

PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

February 9, 2021

Online Only Via BlueJeans

RECONVENE: 2:00 p.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Kelly Takaya King, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member (in 2:53 p.m.)
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: Ana Lillis, Legislative Analyst
Alison Stewart, Legislative Analyst
Wilton Leauanae, Legislative Analyst
David Raatz, Supervising Legislative Attorney
Clarita Balala, Committee Secretary

Axel Beers, Executive Assistant to Councilmember Kelly Takaya King
Keisa Liu, Executive Assistant to Councilmember Gabe Johnson
Evan Dust, Executive Assistant to Councilmember Tasha Kama
Sarah Pajimola, Executive Assistant to Councilmember Keani N.W.
Rawlins-Fernandez
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, Planning Supervisor, Department of Planning

OTHERS: (8) additional attendees

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

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

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use Committee recessed meeting of February 9, 2021 at 2:00 p.m. come to order. If everyone can please silence any cell phones or noisemaking devices. My name is Tamara Paltin, and I'll be your

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

February 9, 2021

Chair for today's Planning and Sustainable Land Use Committee recessed meeting. And I see that my Vice-Chair Kelly King has just joined the call. Aloha 'auinalā.

VICE-CHAIR KING: Sorry about that.

CHAIR PALTIN: Aloha.

VICE-CHAIR KING: Aloha. I was actually taking a call about this meeting, so sorry I'm a little late.

CHAIR PALTIN: No problem. And we also have Councilmember Gabe Johnson from Lāna'i. Aloha 'auinalā.

COUNCILMEMBER JOHNSON: Aloha, Chair. Thank you for having me. Hello, everyone.

CHAIR PALTIN: Hello. And I got word that Member Kama is going to be a little bit late. Skosh. We have Chair Alice Lee.

COUNCILMEMBER LEE: Aloha, Chair. The afternoon in Chinese is more like ni hao, not Ni'ihau but ni hao. Only one ni.

CHAIR PALTIN: Ni hao ma. Okay. And we have Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and ni hao to you, Member Chair and to my colleagues and everyone else, from the virtual chambers up here in Makawao.

CHAIR PALTIN: Aloha. And we have Councilmember Keani Rawlins-Fernandez. Aloha 'auinalā.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā, Chair. Mai Moloka'i nui a Hina, and ni hao kākou.

CHAIR PALTIN: Ni hao. And Councilmember Shane Sinenci out of East Maui.

COUNCILMEMBER SINENCI: Aloha 'auinalā, Chair. Mai Maui Hikina, and ni hao kākou.

CHAIR PALTIN: Ni hao. And last but not least, we have Councilmember Yuki Lei Sugimura from China.

COUNCILMEMBER SUGIMURA: Ni hao, everybody. It's beautiful here in Wailuku, so...good afternoon, everybody.

CHAIR PALTIN: Ni hao. And just to let folks know, the chat has been disabled and that's not on purpose, it's a problem that hasn't been resolved. So just letting you folks know in case somebody is trying to repeatedly click the chat button, it won't work. So just for your information. We're working on it. From Corporation Counsel, we have Deputy Corp. Counsel Michael Hopper. From the Administration, Department of Planning, we

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

February 9, 2021

have Director McLean, Michele McLean; Planning Program Administrator Pam Eaton; and Senior Planner Jennifer Maydan. Committee Staff for our Committee, we have Committee Secretary Clarita Balala; Council Services Assistant Clerk Jean Pokipala; we usually have Remi, but he's on vacation; and we have Legislative Analyst...Analysts Ana Lillis, as well as Alison Stewart. And on the agenda today we have one item, PSLU-1, West Maui Community Plan. And at this time, if Members do have any written amendments to the Committee, you can send them in to pslu.committee@mauicounty.us and our Staff will upload it to the Granicus file. So where we left off from the last meeting was oral testimony is closed. The public is still welcome to submit written testimony. And I think we've got the eComment figured out, it was just a little toggle button, and it works best with Microsoft Edge, I believe. So where we had left off was I had asked Councilmembers to write down questions that they had for the Planning Department and hold them to this exact moment. So the moment is now. And if Members had questions for the Planning Department, I...I was thinking we can start off with one round of three minutes, and follow it up with a follow up two minutes, and then go from there and see if there's additional questions. So Director McLean, are you available and your staff to answer questions?

MS. MCLEAN: Yes. Aloha, Chair. Jen Maydan and Pam Eaton are both on the call. And just to let them know, I will step in if I'm needed, but I will...I expect Jen will take the lead on answering questions since she's the project lead. And then Pam or I can jump in if we feel like we have something we absolutely have to say. Thank you.

CHAIR PALTIN: Sounds like a good plan. Thank you so much for that direction. And with no further ado, I'll go first to my Vice-Chair, Councilmember King. Let me start the clock here, and you have three minutes. Go ahead.

VICE-CHAIR KING: Okay. Mahalo, Chair. So my first question...I'm trying to recall these from a couple days ago, yeah. There was a statement made, zoning should follow community plan. So I just wanted to get the Department's take on what their intention is. Is the intention to change zoning to match community...the community plan, or to keep doing community plan amendments to match the zoning where it doesn't already match? Give us your thoughts on that.

MS. MCLEAN: Yeah. Jen, I'll go...I'll go ahead and take this one. If zoning is changed, it has to comply with the community plan. And I...I...what I would like to see is after this plan is updated, working with the community and working with Councilmember Paltin, who's the West Maui representative, to see if there are lands that have been changed in the community plan that we really want to see zoned to be compatible. And then the Council...or excuse me, the Department could...well, the Council could as well, but the Department could initiate more of a comprehensive zoning effort to implement the community plan in those particular areas. I would suspect that...that we would (*audio interference*) for housing. But...but that's...that's what we would like to see with...with these community plans as they get adopted.

VICE-CHAIR KING: Okay. So the...so the assumption is that we would...we would try to change the zoning to match the community plan and not vice versa. And then hopefully,

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

February 9, 2021

this community plan is strong enough to carry us forward at least maybe five...maybe five to ten years so that we wouldn't be making major changes in it because they've already thought that far ahead, hopefully. And then another question I had that...that...there were...you know, you...you made a statement, I think, about exempting ministerial actions. So can you just give us some examples of what you're talking about, like what scope of ministerial actions? I mean because, you know, I wouldn't expect that you'd have to go through a major community plan amendment to add a bathroom to your ohana or something like that, but what level of ministerial actions are you talking about?

MS. MCLEAN: Those are defined in the County Code in Chapter 2.80(B), specially...that section specifically calls out building, plumbing, electrical, and grading. And so beyond that, it...I don't really know what ministerial permits there are that would be related to development. But you're correct, if someone is adding a bathroom, then they would not have to...if their parcel was zoned Residential for example, and community plan Business, they would not have to amend the community plan to add a bathroom.

VICE-CHAIR KING: Okay. But then expansion, like, you know, if we're looking at expansion of a small hotel or something like that, that's beyond ministerial, correct? . . .*(timer sounds)* . . .

MS. MCLEAN: It would depend on what permits are needed. Now the...the tricky part with this is that if those actions are in the SMA and in West Maui...a great deal of...of land is in the SMA as in South Maui, your district. If the action is considered a "development" under HRS 205A, then there does have to be consistency between the two.

VICE-CHAIR KING: Okay.

MS. MCLEAN: If something that can be exempt, like reroofing or something minor, then you don't have to find that, but if it's adding a new wing on a hotel, that would be a development, would need an SMA permit, and would therefore require that consistency.

VICE-CHAIR KING: Okay. Great. Thank you. Thank you, Chair.

CHAIR PALTIN: Thank you, Vice-Chair. Next up, Member Johnson. I'm going to start the clock, and go ahead.

COUNCILMEMBER JOHNSON: Okay, thank you. So if I hear this right, if we have a 201...201H affordable housing project, they can apply for a zoning exemption in addition to a community plan exemption, right? You can apply for both?

MS. MCLEAN: Yes. You will see that in your...in your 201Hs or 2.97s requesting exemptions from 2.80(B) and another section that escapes me that requires that consistency. Correct.

COUNCILMEMBER JOHNSON: So if we have...if I...if I may, Chair, a follow up. If...if we have a 201H project that asks for a zoning exemption and a community plan exemption,

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

February 9, 2021

do...then do we have to go and...it's not just an exemption, we have to change the zoning to fit Residential, right? You...you...you can't just leave it as like oh, it's exemption and...but it's technically something else, you have to actually fix it?

MS. MCLEAN: In the past, we...we changed the zoning at some point down the line. It remains what it is. Typically Agriculture, but not always. It remains that same designation. So...and that's...that's okay, that's what the process allows for. I mean, we could approach that differently and do those changes down the road if we feel that's important, but typically that's not...that's not done now.

COUNCILMEMBER JOHNSON: Okay. So that's really just my...my first round of questions. I just want to say on page 81 there's a typo, manini, it's pedestrians on page 81. It's just misspelled, that's all. Thank you.

CHAIR PALTIN: Thank you, Member Johnson, for that catch. Next up we've got Chair Alice Lee.

COUNCILMEMBER LEE: Okay. Michele, I see a lot of goals and very lofty goals. Where's the page that shows where...how you pay for that?

MS. MCLEAN: You'll be seeing that in late March, I think, when you first get the Mayor's Budget.

COUNCILMEMBER LEE: Okay.

MS. MCLEAN: Yeah, you'll see in the later section, in the implementation section, there are estimated costs for the...all of the actions, and so those will hopefully be helpful to the Council as you go through the budget deliberations.

COUNCILMEMBER LEE: Okay. So Michele, we've had this conversation many times, I often felt . . .*(timer sounds)*. . . oh. I often felt...is my time out, Staff?

CHAIR PALTIN: No, sorry. I didn't reset from Member Johnson. Keep going.

COUNCILMEMBER LEE: Oh, okay. So you know, because we approve projects not close to infrastructure, sometimes they're far, sometimes they're kind of far...

MS. MCLEAN: Chair Lee, you somehow got muted.

CHAIR PALTIN: Yeah, I...I paused you.

COUNCILMEMBER LEE: Oh, shucks.

CHAIR PALTIN: Okay, you're back on.

COUNCILMEMBER LEE: Okay, now start all over, okay?

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

February 9, 2021

CHAIR PALTIN: Resume. Yeah, start all over.

COUNCILMEMBER LEE: When you...when there's a Change in Zoning or a Community Plan Amendment and there are requirements of a developer to contribute toward...well, actually, in many cases to create infrastructure, to pay for infrastructure. Do you take into consideration that other people need to contribute to the cost of this infrastructure? And that...you know, because at some point in time, there's got to be a rational nexus involved. So how do you handle that? I mean, kind of wouldn't it better over time to just create an assessment? So that, you know, when the time comes, you...you have money to pay for it rather than relying on one developer if he goes forward. If it doesn't go forward you don't get the improvement. Director?

MS. MCLEAN: Thank you, Chair. There are a number of things I'd like to say in response to that. First, when a project gets approved, whether it's an SMA approval that the Council does not see or it's a Change in Zoning or Community Plan Amendment that the Council does see and perhaps the State Land Use Commission, yes, there are often requirements that the developer contribute a certain amount of infrastructure. That comes from the agency comments that we receive during the application process. So that comes from Department of Water Supply, Public Works, State DOT, Environmental Management. So they might be able to provide a fuller discussion to this question. But we don't...we don't make that call on our own, we rely on the agencies to . . .*(timer sounds)*. . . comment on the application. . . *(timer sounds)*. . . And they do...there does have to be a rational nexus, absolutely. Corp. Counsel wouldn't sign the...the Change in Zoning or the Community Plan Amendment ordinance if there wasn't a rational nexus. Developers really should not be being assessed for any...any improvements beyond what their project contributes. But a lot of times it's, you know, the last drop in the barrel that makes it overflow. The Planning Department, years ago, started an effort to provide the Council with the studies needed to create a traffic impact fee and a development impact fee, and those were both sent to the Council, and the Council filed them. We are right now updating the traffic impact fee, so we will be sending that to Council at some point later this year, I...I suspect. The development impact fee, we...we haven't contracted with someone to update that. That looked at Police, Fire, Wastewater, and Solid Waste, and it didn't account for Water because Water, with their...their water system development fee is the applicant's buy-in into the water system. So a separate development impact fee could not assess for Water because they already do their own assessment for impacts to the water system. If there is a desire for us to update the Police, Fire, Wastewater, and Solid Waste study, we can do that. Right now we were focusing more on the traffic impact fee study.

COUNCILMEMBER LEE: Can I have a quick follow up?

CHAIR PALTIN: Okay. Just because you're the Chair, you can.

