: Yeah. So, our consultant has taught us that how to plant these different plants that will turn the soil up and loosen it as well as when that plan dies it puts organic matter back into it. And that's, you know, a big problem with a lot of the soil around here that it's sat for so long, it doesn't have nutrients. So, it looks like that process could take three or four months and then with the irrigating and letting the buffelgrass come back in we can end up with some really neat, you know, healthy pastures if we manage it correctly.

COUNCILMEMBER SUGIMURA: That's good, so you answered my question, I was wondering who would be caring for it and if the residents then would have any kind of financial impacts but sounds like you've figured out how to manage that whole thing and keep it green --

MR. BROWN: Yeah.

COUNCILMEMBER SUGIMURA: --and paid for.

MR. BROWN: Yeah.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR KAMA: So, I have a couple of questions. So, help me to understand you're gonna have a small cattle ranching operation on how many acres?

MR. BROWN: Somewhere between 15 and 18 acres.

CHAIR KAMA: So, would that create any kind of a runoff from the cattle's waste and their own discharge?

MR. BROWN: You know I don't believe so, it really fertilizes the soil and this area has been used for cattle in the past and we're definitely going to manage the land properly with the right amount of cattle grazing on the land.

CHAIR KAMA: How many head of cattle are you talking about?

MR. BROWN: I think we were thinking max 18.

CHAIR KAMA: Okay. Okay, and I have another question. What is your expectation regarding when the affordable housing will be built versus when the market-lot rates will be sold?

MR. BROWN: So, I plan to build all of the workforce houses at once, in one phase. And I plan to build four to six market-rate homes so the workforce ones would be built and

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sold within a year from when we get our final subdivision approval. The market ones I think we projected it could be 2028 till every home and ohana is built and sold.

CHAIR KAMA: Okay. So, I think...well my last question I think you already answered is that the, that you are willing to accommodate another farm dwelling onto the workforce housing areas?

MR. BROWN: So, yes. And I will allow another workforce farm dwelling, a second farm dwelling on the workforce lots.

CHAIR KAMA: Okay. So...

MR. BROWN: If the Council approves such.

CHAIR KAMA: Okay. Okay. Thank you. So, Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thanks for being here. I had some additional questions as to the details of the ag plan for this go around. So, for the cattle pasture how would you determine who the...one rancher is that has access to these three paddocks?

MR. BROWN: So, I own a ranch called Pohakea [sic] Ranch so I'm going to pay to get it established and be that one rancher until I find someone that I think is responsible enough to take it over from the HOA, that will maintain it properly, with really strict guidelines on how it needs to be maintained and kept green. And at that time I would like I would like to find, you know, a local guy or somebody that would like to have the cattle ranch and have the income and then they would be given the opportunity to take that over.

COUNCILMEMBER PALTIN: So, would the HOA then have a say like with you who that person is that takes it over or would it be your sole discretion?

MR. BROWN: No, that would all be up to the HOA, we would give the HOA the power to decide who they wanted that to be. Maybe not initially until we had it set up.

COUNCILMEMBER PALTIN: And it looks like the paddock area extends into like a small portion of Parcel 11, would the rancher have access from each of the lots or would they need to go in through a central entrance, like where would the entrance be for the rancher?

MR. BROWN: So, I would picture the entrance for the rancher off Punakea Street and then there'd be gates through the three paddocks for him to get through that direction. I was not planning on giving him access through the subdivision but that could be considered through the evacuation route if we are able to put that in and then we could put it in either way if we wanted him to come that way, I guess.

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COUNCILMEMBER PALTIN: And where was...which lots were you estimating your exit number five to be between?

MR. BROWN: Tom's pulling up the slide.

MR. SCHNELL: It's between Lots 8 and 9.

COUNCILMEMBER PALTIN: So, are you envisioning that exit to bisect one of the paddocks or were you thinking nine/ten would be one paddock?

