

PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

February 4, 2021

Online Only Via BlueJeans

CONVENE: 9:02 a.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Kelly Takaya King, Vice-Chair
Councilmember Gabe Johnson, Member (out 11:57 a.m.; in 1:51 p.m.)
Councilmember Tasha Kama, Member (in 9:43 a.m.; out 2:50 p.m.)
Councilmember Alice L. Lee, Member (out 11:57 a.m.; in 1:51 p.m.; out 2:50 p.m.)
Councilmember Michael J. Molina, Member (out 1:51 p.m.)
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (in 9:23 a.m.; out 2:57 p.m.)

STAFF: Ana Lillis, Legislative Analyst
Alison Stewart, Legislative Analyst
Wilton Leauanae, Legislative Analyst
Richard Mitchell, Legislative Attorney
Clarita Balala, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Lenora Dineen, Council Services Assistant Clerk

Michele Del Rosario, Executive Assistant to Councilmember Kelly Takaya King

Axel Beers, Executive Assistant to Councilmember Kelly Takaya King

Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson

Evan Dust, Executive Assistant to Councilmember Tasha Kama

Lois Whitney, Executive Assistant to Councilmember Tasha Kama

Chaslyn Kala, Executive Assistant to Councilmember Tasha Kama

Sarah Pajimola, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez

Dawn Lono, Executive Assistant to Councilmember Shane M. Sinenci

Jordan Helle, Executive Assistant to Councilmember Yuki Lei K. Sugimura

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Michele McLean, Director, Department of Planning
Pamela Eaton, Planning Program Administrator, Department of Planning
Jennifer Maydan, Planner, Department of Planning

OTHERS: Ke'eaumoku Kapu
Sharon Saunders

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

Fay McFarlane
Roberto Andrion
Roy Sakamoto
Gary Grube, Manager, GFM Partners, LLC and Hua Momona Farms, LLC
Grant Murakami, Vice President, PBR Hawaii
Dana Sato, Director, Leasing and Transactions, Kamehameha Schools
Karen Comcowich
John Kindred, President, Plantation Estates Lot Owners Association
Albert Perez
Howard Hanzawa
Kyle Ginoza
Chad Fukunaga
Dick Mayer
Sham Vierra
Joe Kent, Executive Vice President, Grassroot Institute of Hawaii
Kalanimoku Opunui
Peter Martin
Junya Nakoa
Jordan Hocker
Maggie Martin
Shigi Kaihewalu
Yugit Unlu
Tanya Higa
Jeri Dean
Jinny Dean Yap
Joshua Dean
La'akea Low
Steven Smith
Lars Linder
Bev Kurokawa
Maria DeMello
Joann Meerloo
Dave Minami
Lani Moreau
Dave Ward
Dylan Payne
Kaipo Kekona
Kai Nishiki
U'ilani Kapu
(19) additional attendees

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

CHAIR PALTIN: ...*(gavel)*... Will the Planning and Sustainable Land Use Committee meeting of February 4th please come to order. The time is 9:02 a.m., and my name is Tamara Paltin, I'll be the Chair of this Committee. And if everyone can please silence

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

their cell phones or any noisemaking devices. I'd like to introduce our new Vice-Chair, Councilmember Kelly King. Aloha kakahiaka.

VICE-CHAIR KING: Aloha kakahiaka, Chair, from beautiful Kihei, and I got my Community Plan ready to go.

CHAIR PALTIN: Awesome. Okay. And from Lāna'i, we got Councilmember Gabe Johnson, aloha kakahiaka.

COUNCILMEMBER JOHNSON: Aloha and good morning, everyone. Thank you for having me. I look forward to our great discussion and a beautiful day better than yesterday.

CHAIR PALTIN: Awesome. Member Kama called me last night. She had a family medical emergency, and so she'll be a little bit late. She may be an hour or so late. Next up we have Council Chair Alice Lee, aloha kakahiaka.

COUNCILMEMBER LEE: Good morning, Madam Chair. From the Apache Nation we say dagotee.

CHAIR PALTIN: Dagotee to you, and aloha kakahiaka as well. Councilmember Mike Molina called and informed that he's having a little technical difficulties, and he's going to try and log on as soon as he can. I'm sure he's probably watching on *Akakū* though. And I just got off the phone with Councilmember Keani Rawlins-Fernandez too. I'm sure she'll be showing up shortly. We have from East Maui, Councilmember Sinenci. Aloha kakahiaka.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair, mai Maui Hikina, and dagotee kākou.

CHAIR PALTIN: Dagotee. And I didn't hear from Yuki Lei, but she's usually a little late so...she'll probably be coming. From Corporation Counsel, we have Deputy Corporation Counsel Michael Hopper. From the Administration Department of Planning, we have Director Michele McLean; Planning Program Administrator Pam Eaton; and Senior Planner Jen Maydan. Our Committee Staff, we have Committee Secretary, Clarita Balala; Council Services Assistant Clerk, Jean Pokipala; Legislative Attorney, Richard Mitchell; Legislative Analyst, Ana Lillis; and Legislative Analyst, Alison Stewart. And I see Councilmember Rawlins-Fernandez had joined us. Aloha kakahiaka.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i nui Ahina. E kalamai, my rubber band broke and my hair was everywhere.

CHAIR PALTIN: Dagotee. And we also have Councilmember Mike Molina. Aloha --

COUNCILMEMBER MOLINA: Hey.

CHAIR PALTIN: -- kakahiaka.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER MOLINA: Aloha kakahiaka, Madam Chair, and my apologies for the delay. I was having some internet problems. I think maybe too much snow on Haleakala was interfering with my reception. But anyway, glad to be here, and good morning to all my colleagues and everyone else tuning in. Aloha.

CHAIR PALTIN: Aloha. Glad to have you with us.

PSLU-1 WEST MAUI COMMUNITY PLAN (CC 21-70)

CHAIR PALTIN: Today we have one item on the agenda, that's PSLU-1, the West Maui Community Plan. And at this time, if Members have any written amendments that they wanted to submit to the plan, if they can, please email it to the Committee, pslu.committee@mauicounty.us, and they can upload it to Granicus. I know we just finished a bunch of our amendments last night, and we emailed them in as well. So that'll give us time. I just wanted to share with the public that the document entitled, Maui Planning Commission Changes is available under correspondence from Planning dated January 19, 2021, and that's on page 93 of 101. For the Councilmembers, they all received hard copies, and that was one of the attachments rubber banded to the front. Next time a new agenda is posted, we'll list out all the documents separately so the hyperlinks are easier to access for the public. I also transmitted a letter from the Planning Director detailing community plan designations and zoning district alignment under the transmittal from the Committee Chair dated January 29, 2021, and this was a guide that the Planning Commission had asked for of, you know, examples of community plan designations and the corresponding zoning designations, but it wasn't a comprehensive list. And I just wanted to share with folks that while I followed the process of the Community Plan for about the last three, three and a half years, I never did read the documents. I never read the draft as it came out from CPAC. I participated in the discussion, provided testimony, but my purpose for not reading the documents is that when we came and we got this document all together, I wanted to be able to look at it with a fresh pair of eyes and not, you know, get confused with what the wording was to what it wasn't. So I did...I was a little bit surprised as to the volume of amendments that I had and some things, but I just went with it. And so I kind of wanted to lay out the process for this meeting. My intention is to receive a presentation from the Planning Department, kind of giving us an overview of the Plan and the process, and then take public testimony. So if Members can hold their questions for the Planning Department and write them down. If there's anybody that can't stay for the presentation, please identify yourself in the chat now, and I can allow you to give your testimony in advance of the presentation so that it's...you don't lose your opportunity if you have to go to work or some kind of errands and you were expecting to testify first. But I thought that having the presentation would better inform the testimony. So . . . *(inaudible)*. . . everyone that's not me, can you mute their mics. That would help. Thank you. And then Staff, have you identified anyone, or has anyone indicated in the chat if they cannot stay for the presentation and would like to give testimony ahead of the presentation? If you're calling from a phone, just press star four and request to testify before the presentation. So I'll give a couple seconds.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MS. LILLIS: Aloha, Chair. This is Ana from OCS. We've taken the audience off of mute. So everyone is muting themselves and no one has indicated to us that they are unable to say until after the presentation and wish to testify.

CHAIR PALTIN: Oh, okay. Thank you so much, Ana. That's very helpful. Okay. So in that case, I will turn it over to the Planning Department for their presentation.

MS. LILLIS: Chair, I apologize. Ke'eaumoku Kapu has raised their hand. I've unmuted them.

CHAIR PALTIN: Oh, okay. Thank you. Mr. Kapu, did you want to provide your testimony in advance of the presentation?

MR. KAPU: Yes, I do. Hi, can you hear me?

CHAIR PALTIN: Yes.

MR. KAPU: Okay. Yeah.

CHAIR PALTIN: I'm sorry, I should probably read the instructions then if someone's going to testify.

MR. KAPU: Okay. All good, sure.

CHAIR PALTIN: My bad, I'm sorry. Okay. Let's see. Let's begin with public testimony. Oral testimony via phone or video conference will be accepted. Testifiers wanting to provide video testimony should've joined the online meeting via the BlueJeans meeting link as noted on today's agenda. Testifiers wanting to provide audio testimony should have participated via phone conference by dialing 1-408-915-6290 and entering meeting code 149 341 846, also noted on today's agenda. Written testimony is encouraged by sending your comments via eComment. Oral testimony is limited to three minutes. When your name is called, please unmute yourself by clicking the microphone icon or if calling by phone, please press star four to unmute yourself. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. When testifying, please state your name, if you are testifying on behalf of an organization or are a paid lobbyist, please inform the Committee. Staff will post a link to the testifiers log in chat so testifiers will be able to see where they are on the list. However, please be mindful of the use of chat during the meeting. Chat should be limited to items on the agenda and should not be used to provide testimony or chat with other testifiers. If providing testimony, please be courteous to others by muting your microphone while waiting your turn to testify. Once you are done testifying, you will be asked to disconnect. However, you are welcome to continue to view the remainder of the meeting on *Akakū* Channel 53, Facebook Live, or on mauicounty.us. Participants who wish to view the meeting only without providing testimony, please also disconnect at this time and instead view the meeting on *Akakū* --

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MS. SAUNDERS: I would like to testify.

CHAIR PALTIN: -- okay, hang on...Channel 53, Facebook Live, or on maucounty.us. Only Councilmembers, Staff, and designated resource personnel will be connected to the video conference meeting once testimony concludes. All others connected to the meeting will be dropped from the meeting. I remind Committee Members, Administration, and the public to please be patient with us as we continue to navigate through this new platform. I'd like to proceed with testimony at this time, and I think we have Mr. Ke'eaumoku Kapu first, and I believe that might've been Karen Comcowich who said second that she wanted to testify before the presentation. Is that correct, Ms. Comcowich? Was that you?

MS. SAUNDERS: It's not Ms. Comcowich. It's Sharon Saunders.

CHAIR PALTIN: It's who?

MS. SAUNDERS: Sharon Saunders.

CHAIR PALTIN: Sharon Saunders. Oh, I'm sorry. It sounded like my friend.

MS. SAUNDERS: That's okay.

CHAIR PALTIN: Okay. So Mr. Ke'eaumoku Kapu, you can proceed with your testimony at this time.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. KAPU: Okay. Aloha kākou, Councilmembers of Maui. Mahalo for this opportunity to give my thoughts pertaining to the discussion this morning. Good morning, everybody. I just want to remind everybody based upon what's been happening here on the West Side that is pretty...has been pretty overwhelming for not just myself, but my ohana, my family, and a lot of our community at hand on just on how everything has been going for the past three to four months on some discrepancies based upon, you know, the exemptions to allow these developers to go forward and put in a two-mile trench. So I just wanted to add my thoughts to this, especially at this time because I'm pretty busy today, so I'm going to have to do a lot. But I mahalo you this opportunity for me to testify this moment, you know, that I really, really oppose the idea that the Plan isn't regulatory when it comes to Ministerial Code. The County shouldn't grant permits to developers for projects violating the County Plan, grading, plumbing, electricity, et cetera. This is a case law, *Gatri vs. Blane*, the community plan has the force and effect of law per appellate court. And also, I'd like to share that to support the amendment to page 37 to the Plan regarding Mill Street. So these are just a few thoughts, and I know that I have a lot of my other colleagues who will be testifying later on this subject matter, and I really, really hope that this Council really takes into consideration pertaining to the onslaught of issues that we've been placing here, that we've worked tediously on the Community Plan for years...and not just the Community Plan from the CPAC, but even for years before that when the GPAC plan

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

was in action. So I don't know where that is at this point, but I know that it's really, really important for us to look at the Community Plan because we really put a lot of work into that. So I mahalo the Councilmembers and all of you for your time and allowing me for...to testify. Mahalo, thank you.

VICE-CHAIR KING: Chair, you're muted.

CHAIR PALTIN: Thank you, Vice-Chair. Thank you, Mr. Kapu, for your testimony. And I just wanted to share that we did look into that Ministerial part, and it may take an amendment to the Code and, you know, we're open to working on that with you as well. It looks like there is question from our Vice-Chair, Kelly King. Go ahead, Member King.

MR. KAPU: Good morning.

VICE-CHAIR KING: Mahalo, Chair. Good morning, Mr. Kapu. So I just wanted to clarify when you were saying that the Community Plans are not regulatory. Was there a specific statement that you're referring to, or are you just referring to the way that they've been treated in the past?

MR. KAPU: It's just the way that it's been treated in the past. I mean, trying to get more information from the Planning as well as Public Works have been horrendous for us, and there isn't a clear definition pertaining to all the things that have been going on for us here, and still trying to find remedies. So that's why I say that, you know, the regulatory plan, when it comes to Ministerial Code, the County shouldn't grant permits.

VICE-CHAIR KING: Okay. Well, thanks for the --

MR. KAPU: And it's not conflicting.

VICE-CHAIR KING: -- I was just, you know, I just, I didn't see anything that said that. But, you know, we had had that statement in the Moloka'i Community Plan, and we went through that and we took that out. So I just wanted to make sure you didn't find something --

MR. KAPU: Oh, okay.

VICE-CHAIR KING: -- that we missed. And then the other thing I wanted to clarify. You mentioned the change in...on page 37, and that was the...the statement about housing projects include facilities and programs that support connectivity. Is that the one you were supporting...that change?

MR. KAPU: Well, in the Plan the...regarding Mill Street because I really believe that Mill Street is a County road.

VICE-CHAIR KING: Mill Street.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MR. KAPU: And I think that the County --

CHAIR PALTIN: If I can --

MR. KAPU: -- should really look into it.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: If I can jump into clarify. I consulted with the Kapu ohana on Policy 2.2.12, and we worked out some amended language. So I believe that's what Mr. Kapu is referring to.

VICE-CHAIR KING: Oh, okay.

CHAIR PALTIN: And that should be reflected in my self-made amendment summary form that I up...that has been uploaded, so --

VICE-CHAIR KING: Oh, okay. I'll check that out. I was just...

CHAIR PALTIN: -- I believe he's talking about --

VICE-CHAIR KING: Okay.

CHAIR PALTIN: -- page 37, 2.2.12 --

VICE-CHAIR KING: Okay.

CHAIR PALTIN: -- for clarity.

VICE-CHAIR KING: Okay. Yeah, no I was just looking at the Planning Commission changes. So that helps clarify. Thank you.

MR. KAPU: Mahalo, thank you.

VICE-CHAIR KING: Chair, mahalo.

CHAIR PALTIN: I'll take Member Sinenci, followed by Member Rawlins-Fernandez.

COUNCILMEMBER SINENCI: Mahalo, Chair, and aloha, Mr. Kapu, for your testimony today. I just had a question about the utilities. Does that fall within the Lāhainā Historic District?

MR. KAPU: Some parts, but I think also what is really, really important at this moment, that now that the County has hired an archaeologist to do a cultural overlay, I think we're going to really define pertaining to a lot of those properties being in a historic area. And we also, in the years past when JoAnne Johnson was part of the Commission, the

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

Council tried to extend the Historic District from across Pi'ilani Highway towards the mauka area because there's a lot of...a lot of Land Commission Award Royal Patents that is, is really important historic properties. And some of them are outside of the Historic District. So I'm really hoping that, you know, with all this going on and with the archaeologist, Janet Six, hired to do a true cultural overlay so we can see what is really important and what needs to...really, really needs to be protected, especially the cemeteries, that this utility line kind of missed and literally did a maze kind of work to try to stay away from those areas. But nonetheless, you know, they hit one, they hit iwi kūpuna. So because of that, we're really hoping that the County archaeologist can do a cultural overlay to see what is even more important, and what relates to the capitol, especially how it relates to Moku'ula, those properties to Moku'ula.

COUNCILMEMBER SINENCI: Okay. Mahalo, Mr. Kapu, for your testimony.

MR. KAPU: Thank you, Shane.

CHAIR PALTIN: Thank you, Member Sinenci. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Kapu. Mahalo for your testimony this morning. I was wondering if you had an opportunity to read the Community Plan that was transmitted to Council and posted on Granicus?

MR. KAPU: Not entirely, so...yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: I know, it's a really long document.

MR. KAPU: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: So I (*audio interference*) Chapters 1, 2, and 4 today. Someone needs to mute. And there were...I have a lot of amendments to Chapter 1, which is about the history of the district. And so I...I'd love to, you know, send some of those, or if you're going to be watching the meeting, to get some of your feedback. But basically, Chapter 1, you know, goes over West Maui's history from wā kahiko, or at least attempts to, to, you know, plantation days into tourism. If you could check that out and then --

MR. KAPU: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- if we could go back at a future meeting.

MR. KAPU: Okay. Mahalo, mahalo for pointing that out to me. Yes, I definitely have a lot to add to this. And is there a timeline? I mean, can I still add my mana'o to a lot that you put down here?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. I think the Chair will go over her proposed timeline after public testimony. But I'd also...I also wanted to know if you had an

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

opportunity to read the vision statement in the Plan, and if you had feedback on that vision statement.

MR. KAPU: Okay. I'll do that, I'll do that after. Mahalo, thank you. Thank you so much.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Thank you, Member Rawlins-Fernandez. And I'd like to welcome Councilmember Yuki Lei Sugimura at this time. Aloha kakahiaka and dagotee.

COUNCILMEMBER SUGIMURA: Good morning. I was fixing my computer. So I'm still in that process, but I wanted to listen in. So thank you.

CHAIR PALTIN: Sure. And I think that we had another testifier that wanted to go before the presentation. Ms. Saunders, I believe. Were you calling from a telephone number? And at this time, I'll unmute the one person I see calling from telephone. Did you need to provide your testimony prior to the presentation?

MS. SAUNDERS: I do --

CHAIR PALTIN: Okay. Go ahead.

MS. SAUNDERS: -- if that's okay with the Committee. Aloha, Chairman Paltin, and all Committee Members. My name is Sharon Saunders. I am a board member of Plantation Estates Lot Owners Association, and testify in supporting the designation of our neighborhood as rural residential. Plantation Estates is one of a number of communities within the Kapalua Resort. As described in our testimony to CPAC and to the Maui Planning Commission, Plantation Estates is one neighborhood. It was developed as a single project in different phases from 1990 to 2006 as lots in each phase were annexed into Plantation Estates as they were sold. My husband and I own a home in Plantation Estates. It is within the Kapalua Resort on a PGA Championship Golf Course. Our particular lot was rock and slope. To build the pad for our home, we had to remove a significant amount of blue rock. Like a number of our neighbors, we wanted to plant a small orchard. It was tremendously expensive to establish, due to the rocky nature of our soil and the black plastic that was left from plantation days. While many of my neighbors have small scale farming, when we purchased our lot, our understanding was that our only agricultural requirement was to maintain the Cook pines. Most residents in Plantation Estates are senior, and farming profitably would be impossible. Nevertheless, with our small orchard, we are able to provide farm to table produce for Taverna, a restaurant we opened with Hawaiian Partners five years ago, and to provide fruit to Cook With Heart, which is a program we started...my husband and I started here on Maui, and we're currently working in Kahului and Maui public schools. As time goes on, we are experiencing increasing water issues. Our irrigation water reservoir is often low, and we are asked to curtail irrigation use. Additionally, the State is looking into measures that might further limit agricultural water. If we remain in agriculture, our homes will be required to maintain plantings and water them. In government, sometimes it seems that one hand doesn't know

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

what the other is doing. Rural permits allows us to do planting, but does not demand it. The more...given our current water situation, RU-2 zoning would be more appropriate. During testimony before this Committee, our neighborhood was identified by the Planning Department as one that should be designated RU-2. The next year, the Maui Island Plan designated our neighborhood within the rural growth boundary. We all purchased our lots understanding that we were in a rural neighborhood. We do not seek density, we provide much of our own infrastructure, and we are part of Kapalua Resort. Our neighborhood meets the text and photo descriptions of rural residential. I ask the Council to please call Plantation Estates what it is, a rural residential community. Thank you for your time.

CHAIR PALTIN: Thank you, Ms. Saunders. It appears we have a question from Member Sinenci, followed by Member Sugimura.

MS. SAUNDERS: Okay.

COUNCILMEMBER SINENCI: Aloha, Ms. Saunders.

CHAIR PALTIN: Go ahead, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Ms. Saunders, for your testimony. Just clarification, what is the recommended zoning from the Community Plan?

MS. SAUNDERS: Well, they've cut the neighborhood in half. So they're recommending rural residential for Plantation Estates, and agriculture for Honolua Ridge, but we are actually one community. So...

COUNCILMEMBER SINENCI: And you are in Honolua...you are --

MS. SAUNDERS: We are actually...my home is in Plantation Estates.

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

CHAIR PALTIN: Thank you, Member Sinenci. Member Sugimura, to be followed by Ms. Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: Thank you, yeah. Thank you. So actually, that was going to be my question because from the research that I've done, what...is it the Planning Department, or Planning Commission recommended this designation, but it was only for a portion of the Plantation Estates. So I think we need to combine it to make it into what it is, which is one community.

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

MS. SAUNDERS: Correct.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER SUGIMURA: Okay. Yes. So we'll look towards making that change. So thank you. I'm going to look towards making that change or correction. Thank you very much.

MS. SAUNDERS: Thank you very much.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to clarify. Aloha, Ms. Saunders. Mahalo for your testimony this morning. I just wanted to clarify. In your testimony, you said that the only ag requirement when you purchased the property was to maintain --

COUNCILMEMBER SUGIMURA: The Cook.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- pines, pine trees?

MS. SAUNDERS: The Cook pines, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

MS. SAUNDERS: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

MS. SAUNDERS: Thank you.

CHAIR PALTIN: Any other questions for the testifiers? Seeing none. Thank you so much for your testimony today. And just to clarify, your name was Sharon Saunders?

MS. SAUNDERS: That is correct.

CHAIR PALTIN: And you are representing the Plantation Estate Lot Owners Association, or...

MS. SAUNDERS: Well, I'm...my testimony is my own, but I am on the board of Plantation Estates.

CHAIR PALTIN: Okay. Thank you for the clarification. I believe Fay McFarlane, maybe, wanted to testify before the presentation; is that correct?

MS. MCFARLANE: Aloha. I'm sorry, I was going to testify after the presentation, but I wanted to just quickly answer the questions that --

MS. LILLIS: Chair?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MS. MCFARLANE: -- Councilmember Rawlins --

MS. LILLIS: Chair, I would request that you take her as testimony.

CHAIR PALTIN: Okay. So Miss...if this is Ms. McFarlane, you can answer the questions during your testimony. But you get one shot at testimony. So either you want to do it now, or you would do it after the presentation.