COUNCILMEMBER LEE: Oh. Thank you. I'll forgo any future questions. So do you think it's more efficient to have a development fee and a...what did you call it, a traffic study...I mean, a traffic fee be...well, I can see the downside being waiting until enough development occurs to be able to pay for something. But then on the other hand, on

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

February 9, 2021

the other side, if one developer doesn't go forward with his project, then you get absolutely nothing. So which is it, which...which way is better? And you know, I don't think this Council will ever file a development fee or a traffic fee study...I mean, fee discount.

CHAIR PALTIN: Not this Council.

COUNCILMEMBER LEE: Yeah, I don't think so. Just for future reference. Okay.

MS. MCLEAN: I...I...I do think that an impact fee is all in all a better approach because the developer will know going in what their fees are going to be. Often when they start, they...they do their due diligence, but they may not know precisely what the infrastructure agencies will be requiring of them. But if there is a clear impact fee, then...then they'll know that upfront before they even put pen to paper and start figuring out if a...if a project makes financial sense, so there are less surprises on the development side. The...the other...the flipside of that is that real small projects that typically don't get assessed, on the one hand they will start being assessed where they weren't before, and on the other hand those projects will be like oh, hey, we never had to do anything before, now we do. So you know, there...there might be pushback from some, but overall I do think it's a more fair way to assess --

COUNCILMEMBER LEE: Okay.

MS. MCLEAN: -- infrastructure impacts.

COUNCILMEMBER LEE: Thank you, Madam Chair. Appreciate it.

CHAIR PALTIN: Sure thing. Thank you, Member Molina, for your patience, and you're up. Ready, set, go.

COUNCILMEMBER MOLINA: Okay, sounds good. First for Section 1 under Plan Framework, Madam Director, page 19, it...it provides a 2017 estimated population of nearly 25,000 for the region, and this number is used at the top of page 21 as well. The estimate is nearly four years old, which will be outdated when this is adopted. Would it be possible to get a recent estimate of the population for this region? And my second question, page 21, the projection of population for 2040 is estimated to be over 33,000, but it does not list a reference for the source of that estimate. So would it also be possible to identify the source of this estimate? My two questions in a nutshell.

MS. MCLEAN: Thanks for those great questions. I will pass this one on to Jen Maydan.

MS. MAYDAN: Mahalo, Director. And mahalo, Councilmember Molina, for your questions. Yes, those are absolutely items that we could provide to the Council, to the Committee for consideration for amendments to the plan.

COUNCILMEMBER MOLINA: Okay. Madam Chair, I have time for one more question?

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

February 9, 2021

CHAIR PALTIN: Yeah.

COUNCILMEMBER MOLINA: Okay. Page 24, the goals identifies one of the goals as ready and resilient systems. You know, looking down the road, someone might have a different interpretation of what ready and resilient is versus what, you know, down the road I should say. So as I interpret it, it looks kind of vague and maybe up to interpretation. So how can this be restated or defined to be more specific for, you know, future guidance?

MS. MAYDAN: Thank you, Councilmember Molina, for your question. I would direct you to page 29 where it dives into that goal, ready and resilient systems a bit more, and it speaks to why this is important and how it applies in the West Maui Community Plan. And when you read that introductory section and then of course you get into the policies that relate to that action and...or sorry, that goal, and then later on the actions that relate to that goal, I feel that it would probably be a little more explanatory and add a little more flavor to that brief goal. But if you or other Members did not agree, it...it could be expounded upon if that was necessary.

COUNCILMEMBER MOLINA: Okay. Yeah, yeah. Thank you for that. I just thought I'd ask that question because you know how people can...can look at the same thing and interpret it differently, so that's sort of why I brought that up. But...but thank you for the response. Thank you, Madam Chair.

CHAIR PALTIN: Oh, 20 seconds to go. I like how you kept it to the 1, 2, and 4 as well. I really appreciate. Okay. Next up we got Member Rawlins-Fernandez. Let me restart the clock, and you're up. Go.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I mostly have amendments and not too many questions, but I'll ask the few questions that I have. Director McLean, mahalo for being here today. So I looked in the 1996 West Maui Community Plan, and I saw that they didn't have...or that plan didn't have a vision statement. Our 2001 Moloka'i Community Plan had a vision statement, and we kept the same vision statement for our updated plan. So when did vision statements start, or is there a reason that the 1996 West Maui Community Plan didn't have a vision statement?

MS. MCLEAN: That's a great question, and I...I don't know when vision statements started. Jen had just put her camera on so she might know, so let's see what Jen has to say.

MS. MAYDAN: Thank you, Director. Thank you for your question. I actually don't have an answer as to when perhaps the vision statements came into the community plans. Some have them, some do not. I would say most do not have them. I think Moloka'i stood out as a unique one that had a vision statement. And when we approached these updates, we wanted to give the communities the opportunity to create vision statements if they did not already have one. If...if we go to a community and they decide that a vision statement is not necessary for their plan, if...if we hear that loud and clear from the community, then that community plan would not go forward with a vision statement. But so far, when we've talked to communities, they have seen the value in

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

February 9, 2021

creating a vision statement.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Maydan. Okay. My next question is regarding the length of the plan. So in testimony, we received some criticism about the...the length of the plan being doubled, 79 pages for the 1996 plan, and then 169 pages for the current draft plan. And a lot of them are...a lot of pages are...are blank and have photos. So the photos...the idea to have a lot of photos in the plan, what...did that come from the community? Is that something the community wanted?

MS. MAYDAN: No, I wouldn't say it specifically came from the community. I would say that it came from our research into other plans and our just kind of knowledge of working with communities and creating reader-friendly documents. It helps people get through a document visualizing images that helps them visualize what they're reading about. Yes, the plan is longer than the version that it is updating, but that is because of, as you noted, some blank pages, pictures, formatting, that makes it a little more approachable for the various readers that need to use the plan.

COUNCILMEMBER RAWLINS-FERNANDEZ: Did the CPAC support having all the photos in the plan? Is that something that they requested to keep in?

MS. MAYDAN: I don't know that it was a specific request from the CPAC. When we first worked with the CPAC they received a very rough version of the plan that was not formatted with pictures or other design elements. They received primarily text. And we let them know that we were going to work on a nicely formatted plan with pictures. So the last version of the plan that they looked at was very similar to the one in front of you as far as its format and inclusion of pictures. And I...I do not recall hearing any negative comments regarding the formatting or the pictures. We received a lot of positive comments about how nice it looked, and how easy it was to navigate, and how easy it was to read.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Maydan. Okay. And then my question is on...next question is from page 21, and it's a DBEDT survey, and it says 10,287 residents who remain in West Maui. It...did this survey or this study survey all 10,287 residents?

CHAIR PALTIN: I might have muted myself so you didn't hear the timer, but it went off, but carry on, on this one.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's my last question. Mahalo, Chair.

MS. MAYDAN: Councilmember Rawlins-Fernandez, would you mind pointing me to where specifically on page 21 you are referring to?

COUNCILMEMBER RAWLINS-FERNANDEZ: The growing population. This includes about 10,287 residents who remain in West Maui during the day, 19,868 workers from West Maui and elsewhere who commute to West Maui, and 33,551 visitors. So I was just...I mean, those are very specific numbers. I was...

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

February 9, 2021

MS. MAYDAN: Mahalo...

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MS. MAYDAN: Mahalo for that clarification. Yes, that came from...as you see in the note there, that's from Esri data. That's a data source that we use quite a bit for our planning documents. And yes, you're absolutely correct, that is quite specific, and it's from that Esri source.

COUNCILMEMBER RAWLINS-FERNANDEZ: And the accuracy of that?

MS. MAYDAN: That's a wonderful question, and I'm not certain how to respond to that. I could ask our GIS folks what...you know, with a margin of error what the accuracy is. I...I do not have an answer right now.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Maydan. Mahalo, Chair.

CHAIR PALTIN: Thank you. And then we have Member Shane Sinenci. Let me start the timer.

COUNCILMEMBER SINENCI: Mahalo, Chair.

CHAIR PALTIN: And you're good to go.

COUNCILMEMBER SINENCI: Thank you. I guess my questions had stemmed from some of the testimony that was given on the February 4th meeting. We had testimony from ILWU and the Kā'anapali Land Company about their batch...concrete batching. And so I guess my question was, I mean, once these do...is there an industrial area specific for concrete batch plants once these...the...it looks like the SUP and the...expires.

MS. MCLEAN: I'll go ahead and take this question. There are actually two concrete batching facilities in West Maui. Our letter to the Council only mentioned one, but there are actually two. Both of them have County conditional use permits, and that's needed because the zoning of those properties doesn't allow the use as an outright permitted use or as a special use. So those conditional permits are approved by the Council. And then they also need a State special permit because they're located in the State Agricultural District. So for those properties to not need permits, they would need a State land use district boundary amendment and a Change in Zoning if the community plan designation is...is changed to Industrial. And typically, facilities like this are given long permit durations. And it...it...and whatever you designate those properties in the community plan, you can designate them Agriculture, you can designate them Industrial. Those permits would remain valid and could be extended unless the Council passes a specific ordinance relating to the conditional permits. And in terms of designating those sites Industrial in the community plan, it...really, if you believe that that is the most appropriate designation for those properties, let's say someday that operation ceases, if industrial use is the best use of that property, then that's what the Council should do.

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

February 9, 2021

COUNCILMEMBER SINENCI: Right. Because Director, it looks like the...the plan just has it all pink for housing, and they don't have the...the Industrial on it. Okay. My second --

MS. MCLEAN: Correct.

COUNCILMEMBER SINENCI: -- question was...thank you, Director. My second question was we had...we received testimony from Kapalua Estate seeking Rural Residential designation from Agriculture. And...and the...it looks like the Planning Commission designated...zoned it both Ag and Rural Residential; is that correct?

MS. MCLEAN: It looks like Jen is coming on, so Jen can respond to that.

COUNCILMEMBER SINENCI: Okay, thank you.

MS. MAYDAN: Mahalo, Member Sinenci, for your question. And if...if Director has anything to add, she can. Yeah, so the Planning Commission looked at the Plantation Estate subdivision and made a change from Ag to Rural Residential, and since then, members from Honolua Ridge and Plantation Estates have come forward and voiced that they feel that the whole area, the Plantation Estates plus the Honolua Ridge, should be designated Rural Residential rather than part of it Ag, part of it Rural Residential. So through the process with the Maui Planning Commission, it was always Plantation Estates that was referenced, so that's why the change is made in the draft plan as you have it before you having that part, the Plantation Estates Rural Residential and the Honolua Ridge as Ag. But it is...of course that's your Committee, any changes that you may make.

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

CHAIR PALTIN: Thank you, Member...

COUNCILMEMBER SINENCI: That's all the questions. Yeah.

CHAIR PALTIN: Thank you, Member Sinenci. Member Sugimura, you ready? Three minutes, and go.

COUNCILMEMBER SUGIMURA: Oh, wait, Chair, before you start the clock --

CHAIR PALTIN: Oh.

COUNCILMEMBER SUGIMURA: -- were you going to --

CHAIR PALTIN: Sure.

COUNCILMEMBER SUGIMURA: -- submit the...the format that you wanted the amendments to be submitted? Your...your spreadsheet --

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

February 9, 2021

CHAIR PALTIN: Yeah.

COUNCILMEMBER SUGIMURA: -- format or what...where are you on that?

CHAIR PALTIN: Our...our Committee Staff just sent out a memo, but we realized that it was a little bit late and so, you know, when...whenever in the future you can get the...the format.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: That was thanks to your great idea.

COUNCILMEMBER SUGIMURA: And your great idea. So thank you very much. So I have a question for the Department. The testimony...testimony that we had last week, we heard from Kamehameha Schools that they were not aware of this change of land use designation. So it made me...I want to ask this question is, were property owners notified of the new land use designations as described in the draft West Maui Community Plan?

MS. MAYDAN: Mahalo, Member Sugimura, for your question. So we engaged large property owners and developers quite a bit through the process. So kicking off with our community engagement process prior to the CPAC, prior to drafting the plan, prior to community...prior to the more public community engagement, we had many meetings with large landowners and developers to understand the status of their lands, the status of their projects. We reached out a number of times to Kamehameha Schools, to no avail. We were not able to arrange a meeting with anyone or get a response from anyone. So as the woman noted at the February 4th meeting, perhaps we were not contacting the right person, but we were reaching out in any way we could, asking for contacts. So unfortunately no, we did not have contact with Kamehameha Schools, yet we tried a number of times. So through the process, we encourage all landowners to stay involved, sign up for our email list so that they would know when community engagement events were going on, so they would know that when CPAC meetings were going on, and as well as Planning Commission meetings.

COUNCILMEMBER SUGIMURA: Thank you.

MS. MAYDAN: But no, the Department is not required to notify every single landowner that receives a change in this process. It is a community-wide process that is open to the public that we do extensive engagement in reaching out to the community. And especially with a large landowner, and with us trying to reach out, we really...you know, it's unfortunate that they weren't involved with the process.

