

PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

June 14, 2021

Online Only Via BlueJeans

RECONVENE: 9:00 a.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Kelly Takaya King, Vice-Chair
Councilmember Gabe Johnson, Member (out 3:58 p.m.; in 4:00 p.m.)
Councilmember Tasha Kama, Member (out 10:43 a.m.; in 11:23 a.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: Alison Stewart, Legislative Analyst
Wilton Leauanae, Legislative Analyst
Shelly Espeleta, Supervising Legislative Analyst
David Raatz, Supervising Legislative Attorney
Clarita Balala, Committee Secretary

Axel Beers, Executive Assistant to Councilmember Kelly Takaya King
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King
Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson
Evan Dust, Executive Assistant to Councilmember Tasha Kama
Lois Whitney, Executive Assistant to Councilmember Tasha Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember Tasha Kama
Sarah Pajimola, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez
Gina Young, Executive Assistant to Councilmember Shane M. Sinenci

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Jordan Hart, Deputy Director, Department of Planning
Pamela Eaton, Planning Program Administrator, Department of Planning
Jennifer Maydan, Planning Supervisor, Department of Planning
James Moore, Planner, Department of Planning
Johann Lall, Geographic Information System Analyst, Department of Planning
Michael Napier, Geographic Information System Analyst, Department of Planning

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OTHERS: Dana Sato, Director, Leasing and Transactions, Kamehameha Schools
Marissa Harman, Director of Asset Management, Kamehameha Schools
Kai Nishiki, Chair, West Maui Community Plan Advisory Committee
Chad Fukunaga, Kā'anapali Land Management Corporation

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

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

CHAIR PALTIN: . . .*(gavel)*. . . Aloha kakahiaka. My name is Tamara Paltin and I'll be your Chair for today's recessed Planning and Sustainable Land Use Committee meeting. The time is 9:01 on June 14th, 2021. If everyone can please silence their cell phones or any noisemaking devices, that would really help our cause. And today's greeting from Fiji from Council Chair Lee is yandra. Yandra kākou and aloha kakahiaka, Chair Lee.

COUNCILMEMBER LEE: Yandra, Chair Paltin. And looking forward to another exciting day with your Committee.

CHAIR PALTIN: Thank you, thank you. I'll try to keep it exciting. We also have our Committee Vice-Chair Kelly King. Yandra.

VICE-CHAIR KING: Yandra and aloha kakahiaka. I hope everyone had another nice three-day weekend.

CHAIR PALTIN: Aloha kakahiaka. From the island of Lānaʻi, we have Member Gabe Johnson. Yandra and aloha.

COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Members. Yandra. Aloha to everybody. And, yes, I could get used to these three-day weekends.

CHAIR PALTIN: From the neighborhood, we have Councilmember Tasha Kama. Yandra and aloha kakahiaka.

COUNCILMEMBER KAMA: Aloha kakahiaka to you, Chair. And yandra to each and every one of you this morning.

CHAIR PALTIN: And from Makawao, we have Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha kakahiaka and yandra to you, Madam Chair, my colleagues, and everyone else joining us on this Monday. Aloha.

CHAIR PALTIN: Yandra. From the island of Molokaʻi, we have Councilmember Keani Rawlins-Fernandez. Yandra.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, mai Moloka'i nui a Hina, Chair. And yandra kākou.

CHAIR PALTIN: Yandra. And from East Maui, we have Councilmember Shane Sinenci. Aloha kakahiaka and yandra.

COUNCILMEMBER SINENCI: Yandra, Chair. Yandra and kakahiaka no kākou mai Maui Hikina.

CHAIR PALTIN: Aloha. And it looks like Member Sugimura may be running a little bit late. From Corporation Counsel, we have Deputy Corp. Counsel Michael Hopper. From the Department of Planning, the Administration, we have Director Michele McLean, Planning Program Administrator Pam Eaton, Senior Planner Jennifer Maydan, and Johann Lall is with us as well. And he may be providing some assistance with the maps, he could put them up for us.

MS. EATON: Chair, this is Pam. Sorry. Just wanted to let you know Michele McLean is not on the call, it's Deputy Director Jordan Hart today.

CHAIR PALTIN: Oh, thank you, thank you. So we have Deputy Director Jordan Hart. And I see Councilmember Sugimura. Yandra and aloha kakahiaka.

COUNCILMEMBER SUGIMURA: Yandra and good morning from the County Building. Nice to see you all.

CHAIR PALTIN: Good morning.

COUNCILMEMBER SUGIMURA: Let's go, Chair. Ready to start.

CHAIR PALTIN: Our Committee Staff today, we have Clarita Balala, Committee Secretary; Lei Dinneen, our Assistant Clerk; and Remi's out on vacation, so we have Deputy...oh, not yet. It's not July yet. We have Supervising Legislative Attorney David Raatz, as well as Legislative Analyst Alison Stewart. Our agenda item today, we have one item on the agenda, and it'll probably continue all week unless we finish everything today, which doesn't seem likely. The agenda item is PSLU-1, West Maui Community Plan. Councilmembers, today my intent is to focus our review on Section 3, Growth Framework, starting with the maps in Section 3.2. So a rough outline for the week if you guys wanted to jot it down, and it's not, like, set in stone, but these are the tasks I would like to complete each day. So today would be Section 3, specifically 3.2. Tuesday, or time permitting today, I would like to discuss Sections 3.1, 3.3, and 3.4, which would finish up Section 3, and including any amendments to community plan designations and any proposals to move items from the appendices to Section 3. On Wednesday, the plan is to cover Section 5. Time permitting, we can then turn our attention to any items we would...we said we would revisit in earlier reviews. Thursday, if Member Rawlins-Fernandez is ready to proceed with the revisions that she wanted to make for Section 1, we can start there on Thursday. Otherwise, we can circle back to Sections 2 and 4, and then take up Section 1. And

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on Thursday, we can also go through a document that Committee Staff has made, tracking the changes that we've made so far. If all goes to plan, the Committee can conclude its deliberations on the West Maui Community Plan during this designated West Maui Community Plan week. Public testimony is still being received via eComment, which is always open and available to anyone wishing to send in written testimony. If you encounter any issues using eComment, please email your testimony to pslu.committee@mauicounty.us. I have noticed that we are able to get attachments recently in eComment, unlike previously, so it seems to be working out well. So public testimony was...oral public testimony was closed when we went through the list on Thursday the 3rd. We have designated resources for the Kā'anapali 2020, and we won't get to that probably, I would say, around lunch. Yes, Member Kama.

COUNCILMEMBER KAMA: Chair, you know, from last week I think there was a lot of confusion regarding the testimonies for the 9:00 testimonies from the 9:30, and people came and there were the wrong time testifying and there was a lot of confusion at that time. So have you considered maybe opening public testimony?

CHAIR PALTIN: Well, like I said, public testimony via eComment is still open. We've received 11 eComments thus far, and I hope Members have had a chance to --

COUNCILMEMBER KAMA: Yeah.

CHAIR PALTIN: -- go through them. But, you know, we exhausted the list, and then we made a last call, and then we closed public testimony. My intent was to continue on with public testimony today if we hadn't exhausted the list, but --

COUNCILMEMBER KAMA: Okay.

CHAIR PALTIN: -- because we did, and whoever was watching it might not know that, you know, it seems like it would be unfair. And the other thing is, we have so much work to get through that if we reopen testimony, I'm afraid that we won't get through, and then the plan will become stagnant because we're taking so long. The big thing that took up a lot of our time, which...more than I had anticipated was expediting the community plan process. And so, you know, that would be the opposite of expediting it if we spent the whole week listening to public testimony orally. But we...I love public testimony and, you know, I encourage everyone to send in written comments so that we can do the work. Thank you.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR PALTIN: Okay. Let's see. Members wishing to speak should say my name and raise their hand so I may recognize you. Today's West Maui Community Plan...the Committee is in receipt of County Communication 21-70 from myself relating to the Community Plan. We also have correspondence dated January 19th, 2021, from the Planning Director transmitting a proposed bill to adopt the updated West Maui Community Plan, a document entitled, "DRAFT WEST MAUI COMMUNITY PLAN,"

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and a document entitled “Maui Planning Commission Changes,” correspondence dated January 29th from myself, “A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED WEST MAUI COMMUNITY PLAN.” The Committee may consider whether to recommend passage of the proposed bill on first reading with or without revisions. The Committee may also consider the filing of County Communication 21-70 and other related action. And Members, you all should have received a little bit prior to Budget, 11 by 17 hard copies of the maps in this section. And we received the current zoning, the Maui Community Plan Advisory Committee version, the Maui Planning Commission version, as well as current Community Plan Designation with the caveat that the map that has the current Community Plan Designations, it has been formatted into the new Community Plan Designations because obviously, we haven’t ever accepted Small Town Center or Employment Center, but that’s how it’s depicted as what it would fall under. Any questions on the process this...so far? Committee Vice-Chair King, followed by Member Sugimura.

VICE-CHAIR KING: Oh, thank you, Chair. I haven’t seen the hard copy of the maps that you were talking about. When did those come in?

CHAIR PALTIN: I think --

VICE-CHAIR KING: . . .*(inaudible)*. . . have them?

CHAIR PALTIN: -- it was March 3rd.

VICE-CHAIR KING: Oh, back on March 3rd.

CHAIR PALTIN: They put it in our boxes, and then I think...I believe it was March 3rd. Maybe...does your EA check your box at the County Building?

VICE-CHAIR KING: Yeah, we haven’t...I just checked with my Staff, and they said nothing’s come in as of Thursday last week. But maybe . . .*(inaudible)*. . .

CHAIR PALTIN: Yeah. We had a packet...

VICE-CHAIR KING: Okay. Does everybody else have those?

CHAIR PALTIN: Yeah, it looks like how Gabe...and it maybe...so it says March 3rd, 2021, in response to your February 10th, 2021 request for information and clarification provided by you on February 11th, enclosed materials relevant to the draft West Maui Community Plan, 22 hard copy sets of maps, including Maui Planning Commission recommended community plan maps, all those things I said, guidance on revisions of Section 1.3, recommendation on source credits for several images in the plan, historical background on Pi’ilani, updated population estimates for West Maui and data source information. And then I believe on March 18th, they included a matrix. There’s a list of the West Maui Alaka‘i Members that Member Sugimura requested. So maybe your Staff can look through your old mail --

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VICE-CHAIR KING: . . .*(inaudible)*. . .

CHAIR PALTIN: -- and get back to you.

VICE-CHAIR KING: Those are maps, those are blowups of the maps in Section 3 basically?

CHAIR PALTIN: Yes, blowups of the maps. And then also, the community plan version and a...there's a zoning layer. So it...I think that was one of the requests of Member Sugimura, and I think Mr. Fukunaga also recommended that as part of his written testimony. Okay. But if you can look in your book, we're going to be starting with Subarea 4, so that would begin on page 73 of your book. Okay. Member Sugimura, did you have a question?

COUNCILMEMBER SUGIMURA: Just for clarity then. You're going to start with...on page 74, which is 3.3, Areas of Change?

CHAIR PALTIN: Oh, no. Page 73, we're starting on Section 3.2, starting with Subarea 4 to kind of ease our way in and moving up to Subarea 1...4, 3, and then 2, and then 1.

COUNCILMEMBER SUGIMURA: So today is 3...

CHAIR PALTIN: 3.2.

COUNCILMEMBER SUGIMURA: 3.2, Subarea 4.

CHAIR PALTIN: Yeah, we're jumping right into the maps today. And another helpful thing to look at may be the track changes that the Maui Planning Commission made on the CPAC's version. That may be helpful. I also have the CPAC growth framework votes, and I can...if people have questions, I can share that info as we go along. The maps were folded 11 by 17 paper. Does that answer your question, Member Sugimura?

COUNCILMEMBER SUGIMURA: Okay. So the...I understand. That was a good job by the Planning Department to give us all of the variations, I guess, of the different proposed changes --

CHAIR PALTIN: Yeah.

COUNCILMEMBER SUGIMURA: -- to the . . .*(inaudible)*. . . community plans. So thanks for that, Pam Eaton and team. But only...okay, just for clarification...so you said today is Section 3...3.2 --

CHAIR PALTIN: Yeah.

COUNCILMEMBER SUGIMURA: -- but we're going to start from page 72?

CHAIR PALTIN: Page 72 and 73.

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COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: Okay. Member King.

VICE-CHAIR KING: Okay. So were...all these maps have the proposed Community Plan Designations on them, which we have not gone through yet to accept these particular Community Plan Designations?

CHAIR PALTIN: Uh-huh.

VICE-CHAIR KING: How are we going to address these maps if we don't know that we like these Community Plan Designations?

CHAIR PALTIN: Well, we can revisit.

VICE-CHAIR KING: So when we go through the maps, we're not necessarily...we're just going to go through to look at them, and we're not going to be approving these maps because they have Community Plan Designations we're not...I mean, I'm not...I was...we had some testimony about changes for those, and I'm not satisfied that we've, you know...we haven't done a deep dive into that. So I'm a little concerned that we're going to have to go back through these maps after we do the Community Plan Designations?

CHAIR PALTIN: Yeah, there is a second review if there is new information and changes, but I think that, you know, majority of things we can...we can get through. Oh, there's a message to please let Mike Napier into the meeting as backup GIS Staff. So, I mean, if there's a significant change, like...what kind of changes are you anticipating in the Community Plan Designations that we would need to --

VICE-CHAIR KING: Well, I mean --

CHAIR PALTIN: -- go back to?

VICE-CHAIR KING: -- I think a couple of us had concerns about putting Park and Open Space together in one Community Plan Designation. And, you know, all these maps are using the Community Plan Designations that are proposed by the Planning Department that we haven't quite accepted yet. So what the...now when we go back in, if we change the Community Plan Destinations, we're going to have to scrutinize all these maps again and make sure that they fit into the new designations. Or does the --

CHAIR PALTIN: Oh, I see.

VICE-CHAIR KING: -- . . .(inaudible). . . do that.

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CHAIR PALTIN: I see. So as we go through the maps, if there's something like that, you know, Community Plan Park and Community Plan Open Space, we can discuss it and, you know, agree or not agree on that change as we go. In looking at the designations, we can also discuss Community Plan Designation changes that we'd like to see, if that makes sense. You know, like for example, we're starting on Subarea 4, and I had also mentioned that, you know, I'd like to see Community Plan Park separated from Community Plan Open Space, and also to create a new designation for like streams and gulches. And as we're looking at the map, I think that would be appropriate to discuss. And then when we get into Community Plan Designations, we already know, like, either we agree on that or we don't agree on that, but then we have the wording to match what we discussed on the maps portion, if that makes sense.

VICE-CHAIR KING: Okay. So we're not necessarily approving these maps, we're just going to go over them?