MR. BROWN: No, I mean your idea's not a bad idea, if we moved it over we could just gate both sides and then you wouldn't have to go through the paddock, I had not thought about that. You know, with most ranch lands there's a lot of gates and so there'd be a gate on each side of the paddock is what I envisioned and you would open the gate, drive through the paddock, open the other side or in the case of the Fire Department if they needed they'd just cut it off.

COUNCILMEMBER PALTIN: So, you're open to nine/ten being one paddock is what you're saying? Or...

MR. BROWN: Yeah. I think I'm picturing, if I'm picturing what you suggested we could place the easement road so there's a paddock on each side so there wouldn't have to be any gates and there could just be a gate towards the bypass would probably be a better idea, I'm open to that yeah.

COUNCILMEMBER PALTIN: And then so you...this darkened green area, the perimeter of it is gonna have a fencing? Is that the plan?

MR. BROWN: Correct.

COUNCILMEMBER PALTIN: And then also like a fencing around these retention basins?

MR. BROWN: Whatever is required for those yes.

COUNCILMEMBER PALTIN: Okay. And how about this halau resource cultivation is there fencing around that?

MR. BROWN: You know I'm picturing it with a fence around it just to keep it separate from everybody's homes. I think it would be a good idea. We could do a similar agricultural fence but do it out of smooth wire instead of barb wires so no one gets cut.

COUNCILMEMBER PALTIN: And for the halau resource cultivation area is the...is it similar...like one halau and how does that halau get chosen?

MR. BROWN: Yes so, Mapuana Samonte was just here who's a hula kumu who has a halau and she's excited about stewarding it. She was going to speak, she had to run to Wailea, if she comes back we can let her talk about it. But she had envisioned

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bringing all of her students up there to teach them how to cultivate and garden and also how to gather and she had a list of plants that they're really in need of to gather. So, she's really excited about doing that along with Kimokeo who apparently has most of the plants we would need on 100-acre piece of property that he has where he currently does something similar.

COUNCILMEMBER PALTIN: So, it's been chosen that she's...

MR. BROWN: No. We haven't chosen anyone yet. It could be multiple halaus, it would be great, you know, so again we're gonna be open to input and the HOA and whatever is the best for the community. But there's been no one chosen person. I'm gonna make sure I pay to get it in and implemented like I am the cattle ranch and so during that time there could be discussion on who the best halau is to take it over.

COUNCILMEMBER PALTIN: And then similar question as to access, would they all have to go have to go in through Punakea Street or would you be able to go through the houses to access the resources?

MR. BROWN: You know, I think probably going through Punakea Street would be the best so that the workforce buyers don't feel like they're, you know, they have someone coming through their yard who lives there. But I'm open to either way if Members thought it wasn't a good idea to come off Punakea Street then we could certainly look at another easement to come off the workforce road.

COUNCILMEMBER PALTIN: You mean like Road B?

MR. BROWN: Yes.

COUNCILMEMBER PALTIN: Okay. And then you don't envision any...like I mean is there restrictions like what if there's a performance Sunday morning and last minute guys are coming in the middle of the night to harvest Saturday night, there's a party going on, they feel like somebody's creeping in on them or nothing like...is there gonna restricted hours?

MR. BROWN: So, if you're willing to help I'll definitely come to you for the HOA rules 'cause I can see you have a lot of good ideas 'cause that's something that we should put in there. So, we'll have to consider anything like that, that could disturb anybody for sure and make that part of the HOA rule and then again part of the operating agreement for the halau.

COUNCILMEMBER PALTIN: And seeing as there's this planned agriculture on the workforce housing lots who's the one paying the water bill on those?

MR. BROWN: So, the halau would need to pay the water bill or the halaus, whoever's going to steward the property would need to pay for the water on both of them. That would be part of the expense, probably the only expense they'd have to pay.

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COUNCILMEMBER PALTIN: Oh so, this Makila Farm Ag Plan's the nominal cost is to the halau?

MR. BROWN: Yes.