COUNCILMEMBER SUGIMURA: So Jen, I think what they said was they kept in touch with what was going on, and then didn't realize that there was a change that was made. So they were...and...and she did say also that maybe they...you talked to the wrong person because of the large size of the organization. But...so you're saying that the Planning Department is not required to let anybody know when there's any change going on in

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

February 9, 2021

land use designations for the community plan? It's up to the landowner?

MS. MAYDAN: Correct, yet we do extensive outreach, and we contact...we contacted all of the large landowners, but we never got a response from anyone from Kamehameha Schools.

COUNCILMEMBER SUGIMURA: So I wonder if I could request...and I know this is not another...it's another chapter, Chair, because it's a map, but a map showing the 1996 community . . .(timer sounds). . . plans to this proposed draft identifying all the changes. So all property owners can get an idea of what is being proposed for change, and maybe an overlay because we have such a good GIS Department. But I wonder if we could do that, Chair. Thank you.

CHAIR PALTIN: Okay. Yeah, we're working --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR PALTIN: -- on more requests for the...when we get to the map portion because it's...it's kind of difficult, so we're...we're ironing that out. But we're...we're working on some requests about what it is in 1996, what it changed to CPAC, what it changed to MPC, and bigger maps.

COUNCILMEMBER SUGIMURA: Yeah, yeah.

CHAIR PALTIN: And like...

COUNCILMEMBER SUGIMURA: So you can read it. Thank you.

CHAIR PALTIN: Okay. And so that concludes our first round. Do Members feel a need for a second round? Vice-Chair King, sure. Let me get the clock ready. Okay, go ahead.

VICE-CHAIR KING: This will probably be quick. But I...I just have a question for the Department on...in Section 4 on the Implementation and Monitoring. I see you've gone from just doing the ones and twos to now we have three measurements of urgency; medium, high, and low. And I just wonder if you could share with us how you arrived at those priority levels. Was it a community discussion, or did CPAC put them in, or did the Department put them in? It looks like Ms. Maydan.

MS. MAYDAN: Mahalo...yeah, I'm happy to answer your question. Mahalo, Councilmember King. Yeah, as far as arriving at the actual low, medium, high for each of the actions in Section 4, that was a process that we did with the Community Plan Advisory Committee. We provided them some guidance of how to think of the high, medium, and low, but it was absolutely them identifying which actions were low, medium, and high. And through the Planning Commission process, I do not believe they changed any of those, they...they kept the CPAC's rankings of the actions.

VICE-CHAIR KING: Okay. And then the...and then did they also do...because this is...another thing that's new is the description of the mid-term, ongoing...there's like five different

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

February 9, 2021

lengths. Those are sort of like urgencies but, you know, which is in the short term, which is in the long term. And then was that the same process through the CPAC?

MS. MAYDAN: The timing we received from the agencies that are responsible for implementing the individual actions, the CPAC did provide some feedback on the timing, but the original draft of the timing for the...each of the actions came from the agencies that would be implementing them. But CPAC did review that and provide feedback.

VICE-CHAIR KING: Okay. All right. That's good to know. Thank you so much. . . .*(timer sounds)*. . . I'm really hoping we can move forward with the rest of the plans like this, and maybe even take another look at Moloka'i's plan to make the...the priorities more specific too. Thank you. Thank you, Chair.

CHAIR PALTIN: Thank you, Member King. Just quickly going through, Gabe Johnson, would you like another two minutes?

COUNCILMEMBER JOHNSON: Well, this is just a follow-up question to my first question for the Director in regards to a 201H project. I...my...I just was curious for clarification, is which...what do you prefer we do? Like is there a preference as far as legality of it? Like the 201H project says I'm going to be exempt for this zoning, does...is it smart for the County to say okay, well, then let's do this now and switch the zoning, or is there a preference involved?

MS. MCLEAN: Well, part of the reason that the 201H and 2.97 processes are so desirable is because of the length of time that the regular Change in Zoning or Community Plan Amendment process can take. And so if you're presented with a project that you like, I would say go ahead and approve that project, and then the Council could initiate the permanent land use changes, or you could request the Department to do it. I would think that we...you know, amending the community plan we don't necessarily take lightly, but since the projects have been approved by the Council then, you know, we would feel comfortable processing those. I would...I would think that we'd also want to look at previously approved projects and see about redesignating them too. You know, if that...again if...if that's the direction that the Council wants us to go in, then we can...we can look at those.

COUNCILMEMBER JOHNSON: So is it fair to say it'd be a case by case?

MS. MCLEAN: It...that's really up to the Council with how you want to address it. You know, if there is a particular project that for whatever compelling reason you would like that to be permanently changed, or if you feel like, you know, overall this is...this is what should be done, we can use the fast...fast track process to approve them right away. But then we would like to see the follow up to have those designations permanently changed. . . .*(timer sounds)*. . . We need to be careful that the conditions and restrictions that were put on the project are retained with that change, but that's not hard to do. We just need to be mindful of it.

COUNCILMEMBER JOHNSON: Thank you, Director. Mahalo, Chair. I have no more

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

February 9, 2021

questions.

CHAIR PALTIN: Thank you, Member Johnson. And I believe Member Lee said she already took her second chance. Member Molina, did you have a second round?

COUNCILMEMBER MOLINA: Yeah. Madam Chair, just for this round, are we just focusing like on Section 1, or can I bounce or advance to Section 2, questions related to that?

CHAIR PALTIN: Yeah, you can advance to Section 2. Sure.

COUNCILMEMBER MOLINA: Oh, okay. So you allow the flexibility.

CHAIR PALTIN: Let me restart time because we were --

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: -- talking for a little.

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: Okay, go ahead.

COUNCILMEMBER MOLINA: Okay, thank you. On page 25 for the West Maui vision, there's nothing that, you know, recognizes the preservation of marine life, the reef system, and the protection and preservation of the coastal line. I mean, I like the vision but, you know, since climate change has become a big part of our...the daily news and concerns that we have here along with coastal sea level rise especially impacting West Maui, I know...I note that it does become a part of the document later on. So therefore, at that point, it seems like a reference to the preservation of marine life, reef system, and the protection and preservation of the coastal line to me should be part of that vision. Any reason why that...those aspects were left out? Because as we know, West Maui, whenever housing projects are brought up or injection wells, these topics are certainly part of the discussion. So just curious, can I ask why that might have been left out of the West Maui vision, those issues?

MS. MAYDAN: Mahalo, Member Molina, for your question. So the vision statement was absolutely derived from the community. It was developed during a community visioning workshop, and then kind of confirmed by the CPAC with a few changes. And I will point out that the very last sentence does point to a healthy environment with resilient shorelines. The health of the water, the shorelines, was absolutely an important topic to the West Maui community. I don't think that...a vision is concise, you need to be able to really hold it in your mind, and it's hard to fit everything in for, you know, a...a vast community where so many things are important. So I don't think it was left out, I think it's just captured in...in very...in few words. But if...if there's members of the community that want to speak up to things that need to be changed or if...if you Members hear things, it's out there, but I . . . *(timer sounds)*. . . just want to let you know that this vision statement was developed by the community. . . *(timer sounds)*. . .

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

February 9, 2021

COUNCILMEMBER MOLINA: Okay. Yeah, certainly can understand everybody trying to condense a whole concept into one or two words. So you know, I just kind of looked at that...you know, those items and it's been...these are talked about so much, especially as it relates to anything being proposed for West Maui. So I just thought, you know, it could be added. But that's okay, as long as, you know, you've given me some specifics about the vision plan. I'm...I'm...I'm good with it or again, if the Members want to add something else to it later on, so be it. But...but thank you for the response. Thank you, Madam Chair.

CHAIR PALTIN: Thank you, Member Molina. Member Rawlins-Fernandez, anything on the second round?

COUNCILMEMBER RAWLINS-FERNANDEZ: No questions. Mahalo, Chair.

CHAIR PALTIN: Thank you. Member Sinenci, second round?

COUNCILMEMBER SINENCI: Not for me. Thank you, Chair.

CHAIR PALTIN: Thank you. Member Sugimura, any second-round questions?

COUNCILMEMBER SUGIMURA: Yeah. Thank you. So Department, for presentations on February 4th, the Alaka'i community group was mentioned, and that community group provided input for the West Maui Community Plan as gathered from this group. And can you describe who it is? Who's the Alaka'i community? For the members, how are they selected? You know, just information, I'm just curious.

MS. MAYDAN: Yeah. So this came out of a desire...for...for a number of reasons, we created the West Maui Alaka'i. So our first...our first thought was we needed champions in the community in order to gain trust in the community. We needed to be able to reach out to community leaders that would help us get the word out just...one, that the community plan update process was going on, to encourage people to get involved in the process, to help us educate the community about the process, and then to also stay involved through the whole length of the process, you know, to today, to adoption, and beyond, to implementation of the community plan. So they were really a sounding board for us for engagement ideas, letting us know as...giving us feedback on engagement activities. They really helped us shape some of our workshops. They also helped us communicate with their community, you know, what sort of platforms or what sort of meetings did we need to go to, to really reach out to the community and engage as many people as possible. So it was a very diverse group of West Maui residents. Actually, not all were residents, but predominantly most were residents. Some had perhaps family ties or work ties and across the whole West Maui region. If...if the Committee likes, we can provide a list of names. And as far as how they were selected, it was basically by us talking to folks and saying, who are the leaders in your community. Councilmember Paltin was one of our Alaka'i before she was even...before she was a Councilmember. There were...Ekolu Lindsey was one of our...is one of our Alaka'i. And they helped us facilitate the vision workshops, and they helped us with a lot of our other workshops in

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

February 9, 2021

West Maui. It...it's...it was a very useful process that we are going to continue forward. And as far as selection, I mean, it's not like the CPAC where it's dictated by Maui County Code, this was something that we just saw a need for. You know, we're...we're coming into a community, we're not from the community that we're going into generally, so it takes a lot to gain trust and get to know who the leaders are, and the Alaka'i really helped us do that.

COUNCILMEMBER SUGIMURA: They didn't necessarily change any plans, they just made recommendations? They changed no maps or had any influence other than who you...who to talk to, I guess?

MS. MAYDAN: Correct. Their role is much more helping us connect with their community than dictating the content of the plan. Their role is to make sure that whoever they represent in their community, maybe there's somebody from the environmental program, maybe there's somebody from, you know, Homeless Resource Center, maybe they're kanaka. But they're helping us reach the various facets in the community. And they're kind of bringing people along and saying hey, this important, this is your community, you need to get involved, get engaged with these Planning Department folks. They're...they're helping us bridge that gap where some people are saying, I don't want to get involved, or I...I don't trust them. So their role is much more shepherding the plan through the process to helping...encouraging people to stay engaged and provide testimony at Council and Planning Commission. Their role is far less as far as the details of the plan.

COUNCILMEMBER SUGIMURA: Thank you. So could you provide...Chair, could we ask for a list of who the members are for the Alaka'i, and what their role was? Did you have minutes or...or was it a casual group?

CHAIR PALTIN: Sure. Staff, can you prepare a transmittal requesting --

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: -- the list?

COUNCILMEMBER SUGIMURA: Thank you.

MS. LILLIS: Chair, this is Ana at OCS. Yes, we've taken note of the request.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Thank you. And I would just share my recollection of that group, it wasn't really hand selected, it was just the people that kept showing up. You know, and it was prior to the CPAC getting sat, so it was like, you know, a way to get the word out about it. You know, I know some of the testifiers or some even people were making the comment that the CPAC didn't know who those people were, or maybe they weren't community. But if you recall, it was real slim pickings of who to choose for the CPAC. And it wasn't because people didn't know what was going on, it was because of...a little

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

February 9, 2021

bit of...of the distrust that Ms. Maydan was talking about. And I think also the fear at previous plans being picked apart or not listened to by, you know, CPAC being the lowest level and then getting revised by the Planning Commission, then getting maybe rewritten by the Council. So there was that kind of distrust going on. And I think, you know, that was...that was a little bit of the factor. It looks like Ms. Eaton wants to comment. But before that, I'd like to welcome Councilmember Tasha Kama to our Committee. Aloha 'auinalā.

COUNCILMEMBER KAMA: Aloha 'auinalā, Chair. Sorry I'm late, I had some other things to take care of. Thank you.

CHAIR PALTIN: No problem. Ms. Eaton, I'm sorry for the interruption. Go ahead.