CHAIR PALTIN: Well, we are making decisions, you know, obviously. We're going to be taking votes on what we think the designations are. But if you have changes you'd like to propose to the designations, we can talk about it in the context of the maps.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: Then when we go through about the wording of the Community Plan Designations, then we'll solidify whatever it is.

VICE-CHAIR KING: Okay. It just seems like we're going to be having the same conversation for each map. Maybe if we go through the Community Plan Designations first, and then we go through the maps, we'll have an idea of what kind of changes as we go through. But, you know, whatever...I just want to make sure that going through these maps is not going to mean that we are accepting all the Community Plan Designations that were proposed.

CHAIR PALTIN: Oh, we can certainly discuss them in the context of the maps. And then when we solidify the wording on, I believe...if we choose to move from Appendix, I think, D to 3.1, which was something that we had also talked about, we can solidify the wording that we would like in relation to what was discussed in how we make the maps.

VICE-CHAIR KING: Okay. So do you want...when do you want to address that, moving the Appendix D over? Do you want to address it up front so that it's part of the same section we're working on?

CHAIR PALTIN: That was for Tuesday unless we finish early today.

VICE-CHAIR KING: Okay.

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CHAIR PALTIN: So we'll be having the ongoing discussion of Community Plan Designations in context of the maps, and then when we get to 3.1, if we all agree on moving Appendix D in...and C back into 3.1, then we'll solidify the wording. But we're...we'll have an ongoing discussion about the designations in the context of the maps.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: Members, any further questions before we get started? No? Okay.

COUNCILMEMBER LEE: Yes, yes, yes, yes.

CHAIR PALTIN: Oh, sorry.

COUNCILMEMBER LEE: Yeah.

CHAIR PALTIN: Oh, sorry. You jumped off the screen for some reason --

COUNCILMEMBER LEE: Yeah.

CHAIR PALTIN: -- on my computer.

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: Chair Lee.

COUNCILMEMBER LEE: My comment, Madam Chair, is that I agree with Councilmember King that we need to move cautiously because we might be thinking we're approving something, but it's actually a combination, you know. And we really...you probably know the ins and outs of this plan, and I don't profess to know it that well. So, you know, we don't want to make any mistakes by approving what we think is one thing, and it turns out to be something else. Okay, thank you.

CHAIR PALTIN: Sure thing. And Thursday is our review of all sections day. If there's something within any portion of the maps or Section 3 or 5 that we're not sure of that we need to circle back to, that will be for Thursday. So if we as a group say this is something that we need to circle back to, that's our Thursday day. So just to...now that there's been some questions, just to re-go over our time frame, today is to hope to get through Section 3.2, and we can have a discussion on Community Plan Designation in the context of the maps. Tomorrow is 3.1, 3.3, 3.4 and, you know, I would propose moving Appendix C and D into 3.1, and then we can solidify the wordings. Wednesday, we may be continuing on with that, or we...hopefully we get to Section 5. And then we begin our review of the whole thing, all the things that we had put aside to come back to. I hope that is clear about how to move forward.

COUNCILMEMBER LEE: Okay. I wrote it down.

CHAIR PALTIN: Okay. Member Sugimura.

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COUNCILMEMBER SUGIMURA: Can you ask Staff then to give us a list of everything for Thursday, or what we're planning on reviewing for Section 1, 2, and 4 review.

CHAIR PALTIN: The things that we had put aside previously?

COUNCILMEMBER SUGIMURA: Uh-huh.

CHAIR PALTIN: Okay. Alison, is that something that could be done for Thursday?

MS. STEWART: Hi, Chair. Can I get back to you on that?

CHAIR PALTIN: Sure.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: Okay. So...

COUNCILMEMBER SUGIMURA: And in your list that you just read, where is the...as Kelly King brought up, the land use designation? When are you going to finalize that? Besides map, I heard you say we're going to talk about it as we're going through the maps, but are you going to come up with a vote for everyone to decide what each land use designation is or --

CHAIR PALTIN: Yes.

COUNCILMEMBER SUGIMURA: -- when is that decided? I didn't hear you.

CHAIR PALTIN: Tuesday.

COUNCILMEMBER SUGIMURA: Tuesday.

CHAIR PALTIN: Unless we finish with all the maps early today, we can delve into that today.

COUNCILMEMBER SUGIMURA: So is there a reason why you don't want to take it up first before you take up the maps just so there isn't any variations or confusions for what people are thinking of?

CHAIR PALTIN: Well, the reason is because I think that we need to discuss the Community Plan Designations in the context of the map before we finalize the wording. If we're just talking about the wording without the context of the map...I mean, we can talk about the Community Plan Designations and changes we'd like to see as we're talking about the maps, but we finalize the wording once we've gone through the maps.

COUNCILMEMBER SUGIMURA: Okay. So none of the maps today will be finalized until we have the discussion on the land use designation then, so that you don't have a problem in the future? Just for clarity.

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CHAIR PALTIN: No. That wasn't what I mean. Like, you know, if we agree to something, then...and we need to take consensus or a vote, then that will be finalized. And then, you know, I mean, if there's a difference in it, we...or if it's not something that we consensus to, or people say I'm not ready to vote on this, we can come back to it. But I'd like to try and do the most that we can and get this out of the way. Maybe we should just jump into Subarea 4 and it'll...it'll become more apparent, like, how it goes.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So what I'm hearing you say is we're going to start with Subarea 4 and discuss all the existing designations and new designations in the context of this first map. If there are areas that we have consensus on, then we would just have consensus on it. And if there are areas that may have a new designation that we're not comfortable with in the...in this moment, then we could mark that as a revisit, and then we wouldn't take consensus on the entire map, but the areas that we did have consensus on, we wouldn't revisit.

CHAIR PALTIN: Correct. And, you know, if we're comfortable, like, Member King had said, there was a proposal or talking about separating Park and Open Space. We can talk about it, and we can agree to it, vote on it, and then we'll need to make the wording probably when we get to 3.1. So we can vote and agree, I don't like Community Plan Designation Park and Open Space. I'd like to see Community Plan Designation Park and Community Plan Designation Open Space, vote on that. But the wording, the exact wording will come when we get to Appendix D if that moves into 3.1. Does that...did that help to clarify?

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

CHAIR PALTIN: And the reason...

COUNCILMEMBER RAWLINS-FERNANDEZ: So...

CHAIR PALTIN: And the reason...oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Are you planning --

CHAIR PALTIN: The reason...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- to take that up after Subarea 4 so that we'll have some...you know, it'll be the first exercise of going through the new designation so that we can come to some kind of consensus on what the language will be. Because you're proposing to separate Park and Open Space, where right now it's combined.

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CHAIR PALTIN: Yeah. I would not take it up after Subarea 4, I would take it up after we're done with 3.2 for the finalized wording on what Community Plan Designation means, what Community Plan Open Space designation means. As we're talking about it, we can come to an informal agreement. Like for me, I'm thinking of Community Plan Park Designation as, you know, structures for public purpose are okay. Bathrooms, pavilions, you know, like, basketball courts, things of that nature. Community Plan Open Space for me means, like, no permanent structures. And that's a big distinction, but when you look at the CPAC votes, there was a vote to turn the coastal area between Launiupoko and Olowalu, and the coastal area between Olowalu and Ukumehame to be Park/Open Space. Now that's something that we will need to discuss. Is it going to be Park Community Plan Designation, or is it going to be Open Space Community Plan Designation in the context of separating the two of those. And then I had also mentioned streams and gulches. I think there's a diagram at the end of Section 3 that depicts all the streams and gulches, and I...for me, I'd like to propose a separate Community Plan Designation for streams and gulches. And the reason would be, you know, Parks are one thing, Open Space is another thing, and streams and gulches, to me, doesn't really fit within Parks and Open Space. I think the last big flooding we had in Lāhainā, I recall a lady needing to be rescued for stand up paddling down Kahoma Stream. And, you know, if you think like, well, Parks are for recreation, why can't somebody stand up paddle down Kahoma Stream. Well, it's not appropriate, you know. And so to remove any type of confusion, streams and gulches, I feel, should have their own designation that's separate from Parks and Open Spaces because they're utilized differently. Parks are one thing, Open Space is one thing, stream . . .(audio interference). . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Yeah, I got it. So in Section 3.2 it includes Subarea 4, 3, 2, 1, and that's the order we would be taking it in today?

CHAIR PALTIN: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR PALTIN: Okay. Cool. All right. We ready to dive in? Any further questions, clarifying or any...otherwise? Seeing none...and, you know, I know that the Maui Planning Commission and the Community Plan Advisory Committee put in a lot of work and hours and months into this, so my intention is not to, like, totally go in and redo their work. I'd like to keep the integrity of it as much as possible. In starting on Subarea 4, page 73 of your booklet, there were no changes from the CPAC version. And then on this document that they gave tracking changes from CPAC to Maui Planning Commission, there were no changes in land use designation from CPAC to Maui Planning Commission. So the map that you're looking at is pretty consistent from CPAC to Maui Planning Commission. And for me then, I guess, I would propose...what do Members feel? Is there a consensus on splitting up Park and Open Space and making a new stream designation, and are Members okay with the...or the loose wording that I came up with that Parks can have public structures for public

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benefit, and Open Space should not have permanent structures, and then streams and gulches would be defined by the figure on page 98? Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Can we get comment from the Department on your proposal?

CHAIR PALTIN: Sure. Would you like Deputy Director, or would you like Pam Eaton or Jen Maydan, who we're making . . . *(audio interference)* . . .

COUNCILMEMBER MOLINA: Anyone is fine. Whoever wants to jump in.

CHAIR PALTIN: Okay. Anyone from the Planning Department that would like to comment on separating Park and Open Space Community Plan Designations, as well as creating a stream/gulch designation?

MS. MAYDAN: Chair Paltin, this is Jen Maydan.

CHAIR PALTIN: Aloha, Ms. Maydan. Would you be the commenter on that?

MS. MAYDAN: I will be happy to start, and then perhaps Pam Eaton or Deputy Director Hart would like to fill in. I will just start with providing some background as far as our thought for creating the Park/Open Space Designation for these updated designations. So of course, in this we combined the Park and the Open Space designations from the existing community plans. And the reason we did this is there is a lot of similarities in those designations. Yes, there are differences as well. But as far as when you look at the whole of the designations, Park/Open Space identifies those more natural areas, or those areas that are more open in our community and not developed, those areas that are greener, scenic resources. And we looked at other community plans within Hawai'i and across the nation, and they were dealt with...Open Space and Park were kind of dealt in this manner, dealt with in this manner. Because remember, we're at the...we're at a higher level. We're at the 30,000 foot level rather than, you know, getting down in the nitty gritty in zoning. So when you're looking at a whole landscape of a community plan area, we decided that combining Park and Open Space was the right method to use to identify these areas. So the proposal at hand to separate them again, and also separate out the gulches and streams, you definitely will have a task at hand to identify where that division comes. There is a lot of area within the draft West Maui Community Plan new Park and Open Space area, so I think that's definitely where you'll have a task to identify what the appropriate designation is. And I was just looking up our Open Space zoning, since structures were mentioned as far as perhaps one of the defining...the distinctions between Park and Open Space. And within our Open Space zoning, structures are a special use. So that might be a little tricky, having that be the distinction between Park and Open Space designation. So yeah, I just wanted to provide that information as far as why we combine them. But perhaps Pam Eaton or Jordan Hart might have some more information to provide.

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CHAIR PALTIN: Thank you, Ms. Maydan. And to clarify, when you mean special use, you mean that they need to receive a special use permit from the Planning Commission or something?

MS. MAYDAN: Correct. Yeah. When I look at our zoning district for Open Space district, structures are listed under special uses. So yes, special use permit required.

CHAIR PALTIN: And in terms of zoning, do you think you could go through the differences between Park and Open Space for us?

MS. MAYDAN: Let me look at it for a moment. Perhaps Jordan Hart has a more direct answer.

CHAIR PALTIN: Okay. Deputy Director Hart.

MR. HART: Chair, if I...which portion were you looking for the direct answer to?

CHAIR PALTIN: The difference in zoning between Park and Open Space. Like how we know what should be Park and what should be Open Space. What the differences are.

MR. HART: Well, I think that your initial summary was generally appropriate, that Park is designated for some sort of active or even passive recreation use, and Open Space is identified as some sort of preservation designation. I think that those are the general concepts. I mean, a side-by-side zoning analysis is going to be its own thing. You know, I think that that's all I have to add. One thing that I would add, I haven't necessarily participated in the conversation about a separate designation for gulches and streams, and I would just wonder whether or not Open Space can accomplish that, or if there is a need to create a unique designation. And you know, from my perspective, as much as can be possible narrowing the number of various designations that we have is easier to track and administer over a longer period of time. And you know, you've seen it recently where you have these old designations that kind of fall out of use, and then they become problematic. So as much as tools in the past that have been used effectively are sufficient, you know, my preference is that we stay with them rather than creating so many new tools that it overcomplicates the system that we have without actually making a substantive benefit . . .*(inaudible)* . . .

CHAIR PALTIN: Okay. So just clarifying, you believe that streams and gulches would fit nicely within Open Space Community Plan Designation, Open Space zoning?

MR. HART: I think they could. I don't know specifically. I mean, I heard your Kahoma Stream example, and I think that they could. I guess I would want to know what the unique benefit of a separate designation would accomplish. And I do think that as far as regulation, there's quite a bit of regulation, like, you start to get involved with the Army Corps of Engineers when you start trying to do things down in stream areas and things like that. So it's not as if these are...when you get down to zoning, that these are areas that are easy to use and have little regulation or anything like that.

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CHAIR PALTIN: Okay. Thank you for that addition. Member Molina, does that satisfy your need for Department comment?

COUNCILMEMBER MOLINA: Yeah. I just kind of wanted to know what unintended consequences could potentially occur if we go that route to separate. So I'm kind of getting a feeling that there may be, I guess as Ms. Maydan said, a task, I guess maybe is that...am I to interpret that as maybe more work and more...maybe some more difficulty for the Department with implementing this by separating the categories? . . .*(inaudible)* . . .

CHAIR PALTIN: So the designations currently are separated. We haven't accepted the new designations as the conversation was at the beginning of the meeting. So currently, in Community Plan Designations, there is a Community Plan Park, and there is a Community Plan Open Space. I believe the task that Ms. Maydan was referring to was that in the Community Plan Advisory Committee, because they just used Park/Open Space, there wasn't much discussion of whether it should be Park or it should be Open Space. And so any new areas designated Park/Open Space, if we split it...keep it split, we'll need to decide which one.

COUNCILMEMBER MOLINA: Okay. Okay, I get it now. All right. Thank you.