MS. MCFARLANE: Okay. If...that's fine. We were...okay, I can go ahead with the testimony then because Aha Moku tasks different various Committee Members with reviewing every single word and page of the May 2020 plan, as well as the June 2020 plan, and the transmittal that you've received from Planning Commission. So I just wanted to be clear that although Uncle did not personally read every word of every page of that, that various committees of Aha Moku were tasked with that, and...including myself, reviewed every page of every version of the Community Plan, in addition to attending those meetings, so just to preface the testimony. And coming out of those Aha Moku committee meetings, I'm speaking with the cultural practitioners and descendants from the various ahupua'a affected by the Community Plan. To again support what Uncle said about page 37 and the Mill Street extension, I understand that you'll present on that amendment. So I had intended to testify after the presentation, but I'll skip that part for now since I think we're on the same page. Regarding page 40, Policy 2.3.3, the...striking out Section 404, Clean Water Act definition of the word wetlands. In the Planning Commission meeting when they reviewed Policy 2.3.3, they seemed not to understand how to define wetlands. And so it was proposed by Planning Commission in that discussion when they reviewed to insert the Section 404 of Clean Water Act definition. And I just wanted to say that I know that there are other Codes that use that definition of wetland, but I wanted to make sure that you, the Committee, understand that when you use that Section 404 of the Clean Water Act to define wetlands, you end up excluding historic wetlands. You also end up excluding the back of the 'auwai. This is really important because if you're going to rely on the buffer of vegetation to protect the water source from pollutants, that's not going to work. I mean, it's common sense that when all this huge amount of rainfall or flood ends up inundating the historic wetlands, that water is not...I mean, the pollutants are not going to be stopped by a vegetation buffer. So just to be clear, to strike that definition. And I believe that it's been suggested to use the fisheries definition, which would allow for those historic wetlands to be interpreted as part of the definition of wetlands. I also wanted to say that it's not an outright criticism of the Planning Commission. At the time that they were debating the definition of wetlands, they were very concerned with the amounts of park and open space designated by the Community Plan. I wanted to point out that that total is 800 acres, and you have before you in the testimony a request from one of the large landowners to actually remove 200 acres from that total. So if you, for example, grant that request, and I'm not opposing that request by Kamehameha Schools, that's 200 acres that will drop out of park open. So I'm pointing out . . . *(timer sounds)*. . . that at the time, Planning Commission considered that 404 definition of wetlands. They were also balancing it with saying that oh, you know, the original language asking for the park and open space preservation, you know, there's already so much park and open space. Well,

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

you guys might be considering to reduce that by 25 percent. So therefore, please, you know, consider that and the original May 2020 language, which asked to preserve those wetlands as park open space. Please consider reverting to that May 2020 language. Moving on, same page, Policy 2.3.13, replacing the words threatened and endangered with native and endemic, that language was from the earlier CPAC version of the plan, native and endemic. And the reasoning being that when you go to weaken the language with threatened and endangered, you basically are restricting a lot of the protections. Because let's say that 'o'opu becomes okay, you know. Then okay, we're not going to protect it anymore. No, we want the protections to remain intact, even for those native and endemic species that are not currently endangered.

CHAIR PALTIN: Thank you, Ms. McFarlane. I just wanted to let you know that the timer has run out. And also, for 2.3.3, I did make amendment on my upload for Section 2. It's not exactly the same as the CPAC language, but you can check it out and see. And at this time I'd like to open it up to the Members if they have any questions, if that's okay with you to stay on for questions.

MS. MCFARLANE: Sure.

CHAIR PALTIN: Thank you so much. I have a question from Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. McFarlane. Mahalo for your testimony this morning. Would you be able to submit your testimony in writing?

MS. MCFARLANE: I did. I did it on eComments. So...but I don't see it there. And this actually happened during EACP Committee too, where I submitted comments and I just don't see it. I think that Granicus.speakup has a problem with Safari compliance. I'm not sure if somebody can confirm that. But I...you know, I did attempt to because we have other policy recommendations that are coming from Aha Moku. We also have, you know, Senate bills and House bills that we've been preparing testimony on. So that's why Uncle is really overwhelmed with all of the Code, and we form Committees to address this.

CHAIR PALTIN: I have been having a little bit problem with my iPad in the Granicus as well. Can you send your testimony to pslu.committee@mauicounty.us, and we'll see if our Staff can upload it to the record?

MS. MCFARLANE: Sure, thank you. I'll send the existing policy recommendations and the three or four left that I didn't testify on to the [pslu](mailto:pslu@mauicounty.us) [sic] email address.

CHAIR PALTIN: Thank you so much. And maybe if you can cc me, tamara.paltin@mauicounty.us, just in case if there's any spelling errors or something we have a backup option.

MS. MCFARLANE: Sure, mahalo.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

CHAIR PALTIN: Thank you. Member Rawlins-Fernandez, did you have additional questions for Ms. McFarlane?

COUNCILMEMBER RAWLINS-FERNANDEZ: No, mahalo, Chair. And mahalo, Ms. McFarlane, for all your work.

CHAIR PALTIN: Thank you. Member Sugimura, did you have additional questions for Ms. McFarlane?

COUNCILMEMBER SUGIMURA: Thank you. That was going to be my request also that she submit it in writing because it was valuable information. Thank you very much.

CHAIR PALTIN: Thank you. Any further questions for Ms. McFarlane? Seeing none. Thank you so much for your testimony and your written testimony and all your hard work. Is there anyone else that would like to testify before the presentation? Please make yourself known at this time.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR PALTIN: Okay. Seeing that no one has identified that they can't stay through the presentation, I'd like to hand the presentation, or the floor over to the Planning Department. And just a reminder, Members, because we don't want to engage in discussion, if Members can write down their questions for once we finish public testimony. Thank you. Director McLean, thank you. Take it away.

MS. MCLEAN: Aloha, Chair, good morning. And on behalf of the long-range team, I wanted to thank the Committee for jumping on this item so soon, and for your efforts to try to get through it before you go into your Budget deliberations. Our team worked long and hard on this. I think they've done a fantastic job. So I just wanted to give them a public pat on the back before I turn it over to them to kick off the presentation, and then I'll wrap up the presentation at the end with just a couple of slides. So we have Pam Eaton, who as you know is the head of our Long-Range Division, as well as Jen Maydan, who is the Project Lead for the West Maui Community Plan update. So I'll turn it over to Pam and Jen. Thank you.

MS. EATON: Great. Thanks Michele. Thank you, Committee, and we really do appreciate you guys grabbing this so quickly, particularly as Budget looms soon. What I'd like to do first is to introduce and thank my Staff, as this entire update process was accomplished 100 percent in-house within this Division. Our Project Lead is Jen Maydan, and you'll be hearing from Jen next. I'd also like to thank Annalise Kehler, who's our Cultural Resources Expert, for lending her expertise and time throughout this entire update. We've also been very fortunate to have Kate Blystone join us in 2019. All of the mapping was done in-house by our fantastic GIS team, Mike Napier, Sean Birney, Johann Lall who joined us last year, and we've got Dan McNulty helping. Jaime Paa has done a lot of the web updates that you've seen and a lot of wonderful press releases and outreach. And of course our glue, what would we do without

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

Richele Lesa, who's been fantastic. I think it's also deserved to thank those who left us and retired, Mark King and Doug Miller, and many of you guys remember Tiffany Bostwick, who was a workhorse with us, and she unfortunately had to go back to the mainland during COVID last year, and Kristiana Erikson left us as well. So as Michele said, this has been a team effort, and it's really been fantastic, and so we really appreciate all the work that's been done. I...is the PowerPoint on? At least I'm not seeing it yet. Okay. Cool. I love your smile, Keani. I'm looking over at you and I see this big smile. I'm so nervous, and I'm like ahh, that's great. Okay. So next slide please.

CHAIR PALTIN: It's on. If you can click the, I think slideshow, but...yeah, there you go. Thank you.

MS. EATON: Awesome, great, cool. Okay. So what we're going to talk about today real quickly is we're going to give you guys an overview of the update process, the website, basically just running through the format and organization of the Community Plan, do a little bit of a dive into the West Maui Community Plan land use designations, and then also the role--and I'm glad this has been brought up so far in testimony--and that is the role of the West Maui Community Plan. Okay, next slide. So there's been a process...next slide please...and Community Plan update process is guided by Maui--there you go--Maui County Code 2.80B. There's five phases. And many folks on the call have been involved throughout all these phases, and for that, we thank you. The first phase starts out with the research and data collection and agency coordination. For West Maui, this started in 2017. The second phase is really when we delve into community engagement, and includes interviews, workshops, meetings, open houses, and online activities. And that officially kicked off in August 2017 and ran through April 2019. Phase 3 was the CPAC, Community Plan Advisory Committee, review. By County Code, that lasts 180 days, and that ran from July 2019 and then through May 2020. The Planning Commission review kicked off Phase 4, and that also was allowed 180 days by Code. However, it ran for only four and a half months, from July through December 2020. And then finally we are in the final phase, Phase 5, and that gives, per County Code, the County Council up to one year to review the plan.

CHAIR PALTIN: Ms. Eaton, can I pause you for a moment and recognize Councilmember Kama attending the meeting...joining the meeting.

MS. EATON: Oh, so glad she made it.

CHAIR PALTIN: Aloha kakahiaaka, Member Kama.

COUNCILMEMBER KAMA: Good morning, Chair.

CHAIR PALTIN: Thank you. Please proceed, Ms. Eaton.

MS. EATON: Okay. Thank you. If you would go to the website and visit, you can also see some of our in-house work that we've done, and those are technical resource papers. This is part of the research phase. These papers exist on the topics, as you see,

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

everything from the community profile, which really documents existing conditions, land use, recreation network, historic preservation, wastewater, you can see them all on the screen. Those are still available, of course, on the website. These papers highlighted the future needs, some of the key challenges as these exist in the context of West Maui, but also some of the potential strategies that could be pursued through the Community Plan. I'd also like to extend my appreciation and thanks to not only the subject matter experts, but also the counties, the various counties throughout the Department, or rather the County, helped a lot with that review. So the website, for folks who are listening, if you have not already, please, please go on the website. When we started this community engagement phase, we established three goals which guided our process; engage the community early and often, provide many diverse options to participate and bring the process to the community, and then provide transparency and better understanding of the Community Plan update process. As many of you guys know, it can be messy and takes time, but it's critically important to have the community involved and actually produce a Community Plan that the community supports. This gives you a snapshot of the summer of 2017 to the spring of 2019, and tells you the types of various activities from traditional community meetings; one-on-one interviews, those results; open houses; workshops; tabling at various community events that took place in West Maui; and online activities. Throughout that process during that time, we engaged over 1,500 community members. Okay. Finally, I want to do...give a huge thank you also to the West Maui Alaka'i. This was a community leaders group, and they helped guide us through this process. There are many things we actually changed and amended based on their guidance and their suggestions. So we owe a huge debt of gratitude and we want to thank them. Okay, next slide. So Phase 3, the Community Plan Advisory Committee's review the draft plan. If you take a look, they did a lot of incredibly hard work. They had over 37 meetings within 10 months. They heard testimony from hundreds of community members, received presentations from the County and State agencies and developers, they gave recommendations on the vision, policies, actions in the community plan map, they dedicated hundreds of hours of their time, their energy, and their ideas, and they strengthened the Plan with the community's voice. The ten months as opposed to six is because as I'm sure...as many of you can recall, we were due to finish in February-ish and COVID hit, so we sort of had to scramble for a couple of months there to come up with this platform, and to get us to meet together to become comfortable to address the various needs of the members. We then started the Planning Commission review, that had eight meetings, two of them were recessed to continue discussions, and that was four and a half months from July to December. All of these meetings were had...were held virtually via BlueJeans. We heard lots of testimony from community members, received input from County Departments, and modest revisions were made to the draft plan. And I believe you have a table or a listing of what those revisions and changes are. Okay. Next. So the website, you can see at the top there on the right-hand side the website address, which will take you right to the draft we'll be discussing. Basically, you'll be able to take a look at...for those of you who may not have been engaged and are joining us now, you can take a look at some of the past meetings in terms of votes, decisions, discussions, and so forth with CPAC as well as the Maui Planning Commission, a lot of the background information and documents. So it's a great resource to have. Okay, the next please.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

On to the Plan. Quickly, the draft plan is an update of the 1996 West Maui Community Plan. Community Plans are meant to be updated and evolve to address the new challenges and incorporate the voices of new generations. There's a number of important things that do update the Community Plan. The Maui County Code 2.80B, as you'll hear quite often, basically provides the direction for the content to be included in the Community Plan update. The Countywide Policy Plan and the Maui Island Plan also guide the update of the Community Plan, and there's State legislation directing the counties to include sustainability and climate change adaptations into their community plans. Two other critical components that feed the update is new data and new research to update existing conditions, and the community input on issues, needs, and priorities that may have changed since 1996. Next slide please. There are five sections in this update, three of the sections really get to the meat of the plan. The meaty sections are Policy 2...Section 2, sorry, the Policy Framework; Section 3, the Growth Framework; and Section 4, Implementation and Monitoring. Next slide please. So Section 1, the Plan Framework, contains the background information, key challenges, and most importantly, the vision and the five goals, which sets up the framework of the Plan. The West Maui Vision basically provides a guiding light for the community and the County. It was created by the community during the engagement phase, and it was confirmed with minor tweaks by the Community Plan Advisory Committee. The five goals are a refinement of this vision, and it gives structure to the policies in Section 2 and the actions in Section 4. Next slide please. This draft plan recognizes the interconnectedness of the natural and human-made systems, structures, and services that make West Maui community, and are vital for the planning for the future. This holistic concept is reflected in these five goals and the corresponding policies and actions. You'll see as we go through the policy framework, in terms of goal number one, ready and resilient systems; a complete, balanced and interconnected transportation network; goal number three, responsible stewardship of resources, culture, and character; goal number four, economic opportunity through innovation and collaboration; and then finally, five, safe, healthy, and livable communities for all. The policies are supposed to be used by Staff Planners, the Maui Planning Commission, other decision makers in reviewing various applications and projects. Policies are also used by landowners and developers when designing projects. Okay. Next slide please. Section 3 is the Growth Framework, and this is the heart of the Community Plan. It contains the Community Plan map, which maps future growth to accommodate the projected 2040 population for the region. The growth framework section also explains the community plan map with the description of the areas that change in stability. Next please. Section 4, Implementation and Monitoring, contains the actions to be implemented by the County over the 20-year life of the plan. It's a to do list of actionable items for County Departments to help achieve the Community Plan's vision and the goals. Finally, Section 5, the Appendices, includes the information to support the other sections throughout the plan. Next slide please. It contains information to support the other sections, references, definitions, and acronyms. Most importantly, it also contains the descriptions of the Community Plan land use designations used in the Community Plan map. Now, provides a nice segue to Jen Maydan, who has been the Project Lead for the West Maui Community Plan update. So Jen, take it away.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MS. MAYDAN: All right. Mahalo, Michele, and Mahalo, Pam, and good morning, Chair and Members. We are very happy to be here today and kicking off your West Maui Community Plan. Now I'm going to give you a brief intro to the updated Community Plan designations that Pam just mentioned. . . .*(inaudible)*. . .

CHAIR PALTIN: Ms. Maydan, we're kind of having a little trouble hearing you. Since we're on a slideshow presentation, do you mind trying to turn off your video and seeing if that helps with the audio?

MS. MAYDAN: Yes, I just did that, and let me know if it doesn't work please.

CHAIR PALTIN: It worked. It's much better. Thank you...so far.

MS. MAYDAN: Wonderful. Okay. Thank you for letting me know. Okay. Before I jump into the Community Plan designations, I'm going to ground us and make sure that we were all on the same page as to where community plans and their maps fit within our State and County Planning structure. As shown on the graphic on the screen, the Hawai'i State Constitution mandates the creation of a Hawai'i State Plan and Functional Plans. The Constitution also gives authority to Counties to create their Charter and Strategic Planning documents. In Maui County, we of course have the General Plan, which is comprised of the Countywide Policy Plan, the Maui Island Plan, and nine Community Plans, one of which is the West Maui Community Plan. And our Community Plans are primarily implemented through zoning, annual budgeting, and development project review. Director McLean will dive into this at the end of the presentation. And to orient ourselves a little more, we found this graphic to be helpful for understanding where the Community Plan designations and Community Plan maps fit into our land use layers. To guide and regulate land use and development, there are many layers of designations and districts. They are on a spectrum from broad to specific, with State Land Use Districts being the broadest. Then there are three primary County mechanisms to control land use and development. First is the Maui Island Plan's growth boundaries, which are the most general. Next are the Community Plan designations and map, which provide a little more specificity, with the intent of guiding the type and character of future growth. Finally, the Maui County Code Zoning Districts provide more detail to regulate the intensity of land use and the dimensions and location of development on a parcel of land. The three County land use layers work together to plan for future growth and regulate land use and development. It's important to keep in mind that when reviewing the Community Plan, we are at the level of the Community Plan designations. We are not zoning. Okay. On to the updated designations. In the existing 1996 West Maui Community Plan, there is a list of Community Plan designations that are used on the maps. We have developed updated designations that are used in the updated draft to West Maui Community Plan that is before your Committee for review and consideration. We used these updated designations throughout the West Maui Community Plan process, and we will eventually apply them to all Community Plan areas on Maui Island. We did numerous stakeholder meetings on the updated designations in the fall of 2018, and used the designations in community design workshops with the West Maui community in the spring of 2019. The CPAC and the Maui Planning Commission both

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

reviewed the designations. I'm going to explain why we updated the designations, and then give you a brief overview of the designations with a more in-depth overview as your Committee gets closer to reviewing the maps. But before I move on, I want to respond to some questions that we've received about potential changes to the language of the designations or new designations that might be added in the future. If a Community Plan designation is ever amended in its entirety, or if new designations are created, it would be a public process with a public hearing at the Maui Planning Commission, and public meeting with the Council. Also, if the Department initiated the change, we would do outreach before going through the process. And of course, zoning changes also have to go through the same public process. So why did we update the Community Plan designations? What's the purpose of the designations? We updated the designations for a number of reasons, one of them being that the zoning audit recommended revising the designations to be more descriptive with respect to land use mix, density, design criteria, mobility characteristics, and parks and public amenities. It recommends capturing the character of places and focusing on the needs of people in their daily lives. The updated designations also called for, in the Maui Island Plan, to help create complete communities with a mix of uses that serve our everyday lives. What are some of the issues with the existing designations? Why are we updating them? The existing designations are focused solely on uses, and don't provide any guidance on creating communities. For example, the existing designations separate single-family and multi-family uses into two separate designations, and segregate commercial areas away from residential neighborhoods. The result is that we end up building homogenous neighborhoods that don't offer a variety of housing types to accommodate all families and residents, and we end up with auto-dependent communities that don't allow us to walk to a corner store to get a bag of groceries. And the existing designations are too similar to zoning districts and are often confused within zoning districts. How do the new designations address these issues? What are the benefits? The new designations shift the focus from segregating uses to creating places that respond to the daily needs of the community and promote health and wellbeing. They provide the opportunity for a range of compatible and complementary uses, and they provide urban design guidance on density and intensity and range of uses, park and public amenities, street connectivity and mobility, recognizing that the design of our communities, how buildings relate to the streets, that we have access to parks, that we have places to gather, really has an impact on our lives. Also recognizing the important connection between land use and transportation, how we get around our community, ensuring that we had safe and convenient options, including walking, biking, bus, and automobile. The updated designations also provide the opportunity for and encourage neighborhoods with a range of housing types, from single-family in duplex to multiplex courtyard apartments and townhomes, as well as live-work units, providing for housing affordability. They also acknowledge the importance of preserving the character of existing neighborhoods and special places that communities love. Okay. This is my last slide before I hand it off to Director McLean. Here's a sneak peek at the designations. First off, you'll notice that the updated designations provide a lot more information and flavor as compared to the designations you are used to in the existing Community Plans. Each designation has a general description of the primary and support uses, the purpose of the designation, and important factors, such as mobility

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

and access to parks that are important to provide in these areas. Each designation also has example images of development patterns, building types, typical street types that characterize the designation. We encourage you to become familiar with the designations in Appendix D of the draft plan, and we would be happy to provide a more in-depth presentation on each of the designations as your Committee gets closer to reviewing the maps in the draft West Maui Community Plan. Now, Director McLean will go over the role of the Community Plan once it is adopted by ordinance.

MS. MCLEAN: Thanks, Jen...excuse me...and thanks, Pam. So I was asked to talk about...excuse me...the role of the Community Plan, and are Community Plans guides, or are they laws. And the answer is that it's both. And this may be confusing, and some might disagree with this answer, but this answer is established in the Code that sometimes the Community Plan is guidance, and sometimes it is law. So there's a section from 2.80B that clearly says there are provisions that are meant to be guidelines, and provisions that are intended to have the force and effect of law. When is it regulatory, when does it have the force and effect of law? There are four main examples, and I'll go over each of these one by one. The first of these is with Special Management Area permits. An SMA permit is needed when an action is a "development" as defined by State law. And a subsection of Chapter 205A says that no development shall be approved, meaning that no permit shall be granted unless it's consistent with the County General Plan and Zoning. And as Jen mentioned in that graphic you saw, that the General Plan is comprised of Countywide Policy Plan, the Maui Island Plan, and the Community Plans. And a testifier earlier talked about the *Gatri* case, and he's absolutely correct that in the *Gatri* case, which took place in the Special Management Area, the Community Plan does have the force and effect of law, and the statement from Chapter 205A is reflected in all three of our Planning Commission's rules. Next slide please. The next instance where the Community Plan has a regulatory effect is with changes of zoning, which come before this Council. So basically, these excerpts from Section 19.510.040 of the Maui County Code, which relates to the application procedures for a change in zoning, the Council can change zoning when the intent of the General Plan and the Community Plans are met, and when it's consistent with the Community Plan designation on the map. So this is very clear, very plain, that changes in zoning have to be consistent with the Community Plan. Next slide please. The other example that isn't as often recognized is with County Special Use Permits. Alike with changes in zoning, County Special Use Permits are...the procedural aspects are contained in Chapter 19.510 of the Maui County Code. Special Use Permits are when a specific zoning district provides a list of uses that are allowed, a list of "special uses" that are allowed with a Special Use Permit. And those are approved by the Planning Commission. So like with changes of zoning, County Special Use Permits have to comply with the policies and objectives of the General Plan and Community Plans, and with the Community Plan designation on the map. Now, that all makes sense, right, because...because the zoning has to match the Community Plan, the list of uses, even special uses in that zoning district, should be consistent with the Community Plan map. Third example of when the Community Plan has a regulatory role is with subdivisions. Chapter 19.84 is the subdivision...relates to administration of subdivisions. And subdivisions, as you know, are overall administered by the Department of Public Works. But there is

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

specific language in there that the Director, meaning the Public Works Director, shall determine that a subdivision is consistent with the General Plan and Community Plans. And so the way that the Public Works Director ensures this is all subdivisions are routed to the Planning Department for review so that we review them for compliance with Zoning, Community Plan, Maui Island Plan, and State Land Use Districts. If there are inconsistencies, we can't sign off, and we let the applicant know that they can seek Land Use changes to find that consistency. And lastly, the Capital Improvement Program and the County Budget. Again, Chapter 2.80B talks about that the Budget and Capital Improvement Program shall implement the General Plan...now, to the extent practicable. So you'll be going...this Council will be going into its Budget deliberations soon, and we have really made a big effort with the...this latest round of Community Plan updates to include the other County agencies so that when you consider the Budget, there should be features in there that are specifically called out in the Community Plans and the Maui Island Plan. And so having the Departments cooperate in the Community Plan update process to make sure that the actions in there are ones that they can support and intend to pursue, brings the Community Plans in sync with the County Budget. When is the Community Plan specifically not regulatory? When is it a guide? And that is with Ministerial permits. So again, Chapter 2.80B says that all agencies shall comply with the Plan, and administrative action shall conform to the General Plan except for Ministerial permits, including building permits, grading permits, plumbing permits, and electrical permits. So that's called out specifically in the County Code that those types of permits do not need to comply with the Community Plan. What's missing from this slide set, and I keep meaning to add another slide, is why is it so important though for the Community Plan to still be a guide? Well, there are plenty of actions that many County agencies undertake where they do follow the policies in the Community Plan. Also, with the Planning Department, we administer State Special Use Permits, district boundary amendments that go to this Council for review if the parcel's 15-acres or smaller, conditional permits, parking reductions, Bed and Breakfast homes, short-term rental home permits. All of those permit processes have language relating to the Community Plan. And when those applications are presented to the Planning Commission or to the Council, or if they're even handled Administratively, we do consult with the Community Plan, and that can often make a difference on whether those permits or requests are approved or denied. So it's not a specific regulatory role, but the policy guidelines are still very important on a day-to-day basis. Thank you, Members, and I believe that concludes our presentation.