MS. EATON: No problem. I just want to add that the Alaka'i, this was something that happened...I...I...whatever...it is something that happened in a small town in Western Pennsylvania that basically was going into hard times, and the town was in bankruptcy. It was in a bad, bad situation with a rich 280-year-long history. And the way they decided to deal with it is the town leaders came together, very, very bipolar, if you will, political persuasions, but it meant so much to them to create a cohesiveness in their town and to sort of bridge generational gap and all of this, that they decided to come together, very different political persuasions. And every Friday morning they met at the councilmember's kitchen table and had coffee and Danish, and they talked through the situation. So I was so blown away by this, that they were able to bridge the gap with their political differences, their age, you know, all of that kind of stuff. And so the Alaka'i...which by the way, wasn't even called the Alaka'i, we were referred to them, as Jen said, as champions. It was Ekolu Lindsey that coined the term Alaka'i. The great thing about that group is we also had business leaders. We had Joe Pluta, we had Dylan Payne, we had Lawrence Carnicelli. I mean, and that's what was so cool is in these meetings, these guys listened to one other. You know they didn't agree with one another, but they listened to one another, they came up with solutions, and in many ways, like Jen said, they helped us forge a different way of approaching, for example, how to develop the vision. They facilitated the entire meeting. And so to me, there was a lot of power in that. There was a lot of power in the way you could take a diverse group of people to work together, to create the core, the heart, the soul, the whatever of this plan. So and then yeah, like, you know, Tamara...I mean, like people saw, some members chose to take it further and join CPAC. Some members, like Ekolu, continue to testify. And then finally, they reached out...they reached out to their family, to their friends, to their neighborhoods to say, you need to get involved. So they kind of took it step...a step further than social media, than the newspaper, than the radio, than everything else we were doing. So that...and...and I...I think it's important, and I really appreciate that you've asked. I think that's great because we are using this in South Maui, and it's just something that kind of connects us on a deeper level, we hope, to the community. So thank you.

CHAIR PALTIN: And Member Kama, we just were going because I had asked Members to hold their questions. So we had done a couple rounds of questions. So I wanted to give you an opportunity. We each had up to five minutes in two rounds, three and two, but if at

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

February 9, 2021

this time you'd like to ask any questions of the Planning Department, I'll...I'll give you five minutes, and you can have your opportunity.

COUNCILMEMBER KAMA: Thank you, Chair. Right now I don't have any questions for the Planning Department. Thank you, Chair.

CHAIR PALTIN: Sure thing. I did have one thing that I...I might like the Planning Department to clarify. There were some testimony about bullying during the process, and, you know, my staff or myself attended all the live meetings, and then we watched all the virtual meetings. And you know, I saw like whether you had six or eight of your staff there, everybody had a role in facilitating the meeting, whether it was sound, whether it was GIS. You...like sitting next to the chair and helping Mrs. Maydan. And you know, so everybody had a role in the building. And I also saw sometimes outside of the building, people having words with each other that could have possibly been interpreted as bullying, but it was mostly outside of the building, and...and from what I saw it never rose to the level of violence. And so I mean, how do you as the Planning Department think the role is in that? Like, I mean, even if the police were called, people can't be arrested for having harsh words at each other. You're running the meeting on the inside, so you're not really focusing on what goes on outside. And like Ms. Eaton said, community planning can get messy. So I was wondering if...if you wanted to say anything about those folks that may have spoke about bullying and...and your perspective.

MS. MAYDAN: Mahalo, Chair, for your question. Wow, big question. So yeah, absolutely, you know, at...we were very engaged in the CPAC meetings that were going on inside. If something happened outside of a meeting that was bullying or a fight, I'm sad to hear if that did happen. I am not aware of anything. Of course the topics in the community plan are personal, are...you know, it...it touches people deeply, and there's division within communities. I mean, you all know that. On many issues, there's division and people are passionate. As far as the process that we have control over and facilitating the CPAC process, they run their meetings via Robert's Rules of Order. They elect a chair and a vice-chair, and they hear from all of their members. I...I believe that our CPAC Chair, Kai Nishiki, did a great job of keeping order in the meetings and encouraging participation of all of the members. Attendance varied at meetings. You had some members that attended all...most if not all meetings, you had some members that did not have as shining attendance. But order in the meetings, I believe, was kept quite well. And as far as public involvement in the meetings, we had a lot of testimony at the CPAC meetings. We would have a sign-up list, lots of testimony from a lot of diverse backgrounds. And each member, just as...as you do, we were...they were given time limits, the members asked questions. I saw a lot of courtesy that went on among the members...the members to the public. I'm sad to hear if there was bullying going on, but I believe that the CPAC process was fair and orderly.

CHAIR PALTIN: Thank you. That concludes, I...I believe, our questions for the Department. Thank you so much. Members wishing to speak during today's meeting should say my name and raise their hand and ask to be recognized so I may call on you. The West...the one item on the agenda is the West Maui Community Plan, and I'm scheduling this now

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

February 9, 2021

so that it would be, you know, right when...when it passed, it's recent, relevant. And so my plan is...originally, I said, let's go through 1 consistent, 2 consistent, 4 consistent, and come back to 1 revised, 2 revised, 4 revised, but I kind of feel like it would be better to just get 1 out of the way, 2 out of the way, 4 out of the way. And I have...there...a memo was sent to the Members of a template. You can use it. I think it will be logical and easy, but if you have your things in a different format, I'm not going to like reject it or anything, you know, I just thought it would be easy. Before we dive in deep, I just wanted folks to take a look at their names and ensure that's how they wanted them to appear. There was...you know, Member King usually puts Kelly Takaya King. I'm not sure if she wants it like that. And Chair Lee usually puts Alice L. Lee. I'm not sure if she wants it like that. But please let us know how you would like your name to appear. And so the format that I've been told is we can make a motion to pass the community plan on first reading, and then go through and amend section by section. And it's not my intention to return to any section unless we have new information that we didn't have, or things have radically changed. Because I don't want us to get into like controversial things and then, you know, go back to it. You know, we know we may not agree on something; however, we got to take a vote and move on. But if there's new information or changes, like, in real time, we can go back to address it at the end of the process, if that's all right with the Members. And so what I've received, I have Section 1, 2, and 4 amendments. I received from Councilmember Keani Rawlins-Fernandez amendments for Section 1, and we can go through these as it...as the time comes, and if other Members had things in their head or they want to tweak it, then...then we can go through. So any questions on process so far? No questions? Member Rawlins-Fernandez, and then Member Lee.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So I...I know you did process for today's meeting. Will you explain your process for...or your plan for taking up the entire West Maui Community Plan and what that schedule would look like?

CHAIR PALTIN: Well, I...I've gotten as far as 1, 2, and 4. I'm still working with the Planning Department on getting us more information for 3 and 5. So from what it looks like as how we've gone through 1, 2, and 4, and I know it's hard for folks to shield their eyes from the maps because they're so exciting and...and, you know, everyone wants to talk about maps. I think that we will need maybe 12 to 15-hour meeting to get through just the testimony on maps, you know, or like a full day. So you know, I'd love to finish this before budget, but I'm going to reassess at the end of the month, the...the reality on how far we get with 1, 2, and 4, and that...working with Planning on all the additional information that we'd like for 3 and 5. And so a lot of it depends. I mean, it's my dream to get through the whole thing before budget, but if it turns out to be a miracle that's not attainable then, you know, at least I know we put in our best effort.

COUNCILMEMBER RAWLINS-FERNANDEZ: Hello, Chair. I just...so I...I know your...your...your dream would...would be to pass it before budget. And I'm wondering if perhaps we, you know, could have that conversation as a Council on like how would we be able to make that dream happen without killing ourselves before we kill ourselves at budget. Because I...I hear you, and I hear your community, and I...you know, I want to support that happening, but I also want to be mindful of...of everyone's energy level

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

February 9, 2021

and time. So if...if you have a proposed schedule that I can write down, and maybe if all the Councilmembers are willing to not schedule meetings on off week so that this week isn't another committee week followed by a real committee week followed by another committee week, you know. And then that way it's...it...it will...it would be more sustainable, and we could try our best to take it up without killing everyone.

CHAIR PALTIN: So at this point, some of it isn't all in our hands because of the depth of information that we need back from the Planning Department. Mr. Fukunaga made some good suggestions, and I think Member Sugimura highlighted them. So I do have some debriefing with Planning, and I think by our next PSLU meeting, we'll have a much better idea of where we stand on it. I mean, at the very least, my goal is to get through 1, 2, and 4 before budget, at the very least. And I think that will be helpful too because, you know, it's the policies and the action items more so than the maps, I believe, that will influence, you know, West Maui's kind of priorities in terms of budget. So I...I would feel very comfortable if we could get through 1, 2, and 4, and also knowing that we need a lot more dialogue between me as Chair and the Planning Department on things that will help us for 3 and 5. So I mean, you got your goals and aspirations, and you got maybe your reality, you know. And so 1, 2, and 4 is...I think is...is more realistic. You know, I'm...I'm still open to miracles, but at the very least, I'd love to try and finish 1, 2, and 4.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And perhaps, you know, you have your Committee day shared with Pro Temp Kama, and maybe before we go into budget, if it would possible for you to swap your committee times. And then that way what happened last week, you know, we wouldn't need to make those kinds of adjustments in order to, you know, get through all of public testimony. So that was just an idea for consideration for everyone. Mahalo, Chair.

CHAIR PALTIN: Yeah. I'll...I'll reach out to Member Kama offline and see what...what we want to try and figure out. Chair Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. Yeah, it's going to be hard to predict giving up other committee work, you know, on the off weeks because who knows what's going to come up, so it's hard to commit to something like that. But what I was thinking of is so like a person like me would not particularly spend a lot of time on the vision statement or goals and aspirations because that's...to me, that's from the community and that's for that community, you know. So you know, who are we to argue that they don't have that vision or they don't, you know, have that goal? But for me, it makes a big difference to see what changes we are going to be creating with our votes on actual land changes. And if we had some kind of matrix to show, okay, this is the current status, this is Ag, or this is Light Industrial, whatever, and CPAC wanted it to go to this land use, and the Department wanted that, and Planning Commission wanted that. So what I...now everything's in context, yeah? There's a reference point. Right now, it's more of like a story. The whole book is like a story, which is nice, you know, but I mean, who can memorize all of that? I mean, you know, it's easier to have a sheet, a matrix in

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

February 9, 2021

front of you that shows everything that's going to be changed and how we're going to affect people's lives, yeah. That's the most important thing to me. Thanks. So --

CHAIR PALTIN: Yeah. And...

COUNCILMEMBER LEE: -- that's what I just wanted to say.

CHAIR PALTIN: Thank you. And...and we're working with the Planning Department to try and get all of you that...that type of information. I think, you know, they see it and they know it and they forget that we're...like, we don't know it or we don't see it, you know. So I...I did speak briefly with them, and I know that they were taking notes during testimony, and they have plans, and...and I do need to debrief, so we'll be working on that to get the Members the information that they need to make informed decisions. Okay. And so I have learned from our OCS Staff that it's okay to make a motion, like, I'll entertain a motion to pass the community plan, and then take up the amendment section by section. And then just kind of leave it on the table, adjourn or recess the meeting. And even if we come back say after budget, we just restate the motion, and...and they say that's okay by the rules. So I just wanted to let you folks know that because I didn't know that until they told me that, so I figured maybe not anyone knows that. Yes, Chair...or, Vice-Chair King?

VICE-CHAIR KING: Mahalo, Chair. So I...I agree with Chair Lee that, you know, the...the parts that the community worked on together, like the vision and the priorities, that those are their priorities, those...that's their vision. So my...my...I'm interested in, you know, the changes we're going to make to land use designation descriptions, and I'm also interested in whatever portions of this plan are going to try to be replicated in every other plan. So you know, thinking ahead, are these...you know, if the idea is to have the appendices be the same for every plan, then we have to think about it in terms of what...will all the other communities want the same designations. So that's kind of where I'm coming from. But I...you know, I'm happy to just start into it and go ahead. I only have today until 5:00 because I have another meeting at 5:00, so I'm just...I'm ready to go. Thank you.

CHAIR PALTIN: All right, let's get going then in that case. The Chair will entertain a motion to recommend passage of the proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED WEST MAUI COMMUNITY PLAN," on first reading; attaching the Draft West Maui Community Plan in Paragraph 2(b) as Exhibit 1; and filing of County Communication 27-70 [sic].

VICE-CHAIR KING: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR PALTIN: It's been moved by Vice-Chair King and seconded by Councilmember Kama to pass on first reading all that stuff that I just said. And at this time, I'll entertain a motion to amend the Acknowledgments page if any changes are desired. Please check

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

February 9, 2021

if your name is listed how you'd like it to appear.

VICE-CHAIR KING: So moved. Changes. My...my...yeah, I would like to have my name Kelly Takaya King.

CHAIR PALTIN: Okay, so moved by Vice-Chair King, and seconded by Chair Lee. And so the first amendment would be for Vice-Chair King's name to be Kelly Takaya King. Okay. Any objections to that?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Chair Lee?

COUNCILMEMBER LEE: Another amendment.

CHAIR PALTIN: Uh-huh.

COUNCILMEMBER LEE: Can she add the L for the middle initial please? Thank you.

CHAIR PALTIN: Would like the L. Okay. Any objections to that?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Any other changes?