CHAIR PALTIN: Okay. And I see Mr. Hopper, and then I'll take Mr. Sinenci, I think, was the first hand I saw. Go ahead, Mr. Hopper.

MR. HOPPER: I just...I looked at the Open Space zoning along with...after that was mentioned, and just a couple of things. One, the structure as a special use does not mean any structure. The specific language says facilities associated with the principal use or approved special use, such as restrooms, information kiosks, required off-street parking, solar systems, and equipment sheds, subject to the Planning conditions of Section 19.07.060. I'm not sure which section that is. Oh, yeah, that's site plan conditions that have additional restrictions. So you couldn't, for example, build housing on Open Space or anything other than something that's already a permitted use. The other thing is that Park is actually a permitted use in the Open Space zoning. In OS1, it's limited to passive recreation. In OS2, it says no golf courses. And then says, not including commercial uses except when under the supervision of a Government agency in charge of parks and playgrounds. So just a note that Open Space...and this was adopted in 2003, so presumably this was adopted by the Council to implement the Open Space Community Plan Designations to figure out exactly what you should and shouldn't be doing in Open Space, you know, to allow some things. I don't know if the Council's satisfied with the current layout, but I just wanted to note that it does allow park use of varying degrees, depending on the specific designation. And it does allow structures, but they have to be accessory to, like, the park use. So I would imagine things like bathrooms in parks and things like that are what they're looking at. So in any case, I think if you want to know what's generally going to be allowed in Open Space, this is probably, you know, the place to go for that because it appears that the Council adopted this to

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implement the Open Space section. But, I mean, you're the Council, you can, you know, tweak that. But I would just try to avoid an inconsistency with the zoning, or go and change the zoning, and also try to avoid an inconsistency with what may already be existing. So I don't know if there's already existing stuff that if you're going to be more restrictive. But just to get that in there, perhaps one of the reasons they were going to merge it is that Parks are allowed in Open Space. But in any case, I think this was helpful to look at.

CHAIR PALTIN: Thank you. Yeah, thank you for adding that on. It is helpful to know that you can't just get a special use permit for anything, that there's specific criteria that needs to be met. Thank you. Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yeah, just for clarification. So it looks like there's two separate zonings, one for Parks and one for Open Space. So when we're going through this process, there's areas that are both Park and Open Space designated. And so if we don't put in more restrictive language on what we really want parcels to be just for Parks, or parcels just to be Open Space, but right now some of the designations like in the...in Subarea 4, it's both, and...but without any restrictive wording, yeah?

CHAIR PALTIN: Yeah. And so, you know, without that type of clarity, then it's hard to know which way to go. And that's kind of some of the reason why I thought that we should take that step and be clear --

COUNCILMEMBER SINENCI: Right.

CHAIR PALTIN: -- if we're intending a specific area to be a Park usage or an Open Space usage. Because, you know, like Ms. Maydan said, there are a lot of similarities that it could get lost in the shuffle like, oh, it's Park or Open Space. What's the difference, you know?

COUNCILMEMBER SINENCI: Right.

CHAIR PALTIN: The difference is...yes.

COUNCILMEMBER SINENCI: I mean, I would be more supportive maybe as you go higher up the elevation like...you know, so if Park is more for public usage, you know, maybe lower elevations could be used where there's more public use, or along the beaches, or the thoroughfares. But as you go higher... higher elevations, maybe we go more into more preservation, more conservation. I believe all of the watershed protections are...start at the 3,000 elevation mark. So maybe the zones from public to more private from lower elevation to higher elevation could help us kind of help designate those two areas. Just my thoughts.

CHAIR PALTIN: Thank you. And also, I would add on to take into account sea level rise. We might not want to be building structures within --

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COUNCILMEMBER SINENCI: And --

CHAIR PALTIN: -- the projected --

COUNCILMEMBER SINENCI: -- our...

CHAIR PALTIN: -- sea level rise.

COUNCILMEMBER SINENCI: Oh, sorry, Chair. Are we...we're not in Subarea 4 just yet?

CHAIR PALTIN: We're in Subarea 4, and we're having the discussion of separating Park and Open Space as it pertains to Subarea 4.

COUNCILMEMBER SINENCI: Because the other issue I guess I had was if we are moving the highway mauka, would putting in those designations now in anticipation of future moving of the highway, would we have to consider that too, at this point?

CHAIR PALTIN: Consider moving the highway, you mean?

COUNCILMEMBER SINENCI: Yeah. If we did move the highway mauka, do we need to also address those zonings as well?

CHAIR PALTIN: I don't think so because we're not really addressing zoning.

COUNCILMEMBER SINENCI: Okay.

CHAIR PALTIN: We're addressing Community Plan Designation. And the highway would be the State.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

CHAIR PALTIN: Okay. Member King.

VICE-CHAIR KING: Thank you, Chair. The community plans, I know we've been talking about this forever, but are trying to align the community plan use designations with the zoning. So, you know, my understanding--and Department, correct me if I'm wrong--is that we should have...we have a MAPPS overlay, we should know which areas are zoned Open Space and which areas are zoned Park. So it shouldn't be that difficult to separate those out. Let's just look at the zoning, see what's already zoned Open Space and what's zoned Park. And if you want to split those two into two separate designations, it really shouldn't be that difficult.

CHAIR PALTIN: So some of the areas, as they were talking about, you know, Olowalu to Launiupoko and Olowalu to Ukumehame, the CPAC designated as Park/Open Space. And as I look at the existing County zoning for those areas, it appears to me to be Agriculture currently. So I guess, you know, it...to me, it would be good to clarify if

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the intent is for this Community Plan Designation to be Park, or is it for it to be Open Space. Because the current zoning is Ag. So...

VICE-CHAIR KING: Okay. But I guess the point I was trying to make is that we kept hearing from the Planning Department that they want to align the zoning with Community Plans Designations. And so it shouldn't be that hard to take a look at where the zoning is first, and then decide if we want the land use designation to follow the zoning, or if we want to change the zoning. But the zoning is already there for what's Park and what's Open Space. So what you're saying now is that some of the areas that are redesignated for Park/Open Space were actually zoned Agriculture. So would we be changing that zoning to either Park or Open Space then?

CHAIR PALTIN: Not as a part of the community plan process. We wouldn't be changing zoning that way.

VICE-CHAIR KING: But would that be...yeah, but would that be the intent, the eventual intent would be to...if we change these Community Plan Designations, then eventually want to go through and rezone everything so it matches up with the Community Plan Designation.

CHAIR PALTIN: Yes, long-term. And that's why I feel it's important to specify if we want it to be Park or Open Space. If it's currently Ag, and we designate it Community Plan Park/Open Space, which one would the zoning then change to. Because...

VICE-CHAIR KING: Right, no. I agree with you. I think we need...and you know, we've had that before, and it makes it very clear what we're doing. Open Space is basically land preservation. So we're doing conservation activities. And yes, there's passive recreation, but you wouldn't be allowing the things that you allow in a park to be built. And that makes it really clear where we're doing these preservation and conservation efforts. So, you know, I agree with that, I just want to be clear that that's where we're going. After the community plan's accepted, then we have to go back through and rezone the areas that don't match up with the Community Plan Designations.

CHAIR PALTIN: Yep. Thank you.

VICE-CHAIR KING: Do you need a...do you need a motion to do that separation, or do you...are we just discussing it right now?

CHAIR PALTIN: Yeah. When the discussion has run its course, let's go ahead and vote on it if folks feel comfortable about it. But not everybody has had a chance to weigh in yet, so I think we're still in the discussion about it.

VICE-CHAIR KING: Okay. All right. Thanks.

CHAIR PALTIN: Okay. I think...was it Member Rawlins-Fernandez next?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I agree with Member King, and would be comfortable moving forward. But one question before that for the Planning Department is so within Open Space, there's passive and active. What's the difference between active Open Space and Parks? We talked about the difference between Open Space and Parks being Parks has, you know, more of a recreational feel to it or uses, and Open Space is more conservation. But within Open Space, if there's passive and active, what's the difference between active Open Space and Parks? And who makes that decision? Is it the Department, you know, with the discretion to make that decision if Open Space is passive or active?

CHAIR PALTIN: Thank you. Anyone from Planning feel up to that question?

MR. HART: Yeah. Sure, Chair. So passive and active are used as...have separate meanings in the Open Space zoning district and in the context of recreation. So basically in the context of Open Space, passive is general preservation, where...I'll just read it. Areas designated for Open Space use on the community plan map primarily to recognize sensitive ecological reasons, such as threatened or endangered species habitat, wetlands, and other similar resources and cultural resources such as Hawaiian heiau and other significant cultural sites. That's OS1 passive. OS2 active is areas designated for Open Space use on the community plan map primarily to recognize scenic and recreational resources, hazardous areas, drainage ways, and Open Space green belts that provide visual relief from building, mass, and buffer sensitive ecological resources or agricultural activities from urbanized areas. So in the context of that, that seems to describe some sort of management approach to whether or not it's active or passive management. In the context of recreation, active recreation is generally Parks facilities to facilitate organized sports and is infrastructure, where passive recreation is generally, let's say trails, or just Open Space day recreation type uses, but not necessarily the type of infrastructure or capital improvements for active recreation.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Deputy Director. Mahalo, Chair.

CHAIR PALTIN: Okay. Thank you. That was helpful. Any further discussion on this Parks versus Open Space Community Plan Designation? Are we comfortable on making a motion to propose the split of Community Plan Park and the Community Plan Open Space? Member King.

VICE-CHAIR KING: I'll make that motion and...with the understanding if everyone's comfortable with it, that the idea that gulches and streams would go under Open Space. That seemed to make sense to me.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR PALTIN: Based on Director...Deputy Director Hart's comments, yeah, I agree that it seems like streams and gulches would fall under Open Space. So it's been moved and...moved by Member King and seconded by Member Rawlins-Fernandez to separate Community Plan Park and Community Plan Open Space with the

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understanding that streams and gulches would fall under Open Space. Any further discussion, Member King?

VICE-CHAIR KING: Just that, you know, I think this...for all the reasons we discussed, it's really important. And I have a little, I guess, different view of...than Ms. Maydan on the community plan because she said that, you know, we're supposed to be at a 30,000 foot level. And this is getting into the nitty gritty of zoning, but I think that's exactly what we're supposed to be doing with the community plan is getting into the nitty gritty. The 30,000 foot level is the Maui Island Plan, and it gives us broad stroke, you know, urban boundaries for development. And then the community plans are where the community steps up and says, here's what we want within those boundaries, and here's what we don't want, and here's what we want to see in the next 5 years or 10 years or 20 years. So I do think it's appropriate to be a little more specific on these community plans because this is what the people who have lived there a long time want to see for their community.

CHAIR PALTIN: Thank you.

VICE-CHAIR KING: Thank you.

CHAIR PALTIN: Member Rawlins-Fernandez as the seconder, followed by Member Sugimura.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I echo Member King's comments, and would further like to comment that I think providing as much clarity at the front end will avoid confusion, you know, when the rubber hits the road. And, you know, changing zoning. So I think what we are doing here is very appropriate, and will save a lot of time and heartburn later on. So I'm all about it. Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA: Thank you. So the...I would like to...before I vote, I would like to have Parks Department comment on this because that's another department that's impacted. And I would imagine through the community plan process, when a recommendation came up for Parks Open Space, the Parks Department must have weighed in on it before a vote was taken by the CPAC Board or the Planning Commission. So Parks Department, please?

CHAIR PALTIN: Oh, we didn't request for the various departments, but we can have Planning weigh in on that, I guess. Anyone from Planning, was Parks consulted on all the Park/Open Space designations provided?

MS. MAYDAN: Thank you, Chair Paltin. Yes, Parks was very involved in our process. We consulted with them in person, they emailed, they attended many of our community engagement meetings as well as CPAC meetings and provided presentations. So they certainly have seen the draft maps, and they have seen the community plan

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designation Park/Open Space. And of course, at that point in time, they were discussed as a combined designation.

CHAIR PALTIN: And Ms. Maydan, to get to Ms. Sugimura's point, is there a problem for Parks in us splitting?

MS. MAYDAN: I hate to speak for the Parks Department, but one thing...I don't know about a problem, but one thing to point out specifically in Subarea 4 where you have, let's see, over 300 new acres of Park/Open Space area along the shoreline to implement the Pali to Puamana Master Plan. That area is described as a combination of Park and Open Space. So that's an example of where I'm saying this is quite a task at this point in time to split Park and Open Space into two designations, specifically for new areas...areas that are not existing zoned Park or Open Space, but areas that are existing mostly zoned Agriculture. So that's an area where I would guess that the Parks Department is not at the level of identifying the particular uses on the land. They know that the Pali to Puamana Master Plan is out there. They know that this proposal and the West Maui Community Plan is there for this new large swath of Park/Open Space land, but they have not gotten to the detail of identifying where they would have more Park use type uses, or where they would have more Open Space type uses. So I don't want to speak for the Parks Department, but I would say that perhaps could be a concern that they would have.

CHAIR PALTIN: Thank you, Ms. Maydan. And I think to Member King's point is that those are sort of the policy decisions that we would like to be making. Seeing that the zoning is currently Ag, we don't necessarily feel that the Parks Department should make those types of decisions. I saw Member Sugimura raising her hand, so I'm thinking she's still on her question.

COUNCILMEMBER SUGIMURA: Yeah, thank you. I believe that in discussion, my office met with Kamehameha Schools, who had a concern because their...as you know, their lands were...that are owned by Kamehameha Schools on --

CHAIR PALTIN: Oh.

COUNCILMEMBER SUGIMURA: -- Lahainaluna...

CHAIR PALTIN: Member Sugimura, we're sticking to Subarea 4. I believe --

COUNCILMEMBER SUGIMURA: But this is on...

CHAIR PALTIN: -- Kamehameha Schools is Subarea 3.

COUNCILMEMBER SUGIMURA: Correct. But this is my example. So --

CHAIR PALTIN: Oh.

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COUNCILMEMBER SUGIMURA: -- was Parks informed, and they were not informed that the community plan was going to change from their Ag designation all the way to Parks Open Space. So I wonder if you want to have Parks weigh in on if you're going to make this change. I know that you didn't invite them to the meeting, but sounds like if you're going to make a change that's going to affect...I think there's about 800 acres total land that was designated Parks Open Space in the West Maui Community Plan. So is Parks aware of all of these designations, is my question. And I see Jordan Hart popping up, so he probably has a quick comment.

CHAIR PALTIN: Yeah. I did hear Ms. Maydan say that they worked with Parks, so they were aware of the designations. But I see Mr. Hart as well. Is there something that you'd like to add?