COUNCILMEMBER PALTIN: Oh, okay. So, it's like they have their own water meter?

MR. BROWN: Correct. That was our thinking that we'd give them and the cattle ranch its own meters.

COUNCILMEMBER PALTIN: And then like if you were to sell...if you're the original developer of the cattle ranch and then you sell it or you choose a different rancher, one rancher, who gets the money, the HOA, the landowner, you?

MR. BROWN: So, I'm not planning on selling it 'cause I don't want to give them the ability to sell it so it would be letting them operate it so it would be owned by the HOA and then it would have an operator. The operator would get to keep the income off of it but there'd be restrictions on that so he can't just go and liquidate all the cattle. He could sell off the calves every year but he would have to keep the amount of cattle and keep it maintained properly. So, I wouldn't be looking for any compensation from whoever I choose, I'd be looking for a responsible party to maintain it long-term.

COUNCILMEMBER PALTIN: Okay. And then I think Ms. McLean might have mentioned some issues about like...so is this like a recorded easement and then the liability issues...like if somebody were to get hurt or like say the cows bite through the fence and get into somebody's yard or something like that.

MR. BROWN: So, I'm open to suggestions on the best way to set it up. But one way in my mind goes...it could be CPR'd off and it could be owned by the association with liability insurance then the workforce buyers don't have it as part of their condominium property and they wouldn't be responsible for it, it would be owned by the HOA and, you know, the HOA would maintain insurance.

COUNCILMEMBER PALTIN: So, none of that is like detailed out yet it's just...at what point would the details be written down, it would be after the 201H approval?

MR. BROWN: So, you know a lot of these ideas come in and we listen to the community and the concerns from the County so this was an idea that was born in the last few weeks that we really came up with that seems like everybody likes. So, these details yes, would get worked out by the end.

COUNCILMEMBER PALTIN: So, one of my questions were how come the existing basin that's remaining within the cattle pasture is part of it but Retention Basin 1 and 2 is not part of the cattle pasture?

MR. BROWN: You know, I see the cattle grazing when they used to be here through the few old retention basins that were on the property. So, I don't know for sure if they are

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allowed to graze in it. I think if they were it would be smart to irrigate them and keep grass on them and let the cattle graze them. Tom and I had questions whether they can or not and I believe that's why he just left them off. So, we would follow the rules regarding the basins and if they can be in them we would allow them, if they cannot then we would fence them out and keep them out.

COUNCILMEMBER PALTIN: So, it would be all three in or all three out?

MR. BROWN: I believe so.

COUNCILMEMBER PALTIN: Okay. 'Cause in this representation the existing one is in and the other two are out. And then...

MR. SCHNELL: If I can clarify on that. So, there is a, you see the existing retention basin and the two retention basins that we're planning would replace that existing retention basin.

COUNCILMEMBER PALTIN: The one at the top or the one on the bottom?

MR. SCHNELL: The one by Punakea Street down in the corner, that's existing.

COUNCILMEMBER PALTIN: The lower-left corner?

MR. SCHNELL: Yeah.

COUNCILMEMBER PALTIN: Oh so, you're gonna remove...there's one in the lower-left corner that say's existing basin to remain and then there's one in the upper-left corner that says existing basin to be removed.

MR. SCHNELL: That's correct. Sorry, I misspoke about that. When we drew the ag areas based on consultation with Shyloh, you know, our firm drew bubbles to make it loose and conceptual and not have designated hard lines. So, you know, it's a conceptual bubble, it could be expanded, you know, it could be changed. But we wanted to show it at a conceptual level.

COUNCILMEMBER PALTIN: Okay. So, but then all three would be either in or out? Okay. And then the one at the top, the existing basin that's to be removed you're just gonna like backfill that in or something?

MR. BROWN: So, yeah we can let our engineer speak to that as well but the...that will get caught down below in the two large basins instead so yes that would get filled in then.

COUNCILMEMBER PALTIN: Is...I just was wondering does...if you do cattle grazing does that lower the RPT, the real property tax value or...