COUNCILMEMBER MOLINA: No objections to my name.

CHAIR PALTIN: Member Sugimura?

COUNCILMEMBER SUGIMURA: So mine is Yuki Lei Kashiwa Sugimura.

CHAIR PALTIN: Kashiwa.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Any objections to Kashiwa?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Seeing none. All right. Let's see. Any further discussion on Acknowledgements page? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Keani N.W. Rawlins-Fernandez.

CHAIR PALTIN: N.W. Okay. Well, in that case, I'd like to add in A.M. if there's no objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

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

February 9, 2021

CHAIR PALTIN: Okay. So no objections on N.W. or A.M. Any further amendments to Acknowledgements?

COUNCILMEMBER LEE: What does A stand for?

VICE-CHAIR KING: Akiko.

CHAIR PALTIN: Akiko.

COUNCILMEMBER LEE: Oh, Akiko.

CHAIR PALTIN: I was born in the fall. Autumn child. Plenty people ask if it's stands for Ann Marie, but no. Member Sugimura? Can't hear you.

COUNCILMEMBER SUGIMURA: Yeah. So I remember, Chair, that what we did for your...advise the CPAC was didn't Angela from your staff get voted in to finish off a term?

CHAIR PALTIN: Yeah. She's...she filled in for Joseph Aquino. So his name is slash Angela Lucero.

COUNCILMEMBER SUGIMURA: Oh, okay.

CHAIR PALTIN: He assisted the first part and then Angela --

COUNCILMEMBER SUGIMURA: I saw that now.

CHAIR PALTIN: -- finished up his term. Yeah.

COUNCILMEMBER SUGIMURA: Thank you. Thank you.

CHAIR PALTIN: Any further amendments here? Seeing none. All those in favor of the changes that we have put in, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Any opposed? The motion passes unanimously.

VOTE: AYES: Chair Paltin, Vice-Chair King, Councilmembers Johnson, Kama, Lee, Molina, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

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

February 9, 2021

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED amendments to Acknowledgments page.

CHAIR PALTIN: Okay. Well, that wasn't too hard. Okay, moving along, the Chair will entertain a motion to amend Section 1.

COUNCILMEMBER SINENCI: So moved.

CHAIR PALTIN: Moved by Shane Sinenci, seconded by Member Sugimura. Okay. So Members, we've received two amendment forms, one for Member Rawlins-Fernandez and one from myself, and I...I recall Member Molina requesting some updated information. So I'm not sure if you have printouts of both the amendments, but I just wanted to go through them in order. Member Rawlins-Fernandez, at the top...at the bottom of page 10 would like to strike the word "guides" and replace it with "directs." And guides is used twice in the last paragraph. So instead of the plan guides future growth, she'd like the plan directs future growth as established. And this plan will direct the County in its planning programs and decision makings. And then on page 11, at the top where it says the policies and actions outlined in this plan direct the County's decision, instead of guides. Is there any objection in those three areas to removing guides and using directs? Member Molina?

COUNCILMEMBER MOLINA: Yeah. Yeah, Madam Chair, no...no objections, but just a question as to the, I guess, the differences between guide and directs. If I could get an interpretation of that.

CHAIR PALTIN: Okay. Member Rawlins-Fernandez, did you have an interpretation that you had in mind as far as the difference between guides and directs?

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. Mahalo, Member Paltin. So directs is a more assertive way of reinforcing the existing Code, and guides is very passive. And we want to ensure that...that the community plan is not passively overlooked as a...a guide, but rather is informing decision making more actively.

COUNCILMEMBER MOLINA: Okay. If I may ask, I guess, maybe in terms of, you know, how attorneys can interpret a word. I guess direct is more definitive versus guide. So you know, I guess everybody can interpret a word differently. So I think...so for the sake of the legal...legality, I guess, by using direct, it's more definitive than, yeah, versus just guide. Because you know how people can just interpret things differently with certain words?

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So guide is like suggesting --

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

February 9, 2021

COUNCILMEMBER MOLINA: Suggesting, yeah. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and this is not suggesting.

COUNCILMEMBER MOLINA: Okay, good.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's not just a suggestion, it's...it's...it's kind of a command.

COUNCILMEMBER MOLINA: Command, yeah. Okay, good. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Mahalo, Member Molina.

CHAIR PALTIN: Member Kama, followed by Member Sugimura.

COUNCILMEMBER KAMA: Is there a plan to insert into this plan a definitions page of some sort that would...that would actually be able to define the intent of the Council as we go through this document? Because sometimes I think when you read stuff, you read stuff, but then you always ask yourself, oh, what was the intent...when the words are so similar such as this. So I don't know, I think my sense is to maybe if we could have a definition page so that people understand what we're actually saying so that it doesn't...I don't know, I just thought if we go along the document, then we might.

CHAIR PALTIN: Yeah. In the appendix...in the appendices there are the references, acronyms and abbreviations, and definitions. In Appendix G is definitions, and Appendix H is Hawaiian word definitions. So we do have an Appendix G, definitions, in there. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And it's also in Chapter 2.80(B) what the intent of community plans are, which is to direct and not suggest. Mahalo, Chair.

CHAIR PALTIN: Member King? Oh, I'm sorry, was Member Sugimura after Member Kama?

VICE-CHAIR KING: I was just going to respond to the...to the question...earlier question about intent. That you know, generally when we want to see what the intent of something was, we go back to the minutes. And so this discussion is being captured and will be in the minutes if someone wants to know, you know, the...what was the intent of changing guide to direct. That's part of the record.

CHAIR PALTIN: Okay. Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. So thank you, Chair. I just wondered, Keani's amendments that you're referring to, I looked in Granicus, I didn't look in eComment, but is it there for us, what she submitted?

CHAIR PALTIN: She submitted it to the PSLU Committee. Did you refresh your Granicus?

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

February 9, 2021

They should have uploaded it by now.

COUNCILMEMBER SUGIMURA: Okay. I just opened it. I'll check...I'll check again. I just...I just did that.

CHAIR PALTIN: Oh, okay. Okay, so it seems like we can replace guides in those three instances with directs, and everyone's okay with that. Moving on to the second amendment, both Member Rawlins-Fernandez and myself would like to replace West Maui Mountains with Mauna Kahālāwai. And it looks like she would also like to add Pu'ū Kukui. So instead of saying like the western slopes of Mauna Kahālāwai or of the West Maui Mountains, we would say--correct me if I'm wrong, Member Rawlins-Fernandez--the western slopes of Mauna Kahālāwai and Pu'ū Kukui. Is that your intention?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. That's...that's the intention.

CHAIR PALTIN: Okay. And...

VICE-CHAIR KING: Chair? Chair, just a point of information. Can you give us page numbers when you're suggesting...

CHAIR PALTIN: Oh, sure, yeah. We're on page 10.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: Still on page 10.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: And for my amendment, I had kahakō over the two middle ā's. Is everyone okay with that?

COUNCILMEMBER RAWLINS-FERNANDEZ: In Kahālāwai?

CHAIR PALTIN: Kahakōs...yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. I mean, that's the correct spelling of it after all.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: No objection.

CHAIR PALTIN: And I have a definition for Appendix 5 on Mauna Kahālāwai. I know Pueo Pata and Hōkūao Pellegrino had some insights that they had put for Mauna Kahālāwai and its usage, but I'll...I'm just foreshadowing that for you, and we'll get to it when we get to appendix...appendices. But...oh, and Member Rawlins-Fernandez would also like a definition...or a translation for Lāhainā. So I have no objection to those. Anyone have

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

February 9, 2021

any objection?

COUNCILMEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBER LEE: Madam Chair? Madam Chair?

CHAIR PALTIN: Yes, Chair Lee.

COUNCILMEMBER LEE: If you're going to be using Hawaiian words, can you make sure you put the English words right...in parenthesis? So...so that on the slopes of Mauna Kahālāwai, and then put West Maui Mountains, so people know. I mean, not everybody is going to know, you know.

CHAIR PALTIN: We...we do have the Appendix H with all...which is specifically for Hawaiian word definitions. Is that not good enough?

COUNCILMEMBER LEE: Well, I guess not everybody is going to be reading this every day, but the point is it's a lot easier when it's in English; however, that's not, you know, something I would, you know, stall over. I mean, this is just the ease of reading. But whatever you folks decide on that part, that's fine.

CHAIR PALTIN: Okay. Yeah, I mean, I'd love it for folks to go to Appendix H and...and learn all that...all of that.

COUNCILMEMBER LEE: Well, you know, luckily for me, I'm fluent in Hawaiian.

CHAIR PALTIN: We sure are lucky for that. Okay. So it seems as though as we all agree with the second amendment. Member Rawlins-Fernandez, did you have a specific area where you wanted to have the translation of Lāhainā? Did you want it as a footnote or in the appendix?

COUNCILMEMBER RAWLINS-FERNANDEZ: We have footnotes? I...I didn't see any footnotes throughout the plan. If that's an option...

CHAIR PALTIN: There...there are some like the...when we get to like the...the retention basins or something.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I mean, if it...if it could be in a footnote, then perhaps we can put it in a footnote.

CHAIR PALTIN: Members, any objection to a footnote with the translation of Lāhainā? And we can probably also put it in Appendix H as well.

COUNCILMEMBER KAMA: Yeah.

CHAIR PALTIN: Both places.

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

February 9, 2021

COUNCILMEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then to your question, Chair, about which Lāhainā, it would just be the first one.

CHAIR PALTIN: The first one. Okay. All right. And shucks...

COUNCILMEMBER LEE: So what does it mean?

CHAIR PALTIN: Merciless sun, I believe.

COUNCILMEMBER RAWLINS-FERNANDEZ: Cruel sun, yeah. Basically Hawaiian place names describe the area and have information, which is why it's important to use the traditional names of places because they contain additional information for people to understand the place without, you know, being there. So Lāhainā, as we know, is really hot, and...and so that's why it was codified within the name of Lāhainā.

COUNCILMEMBER LEE: So it means cruel...cruel sun?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, or merciless sun.

COUNCILMEMBER LEE: I rather say...I rather say Lāhainā. Okay.

CHAIR PALTIN: Okay. So everybody's okay with those amendments. And Staff, you...you've gotten those?

MS. LILLIS: Chair, thank you. This is Ana from OCS. Yes, we're following discussion and we're taking notes closely. Thank you.

CHAIR PALTIN: Thank you. I might need to come back to page 10. I had in my notes somewhere, and I see that it's not translated to my amendment summary form, about the correct spelling of Pō'elua Bay. Is anyone familiar if...how to spell Pō'elua Bay north...near Kahakuloa on the north, the correct spelling?

COUNCILMEMBER LEE: Vice-Chair, what is the correct pronunciation? Is it...

CHAIR PALTIN: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, it's...Chair?

CHAIR PALTIN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: According to the Hawaiian Place Names Dictionary, it's Pō'elua.

CHAIR PALTIN: Pō'elua.

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

February 9, 2021

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. And...and that's the gulch...the gulch area and the bay in Kahakuloa quadrant in Maui. And it means --

CHAIR PALTIN: So it's...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- it means two nights.

CHAIR PALTIN: Okay. So that would be capital P-Ō'-E-L-U-A.

COUNCILMEMBER RAWLINS-FERNANDEZ: It looks like there's some uncertainty whether it means lua -- fighting people, or two nights. E kala mai. So it's Po'elua, as in two people fighting, or Pō'elua, which would have the kahakō, which means two nights. So I would defer to the generational people of that place for which is more accurate.

CHAIR PALTIN: Okay. So we'll have...we'll look into that. I just am trying to find in my notes, I thought I had it. We just know that Po'elua has to be...or Pō'elua has to be corrected and taken into account of the people of the place. So we'll...we'll do a little bit more research on that. Okay. And then moving along, it looks like both Councilmember Rawlins-Fernandez and myself, on page 11, Figure 1.1, would like this new graphic instead of the existing graphic depicting the hierarchy of the various plans. And so any objection to the new graphic?

VICE-CHAIR KING: Question.

CHAIR PALTIN: Yes, Member King?

VICE-CHAIR KING: Okay. So we're talking about putting this...oh, can't even see it because of the virtual background. But we're talking about just replacing the part on the left side and then keeping the map of Maui? Or replacing all of the whole graphic?

CHAIR PALTIN: I was thinking of replacing the whole graphic, but I'm open to what the Members decide.

VICE-CHAIR KING: No, I just didn't...I...I was just wondering what you were thinking because the map seems fairly benign, the actual map of Maui.