CHAIR PALTIN: Thank you to the Planning Department Director McLean, Pam Eaton, and Jen Maydan for a very informative presentation. Members, I hope if you had any questions that you wrote them down because we're going to be going into public testimony at this time. And the same guidelines that I read earlier applies, basically three minutes, there will be a buzzer, I'll ask you to conclude, and then I'll open it up to the floor for questions. The first person on our list to testify...I think there's about 28 or so testifiers, so clarification questions, emphasis on that. First one on the list is Mr. Roberto Andrion.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

. . . BEGIN PUBLIC TESTIMONY . . .

MR. ANDRION: Hello, Chair.

CHAIR PALTIN: I hope I pronounced it correctly.

MR. ANDRION: Is everybody...can everybody hear me?

CHAIR PALTIN: Andrion, is that correct pronunciation on your last name?

MR. ANDRION: That is correct, Madam Chair.

CHAIR PALTIN: Okay. Thank you. Go ahead, you may proceed.

MR. ANDRION: Okay. Good morning to everybody. Madam Chair, good morning to you, Vice-Chair King, and also to the County Council for giving me this opportunity. I'm going to read a statement on the ILWU Local 142 on the West Maui Community Plan. The ILWU Local 142 has concerns with the proposed designation of land currently utilized by HC&D. We believe the land should remain designated as industrial to ensure cement operations can continue on the Island of Maui. HC&D provides a number of good paying jobs on Maui, and this is more important than ever with our current economic conditions. Maui County has been the hardest hit County in the State of Hawai'i from the COVID-19 pandemic. Thousands of workers have lost their jobs, many are still unemployed today. At one time, the unemployment rate for Maui exceeded 30 percent, and estimates show that it may take until 2024 until we see pre-pandemic levels for unemployment. Recognizing that, it is important to keep paying jobs that currently exist, while also addressing the need to diversify the economy. Maui County still has a need for cement and concrete. Homes are being built, roads needs repair, new schools are being constructed and many businesses needs repairs and maintenance. Having the cement operation on Maui reduces the cost of these projects, and provides the cement in a timely manner. We hope you recognize the needs for HC&D, and keep the designation as industrial. Jobs also depend on this. And I would really want to thank the Council to hear my...and give me the opportunity to testify, and I yield the floor back to you, Chair.

CHAIR PALTIN: Thank you so much, Mr. Andrion. And I do have some amendments proposed for when the time comes up. We won't probably be discussing 3 and 5 today. And I just had a couple questions, if I may take the prerogative before my colleagues. Do you have any problem with the uses exactly as listed by your current permit?

MR. ANDRION: I don't have a problem with that. My whole concern is that the area is...to be able to use to be able to do what they're doing currently. And I think the whole purpose of my testimony is to make sure they do have jobs. And let's face it, Chair, I mean, whatever we do, concrete will always be there. But it's just the idea that having it readily available for them to use. That is the...that is my concern currently.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

CHAIR PALTIN: And just clarifying that you wouldn't want any of the other types of industrial, not more noxious uses, just specifically your concern is to continue as a concrete batching plant?

MR. ANDRION: That is correct.

CHAIR PALTIN: Okay. Thank you for that clarification. Members, any further questions? Member Sinenci, I see has his hand raised.

COUNCILMEMBER SINENCI: Mahalo, Chair, and mahalo, Mr. Andrion, for your testimony today. So it looks like there are...there's one conditional permit, State permit for concrete batching and there...the SUP is valid until February 28, 2022, ten years from its original approval. Would this designation affect your special use permit?

MR. ANDRION: I'm not sure of the answer on that, Council Sinenci. I wouldn't have an answer to that if it would. I'm not quite familiar with how to answer that.

COUNCILMEMBER SINENCI: Oh, okay. Well, that one is for next year. And then there's a conditional permit that's valid until August, I guess that's the one I was asking about that's valid to 2032. So I can check with the Department. Thank you, Chair.

CHAIR PALTIN: Sure thing, Member Sinenci. And just to clarify, there are two batching plants in two different locations with two different zonings. One is...has a conditional permit to operate, and one has a special use permit to operate. And I'm not sure which is which, but just letting you know that I am proposing an amendment to address it. Any further questions? Member Lee. Go ahead...when you turn on your mic.

COUNCILMEMBER LEE: Turned off my video, now I...okay. All right. Bobby, just want to make sure that everybody knows that you don't work for HC&D, right? You're the head of the ILWU.

MR. ANDRION: Yes, I don't...yes, that is correct, Alice. I don't work for HC&D. I do have members that we are concerned about --

COUNCILMEMBER LEE: Yeah.

MR. ANDRION: -- losing their jobs if something change.

COUNCILMEMBER LEE: Right.

MR. ANDRION: So that's the reason why.

COUNCILMEMBER LEE: Yeah. I just wanted to make that clarification so that you folks don't think he's responding on behalf of the company, yeah?

CHAIR PALTIN: Okay. Thank you.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER LEE: You are responding in...on behalf of the work they do and the workers, right?

MR. ANDRION: That is correct.

COUNCILMEMBER LEE: Yeah, okay. Thank you.

CHAIR PALTIN: Thank you. And then I guess to clarify that, would you be considered as a paid lobbyist, for the --

MR. ANDRION: Oh.

CHAIR PALTIN: -- record...just for the record.

MR. ANDRION: No. For the record, I'm not a paid lobbyist. No.

CHAIR PALTIN: Okay. Any further questions for Mr. Andrion? Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Thank you, Mr. Andrion, for coming out and testifying today. I just have a real...follow up by Chair Lee's. How many ILWU workers are employed at the plant?

MR. ANDRION: Currently right now, with the members that we have, with truck drivers and the quarry, I would go at about 43. That's give or take. That's just...I'm sorry, that's just specifically for HC&D. But of course, there's other employees that basically would be affected as well.

COUNCILMEMBER JOHNSON: Okay. Thank you. Thank you, Chair. Mahalo.

CHAIR PALTIN: Thank you, Member Johnson. Any further questions? Seeing none. Thank you so much for your testimony. We appreciate you taking your time out of your day.

MR. ANDRION: Thank you, Madam Chair.

CHAIR PALTIN: Next up, we have Mr. Roy Sakamoto. You're up for your testimony. Let me check if he's unmuted here. Mr. Sakamoto, you are muted on your end. If you can press the little microphone button, then we'll be able to hear you.

MR. SAKAMOTO: Yes, hi there. Can you hear me now?

CHAIR PALTIN: Yes, we can.

MR. SAKAMOTO: Okay, sorry. I was just trying to get off another meeting here. I'm testifying in favor of having the Plantation Estates designated as rural residential. It conforms with the existing plans for the area, and as I understand, the Committee made a tour of the area recently. And you can see it's a rural area by nature, and it's

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

a natural buffer area between the resort areas and the agricultural areas in Kapalua. So I strongly favor having that rural designation.

CHAIR PALTIN: Thank you, Mr. Sakamoto. Does that conclude your testimony?

MR. SAKAMOTO: Yes it does.

CHAIR PALTIN: And...

MR. SAKAMOTO: And sorry I'm so brief, I've got to get back to another meeting. So, sorry.

CHAIR PALTIN: Oh, no problem. I just wanted to clarify. Did you...what did you mean by the Committee did a tour? This Committee never did a tour.

MR. SAKAMOTO: Oh, I was under the understanding maybe Members of the Committee did recently?

CHAIR PALTIN: Oh, okay. Maybe Members of the Committee, yes.

MR. SAKAMOTO: Okay.

CHAIR PALTIN: Committee Vice-Chair King.

VICE-CHAIR KING: Thank you, Chair. Thank you, Mr. Sakamoto, for your testimony. I think it follows on Sharon Saunder's testimony. So my question is if...so you're asking for a designation for rural residential, is that...are you also seeking a zoning change?

MR. SAKAMOTO: Well...

VICE-CHAIR KING: Because I think one of the things we're going to be discussing is the difference between the zoning and the land use designations.

MR. SAKAMOTO: Yes.

VICE-CHAIR KING: Oh, the answer is yes?

MR. SAKAMOTO: Yes.

VICE-CHAIR KING: You were seeking a zoning change from agriculture to rural?

MR. SAKAMOTO: Yes.

VICE-CHAIR KING: Okay. And that's what the...is that what the Plantation...is that what the Plantation Estates Board wants?

MR. SAKAMOTO: I believe so.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

VICE-CHAIR KING: I just want to be clear because I think there's a shift in, you know, property taxes --

MR. SAKAMOTO: Right. Yeah.

VICE-CHAIR KING: -- with the difference, you know.

MR. SAKAMOTO: Yeah.

VICE-CHAIR KING: So they're in favor of that? Okay, thank you.

CHAIR PALTIN: Member Lee?

COUNCILMEMBER LEE: Good morning, Roy. This is Alice Lee.

MR. SAKAMOTO: Morning.

COUNCILMEMBER LEE: Hi. I wanted to just verify that the initial development of the Plantation Estates, the designation was agricultural because there was no option to have a rural designation at that time.

MR. SAKAMOTO: Exactly.

COUNCILMEMBER LEE: That's what I've been told.

MR. SAKAMOTO: Yeah, very true. We were actually involved in the actual first stages of the planning for the Plantation Estates, as well as the golf course and so forth. And ag zoning was the only zoning then that fit.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR PALTIN: Any further questions for the testifier? Seeing none. Thank you, Mr. Sakamoto, for making the time to come and testify.

MR. SAKAMOTO: Thank you very much.

CHAIR PALTIN: Next...thank you. Next up we have a Mr. Gary Grube.

MR. GRUBE: Hi, can you hear me?

CHAIR PALTIN: Yes, we sure can. Go ahead.

MR. GRUBE: Okay, good. Good morning, everybody. My name's Gary Grube, I'm the owner of Hua Momona Farms, located within Plantation Estates in West Maui. By way of background, I'm an inventor with over 400 issued patents, and a farmer who feels very lucky to be part of this Maui community. The farm provides produce to restaurants and direct to consumers through our farm box and farmer's market channels. Based

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

on statistics from the State of Hawai'i, I believe that my farm is in the top seven percent of all Hawai'i farms based on an annualized dollar volume basis. I'm happy to support the community we care so much about. For example, the farm donates tons of produce to help Maui residents in need...contributions originated by the residents of Plantation Estates and through ongoing programs feeding the homeless. I feel Plantation Estates is not suitable for any more commercial farming. There are several barriers. First, we at the farm spend hundreds of dollars every month on irrigation water from the Kapalua Water Company to grow our crops, and there are frequent irrigation water restrictions imposed on us based on supply. I just can't imagine another farming entity relying on this water source. A second barrier is the layers of plastic debris descending many feet into the soil left behind from years and years of pineapple farming. Most of Plantation Estates' lots are commercially unfarmable for soil-based products based on assessments from our head farmer and other similar professional farming experts with those credentials. Recently, as my farm expanded the production to a lower elevation section of my lot, we uncovered some of this plastic debris. It was a heart-breaking discovery, as it has a negative effect on yield. Please don't maintain the agriculture designation anywhere within Plantation Estates' community, as it comes with a crippling limitation. In the spirit of doing the right thing for the community, I stand by the Plantation Estates landowners and fully support the request to designate all of Plantation Estates as rural residential. Thank you for your kind attention, and I'll take questions.

CHAIR PALTIN: Thank you so much, Mr. Grube. I see a question from Member Sinenci, followed by Member Sugimura.

COUNCILMEMBER SINENCI: Mahalo, Chair. Mahalo, Mr. Grube, for your testimony today. Yeah, I had a question. So should the designation change to rural residential, would this limit residents who want to plant orchards on their property?

MR. GRUBE: I understand it doesn't. And so as a commercial...and as the only commercial farm within Plantation Estates, you know, I feel like I'm the canary in the mine. And it is really tough to be commercially viable up there because of the soil and the water that I mentioned. The designation to rural residential does not prohibit anyone from doing any kind of farming operation from small scale to commercial, as I understand it. And I'm confident that the management team of the homeowners' association is fully committed to supporting any level of agriculture activities.

COUNCILMEMBER SINENCI: Okay, and then a follow-up question. So, you know, should you get the designation and there are more residences put in, I understand that, you know, some of these residents might also take water for if they had a swimming pool...if, you know, several of these residences put in swimming pools, that would also kind of take from your water resources as well, yeah?

MR. GRUBE: It would from the freshwater potable supply. We use...well, we use both. We use potable in our greenhouse for microgreen production, and we use non-potable irrigation water that is shared by the neighborhood and to irrigate their modest crops and their landscaping. And there are frequent disruptions to that based on supply.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

And this is a bigger topic, obviously, water supply in that area. And so, you know, just looking at what we use and the money that we have to spend even with the rains, you know, that are up there. You may think of Kapalua and West Maui as, you know, a little bit rainier than some of the southern areas. There just is not enough rain, you know, to have a viable crop production, so we are forced to do irrigation. And so...and we get restricted. So I just can't imagine even one more entity my size, you know, being feasible in that area.

COUNCILMEMBER SINENCI: Okay. Mahalo, Mr. Grube. We appreciate Hua Momona's contributions to the community. Mahalo.

CHAIR PALTIN: Thank you, Member Sinenci. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much. I think Mr. Sinenci got a lot of my questions. But...so, you're the only farm in that...in the community; is that correct?

MR. GRUBE: I believe that's true. Yes.

COUNCILMEMBER SUGIMURA: Okay, yeah. So...and the rest are homes. You know how many homes there are in that area? Do you?

MR. GRUBE: I don't know, 50-something maybe? Yeah, I know a lot of the lots are not developed, but I think there may be testimony coming up today that will touch on those facts. I'm not representing the homeowners' association, so I'm really not the one to represent that. But I will...I should add that, you know, our lot is near the top of the development, and there were three 25-acre lots set aside in the very beginning. And my intuition tells me that was done to try to promote some entity like me, an individual like me to come along and say, hey, with 25 acres instead of the usual seven or whatever it is, you know, to take a shot at making a real commercial farm. And up on the top...and we're up at about 1,100 feet elevation, we found there was less now that we have found some of the plastic debris that was left behind from the pineapple farming. But I've seen it down at the lower elevations where a friend of mine trenched in his backyard to try to do some orchard planting, and they just found five feet, layer after layer of the plastic. And his farmer told him, we can't do it here.

COUNCILMEMBER SUGIMURA: Thank you for your work that you do, as well as for giving so much to the community. So appreciate that and --

MR. GRUBE: Mahalo.

COUNCILMEMBER SUGIMURA: -- keep on farming. Thank you.

MR. GRUBE: Okay.

CHAIR PALTIN: Thank you, Member Sugimura. I'll take Member Lee, followed by Member King, and Member Kama.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER LEE: Well, Mr. Grube, I just have one question. Are you on a private water system?

MR. GRUBE: No, it's community. It's Kapalua Water Company, which is...well, it's not a government entity, I understand, but it's not my own well, if that's what you're asking.

COUNCILMEMBER LEE: No, no, no.

MR. GRUBE: It's a neighborhood system.

COUNCILMEMBER LEE: I was just wondering if you are on the County system. So you're not on the County system?

MR. GRUBE: I don't think so. Yeah, I don't think so.

COUNCILMEMBER LEE: Okay. Thank you. Thank you.

CHAIR PALTIN: Member King?

VICE-CHAIR KING: Thank you, Chair. Thank you, Mr. Grube, for being here and for farming. Because I know, you know, we're trying to do it in Central Maui and I know it's not easy --

MR. GRUBE: It's not easy.

VICE-CHAIR KING: -- to make a living at it. But you're talking...and I'm assuming you're talking when you talk about the tape, the plastic, it's the tape from the drip irrigation that you're finding, that black plastic from the drip irrigation?

MR. GRUBE: Yeah, in particular it's that, that...you're right, plus the sheets that they would cover the areas where the pineapple grows up through that, right.

VICE-CHAIR KING: Right.

MR. GRUBE: There's that stuff.

VICE-CHAIR KING: The little bits of black plastic.

MR. GRUBE: Yeah, it's amazing how much of...

VICE-CHAIR KING: Yeah, thanks. And so I just wanted to ask you, are you...you're planning to continue to farm?

MR. GRUBE: We are. And I can on my lot because it's unusual because it has far less of that debris than the others.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

VICE-CHAIR KING: Okay.

MR. GRUBE: And we're committed to --

VICE-CHAIR KING: But if we...

MR. GRUBE: -- sticking it out.

VICE-CHAIR KING: Okay, great. Well, if we change the designation, I thought your earlier statement was it doesn't preclude anyone else from farming. So I'm not sure what the...what...isn't that what you said? That you can still farm?

MR. GRUBE: Yeah, and it doesn't preclude us, and I have all the faith in the...you know, the community is super supportive, and we've worked together on these food drives and, you know, I know the nature of the team. Some of them are talking today and, you know, everyone just...to me, they're giving us a lot of love up there at the farm, and we're making things happen.

VICE-CHAIR KING: Okay. So what benefit is it going to have to make that designation if everyone can still farm?

MR. GRUBE: Well it's the right designation for the community because as we've heard earlier today, the agriculture designation was not available and rural residential really is the right one for the makeup of the community. And forcing, you know, people to...that move in to, you know, get into the ag business, if you will, just, you know, is not the right thing to do. That's all.

VICE-CHAIR KING: Okay. So that's kind of the crux of it. And I've been looking at this for years and there are a lot of folks that are in areas that feel like they're being forced to put something in to get that ag zoning, when some of them actually would rather be in a rural designation and not have to do that. So that's kind of what we're talking about here.

MR. GRUBE: I believe so.

VICE-CHAIR KING: Okay. All right. Thank you.

MR. GRUBE: Thank you.

VICE-CHAIR KING: Thanks for your testimony.

CHAIR PALTIN: I believe it was Member Kama next.

COUNCILMEMBER KAMA: Thank you, Chair. Good morning, Mr. Grube, and thank you for being here. So you mentioned that you farm on 25 acres up there in Kapalua; is that correct?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MR. GRUBE: Kapalua. Yeah, of the 25, 11 are gulch and I can't do anything with that. I mean, that's typical of the lots in Plantation Estates, it's just...it's unfarmable to begin with because it's gulch. So we have about 14 of my 25 acres that we can farm on. Yes.

COUNCILMEMBER KAMA: So is everyone up there on 25 acres, or are they --

MR. GRUBE: No, no, no.

COUNCILMEMBER KAMA: -- different, two, and five, and seven, and whatnot.

MR. GRUBE: Yeah. Most are five, you're right. Yeah, most are...just looking at the map, most are five and seven-acre lots, you know, yeah. Ours is an exception.

COUNCILMEMBER KAMA: So the topography as you had mentioned with gullies and things like that, is it throughout the entire estate?

MR. GRUBE: Yeah, most of it. If you look at the topo maps, there are multiple gulches, you know, from Honolua all the way, ridge and the gulch that feeds the bay all the way west to there that comes in down near Fleming Beach. And yeah, that makes it a lot tougher to find flat land or even things that are...that you can work with. You know, it's bad enough where we've just applied to work with the local USDA office, and we're just about ready to start looking at...because of the pitch of our farmable area, we're looking at, you know, irrigation and erosion control, you know, things that they can help us with. And we're frankly hoping to get some grants, you know, to make that work up there. But it's a challenge.

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

CHAIR PALTIN: Thank you. If there's no further questions from the Members, I did have a couple questions. Seeing none. Mr. Grube, currently, the CC&Rs don't have any restrictions on ag activities, and my understanding is because State law doesn't allow restrictions on ag activities on ag lands, ag subdivisions. So my question is, knowing that the two previous iterations of the...your subdivision CC&Rs had severe limitations on ag activities, limiting it to the farming of Norfolk Pines, limiting the types of animals that were allowed, even dogs and cats and whatnot, I just was wondering, so you have no concern that relinquishing this ag subdivision status could cause CC&Rs to change in such a way that would affect your operations when you --

MR. GRUBE: Yeah, so...

CHAIR PALTIN: -- no longer have the protection of State law preventing that from happening?

MR. GRUBE: Right, and I think that's important. I totally agree with that, and I've looked at that, obviously. And you know, in matters on-island, I'm represented by Paul Mancini and his office is super thorough. And, you know, we've looked at this and we

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

understand that it is...it starts with State law and regulatory...the regulations to enable and to promote ag activities, no matter what they are. And even the Maui County Code as we've looked at it does promote ag activities. And as a matter of fact, wasn't it a couple of years ago the Governor signed into force a statute related to HOAs and similar basically can't get in the way of ag activities. So I am super confident, and these are some of the recent changes that does...it really removes that worry from me or anyone else that wants to farm.

CHAIR PALTIN: Oh, I guess I'm not clear with your answer. I thought that the protection was only available if the land was designated ag, and if it changes to rural, then you don't have the same sorts of protections as when it is in ag?

MR. GRUBE: Yeah. So I'm not the expert, and you'll want to have your own people interpret the letter of the regulation, but it's my understanding that it's not going to impact us with just the designation change.

CHAIR PALTIN: Yeah. The...sorry, to clarify, the Community Plan designation shouldn't affect you, but zoning may. Okay. All right. I'll check into that. Thank you for your response. Any further questions --

MR. GRUBE: Thank you for your time.

CHAIR PALTIN: -- for the testifier? Seeing none. Thank you so much for your testimony today.

MR. GRUBE: Thank you.

CHAIR PALTIN: Next up we have Grant Murakami. Mister...is Mr. Murakami still on the call?

MS. LILLIS: Chair, this is Ana at OCS, yes.

MR. MURAKAMI: Yes, I am. Sorry.

CHAIR PALTIN: Oh, okay.

MR. MURAKAMI: Sorry, yes I am. Sorry. Sorry about that. I had a call...

CHAIR PALTIN: Go ahead.

MR. MURAKAMI: Hold on. Good morning, Chair Paltin --

CHAIR PALTIN: Good morning.

MR. MURAKAMI: -- and Maui County Council Planning and Sustainable Land Use Committee Members. My name is Grant Murakami. I'm a Vice-President with PBR Hawai'i, and we're the master planning consultant that has assisted Kā'anapali Land

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

Management and Munekiyo Hiraga in developing the master plan for the Kā'anapali 2020 project. I'm submitting my testimony today in support of the West Maui Community Plan, but with considerations for revision to the land use designations for the Kā'anapali 2020 lands. My involvement with Kā'anapali 2020 began in 1999 when we were selected by representatives from the community as the master planning consultant for the project. My understanding is that after years of contention, community members agreed with the developer to take on a community-based planning process to develop a vision for Kā'anapali lands. This vision to this day guides the development of the project. While the planning for their lands started early on, I remember the late Jim Riston telling the community planning group that we are beginning with a blank slate from which we will develop a plan. This started a plan making process which continues on until today involving numerous meetings with individuals representing all aspects of the community. While the plan was constantly changing and took a while to develop, Kā'anapali Land's community outreach and planning effort was way ahead of its time, and for this, they were recognized by the Hawai'i Chapter of the American Planning Association for the committee-based planning award. Over the last 20 years, the plan has changed from the mixed-use development with two golf courses to one with distinct, livable, mixed-use communities with a clearly defined open space network. Grounded in a vision focused on creating places for people to live, work, and play, the plan incorporates the latest innovative planning concepts in a way that's respectful of the West Maui culture and lifestyle. As part of the West Maui Community Plan Advisory Committee effort, Kā'anapali Land has worked with their community steering committee to translate their master plan into a Community Plan land use designation identified within the West Maui Community Plan. The plan developed by Kā'anapali Land differs from that of the current plan for subarea 2 of the Community Plan currently before you for review. I believe Kā'anapali Land's proposed plan better defines the land uses for the area. Also, the southern portion of the property referred to as Kā'anapali Town South is identified as agriculture and parks open space in the proposed Community Plan. I feel this area should be developed as small town center and residential, as depicted on Kā'anapali Land's proposed plans. Keeping the entire southern portion of the property as agriculture and parks seems to work against the principles of smart growth and livable communities. Given the effort extended by Kā'anapali Land and their community steering committee in developing plans for their lands, I urge you to consider incorporating these changes. Thank you for the opportunity to testify.