MR. HART: Yeah. I just want to...basically the Planning Department, through the cabinet meetings, has asked all of the agencies to participate and stay up to date throughout the update process. So, you know, there wouldn't be specific notifications to anybody about any specific changes, but there have been multiple repeat requests to continue to participate. Because it's ultimately going to Council, and it's ultimately going to have effect on future budgets and what can happen where. So everybody needs to stay involved. And we have done that.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR PALTIN: Okay. Any further discussion on this item? And I will just echo Member Rawlins-Fernandez. You know, I think I agree with the clarity in the front will save us heartache in the back end. And being that this was...like, I think it was Ms. Maydan that said intended to be part of the Pali to Puamana Parkway Plan, and hearing what Mr. Hopper said that, you know, you can have accessory uses. And this is kind of jumping ahead, but I can see these areas that have been designated in Subarea 4 as Park/Open Space fitting well within just Open Space. Because there's already the road, if we should move it higher, that could serve as like a greenway or a parkway, a special use permit could allow for bathrooms there. But I didn't see, like, the type of infrastructure recreation occurring along there. At least not within this life cycle of the community plan. Mr. Hart, I see you.

MR. HART: Yeah, Chair. I just want to address the overall conversation, you know, the 30,000 foot, you know, example that was used. So, you know, let's call the Island Plan 60,000 feet then. And basically, you have an umbrella, like...there's a pyramid of plans that, you know, the general plan consists of. And at the bottom of that is zoning. And that's the most technical detailed version. And if you pursue an approach of making the community plans almost as detailed as the zoning, you may unintentionally create a lot of conflicts, especially when you get into subdivision and special management area where you thought you were doing something that was going to be clear, but it creates another layer of constraint. And so let's say that the Council decided, we need to fine tune something, you know, this zone is not working. You may find that you're going to have to tweak the community plan and the zone if you put too much detail in the community plan. So basically, if you do your broad

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guidance of future proposed zoning and where you want the community...the direction to go in the community plan, and then you basically have the nuts and bolts of what can actually be done in the zone, you know, it basically can make it more effective. Now in this conversation, you may not be happy with the way that Open Space, the zoning, is currently described. So you may have to do a later tweak of the Open Space zoning code in order to achieve your overall goals. But while you're in the community plan process, what you could do is you could add language to associate with a specific location on a map. Let's say that you wanted to designate a certain area Open Space, but you wanted no permanent structures. You could add a section that describes the designation of that area, that puts further limitations on it, so that that covers before you may get to the point of changing the Open Space zoning code to address what you're interested in.

CHAIR PALTIN: Thank you for that comment. I'm okay with the motion. Member King, second and final.

VICE-CHAIR KING: Yeah, second and final. Thank you, Chair. Was kind of interesting because the advocacy for not getting too deep, and then suggesting that we put in the specific areas that have specific details on them seems to be a little incongruous. But one of the things that's really important about making these Community Plan Designations as clear as possible right now is we just went through this thing in South Maui with the Planning Commission and their approval of the Maui Coast Hotel; 95 percent of the community came out and said don't do it, and they passed it anyway. And two of the things that were said was one, the community plan is not clear enough so we don't understand...we don't think we're violating it by going up six stories because there was a section in the community plan that talked about view planes, and they didn't see that as clear enough to prevent blocking that view plane. And the other thing was one of the Council...one of the Planning Commission Members said that the Council needs to give us more direction, you know, complaining that we're putting this decision on them about the SMA permit, and that we hadn't given them enough direction. So this is what we're doing with these community plans is making it as clear as possible, giving direction, so that the decisions that are being made that are out of the hands of the community...right now the Planning Commission, I think it has one member from South Maui, and that...it's a new member. So we don't really have Planning Commissioners who understand all these different communities. And that's why they need to use these community plans as their bible when they're making decisions for those particular communities. And we're not...what we're hearing from the Planning Commission that it's not clear, things in the community plans right now are not clear. So as clear as we can be to give that direction to what the community wants for itself in the next 10 years, and maybe 20 years, I think, is smart to be able to take the guesswork out of these decisions.

CHAIR PALTIN: Okay. Thank you. Chair Lee.

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COUNCILMEMBER LEE: Just a procedural question. So initially, your thinking of these types of issues you would ask for consensus, but now we're actually going to vote on them?

CHAIR PALTIN: Yeah. I think for the maps, we should vote.

COUNCILMEMBER LEE: I see.

CHAIR PALTIN: To be clear.

COUNCILMEMBER LEE: Okay. Thanks.

CHAIR PALTIN: Okay. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just had a question, and I'm not sure...but, you know, Member King said that the community plans are like the bible, right? Okay, so I read the bible, and there's only one bible that I read, and then there are other supporting documents about that. So is the Maui Island Plan our bible, or is it the community plan is our bible? Can you clarify that for me?

CHAIR PALTIN: Sure thing. So...

VICE-CHAIR KING: Chair, can I clarify what I said? What I actually said was it should be the bible for the Planning Commission, you know, they should be using it as their bible when they make these kinds of decisions for the community. So I didn't say it was, I said it should be used like that.

CHAIR PALTIN: Okay.

COUNCILMEMBER KAMA: Thank you, Member King, for clarifying that, but I would still like the answer. Which bible are we using for this particular sermon?

CHAIR PALTIN: So like I think it was Deputy Director or Ms. Maydan said that there's layers, and the Maui Island Plan is the broadest, then it comes down and it gets more narrow, and then it's the community plan. Ultimately, I guess, if you're likening it to bible terminology, zoning...zoning would be like the bible, I guess, because that's what is the ultimate driver. You can have a Community Plan Designation of Urban Center Corridor or Transit Center if we decide to change it to that. But if the underlying zoning is Agriculture, then they can do Agriculture. And if the zoning and the Community Plan Designation isn't in alignment, then they can only do what the zoning is designated.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR PALTIN: But they can't, like, subdivide --

COUNCILMEMBER KAMA: . . .*(inaudible)*. . .

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CHAIR PALTIN: -- and stuff. That clarifies it okay?

COUNCILMEMBER KAMA: Absolutely. Thank you.

CHAIR PALTIN: Cool. Cool. Okay. It looks like everybody that wanted to speak spoke to this. Are we ready to call for the question, Members? All those in favor of the motion, raise your hand...oh, Mr. Hopper, go ahead.

MR. HOPPER: Sorry, I just wanted to...Planning brought up the interesting point about that there's some areas that...I mean, I guess if you're going to separate the...to do Park and Open Space, you'd be directing the Planning Department to redraw the maps, basically, and put...make things Park and then make things Open Space as appropriate?

CHAIR PALTIN: Well, we...

MR. HOPPER: I mean because there's not a Park/Open Space anymore, right? So that would come off of all of these maps, and then the Department would, I guess, get back to you with the new map with certain ones designated Park and certain ones designated Open Space? Is that the plan? Because if you delete that designation and change it to Park and Open Space, you'd have to change the maps, right? Or am I missing something there?

CHAIR PALTIN: Correct. So what would happen is areas that CPAC or Maui Planning Commission designated as new Park or Open Space, we'd need to decide which one it would be, Park or Open Space. On existing areas, because the current Community Plan Designations, there isn't Park/Open Space combined, the current Community Plan Designations is either Park or Open Space. So the existing things, we'd run with it. The new things, we'd have to determine whether it's going to be Park or whether it's going to be Open Space. Does that --

MR. HOPPER: Okay, so --

CHAIR PALTIN: -- answer your question?

MR. HOPPER: -- this would result in the maps being redrawn. You're directing the Department to...for areas that are currently existing as Park or Open Space to A, draft a designation that is Park and then a separate one that's Open Space in the designations; and then B, go through the maps and, you know, go through the old designations, and where they were Open Space, put on these new maps Open Space and the...wherever it was Park, put on Park. And then for new areas, I guess you would say that's pending your decision, I guess, on whenever you would do that?

CHAIR PALTIN: Something like that. I don't anticipate maps needing to be redrawn. It's just a different color. If it's currently this light green, we decided...it...well, we're about to decide in this motion, streams and gulches would remain Open Space. In

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areas that are newly designated as Park or Open Space, if we determine, like, Park color would be black or whatever color it would be, it would just change the shading. Nobody has to redraw anything --

MR. HOPPER: Right, I...

CHAIR PALTIN: -- it would just be a different color.

MR. HOPPER: Yeah, by redraw, I meant you would delete the Park/Open Space key and make that...make a Park key and then a Open Space key with whatever colors, and then go through the map itself and change the colors in accordance with your instruction. I just want the Department to be clear on what you'd be doing as part of this motion so that you get what you want.

CHAIR PALTIN: Thank you. Yes --

MR. HOPPER: That's all.

CHAIR PALTIN: -- that's what we're saying as part of this motion. Okay. All those in favor, raise your hand and say aye. Oh, is that a vote or a question, Member Sugimura?

COUNCILMEMBER SUGIMURA: Mr. Hopper makes a really good point to me. Because actually what you're talking about is a change. And I wonder, the people that have been impacted by this designation Parks Open Space may want to look at the impact of their...of the new maps before we vote on it, you know. I think it's not something that we should just say, okay, we're going to redo the maps, and it's okay. I really think that there's clarity with the community also that is important so we're not doing this in a vacuum.

CHAIR PALTIN: Okay. So we're not necessarily making a change, we're not accepting the proposed change. That's what the Community Plan Designations currently are. There's currently a community plan, and current Designation Park and Community Plan Designation Open Space. They've proposed this change to combine them, and it's our decision to accept these proposals or not. And a motion's been made, and so that's the motion. People, like I said earlier, are free to submit testimony via eComment. I hope everybody's watching that it impacts or cares deeply about it, and then they can submit eComment on it. But we can't...if we do it that way, it's the opposite of expediting the community plan process, and it'll take us a year, and at that point the plan will become stale, you know. It's gone through all these processes. Yes, Chair Lee.

COUNCILMEMBER LEE: Yeah. Okay. So I don't mind voting on it now because I think I understand what you're trying to do. The intent is good. But would it be possible for the Committee to get comment from the Parks Department anyway?

CHAIR PALTIN: Okay.

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COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: Ms. Stewart, is that something that you can ask for comment from the Parks Department on the splitting of Park and Open Space for clarity?

MS. STEWART: Chair, would you like me to invite them to join the meeting, or would you like that in writing?

CHAIR PALTIN: In writing, please.

COUNCILMEMBER LEE: Yeah.

CHAIR PALTIN: Just any comment on our action if this motion passes to separate Park and Open Space in the Community Plan Designation to help with clarity for their sakes as to what the intention is.

MS. STEWART: Yes, Chair.

CHAIR PALTIN: Chair Lee.

COUNCILMEMBER LEE: Yeah, because we can revisit this Wednesday or Thursday, right. I'm just curious why they would be reluctant, you know, to agree to this change. That's all. But I . . . on the surface . . .

CHAIR PALTIN: If they are even reluctant, you know.

COUNCILMEMBER LEE: Yeah, so maybe they're not.

CHAIR PALTIN: Yeah.

COUNCILMEMBER LEE: Thank you.

CHAIR PALTIN: Okay. And if they have new information based on that correspondence, then it would qualify for a revisit during our revisit day. Okay, all those in favor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: All those opposed, raise your hand and say, "no." Okay. Seven "ayes" to two "noes," motion passes. Community Plan Open Space and Community Plan Park has been accepted, and Community Plan Park/Open Space has been rejected.

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

NOES: Councilmembers Kama and Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: I just wanted to bring up one issue, it could be potentially non-substantive. At the bottom of page 73, it says Ukumehame Beach State Park. And I just was wondering if the Planning Department can fill us in on the State Park version. It's my understanding that the County takes care of Ukumehame Beach Park, and if you could clarify the State word in there as opposed to the County word.

MS. MAYDAN: Mahalo, Chair. Can you please point to where you're referring to again in the plan?

CHAIR PALTIN: Page 73 at the bottom of the page, right above one miles, it says Ukumehame Beach State Park. Oh, Member Rawlins-Fernandez pointing to it.

MS. MAYDAN: Mahalo. Let me consult with the GIS Staff. I am not certain off the top of my head.

CHAIR PALTIN: Okay. Because I believe our County workers take care of that park, and there's the standard County sign there. So if appropriate, my non-substantive revision would be to change that State to County. And if it's correct, I would imagine that's a non-substantive. And I did have a request from our Supervising Legislative Attorney to read the following statement into the record. Chapter 2.80B's process is intended to provide plans that clearly identify provisions that are meant to be policy guidelines, and provisions that are intended to have the force and effect of law. And he said this is for Councilmembers to keep in mind as we go through the Plan. So that's a little FYI, I guess. Okay. So the next decisions we'll have to make is the Community Plan Advisory Committee chose to designate the coastal area between Olowalu and Ukumehame as Park/Open Space, as well as from Launiupoko to Olowalu as Park/Open Space. And now that we've split those up, we need to decide which is more appropriate, Park or Open Space. My preference would be Open Space, at least for the Olowalu to Ukumehame portion. So I'll entertain a motion to designate the Olowalu to Ukumehame area as Open Space if anyone...

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COUNCILMEMBER SINENCI: Move.

CHAIR PALTIN: Oh, Member Sinenci.

COUNCILMEMBER SINENCI: So move, Chair.

CHAIR PALTIN: Moved by Member Sinenci. Is there a second?

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR PALTIN: Seconded by Member Rawlins-Fernandez. Any discussion, Member Sinenci?

COUNCILMEMBER SINENCI: No. Especially when looking at the map and how much of it is within the SLR-XA, the 3.2 foot sea level rise exposure area. So I'm supportive of --

CHAIR PALTIN: Thank you.

COUNCILMEMBER SINENCI: -- putting it . . . *(inaudible)* . . .

CHAIR PALTIN: I couldn't have said it better myself. Member Rawlins-Fernandez, as the seconder, do you have any additional discussion on this?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, I echo what Member Sinenci stated, as well as what you described earlier in this meeting. Mahalo, Chair.

CHAIR PALTIN: Okay. Anyone else have further discussion for this portion? Seeing none, all those in favor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Any opposed? I have it as unanimous. Okay.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: And then for the Launiupoko to Olowalu portion, you know, conceivably it could be Park, but I think the type of infrastructures for organized public purpose, I think our community would like to see it more concentrated in the Lāhainā Town area where people are. There's basketball courts that need repair and things like that. So I would...I would keep this as Open Space as well, with the knowledge that Deputy Director Hart said that you could have special use permit for accessory uses. And this area has been kind of known for many years to represent the Pali to Puamana Parkway that was envisioned by former Mayor Arakawa. I think that we could have those types of uses within Open Space as...by the descriptions, whether it's OS1 or OS2, given by Director Hart. So I think Open Space fits a little bit better than Parks. And kind of too, for the reasons that Member Sugimura had given, I don't believe that Parks is ready or prepared to take on major infrastructure in this section of West Maui. So I'll entertain a motion for the same for Launiupoko to Olowalu portion.