CHAIR PALTIN: Yeah, we...we can keep the map if Members would like, and just put this graphic on the side of it so that it's legible. Not, like, so small that you can't read the words. Maybe make the Maui map a little bit smaller and this graphic a little bigger than the map. Any objection to that?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Moving right along. We're now on to page 13. And I just wanted to...before we go deep into 13, I just wanted to make a note about on page 12, Section 1.2, about how to change this plan. The third way to change the plan is really unclear, and I asked the Planning Department, I looked it up in the Code, and the Code

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

February 9, 2021

is just as unclear, it just says that a person, during July of each year except for a one-year period following a ten-year update, can propose an amendment. But it doesn't go into any more detail than that really. And so just to let you folks know, we'll probably need to go back and fix that in the Code, but not as a part of this process. Because you know, the Planning Department can only deal with what they've got, and they don't amend the ordinance so they had to work with the way it is, and I'm not sure who the lawyer was that let that go through, but shame on them. Nah, nah. Member King?

VICE-CHAIR KING: Do we know...thank you, Chair. Do we know why the month of July was picked as the only month that they could actually propose a change?

CHAIR PALTIN: I think there's a lot that's unknown about that. Like, I mean, it's...it's really a mystery to me.

VICE-CHAIR KING: Okay. Because I have that same sentence highlighted, but I...I figured it's in the Code so we can't really change it in the community plan until we change the Code, so.

CHAIR PALTIN: Yeah. Yeah.

VICE-CHAIR KING: Just didn't know if there was a reason.

CHAIR PALTIN: There is that. Okay, moving on to page 13, 1.3, I have just a typo. I think Mary Kawena Pukui's last name should be Pukui and not Pakui. And then let's see, middle of the page, Member Rawlins has replaced the photo on page 13...or replaced the name tourmaui.com with the name of the individual that provided the photo. If I can get Planning Department, do you have who provided the photo beyond tourmaui.com, Jen or Pam? Or Misses...

MS. MAYDAN: I'll have to check with...thank you, Councilmember Paltin. I'll have to check with Jaime, who inserted the photos and did the sources. I do not know off the top of my head.

CHAIR PALTIN: Okay. And...and you can just make note of our desire. Oh, Member Rawlins-Fernandez, if you'd like to speak to your amendment?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think for the whole plan and all plans moving forward, like, it would be a good policy and we can communicate this to the Planning Department now to...it seems like tourmaui.com is a commercial business and not...yeah. So I...I...I...my preference is to have a policy that does not promote commercial businesses within community plans. So as much as possible, to get the person who did the artwork or not use the...not use the artwork at all.

CHAIR PALTIN: Fair enough. Okay. So no objection to looking into who provided the artwork and putting that on instead of tourmaui.com?

COUNCILMEMBERS VOICED NO OBJECTIONS.

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

February 9, 2021

CHAIR PALTIN: Okay. And then...oh, I...I went in order. The first page...or the first sentence on page 13, Member Rawlins-Fernandez would like to amend western to European. So it would read, the plan region historically was a significant agriculture and political center prior to European--with a capital E--contact. Any objection to that? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So there are going to be several amendments that I initially just put in like a quick fix to change western to European, but really, I think the whole sentence should be changed so that ancestral history is not held in the framework of when Europeans arrived to Hawai'i. In our history, we've had a lot of travel. Our...you know, our ancestors traveled using the stars and went to, you know, what's now known as California to meet with native peoples there, went throughout Polynesia, and to South America. And...and so I...I...I don't think that in the context of when Europeans arrived in Hawai'i should determine how our history is framed. And so a lot of the way that the sentences are written is very...from a colonized lens. And I'd really like to work with your community on fixing the entire sentence and not just changing one word. And I don't have that amendment right now.

CHAIR PALTIN: Okay. And then there's also a request to explain who Pi'ilani was, as in, like, his lineage as a chief and his significance to West Maui and Maui as a whole. And I think that we can tap our Cultural Resources Planner, Annalise, to work on that. Any objection to that? Working on that sentence with the community? Member...Chair Lee?

COUNCILMEMBER LEE: Can't she take the whole page? I mean, does it have to be a sentence at a time?

CHAIR PALTIN: You can take the whole...Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: The...the whole section.

COUNCILMEMBER LEE: Yeah, the whole section.

COUNCILMEMBER RAWLINS-FERNANDEZ: The whole section of...yeah, West Maui Yesterday and Today.

CHAIR PALTIN: Okay. So is there objection to letting Annalise take the Section 1.3 to come back to us with guidance from Member Rawlins-Fernandez and the West Maui Community?

MS. LILLIS: Chair? This is Ana from OCS. I would ask the Committee consider correspondence to Planning requesting this information to formalize it and, you know, if anything else is needed, to follow up in writing.

CHAIR PALTIN: Would that be correspondence that you make?

MS. LILLIS: Chair, we would be happy to help you with that and draft that for you, absolutely.

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

February 9, 2021

CHAIR PALTIN: Okay. That would be awesome. Any objections from the Members to OCS Staff drafting correspondence to work on Section 1.3?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: No objections. Okay.

VICE-CHAIR KING: Chair?

CHAIR PALTIN: Yes?

VICE-CHAIR KING: I don't have any objections, but I just think that that might be something that also should be, you know, available for the community to...the West Maui community to comment on since we're changing something that they specifically wanted in that.

CHAIR PALTIN: Sure, sure. The feedback that I got from the CPAC was that, you know, much like we can't get away from the maps, they were focused on the maps, policies, and action items, and the plan framework was, to some extent, more in the background. But it's my understanding that Member Rawlins-Fernandez feels that the background tells the history of the place and the people, and I'll let her chime in because I don't want to speak for her.

VICE-CHAIR KING: Oh, I think that's fine. I...I just...I'm trying to figure out where one point...

COUNCILMEMBER RAWLINS-FERNANDEZ: . . . *(inaudible)*. . . I...I did say that we would work with the community and that deference would be given to the generational people of that place.

VICE-CHAIR KING: Okay. And then one point...

COUNCILMEMBER RAWLINS-FERNANDEZ: And that it is important how it's written because this is an official government document, and we would be approving some of the...the language that would be revising our history. And I am in strong opposition of revisionist history in a community plan. Mahalo, Chair.

VICE-CHAIR KING: Okay. And then where does 1.3 end and 1.4 start?

CHAIR PALTIN: Oh, shoot. It looks like...

VICE-CHAIR KING: I don't see a heading for 1.4.

CHAIR PALTIN: Everything is 1.3.

VICE-CHAIR KING: Okay. So the whole rest of the Chapter 1 is 1.3?

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

February 9, 2021

CHAIR PALTIN: Yeah. Maybe we can just go through and make note of some of the changes that are in as far as words. Both Member Rawlins and myself had a kahakō after the last A in Haleakalā. And then on page...and that's page 13. On page 14, I think it was my understanding that Launiupoko is spelled correctly in brackets because the source that they were citing from had originally spelled it incorrectly as Launuipiko. And then so I mentioned if the source that they're citing also misspelled Kanahā without the kahakō over the ā, maybe do the same things with the brackets and spelling it correctly for Kanahā. So those are kind of typo areas. Member Rawlins-Fernandez has another European on page 14 instead of western. Both Member Rawlins-Fernandez and myself I think...oh, I didn't have it in here. Lucky. Okay. So she has Loko i'a with a capital L for fishponds instead of fishponds on page 14. I think my amendment of fishponds is somewhere else. So that's just, you know, the traditional name of Loko i'a. Page 14, it looks like a typo, nearshore should have been one word. Then she has a sentence, water that flowed into the lo'i kalo were diverted back into the stream before entering the ocean below, for page 14. The lo'i kalo...or Loko i'a, lo'i kalo, and groves of...groves of trees, such as ulu, also dotted the nearshore landscape. So nearshore should be one word. And then I believe that's where you would say water that flowed into the lo'i kalo were diverted back into the stream before entering the ocean below. Is that correct, Member Rawlins-Fernandez, where you wanted that sentence to go or would you like it after the lands that extend from behind the coastal areas to the valleys contain wetland and dryland agricultural fields?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'd really love to work with Ms. Kehler, as you recommended, on really rewriting a lot of sentences.

CHAIR PALTIN: Okay. So those sentences, you'll work with Ms. Kehler and the community on --

COUNCILMEMBER RAWLINS-FERNANDEZ: Absolutely.

CHAIR PALTIN: -- 12, 13, and 14 of your amendment. Number...page 17 is a typographical comma after with it, but the sentence could be changed. Western businesses to non-Hawaiian, on page 17. And some more sentence...page...on page 17, I put to add King in front of Kamehameha II and Kamehameha III. I see that there is also the option of putting Ka Mō'i. Which...whichever one we use, we should be consistent. So I'm okay with Ka Mō'i on pages 17 as well as page 18 in reference to the ali'i as a title. I just saw that Captain Vancouver had a title attached to his name, and I...I thought, you know, we should have titles for all the folks with titles. Page 18...another photo amendment, replace the photo on page 18 and/or amend the description with the name of the individual that provided the photo only, removing flicker.com Creative Commons for the Makāluapuna Point photo at the bottom of the page. And that goes along with the previous tourmaui.com photo. And then below-ground should have a hyphen, page 18. For...for me, I have a typo on page 18 Loko o Mokuhunia, I believe, should be Loko o Mokuhinia with an I instead of a U. And also, Malu 'Ulu o Lele on this page, as well as throughout the book, commonly written as four separate words, Malu 'Ulu o Lele. I've been told that Lele is the ancient name for Lāhainā, and there used to be so much breadfruit, Ulu, grown in Lāhainā that Malu 'Ulu o Lele is a common saying meaning

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

February 9, 2021

the shade of the breadfruit tree of...of Lele which is Lāhainā. So instead of just one word as Malu'uluolele Park, Malu 'Ulu o Lele Park. And then for me, as kind of an addition to page 21, the Planning Commission added, this plan attempts to address the following issues with policies and actions included in this plan. I kind of wanted to add a COVID-19 disclaimer. You know, if people...say we get over COVID-19 next year, and then kids born or whatever, ten years, like they're not aware of what we went through. So my wording to add onto that was, the data was gathered and the Community Plan Advisory Committee completed most of its deliberations before the COVID-19 pandemic prevented large in-person gatherings, and the update was completed via video conference meetings during the global pandemic. And I would add that right after, the plan attempts to address the following issues with the policies and actions included in this plan. Or it could be a footnote here or in front of that sentence. I'm open to suggestion from the Members. Okay. I'll do it right before the Maui Planning Commission addition. So it would read, the data was gathered, all that, and then this plan attempts to address the following issues with the policies and actions included in this plan. And then I believe Member Molina had requested here on page 21, if we can get the most recent numbers instead of going off of the 2017 numbers, if there's no objection to that?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Think it's a good idea, yeah?

COUNCILMEMBER SUGIMURA: Good idea.

CHAIR PALTIN: Okay. And he also would like a source for the 2040 projected population growth, which I also think is a good idea. So consensus?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. And then for me, on page 22, under the heading where it says, will new residential growth lead to economic growth and better jobs, the last sentence...or the second sentence, my bad, sorry...it says in 2015, about 84 percent of West Maui jobs were in the service industry, and approximately 73 percent of West Maui workers earned less than 44,000 annually. I wanted to add on to that that a single person in Lāhainā earning up to \$54,700 is considered low-income, and then parenthesis, 2019 HUD Section 8 Guidelines, to provide some context as the plan ages, or if people are not from here and they might think, you know, whoa, 44,000 annually, that's a lot of money. But, you know, in context it's low...below...below low-income. Any objections? Consensus?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Wow, Members, we're moving right along here. So going back to Member Rawlins-Fernandez's amendments, these are mostly word changes, and she's made her preference known then to not do just the word changes, but to amend some of the sentence and the lens. And I believe she probably did reach out to Ms. Kehler

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

February 9, 2021

about working together on amending some of the wording. And so I just wanted to poll the Members about closing the amendments that we've agreed on to date, and giving Member Rawlins-Fernandez, Ms. Kehler, and the community some time to work on amended paragraphs as opposed to words. What...what are the Members' thoughts on that?

COUNCILMEMBER SINENCI: Consensus.

CHAIR PALTIN: Chair Lee?

COUNCILMEMBER LEE: Whatever is most efficient and accurate.

CHAIR PALTIN: Okay. And...

COUNCILMEMBER LEE: But you know, but...but my concern too is, you know, and I have complete trust in our Vice-Chair, but just remember that people who live there all their lives, yeah, cannot be discounted. Because this is...this is history, but history is interpreted so many different ways by different people. So that's, to me, a very touchy subject, but I have all the faith in you that you're going to come up with something that everybody is agreeable to. And not us, I'm talking about the people in Lāhainā, people in West Maui, yeah?

CHAIR PALTIN: Okay. Members, so what kind of time frame are we looking at here? Do we want it to be at the end of 1, 2, and 4, or do we want to take this up as new information at the very end of the plan? Member Molina, followed by Member Sugimura.

COUNCILMEMBER MOLINA: I don't know, just maybe end...end of the plan after review, then we could come back to it. Yeah. So just my thought, but we'll follow your lead, Chair.