CHAIR PALTIN: Thank you, Mr. Murakami. Questions for the testifier? I see Vice-Chair King, followed by Member Sugimura.

VICE-CHAIR KING: Thank you, Chair. Thank you, Mr. Murakami, for being here. There seems to be a lot of support for what you're asking for. And so my question was, did this come up during all those years of outreach and, you know, when they were doing stakeholder meetings?

MR. MURAKAMI: Oh, when we started the process, the southern portion of the property has always been looked at as mixed, including mixed-use, it says including residential,

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

multi-family, single-family, as well as some commercial uses. And there was also parks and open spaces that were included in the plan as needed.

VICE-CHAIR KING: So, no, my question was --

MR. MURAKAMI: Oh.

VICE-CHAIR KING: -- so the request to solidify the Plantation Estates all under rural residential versus --

MR. MURAKAMI: Oh.

VICE-CHAIR KING: -- splitting part of it into ag, the concern that we're getting from some of the testifiers, was that brought up during the stakeholder meetings for the Community Plan, for the West Maui Community Plan?

CHAIR PALTIN: Member King, if I could clarify. Plantation Estate Lot Owners Association is a totally different project and area than Kā'anapali Land Management Corp. The two are not related.

VICE-CHAIR KING: No, I was just wondering if it came up in the West Maui Community Plan meeting, not the Kā'anapali Land Management. But, I mean, the concern that we're hearing today, was this concern brought up along the way during the deliberations. You know, when the community was coming out and giving their input on the Community Plan, was this something that was brought up back then, you know, wanting all of that area to be rural residential versus split half and half.

CHAIR PALTIN: So I'm not sure why you're asking Mr. Murakami when his testimony was about Kā'anapali and not Plantation Estate Lot Owners Association.

VICE-CHAIR KING: Well, because it's all part of the Community Plan process. So I just wondered if some of this came up, if this was stated earlier in the process, his concern.

MR. MURAKAMI: Oh, I'm not really familiar with that other project, so I don't think I can respond on that.

VICE-CHAIR KING: Okay. You haven't been involved in the Community Plan process?

MR. MURAKAMI: I haven't been involved in the...yeah, in related to that effort.

VICE-CHAIR KING: Okay. So you're saying that your...yeah, your issue is completely outside that. Okay. All right. Thank you.

CHAIR PALTIN: Thank you. Member Sugimura?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much for your testimony. And I've been trying to download testimony, Chair, but it's not on eComment, and I wanted to know if he could email your testimony to us because I would love to get that, like to get that information. And I wonder...

MR. MURAKAMI: I...no, sorry about that. I tried uploading it on eComment yesterday, last night, and it looked like it went through.

CHAIR PALTIN: Yeah, so if I can interject the clarification. We were not able to see any of the attachments if folks made attachments.

MR. MURAKAMI: Oh, yeah.

CHAIR PALTIN: Our Staff is going to be working on trying to retrieve them. But because the meeting is in progress, we weren't able to do it right now. And so that's something that our supervisor of OCS needs to be made aware of, that eComment is having some issues. And maybe for the time being, if anybody that submitted testimony that has an attachment and is watching right now, if they can submit it to pslu.committee@mauicounty.us and cc my email, tamara.paltin@mauicounty.us, we'll ensure that it gets uploaded. And we will try to work...we'll have Staff trying to work with the eComment process. Maybe we do need to revamp that whole idea if attachments aren't working and Safari isn't working because, you know, written public testimony is very valuable to us. So we will work on that. And my apologies, I wasn't aware the extent of the problem.

MR. MURAKAMI: Thank you, Chair. I'll get it to you folks.

CHAIR PALTIN: Thank you so much, my apologies.

MR. MURAKAMI: Sorry about that.

CHAIR PALTIN: Member Sugimura does have additional questions.

COUNCILMEMBER SUGIMURA: I just have another question. So this is regarding designation of 97 acres privately owned land as park open space, and I just wondered if you had any comment on that?

MR. MURAKAMI: Is this for the --

COUNCILMEMBER SUGIMURA: Kā'anapali...oh.

MR. MURAKAMI: -- outside of Kā'anapali 2020 Land?

COUNCILMEMBER SUGIMURA: So...let me look at the map. This is Kā'anapali, the 97 acres, West Maui land use designations to support Kā'anapali 2020, and, you know, I don't know your map as good as you do, but if you look at your...if you look at the map --

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MR. MURAKAMI: Yeah.

COUNCILMEMBER SUGIMURA: -- it's on the right-hand side, and it's designated in green or light green, which is parks and open space. So I'm wondering if that was the attachment that you had tried to send us --

MR. MURAKAMI: Oh.

COUNCILMEMBER SUGIMURA: -- as part of your testimony.

MR. MURAKAMI: I actually just sent written testimony, but I believe Kā'anapali Land is going to, or has sent their preferred plan, as well as what is proposed now. But what it is, is it's the south side. If...on the map that I'm looking at, it's on the south side or if you're looking at the map, it's the right-hand side, it's all green and light green --

COUNCILMEMBER SUGIMURA: Green.

MR. MURAKAMI: -- which is ag and park and open space, that's what it's designated now. And that area was actually planned for residential, multi-family, and mixed-use in the planning process, but now it'd be all ag and park open space. So that would make it...you know, that part of the plan would be difficult to implement it if it's just park and open space.

COUNCILMEMBER SUGIMURA: So clarification for that, Chair, one last question. Because your Kā'anapali 2020 plan is...was planned for residential mixed-use and the Community Plan process has changed 97 acres to...it's called parks open space. So do you know if the Parks Department has expressed an interest in receiving that? Or should I ask the Department?

MR. MURAKAMI: I don't know how much communication with the Parks Department.

COUNCILMEMBER SUGIMURA: Okay. And I just wondered...what did you say about the impact of making this change without your...

MR. MURAKAMI: Oh, the change would not allow the master plan as Kā'anapali 2020 had envisioned it to be implemented because it's ag or park open space. And they had envisioned those areas to be a mix of uses, right, including commercial, residential, multi-family, single-family. So there is some areas for parks, but it's a lot smaller than what's shown on the proposed --

COUNCILMEMBER SUGIMURA: So this would significantly --

MR. MURAKAMI: -- right now.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER SUGIMURA: -- I think if I remember because I've gone to some of the meetings, is that...so Kā'anapali 2020 has been working on this since 1990 whatever --

MR. MURAKAMI: '99.

COUNCILMEMBER SUGIMURA: -- and this would significantly impact your overall plan that you have been master planning; is that correct?

MR. MURAKAMI: Right. Yes.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Any further questions for the testifier? Seeing none. Thank you for your testimony, Mr. Murakami.

MR. MURAKAMI: Thank you.

CHAIR PALTIN: I've been notified by my Staff that I guess the eComment is fully viewable on Microsoft Edge, and so maybe it's non-compatible with Safari, Macintosh type projects, iPads. So we'll continue to work on that. I just wanted to let the testifiers know that the intention of this Committee under my direction is to take up sections 1, 2, and 4 first, and 3 and 5 next. We have about, maybe, 20 more testifiers and I would just like to say I'd like to get through public testimony during our three hours today. We do have a recess date, and, you know, it is totally everybody's right to testify when and how they would like to. But if we only get public testimony through today and the recess date, then we'll never begin work on the deliberations. So just something to keep in mind. Thank you very much. Next testifier is Dana Sato. And just a reminder, we won't be going through the maps today or on the recess date. 1, 2, and 4 is land framework, policies, and action items. So, you know, I mean, I'm not trying to tell you how to testify, but if you can help us to help you to do this work, it would be awesome. Thank you. Ms. Sato.

MS. SATO: Aloha kakahiaka kākou aloha e ka luna ho'omai [sic] Ho'omalū Paltin, ka hope luna Ho'omalū King, a me nā lālā o kēia kōmike. Mahalo to the Committee and Chair...Chairperson. My name is Dana Sato. I am the Director of Leasing and Transactions for Kamehameha Schools Community and 'āina Resiliency Group. My kuleana is to manage Kamehameha School's agriculture...cultural and conservation lands across Hawai'i. I am a Maui girl. I'm a graduate of Baldwin High School. I grew up in Wailuku, but my ohana is from East Maui. I am a Ho'opai, and so we were...our family is primarily located in 'Ula'ino and Honokalani, and as we multiply in numbers, we are spread throughout. And so I...as I come before the Committee this morning, I think about growing up on Maui and how when we...my mother would pack us lunches just simply because we wanted to go holoholo over to Lāhainā, and it seemed like such a long trip of 45 minutes at that time. And we would drive past what is now the old road, because we are not talking about the Lāhainā Bypass. And up on the mauka side, I would look up and the fields would be green and they would be swaying

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

in the wind. And when we come near the Ku'ia area, we talk about the Kaua'ula Wind that blows through there. But the sway that we saw was the sway of sugar cane. It was not the sway of what was there in ancient times. And when we listen to a mele, that is entitled Lahainaluna, and it was written by Albert Kaleikini, he states in his very first verse, 'O ka Malu 'ulu o Lele, Nō e ka 'oi. Translated by Mary Kawena Pukui, it reads, the breadfruit shade of Lele is the very best. Not the kō, not the sugar cane, but the breadfruit shade. And Lele, as we all know, is the ancient name of Lāhainā. So at one point in time, Kamehameha Schools Ku'ia lands, and it was before even it was a part of Kamehameha Schools, once was covered with ulu trees and other traditional grown crops. And it is still our hope that one day our Ku'ia lands will once again be covered with diversified agricultural crops that would include 'ulu as well as other traditional and non-traditional crops. As times change, as climate changes, we need to adapt the same way that our kūpuna did. I'm here on behalf of Kamehameha Schools to testify in opposition to recommendation to designate 200 acres of our Ku'ia lands around the Lāhainā Bypass . . . *(timer sounds)* . . . as park open space. I won't go into the map, but I will just tell you that if you look on subarea 3 map found on page 71 of the West Maui Community Plan, what you will see --

CHAIR PALTIN: Ms. Sato, if you can conclude --

MS. SATO: Oh.

CHAIR PALTIN: -- in a few sentences.

MS. SATO: Okay. What you will see there is that those 200 acres that were designated to be put into park and open space is actually part of our 1,100 acres of ag zoned lands. We currently have 54 acres of those in the cacao farm, 12.6 acres of that is in the sustainable agricultural educational program managed by the Hawai'i Farmers Union Foundation. People may say when they look at the land, wow, 1,100 acres and all you using is a small amount of active ag acres? But there's a reason. And the reason is, which is really important, because people may look at our lands now and say it's an eyesore, it's a fire hazard, it's an, it's a...it's barren. The reason is because we no longer have the source called wai. We no longer have the water that can supply the agricultural environment . . . *(timer sounds)* . . . activities that took place so well in the past. So now --

CHAIR PALTIN: Thank you.

MS. SATO: -- the amount of water we receive sustains just that program. And so we very much ask, don't take away our ag lands. We got a lot to do for Hawai'i nei. Okay, mahalo nui. E kala mai, Chair.

CHAIR PALTIN: Thank you, Ms. Sato.

MS. SATO: I'm open for questions. Yeah.

CHAIR PALTIN: Chair Lee?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER LEE: Thank you. Hello, Ms. Sato.

MS. SATO: Aloha.

COUNCILMEMBER LEE: So I'm sure during the Community Plan process with the community, that you made your concerns known to everyone, right? Did you?

MS. SATO: So let me provide this. When we were participating in the Community Plans, Council, our lands were still ag lands. The designation was still ag lands. Then knowing that, we felt quite comfortable. We were not aware of the change that took place, and have not been contacted that the designation had been changed. And it may be that the communication had not reached the right people, I'm not sure. Because we know that Kamehameha Schools is a large organization. But we quite seriously just found out about the change in the designation just recently.

COUNCILMEMBER LEE: I see. Okay, yeah. I was just wondering about that. And my other question would be if you don't have sufficient water for your 1,000 acres, where is the water going to come from for those parks?

MS. SATO: That is a good question. But as we look at it, Councilwoman, if we can get water, or if the County can get water to that place, then we can do it for ag instead of doing it for park and open space.

COUNCILMEMBER LEE: Okay, thank you.

MS. SATO: Yeah.

COUNCILMEMBER LEE: Thank you very much.

MS. SATO: Yeah, thank you.

CHAIR PALTIN: Thank you, Member Lee. Member Rawlins-Fernandez, followed by Member Sugimura.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha --

MS. SATO: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Ms. Sato. Mahalo nui no kou leo e kēia lā. A previous testifier talked about 200 acres of wetlands owned by KS, is this the same 200 acres?

MS. SATO: Not that I'm aware of kumu, but, I mean, Councilwoman, that they would be considered wetlands. My understanding is that some of those lands may have been used as a drainage area, but my understanding is those lands are actually dry, that they do not operate as wetlands. So that's one of the things...when that testimony was

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

provided, I have to say that I had a little bit of scratching of the head trying to think about that. But it is dry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I think what the testifier may have been alluding to is expanding the idea of, like, what wetlands is, and maybe including it as drainage. Well, not just drainage, but where water would be collecting, could be collecting. And Member Paltin, it looks like you're...

CHAIR PALTIN: I don't want to speak on behalf of the testifier, but my understanding of what she was saying was the entirety of the land that was designated by the Community Plan as open space was 800 acres. And in their version of one of the policies was how to define wetlands, and they had originally tried to define wetlands as open space. And so with the taking away of that definition of open space, and then taking away 200 acres of Kamehameha School's land, there would be significantly less than 800 acres of open space. Not that Kamehameha School's land was identified as open space, per se, it was that there were wetlands that the initial plan tried to designate as open space, and that was changed from CPAC to MPC. That was my understanding of her testimony. I could be mistaken, but I don't think that in our community Kamehameha School's lands there next to Lahainaluna Road was ever considered to be wetlands through my understanding. So I hope that clarifies and doesn't make it worse.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair Paltin, for the clarification. And I think you may have answered my second question, which was who amended that? So it was the Planning Commission that amended the 200 acres out of ag to open space.

MS. SATO: That's my understanding, it...and I think the explanation that was provided earlier from the Planning Department was that they're not changing the zoning, they're changing the designation. But in essence, it is changing the zoning eventually as we go through the regulatory system. And it would be something that KS definitely would be taking an adversarial position to.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Sato.

MS. SATO: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: And your testimony...did you submit written testimony as well?

MS. SATO: Yes, we did. So I will send that according to what was provided to...by Chair Paltin. I did attach it, but it may not necessarily have gotten to the group when we attached it --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. SATO: -- through eComments.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR PALTIN: Sure. Before I call on Member Sugimura, I don't think...what I meant by that was the change to the wetland definition came from Maui Planning Commission, not necessarily the change to Kamehameha School's property.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

CHAIR PALTIN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So I understand that the change in the definition ended up having this impact and not that they went in...specifically changed the 200 acres. Mahalo for that clarification, Chair.

CHAIR PALTIN: Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Thank you for sending your testimony. I think we're all at the same place on all the testimony that we're missing. So just to be clear, you're saying that you're looking towards keeping your ag designation and not change it...changing it to park and open space, correct, of your...you have 1,100 --

MS. SATO: Yes.

COUNCILMEMBER SUGIMURA: -- acres.

MS. SATO: Yes --

COUNCILMEMBER SUGIMURA: Okay.

MS. SATO: -- that's correct.

COUNCILMEMBER SUGIMURA: And Chair, with that, I know that this is page 71 of the document. And I think that all the maps, I know you're going to take it up later, but it's so hard to read because it's tiny. I couldn't even guess where this property is, although I know where it is when I drive by it, you know, in Lāhainā. So I wonder if the GPS or GIS folks can give us other maps, or are we supposed to look at it online so we can expand it?

CHAIR PALTIN: If you don't mind, I'll get to that part when we take up maps. But it's the light green portion, it's next to Lahainaluna Road, next to the dark green. So it...it's kind of big. But we'll address that when...

COUNCILMEMBER SUGIMURA: But does it say Kamehameha Schools on it?

CHAIR PALTIN: None of the properties have the owners except for, I guess, DHHL. It's...if you can see --

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER SUGIMURA: I see it.

CHAIR PALTIN: -- Lahainaluna Road, the light green.

COUNCILMEMBER SUGIMURA: Uh-huh.

CHAIR PALTIN: That's...I believe that's the property.

MS. SATO: Yeah. And that entire...as far as we can tell from our own overlay, almost the entire property that's in light green on that Ma'alaea, Kihei side of Lahainaluna Road is Kamehameha School's properties that are zoned agriculture.

COUNCILMEMBER SUGIMURA: Okay. Yeah. Thank you. So you want to keep it in ag?

MS. SATO: Yes.

COUNCILMEMBER SUGIMURA: Thank you.

MS. SATO: Most definitely. Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Any other Members have questions for the testifier?

COUNCILMEMBER SUGIMURA: Oh, I have one more.

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: I have one more. So I'm just wondering through this process, I'm going to ask this to the Planning Department also, and what you said in your testimony kind of brought this to my mind, is any kind of land use changes, such as yours, Kamehameha Schools is really big in our community, were you notified at all by the County that this change may be happening? Or were you just, I think you said you trusted it was going to stay in ag when you were monitoring the West...the CPAC, the community portion? Were you notified by us?

MS. SATO: And so...so number one is we were notified initially, and we have been involved in that. As when this change occurred, I have to say, Councilwoman, that in just our...because it really is a recent knowledge to us who started to work on it, literally within this past few days, we haven't had the opportunity because we started to dive into this as to whether or not the notice may have gone to other members within Kamehameha Schools. So there could be a possibility that the County did do it, but it just didn't come...get to us. And with all that's been happening with COVID, our forms of communication which would normally do, interoffice mails and stuff, it's really changed things up for us a bit. So we're just thankful that we did get notified and thankful...and it was from the Munekiyo Group that did notify us. And with that,

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

then we kicked ourselves into action. And literally, I believe that this might have been just this Monday or Tuesday that we were made aware of it. So, yeah.

COUNCILMEMBER SUGIMURA: So I'm glad you --

MS. SATO: Yeah.

COUNCILMEMBER SUGIMURA: -- I'm glad you know then --

MS. SATO: Yes.

COUNCILMEMBER SUGIMURA: -- because it would be a significant change and a surprise to many people. So...okay. Thank you. Thank you very much.

MS. SATO: Thank you.

CHAIR PALTIN: Thank you, Member Sugimura. I had a couple questions.

MS. SATO: Sure.

CHAIR PALTIN: Is there any number of acreage that you could support for park and open space designation?

MS. SATO: So right now, Chair, I have to say that that's not in our plans. And because our...we still are trying to figure out, and that's the difficulty about it, is how to get water to everywhere. If we can't get water to everywhere, then I guess the response would be is there's a possibility. But we also have a really strong belief in the community that you folks have out on the West Side to be able to help us with that. The...

CHAIR PALTIN: Thank you. I don't want to keep the other...

MS. SATO: E kala mai.

CHAIR PALTIN: That was the question. And then the other question and sorry to be brief, but I don't want to keep folks waiting --

MS. SATO: Yeah, understandable.

CHAIR PALTIN: -- you...do you understand that a Community Plan designation of open space is not the be all, end all. The agriculture zoning wouldn't stop being in effect, and the agriculture zoning is what we ultimately abide by and the only time it would have effect is if you try to subdivide, like say for an agricultural subdivision or something.

MS. SATO: So I have to say that I didn't see that level of clarity, Chair. Because as I looked at the Exhibit D that was pointed out, and it shows the parks/open space, it does say

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

to preserve and manage lands for recreational activities, including golf courses and related amenities, and that's in the very first line. But it does continue to say Native Hawaiian traditional and customary uses, but it doesn't specifically say ag. And so that was what was concerning about it.

CHAIR PALTIN: I guess from the presentation we received, the...from the Planning Department, they said that the underlying zoning kind of trumps whatever the Community Plan designation. So if the underlying zoning is ag, then, you know, the use is ag. And the Community Plans are basically a vision of what the community would like to see. It...without the change in zoning, it doesn't become the reality. But I understand the desire to keep it in ag that you've clarified. So thank you very much for your testimony. Does anyone else have any questions for the testifier? Vice-Chair King?

VICE-CHAIR KING: Just real quick, and maybe you can answer this, Chair. Just looking at the map and there's a lot of light greens. Are we talking about all the light green below the residential area that sticks out to the right of the page?

CHAIR PALTIN: All the way from below the red line and above the red line, I believe that light green...

VICE-CHAIR KING: Everything that surrounds that residential core is Kamehameha?

CHAIR PALTIN: On the south side.

VICE-CHAIR KING: Oh, just on the south side. Okay, that big block on the south side is what we're looking?

CHAIR PALTIN: Yeah.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: Yeah.

MS. SATO: Okay.

VICE-CHAIR KING: There's a lot of little lines, and there's a long strip that runs from Mala all the way along the top side, but that's not yours?

MS. SATO: That's not ours --

VICE-CHAIR KING: Okay, great. All right. Thank you.

MS. SATO: -- Council Chair [sic]. Chair, if I could just add one comment is that Kamehameha Schools, as we look at things, we also...the community engagement is very important to us. So if the community is saying that they want to keep this as open space and parks, it's really difficult for us to understand that when we also think

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

about the importance of agriculture. So if the message from that Community Plan is we don't care about the agriculture, we're going to go over that by designating it open space and parks, it creates confusion for us. And so that's the kind of clarity that we're looking from...for as well. So mahalo nui to the Committee. Mahalo nui, Chair, Co-Chair. Appreciate this opportunity. Yeah.

CHAIR PALTIN: Thank you.

MS. SATO: Thank you.

CHAIR PALTIN: It looks like we have one additional question for you from...oh, sorry, no. Thank you for your testimony.

MS. SATO: Okay, mahalo.

CHAIR PALTIN: Have a good day. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just, I have a question for you. I see that it's 11:10, and we're scheduled to end our meeting at 12:00. There are still 20 people signed up to testify. What happens if we don't get through all the testimony by 12? Do we continue to go until we have exhausted the testifier list, or would you like Members to try to keep our questions a little more concise so that we can get through the list?

CHAIR PALTIN: I'd love for Members to keep their questions more concise. I know Member Johnson has an engagement at 12:00 and will need to leave at 11:55. And Member Kama has a 1:30 Committee meeting. So, you know, we'll just do the best we can, if Members can keep their questions concise. I had hoped to at least finish public testimony today, but we'll see how it goes. I don't want to stifle public comment in any way. Although, I would like to remind the public that we won't be going over maps in my process. We're...I'd like to try and get through 1, 2, and 4 and get familiar with the process first. And I promise to God that there will be a opportunity to testify on the maps before we get to that section. But, I mean, you know, everybody is entitled to their opportunity to testify, but, you know, it is what it is. The public has a right to testify.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification, Chair. I just...I am not familiar with our Council policy. If we don't close public testimony does it just remain open until we reconvene at the recess date? Okay, I see nodding heads, so that's our policy, so it would remain open. And perhaps for consideration, and I'll take this, you know, recommendation myself as well, that we can ask community members, testifiers, if they have...if we have additional questions for that person, that we ask for, you know, their contact information and then we, you know, talk story with them outside of the meeting.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

CHAIR PALTIN: Thank you. And I would also say that if the testimony is on maps, and we're having another meeting where maps will be addressed, maybe we can hold our questions until then as well. That might be good. Chair Lee --

COUNCILMEMBER LEE: Yes --

CHAIR PALTIN: -- followed by Member Kama.