COUNCILMEMBER SINENCI: So move.

CHAIR PALTIN: Member Sinenci.

COUNCILMEMBER SINENCI: So move.

VICE-CHAIR KING: Second.

CHAIR PALTIN: Okay, moved by Member Sinenci, seconded by Member King. Any discussion, Member Sinenci?

COUNCILMEMBER SINENCI: Yeah. I just kako'ō and just wanted to add that, you know, I'm supportive of adding structures, but still go through the SMA if we needed to add additional bathrooms or anything. Thank you, Chair.

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CHAIR PALTIN: Thank you, Member Sinenci. And to clarify, I'm not sure that this is within the SMA as it looks to be above, but I agree with your sentiment. Member King, as the seconder?

VICE-CHAIR KING: Just...yeah, it's for all the same reasons as the previous area, and I think...you know, I'm not in favor of putting any structures within the sea level rise inundation zone. So we have to...we have to continually think about what...when we put permanent structures up, what that's going to mean in ten years. So I think --

CHAIR PALTIN: Thank you.

VICE-CHAIR KING: -- it's a little . . . *(inaudible)* . . .

CHAIR PALTIN: And I think I saw Member Molina's hand up.

COUNCILMEMBER MOLINA: Yeah, Madam Chair. I kind of just had a more general question related to Subarea 4 and the Urban and Rural Growth Boundaries in Olowalu and Launiupoko. I don't know if it's an appropriate time to ask those questions or --

CHAIR PALTIN: Maybe --

COUNCILMEMBER MOLINA: -- I can wait until after.

CHAIR PALTIN: -- after this vote we can --

COUNCILMEMBER MOLINA: After this vote. Okay.

CHAIR PALTIN: -- I'll...okay.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR PALTIN: Okay. Any further discussion on this particular vote? Seeing none, all those in favor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Any opposed? Seeing none, motion passes unanimously.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Okay, Member Molina, now would be the time.

COUNCILMEMBER MOLINA: Okay. Thank you, Madam Chair. So as I mentioned, in Subarea 4, it's been identified Urban and Rural Growth Boundaries for Olowalu and Launiupoko, but as we all know, there's always resistance to any type of building in these areas. What level of development would the Urban and Rural Growth Boundaries allow for, if that be the case? I guess a question for the Department.

CHAIR PALTIN: Okay. Planning Department, who would be able to answer what level of growth would Urban or Rural allow for, as opposed to what is currently depicted, I believe, as Ag?

MS. MAYDAN: Mahalo, Member Molina, for your question. So yes, you'll see in this Subarea 4, it is called out in the areas of stability for not a lot of change in this area. And yes, as you pointed out, there are several rural growth boundaries and an urban growth boundary or two within Olowalu. And through the process, the community, as well as the CPAC and the Maui Planning Commission, confirmed not to change the Community Plan Designations within these growth boundaries to higher intensity uses. So the majority of them have remained as Ag. So they would operate under their current Ag zoning; and if they remain through the Council process as Ag, they would be designated Ag. To be consistent with the Maui Island Plan, the Department may recommend that the Council do a Growth Boundary Amendment and remove these urban and rural growth boundaries in this region that are retaining Community Plan Designation Ag.

COUNCILMEMBER MOLINA: Okay. Thank you. So with that being said, was there any consideration or discussion about maybe a small town designation for these areas, the Olowalu and Launiupoko areas? Did that ever pop up for consideration?

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MS. MAYDAN: Thank you for your question. In Launiupoko, no. There was no discussion of a Small Town Designation. Launiupoko was actually not discussed a lot throughout the CPAC process. On the other hand, Olowalu was definitely discussed, and there were several votes during the CPAC process to designate Olowalu...either to keep it as Ag, or to designate it other designations. Those did not pass, and it remains as is with the Ag Community Plan Designation. So it was definitely discussed whether future growth could...should happen in that area or not. But you see the outcome on the map.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Ms. Maydan. Thank you, Madam Chair.

CHAIR PALTIN: Thank you, Member Molina. Member Sinenci, followed by Member Sugimura.

COUNCILMEMBER SINENCI: Thank you, Chair. Just following up on Member Molina's question. So it looks like for Olowalu Town, it's just...it has planned growth areas, Ms. Maydan, with Urban Growth Boundaries, but you said currently, it's zoned Agriculture, yeah?

CHAIR PALTIN: Yeah. I guess the explanation was in the Maui Island Plan, it was designated if there were to be that type of growth, that's where they wanted it to be seen...wanted it to be, with the understanding that the community plan gets a little bit more focused with actual members specifically from the community. The general plan...or Maui Island Plan process, I believe, had people from throughout Maui, whereas the community plan had all Lāhainā members. So the decision could have been if there were growth recommended, the Maui Island Plan directed for it to be in those areas. And then, I guess, the Community Plan Advisory Committee didn't want that.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

CHAIR PALTIN: Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I wonder if Ms. Maydan would talk about the areas of stability as a term she brought up.

CHAIR PALTIN: Oh. Well, that is part of, I think, 3.3, and we're just focusing on 3.2 right now. So definitely --

COUNCILMEMBER SUGIMURA: Later.

CHAIR PALTIN: -- can talk about it when we get to that part of --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: -- the section.

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COUNCILMEMBER SUGIMURA: I'll make a note for myself. Thanks.

CHAIR PALTIN: Thank you. You guys need a bio break? We've been going at it. Ten minutes, come back at 10:43? Okay. We'll be back at 10:43, meeting is in recess. Enjoy your break. . . .(gavel). . .

RECESS: 10:32 a.m.

RECONVENE: 10:43 a.m.

CHAIR PALTIN: . . .(gavel). . . It's 10:44, will the Planning and Sustainable Land Use recessed meeting of June 14th return to order. And Members, if I can direct you to page 72 and a correspondence in your Granicus uploaded this morning entitled, "Correspondence from Committee Chair 06-14-2021," it's the third from the bottom. And then if you are able to pull up that document and scroll to the bottom, these little paragraphs for each of the subareas, I did add a few more sentences. It's in a Ramseyer format. It just adds in a little bit about each of the areas' kind of historic information, additional information. I think Member Kama had a telehealth, and Member Molina had to speak with a carpenter. So they're excused, and both of them said it shouldn't take more than 15 minutes or so. I see Member Johnson. Member Johnson, we're on page 72, and we're comparing that to the Granicus addition third from the bottom, Correspondence from Committee Chair dated June 14. And I'm just recommending slight revisions to that and adding in a few sentences here and there. Member King.

VICE-CHAIR KING: Thank you, Chair. So I'm just assuming that the...and thank you for adding the sources on because that was my first thought is, you know, usually when you put this kind of informational historical information, there's a source. So if we go on either of these two...these two organizations have websites where this information can be found?

CHAIR PALTIN: Yes, that's correct.

VICE-CHAIR KING: Okay, well --

CHAIR PALTIN: . . .(inaudible). . .

VICE-CHAIR KING: -- that's really excellent because, you know, that's the first question people are going to ask is, how you know this. So, you know, thank you for providing those sources.

CHAIR PALTIN: Yeah. And I just thought, you know, Olowalu in the original version was...really spelled out a lot of historical type of information. And so I just wanted to add on a little bit about Olowalu...I mean, Launiupoko and Ukumehame. And then, you know, a lot of the discussion for Olowalu did talk about the coral reef, so I

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thought it would be prudent to mention that it was named Hawai'i's first Hope spot in 2017 and a little bit about the coral reef there and its importance.

VICE-CHAIR KING: Yeah. No, I think it's great to have that historical knowledge, especially when you're making decisions about planning.

CHAIR PALTIN: Yeah. And as former ocean safety, I really liked the part about Ukumehame being known for its gusty winds that blow from the uplands out to the sea because we did have a lot of 911 calls about kayaks and SUPers blown out to sea in that area. So I thought it would be good to include that type of information.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: Has everybody had a chance to review it? Would you like me to read it aloud into the record or...yeah? So this is revised wording for page 72, and I have it on Granicus in Ramsayered format so that you can see what was added and whatnot. So the new wording would read Subarea 4 has a population of 982 and covers 19,217 acres. The...this subarea has three distinct communities; Launiupoko, Olowalu, and Ukumehame. Launiupoko is a sparsely populated area characterized by beaches and agricultural subdivisions. Then I just added, the slopes were once home to groves of native Wiliwili, a useful and attractive tree that thrives in dry and rocky areas. And that comes from mauculturallands.org. Continues on, Olowalu is a site of a large pre-contact Hawaiian settlement, which is evident given the number of archaeological sites found in this area, including petroglyphs, burials, heiau, trails, rock shelters, agriculture and fishing...I replaced shrines with ko'a because I think more local people understand that. And we can add the ko'a definition in appendix...in the appendix. . . .(inaudible). . . sites, boundary, and navigational markers, lo'i and auwai, Olowalu's...and then I added, Olowalu's 1,000-acre coral reef was named a Hope spot in 2017. It sustains an amazing diversity of rare and unique coral species and acts as a nursery to replenish and populate the reefs of Maui, Moloka'i, and Lāna'i. And that's from missionblue.org. It was all...and continuing on with the sentence provided, it was also home to different sugar-growing ventures, including West Maui Plantation, Olowalu Company Limited, and Pioneer Mill Company. The community is very small, with limited...and then I added County and commercial services and residential uses. Ukumehame is the southernmost settlement in the region. I added on, Ukumehame is known for its gusty winds that blow from the uplands out to the sea. The waters of Ukumehame Gulch flow from Mauna Kahālāwai down through deep valleys. Here, ancient Hawaiians once maintained fertile green acres of lo'i kalo...and that is from mauculturallands.org. Chair Lee.

COUNCILMEMBER LEE: Definition for koa is Alice's dog's name.

CHAIR PALTIN: No, this one has an 'okina. Ko'a, not koa. . . .(laughter). . . Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think the amendments are great. It adds tremendous value. I was just wondering if perhaps we can cite to

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reports or, like, agencies instead of...because wherever these orgs got it from, they probably got it from, like, reports. So we should cite what it is that they cite instead of citing them.

CHAIR PALTIN: Okay. I'm not sure about the mauculturallands.org because that is made up of, I think, you know, it was Uncle Ed Lindsey at first, and then now Ekolu Lindsey, Puanani Lindsey, and so it...I'm not sure if that's their own historical knowledge of the area or a specific report because they are of that area and they work in those areas. And then the missionblue.org, I believe, is Mark Deakos, who does his own research as well. We can look into it, but I think these are the folks that do the research, you know, like, I mean, Mark Deakos does his own research, he's a doctor of that type of reef marine stuff. And, you know, the Lindseys are kind of like cultural practitioners and knowledgeable of...they do their work in those valleys. So I'm not sure if they cited research, but we can look into it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, I'm not, you know, criticizing or questioning their credibility. It's just generally, you know, our practice of citations has a hierarchy, and what you just explained is not explained in the sources. You know what I mean? So having that level of credibility and credence in having a .org is not as...not there.

CHAIR PALTIN: Like who runs the .orgs, you mean? Like, cite them for their knowledge?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, and whatever...you know, if they wrote something like a...any kind of plan or report.

CHAIR PALTIN: I'm sure Dr. Deakos did. But Ms. Stewart, is that something that Staff could undertake, or do you need us to do that? Or Mr. Raatz?

MS. STEWART: Chair, that's --

CHAIR PALTIN: Yes.

MS. STEWART: -- Staff can look into that for you.

CHAIR PALTIN: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Member King. Sure. You had your hand up?

VICE-CHAIR KING: Oh, I was just going to...just to follow up what Member Rawlins-Fernandez said, which is a really good point, is to put this paragraph, you know, in this form with the additions to those two organizations and see if they can cite the research papers that they may have used, or whatever their sources are where they got the information to post on the websites.

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CHAIR PALTIN: Okay.

VICE-CHAIR KING: And then finding out what...you know, where it came from. I mean, this came from...like she said, this came from some report that they found or some historical knowledge research that was done, and that's how they got it onto their website. So they would probably know.

CHAIR PALTIN: Okay. And like the...some of the parts like, you know, limited County and commercial residential uses, that's not...that was just wordsmithing, and ko'a was wordsmithing. But, like, the information part...sources.

VICE-CHAIR KING: Right. Well, the historical part, like, you know, the Olowalu's 1,000-acre coral reef was named the Hope spot. So someone...they probably have some research that they did to find that out. Those kinds of things is kind of...the information that's in here is really good information, and if it was backed up by research papers, it would be even stronger.

CHAIR PALTIN: Okay. Cool. All right. So I'll entertain a motion to accept the revised wording, and we can revisit the source issue on our revisit round.

VICE-CHAIR KING: So moved.

COUNCILMEMBER SINENCI: Second.

CHAIR PALTIN: Moved by Member King, seconded by Member Sinenci. Any further discussion? Seeing none, all those in favor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Any opposed, raise your hand and say, "no." Okay. That's eight ayes and one excused, Member Kama.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Kama.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Okay, Members. That's it that I have for Subarea 4. I didn't intend to propose any additional changes. I agree with the CPAC and MPC versions of the draft. Is there anything else that any of the Members needed to discuss of Subarea 4, other than the possible non-substantive revision of State to County Park, and the sources? Seeing none. Other than those two items, I'll entertain a motion to accept Subarea 4, pages 72 and 73. Oh, I see a message from...oh, non-substantive change to delete State is fine. Okay. So we'll make that Ukumehame Beach Park as a non-substantive change, deleting State beach park. Everyone okay with that?

VICE-CHAIR KING: Yeah, I'll make that motion, Chair, with the...also, I don't think you mentioned it, but the other amendment we made with the Park/Open Space land use designations.

CHAIR PALTIN: Yeah, yeah. We moved on that, so now we're voting on the entirety of Subarea 4 to accept it. And it's been moved by Committee Chair [sic] King...Committee Vice-Chair King, and seconded by Member Sinenci.

CHAIR PALTIN: All those in favor of Subarea 4, all that we need to visit would be the sources. Any discussion? Member Sugimura. Can't hear you.

COUNCILMEMBER SUGIMURA: No discussion.

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: No discussion.

CHAIR PALTIN: And Chair Lee, were you voting already, or did you have any discussion? Voting already?

COUNCILMEMBER LEE: Voting.

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CHAIR PALTIN: Okay. All those in favor, raise your hand and say aye.

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay good. We have eight ayes and one excused, Member Kama. We're done with Subarea 4, folks. Give yourself a pat on the back. Yay.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Kama.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

VICE-CHAIR KING: Chair Lee has to rename her dog Shrine now.