MR. BROWN: If they're condominium then I don't think so, the HOA would have to pay for the, you know, the property tax, it wouldn't be the homeowner.

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COUNCILMEMBER PALTIN: Okay. And then when you were saying that you would be willing to have a condition that the market-value lots that you build have over 50 percent ag, what about the ones that you just sell the vacant lot? Is there no oversight on those?

MR. BROWN: I guess, you know, it's a County rule already but it would be hard to, I think to add anything other than the County's already got, you know, the zoning ordinance that requires that. The ones I build I will put a modification in that I will implement it myself so we don't have to rely on someone agreeing to do it for the County but I think it would be hard on ones I sold that, you know, I didn't hold onto.

COUNCILMEMBER PALTIN: And then when you were saying that you wanted to build the 19 workforce in one phase but then you also wanted to concurrently build four to six market values just to make the sale and keep the thing going. So, basically in the first shot you're going to be developing 25 homes within one year?

MR. BROWN: Yes. And if we built the workforce second farm dwellings as well, if they were all sold and I anticipate they likely would be with the amount of interest we have then we would likely try to build all of them in one year.

COUNCILMEMBER PALTIN: So, then if it was allowed to be like say CPR'd or something with a second farm dwelling for the workforce that would be like 38 plus 4 to 6 market value, 44 homes within 1 year, you're gonna build 44 homes within 1 year?

MR. BROWN: I think we could build 44 homes within a year, just a little over a year yeah.

COUNCILMEMBER PALTIN: Okay. And then so, then the CPR'd lots you'd have say the 500 foot green or the workforce housing lots you're anticipating having the 500-foot-greenbelt buffer CPR'd off to the HOA and then the remaining approximately is it 10,000 acres would be CPR'd into 5,000/5,000?

MR. BROWN: So, those, that portion within the two-acre lot where the workforce are all 30,000 feet or bigger so then you'd have 30,000 square feet to divide between the workforce first farm dwelling and second farm dwelling. With a lot of these CPRs up there sometimes you put 60 percent of the land with the main home and 40 percent with the cottage which seems to be more proportionate for the size of the homes so it would probably benefit the workforce buyers here to do something similar so the ones with a little larger home and maybe a little larger family have a little more space.

COUNCILMEMBER PALTIN: Ten thousand or 15, 20,000, 10,000 --

MR. BROWN: Something...

COUNCILMEMBER PALTIN: --kind of thing.

MR. BROWN: Yeah. So, it'd be like 18 and 12, I think if we went 60/40.

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COUNCILMEMBER PALTIN: Eighteen and 12. So, then you would kind of have to match it up with the folks 'cause if people draw the lottery on the workforce housing and say they have a big family so they want to do the four-bedroom house then you can only have a one-bedroom CPR on the other side.

MR. BROWN: Correct.

COUNCILMEMBER PALTIN: But if somebody wanted to build like say a three-bedroom house then the other side could have two or two...does it make that complicated for when you do your lottery and CPR and like that? 'Cause you have to kind of match them up.

MR. BROWN: Yeah. I don't think so because it would, you know, we wouldn't let people be able to choose their lot so we would tell them we will need to choose your lot and then once we drew all the tickets we would match them all up, you know, and we would just have to make sure that we don't promise more four-bedroom homes and two-bedroom second farm dwellings than we would be able to. So, we would have to be keeping a tally as we draw but I think we could do it, we'd, you know, be looking to get the County involved to help us do it.

COUNCILMEMBER PALTIN: Do you want me...does anybody...I have more questions but if anybody else has questions I'll yield.

CHAIR KAMA: Members, comments? Yes, Mr. Sinenci and then Mr. Molina.

VICE-CHAIR MOLINA: Madam Chair, I'm ready to act but, you know, on that document I submitted so you know, as a Committee Member I'd ask for that privilege at some point.

CHAIR KAMA: Okay.