COUNCILMEMBER LEE: -- just want to let you know, sorry I have a meeting at 12:00. I have to leave the call at 12:00.

CHAIR PALTIN: Thank you. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Chair, I am so excited about this meeting and I'll tell you that I'm excited enough to ask you if you wanted...and I'm going to try to see if we can set this up with OCS...because I follow you. And like we've done last year, you know, we've done it gaveled in, gaveled out, recess, reconvene, that if you wanted to do that this afternoon just to get through all of our testifiers so we can continue on the track, that I'd be willing to do that, Chair.

CHAIR PALTIN: Oh, thank you so much, Member Kama. If everybody else is willing, I know HCP is not a seven-Member or nine-Member Committee, but --

COUNCILMEMBER KAMA: Right.

CHAIR PALTIN: -- might be awesome just to get through the --

COUNCILMEMBER KAMA: Just for the testifiers.

CHAIR PALTIN: -- testifiers.

COUNCILMEMBER KAMA: Yes.

CHAIR PALTIN: Yeah. And then if we can help out too by...if the testimony is on maps, let's hold our questions until we actually get to the maps section. That will help.

COUNCILMEMBER KAMA: Up to you, Chair.

CHAIR PALTIN: I'd love that. Just to get through the testimony.

COUNCILMEMBER KAMA: Okay.

CHAIR PALTIN: Thank you so much.

COUNCILMEMBER KAMA: I have someone working on that right now then.

CHAIR PALTIN: Okay.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR PALTIN: Thank you. Okay. Next testifier on my list is Karen Comcowich. Three minutes.

MS. COMCOWICH: Aloha. I'm Karen Comcowich, I'm speaking for myself. I was on the CPAC though. This is all on maps because it's all in response to what was said today. First, regarding Kamehameha Schools testimony about the parks and open space south of Lahainaluna and the Community Plan. This would be a great area for a public park, but I agree with Kamehameha Schools that an agriculture expansion would also benefit the community, so maybe it could be an agricultural park. However, the community also needs a large park within walking distance of Lahainaluna, so maybe expanding the Maui Island...into the Maui Island Growth boundary area south of Lahainaluna towards the existing community park would be a good idea. I also support expanding the historic district, but it is essential to phase out vacation rentals in the historic district, which is currently allowed without a permit. When we're going over this, it is important to remember that this is the West Maui Community Plan. It is not intended to be a developer's plan, or an off-island owners plan, or a realtors plan. Changes made to the maps do not reflect the broader community's desires, changes in the land use designations to industrial, including near the wastewater treatment facility and the area north of Lahainaluna Road. Both the employment center designation and the urban designation, as recommended by CPAC, allow light industrial. Industrial designation is intended to permit intense industrial and manufacturing activities that could include noxious uses. This designation is not appropriate near the future Hawaiian Homes, nor the largest resort community, and especially not near Lahainaluna where many residents live. Light industrial allows the uses that would be appropriate for these areas. We do not need or want heavy industrial on the West Side of Maui. This also does not affect current use. Further, I support maintaining agriculture designations for gentlemen estates including Launiupoko, Puunoa, Olowalu, and the Plantation Estates. These properties were divided, bought, and sold with agriculture designation. It benefits the community's long-term food security to maintain this designation. Much of the land has been degraded by bad farming techniques, but can be revitalized through regenerative farming. All of these areas have potential to increase Maui's food security if they're taken care of by farmers. Plantation Estates benefits from being in one of the wettest spots on West Maui. Please include this in the agriculture designations as per West Maui CPAC recommendations. The owners of Plantation Estates have been very active in this process. And while I find them to be lovely individuals, it is important to note that out of 103 lots with 53 to 56 single-family homes currently built, there are only 10 to 15 full-time residents. The argument against changing to rural residential has very little to do with density. The West Maui community would like to see agriculture land and water used for growing crops. Thank you for your time.

CHAIR PALTIN: Thank you, Ms. Comcowich. Questions for the testifier? Member Sinenci.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER SINENCI: Mahalo, real quick. Yeah, mahalo, Ms. Comcowich. So there...in the plan there are no areas for heavy industrial?

MS. COMCOWICH: There are none, and I really don't think we need them. Light industrial is appropriate for West Maui. Heavy industrial is appropriate for the industrial district in Kahului.

COUNCILMEMBER SINENCI: So the concrete batch plants, does...that does not qualify for light industrial?

MS. COMCOWICH: If they...if you wanted to make an exception so that they can continue using it, but they can continue using any use that is currently being done, so that would not affect their uses. And this is from...the Maui Planning Department repeatedly said this during the planning phases.

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

CHAIR PALTIN: Thank you, Member Sinenci. Any further questions for the testifier? Seeing none. Thank you, Ms. Comcowich for your testimony. Next up, we have Jonathan Kindred. Mr. Kindred, you have three minutes. Please proceed.

MR. KINDRED: Oh, I'm sorry. Aloha and good morning, Chair Paltin. Actually, I hadn't signed in to testify, but I appreciate you calling on me. And I would like to say a few words. Councilmembers, my name is John Kindred. I'm offering testimony in my capacity as President of the Plantation Estates Lot Owners Association, which is part of the Kapalua Resort. Our neighborhood is integrated with the Plantation Golf Course, home of the Sentry PGA Tournament of Champions event. Mahalo for giving me this opportunity to speak, and thank you all for your dedicated service to Maui County. Plantation Estates has submitted written testimony to you dated February the 3rd, and I refer you to that for a full description of our neighborhood. I submitted it as an attachment on eComment, so it's possible you didn't receive it given the earlier discussion, and I will resend it through email. I intend to come back and speak more on the reasons why we believe Plantation Estates should be designated rural residential, which would be consistent with the Maui Island Plan, as well as the recent action of the Maui Planning Commission. I would expect to present that testimony during the meeting in which your Committee will be reviewing those portions of the plan which were changed by the Commission relative to the draft transmitted by the Community Plan Advisory Committee. However, I'll speak briefly today to highlight that we believe that the map for subarea 1 recently promulgated by the Planning Department on January 21, and appearing on page 67 of the draft plan which was sent by email by the Planning Department, is inaccurate and does not reflect the action taken by the Maui Planning Commission. The Commission voted six to two to designate Plantation Estates as rural residential. They did not vote on only a portion of our neighborhood. We cannot understand why the Planning Department has produced an inaccurate map, which splits the designation of our neighborhood in a manner which is not only inconsistent with community harmony, but also appears arbitrary and unfair. Our neighborhood was developed in four phases starting in

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

1990, and all phases are integrated as one legal entity under one declaration of convenience, conditions, and restrictions, as well as one board of director serving as the governing body for the entire neighborhood. We consistently represented ourselves to CPAC and the MPC as one neighborhood called Plantation Estates. We're a peaceful residential community with homeowner residents who actively give back to the broader community through causes such as the Pu'u Kukui Watershed Preserve, the Hawaiian Islands Land Trust, the Maui Food Bank, and Cook with Kids. We respectfully request you to act to designate the entirety of our neighborhood falling within the Maui Island Plan's rural growth boundary as rural residential. Thank you so much for your consideration, and thank you again for your valuable service to Maui County.

CHAIR PALTIN: Thank you, Mr. Kindred. Members, questions for the testifier? Seeing none. Our next testifier will be Brad Poulson, followed by Albert Perez, and then Howard Hanzawa. Mr. Poulson, if you would unmute yourself and begin your testimony. You have up to three minutes.

MR. POULSON: Hi, can you see me? Oh, hang on. I'm sorry, I didn't have prepared remarks today. I don't know how my name got on the list. Like John, I guess. So I have nothing to offer at this meeting.

CHAIR PALTIN: Thank you. Next up we have Albert Perez, to be followed by Howard Hanzawa, and then Kyle Ginoza.

MR. PEREZ: Good morning, Chair Paltin. Can you hear me?

CHAIR PALTIN: Yes, we can. Thank you. Please proceed with your testimony.

MR. PEREZ: Aloha. Good morning, Members of the Committee and Chair Paltin. I'm Albert Perez with Maui Tomorrow Foundation. I would like you to just imagine for a moment that you're an average citizen of West Maui. You care about affordable housing, you care about traffic, over tourism, the beaches are disappearing, and the highway is falling into the ocean. The West Maui Community Plan update looks to you like a chance to make a difference. So you apply, and you are accepted...you're selected for the Community Plan Advisory Committee. You sit through 37 meetings, each of which takes several hours, and there's robust discussion on important issues with many resolved by consensus. There are close votes on others, but overall, it's a good product. You still have a job, you still have keiki at home, but this is important, so you've been sacrificing your weekends and evenings to prepare for the meetings, but it's worth it because you feel that you can make a difference for your community. After all this, how would you feel if the resulting plan were unenforceable? How would you feel if all that work and sacrifice turned out to be a waste of time? How would you feel if this chance to make a difference for West Maui didn't even help? We need to do everything we can to prevent this from happening. We need to use strong language such as shall, and must, and require, instead of saying things like encourage or it would be nice. We can maximize the enforceability of the Community Plan if we word it properly. We also should not use words that claim limits to the plan's regulatory

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

nature. If the Community Plan says that it is not regulatory in any way, then that will be construed as the intent, and it will become true. Let's not make that mistake. Please support the efforts of all the people who contributed to the West Maui Community Plan by making sure the language is clear and enforceable, and that it does not limit its own power. Mahalo.

VICE-CHAIR KING: Chair, you're muted. We didn't hear that.

CHAIR PALTIN: Thank you, Vice-Chair. Thank you, Mr. Perez, for your testimony. Members, any questions for the testifier? Seeing none. Thank you so much for your testimony today.

MR. PEREZ: Mahalo. Aloha.

CHAIR PALTIN: Aloha. We have Mr. Howard Hanzawa, to be followed by Kyle Ginoza, and Chad Fukunaga. Mr. Hanzawa, if you can please unmute yourself and begin your testimony. You have three minutes. And for folks that are surprised to find themselves on the testifier list, anybody logged onto the meeting will be put on the testifier list because we ask those who are just watching to watch it by other means. So that's why you find yourself on the testifier list. Hi, Mr. Hanzawa. Sorry to...

MR. HANZAWA: Oh, no. No problem. Can everybody hear me?

CHAIR PALTIN: Yes, we sure can.

MR. HANZAWA: Okay, good. Aloha, everybody. My name is Howard Hanzawa. I retired from Kā'anapali Land Management nine years ago. I'm here to talk about the history of Kā'anapali 2020. I heard it touched upon earlier, but I'll give you a more comprehensive history. In 1999, Pioneer Mill closed down for good and declared bankruptcy. All the land south of Lahaina to Ukumehame were sold to pay outstanding debts. What remained were the mauka lands above Kā'anapali Resort and the Pioneer Mill site itself in Lāhainā. Understandably, there was much consternation within the community of the closure of Pioneer Mill. There were the lost jobs, the long history, and there was much anxiety about what would become of the remaining lands in the hills above Kā'anapali Resort. The company, due to its long history in West Maui, felt that the community itself should make the decisions to determine how the lands should...could fulfill long-term community needs. From there, the Kā'anapali 2020...excuse me, 2020 planning process was started. To enable this process, the professional help was needed to help map the conceptual plans, and to navigate the developmental maze. The people of the community themselves determined by vote which planning consultants, architects, engineers, attorneys, and cultural specialists to use after interviews with interested parties. Meetings were scheduled and held each month, and hundreds of people attended these meetings over the years. They eventually developed a conceptual plan for Kā'anapali 2020 to fulfill their vision of what the community needed to help future generations. Kā'anapali 2020 remains the only true community-based planning project in the State of Hawai'i. The name Kā'anapali 2020 was derived during the first

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

meetings with the expectation that the process would be laborious and lengthy, and here we are in the year 2021. Many of the Kā'anapali 2020 group members were considered community activists 20 years ago. All of them were truly dedicated and rarely missed meetings over two decades, except for health reasons. In later years, some of them would drag themselves to the meetings on canes or in wheelchairs. Unfortunately, some of the original members have passed away. We hope that the legacy of these dedicated members of the community will be honored with full acceptance of the plan . . . *(timer sounds)* . . . that they had labored on for so long. There will not be --

CHAIR PALTIN: Thank you, Mr. Hanzawa, if you can wrap it up?

MR. HANZAWA: -- another project of its kind...

CHAIR PALTIN: Thank you.

MR. HANZAWA: Thank you very much.

CHAIR PALTIN: Members, any questions for the testifier? Seeing none. Thank you. Next up we have Kyle Ginoza, to be followed by Chad Fukunaga, and then Dick Mayer. Mr. Ginoza, if you can unmute yourself and provide your testimony.

MR. GINOZA: Sure. My name is Kyle Ginoza and I represent one of the landowners in front of the Planning...I'm sorry, in front of the CPAC, as well as in front of the Planning Commission. I represented him for primarily Waianae Lands, as well as some other projects south of Lāhainā. And the process really saddened me in terms of when I looked at the kinds of...the different viewpoints of people coming to the meetings, there was a bent toward accepting some people's opinions as the voice of the community, and trying to stifle other people's voices as the voice of the community. And I experienced that during one of the CPAC meetings, during the map discussions. And so what I would suggest to you, and I would hope that you...really hope that you would do, is to not just listen to or not take the CPAC plan and the Maui Planning Commission plans as that if they agree, that you should just agree and rubber stamp, but to try to do your own reach outs to the community because...like for me, I have friends that live, you know, in Kelaweā Mauka and, like, Wāhikuli. And when I ask them, they have no idea of the process, and they would never participate in stuff like this because, you know, both husband and wife work and have kids. So, you know, I would ask that you proactively try to engage some of these voiceless or kind of uninvolved community members in the process. And my second point is, I participated, Chair Paltin, in your town hall this weekend, and one of the chief problems I have with how the plan is is to have consistency with available infrastructure. Because as we have engaged the County to be able to try to connect, or to plan out how we connect existing housing developments or proposed housing developments, there isn't water or sewer capacity. And it's incumbent on the landowner to try to come up with it. And so I don't know if that's why a lot of the entitled lands have not been...you know, there's a lot of the projects that were approved in...from the 1996 plan that still haven't come about. And so you've got

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

these major...you know, two major State projects, as well as some other ones, that we are going to rely on for the next 20 or 30 years, or 10 or 20 years. And so we should engage the infrastructure departments. Because if we're relying on the County, in my experience as a former County director, it's hard enough just to get a one or two or three-percent rate increase to be able to accommodate operating cost increases, much less trying to get some of these infrastructure projects done to help accommodate some of these affordable housing developments and such. And so it is trying to engage the other infrastructure departments to ensure that the County can work hand in hand between what is being planned, and what is also being the support departments. And lastly, I would hope that the Council would engage the . . . *(timer sounds)*. . . homeowners more. Because we were kind of not really --

CHAIR PALTIN: If you can wrap it up.

MR. GINOZA: -- engaged in the past. Yeah, so we would like more time to kind of explain...like, we have a similar issues as Kamehameha Schools of some of the lands being in open space park and other designations that we have plans that didn't...wasn't accounted for or didn't resonate with certain individuals. So we would just like to be part of the discussion. Thank you very much for your time.

CHAIR PALTIN: There is a question from Chair Lee, followed by Chair...Member Sugimura.

COUNCILMEMBER LEE: So Mr. Ginoza, were you notified or given ample notification with regard to any of the lands that you represent that there may be changes in the Community Plan?

MR. GINOZA: We...thank you for the question, Chair Lee. We actually participated in most of the meetings, or all of the meetings by various representatives. So we were involved. And yet, a lot of the decision making or these proposals were done, it seemed like between, like, at the Community Plan...I mean, Advisory Committee level with...between the Chair and the Planning Department. And so it was kind of thrown upon us, and we had already testified or...I mean, unfortunately, we don't feel like we had an ample opportunity to voice the kinds of projects that we had and, you know...

COUNCILMEMBER LEE: Okay. And the other question I had was you mentioned other people who may not have been represented in...in the community. Do you think even if we did more outreach these people would participate? Or are they just...you know, not that they're not concerned, but they're not accustomed to, you know, testifying, et cetera.

MR. GINOZA: I think in large part, a lot of them are intimidated by, you know, some of these more boisterous individuals or, I mean, just being bullied. And so I would recommend...and in my experience to try to do outreach, it is maybe just sitting at Longs or, you know, you guys are prominent individuals. And so if you say, hey, I'm Councilmember Lee, you know, can you give me an idea of...you know, we're going through the plan, just give me like a two-minute discussion of, you know...really, to me, random people are just really the fabric of the local community. I think that's

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

what's lost in this. You have the same individuals advocating for one side or the other side, and not kind of the silent middle that I would implore you to try to do some reach out on your own as you do your community outreach. Thank you.

COUNCILMEMBER LEE: Thank you.

CHAIR PALTIN: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Kyle. So you spoke to me when you started talking about infrastructure because I'm Infrastructure Transportation Committee. And so I'm just wondering if it's...if possible, if you could just kind of briefly talk about the consistency with infrastructure to connect housing with water and everything, based upon the...I think what you said, the '96 West Maui Community Plan infrastructure. Can you explain that a little bit more?

MR. GINOZA: Sure. So just to give you an example --

CHAIR PALTIN: Briefly.

MR. GINOZA: -- like --

CHAIR PALTIN: Can you explain it briefly?

MR. GINOZA: -- sure. What Ms. Sato had brought up about Kamehameha Schools not having water or such. So we've engaged with...in a similar area with DWS and DEM, and they said yeah, you're on your own. And so like with DEM, with the sewer side, they wanted us to replace a mile and a half gravity line in order to be able to accommodate a small development. And they said, well, that will open up, I think it was like 3,500 homes would be able to connect. So you're relying on, say, like a Kamehameha Schools to do a major infrastructure improvement to allow everybody else. And so it's something that the County should decide...I mean, maybe in the Affordable Housing Committee. But that's where I'd like to see better congruence with, or relationships between infrastructure and affordable housing and other development.

COUNCILMEMBER SUGIMURA: You speak loudly. Thank you. Appreciate it.

MR. GINOZA: Thank you.

CHAIR PALTIN: Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So you mentioned earlier in your testimony that you felt saddened by the process when you were attending these meetings. And you felt like some voices were not being allowed to be heard because of leanings toward one set of ideals or another. So can you help me to explain how many people are at these meetings? And at these meetings, is it always the same people, or

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

are there different people that attend the meetings? And is it always the same leanings?

MR. GINOZA: I would say they fall under the same categories, pretty much a similar cast of characters. And every once in a while you'll see something new. So, like, in one of the meetings, I saw a classmate of mine, and I was, like, why the hell are you here? And so she joined the group, and she came to me...and she's like, I'm never joining something like this. They're just bullying me. And similarly in my group, I said, hey, you know, I represent the landowner here. We're thinking about doing maybe some mixed use. And they were like, we don't want to do anything there. I said, but, the direction by was that the moderator should write everything down. And so it's that kind of interaction that for me, because I need to be there, I tolerate it, but some of these other people are like, forget this. And so that's where I just would like to see you guys not necessarily do a public outreach but, you know, on your own, when you're holoholo in Lāhainā, just stop a few people and say, hey, what you think about this or that. I mean, to me that's...you need that genuine, like, no self-interest. Just, hey, how do I improve my life. That's kind of it. Thank you.

COUNCILMEMBER KAMA: Okay, thank you.

CHAIR PALTIN: Thank you. Any further questions for the testifier? Seeing none. Thank you for your testimony --

MR. GINOZA: Thank you.

CHAIR PALTIN: -- Mr. Ginoza. We have a Chad Fukunaga, to be followed by Dick Mayer, and then a testifier named Margaret. Mr. Fukunaga, if you can, please unmute yourself and begin your three minutes. Thank you.

MR. FUKUNAGA: Hi. My name is Chad Fukunaga, and I'm with Kā'anapali Land Management Corp. And I had prepared a testimony with exhibits to speak in support of the planning efforts of the Kā'anapali 2020. But considering maps will be taken up in a following hearing, I'd like to pivot my testimony to basically just commenting to the...to discussion from the previous testimony. You know, we feel it would be helpful if there was a clear exhibit, probably map based, that would show the differences...or the changes from what is existing today to what is being proposed now. And we've been trying to look for something like that that would be clear and concise and easy for everybody to understand. And I think that will be helpful, you know, in...so going back to the previous comments, you know, how do we get the word out, how do we make people aware, you know, we think an exhibit like that will be very helpful. So with that, you know, I'd like to yield the rest of my time and look forward to testifying at a future date. Thank you.

CHAIR PALTIN: Thank you so much, Mr. Fukunaga. I feel that that's a very valid request, and I wanted to point you out that there is page 93 out of that thing, but it doesn't have a map base and it only has the changes from CPAC to MPC. But I will request

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

something like that before we go on to the maps. Thank you. That...I think that's very valid. Member Rawlins-Fernandez looked like she had a question for you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Fukunaga, just a quick question for clarification. So you wanted the changes from CPAC to MPC, or from the '96 plan to the current plan?

MR. FUKUNAGA: From the '96 plan to the current what's being proposed plan.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification. Mahalo, Chair.

CHAIR PALTIN: Thank you. Any further questions for the testifier? Seeing none. Thank you so much for your testimony and for pivoting in that valid direction. Thank you.

MR. FUKUNAGA: Thank you.

CHAIR PALTIN: Next up we have Dick Mayer, to be followed by a testifier named Margaret.

MR. MAYER: Hello, can you hear me?

CHAIR PALTIN: Yes. We sure can.

MR. MAYER: Okay. First, I just want to say thank you very strongly to all the members of the CPAC, and the Planning Commission, and the Department who did so much work to put this plan before you. I think there was a lot of excellent material in there, but I do have some comments. On some of the maps, it indicates that...I'm not talking about particular properties, but just generally that will help...this may help you as you go through the maps later. The things like the planned growth area mentioned on some maps, but not on other maps, and it's unclear what that means by planned growth area relative to all the other land use designations. And I think that needs to be clarified. For example, you can see that on page 69 and 71 that there are these growth areas that are there, but no definitions in how they fit in. Also, the maps...there's a general map of the whole region with all the various colors, and then there are some detailed ones of neighborhoods and sections within the West Maui area, but there are no property boundaries. And this is very important, the 2.80B calls for property boundary lines. When the Maui Island Plan was put together, we attached something called a map book to the plan, and it's on your County website, that indicates the property boundaries. And you could look at many of the colored areas that go through agricultural areas, we don't know how far out they go or where they go, and I think that needs to be clarified. Another item, I think it's very important to do what you did in the Maui...excuse me, for Moloka'i and on Lāna'i, where you linked the Community Plan to zoning. This plan...it has gone out of its way to avoid any discussion of zoning and what these Community Plan designations would mean to zoning. So down the road, when developers come in or subdividers come in and want to do certain things, it'll be very unclear which zoning districts actually go with which of those Community Plan designations. Moloka'i and Lāna'i did that. And now the Planning Department may argue that they're going to be redoing all the zoning

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

categories based on the audit that was done for that Department, but still, at least at this stage, put in the categories and put a provision in the plan that as the zoning categories are modified, those things will be readjusted at some later date. There's a need for a strong mechanism to implement the plan. One of the most important things in this plan is a whole chapter, Chapter 4, talking about implementation and vaguely says which departments in the County do it. That's one of the problems with all of our Community Plans now and with the Maui Island Plan. People spend hundreds of hours, the Department, the Commission, the CPAC, you folks, are all putting a lot of effort into developing this beautiful plan, but there's no one, one person I'm saying, who's really in charge of implementation. Three years ago . . . *(timer sounds)*. . . or four years ago, you put a--I'll finish up--you put a person in the Planning Department who was supposed to be doing implementation. That person has largely been responsible for just reporting what was done, but not being proactive in implementing any of the plans. You need to get somebody so when it says a policy, this should be done, there should be somebody responsible for making sure it gets done, and what the sequence should be, and the budget prepared for it. So I urge you, in your budget process and in the statements, try to link up the plan with who's going to actually proactively enforce it. And I thank you very much.