CHAIR PALTIN: . . .*(laughter)*. . . Okay. So moving on along, that wasn't too bad. We're on to Subarea 3. Now for this one, I would like to start the conversation on Urban Center Corridor. And for me, I would simply propose that we rename it, just purely the name, from Urban Center Corridor to Transit Center Corridor. And my reasoning behind that is, you know, people come to Maui County from all over the world, and the image that they have in their mind when they picture urban may be largely different than what we picture when we say urban. You know, the images of, like, New York City or downtown Waikiki come to mind sometimes when you talk about urban. And that's definitely, I don't think, what anyone for Lāhainā wants to see. And so I did speak with Pam Eaton, she said she has seen it also called Transit Center Corridor. And so that would be my proposal if anyone agrees and is willing to make a motion for that. Member King.

VICE-CHAIR KING: Yeah, just a quick question. I...you know, I'm happy to make the motion. Are we...when we talked about Transit Center, what does that mean? Or is it really a transit corridor?

CHAIR PALTIN: It was just mainly replacing the word urban with transit as, you know, like maybe...

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VICE-CHAIR KING: Yeah, no. I understand...yeah, I understand that, but I know what an Urban Center is but I'm not sure what a Transit Center is. I thought, like, the hub, you know, was the Transit Center. Other than that, we're talking about a transit corridor. So I'm not sure if there's a specific reason why the word center has to be in it, but maybe Pam knows.

CHAIR PALTIN: Okay. Ms. Eaton, would you care to comment on how we should call it, if it should be Transit Center Corridor or just Transit Corridor or any --

MS. EATON: Sure.

CHAIR PALTIN: -- input?

MS. EATON: Yeah, I can provide a little context too. And just to sort of let you guys know, with regard to consistency with the Ka'ahumanu Community Corridor, we're also going to make the same switch. It totally makes sense. So basically, a transit...you're looking at transit, right, and what does that mean, what is the approach to that. So it includes...I'm just going to put a little bit of an overview. Just basically those land use designations and policies that maximize access to transit. Meaning Maui Bus, it could be Da Bee, it could be a shuttle, it could be just basically that multi-modal concept. So maximizing that opportunity as the key sort of organizing principle and acknowledges transportation as an integral part of that particular area within the community fabric. Transit Oriented Centers or Transit Oriented Community Corridors promote equity and sustainable living by offering a mixed of uses close to transit to support households at all income levels, as well as building densities, parking policies, urban design elements, and first-last mile connections that support bus ridership, multimodality, and reduced auto dependency.

VICE-CHAIR KING: Okay.

MS. EATON: I hope that helps.

VICE-CHAIR KING: Excellent. The question is really, what would be the most appropriate wording for that designation. Is it...should we call it Transit Oriented Corridor, or . . .

MS. EATON: I...

VICE-CHAIR KING: Because the word "Center" implies that there, like, we only have one bus hub, right? The word "Center" implies that there is something happening, and everything else is peripheral to that. So I...

MS. EATON: Well, actually, we're going to have more...I mean, we're going to have...we have a transit bus hub here in Kahului. We're also...we're going to have one in South Maui, we're going to have one in West Maui.

VICE-CHAIR KING: Okay, but...

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MS. EATON: But I think...

VICE-CHAIR KING: Was your question...my question to you is what do you think is more appropriate? Because they seem like they're all Transit Oriented Corridors, and maybe that would be a better name.

MS. EATON: I think Transit Oriented is fine. Transit Oriented Corridor is fine because that's...basically gets to what I just read in terms of really, the focus is trying to minimize vehicle dependency, have sort of that compact community in that area where you've got jobs, you've got people being able to take the bus, that sort of thing. So I think instead of center you can say Transit Oriented Corridor. I think that's fine. It's the same...it gets the same idea across in terms of really, what the primary use is and what the objective is for that area.

VICE-CHAIR KING: Okay. Yeah, and then I think we've used that same terminology when we've been seeking funding at the State level, so they understand that. So if that's okay with you, Chair, I'll make that motion that we rename it Transit Oriented Corridor rather than Urban Center Corridor.

CHAIR PALTIN: Okay. It's been moved by Member King and seconded by Member Rawlins-Fernandez to change the name of Urban Center Corridor to Transit Oriented Corridor. Member King, did you have any more discussion on that, or that's pretty much...

VICE-CHAIR KING: No, I think that was a really good description by Ms. Eaton. And we've been using that word Transit Oriented Corridor to seek funding, so it makes sense.

CHAIR PALTIN: Okay. Cool. And Member Rawlins-Fernandez, as the seconder, did you have further discussion? Okay...oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Actually, yes.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, real quick. So we're changing that here. Does that amendment apply to Subarea 4? Because we didn't make that amendment there on the designation legend.

CHAIR PALTIN: Oh. I mean, it could, but there wasn't any parcels designated Urban Center Corridor, and that's why I'm only bringing it up --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: -- for Subarea 3.

COUNCILMEMBER RAWLINS-FERNANDEZ: Just the legend.

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CHAIR PALTIN: Oh, yeah. For the legend, similar to how Park and Open Space split up was, I think, intended to follow through for all subareas...similar for this naming, I would intend for it to follow through for all subareas --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: -- in the legend or whatnot.

COUNCILMEMBER RAWLINS-FERNANDEZ: As the seconder of the motion, that's what I would intend for all the subareas.

CHAIR PALTIN: Yeah, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: I'm sorry, I had assumed it, but I probably should have stated it out for the record.

VICE-CHAIR KING: That was my intention as the maker of the motion.

CHAIR PALTIN: Yeah. Okay, Member Sinenci, I saw your hand raised.

COUNCILMEMBER SINENCI: Thank you, Chair. Just clarification. So the red...we're looking at the red areas, and on the map, the red areas would be above...more the commercial areas in Lāhainā Town? I'm looking...it's more like industrial areas.

CHAIR PALTIN: Yeah, yeah. The action we're taking right now is simply to change the name of what the new Community Plan Designation is currently called Urban Center Corridor, and we're just renaming it, not taking any other action than changing the name to Transient [*sic*] Oriented Corridor.

COUNCILMEMBER SINENCI: Right. I was just looking at those areas where it would be...like, some of the areas is more commercial...it looks like commercial areas, yeah? Okay.

CHAIR PALTIN: Yeah. I think this is like Lāhainā Gateway area --

COUNCILMEMBER SINENCI: Cannery Mall.

CHAIR PALTIN: -- Lahainaluna Road, and then there's --

COUNCILMEMBER SINENCI: Cannery Mall.

CHAIR PALTIN: -- Cannery Mall, yes, that type of area.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

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CHAIR PALTIN: Any further discussion on the name change? Seeing none, all those in favor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay, measure passes unanimously. Eight in favor, one excused, Member Kama.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Kama.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: These changes, along with the Park and Open Space change, is meant to be throughout the maps definitions. Okay. So there were a few changes...a little bit of change in the Community Plan Advisory Committee to the Open...to the Maui Planning Commission in Subarea 3. Notably is area south of Lahainaluna Road and mauka of Mill Street was changed from what is now called Transit Oriented Corridor to Industrial. That little purple section just south of Lahainaluna Road, it kind of looks like a...some sort of trapezoid, and I was wondering on that if we could get comment from the Planning Department as to the reason for that. I kind of recall Director McLean in conversations with a resident on that north side of Lahainaluna that was having issues with the Industrial, about putting the Industrial right next to area that is going to be Residential. In the past, she had said that they don't usually like to do that. And so I just was wondering if you could provide some comment as the change from the Planning Commission.

MS. MAYDAN: Sure. Thank you, Chair. So I'll just provide some context as far as through the process and the CPAC's recommendation for this area.

CHAIR PALTIN: Thank you.

MS. MAYDAN: Yeah, for sure. So the Pioneer Mill area and those surrounding proprieties...of course, the history of that area is more of an industrial and heavy

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industrial nature. Over time, those uses have become less and less prominent, and other uses have come in as far as some light industrial uses, commercial, and, of course, the surrounding residential neighborhood and the Public/Quasi-Public uses. So of course, over time our communities change. And a community plan update--excuse me--update is an excellent time to look at, of course, where we want to grow, where we need to expand, as well as where we perhaps want to change within our existing community. And when we were working with the West Maui Community during our engagement phase, as well as with the CPAC, there was a lot of energy and support around this central area in Lāhainā evolving more into a heart of Lāhainā Town, you know, separate from the historic districts, but as far as maybe providing a center for Lāhainā with a mix of uses. Some housing, commercial, et cetera. So that's the reason for the designation there, now Transit Oriented Corridor, in that area. And then at the Planning Commission phase, there was some testimony regarding that particular parcel that Chair pointed out that is in...that got changed to Industrial. It's currently zoned Heavy Industrial, and the landowners wanted...they advocated to change the designation from UCC to Industrial. But the whole concept, as I said, in that area was to provide the opportunity for redevelopment in that area, to provide kind of a mixed-use center for the community because uses change over time. And while Heavy Industrial uses were there, they're not as appropriate anymore with the surrounding residential uses.

CHAIR PALTIN: Thank you. I was wondering if you could specifically comment on if there's...I mean, if we're setting ourselves up for a problem with having that Heavy Industrial usage being allowed abutting a Residential area.

MS. MAYDAN: Thank you. Yes. So of course, that area, as I mentioned, is currently zoned Industrial. But yes, I mean, the whole history of zoning essentially is to separate incompatible uses. And Industrial and like residential are always given as the example of uses that should be separated. Of course, zoning is wrought with many...with many, you know, things that have gone wrong, uses that we've separated that we should not separate. But Industrial and Residential are a great example of two uses that are not very compatible. And as communities change, industrial uses perhaps do need to relocate to areas that will not have noxious impacts on surrounding communities.

CHAIR PALTIN: I guess, you know, the area right above the purple on our map in page 71 that's Residential yellow, I don't...structures like those little gray things in there...and I'm wondering if it's not currently already developed, if there's any way to provide some sort of buffer or notification to folks, you know, that if that other small area is zoned Industrial, I guess, you know, like which came first, the chicken or the egg, that they know that they're buying property or they're living next to Industrial that was around prior to that. Is there a way to provide some sort of buffer or, you know, well, if you didn't want to live next to Industrial, then you shouldn't have bought it, or some kind of caveat there? Chair Lee?

COUNCILMEMBER LEE: Where's the Senior Center in relation to the purple designation off Lahainaluna Road?

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CHAIR PALTIN: I believe it's the blue square.

COUNCILMEMBER LEE: Blue?

CHAIR PALTIN: Because that's Public/Quasi-Public next to that; the blue square, not the rectangle.

COUNCILMEMBER LEE: Oh, okay. Okay.

CHAIR PALTIN: So Ms. Maydan, my question was for the Residential yellow area right above the purple. Knowing that Residential and Industrial are usually incompatible, is there some sort of a buffer designation we could put there?

MS. MAYDAN: I suppose you could write in some sort of condition, whether you wanted it on the Residential or whether you wanted it on the Industrial, as far as a policy within the Community Plan specific to that area, that some sort of buffer would be provided. You could...well, Open Space wouldn't really work with the description that was provided previously.

CHAIR PALTIN: And do you know currently that the housing in that Residential doesn't exist yet?

MS. MAYDAN: Correct, that area is not built out. That is part of the Lāhainā Town South Plan growth area.

CHAIR PALTIN: So, you know, basically I don't want to take away areas that are designated as Residential because we do need areas for houses to be built. Members, did you have any thoughts on this? Are you okay with Industrial there right next to the Residential? Being that the houses aren't built, my fear is, you know, they'll come in and they'll build their houses and then...Industrial allows for noxious fumes and, you know, heavy industrial type of activities. I just...I think of future Councilmembers having to hear those complaints, like have these noxious fumes coming into my house. And I don't want to put them in a position where they say well, why'd you build your house right next to Industrial then, you know what I mean? So Members, any thoughts here? Member Rawlins-Fernandez, followed by Chair Lee.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I agree with your comments. Is there a reason that that area was chosen to be Industrial? Is it currently Industrial, and is there a better place for Industrial?

CHAIR PALTIN: It currently is zoned Industrial. I believe the whole, the entirety of the red is zoned, the underlying zoning is Industrial. I believe there were points made that West Maui doesn't have much Industrial. I was going to propose when we get to, I believe Subarea 2, the areas that are currently being used as concrete batching plants to designate those as Community Plan Industrial, and kind of conditional only

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for concrete batching plants because that's what they currently are. I hope that answers your question.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, it does. So what were you saying that you would propose that to be instead?

CHAIR PALTIN: Well, it came from what is now called Transit Oriented Corridor in the Community Plan Advisory Committee draft, and in the Maui Planning Commission, it became Industrial. So I guess I would, I would prefer the CPAC version, just because Heavy Industrial allows for noxious fumes, and having noxious fumes right next to Residential is kind of setting us up for trouble later on.

COUNCILMEMBER RAWLINS-FERNANDEZ: So right now, it's just the cement batching plant, and that doesn't have noxious fumes?

CHAIR PALTIN: It doesn't, and that's not where it is. The cement batching plants are in Subarea 2, and they're...those lands, I think, are...one is zoned as Ag and maybe the other one might be Open Space or something, and there're Special Use Permits for those.

COUNCILMEMBER RAWLINS-FERNANDEZ: So I'm sorry, I guess I misunderstood. What's currently there?

CHAIR PALTIN: It looks like, from the map, that's the...possibly the red area below might be the David Malo Housing, maybe a gas station...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I'll check it out on the map. And then I see Chair Lee is anxiously awaiting her turn. So I'll yield the floor now. Mahalo, Chair.

CHAIR PALTIN: Okay. Chair Lee.

COUNCILMEMBER LEE: Yeah. Yeah, there's a gas station over there. But so who...did the owner request to retain the designation of Industrial? Did the owner of the --

CHAIR PALTIN: I believe that's what Ms. Maydan said. Ms. Maydan, is that correct?

MS. MAYDAN: Yes, Chair. That is correct.

COUNCILMEMBER LEE: And that is because what kind of business is there?

MS. MAYDAN: Thank you, Member Lee. The request was for the desire to retain their Industrial zoning for the potential of future industrial uses. They weren't necessarily saying it for what their activities that were currently on the site, but for activities that they perhaps would have planned in the future.

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CHAIR PALTIN: I think currently there's a farm stand, maybe that HECO like infrastructure, and it...most...the rest of it looks pretty fallow.

COUNCILMEMBER LEE: Okay. So they...there was no discussion about a lesser use, such as Light Industrial or Business-Commercial?

CHAIR PALTIN: So I think Light Industrial is included in what is now called Transit-Oriented Corridor, and that would've been the red color that came from the CPAC would be...I think Light Industrial is included in there.

COUNCILMEMBER LEE: I see. All right. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: So it's this one. It's this...