CHAIR PALTIN: Okay. Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, that's what I was going to say, follow your lead, because I think that you've got the rhythm here going, and it sounds like a big job that Keani is undertaking with, you know, Miss...Ms. Kehler. So whatever will work and be accurate.

CHAIR PALTIN: Okay. I think we can consider this as new information or change of information and...and that was what we would...things that we would come back to. So with the understanding that it's going to be more than word structure...or word changes here and there, as opposed to we want to see full sentence changes or paragraph changes. We're going to consider that to be a new updated change of information, and all of that stuff we take up at the end. So for what we have right now, the typos, the...the new figure and things like that, any further discussion as to the changes that have been made in Section 1, knowing that as far as paragraphs wording, we'll come back to that at the end of the plan. Any discussion on the changes we've made to this point? All right. Then I'll call for the question. All those in favor of the...the amendments that we've went over to this time, raise your hand and say "aye."

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

February 9, 2021

CHAIR PALTIN: I'll entertain a motion to amend Section 2.

VICE-CHAIR KING: So moved.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(raises hand)*. . .

COUNCILMEMBER KAMA: Second.

CHAIR PALTIN: Okay. It's been moved by Vice-Chair King and seconded by Member Rawlins-Fernandez to start amendments on Section 2. The first one I had for proposal was on page 31, and it's policy 2.1.2. And I wanted to go a little bit deeper, but Director McLean kind of pulled me back in. And I wanted to initially delete everything after hazard line, but Director McLean mentioned that some of the properties, the entirety of the property are seaward of the erosion hazard line or the SLR-XA. And if we don't allow anything to be built in that area, if that's the entirety of their property, it could be considered a taking. So for those reasons, what I wanted to do was after erosion hazard line, add in, and current SLR-XA, and then take out the, for 3.2 feet of sea level rise. Because whatever that amount is defined as by the SLR-XA, I think that we should go with the most current definition instead of marry ourselves to what the...the number is right now. Because you know, we're...we're talking about six feet and other things right now. So it kind of was a compromise on my part, I wanted to just take that all out, but I didn't want to do takings, you know. And...and there are variance options as well. So that...that's my proposal. Members, consensus?

VICE-CHAIR KING: Consensus.

COUNCILMEMBER SUGIMURA: Can you explain where you are, what page you are that you're --

CHAIR PALTIN: Oh, sure.

COUNCILMEMBER SUGIMURA: -- referencing?

CHAIR PALTIN: I'm on page 31, policy 2.1.2. So what I would have done was after erosion hazard line, I would replace for 3.2 feet of sea level rise, and put, and current SLR-XA, which SLR-XA is defined in the appendices as, I believe, like sea level rise exposure area. Currently it's at 3.2. It may change based on the most up-to-date science.

MS. MCLEAN: Chair, may I just comment? I have no concerns with the intent. I'd just like to check the wording with Tara Owens to make sure that that's using the right terminology because there usually is a tie-in of the SLR-XA with a certain number of feet. But I just want to check with her, and there might be tweaks to that, but not to change the intent. So we'll get back to you on that. Thank you.

CHAIR PALTIN: Yeah. I'm okay with checking in with Tara Owens. Yes, Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Just a question in relation to the

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

February 9, 2021

words, erosion hazard line. Just as, you know, item 2.1.2, you know, how much of a setback specifically will this provision result in the footage from the erosion hazard line? If I could direct that question to Planning or Ms. Maydan.

CHAIR PALTIN: Ms. Maydan, do you have knowledge of that for Member Molina? Or Director McLean, whoever it may be.

MS. MCLEAN: Well, as Councilmember King's Committee will be discussing next week, we are proposing amendments to the Maui Planning Commission's shoreline rules to change shoreline setback formula from its current formula, which has a couple different options, to using the sea level rise exposure area erosion hazard line as the basis for the shoreline setback. So if those changes are adopted, then that would be in sync with what Councilmember Paltin is proposing in terms of what the setback will actually be. In terms of what the current setback is, we would literally have to go parcel by parcel to determine what the setback is because it's based on a variety of factors currently. So there's always currently a minimum setback of 25 feet, but in...regardless, under the current formulas and under the proposed new changes, there will always be a minimum buildable area so that there will always be some potential use of the property.

COUNCILMEMBER MOLINA: Okay. Thank you for that clarification, Madam Director. Thank you, Madam Chair.

CHAIR PALTIN: Thank you. Okay, so consensus on that, but we're going to check with Tara Owens as to the proper terminology. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. No objections. For consistency, did you want to make all sea level rise exposure area abbreviated as SLR-XA? Because in 2.1.3 and 2.1.5, it's spelled out; but on page 30, under definitions, that's the first time that's abbreviated as SLR-XA.

CHAIR PALTIN: 30 is the first time. Yeah, I mean, I...I like consistency, and I'll...I'll --

COUNCILMEMBER RAWLINS-FERNANDEZ: Me too.

CHAIR PALTIN: -- I'll go with the Members. But yeah, we can change in 2.1.5 and 2.1.3 to put SLR-XA. Any comment from the Department as to why the acronym was used on page 30 but not...then not on 31?

MS. MAYDAN: Thank you for the question. I think it was just to be able to have the policies stand on their own. Of course someone can look back and see that definition, but sometimes our communities get overloaded with acronyms, so. I definitely agree with the consistency, we try to remain consistent, but sometimes we're also trying to help folks out...understand a lot of terms and acronyms, but whatever your Committee feels is best.

MS. LILLIS: Chair?

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

February 9, 2021

CHAIR PALTIN: Yes, Ms. Lillis?

MS. LILLIS: This is Ana at OCS. I've conferred internally, and OCS concurs and recommends minimizing the use of acronyms as well.

CHAIR PALTIN: Okay. So then for 2.1.2 we'll go the other way and say sea level rise exposure area instead of SLR-XA. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So is there a reason that we, on page 30, would abbreviate it in parenthesis? Is it ever used? And...and if it's not, then is it kind of pointless to have it there?

CHAIR PALTIN: Ms. Maydan?

MS. MAYDAN: Great question. I'd have to peruse and look through it and see if it is used. Perhaps putting the acronym is not even necessary.

CHAIR PALTIN: For me, I...I don't mind it because then, you know, if people hear it being used by folks like Tara Owens or other people, they'll...they'll have a knowledge. There's some people in...I guess I don't know if you call it the industry or the...the...folks like Tara Owens, Wes Crile, Jim Buika, and it would be good to like use it as an opportunity to educate folks as to SLR-XA even if it's not used. I...I like it personally. Consensus? As an educational tool.

VICE-CHAIR KING: What are we giving consensus on?

COUNCILMEMBER RAWLINS-FERNANDEZ: Leaving it...

CHAIR PALTIN: To --

VICE-CHAIR KING: So we...

CHAIR PALTIN: -- leave acronym definition in there even if it's not used as an acronym.

VICE-CHAIR KING: So the definition would be on page 30 in the paragraph that starts out State...the State recognized, and then all on 31, we would just be spelling out sea level rise exposure area?

CHAIR PALTIN: That's correct.

VICE-CHAIR KING: Okay. It seems counterintuitive, but...

CHAIR PALTIN: Member Kama?

VICE-CHAIR KING: If we're going to give a definition as a...as...as a acronym, it just seems like we should use the acronym in the next...in the following page.

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

February 9, 2021

COUNCILMEMBER KAMA: I think...I think for this particular document, if you use the sea level rise exposure area and SLR-XA in this document, guaranteed by the time we get to South Maui, you don't have to put sea level rise exposure area, they'll understand SLR-XA. But I think that it helps for our people because in different industries, they have...they have a language of their own. And in this particular, when we're talking about sea level rise, they have...they have a language of their own too, and that's a language we have to learn. So I think that would be helpful to leave it in. So I would agree with you, Chair. Thank you.

CHAIR PALTIN: And...and to clarify, how it is on page 30, we can...we can do that on page 31. Everywhere you see sea level rise exposure area, we put in parenthesis SLR-XA to kind of educate folks as to the terminology that may eventually become a part of their lifestyle as we experience that sea level rise exposure area happening.

COUNCILMEMBER SUGIMURA: Concur.

CHAIR PALTIN: Okay. So any objection to using sea level rise exposure area with SLR-XA? Mr. Hopper?

COUNCILMEMBERS VOICED NO OBJECTIONS.

MR. HOPPER: Not on that issue. But I just wanted to just raise the issue with this...with this section, it...it appears...my understanding is that this is a different standard than we currently have in the Maui Planning Commission's SMA rules for this area, and that this would be adopting that potentially prior to the Planning Commission changing its rules to...to...to make this situation...make it so that you could not locate new permanent structures seaward of the...or...or...or makai of the erosion hazard line. I...I don't...at this point, if the Commission never adopts those rules or decides against adopting those rules, you could potentially have a conflict with...between this and those rules, and I don't know if the Planning Department had comments on that. But just for the benefit of the...the Committee, I...I wanted to...to just raise the issue that this does appear to be different than what the Maui Planning Commission rules are for determining shoreline setbacks and placement of structures. And if those rules haven't been amended yet, and they haven't been amended yet, and...and you know, that they aren't amended, this would potentially be inconsistent with that. And to what extent that would affect current property owners and where they could build, I think would be relevant for the Committee to understand because this I do not believe is...is the current requirements for shoreline setbacks. And putting it in the plan could potentially make that a change because any SMA permit has to be consistent with the community plan. So you know, in essence, are you essentially amending the Planning Commission's rules by putting this...this in there? And...and I wanted to just...if Planning had comments or thoughts on that. Maybe that's already been resolved, but this does appear to be different than what's currently in the Planning Commission's rules for determining the shoreline setback area. And if that's the intention, you know, how is that immediately going to affect properties once this is adopted.

CHAIR PALTIN: Director McLean, did you have a comment for Mr. Hopper?

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

February 9, 2021

MS. MCLEAN: Well, that's an incentive to get the rules adopted as fast as we can. No, it's a great point and really, both could be accommodated. So let's say the...the shoreline rules stay as they are with the formula-based setback and this language gets adopted, then in West Maui, we would have to accommodate both of those things, which likely means that we'd have to go with the language in the plan. In an unusual circumstance where the SLR-XA is farther makai than the current setback formula, then they would have to comply with the current setback formula. So it's really the more mauka of the two would...would accommodate both. So I think it's...I mean, it would be a little more work, but I think it's doable if the timing is such that, you know, they're not adopted at the same time.

CHAIR PALTIN: Works for me. Okay. So we were...we left off with sea level rise area...exposure area and SLR-XA. Is there any objection to using both? Get our communities used to...to what it means. No? Okay.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: All right. Moving on to the next page, on page 32, Policy 2.1.8. This was one of the policies that was amended by the Planning Commission, and what I attempted to do was find a little bit of a happy medium between the two. So I kept what it says, require new buildings that will serve as emergency shelters to be built to hurricane standards. Then I added, and support existing buildings that currently serve as emergency shelters to be retrofitted to hurricane standards. And this is to acknowledge that many of the buildings that we currently use in West Maui are not at hurricane standards. And you know, while we'd love to see them brought to hurricane standards, as Chair Lee would say, where's the money coming from? So you know, we support them being retrofitted, but we kind of got to find the money to do that, I guess, and it's...it's just acknowledging that more so than the original revision from Maui Planning Commission. Any discussion or comment on that? Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Just in terms of County jurisdiction with new buildings, with what's here in the community plan, would this also apply to State buildings, Federal buildings, which I guess the County would technically have no jurisdiction of? So I don't know if that's a question maybe for Corporation Counsel as how this will be interpreted.

CHAIR PALTIN: Corporation Counsel or Planning Department? Whoever...because I know there are a lot of things too, even in the action items, which are kind of outside of the County's jurisdiction, but it was included in there. So Director McLean, did you want to make a comment to Member Molina's question? Or Ms. Maydan?

MS. MCLEAN: The State...even if they are State facilities, they typically do obtain building permits, but as we've discussed, those don't necessarily have to comply with the community plan. They would if they're in the SMA, this would come into play.

COUNCILMEMBER MOLINA: So do we need additional wording to, I guess, strengthen

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

February 9, 2021

the...the policy here? I'm just...I'm just curious, you know. Be more specific.

VICE-CHAIR KING: Chair?

MS. MCLEAN: There could be --

VICE-CHAIR KING: Point of information.

MS. MCLEAN: -- an action item that calls for amending the...the Building Code, for example, or other ways to...to promote this. I can't think of a good alternative off the top of my head, but we can think about it --

COUNCILMEMBER MOLINA: Yeah.

MS. MCLEAN: -- and maybe get some input from Public Works.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR PALTIN: Member King, followed by Mr. Hopper.

VICE-CHAIR KING: Okay. I just wanted to give the point of information that there is legislation, I believe it's...that's being heard today because I got an email late last night asking for input, but I couldn't do it within the deadline, at the State Legislature that would require all their new buildings to be hurricane...built to hurricane standards. So that tells me that they're at least looking at it, but that that's also a separate jurisdiction they have over the State buildings.