VICE-CHAIR MOLINA: And, you know, I erred earlier when I said I could be here for the duration, I was reminded by Staff that I do something around 3:30-ish.

CHAIR KAMA: Okay.

VICE-CHAIR MOLINA: So, just a FYI for you. Thank you.

CHAIR KAMA: Thank you sir. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just some follow-up questions from Member Paltin. So, on the cattle grazing operation was that idea to help supplement the project, the affordable section of the project?

MR. BROWN: No. Not to help supplement it, that came with a lot of concerns we were getting about the workforce buyers not being able to have the money to maintain the whole two-acre lot and will they really farm and if they do want to, will it cause a burden on

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them and them not be able to afford their home then. So, we came up with this as a way to make sure that we implement real ag without costing the workforce buyers any money.

COUNCILMEMBER SINENCI: But they still have the option to farm if they wanted to?

MR. BROWN: Yes. So, they could still have small gardens and farms on their, you know, 18,000 square feet if they were in the home or the 12,000 square feet if they were in the cottage.

COUNCILMEMBER SINENCI: Okay. I just had those clarification questions. Thank you.

CHAIR KAMA: Thank you. So, there's been a call from the Member to be able to proceed with our deliberations so without objections, Members, may we proceed?

COUNCILMEMBERS: No objections.

CHAIR KAMA: Thank you. Okay so...

COUNCILMEMBER PALTIN: Are we going to ask the engineer any questions or no?

CHAIR KAMA: The will of the body is to be able to proceed through...to deliberations correct? Yeah so probably not. So, Mr. Molina, would you like to be able to proceed with your comments?

VICE-CHAIR MOLINA: Yes. Thank you very much, Madam Chair. As you know there's a September 10<sup>th</sup> document that I submitted to the Committee.

CHAIR KAMA: Yes.

VICE-CHAIR MOLINA: I'm not sure if Mr. Brown also has a copy of that. These are some proposed modifications for this project, roughly 12 of them but I think some of them are already in the project proposals so it may be a little redundant but there are a couple of them that are, you know, that's been submitted for consideration. So, the first one is a proposal for 75 percent of the proposed project shall be affordable and shall be provided to individuals earning between 80 to 120 percent of area median income. So, I throw that out there, you know, however you'd like to proceed whether you want to do a consensus or a vote or whatever so. And again, it was kind of based on my earlier question to Mr. Brown about the possibility of instead of 19 affordable units if you can add a few more that makes that could make a difference for three or four more families to get an affordable unit. And obviously it's up to this Committee to go with this proposed modification or not so I put it out there, Madam Chair.

CHAIR KAMA: Okay. Thank you. Ms. Lee?

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COUNCILMEMBER LEE: I'm not wild about this idea. I was just wondering if the developer can tell us what is 75 percent, what would 75 percent be? Considering the options of having an extra dwelling for the market people and now for the affordable folks.

MR. BROWN: Yeah. So, selling them at the 50 to 100 percent would be really tough to do, at 75 percent we'd have to drop a lot of the market. So, he's suggesting raise the AMI to 80-120 and then try to make it 75 percent instead of 50 to 100?

COUNCILMEMBER LEE: I'm not suggesting --

MR. BROWN: Oh.

COUNCILMEMBER LEE: --anything. I'm just wondering what the...if you were...well, first of all I don't agree with that. I think Mr. Molina has good intentions but to me that's kind of reaching for the moon in a way because I asked you earlier and there's so much subsidy at the lower end there's not a lot of wiggle room at the top end anymore because they're paying for the lower end. So, to raise the number on the lower side, you know, can you do it actually, can you pencil 75 percent in and still make this project go?

MR. BROWN: I...we would not be able to do that. We could add in the second farm dwellings as requested which will cost us money and provide twice the housing that was going to be there. But we wouldn't be able to reduce the market and be able to make that happen.

COUNCILMEMBER LEE: Yeah and then okay I had a question on that. If you started providing the opportunity or the ability for both sides, do you really need farm dwellings or those extra dwellings for the market homes? Do you...is that a necessity to this project?