CHAIR PALTIN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then there's houses right next door, and Kimos' Hale of Pork is what --

CHAIR PALTIN: Yeah. David Malo, and I think the credit union is below there, and then there's the church. What is your church? King's Cathedral Church is below there as well, and the credit union. So I mean, I know it's zoned in Industrial, but the surrounding uses, if it goes to the level of noxious fumes, I can imagine getting a lot of complaints.

MS. MAYDAN: Chair? This is Ms. Maydan.

CHAIR PALTIN: Yes.

MS. MAYDAN: Just to provide a little more information as far as the conversation at Maui Planning Commission. The landowner testified that their uses currently on the site, like your Committee was just discussing, is a lot of storage and other uses that are more in the character of Light Industrial, which is a use that is included within the Transit Oriented Corridor. But they spoke of potential plans in the future of a gas storage, like liquid natural gas storage in the future, and that would be more of a Heavy Industrial use.

CHAIR PALTIN: Okay. So I guess the question is are we okay with liquefied natural gas storage in the middle of our housing, church, credit union, senior center block area? So...okay. I guess then we would entertain a motion to amend the Industrial designation to Transit Oriented Corridor designation.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

CHAIR PALTIN: By Member Rawlins-Fernandez, seconded by Member King. I think we had the discussion that we're not okay with that type of use. We'd prefer Light Industrial with all those houses, church, and credit union around there. Anyone feel the need

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for further discussion? Seeing none, all those in favor of the motion on the floor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay. That's eight "ayes," one excused, Member Kama, and it will go back to Transit Oriented Corridor.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Kama.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Okay. Next thing I had was I just had a question about the Lāhainā Town North HHFDC portion in yellow for, I believe, Ms. Maydan. Is that the entirety of the Kaiāulu O Kuku'ia development in yellow there?

MS. MAYDAN: Yes, Chair. On the map, it's the area that's in yellow and also has the hash marks on it.

CHAIR PALTIN: Okay.

MS. MAYDAN: But yes, it is the full project area.

CHAIR PALTIN: Thank you. I just wanted to clarify that. I'm not sure if Members were wondering. The other thing I would like to mark Lāhainā Town South, the yellows and I believe the oranges, as a revisit item. I just would like our Committee to transmit a correspondence to Dr. Janet Six about sensitive and known burials in the area, if she could check her SHPD, you know, the document that she has with the grid of sensitive areas, just because of that situation that we had had last year with the plantation cemeteries and like that. I just want to make sure that that's not in that area there. So...yes, Member Rawlins-Fernandez?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So you said yellow and orange, is there...so I don't have any opposition to that, but is there a reason that you didn't want to include other designations that would be...would cause, you know, reason for earth altering development that's a new area...that's currently undeveloped? I mean, besides for like Ag and, you know, conservation, but for the other --

CHAIR PALTIN: Yeah. I don't know if there are that much other areas. I mean, HHFDC Villages of Leali'i, the Lāhainā Town North, they went through the approval process with us, Ikaika Ohana and the Kaiāulu O Kuku'ia, and I believe SHPD is requiring them to go a little bit deeper. So I feel like that area is kind of been taken care of. And there aren't that much other areas that I see on this, the CPAC growth framework votes or the Maui Planning Commission change. And then specifically, what brought that to mind was the situation with the grandmothers in the trench. I don't see any other areas that have been slated for new development other than the Kaiāulu O Kuku'ia which they are working with SHPD currently and Dr. Six. So yeah, that's the only area that I'm concerned with. But if other Members are concerned with other areas, don't let me stop you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Member Sugimura.

COUNCILMEMBER SUGIMURA: Is this where I would bring in the map on page 71, Figure 3.4, which is a concern, Amendment from Kamehameha Schools.

CHAIR PALTIN: Sure, right after we finish this item about revisiting with input from Dr. Six about the Lāhainā Town South because that's a little bit what we're talking about now. But we can bring that up right after we finish --

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: -- this discussion. Sure.

VICE-CHAIR KING: You're just looking for consensus on the revisit?

CHAIR PALTIN: To revisit after we get input from Dr. Six. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Just a clarifying question, my eyes aren't so good with the colors. That is the orange that says the Neighborhood Center, yes?

CHAIR PALTIN: I believe so, yeah. It's kind of...I'm not sure if it's faded red or orange. But Ms. Maydan, can you clarify if the...what we're seeing in Lāhainā Town South is orange or red?

MS. MAYDAN: Correct. The orange is Neighborhood Center.

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CHAIR PALTIN: Over there by Lāhainā Town South and Mill Street?

MS. MAYDAN: Correct.

CHAIR PALTIN: Okay. Thank you. Okay. So the question, Members, is if we're okay with marking that area as a revisit once we get further information from Dr. Six. And we'll be asking Committee Staff to draft a letter and just see if she can check her sensitive grid. Consensus on a revisit?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. Cool. All right. So we'll come back to that and we'll request Committee Staff send her a correspondence if she can look into it. Member Sugimura, you're up.

COUNCILMEMBER SUGIMURA: Thank you. So I submitted this amendment. So it's map on page 71, figure is 3.4, Subarea 3 Lāhainā. And I move to change the land use designation from Parks Open Space...or whatever after we made that change...to Agriculture in the area south of Lahainaluna Road, including all, or a portion of the following tax map key numbers. You want me to read it out in entirety? (2) 4-6-018-003, and also (2) 4-6-016-036 [sic], and parcel (2) 4-6-016-033 to reflect existing use. So Kamehameha Schools, who was following the Community Plan, did not realize that their Ag lot was changed through this process to Parks Open Space. So they want it to go back to --

COUNCILMEMBER MOLINA: Madam Chair, point of order. Can...I guess can we have the motion --

CHAIR PALTIN: Member Molina.

COUNCILMEMBER MOLINA: -- and the second, and then Member Sugimura can further elaborate on this.

COUNCILMEMBER KAMA: Second.

COUNCILMEMBER SUGIMURA: Sorry about that.

CHAIR PALTIN: All right.

COUNCILMEMBER KAMA: Second the motion.

CHAIR PALTIN: I just wanted to clarify for Members, the last item on Granicus is the Amendment Summary Form submitted by Member Sugimura. And I believe what she just read is on Page 2 of that document, the last one. It says map on 71, Figure 3.4. Is that correct, Miss...Member Sugimura?

COUNCILMEMBER SUGIMURA: Yes. Thank you.

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CHAIR PALTIN: So she made the motion, and it's been seconded by Member Kama, for what she just read, which could be found on the last item in Granicus, page 2, at the bottom of the page. Okay. Members, discussion? Or I guess she kind of discussed. Did you have more to discuss, Member Sugimura?

COUNCILMEMBER SUGIMURA: I think I explained it. Thank you.

CHAIR PALTIN: Okay. Member Kama as the seconder, did you have anything to discuss on this item?

COUNCILMEMBER KAMA: No. Thank you, Chair.

CHAIR PALTIN: Okay. Any further discussion from the Members? No? Okay. I had a little thing to discuss. For me, I was hoping that we could strike a balance. With the underlying designation of Agriculture, they are...obviously, of course, can do agriculture regardless of what the Community Plan designation is. My hope was that the area above the bypass would remain in Ag, the area from the bypass to that red Urban Growth boundary would be Open Space, and the area below the red boundary down to the, I guess that's Mill Street, would be Park as kind of a...you know, whatever, like a compromise. But we'll see. So the vote is on the floor...or the motion is on the floor for the entirety to be reverted to Community Plan Designation Ag in alignment with the zoning. Member Sugimura, you ready for your second and final at this time?

COUNCILMEMBER SUGIMURA: Yeah. You can let Ms. King go first, and then I can do my second and final.

CHAIR PALTIN: Okay. Ms. King.

VICE-CHAIR KING: Yeah. Thank you, Chair. I was just going to ask for input from the Department.

CHAIR PALTIN: Of Planning?

VICE-CHAIR KING: Yeah, Planning.

CHAIR PALTIN: Okay. Ms. Maydan, I guess Member King has a question for you, or would like to hear some input from you.

MS. MAYDAN: Absolutely. Thank you.

VICE-CHAIR KING: On the proposal.

CHAIR PALTIN: On the proposal to revert to Ag.

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MS. MAYDAN: Yeah, so this area that's designated Park/Open Space in the Draft Plan, this absolutely came out of the CPAC as a proposal. There was a lot of discussion that a lot of the West Maui Community lives in Lāhainā, and there is...there's not a lot of park space, not a lot of access to park space. And they saw this as a wonderful area to provide park space, especially for the Lahainaluna existing community there. So this was a proposal that came out of CPAC. And yes, it is a large area, I think it's a good discussion to have to see if some areas could be Ag, some Park, some Open Space. I think that's absolutely worthwhile for your Committee to discuss and consider.

VICE-CHAIR KING: Okay. And do you...and you agree that regardless of what it's designated, that they would be...that because the zoning is Ag, that they're still able, you know, do Ag operations in that parcel?

MS. MAYDAN: Thank you. Yes, they could continue Ag as long as they weren't proposing something like a subdivision or something that required a Special Use Permit. They, of course, are out of the Special Management Area. As long as they weren't proposing anything that triggered compliance with the Community Plan --

VICE-CHAIR KING: Okay.

MS. MAYDAN: -- they would be able to operate Ag, yes.

VICE-CHAIR KING: Okay. All right. Thank you for that input. It sounds like we maybe need to look at more of the configuration that the Chair...Committee Chair's discussing.

CHAIR PALTIN: And to further clarify, when you say no subdivision, that includes no Agricultural subdivision?

MS. MAYDAN: Correct.

CHAIR PALTIN: Okay. All right. Anybody else would like to speak for their first go around before I call on Member Sugimura for her second and final? Chair Lee, followed by Member Sinenci.

COUNCILMEMBER LEE: Okay. I do remember these people coming to see me, and assured me that they have no intention of creating subdivisions. They just want to continue in the Ag, the use of agriculture lands. So...and I thought that was a fair request. So I'll be supporting Member Sugimura's amendment. Okay. Thank you.

CHAIR PALTIN: Thank you. Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And so you were thinking that below the bypass, to keep that in Open Space and just the Agriculture above mauka of the overpass? That was kind of a --

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CHAIR PALTIN: Yeah. That was...that was an attempt at compromise of above the bypass be Ag, between the bypass and the red urban growth boundary, Community Plan Designation Open Space, and from the red boundary down to the lowest makai Community Plan Designation Park. None of that would preclude them from doing agriculture. They wouldn't be able to put an agricultural subdivision or a Special Use Permit if the Community Plan Designation and the zoning doesn't align. And it was an attempt to find a compromise between what the community wanted to see and what the landowner wanted to see, knowing that, you know, agriculture throughout the entirety of the parcel can continue.

COUNCILMEMBER SINENCI: Okay. Thank you for that clarification.

CHAIR PALTIN: Anybody else before Member Sugimura's second and final? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just wanted to remind everyone that Kamehameha School Bishop Estate...the beneficiaries of that particular trust are the children of this place. That's where they get their education from. So anything that would take away from our kids' education, I would not support. And that's by I want to be able to support the use of this land for its intent. If it's for Ag purposes, and the result of those purposes go towards the kids, I'm always going to be okay with that. But I would not want to take anything away from these kids because they are the beneficiaries of this trust. So thank you, Chair.

CHAIR PALTIN: Thank you, Member Kama. Member Rawlins-Fernandez, first go around.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So the main motion on the floor from Member Sugimura includes one, two, three TMKs, which I understand are parcels that are under Kamehameha Schools Estate. Okay.

CHAIR PALTIN: Would you like to verify that from the Planning Department that those TMK are what we're looking at in the light green, or just checking? I didn't look up the TMK that are in the ASF or that were verbally stated, but I guess that's the assumption that we're going. I didn't verify it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So I just wanted clarification on the three parcels that the TMKs...of the TMKs that are included in the main motion, and that is to ensure that it is currently Ag, all three parcels. So by making this amendment, it would basically just be status quo, and we wouldn't be making any other changes outside of what it currently is?

CHAIR PALTIN: Okay. Is that question for Member Sugimura or for the Planning Department?

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm guessing for the Planning Department.

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CHAIR PALTIN: Okay. Ms. Maydan, can you verify the TMKs? I can repeat them if you need, but the ones that Member Sugimura had read off are currently in Ag belonging to Kamehameha Schools...currently in Ag zoning, I guess.

MS. MAYDAN: Thank you, Chair. So you just want to confirm that the TMKs that Member Sugimura mentioned and that are noted in her correspondence, that those in fact are the...include the areas that are currently PKOS in the Plan, and that are the subject of the main motion to go back to Agriculture; is that correct?

CHAIR PALTIN: Is that correct, Member Rawlins-Fernandez? Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, that's correct.

MS. MAYDAN: Okay. Thank you. Yes, we can do that. It'll just take a moment.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR PALTIN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: While Ms. Maydan is looking up that information, I would be okay with yielding the floor to Member Sugimura. She's been waiting. Mahalo, Chair.

CHAIR PALTIN: Okay. Did anyone else need a first chance at discussion before we go to the second and finals? Can you yield to Member Molina for his first opportunity?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, mahalo, Chair. I'll yield to Member Molina.

CHAIR PALTIN: Go ahead, Member Molina, as we wait.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. And I appreciate Member Sugimura's proposal here, but if I could ask her...and just refresh not only my memory, but members of the public who are viewing in and who may perceive maybe this as...and I hope that it's not being taken like we're threatening Kamehameha with their future plans or whatever with this zoning classification. But Member Sugimura, if you could tell us the nexus for your proposal, and why. So just so the general public understands so there's nothing that could be perceived as nefarious going on or whatever. So if you could tell us.

COUNCILMEMBER SUGIMURA: So the Kamehameha Schools, who came and testified before us, said that they were following the CPAC process. And at some point, I guess, they thought their lands were all okay, and so they stopped watching, I guess, in detail. But she said that she submitted...Dana Sato, Director of Leasing and Transaction, Kamehameha Schools Community and 'Aina Resiliency Group, testified

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on February 4, 2021 and she writes, Kamehameha School was submitting testimony in opposition to a recommendation to designate 200 acres of land around the Lāhainā bypass as Park/Open Space. Specifically, this area is shaded in light green south of Lahainaluna Road surrounding the Lāhainā bypass, and Subarea 3 map Lāhainā on page 71 of the West Maui Community Plan. The areas delineated by the following TMKs: (2) 4-6-018-003, (2) 4-6-016-032, (2) 4-6-016-033, these lands were predominantly used...I'm...predominantly owned by Kamehameha Schools and area zone is for Agriculture. We have preliminary plans to expand farming opportunities in that area in hopes for future food production in those lands, and kokua the State's effort to improve Hawai'i's access to locally grown food. So that kind of summarizes it. I have several pages of email exchanges, but that's...that's one that describes what they're trying to do.