CHAIR PALTIN: Thank you, Mr. Mayer. Members, questions for the testifier? Seeing none...oh, Member Lee.

COUNCILMEMBER LEE: Hi Dick. I want to thank you for all the statistics and information you always send us. Very, very helpful.

MR. MAYER: Thanks.

COUNCILMEMBER LEE: So would you think that the person or persons who would sort of monitor and not enforce, but implement the Community Plan to be maybe housed in the Budget Office?

MR. MAYER: It could be in the Budget Office, that would be one place, it could be in Council Services, it could be somebody in the Planning Department. We have a Planning Department Division that has implementation, and they should be very knowledgeable about all the plan elements and the different plans and whatever. But they should have authority. It's not just a person who says, I can do it. For example, there may be an item that needs to be implemented in the plan that requires somebody from the Water Department and let's say Public Works, or two other departments, Parks and another one, Housing. They should have the ability to call these people together and actually say to them, this is what the plan says, I'd like a report in two months on how this gets done, and when will it be done. Or what's the sequence that's going to be done? Or what kind of budget would you need to get this done? They should have someone with real power and authority that could be delegated by the Council, and then ask that they give to the Council, to the Council Services, or to the Council a report if something is not happening that they think is important to happen. There should be just a bit of a hammer there to make sure. Otherwise, all this work that everybody does will be another plan on the shelf. And as we all know, there's all kinds

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

of beautiful statements from the 1990s plans that never got looked at even, let alone implemented.

COUNCILMEMBER LEE: Thank you. Thank you, Dick.

CHAIR PALTIN: Thank you, Member Lee. Members, any further questions for the testifier? Seeing none. Margaret, you're up next, Kai Nishiki was up after, but I think she had to leave so she's going to log in later. After Margaret, we have Kauai Burgess. Margaret, if you can unmute yourself and begin your three minutes testimony. I don't see a Margaret still on the call, so looks like they may have logged out. And I don't see...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR PALTIN: I do see Kai Nishiki at this time. Kai, did you...were you able to testify or did you need to come back on later? I've unmuted you from our end. Looks like she may need to come back later. Kauai Burgess would be next, to be followed by Sham Vierra, and WMI...oh, I might have to refresh my spreadsheet, it says.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. It says she disconnected.

CHAIR PALTIN: Oh, okay. I didn't have my spreadsheet up, I just was...wrote it down one time. Okay, let me go to the spreadsheet.

COUNCILMEMBER RAWLINS-FERNANDEZ: You're right, though. Sham Vierra is next.

CHAIR PALTIN: And just a disclaimer, I may be related to that individual. Sham Vierra, to be followed by WMI Guest, and then Joe Kent.

MR. VIERRA: Please don't worry. Can you hear me? Hi. What are you laughing at. No laugh.

CHAIR PALTIN: Go, testify.

MR. VIERRA: What are you laughing at?

CHAIR PALTIN: Your three minutes is started.

MR. VIERRA: Hi, my name's Sham Vierra. I don't know what you guys talking about, about changing the zoning from whatever to whatever, but keep 'em as ag lands so people going get house, you know what I mean. To me, when I look at it, I know everybody hate Peter, excuse me for say this, you know what I mean. I trying to buy land there right now too, but I don't know what's happening. They said something whatever affordable is bullshit or whatever bullshit is going on. And I look forward for these affordable houses and me and Lorry, my wife, trying to get couple more pieces down there. But now you guys changing something, I don't know what you guys changing to some kind word stuff or whatever. If was an ag land, that's an ag land, just keep it

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

the way it is so people can get houses. Other people trying to get houses. You know, like Greg Brown, Peter Chan, they build Launiupoko, he got shut down, but Greg Brown end up approved for get houses up there, so what's the difference on that? You know, to me I think it's all bullshit, you know what I mean. So I figure...I speaking through my heart --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, decorum.

MR. VIERRA: -- not my brains, you know what I mean. I no more brains that's why. Only get common sense. I get kids trying to get place too. Trying to help them out. They no more money, but I going try help. That's what I was trying to do. But you going change the zoning from ag land to something else, then nobody can build house. I no think so 'cause lot of people need house, you know. Some people, like, you know, different nationality, maybe they don't know this kind stuff, that's why they no speak their mind, you know. But we get feedback from other people like, but they got to talk, but they no like talk. The first time I doing this. Sorry about that Tam, you know what I mean. But it's all good, you know what I mean. But enough is enough. You try get people houses, much as possible. So much homeless on the street now and just disgrace the beach. It's dirty now the beach. People living on there, shitting, throwing needles all over the ground. We the one cleaning 'em up, that's why, every time. The homeless kind.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR PALTIN: Yes.

MR. VIERRA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Mr. Vierra. I'm just...I just wanted to remind everyone that we enforce decorum and swearing is...

MR. VIERRA: Okay, I never swear, I just said bullshit. If that's swearing, you know, my bad. I apologize. Okay? All good. No more conflict of interest over here. I mean, I just speaking my mind, you know. I no do this kind stuff. My sister-in-law, she know that. She probably like, what the hell I doing here? Okay. But then that way we get more jobs. If we get laid off, we get laid off, we no more job. You know, you guys get something against Peter, well, I don't know nothing. But he my employee [sic], that's why I pay my bills. That's how I feed my kids. Thanks to him, you know. I know a lot of people don't like him. . . .(timer sounds). . . He...what is that bell? You kicking me off already?

CHAIR PALTIN: Your time is up.

MR. VIERRA: Okay. I going say not yet, but I not going say nothing.

CHAIR PALTIN: Get questions for you. Questions. Member Sugimura get one question, and if you can not swear, that would be helpful.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MR. VIERRA: Okay, I not going swear.

COUNCILMEMBER SUGIMURA: So I was just going to ask you if you were advocating for Peter Martin's projects, and I think you answered that through the latter part of your testimony. So appreciate it.

MR. VIERRA: Yeah.

COUNCILMEMBER SUGIMURA: Kā'anapali 2020 also has land that they were, you know, trying to build, and through this plan, it got changed. So that's...you're also speaking the word of the people. So thank you very much.

MR. VIERRA: Thank you, appreciate it. You guys have a good day. Go buy lunch for everybody. Tell Tam buy you guys lunch.

CHAIR PALTIN: Okay, try wait.

MR. VIERRA: Bye.

CHAIR PALTIN: Member Rawlins-Fernandez. Hey, whoa.

MR. VIERRA: Okay.

CHAIR PALTIN: Member Rawlins-Fernandez get question, you gotta stay until the end.

MR. VIERRA: Okay, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Real quick.

MR. VIERRA: . . . *(inaudible)*. . . Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Congratulations on your first testimony. Mahalo for making that leap of faith, showing up at the meeting today. Real quick, I think I heard you say you are an employee of Peter Martin, but I wasn't sure.

MR. VIERRA: Yes, I'm employee of Peter Martin.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

MR. VIERRA: That's how I pay my bills and whatnot, you know what I mean.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Mahalo for that.

MR. VIERRA: If he no more job, then we no more job.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MR. VIERRA: Thank you very much.

COUNCILMEMBER RAWLINS-FERNANDEZ: I hope you testify again.

MR. VIERRA: All right.

CHAIR PALTIN: I just had one question...or, oh --

MR. VIERRA: What's the answer? What's the answer?

CHAIR PALTIN: -- Member Molina, did you have a question?

MR. VIERRA: Go ahead, speak your mind.

COUNCILMEMBER MOLINA: No, no, I was just telling you aloha, and congratulations for your heartfelt testimony. Mahalo.

MR. VIERRA: Okay, thank you. Appreciate it, man. You guys have a good day.

CHAIR PALTIN: I get one question for you.

MR. VIERRA: Yeah, okay. Then what's the answer?

CHAIR PALTIN: So you support DHHL...County assisting with the development of DHHL, you on the list?

MR. VIERRA: What list is that? Why you no give 'em to me? Was to bring that paper to me, then I can put my name on the list.

CHAIR PALTIN: The beneficiary list. You support DHHL?

MR. VIERRA: What is that?

CHAIR PALTIN: DHHL land? Department of Hawaiian Homelands?

MR. VIERRA: Yeah, I stay on that list too, all that too. I stay on that stuff, but then nothing.

CHAIR PALTIN: Okay.

MR. VIERRA: Okay.

CHAIR PALTIN: And...and so if you get...if that was moving forward, would help you out?

MR. VIERRA: I jump on that...oh, yeah.

CHAIR PALTIN: Okay. Just clarifying. Member Kama, did you have a question?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER KAMA: I did. I was going to ask him a similar question only thing with the different departments. So --

MR. VIERRA: . . . *(inaudible)* . . .

COUNCILMEMBER KAMA: -- thank you for being here, Mr. Vierra.

MR. VIERRA: Yeah.

COUNCILMEMBER KAMA: So, you know, the County is entertaining...well, not entertaining now, I guess, but we're going to put together a list of people who were looking for affordable housing and --

MR. VIERRA: Okay.

COUNCILMEMBER KAMA: -- so that we could match you up with the...to match you up with the developments that are on their way in. So would you be open to being put on another list?

MR. VIERRA: When, today? Or when is this?

COUNCILMEMBER KAMA: We can start the list --

CHAIR PALTIN: In the future.

MR. VIERRA: Yeah, yeah, yeah. Put my name on. Put my name on and I...I come back again or whatever I got to do.

COUNCILMEMBER KAMA: Okay.

MR. VIERRA: Again.

COUNCILMEMBER KAMA: Thank you --

MR. VIERRA: Thank you very much, man.

COUNCILMEMBER KAMA: -- for coming.

MR. VIERRA: Right on.

CHAIR PALTIN: Thank you, Sham. Congratulations on your first successful testimony. Don't be a stranger and --

MR. VIERRA: Okay.

CHAIR PALTIN: -- no swearing next time.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MR. VIERRA: No more no bullshit next time. Okay. Thank you. Sorry about that.

CHAIR PALTIN: Okay. Bye.

MR. VIERRA: Okay. Have a good one.

CHAIR PALTIN: Next up we have WMI Guest.

UNIDENTIFIED SPEAKER: I think so.

CHAIR PALTIN: You got three minutes. You can unmute yourself...unless that's WML Guest
(audio interference). My bad. WML Guest.

UNIDENTIFIED SPEAKER: Yeah, we're not testifying.

CHAIR PALTIN: Oh, okay. Next up we have Joe Kent. You have three minutes. Go ahead.

MR. KENT: Okay. You can hear and see me?

CHAIR PALTIN: Yes.

MR. KENT: Okay. Thanks. My name is Joe Kent, I'm the Executive Vice President of the Grassroot Institute of Hawai'i which is a free market think tank, and we focus on individual liberty, economic freedom, and accountable government. And we are concerned about the unintended consequences of the plan that are so comprehensive (audio interference) much needed housing projects. Our research into the Maui...West Maui, Plan, which was established in (audio interference) --

CHAIR PALTIN: Mr. Kent. Mr. Kent.

MR. KENT: Yes? Yeah.

CHAIR PALTIN: We are having a really hard time with your audio, and we've noticed sometimes when people turn off their visual, the audio --

MR. KENT: Oh, yeah, yeah.

CHAIR PALTIN: -- would you mind trying to mute your video --

MR. KENT: Okay.

CHAIR PALTIN: -- and we can start (audio interference).

MR. KENT: (audio interference) Can you hear me now?

CHAIR PALTIN: It...yeah, it's better.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MR. KENT: Okay. Sorry. Thank you.

CHAIR PALTIN: If you can, please, start from the beginning because we couldn't hear very well.

MR. KENT: Oh, okay. Thank you. Thank you. My name is Joe Kent, and I'm the Executive Vice-President of the Grassroot Institute of Hawai'i, and we are a think tank devoted to educating about individual liberty, economic freedom, and accountable government. And we're concerned about the unintended consequences of planning documents that are so comprehensive as to be a hindrance to much needed housing projects. Our research shows that the original West Maui Plan was 59 pages long, and the current draft is 170 pages long, that's about three times bigger. Also, the current draft is long and has many legalistic words that seem to guarantee it would create regulatory barriers to more housing. So for example, shall appeared four times in the original plan, but now the word shall appears 64 times; same thing with required, that increased from six times to 19 times. And so we're just concerned that these words, like shall and require, made it...moved the document from a visionary document into more of a legal document and create conflicts that...so we suggest using words like encourage, promote, foster and prioritize. And as a former West Maui resident myself, I used to teach at King Kamehameha III Elementary School until the housing crisis pushed me out. And so I agree with the research that says too much red tape restricts housing, and...and this seems to add more red tape. Thank you all (*audio interference*).

CHAIR PALTIN: Thank you, Mr. Kent. While it was a little bit better, it was still a little bit scratchy. Members, any questions for the testifier? Seeing none...oh, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just want...Mr. Kent, did you submit your testimony in writing?

MR. KENT: Yes, I did.

COUNCILMEMBER KAMA: Okay.

MR. KENT: At the email that Chair Paltin recommended.

COUNCILMEMBER KAMA: Okay. Thank you because I couldn't understand you, so. Go back and go read it. Thank you.

CHAIR PALTIN: Thank you. Okay. And next up we have Kalanimoku Oponui, to be followed by Will Spence. Kalanimoku, if you can unmute yourself? Oh, shoot, it's 12:02. Let's have this be the last testifier, and then we'll...we'll recess until 1:30. Member Kama will gavel in and then she'll explain from there, and then we'll recess to...right after she gavels in and gavels out, and then the rest of the testifiers can continue at that time, hopefully, if they're able to. Member Johnson and, I believe, Member Lee did have a meeting that they had to attend. So Mr. Oponui, if you're okay to give your

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

testimony, you'll be the last testifier for this morning session, and we just have...we're two members down. If that's all right with you, we're all right to take your testimony as the last testifier.

MR. OPUNUI: That's fine.

CHAIR PALTIN: Okay. Please proceed. You have three minutes.

MR. OPUNUI: Okay. Hi, my name is Kalani Opunui; born and raised in Lāhainā, currently employed by Peter Martin. I have a hard time with this bill because I currently struggle with housing. There's too much red...things that keep me from getting a house. Main...the main thing that keeps me from getting a place is my...my past. And I currently...I'm doing good, but it's hard for me to move forward in life when my past keeps me from moving forward. And so I struggle with that, and also addiction, yeah. So right now I fight with two demons. And one is addiction, which I'm currently okay right now, I'm still in recovery, and the second thing is my past. So what I'm asking is that you guys try to make housing a little bit easier to keep people off the streets because right now the beaches is...is loaded, and it's a lot of kids out there that are on the beach. And it's sad for me to see that because I was there, and I no like go back there. That's all I got. Thank you.

CHAIR PALTIN: Thank you, Mr. Opunui, for your testimony. Members, any questions for the testifier? Seeing none. Thank you for your testimony today. We really appreciate you coming down and sharing your testimony with us.

MR. OPUNUI: Okay.

CHAIR PALTIN: Take care.

MR. OPUNUI: Yeah. Bye.

CHAIR PALTIN: So at this time, without objection, I'll plan to recess the meeting. Chivo has asked that if we can plan to come back at 1:50. I think that would give time for them to switch over the reels and the Facebook, and it will give Member Kama time to gavel in at 1:30, explain her plan to us, gavel out, and for Facebook to...or sorry, *Akakū* to do what they need to do. I just was going to check real quick at this time, and that's no guarantee in the future, but at this time it looks as though we have one, two, three, four, five, six, about seven testifiers remaining. And that's just a benchmark, yeah. Some people may not be able to come back or more people may come, but at this time we have seven testifiers, and the plan is to reconvene after our lunch recess at 1:50. Any questions or objections to that plan?

COUNCILMEMBER SINENCI: No objections.

CHAIR PALTIN: Member Rawlins-Fernandez.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'm sorry if I missed it. So we're going to complete accepting public testimony and then recess to next week, or are we going to complete accepting testimony and then deliberate?

CHAIR PALTIN: Well, so Member Kama will address when she gavels in how much time she allots us. And then depending on, you know, how many testifiers we have, the main number one goal is to finish public testimony. If we have remaining time, I will open it up for the Members to ask questions of the Planning Department for the presentation they gave us because I think that would be helpful while we still have it fresh in our minds today, and then I'll explain a little bit of stuff. But I don't think we should begin deliberations today unless, you know, nobody's there to testify. I still think it may take that amount of time for Members to ask questions for...of the Department, based on the testimony we've heard to date, but...until now. So I can pretty much commit that we won't begin our deliberations today. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

COUNCILMEMBER KAMA: Just...just to be clear, I...I have already planned to gavel in at 1:30 and then to recess until 3:00 this afternoon, which would probably give you whatever time you might need. And I've already contacted the departments who are going to be coming this afternoon about the change in time. So they're okay with that also. Just to let you all know.

CHAIR PALTIN: Thank you so much. I really appreciate it. Any further questions? Vice-Chair King? Oh, after you unmute yourself.

VICE-CHAIR KING: I tried that, but I guess the button is sticking. So after we finish with public testimony, then we'll go back to...we'll have the Planning Department there and we'll be able to ask those questions. Is that the intent if there's time?

CHAIR PALTIN: Yeah, that was the intent. Yeah.

VICE-CHAIR KING: Okay. So...and then if we finish that then we...when we reconvene, we won't have the Planning Department there for questions or...

CHAIR PALTIN: Oh, no. We'll need to have them there for sure.

VICE-CHAIR KING: Yeah.

CHAIR PALTIN: Because I can't do it by myself.

VICE-CHAIR KING: I just wanted to make sure of that because it sounded like we might not have all the Councilmembers coming back on at...in the afternoon for the rest of this. So I just want to make sure that we...that everyone's still going to have access to the Planning Department for questions later on.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

CHAIR PALTIN: Yeah. They'll need to probably...we'll be requesting them at every meeting because I can't do it alone without them.

VICE-CHAIR KING: Right, right. Well, at least...I mean, questions about their presentation today, so.

CHAIR PALTIN: Yeah. Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: So did the situation regarding eComment or all of the testimony get resolved?

CHAIR PALTIN: They can't work on it while we're still on the meeting, but apparently there's some incompatibility issues. If you have Microsoft Edge, I've been told you can see it. I've had trouble with Safari. I've had...and...and the like. And I use my Surface Pro for the broadcast, like, you know, for the camera, and then I use the iPad to go on the Granicus app, and I've...I've been having problems. So if you can get to Microsoft Edge, you will be able to see it I've been told, and we'll need to follow up with OCS on compatibility issues across computer stuff. Sorry.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: All right. So then we'll see you back at 1:30 with Member Kama, 1:50 with me. And thank you so much, Members, for your patience with me through this process. It's a very emotional issue for our community and our County, so I really appreciate Members taking the time to hear us all out. If there's no objection, I will recess this meeting to 1:50.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: ...*(gavel)*...

RECESS: 12:10 p.m.

RECONVENE: 1:52 p.m.

CHAIR PALTIN: ...*(gavel)*... Will the Planning and Sustainable Land Use Committee meeting of...the recessed meeting of February 4th return to order. The time is now 1:52. My name is Tamara Paltin, and I'll be your Chair. With us from earlier this morning we have Member...Vice-Chair King, Member Kama, Member Johnson, and Member Sugimura. So we have the barest of quorums right now, and...and I'm sure the other Members will be popping on as they're available. I just wanted to remind folks that we will not be discussing maps. And so, you know, if there's...we're not going to stop anyone from testifying, but we may not ask you clarifying questions if your testimony has to do with maps. If you've logged on to the meeting and you haven't testified before, you may find your name on the testifier list because we ask, if you're not testifying, to look at it on mauicounty.us/agendas or *Akakū* or Facebook

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

Live. So with no further ado, I'd like to go back to testimony. And just some clarification from staff, do I need to read the testimony instructions again, or are we still good from this morning?

MS. LILLIS: Chair, this is Ana at OCS. No, the testimony is still open, so your instructions still stand and you don't need to read them again.

CHAIR PALTIN: Oh, awesome. That'll save some time. Okay. Then the first testifier we have for the second half of this meeting is Jacelyn. Jacelyn, it's your turn to testify, if you can unmute yourself and begin your three minutes for testimony. I don't see a Jacelyn still connected, so she may have disconnected. Next up on the list, is there a Paul? I don't see a Paul still connected. Okay. Next up we have Peter Martin, and I...I don't see Peter Martin still connected...oh, Peter Martin is here to testify under WML Guest. Yes.

MR. MARTIN: Should I put the screen on?

CHAIR PALTIN: You have three minutes, Mr. Martin.

MR. MARTIN: Yes, hi.

CHAIR PALTIN: Might want to toggle the screen. It...it...we see wood...wood or something.

MR. MARTIN: Okay.

VICE-CHAIR KING: Hardwood floor, looks like a hardwood floor.

CHAIR PALTIN: You might want to --

MR. MARTIN: Okay. Hold on.

CHAIR PALTIN: -- face you.

MR. MARTIN: My...my battery just went dead so I'm on another laptop. Can you hear me?

CHAIR PALTIN: Okay. We can hear you. Please begin your testimony.

MR. MARTIN: I wanted you to see my picture. I'm real handsome. Do you see it?

CHAIR PALTIN: We don't, but we can hear you and --

MR. MARTIN: Okay.

CHAIR PALTIN: -- we have a lot of folks here to testify.

MR. MARTIN: I only have three minutes so I understand. Let's see. Okay. So, you know...as you know, I...I'm a landowner in Olowalu and Makila and Wainee and I'm

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

very fortunate to be a landowner, but...oh, I'm very fortunate. Can you see me? I'm very fortunate to be --

CHAIR PALTIN: Yes, we can.

MR. MARTIN: -- a landowner. I...I don't want to be a landowner. I want to develop the property and sell it to local folks and families and owner occupants in the Olowalu and Makila area. I...I actually live with my wife in Olowalu. My daughter lives there, and her husband and children. It's such a great place to live and the idea, I think...I think my wife, Maggie's, going to testify in a few minutes, I hope. But the idea was...the CPAC process, as Kyle said, was very intimidating and a...a bullying process. It wasn't a fun thing to attend. I attended many of them, in fact, almost...most of them, and I don't feel we're listened to. The community wasn't listened to. In fact, afterwards, I contacted seven of the CPAC members...7 of the 13 and have a letter signed by them that they, all seven of them, would like to see homes in Olowalu and Makila. And these seven people are, I think, some of the...to be some of the most respected Members on the CPAC. They've lived here the longest. Most...many of them were born here and they were older, they were kūpunas. I guess I'm even a kūpuna now and I'm proud of it and so we're...we just hope that Council listens to the community. And I really like what Kyle said a little while ago. Just go to out front Longs, or somewhere and ask, hey, where you live? You have a home? Are you renting? Would you like to live in Olowalu? Would you like to live in Makila? And...and you will see that the community very much would like homes in Olowalu and Makila. If we're going to try to do a survey...we are going to do a survey, Kyle's going to do it with us and...to show you that the community...it's just not true to say the community doesn't want folks living in Olowalu or Makila. And that... that's my testimony. Thank you. And I'd love to ask...if everybody wants to ask questions, I'm available.

CHAIR PALTIN: Thank you, Mr. Martin. And I just wanted to recognize the attendance of Member Rawlins-Fernandez, Chair Lee, and I think Member Sinenci. Does anyone have any clarifying questions for Mr. Martin? Seeing none. Thank you, Mr. Martin, for your testimony.

MR. MARTIN: You're welcome.

CHAIR PALTIN: Next up we have...let's see. We had someone named Kaviki (*phonetic*) but I think they're disconnected, and so next up would be Junya Nakoa. Junya, if you can unmute yourself, we're ready to receive your testimony.

MR. NAKOA: How's it? Can hear me?

CHAIR PALTIN: Yeah, go ahead.