MR. BROWN: I feel like it is 'cause if we restrict the lots then they become even harder to sell and we want it to be a viable...

COUNCILMEMBER LEE: Okay. And so, then if you add that same ability for the affordables what kind of impact would there be on water and sewer and infrastructure in general?

MR. BROWN: So, the agricultural water doesn't change, that was calculated per two-acre lot.

COUNCILMEMBER LEE: Yeah.

MR. BROWN: All of our studies, our studies were done with 195 dwellings for the traffic and other studies taking both of the two projects that are no longer there into account. So, we'd still only be at 68 dwellings instead of 195. So, I don't think there would be any cumulative impacts by adding some more considering the other projects are no longer there.

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COUNCILMEMBER LEE: Well, then I'll have to ask, Mr. Molina, would you be satisfied with that?

VICE-CHAIR MOLINA: Can you repeat that again one more time?

COUNCILMEMBER LEE: Doubling the amount of the affordables?

VICE-CHAIR MOLINA: Oh. So, we're talking from 30...well from 19 affordables to 38 affordables so total number of units for the project would be...

MR. BROWN: Sixty-four. Sixty-eight.

VICE-CHAIR MOLINA: Sixty-eight. Yeah. That's, that may be a concern for some of the community plus the impacts it could have on, you know, the infrastructure issues so not at this time, I'm sorry. But I appreciate the, you know, the offer but my hope was just to add, you know, of the 19 expand it to maybe 24/25 affordables reduce the market by the, you know, I guess, you have the...you have to pencil make sure this things pencils out. So, thank you but no thank you, I just think there might be more concerns from the community if we expanded the number of units even though they're just farm dwellings these would be like what one-room dwellings or like ohanas or something?

MR. BROWN: Yeah. So, the second farm dwelling can only go up to a thousand square feet and, you know, all the two-acre lots in the area that all the other neighbors are living on are at this density, they have one main farm dwelling and one second farm dwelling. So it doesn't seem fair that they're asking to restrict the workforce buyers the first time they'd ever be able to get up on the hill because we're not asking to do anything different than every other two-acre lot in the neighborhood, you know, and they don't have any farming. We'd be putting in a real farming operation on this one which would be nice.

VICE-CHAIR MOLINA: Okay.

CHAIR KAMA: So...

MR. SCHNELL: Could I clarify regarding impacts? So, when we were preparing our application over the last year we were...we didn't know what was going happen to Peter Martin's projects so our studies took into account the cumulative impacts of this project plus the two projects on either side. So, there's a table in the application that details the cumulative impacts if all of those projects were built. Now so, that's what Greg was referring to 195 homes. Now that those are off the table it seems logical, or clear that if you went to 68 homes that's less than 195.

VICE-CHAIR MOLINA: Okay.

CHAIR KAMA: So, I have a question then. So, your AMI for your workforce housing affordables is 50 to 100 or what is your AMI?

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MR. BROWN: Fifty to a 100 percent.

CHAIR KAMA: Okay. So, that sounds reasonable to me. Just hear me out. So, what if we had 12 homes at the 50 to 65 percent AMI which means that you can have 12 homes cost with somebody who makes an income of \$41,900 to \$54,470, 12 homes in that price range. That means 12 people who make that much money can get a home.

COUNCILMEMBER SUGIMURA: Wow.

CHAIR KAMA: How about if you did 14 homes in the low 66 to 85 percent AMI which comes out to someone who makes up to \$71,000 to \$130,000 a year, did 14 homes for them. And if we went to the higher income category which is I think probably 12 more homes between 86 and 100 percent which is 12 people who make \$83,800 a year, if we break that, I mean that to me that's an affordable range. And that's what you're saying you can do?

MR. BROWN: Yes, we can do that.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER SUGIMURA: I so move. That's a great idea. That's better than what we're looking at. Great idea.