CHAIR PALTIN: And Mr. Hopper, did you have a comment that you wanted to add?

MR. HOPPER: Yes. I think like a lot of things in the plan, this isn't going to be self-executing. There's going to need...need to be further action on this, such as...as Director McLean said, amending the Building Code to require this. I would note that the State, it can opt out of getting the building permit if it wants, that's in the Building Code, but oftentimes, I think it doesn't because it wants to have the County do the inspections and everything, so they may...they may do that. I...I would think that emergency shelters would be...if you're being approved as it, it would generally be State or County. So I think those may be the situations you're talking about. But it sounds like you're talking about use-specific standards or something in the Building Code where...where that would be adopted. So I'm not sure exactly how you go about doing that. But because these may not all be in the SMA or subject to discretionary permits, I think you'd...you'd...there'd need to be a follow-up action of...of some amendment to the Building Code or other relevant codes to make that a requirement.

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: Thank you.

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

February 9, 2021

COUNCILMEMBER MOLINA: Thank you.

CHAIR PALTIN: And Member Rawlins...or Member Molina, did you have a finish to that...you brought up that point?

COUNCILMEMBER MOLINA: No, no. It was to just extend my curiosity because I thought, you know, for example if a new school goes up, typically schools are used as emergency shelters, and if in the future a new school goes up somewhere in West Maui, then...and it's typically State. So just my curiosity was...more had to do with the jurisdiction, and would they have to comply with the community plan to make it an emergency...or make it to hurricane standards, so to speak. But now that Member King has mentioned that there's legislation to require that all new State buildings become built to hurricane standards, then would, I guess, make this moot. So I was just curious.

VICE-CHAIR KING: Well, I didn't say it was going to pass, I just said that they're...

COUNCILMEMBER MOLINA: Oh, I mean, if it does pass. Yeah.

CHAIR PALTIN: Yeah. And...and that's a really good point that you brought up as well. Right in our district kind of near to my house, we have Maui Preparatory Academy, and that's a private school. And they have just built a brand-new gymnasium and, you know, I'm not sure if it was built to hurricane standards but, you know, if they're willing to become part of the Hawai'i Hazard and Resilience Plan for West Maui and offer it as a shelter, I'd...I'd love to work with them and, you know, look into if they have had hurricane standards. It was built recently, but not after we're adopting this plan as an ordinance. So you know, I...it's...I guess, you know, in West Maui, the Civic Center is not to hurricane standards, and so when people want a pre-list of shelters, they don't like to give that list because it depends on the type of emergency or natural disaster. You know, if it's flooding or something, then the Civic Center can be used; but if it's a hurricane, they try not to use it because it's not built to hurricane standards. And then I think Lāhainā Intermediate or...or one of the other schools are used. So that's what makes it kind of tricky. But you know, moving forward, it would be great if any build...any government building especially, but private building as well, that is intended to serve as a hurricane shelter or any kind of shelter be built to hurricane standards, I think, is the recognition of the community about that confusion. Like, why can't we use the Civic, you know, as like a designated shelter location? And it's because it's not...it's not up to the standards for every single kind of natural disaster. I believe it's like out of the tsunami evacuation zone, so it could be used if we're expecting a tsunami, but not necessarily a hurricane. And what happened in 2018 was when we were expecting that Category 5 hurricane to hit us, they didn't use the Civic Center because they thought it was a Category 5 hurricane coming. And then when it turned into a firestorm near to the schools, they had to...they had not really a choice except to evacuate the schools to the Civic Center, which...although they knew it wasn't to hurricane standards and we're facing down a hurricane, it wasn't in the direct line of the firestorm, which was kind of the superseding natural disaster because it was imminent that the fire was coming towards the school. So I think it's a recognition of the community about past natural disasters type of thing. And so the original wording was to require them to be

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

February 9, 2021

retrofitted, but then we come to the money issue, which is hard to get around. And so this...this wording that I proposed was my compromise between all the factors. Consensus?

COUNCILMEMBER MOLINA: Well, thanks for the great explanation. You can't beat that. Thank you.

CHAIR PALTIN: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So we're talking about hurricane standards, and there's different categories, 1, 2, 3, 4, 5. The fifth category is catastrophic damage with sustained winds of 157 miles per hour or higher. So is the assumption that it's a Category 5 hurricane standard, and can we be specific here?

CHAIR PALTIN: I think the...the current rating that I know of is Category 3, but let's check with the Planning Department. Being that we were facing down a Category 5 in recent history, you know, it would make sense to designate Category 5. But Planning, do you have any comment?

MS. EATON: Hi. Yeah. We were commenting on this. I think what's really, really important here, and I...I'm...quite honestly, I'm uncomfortable doing this because I'm drawing on my years of experience in emergency management for the State of Rhode Island. I think this is an example of something...because these standards have changed with regard to a public shelter, a school, versus a private shelter, versus just a building. And I...the reason I'm concerned is I really think it's important for the Director of Maui's Emergency Management Agency because they are the ones who are responsible for this to clarify. Because when you're talking about an actual shelter, you must meet Red Cross standards, but that has changed, I think. But when you're talking about a building being built, particularly if it's used any source of public funding, then yes, you do have to, with the National Flood Insurance program and the hurricane program, build to those standards. But this is an example of where I feel like MEMA needs...because this is so important, and there has been changes and switches in terms of whether you're using Simpson ties for hurricane standards or all these kinds of things. So I hate to not be able to address this and move forward, but I don't like second guessing another department's responsibility, and this one is life or death, you know. So I...I really feel like Herman or somebody should make sure to...because there are actual standards, there are actual regulations, and it...it's all there, and they should actually know it. So my recommendation is...I just know this is important, and from national standards that there...they do exist, it's just they've been changed a lot lately with all the disasters we've been having.

CHAIR PALTIN: Okay. So given that, Ms. Lillis, can you prepare a correspondence to MEMA on the wording of this and the different categories of hurricane and the standards? If they could provide feedback on...given the intent of what I have in my amendment, the proper wording as far as MEMA and the standards that they go by.

MS. LILLIS: Chair? Yes, we can. We've been following the discussion, so we can prepare

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

February 9, 2021

correspondence and have it prepared for the next meeting.

CHAIR PALTIN: Okay. Awesome. My next amendment is a typo on 2.1.9, the N was left off on greenways. Consensus? Okay. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'm sorry for not submitting my amendments for Section 2. My understanding was that we were going to do Section 1 today only, but it's fine, I...I'm...I'm okay with moving forward. And I see that it's 4:31 already. So how many more amendments do you plan to take up? And should I just wait until we meet again regarding Section 2 and have my amendments transmitted to you so that everyone would have it in writing before making --

CHAIR PALTIN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- bigger amendments?

CHAIR PALTIN: I think we can stop right there because it wasn't my intent to go past 4:30, and we're going to be taking this up again. I'm going to plan on recessing until next Thursday, our regular scheduled time, and try to continue with 2 and 4...Sections 2 and 4. I believe everyone should have received the format memo from the Department. And so, you know, there's...there's not necessarily a time frame. It's great if you can have your written amendments in that format uploaded at the start of the meeting, but if folks wanted to make oral amendments as we go through or discuss somebody else's amendment so that it comes out how we would all like it to see, that's okay as well. I think it does help the other Members to see your amendments in writing, and so I...I would encourage, you know, writing them out and following the format. But if that's not done, it wouldn't preclude you from participating and offering your amendments, it's just I think it's a little bit easier. It's easier for Staff, you know, as they're like furiously scribbling and taking notes. So that was...that was my...I guess we got through like half of two amendments because we need feedback from Tara Owens and MEMA. And if MEMA can also comment on a corresponding action item for 2.1.8, or Public Works. But you know, maybe they can talk about it in their household because we got MEMA and Public Works living in the same house. Building Code or MEMA standards, tell the couple to talk to each other. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I hope when they clock out they're able to go home and not have to deal with work, and leave work stuff at home [sic] so that they can decompress and have family time. So I have a question as far as process, and it could be a question for you or it could be a question for OCS. Do we transmit our amendments to OCS for posting before the...before we gavel in, is that your preference? And is that allowed by Sunshine Law, or would we have to wait until we gavel in at the...

CHAIR PALTIN: That's a great question. I think I know the answer. So you can transmit it ahead of time, but because of the Sunshine Law, they can't upload it until I gavel in. Transmitting it ahead of time gives them the time to get it ready to upload as I soon as I gavel in. So it's...it's your preference. I think OCS would prefer sooner rather than

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

February 9, 2021

later, you know, even maybe a day or two before would help them out. I may have some revisions to my proposed amendments that I'll transmit to them prior to Thursday's meeting. But yeah, that's...that's kind of the process is...if you can get it in earlier, that's great, but we won't all be able to see it until we gavel in and then refresh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Well, I mean, we got through one section, which is great, kind of, and we started Section 2. And so our next meeting date is Thursday morning. And I can speak with Member Kama offline if...if she'd care to switch. I'm not sure if that's okay with all of you because Member Kama's Committee is a five-Member Committee, so I don't know if that...that helps and if she's willing. But that way we won't...if we do switch, I guess, we won't run into her time or anything like that. But I'll...I'll...I don't know, Member Kama, did you want to speak of this offline or --

COUNCILMEMBER KAMA: No, we can do it with...

CHAIR PALTIN: -- did you have a...

COUNCILMEMBER KAMA: No, I'm fine with talking about it. I mean, the more of us talk about it, the more ideas we can gather in. But so...so your thought is to...to do what? To...

CHAIR PALTIN: Member Rawlins-Fernandez made a suggestion that if we switch and I go long, I won't be going into your meeting time. If the rest of the Members aren't opposed to staying past 4:30, I guess it would make sense. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I guess I missed the part about you recessing today's meeting to next week Thursday. And so whenever we recess a meeting, we have to state on the record time certain, date and time certain. So yeah, at least Pro Temp Kama is willing to have that discussion so that we can make that decision and then we can state that for the record before we gavel out. Mahalo, Chair.

CHAIR PALTIN: Okay.

COUNCILMEMBER KAMA: So...so do you want to actually recess until next week or do you want to recess until 1:30 in the afternoon?

CHAIR PALTIN: That would be if you're okay swapping meeting times with me, and the other Members who aren't on your Committee coming to the afternoon --

COUNCILMEMBER KAMA: I see.

CHAIR PALTIN: -- instead of the morning.

COUNCILMEMBER KAMA: I see, I see.

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

February 9, 2021

CHAIR PALTIN: And then...it would only really make sense if we commit to staying after 4:30 because otherwise, it's three hours either way. So you know, I'm open either way. If...if we're first at 9:00, I just may be talking a little bit faster. So...

COUNCILMEMBER KAMA: And if you're at 1:30, it gives you the...an evening if you need it to go later, that's what you're saying?

CHAIR PALTIN: Yeah.

COUNCILMEMBER KAMA: Okay.

CHAIR PALTIN: I don't want to like cut into --

COUNCILMEMBER KAMA: Okay. So...

CHAIR PALTIN: -- your time again because that was so nice of you, but I don't want to become like a moocher.

COUNCILMEMBER KAMA: Okay. So I don't have to file...post until tomorrow actually. Yeah. So I don't have a problem with that. What do you guys think? Because all you all got to show up in the afternoon as opposed to the morning.

CHAIR PALTIN: Vice-Chair King?

VICE-CHAIR KING: Yeah, thank you, Chair. I have a meeting from 2:00 to 4:30 on that day. It's on the 18th that I've already committed --

CHAIR PALTIN: Okay.

VICE-CHAIR KING: -- to being on a panel for the Honolulu Women's Leadership group.

CHAIR PALTIN: Okay. Okay. All right, we'll just stick with our regular time, and I'll try to speak a little bit more expeditiously, and I think we can...we can make good progress. We...we did a lot of process talking today, and I think that, you know, once we get in our groove, we may be a little bit quicker. So then in that case, I will recess this meeting and...and we're leaving it on the...on the table, the motion to accept the plan and the motion to amend Section 2 is left on the table, and I'll restate that motion next Thursday at 9:00 a.m. We'll reconvene February 18th, 9:00 a.m. If there's no objections, the Chair would like to recess this meeting to Thursday, February 18th at 9:00 a.m., using the same BlueJeans meeting link posted on today's agenda.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. We're in recess. . . .(gavel). . .

RECESSED: 4:40 p.m.

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

February 9, 2021

APPROVED:

Tamara M. Paltin

TAMARA PALTIN, Chair
Planning and Sustainable Land Use Committee

pslu:min:210209r:ds

Transcribed by: Daniel Schoenbeck

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

February 9, 2021

CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 50 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 9th day of March 2021, in Kula, Hawai'i



Daniel Schoenbeck