MR. NAKOA: Okay. Yeah, how's it? Morn...not morning, but afternoon already. What you call? I was listening this morning, yeah, and then I heard a Kapalua Land Company guys talk, the Kā'anapali Land, and the...also the Kyle Ginoza guy talk, all these developers, yeah, they talking. They like have, what you call, meeting with the people

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

of Lāhainā. I ready for meet any time, and I can organize one meeting and, you know, we can get talk some with some locals. I don't know why they asking you guys, the Council, because you guys is busy buggahs, especially now, and so I don't know why they asking you guys for go talk to everybody and go walk around, go holoholo, go talk story. They should be coming to us and talking to us guys of Lāhainā and...I sorry. Yeah, plenty of the people I know no like stupid development, they like smart development. And so the Kyle Ginoza guy, he going do one...one survey, please, include my...my statement. You know...you get my numbah. In fact, all you developers, my numbah is 796-6421. Call me up, we go organize a meeting because I know like plenty guys like talk story. But you know what? The West...West Maui CPAC, I went to couple of the meetings. I nevah feel intimidated by nobody, and if you intimidated then you a scary cat that not be shown and all da kine stuff. And any developer like have one meeting, eh, call...call me up because I can organize one because right now I organizing one meeting with my...my representative from the State House on Monday that going talk story with all of us from Lāhainā and the whole District 10. So I no scared. You guys like me make you a meeting? I make you one meeting. Call me up, you developers. Let's do it and no boddah da Council because they busy. They gotta do other stuff. So I just leaving it open, because I told the Council this last year anything to do with Maui I going get involved, I going protect West Maui. I going stand up for West Maui, and yeah, I not only going talk about 'um, I going do 'um. So call me up, developers. Peter Martin, you get my number. All you...Kā'anapali 2020, I work with you guys. In 1998, I when go...I was there in the very beginning with the meeting that you guys had by McDonald's here in Kahanā, the Kā'anapali 2020. One thing I like say is mahalo, Tamara. Hold these guys in compliance, all these developers that owe us houses. Eh, build our affordable houses first before you guys going talk about any other changing of zoning for some more other properties. Build the houses you guys owe us already, and yeah, shoots. That's all I get for say. Sorry it took so long. . . .(timer sounds). . .

CHAIR PALTIN: Oh, perfect timing.

MR. NAKOA: Oh, perfect.

CHAIR PALTIN: Thank you very much for your offers. And Members, any questions for the testifier? Seeing none. Thank you so much for your testimony, Mr. Nakoa. We see you on the other side.

MR. NAKOA: Yes.

CHAIR PALTIN: Next up we have Jordan Hocker. Jordan, if you're on, please unmute yourself and begin your three-minute testimony.

MS. HOCKER: Okay, I'm here. Can you hear me?

CHAIR PALTIN: Yes, we can. Thank you.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MS. HOCKER: Okay. Thank you so much, Planning Sustainable Land Use Committee, for your time here today. I'm just going to make this really short. I'll say something...in the proposed amendments in Section 2 by the Planning Committee, Section 2.1.10, there's a one language...there's a one-word change in the West Maui Community Plan draft and what the Planning Commission recommends, and it's encourages versus requires for water use. I don't think that language should be changed. I think it should be a requirement for private or public water usage to have to adhere to the suggestions made in the plan. This sort of ties into what concerns me when I am listening to some of this testimony today. I've said this before, I don't think that the recommendations of an entire community or CPAC coming together should be held equal in terms of recommendations made by developers who seek to turn a profit from influencing changes in the community plan. I think it's a huge conflict of interest. In regards to the wording change starting Section 2.1.10, you know, we're dealing with private utility companies, private water companies who, in my opinion, are grossly mismanaging a community...a shared community resource. And so, I just want to bring that forward that, you know, I would beg you to recognize the difference between people who have everything to lose versus people who have everything to gain. And I think that, you know, the West Maui Community Plan was drafted by people who had the most to lose, and I resent the implication that somehow a majority of the CPAC members now feel like they disagree with their own decisions that were made. I've heard that on more than one occasion from someone who is a known developer in the West Maui area. So I'll just keep that. I'll wrap that up. Thank you very much, everyone.

CHAIR PALTIN: Thank you, Ms. Hocker. And just to clarify, that was 2.1.10?

MS. HOCKER: Yes, under Section 2 of the pages.

CHAIR PALTIN: Was that the only one? Did you say one before that two-point...

MS. HOCKER: Just the one. I also do need to ask. I tried to submit e-testimony [sic] but it wouldn't allow me to do so. I sent an email to you as well.

CHAIR PALTIN: To that plsu.committee@mauicounty.us?

MS. HOCKER: Correct, yeah.

CHAIR PALTIN: Okay, thank you. We'll make sure that gets put up there. I see Vice-Chair King has a question for you.

VICE-CHAIR KING: Yeah. Thank you, Chair. I'm just trying to...I'm a little confused about the Section 2.1.1 that you were talking about because...what was the language that you...that what I...the one that I am reading, it says proposed community plan amendments for new development on existing golf course land...

CHAIR PALTIN: Oh. I think she meant 2.1.10.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MS. HOCKER: Oh, so sorry, yeah.

VICE-CHAIR KING: Oh, point-10. Oh, okay.

MS. HOCKER: Yes. I think that...

VICE-CHAIR KING: Oh, okay. So you're saying that it used to say require --

MS. HOCKER: Requirement.

VICE-CHAIR KING: -- require public and private water purveyors to coordinate water developments instead of...now it says encouraged.

MS. HOCKER: Yes, yes. I think that it should absolutely be a requirement, and that there is some...I don't know. Maybe there's some other people having conversations, but I happen to know that we should require private water companies, especially to do their due diligence, and to serve the community that they're providing water for.

VICE-CHAIR KING: Okay. And then in your testimony, that was what came out of the CPAC, but then it was changed by the Planning Commission.

MS. HOCKER: Correct, yeah. I have the Planning Commission changes in front of me here.

VICE-CHAIR KING: Okay. Got it. Thank you. Thanks for being here.

CHAIR PALTIN: Thank you. Members, any further questions for the testifier? Seeing none. Thank you so much for your testimony, Ms. Hocker. Next up, I believe we have Maggie Martin. If you're available, please unmute yourself and begin your three minutes of public testimony.

MS. MARTIN: Can everybody see me? Hello, Chair Tamara Paltin, thank you, and Councilmembers. I'm here today to discuss not trying to take away any opportunity we have left for affordable housing on the West Side. I attended CPAC meetings. I attended three. And I have to say, you know, it's a very, very small representation of West Maui that shows up. I think we need more time and more resources to help us reach out to the community because there is a bigger part of the community that can't attend these meetings to voice their opinion because, A, they work, the kids have after school programs. It's really hard for the West Side as we have two or three jobs, and they can't attend every meeting and every hearing. But, you know, the CPAC meetings that I did attend to were really hard to participate in, as it's really hard to comment. And you can see it's...one that I did make a comment and it was videotaped that I would like for all of you to see of how it was conducted. It was just very unjust. And I think we need better communication with the community. I mean, even as...if we take any opportunity away and change the island plan that was developed...and I'm new to this, but what I'm understanding like from Howard Hanzawa, you know, I don't know what kūpuna...it really does mean respecting your elders, and I do consider these people that did put their time and effort after the Pioneer Mill that they were our

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

respected elders because they did pay attention to the community's needs after they lost their jobs from Pioneer Mill. So to take that torch on for another ten years after and to abolish it I think is really disrespectful because that is our community for ten years, and I think we really need to heed to that as much as we can. And I would like to get as much time as I can with people, the landowners on the West Side. And even though I will not use my husband's name because out of respect for the rest of the people and the Council, we have to work with him because what is West Maui? If you take away all those opportunities, what are we left with? So if you want to wait for Kā'anapali 2020, or maybe that'll be another 30 years, but it's like if your kids, or your daughter, or your son had a project that started in 2006 because their grandparents had passed away and gave them an opportunity to build something, and then you all of a sudden take that away, what hope does our West community have? They don't have a lot. And we have an opportunity to keep to that, and we are here. And I want to make it clear that there is a lot of people that have their voice that want to say about the West Maui community. They do want to live on Maui on the West Side, and we have opportunities. And I'm here to help and listen, to go and see each and every one of you, and I would love to hear what it is that you need me to do. . . .(timer sounds) . . .

CHAIR PALTIN: You can wrap up.

MS. MARTIN: Thank you.

CHAIR PALTIN: Thank you. Members, questions for the testifier? Seeing none. Thank you for your testimony. Do you know if Shigi Kaihewalu is there with you to testify?

MS. MARTIN: . . .(inaudible). . .

CHAIR PALTIN: We didn't catch that. Is there not a person there with you to testify?

MS. MARTIN: No. He's not here.

CHAIR PALTIN: Oh, okay. All right. The next person I have on there is Elizabeth Guth. Elizabeth Guth, if you can unmute yourself, and we'll hear your three-minute testimony at this time. Let me just check if she's muted on our end. Oh, I see that she might've dropped off the call. Okay. Next up we have Elliot Perry. Elliot Perry, if you can unmute yourself, and begin your three-minute testimony. I guess he decided to drop off the call as well. Tam Kim. Tam Kim, if you can unmute yourself and begin your three-minute testimony. I unmuted you from our end. Oops. I'm trying to unmute you from our end. Okay. Yeah, I'm having a little trouble unmuting Tam Kim from our end.

MS. LILLIS: Chair, I think we've successfully done it.

CHAIR PALTIN: Oh, okay. Okay. Tam Kim, go ahead and give your testimony. On my screen it still shows muted from our end. I'm going to try unmute all. Okay. Tam Kim, you're unmuted from our end, if you can unmute on your end, which is to click

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

that little microphone icon right next to the video icon and the share screen up at the top, we'll hear your testimony. Tam Kim. We may need to return to Tam Kim. Okay. All right, we'll try and come back to Tam Kim. Next up, Shigi Kaihewalu.

MR. UNLU: Hi. Can you hear me?

CHAIR PALTIN: Are you Shigi Kaihewalu?

MR. UNLU: Yes. It's actually...I'm sorry, I'm Yugit Unlu. I see my name on the...I'm sorry. That's my...it's not my turn, my bad.

CHAIR PALTIN: No problem. Is there a Shigi Kaihewalu connected to this meeting ready to testify?

MR. KAIHEWALU: Yes.

CHAIR PALTIN: Okay. Oh, are you on Maggie Martin's computer?

MR. KAIHEWALU: Yes, I am.

CHAIR PALTIN: I asked her if you were there, but she said no. Okay. Go ahead. Begin your three minutes.

MR. KAIHEWALU: Okay. I just want to say good afternoon to the Chair and the board. And my name is Shigi Kaihewalu. I'm from Wailuku. And, you know, I just wanted to share a little something about myself that, you know, I've been a ward of the state for 25 years, you know. I just got out three years ago, and you know, one of my long-term goals in there was to own my own house, you know. And when I left in the '90s, the houses was about 200,000. I come home and it's like a million dollars, you know. So, who can afford a house at a million dollars, you know? A lot of friends and family that moved to the mainland because of the prices, you know, of the houses and stuff, but I just, you know, my long-term goal is still to go get a house, buy a house for myself and my family. And I just wanted to say that I support the affordable homes.

CHAIR PALTIN: Thank you, Mr. Kaihewalu.

MR. KAIHEWALU: Yeah.

CHAIR PALTIN: Is that the conclusion of your testimony?

MR. KAIHEWALU: Yes, it is.

CHAIR PALTIN: Okay. Members, any questions for Mr. Kaihewalu? Seeing none. Thank you so much for --

MR. KAIHEWALU: Yeah.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

CHAIR PALTIN: -- your testimony today. I'm going to check back in with Tam Kim. Tam Kim, are you available to testify, or can you unmute yourself? Tam Kim, you're unmuted on our end. Okay. We'll circle back at the end to Tam Kim. Yugit Unlu, it's your turn now, if you can unmute and begin your three minutes. Thank you so much for waiting.

MR. UNLU: Sorry, I was a little bit early. I just wanted to give a little bit feedback. I recently applied for a water meter on the West Side, and I was denied so I check back into the West Maui Community Plan. And I see that the item 2.1.10 and 2.1.12 is not really clear. I was hoping that would be more details in this plan and to who's going to be providing water, where's the wastewater is going to go. So I would urge Councilmembers to look at more information on the responsible departments. Thank you.

CHAIR PALTIN: Thank you, Mr. Unlu. Is there any questions for the testifier? Vice-Chair King has a question for you, Mr. Unlu, if you can hang on.

MR. UNLU: Yeah.

VICE-CHAIR KING: Aloha, Mr. Unlu. Thanks for your testimony. I just wondered if you were given a reason for your denial, the denial of your water meter. Because it couldn't...it shouldn't have anything to do with the plan because we haven't passed this new plan yet.

MR. UNLU: I understand. I guess there's not enough water, so that was the reason that was given.

VICE-CHAIR KING: Okay.

MR. UNLU: So I don't know is it acceptable, or if there's no more water, how is there a community plan like there...

VICE-CHAIR KING: Well, it wouldn't be about this community plan. It would be a totally separate issue, so I just wanted to find out what was the reason you were given. Thank you.

MR. UNLU: So, when I read the plan, I see that it talks about water and wastewater, right. Is it public or private...

CHAIR PALTIN: Oh, I think if you answered Member King's question, it's...we're not in a...the process doesn't have time for discussion. I'm so sorry. And I see we missed Tanya Higa. We thought she had been disconnected. I guess we didn't realize she was using a community computer. So Tanya Higa, your time to testify, if you can unmute yourself and have three minutes. Go ahead.

MS. HIGA: Hi. I'm Tanya Higa. I am born and raised on Maui, and I am for affordable housing because I have a lot of family and friends that really could use some house to

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

live in versus having to rent with our parents. There's nothing really available nowadays. And basically, I've been looking all over myself for an affordable housing area. There's nothing really here on Maui other than apartment complexes, and I'm somebody that loves ag. I grow my own fruits, vegetables. There's nothing really available out there that's affordable. That's all I get for say.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Seeing none. Thank you so much for coming --

MS. HIGA: Thank you.

CHAIR PALTIN: -- to testify with us today. Let's see, next up we have Jeri Dean. Jeri Dean, if you're available, please unmute yourself and begin your three minutes.

MS. DEAN: Thank you. Can you hear me?

CHAIR PALTIN: We sure can.

MS. DEAN: Thank you. Thank you. So I had the opportunity to be a member on the CPAC, and I'm from Lāhainā. And participating as a member of the CPAC in the process was actually very eye opening for me. It was a great experience. And just prior to the shutdown resulting in COVID, I remained quite active and engaged in nearly all of the CPAC meetings. And in reflecting my experience on the CPAC, I did have a few takeaways. I found it very interesting that there was often a disparity of time given to presenters on several occasions. There was a time when different developers were given just three minutes each to share what they probably spent a lot of time and money on with expert data and information, while other testifiers who were anti-development were given a minimum of 30 minutes each with encouragement of the chair and Department. I had a sense that there was an agenda throughout the process and those who supported the plan had the unyielding floor where those members, both on the CPAC or community who had questions or disagreements to the plan, received verbal lashing, criticism, intimidation, and were even blatantly told that their input goes against the chair or the current plan, and I am speaking on experience. There were CPAC members that spoke against the treatment of the opposing opinions, and it was ill received. I looked forward to being a part of the process and being able to participate in collaborative conversations in equitable proportions, and my experience did not reflect such. Do I believe the current plan reflects the...what the community wants? No, I do not believe so. I believe many of the developers who have a desire to build affordable homes can be guided with guidelines to be culturally sensitive while supporting our people, and that the majority voice is unable to be heard through the current process. I also believe the CPAC could have been an actual opportunity to come together rather than a process guiding members of the CPAC of what we don't want you to do. And that...I wanted to share this, and I thank you for your time.

CHAIR PALTIN: Thank you, Ms. Dean. Members, any questions for the testifier? Seeing none. Thank you for your testimony, Ms. Dean. Next up, and you know, I'm really

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

sorry if I mispronounce your name, but I'm just going to take a stab at it. Hienie Davis, it's your turn to testify. If you can unmute and begin your three-minutes testimony. And I hope that's how you say your name. Let's see, let me look if they're still logged on. Oh, I don't see them still on. Okay. Next up, we have testifier by the name logged on as Jinny. Jinny, if you can unmute and begin your three-minute testimony, we're ready for you.

MS. YAP: Aloha. This is Jinny. Can you hear me?

CHAIR PALTIN: Yes, we can.

MS. YAP: Thank you so much. Aloha. I just wanted to take a minute to...I've been to many of these meetings, and I'm here again to verbally express my support to affordable housing on the West Side. I...you know, earlier today, I did hear a lot...a bullying comment, and you know, with the times that I've gone to the meetings, I feel like our entire West Maui community should be at these meetings, of course, at least the ones that have received an affordable housing. I think a lot of our local community that live in homes that they've recently gotten into don't even really know how they got the homes, and that this is important...that there's a lot more families that need homes than the ones that got some. That's awesome, that's great. But we keep attacking affordable housing. Like, I'm just so baffled to continuously see hotels and building developments and things like that, and I mean, the outpouring response on affordable housing, I mean like, do we really...we're trying affordable housing to keep our local community. Anything that Peter Martin ever dished out, he's even made it where West Side would get priority. I mean, the ideas just keep coming as far as how our community can stay on the West Side, and how we can keep our babies home. So I'm here again just reiterating that great...I heard one suggestion. Go down to Longs and stand out there. That would be great. But as far as like me showing up to a meeting where there's other people who are not, we're not having a discussion, they are pissed. They are pacing around. They are swearing. I've been to meetings where they're actively swearing with our Councilmembers there, and no one checks them. So I definitely feel the bullying. I'm not...you're right, we shouldn't be scared, but it's real. It's a real subject, and I should hope that at least the support from a Councilmember is to control the situation, and maybe, just maybe more of the community would show up. I've been born and raised on the West Side. The majority of my community, we not like that. We don't talk like that to each other when we at Longs and Safeway. Very, very small amount of people carry that attitude. And this thing about affordable housing, I'm not even really sure if they're fighting affordable housing. I feel like they're just fighting a name. They see Peter Martin's face, his actually face, and other people in the company, or they don't know all the other developers, so they just all in, all in for this one. And I'm just hoping with your guys' help that maybe this round . . .(timer sounds). . . we can help the situation just (audio interference) situation a lot better.

CHAIR PALTIN: Please conclude your testimony.

MS. YAP: That's it. Thank you.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

CHAIR PALTIN: Can you provide your last name, please, for the record.

MS. YAP: Dean Yap. Jinny Dean Yap.

CHAIR PALTIN: Jinny Dean Yap.

MS. YAP: Yes.

CHAIR PALTIN: Thanks, Jinny. Members, any questions for the testifier? Seeing none. Thank you for your testimony. Next up, we have Joshua Dean. Mr. Dean, can you unmute yourself and begin your three minutes?

MR. DEAN: Hi, Councilmembers. Can you hear me?

CHAIR PALTIN: Yes, we sure can.

MR. DEAN: So, you know, before this meeting, this is about the community, this community plan, and that the Community Plan Advisory Committee put together with the assistance of the Planning Department. So I looked up the definition of plan. I'm going to read it to you. It says a detailed proposal for doing or achieving something. So I thought about that. What does it take to come up with a plan, and is this a plan? And I would argue that this community plan is not a plan at all. It has nothing to do with achieving anything. All it was was just a...it was a plan to prevent things from happening. So you got Kā'anapali 2020, right, taking their plan that took 20 years to come up with, and then just wiping it off a map because a group of people think that for some reason that it's not good enough, you know. Or we take, you know, Makila and Olowalu, and all that effort that went through the Maui Island Plan, and then scrapping that. You know, because you have this segment of the community that says it's not good enough. So it's not about achieving anything. It's about not allowing the plan to happen. The plan was arrived at by the island plan, and this process was to try and get rid of the plan. So think about what it takes to plan something, all right, and who you need to come up with an active plan. Let's say affordable housing, I've been involved in several affordable housing projects. All right, it takes engineers, it takes architects, it takes consultation with the County, it takes...you know, you got to consider traffic, you got to consider infrastructure like sewer, water, electrical, all these things. A plan takes time because you are trying to do something, and you have to find out, can it be done? Does it pencil out? Does the math work? You know, it doesn't take no time to scrap a plan. Because what does that involve? It involves doing nothing, and that's what this felt like. I was part of this community plan. I went to several meetings, and it was all about how can we erase things from the plan. That doesn't take any time at all. And thus you can see, we have this "community plan" that do nothing and to scrap opportunities to provide affordable housing. Thank you.

CHAIR PALTIN: Thank you, Mr. Dean, for your testimony. Members, any questions for the testifier? Seeing none. Thank you for your testimony, Mr. Dean. Next up, we have

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

La'akea Low. Mr. Low, if you can unmute yourself and begin your three minutes. We're ready for you.

MR. LOW: Aloha mai kākou. 'O La'akea Low ko'u inoa. No ka moku o Hamakuapoko mai au ma ke ahupua'a o Makawao ke one wau ma uka o ka moku o Kula i kēia manawa. I just want to come out in support of the plan. I'm hearing a lot of opposition. I know we're supposed to be covering Sections 1, 2, and 4, and it sounds like a lot of the testimony isn't really related to those sections at all. I was like just an attack on the process, which was open and which everyone was invited to. I think it was, you know, open invitation for the entire community to participate. And so, you know, a lot of the opposition is from developers or people who work for developers. I think in terms of bullying, you know, if you want to talk about bullying, we can talk about quiet title that the developers engage in on the island. We can talk about developers calling cops on Wāhine Koa protecting kuleana lands, getting kidnapped by the police, illegally arrested by the police for protecting kuleana lands. If you want to talk about intimidation and bullying, I would say that a lot of the developers engage in that behavior more than anyone else on the island. And so in terms of like the policy, if that's what we're here to talk about, you know, we had people from the Grassroots Institute, a conservative think tank who were in favor of privatization all over Hawai'i talking about, pretty much, removing the teeth from the community plan with less...with language that they suggested. I think that would be a mistake too. I think that as one testifier said, this isn't the developer plan. This isn't the so-called landowner plan. This is the community plan. And for those who feel they've been left out, I mean, the plans have been in construction for three years, and so, you know, I think there's been ample time to express concerns and to participate. And then for those calling for like private meetings, I think that all meetings should be public and, you know, you folks shouldn't be meeting privately with people. I mean, everything should be on the record in broad daylight that, you know, this is a community effort, and so I don't think private conversations are very conducive to community cohesion. So I just hope that more people come out with, you know, testimony referring to . . . (timer sounds). . . terms of the policy instead of the process. Mahalo.

CHAIR PALTIN: Thank you, Mr. Low. I really appreciate your testimony. Members, any comments...I mean, questions for the testifier? Seeing none. Thank you so much for your testimony today.

MR. LOW: Aloha.

CHAIR PALTIN: We received message from Tam Kim, she's not intending to testify. She has audio issues. 2973, the caller with the last four digits 2973 is up next. I believe you press star four if you need to unmute. Yeah, star four. Caller with the last --

MR. SMITH: Hello.

CHAIR PALTIN: -- four digits 2973.

MR. SMITH: Chair, can you hear me?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

CHAIR PALTIN: Yes, we can. You can begin your three minutes.

MR. SMITH: Okay. The reason I'm calling in is...

CHAIR PALTIN: Oh, I'm sorry. Can you tell us your first and last name? Sorry, I forgot to say that.

MR. SMITH: Yeah. Steven Smith. Born and raised here.

CHAIR PALTIN: Steven Smith.