CHAIR KAMA: That's so good of you. I need a second to even get this to the second point.

COUNCILMEMBER LEE: Second.

CHAIR KAMA: Thank you. So, discussion. Mr. Molina?

VICE-CHAIR MOLINA: So, we're adding more units total or we're still staying at 34...

CHAIR KAMA: No, we're just breaking it down.

VICE-CHAIR MOLINA: We're just changing the range.

CHAIR KAMA: We're just breaking it down.

VICE-CHAIR MOLINA: Oh, okay.

COUNCILMEMBER SUGIMURA: Making it more affordable.

CHAIR KAMA: Yeah.

VICE-CHAIR MOLINA: Okay.

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CHAIR KAMA: You're still only gonna get your 19 right but the people that who gonna buy these 19, I mean the highest income level is 83,000, everybody on the Council can buy one house and anybody who makes less than that, that's all I'm saying with this proposal.

COUNCILMEMBER SUGIMURA: Very attractive.

VICE-CHAIR MOLINA: Okay.

CHAIR KAMA: Can I call for the question?

COUNCILMEMBER SUGIMURA: Yes.

MS. DESJARDINS: Excuse me, Chair...

CHAIR KAMA: Yes. I'm sorry. Yes.

MS. DESJARDINS: Quick question, I thought you calculated out 12, 14 and 12 which is 38 homes?

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

MS. DESJARDINS: So, we're talking about the motion is to double --

CHAIR KAMA: To double.

MS. DESJARDINS: --the number of homes.

CHAIR KAMA: Yes, to double.

VICE-CHAIR MOLINA: So, it'll go from 34 to 68?

CHAIR KAMA: Yes. Yes.

VICE-CHAIR MOLINA: Okay,

MS. DESJARDINS: So, I'm sorry the motion is just for the affordable units?

COUNCILMEMBER SUGIMURA: Affordables.

CHAIR KAMA: Only for the workforce housing.

MS. DESJARDINS: So, the workforce would be at 30...

CHAIR KAMA: Thirty...19 and 19 is 38 right?

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MR. BROWN: So, yeah the market had ohana, second farm dwellings already so we're not adding more there, we're just adding to the workforce?

COUNCILMEMBER SINENCI: Chair?

CHAIR KAMA: Yes, sir?

COUNCILMEMBER SINENCI: What are we...sorry...is there a motion on the floor?

CHAIR KAMA: Yes.

COUNCILMEMBER SINENCI: Is it just for Member Molina's towards his questions or is it on, is it an amendment to the...

CHAIR KAMA: It was regarding...no it was regarding what I had just proposed for this...the 12, the 14 and the 12. And those were, you know, our workforce housing? Okay we have 19, right, that's what we're talking about but if you double that then you get 38 right and so that's how, that's what I was looking at when I said...hold on, do we have...

VICE-CHAIR MOLINA: Madam Chair?

CHAIR KAMA: Yes.

VICE-CHAIR MOLINA: Could I request that your proposal be put in writing --

CHAIR KAMA: Yes. Thank you very much.

VICE-CHAIR MOLINA: --so, that...

CHAIR KAMA: I was just going to ask.

COUNCILMEMBER SINENCI: Thank you, Mike.

CHAIR KAMA: Do you folks just get this from Evan? The proposal? Okay.

COUNCILMEMBER SUGIMURA: Recess?

CHAIR KAMA: Recess. . .*(gavel)*. . .

**RECESS: 2:09 p.m.**

**RECONVENE: 2:17 p.m.**

CHAIR KAMA: . . .*(gavel)*. . . The Affordable Housing Committee meeting of September 10, 2019 will now reconvene at 2:17 p.m. And we have a quorum of Yuki Lei Sugimura,

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Alice Lee, and Mike Molina. And Mr. Riki Hokama has been excused from these proceedings all day. And yes, Ms. Lee?

COUNCILMEMBER LEE: Madam Chair, I'm wondering if the movant will withdraw her motion so I can make another proposal?