MR. SMITH: I am part of the DePonte [sic] ohana. It's interesting to me because...just one quick background, I grew up in Six Increment, and a lot of my family and friends, they live...we all lived and they all worked at HC&S. It was smart because the people that developed the community, they made sure that the community was going to be developed close to work. And the reason I called is because I listened to all of this, and believe me, I've seen the politics. I've had friends that have attended the meetings. I've attended the Council meetings, and it's amazing like how this doesn't make sense to me, the thinking. But, you know, I look at growing up and being close to work, and I look at the fact that last year, me and my boys and a lot of people that it takes to make things happen. We were a part of building 86 affordable homes last year in Central Valley. We get to know all the owners. And it's interesting to me how many owners that bought Central actually live...would love to live in Lāhainā because they actually work in Lāhainā, how much of their families live in Lāhainā, how much time on the weekends they spend in Lāhainā with their families when they not working. And the reason they bought where...what we had to offer was because there was nothing to be bought in Lāhainā. So to me, you look at the Central plan and you go, like, where's the development? What's happening for the future for these people? They want to be close to home, they want to be close to work, but there's nothing. And then, you know, as part of this thing was going on I heard, well, there's a lot of land available that you can be built above Dickenson. Try talk to the people that they're waiting for the permits above Dickenson. The thing has been in the works for years. Like, what does it take to get...to be able to build homes for our people in the area that they want to live. There's a lot of land available, but we're not doing nothing for them, and I think it's sad. That's my testimony.

CHAIR PALTIN: Thank you. Any questions for the testifier, Members? Seeing none. Thank you for your testimony. Next up, we have Lars Linder. I will unmute your microphone and your video. Please begin your three minutes. Hello? You can begin. Maybe if you're having audio issues, you want to mute your video.

MR. LINDER: I muted my...

CHAIR PALTIN: Can you unmute your microphone, please? Okay. Go ahead. Three minutes. You're going to have to unmute your microphone.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MR. LINDER: Can you hear me now?

CHAIR PALTIN: Yes.

MR. LINDER: There you go. So I'm just kind of observing as a total outsider here on this...I guess this meeting. And I guess my biggest concern is just, like, we think so much about like now, us, we're thinking about us, what do we *(audio interference)* look ahead for the future. The more restrictions you put on land developers, the restrictions you put on people, families, you name it, they sound so good now. But in the future, when our kids will want to build a house, or move to a house, or start a family, whatever, where do they go? We're always thinking, like, oh, today it's expensive, but it's going to be even more expensive in the future. When we got our first house, it was like just 100-some-thousand. We've lived there for a long time. You raise your kids and so forth, and you turn around and sell the house, you make a little bit of money, but if I were to start again...all over again, it would just be astronomically expensive. And the only reason for that is because there's nothing available. And why is it not available, because we put restrictions on what you can do for growth, you put restrictions on what you should do, and it sounds really good on paper. I mean, all the planning...we have to plan, but just say, oh, you can only do this, you can only do this...that really, really, really puts a damper on future what you can do. I mean, I'm curious as far as all the people that are involved on this Planning Committee and in the...and the honorable people within the Government, where do we live? Where are we? I mean, how many are affected by this idea that, oh, not in my backyard. I mean, you can't do this here because of this. That's what's a little bit challenging from my part to see that. So I would much rather be, okay, let's think of what developers can do, work with them, because they're smart people. They plan ahead, and they've got lots of money that they're trying to invest in the community, unlike what's...how can you balance that with government and planning and looking forward to the future. So those are the key things to really look at. And not just think, okay, well I don't like this, I don't want this in my backyard, or rather think, okay, well...there was a comment made earlier about the school district and water rights and not having water, and then you think, well, you take this away, but you still want us to be able to farm. That just doesn't work. Or you say, okay, we want all these beautiful things for our families and parks and so forth, and that's all great and good too, but who's going to pay for it? Where does the money come from? So that's...I think the key thing is just looking into the future, where . . .*(timer sounds)*. . . does the future hold for our kids, and where can they be *(audio interference)*

CHAIR PALTIN: Thank you. If you can wrap it up, we have so much time and a lot of testifiers. Members, any questions for the testifier? Seeing none. Thank you for your testimony today. Our next testifier is 3586, if you can press star four. You've been unmuted from our end. 3586, it's your turn to testify.

MS. KUROKAWA: Hello?

CHAIR PALTIN: Hi. Go ahead.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MS. KUROKAWA: Okay. My name is Bev Kurokawa. And since...I just have a suggestion. Since the County commissioned the Hawai'i Community Assets to develop the comprehensive affordable housing plan, which should be completed next month, it...I would think that we would want to first wait until we receive the results of the plan and see if it aligns with what the draft community plan proposes. So at this time, it just...I just feel we should take the time to incorporate this, and I believe it will help our community a lot more.

CHAIR PALTIN: Thank you, Ms. Kurokawa. Any questions for the testifier? Seeing none. Thank you for your testimony. Next up, we have the testifier with the last four digits 4055, if you can press star four and unmute yourself. You are unmuted from our end, please begin your three minutes. Sorry, we had a little trouble. Try again 4055.

MS. DEMELLO: Okay. Okay. Can you hear me now?

CHAIR PALTIN: Yes. Can you tell us your name and begin?

MS. DEMELLO: Okay. My name is Maria DeMello, and I would like to provide input on the West Maui Community Plan Draft. I tried to follow the process through the CPAC and the Maui Planning Commission as best as I could. What I noticed was that the votes on several major items were really close, with one or two votes being the swing votes. That is why I hope the County Council really looks at the plan elements on its own, and not just take the votes of the two previous reviewing bodies as concrete. The Council should not just rubber stamp if the Community Plan Advisory Committee and Maui Planning Commission agreed, and should spend the time to review each plan element very carefully. If the CPAC and the Maui Planning Commission took a total of 40 or so meetings to discuss, I would hope the County Council will at least hold a dozen meetings or more to truly develop a robust vision plan for the community. Thank you.

CHAIR PALTIN: Thank you, Ms. DeMello. Members, any questions for the testifier? Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Ms. DeMello. I was just wondering if was there one or two items that stuck out that you had some close...there were close votes on? If not, we can look at the notes. Thank you.

CHAIR PALTIN: Thank you.

MS. DEMELLO: Okay. Sorry about that. Thank you.

CHAIR PALTIN: Any further questions? Seeing none. Thank you. Next up, we have the number 1365. 1365, you've been unmuted on our end. Go ahead and begin your testimony.

MS. MEERLOO: Yes. Hello. My name is Joann Meerloo, and I would like to testify on the draft of the West Maui Community Plan. I've recently tried to get a water meter from

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

the County in Lāhainā, and the Department of Water Supply responded that they do not have water for me. How do you expect new developments to get water to be able to build? If I cannot get water now, I do...I don't know where these other retail or housing developments will get their water, or even sewer for that matter. It is the County's...is it the County's or the landowner's job to get the services? The County...the Council really needs to understand the availability of supporting infrastructure, water, sewer, roads, et cetera, to provide context for the future developments. If you are telling me the County is going to pay for infrastructure for new businesses and houses by raising taxes, I would like to know. Right now, I don't trust the County to get the infrastructure to par. When you are going through this community plan process, please ask your departments about their timelines and budgets to get the necessary improvements in to execute the plans. Please be sure...please make sure that they make sense to you. Thank you.

CHAIR PALTIN: Joann, can you please spell your last name?

MS. MEERLOO: Meerloo, M-E-E-R-L-O-O.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Seeing none. Thank you for your testimony. Next up, we have Jacelyn. Jacelyn, please unmute yourself and provide your testimony. Go ahead. Okay, let's come back to Jacelyn. Next up, we have Dave Minami. Dave Minami, please unmute yourself and begin your testimony. Okay. Next up, we have...

MR. MINAMI: Chair, I'm here. This is Dave.

CHAIR PALTIN: Okay. Go ahead.

MR. MINAMI: Yeah, so Dave Minami from Lāhainā, lifelong resident of Lāhainā. I just want to say that I think the process should not be rushed. I'd like to see more input and feedback from the core people of Lāhainā. For example, I'd like to see feedback from...or input from the heart of Kelaweā Mauka, Kelaweā, the heart of Wahikuli, where most people could work every day in service industries and whatnot, and there's multi-families living in one house, crowded streets where you can only drive down the road one car at a time. We need to look at where we can expand so these people can have homes for their families. And I think we need to get to the core and be able to poll them, not just the few of us making these decisions. So I think the plan shouldn't be rushed. Thank you.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Seeing none. Thank you for your testimony. Next up, we have testifier with the last four digits, 5323. You've been unmuted on our end. Please begin your testimony.

MS. MOREAU: Hi, my name is Lani Moreau. Hello?

CHAIR PALTIN: Go ahead. Go ahead.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MS. MOREAU: Okay. My name is Lani Moreau. I am also a resident of Lāhainā, and I grew up in Lāhainā, went to Lahainaluna, and am now trying to raise my two small kids there. And to Mr. Minami's testimony, we live with family basically because we're...you know, despite having decent income and, you know, desire to buy a house, we cannot afford a house in Lāhainā, which is unfortunate. And I feel the problem will, you know, only be magnified down the road, when there are more people, like our children, who are looking to put down roots there. And I would also agree with Mr. Minami's testimony that the planning should be more inclusive of residents that are, you know, being directly affected by the housing decisions in...on the West Side. I know that the meetings have been going on. I actually have attended some meetings myself, and I haven't seen, you know, the very people that would be purchasing these houses or...and/or want to potentially say where they would want these houses to be built, et cetera, et cetera. And, you know, it made me a little bit scared that decisions would be made without the people who would necessarily benefit from them. And so I would ask that, yeah, some more...some more time and, you know, even maybe a better job of getting the word out to have, you know, people that are being directly affected by it in attendance, as opposed to a smaller majority of people who, you know, will...which I'm sure are still also directly affected, however, may not be vocalizing the, you know, decision of, you know, as Mr. Minami said, the core of Lāhainā. So I think that's it all. That's all I have to say. Thank you.

CHAIR PALTIN: Thank you, Lani. If you can spell your last name for us, please?

MS. MOREAU: Oh, yes. Moreau, M-O-R-E-A-U.

CHAIR PALTIN: Thank you. We have a question for you from Member Kama.

MS. MOREAU: Oh, okay.

COUNCILMEMBER KAMA: I'm sorry, Chair. I don't have a question for our testifier. I do have a question or comment to you. If it's okay, I would like to leave now and get ready for my meeting, and hopefully, I'll have a quorum of two people at that next meeting. And if the Members of my committee would come on over, it would still leave you with quorum. So I'm going to leave now, if it's okay.

CHAIR PALTIN: Okay. Thank you. Thank you, Member Kama. Okay. Next...any other questions for the testifier? Seeing none. Thank you for your testimony, Ms. Moreau. Next up, we have Holly. I'm going to unmute you on our end. Go ahead. Okay. If you don't want to unmute yourself or you're unable to, we'll try to come back to you. Next up, we have the testifier with the last four digits 1952. I'm unmuting you on our end. Please begin your testimony.

MR. WARD: Hi, good morning. Can you hear me?

CHAIR PALTIN: Yes, we can. If you can let us know your name and begin your testimony.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MR. WARD: Thank you. This is Dave Ward, W-A-R-D. Good afternoon, Chair and Members of the County Council. I just wanted to provide a couple of comments. I am a supporter of workforce housing and have generally been involved in this process along the way. One of the things I'd like to talk about is earlier in the presentation from Ms. McLean, there was some discussion about the role of the West Maui Community Plan, and the ideas about when the West Maui Community Plan actually comes into effect in decision making. And in the slides that she presented and, you know, it talked about the community plans, but it also talks about the General Plan or the Island Plan. And so back in 2005, the General Plan began its update process, and that process ran all the way through December of 2012, very lengthy, detailed process in which the County took a look at the entire Island of Maui and said, okay, where do we think roads should be. And the idea behind that is to then establish those areas, and then to come back with the community plans and fill in the details related to those areas. There are some areas within this West Maui Community Plan that are now, if adopted as is, would now be in conflict with the Island Plan. And that conflict provide...is problematic for, frankly, the Department and for the people that own the land, because that conflict restricts the abilities to do certain things as were outlined by Ms. McLean and her prior presentation on these lands. So I think that it should be looked at pretty carefully, and to make sure that if the decision is made to conflict, you know, I think it would be a better idea to not have conflict between these plans, and there are ways to do that. You know, obviously you could encourage those lands to be consistent with the Island Plan, or alternatively, you know, of course working with the Department and other folks, you could look at putting some language into the community plans that made it consistent with the Island Plans, whether that'd be reverting Island Plans with some sort of comprehensive island plan amendment or other things. But this is something...you know, this is the first community plan on Maui Island that we're looking at, and I think this is something that really should be addressed looking forward as the community plans are going to be adopted throughout the island. It just doesn't seem fair, for a lack of a better word, to do . . .(timer sounds). . . stick with this process and to have conflict.

CHAIR PALTIN: Thank you for your testimony, Mr. Ward. The time is up. Members, any questions for the testifier? Seeing none. Thank you so much for your testimony today. Next up, we have Dylan...

COUNCILMEMBER SUGIMURA: Tamara, before I get to 3:00. I have a question. You missed me.

CHAIR PALTIN: Oh, I'm sorry. I didn't see you. I had the chat box open. Okay, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Mr. Ward, thank you for testifying. So you're saying that there should be language in the West Maui Community Plan saying that there should be no conflict with the Maui Island Plan. Whatever...what was the end of your sentence there?

CHAIR PALTIN: Oh, shoot. It looks like he dropped off.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

COUNCILMEMBER SUGIMURA: Oh. I'll call him.

CHAIR PALTIN: Okay, yeah. Give him a call. That'd be awesome. Okay. Next up...yes, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Member Sugimura can look in the apps where it says transcription, and you can just recall what he said. Mahalo, Chair.

CHAIR PALTIN: Okay. Thank you. Dylan Payne, you have three minutes, and I have unmuted you. Please go ahead with your testimony. Dylan Payne, calling once, calling twice.

MR. PAYNE: Hi. Can you hear me?

CHAIR PALTIN: I can hear you.

MR. PAYNE: Great. Councilmembers, Chair Paltin, good afternoon. Thank you for your service and your time listening to all of this testimony. I served on the CPAC. I was a member of the CPAC, so I have gone through this plan extensively with my other CPAC members. It's...there's a lot to it. I believe that the Planning Department really kind of gave it a really good effort in terms of trying to put together a good plan, but it just...it's a large undertaking, as they've kind of outlined for you. I would just...as part of my testimony today, I kind of would echo what the previous testifier was saying in terms of--and I said this at CPAC as well--I...it's very confusing to have the Maui Island Plan that was worked on and so much time and community output...or community input was gathered to formulate the plan and then have the community plan kind of be in conflict with it. I've gone...we went through this at CPAC about why it doesn't have to agree completely, but there are certainly areas in the West Maui Community Plan areas, urban growth boundaries and rural growth boundaries, where there's absolutely zero, you know, designations that would allow for any urban or rural growth. So I'm not saying that those areas need to be totally painted in, but it does seem a bit, you know, contradictory. And if we set this precedent with the first community plan after the Island Plan update, it kind of begs the question, well, what's the Island Plan for. The other comment I wanted to make was to the idea of infrastructure. The Planning Department did a really good job at creating these technical resource papers that outlined, you know, the infrastructure situation on the West Side, but I...I'm not sure that that data was really used to drive the decision-making process that then created the community plan that you have before you. So I think if we're...if the goal is to try to help the community grow and address the issues that we have, we need to take a better look at that(timer sounds). . . So I appreciate your time and thank you very much.

CHAIR PALTIN: Thank you. Members, questions for testifier? Seeing none. Thank you for your testimony today. Next up, we have Kaipo Kekona, to be followed by Suzette Montalvo. Kaipo Kekona, please unmute yourself and begin your testimony.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MR. KEKONA: Aloha mai kākou. Wau Kaipo Kekona. I was born here in Lāhainā, born and raised, several generations of family here. You know, I just wanted to come forward to you guys with the consideration of knowing, like, the full scope of West Maui. We're hearing majority of the testimony today is, you know, more focused in their interest of the southern half of Lāhainā. And the water situation from Honokohau all the way to Lāhainā is all in a very sensitive and tricky situation. Honokohau has...because of the big rains has lost its water intake system, and there's no access or infrastructure to get back there to try and repair this system. Lāhainā's community from Lahainaluna over has been...to Launiupoko has been in a two-day water restriction for ag water use and, you know, most...you can kind of see how it's going to be leaning to take the lands out of agriculture and, you know, Kailua, the same problem in O'ahu, where they overdeveloped the area and had properties saved that was for ag, and in the end, they didn't have the water available for ag. And they are currently looking at that situation now, and their community is surprised and disappointed in the results that they cannot have the agricultural available in which they thought they would, because the capacity of housing that they built out (*audio interference*) utilize all of the water available, including the access water that should have been available for ag 'ing [*sic*] out fields just to try and have something in the community. I'm a farmer, and we are affected by this water system as well. So, you know, if we're going to talk about any further growth from what's already projected, permitted, and approved, we don't have the water capacity here in Lāhainā. The County doesn't have the water, these private entities with PUCs are complaining about not having the water. They're requesting for rate increases. The County is trying to drill out more wells out in the Mahinahina area to try and find more water sources. Nothing is a promise, especially drilling a well. There's all gambles, all kinds of gambles involved in that too, to acquire more water, and nothing is a guarantee. So until we can even resolve those issues, I support plans that will hold this back. You know, these types of plans that can...that will give us the time to relook and reassess our resources available due to the rapid growth and sprawl that we've been experiencing in Lāhainā, is important to stop and take break once in a while and breathe and take a look at exactly what's available for us, and show...be very transparent in that showing (*audio interference*) communities and getting out there and letting them know exactly the numbers, prove what we have, show what we don't, and let us all come together, and plan that, and move forward with that because the situation now is being, . . . (*timer sounds*). . . you know, all (*audio interference*) housing. Thank you, guys.

CHAIR PALTIN: Okay. If you can wrap it up. Thanks. Any questions for the testifier? Seeing none. We're on our last testifier on the list. Suzette Montalvo, if you can unmute yourself and begin your three minutes. Suzette Montalvo, going once, going twice. Okay, we're going to go back over the names that we missed really quickly. Kai Nishiki, are you available to provide your three minutes?

MS. NISHIKI: Yes, ma'am.

CHAIR PALTIN: Okay. Begin.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

MS. NISHIKI: Good morning, Chair, Committee Members. Oh, sorry, it's not morning anymore, afternoon. Kai Nishiki, testifying on my own behalf, although I am a CPAC member. Thank you to Councilmember Paltin for scheduling and proposing adoption of the West Maui Community Plan by March. It is important for this plan's language to be clear and enforceable, and welcome amendments to that end. The CPAC focused on the quality of life for residents and the needs of our community, and let that guide our actions. We were dedicated to a collaborative process with our diverse community, and the CPAC membership definitely reflected that diversity. The Planning Department did a remarkable job and put in an unprecedented amount of time, years in fact, towards community engagement, as demonstrated by the presentation this morning, and I take offense at developers questioning the integrity of that process. Believe me, I have put forth my share of criticism of the Planning Department on other matters; however, regarding the community plan, the level of community engagement and effort put towards the community plan process deserves recognition and kudos. To hear developers and their employees complain that there wasn't ample community engagement and that developers weren't given a voice is ludicrous. In fact, developers and landowners had an entire meeting set aside for them to provide information on their projects and answer questions. In addition, most attended all the meetings, offered testimony nightly, were available and used as resource people during discussions about their projects. Landowners were given the opportunity to meet with Planning...with the Planning Department staff privately before and during the plan. Many CPAC members were advocates and employees of these same developers, and the developers and consultants have the benefit and advantage of actually being paid to attend these meetings, unlike the general public. All proposals and land use decisions were open to the public and made by our diverse CPAC members as a whole, and are available for viewing on the We Are West Maui page. It seems to me, and most of our community, that we did indeed hear the developer's voices. And the problem isn't that they weren't heard, the problem for them is that we didn't do what they wanted. There is a huge difference. To me, they are acting like spoiled toddlers throwing a tantrum over not getting their candy. This plan is supposed to be a healthy and well-balanced meal with a focus on policy, action items, and maps that will sustain us, the West Maui community, into the future. The CPAC draft plan accurately represents the desires of our community, and we look forward to its adoption. Oh, yeah, and I lived in Wahikuli during CPAC, and I did a lot of outreach within that area, and most of all the areas that the developers are complaining that outreach wasn't done. And believe me, when I was at Longs ...*(timer sounds)*... I was talking to the communities. Mahalo.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Seeing none. Going back to Jacelyn. Jacelyn, are you ready to give your testimony? Three minutes, Jacelyn. Okay. Next up, going back to Holly. Holly, are you ready to give your testimony? Three minutes. Okay. Suzette Montalvo, are you ready to give your testimony? Three minutes. Okay. Next up, we have U'ilani Kapu, are you ready to give your testimony? Three minutes.

MS. KAPU: Aloha. Yes, I am.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

CHAIR PALTIN: Thank you.

MS. KAPU: Aloha. Mahalo for this. I'm in support of certain parts. I did email you folks in what should be changed, just all kind of small stuff. But 2.5.11, and that of 201H, only because 201H does not give the community input. So we should have input in all of the development that happens. 2.4.2, transient accommodations, I have a problem with that because if people are saying, you know, we need housing for our people, then we shouldn't have an area for transients. 2.1.6, West Maui community, it's not...I just don't have enough to support that one. I have so much that, like, you know, I want to add in one section of what I sent to you folks. Sorry, I'm looking at my computer. I just wanted an area where there needs to be more input in regards to page 41. I wanted to add Kaua'ula Valley to that section because of the historical areas that connect to Kaua'ula and Lāhainā Town and Moku'ula, and then I also wanted to talk about the environmental stuff about our loko i'as. You know, in a section you have fishponds and then you describe what (*audio interference*) are put breadfruit and everything, but for the loko i'a, you didn't put loko i'a in parentheses after fishpond, and I was just wanting to stipulate that one. And I just wanted just a little bit clarification in certain areas because there is areas that were left out on the figures, like 2.4 on the trails. I just wanted to view all of that on what trails and where the trails are going to be. So I'm still reviewing all of this, and I will be sending in a lot of my input. I did show up to a lot of the meetings. I understand it does get confrontational, because there is a lot of input from different areas, but you know, we all as a community have our inputs. We all as a community (*audio interference*). We need to . . . (*timer sounds*) . . . remind ourselves of the future. Mahalo.

CHAIR PALTIN: If you can...yeah, thank you. Any questions for the testifier? Seeing none. That was our last testifier of the day. And I know Member Kama cannot start her meeting until we finish up, so if there's no objection, and if there's nobody else wishing to testify, I will close public testimony at this time so Member Kama can start her meeting.

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR PALTIN: Public testimony is closed, and I will be recessing this meeting until February 9th at 2:00 p.m. Thank you very much, everybody, and thank you for your extra time, and thank you, especially to Member Kama.

VICE-CHAIR KING: Chair, did...

CHAIR PALTIN: Is that one hi or is your hand up?

VICE-CHAIR KING: No, I just...no, I just wanted to make sure that you received public...written testimony into the record as well.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

CHAIR PALTIN: Yes. We'll receive all written testimony into the record. And anything that Members couldn't see on the eComment, we'll figure that out as soon as possible. I was able to get onto the app, Microsoft Edge, and then see it on my iPad, so we may need to work with technical staff on that. I did do that. So with no further comment, the meeting is now in recess. . . .(gavel). . .

RECESSED: 3:11 p.m.

APPROVED:

Tamara M. Paltin

TAMARA PALTIN, Chair
Planning and Sustainable Land Use Committee

pslu:min:210204

Transcribed by: Marie Tesoro, Crystal Sakai,
Susan Leong & Michelle Balala

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

February 4, 2021

CERTIFICATIONS

I, Marie Tesoro, hereby certify that pages 1 through 24 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

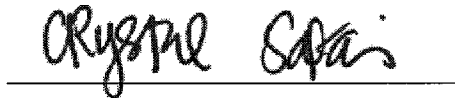
DATED the 8th day of March 2021, in Wailuku, Hawai'i



Marie Tesoro

I, Crystal Sakai, hereby certify that pages 24 through 61 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 8th day of March 2021, in Wailuku, Hawai'i



Crystal Sakai

I, Susan Leong, hereby certify that pages 62 through 70 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 8th day of March 2021, in Wailuku, Hawai'i



Susan Leong

I, Michelle Balala, hereby certify that pages 70 through 90 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 8th day of March 2021, in Kihei, Hawai'i



Michelle Balala