CHAIR KAMA: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yes, you're gonna tell us why?

COUNCILMEMBER LEE: Huh?

COUNCILMEMBER SUGIMURA: You're gonna explain?

COUNCILMEMBER LEE: No. I'm gonna keep it in the...of course I'm gonna explain.

COUNCILMEMBER SUGIMURA: I just have to get you to talk more, you know.

COUNCILMEMBER LEE: Okay. Did you --

CHAIR KAMA: Yes, Ms. Lee?

COUNCILMEMBER LEE: --withdraw? And, I withdraw my second. I propose, Madam Chair, that we defer this item, get everybody's proposals in writing, come back and go through it once and for all so that we will be more organized and not all over the map as we are today. And hopefully we can get through this in one more meeting.

CHAIR KAMA: Thank you, Ms. Lee.

COUNCILMEMBER SUGIMURA: Agree.

MS. DESJARDINS: Chair?

CHAIR KAMA: Yes?

MS. DESJARDINS: Rather than defer my suggestion would be to recess this meeting --

COUNCILMEMBER SUGIMURA: Yes, yes.

MS. DESJARDINS: --and to reschedule it within the required period of time.

COUNCILMEMBER SUGIMURA: Good idea.

COUNCILMEMBER LEE: Sounds good.

CHAIR KAMA: Okay. I will take that into consideration. So, Members, please get your modifications in writing to OCS ASAP. We have a regularly scheduled meeting for

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Housing Committee next week Wednesday at our normal time at 1:30 p.m. And if that suits you, Members...yes, Mr. Molina?

VICE-CHAIR MOLINA: Just curiosity, the clock we're on a...what is our exact deadline 'cause this has to go to Council assuming it gets out of Committee?

CHAIR KAMA: Ms. Mimi DesJardins, do you know what that drop-dead day is?

UNIDENTIFIED SPEAKER: October 11<sup>th</sup>.

CHAIR KAMA: October 11<sup>th</sup>.

VICE-CHAIR MOLINA: Okay.

CHAIR KAMA: Oh, thank you. October 11<sup>th</sup> I heard from OCS.

COUNCILMEMBER SUGIMURA: So, Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER SUGIMURA: We would...if we met next week via regular Affordable Housing date --

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: --we would still meet that. We have to decide on or vote it out of Committee on that day and then we would --

CHAIR KAMA: Correct.

COUNCILMEMBER SUGIMURA: --be able to --

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: --meet the--

CHAIR KAMA: And that's why I'm asking for --

COUNCILMEMBER SUGIMURA: --deadline.

CHAIR KAMA: --modifications in writing --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KAMA: --so that, that day would just be approvals and that's all.

COUNCILMEMBER SUGIMURA: Yes. Agree.

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CHAIR KAMA: And decision making. So, what we're gonna be deciding is to approve with modifications basically.

COUNCILMEMBER SUGIMURA: Okay.


CHAIR KAMA: Questions, Members? None? Hearing none, this meeting recessed until September 18<sup>th</sup>, 1:30 p.m.

UNIDENTIFIED SPEAKER: What?

CHAIR KAMA: September 18<sup>th</sup>, 1:30 p.m. Thank you. . . .*(gavel)*. . .

**RECESSED: 2:20 p.m.**

APPROVED:

A handwritten signature in black ink, appearing to read 'Tasha Kama', is written over a horizontal line.

TASHA KAMA, Chair  
Affordable Housing Committee

ah:min:190910r:ck

Transcribed by: Cheryl von Kugler

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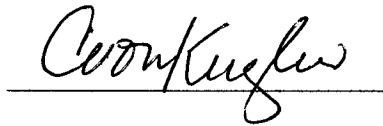
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CERTIFICATE

I, Cheryl von Kugler, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 3<sup>rd</sup> day of October, 2019, in Kihei, Hawaii

A handwritten signature in cursive script, reading "Cheryl von Kugler", is written over a horizontal line.

Cheryl von Kugler