COUNCILMEMBER MOLINA: Yeah, okay. Thank...

COUNCILMEMBER SUGIMURA: They just want to get back into Ag. Thank you for the question, Mr. Molina.

COUNCILMEMBER MOLINA: Yeah. And I'm just guessing maybe people felt that maybe KSB might have looked...may be looking at long-term to leasing out for possible structural development, and maybe that could've been some of the concerns. But now we've received assurances from them that this will be strictly for Ag usage...and of course, too, if they're going to do leasing out for Ag, there may be certain, shall I say, agricultural companies that may cause some concern if they lease out to them. So I'm just kind of putting that thought out. So that way if they do...which I believe their intent is for future agriculture, that they do lease it out to entities that have no, shall we say, spotty reputations. So anyway, that's just my thoughts. Thank you, Madam Chair.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Thank you, Member Molina. Member Johnson, this is your first go around, yeah?

COUNCILMEMBER JOHNSON: Yes, it is, Chair.

CHAIR PALTIN: Okay. We're just doing all the first go arounds first. Go ahead.

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair. This question is for Councilmember Sugimura. You said they stated to you that they have future plans for agriculture development, but they don't have farms there now, and they haven't farmed in 30 years since the plantation era. I mean, is that...you know, I don't...I haven't seen any farms. Maybe I'm...maybe they're off the road, but are there farms there?

CHAIR PALTIN: I can answer that.

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COUNCILMEMBER JOHNSON: Okay.

CHAIR PALTIN: Kaipo Kekona leases land from Kamehameha Schools with the Ku'ia Agriculture Education Center. I believe Gunars Valkirs also leases land for the chocolate factory. And I believe...I remember when Ms. Sato came before us, their main barrier to do the farming was access to ag water...or I guess, just water in general. But they currently are leased out now on their lands, using their lands...the two that I know of is Gunars Valkirs, Maui Estate Chocolate, and Kaipo Kekona through Ku'ia Agriculture Educational Center. There could possibly be more. but those are the two that I know of. And then Member Sugimura, I wasn't sure if you knew the answer, but if you wanted to elaborate on Member Johnson's question further.

COUNCILMEMBER SUGIMURA: I can ask the school. They didn't provide me that kind of detail who's...you know, for what Mr. Johnson is asking.

CHAIR PALTIN: Okay. Yeah, that's...

COUNCILMEMBER SUGIMURA: But they wanted to keep it in agriculture.

COUNCILMEMBER JOHNSON: Okay.

CHAIR PALTIN: Yeah, that's why I just jumped in because I do know at least two that are currently doing it. But water is an issue for them, as she stated in her testimony too.

COUNCILMEMBER JOHNSON: Okay. So I may follow up, changing this into Parks and Open Space, they would still be able to farm. or will that affect them? Because my understanding is they still would be able to farm, yes?

CHAIR PALTIN: So based on what they said, they would be able to farm, they wouldn't be able to subdivide as in like, you know, agricultural subdivisions. And they wouldn't be able to do things that require a special use permit and...you know, like the concrete batching plant in Ag, I think, has a Special Use Permit. Composting facilities, I believe, in Ag, if you're taking compost from other sources outside of your own property, I believe, would require a special use permit, and things of that nature.

COUNCILMEMBER JOHNSON: So it allows farming, but there are certain exemptions or things you can't do so...okay.

CHAIR PALTIN: Subdivision and Special Use Permit is the --

COUNCILMEMBER JOHNSON: Okay.

CHAIR PALTIN: -- two that I know of.

COUNCILMEMBER JOHNSON: Thank you, Chair. I have no further questions. Mahalo.

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CHAIR PALTIN: Okay. And Ms. Maydan, did you have an answer to Member Rawlins' verification check?

MS. MAYDAN: Let me check. Johann and Mike, are you ready to show a map with those three TMKs highlighted?

MR. LALL: If I can screen share.

MS. MAYDAN: Thank you.

CHAIR PALTIN: Awesome, thank you. Do we need to give you control or you know how to screen share? Oh, there.

MR. LALL: So it's these three. It might be really slow. I'm not sure you can see my mouse. But one of them is actually outside the Park/Open Space, which is, I believe, that 33.

CHAIR PALTIN: Okay. So --

MR. LALL: The one ending in 33.

CHAIR PALTIN: -- if we don't need the one ending in 33 because it already is Open Space. But the...there's the small portion, I guess down at the bottom, and then the top portion. The third would be the entire big one going all the way up above the bypass.

MR. LALL: Yes, this large one is...is partially in that Park/Open Space --

CHAIR PALTIN: Okay.

MR. LALL: -- and then this little piece of it is...is still Agriculture.

CHAIR PALTIN: Okay. And it looks like Maui Electric Solar Farm is the cutout at the top --

MR. LALL: Yes.

CHAIR PALTIN: -- of Lahainaluna...oh, the Lahainaluna ramp that's coming off the bypass, that area in the center of that is included in the Park/Open Space Designation as well.

MR. LALL: Yes, but that's a different TMK. This one, if I try to select it right now it'll be really slow, it'll freeze the thing. But it ends in like 9999, but I think it would be State or...

CHAIR PALTIN: Okay. Yeah, that makes sense. That's when you're coming off the bypass to get on Lahainaluna Road. It's just like a...it looks like a drainage swale in real life. So I guess the entirety of this portion that's been designated as Park/Open Space doesn't all belong to Kamehameha Schools entirely is what we're saying. So maybe --

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So...so which areas would remain in Parks, if the mouse could go over.

CHAIR PALTIN: The Park/Open Space?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Because that whole thing right now that we're looking at in light green is designated Park/Open Space. The main motion that we have on the floor is to take the three TMKs and put them back into Ag. But one of them with ending 33 is already in Ag, so it would probably not need to be in the main motion. So it would just be the two; is that correct?

CHAIR PALTIN: Correct. And cut out from the second larger portion, I guess, would be that Maui Electric Company Limited square at the top. I believe that's where the solar panels are, if you --

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

CHAIR PALTIN: -- look up Lahainaluna Road.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR PALTIN: And then the other cut out looks like it's for the bypass and the ramp going out from the bypass. So it would remain --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So that would be it.

CHAIR PALTIN: Yeah. And then it looks like Kamehameha Schools' property doesn't go all the way down to Highway 30, if I am interpreting that teal line. So the area below that, I'm not sure. It looks like Hope Builders LLC --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: -- is designated Park/Open Space. But that doesn't include Kamehameha Schools' property.

COUNCILMEMBER RAWLINS-FERNANDEZ: So that square below Kamehameha Schools right angle, that teal, that's the only space that this main motion wouldn't cover, that would remain in Park/Open Space.

CHAIR PALTIN: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. I don't have any more questions on this map, but I just...I want...I did want to make a few other comments. But if anyone else has questions on the map, I'll yield the floor.

CHAIR PALTIN: Anybody else have questions on the screen shared map how it is right now?

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VICE-CHAIR KING: Chair, I have a question.

CHAIR PALTIN: Member King.

VICE-CHAIR KING: Thank you. On this map, can you show us what you were proposing as an alternate to the...

CHAIR PALTIN: Sure. Can you zoom out a little bit so that we can see the entirety of the Open Space? So my proposal would've been for everything above the bypass portion to remain in Ag from the...which you can see, the bypass is this yellow portion here...I mean, the yellow...the black line surrounded by yellow is the bypass.

VICE-CHAIR KING: So everything mauka of that would remain in Ag.

CHAIR PALTIN: Would be Ag. The portion between the bypass and the red dotted line, Open Space; and below the red dotted line, Park. That was my...kind of my attempt at compromise.

VICE-CHAIR KING: Okay. And then...and that...all that mauka section is Kamehameha Schools as well?

CHAIR PALTIN: Yeah. The TMK that belongs...the three TMK that Member Sugimura read out, the bottom one has that teal right angle, and then it's bounded by the yellow, I guess. The second one is entirely in Ag already, so we wouldn't need that, that's the TMK ending in 033. So we can take that out because it already is Ag, and it's proposed to remain Ag. And then the third large one goes from the top of the light green all the way down to the teal outline and the yellow outline there.

VICE-CHAIR KING: So we can...so we would be splitting that one TMK. Is that...can we do that without...I mean, I guess we're making a Community Plan Amendment, we're doing the whole Community Plan. So --

CHAIR PALTIN: Okay. And I believe we can. But let's check in with Ms. Maydan if one TMK could have different Community Plan Designations.

VICE-CHAIR KING: Okay.

MS. MAYDAN: Thank you, Chair. Yes, it can, especially for large areas like this. When we're in more of our town centers and such, we try to follow TMK lines. But in large unsubdivided agricultural areas, it's not rare to see a few designations on a single TMK. You know, that's 100-plus acres. If I may, Chair, I'd like to point out one thing for your Committee's consideration.

CHAIR PALTIN: Okay.

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MS. MAYDAN: In that upper portion above the bypass that you're proposing to designate as Agriculture, I would ask your Committee just to consider the gulches that go through there from mauka to makai, to consider keeping those designated Open Space.

CHAIR PALTIN: Oh, for sure, I think so. I mean, are you talking about gulches that flow within...down into that big light green rectangular type shape?

MS. MAYDAN: Yes. Just with this change from Park/Open Space to Ag, for the area above the bypass, just to make sure that it's clear with this change that the gulches should...those portions of that area should remain in Open Space.

CHAIR PALTIN: Okay. Let's check with Member Sugimura as the maker of the motion, if she's okay with that as a friendly amendment, that the gulch portions throughout the Kamehameha Schools property remain in Open Space. Is that something that you're comfortable or okay with?

COUNCILMEMBER SUGIMURA: I think it's a...really a question for Kamehameha Schools, right? I think they wanted their whole tax map key that I read off--and thanks for the clarification about 033--to be put back in Ag and not changed to...or at that time it was Park/Open Space. So if you would allow me to ask them.

CHAIR PALTIN: Okay. So clarifying that you're not comfortable with it, although I see it more as a policy decision about gulches and streams being Open Space. But...Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'll move to amend the main motion to designate the streams and gulches Open Space.

CHAIR PALTIN: Okay. There's a motion to amend by Member Rawlins-Fernandez, seconded by Member King, to have the gulches within the parcel to remain as Open Space. Any discussion on the amendment to the main motion? Chair Lee. I can't hear you.

COUNCILMEMBER LEE: I would really like to hear from the owner because we're taking...we're making policy decisions without even knowing exactly where this property is and knowing exactly what the owner has plans for. And it just seems almost capricious to do something like that without having a handle on exactly what parcels we're talking about...and dealing with it, a landowner who has for all these years kept their lands in Open Space through agriculture use. So that's why I have very...I have very many reservations, and would like to talk to the landowner. Thank you.

CHAIR PALTIN: Okay. Member Rawlins-Fernandez, as the maker of the motion, followed by Member Kama.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I guess my question is in the current Community Plan, and I'm guessing also zoning--this question is for the Planning Department--is it currently Open Space?

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CHAIR PALTIN: Ms. Maydan, are gulches and streams currently designated as Open Space?

MS. MAYDAN: Thank you. Wonderful question. So in the existing Community Plan there is...there are several policies and actions that speak to the importance of protecting gulches because of their resources, as well as for the threat of flooding. And...but the mapping that was done in the existing Community Plan was not consistent. There are some gulches that are Open Space, and some that are not. There are some that are Open Space for like the mauka portion, but not the makai portion. And so that was a big effort that we made in this process, was to have a consistent mapping methodology for the gulches and streams. And so our GIS Staff took a lot of care in delineating the gulches using pictometry to identify the extent of the gulches and to map them as Park/Open Space in the light green. So you'll see that it's quite distinct on these maps. So that is...and that is described a bit more in...on page 99 as far as the intent of having the gulches in Park and Open Space.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Does that satisfy your question?

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

CHAIR PALTIN: Okay. Member Kama.

COUNCILMEMBER RAWLINS-FERNANDEZ: No. I think as you said, it's a policy decision, and keeping the gulches as clear as possible is a good policy. Mahalo, Chair.

CHAIR PALTIN: Thank you. Member Kama. Discussion on the amendment to the main motion.

COUNCILMEMBER KAMA: Could you please repeat the amendment to the main motion?

CHAIR PALTIN: The amendment was to designate the gulches and streams within those two TMKs to stay in Open Space as opposed to reverting Community Plan Designation to Agriculture because they're gulches and streams, not super conducive to agriculture. Does that satisfy your question, Member Kama? We can't hear you.

COUNCILMEMBER KAMA: I'm sorry. So Member Rawlins had asked a question if the current designation was in the...if it was in the current plan, and I wasn't clear if it was or wasn't.

CHAIR PALTIN: I believe they said it's not consistent in the current plan, some are Ag, some are Open Space. But the verbiage, rather than the mapping, was clear on the protection of gulches and Open Space...or gulches and streams...because of flooding and other concerns, the importance of gulches and streams.

COUNCILMEMBER KAMA: Okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, point of information.

CHAIR PALTIN: Sure, Member Rawlins.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, what Mr. Lall is doing for us on the map is showing that the light green area that you're seeing here is the existing Community Plan Designation. And so it doesn't have the level of detail...and I'm guessing because, you know, technology has advanced over the past 20 years that we now have the ability to really show the detail of gulches and streams so that we can protect those areas so that they are able to flow freely. Mahalo, Chair.

COUNCILMEMBER KAMA: So my question then is what is the topography of those lands above the...the ag lands above the bypass, what is the topography of the lands in between, and the ones on the bottom. I mean, are there a lot of gullies, are there a lot of streams. I mean, how farmable is that land. I mean, you know, we've talked about land that was 25 acres, and most of it is all hills and gullies, you can't farm that. So I just am curious as to see how farmable those lands might be or might not be.

CHAIR PALTIN: I believe it was sugar cane before. But Mr. Lall has the topography version of it, and you can kind of see like some terraces on the portion above the bypass. Does that picture give you some sort of idea?

COUNCILMEMBER KAMA: Well, it...what I'm looking at, I think...all those dark solid lines that go straight and then crisscross, to me may be some deep gullies or not so deep gullies, or ravines, streams, whatever. Am I looking at this properly?

CHAIR PALTIN: The vertical up and down gashes are like streams or gulches. And then I think the horizontal ones are like old cane haul roads, something like that.

COUNCILMEMBER KAMA: Yeah. Yeah, I see that.

CHAIR PALTIN: So I mean, I believe it used to be in Ag previously.

COUNCILMEMBER KAMA: Yeah, I can see the cane haul roads and I see how some of the gullies are really deep and lengthy and long.

CHAIR PALTIN: Does that satisfy your question, Member Kama?

COUNCILMEMBER KAMA: It does, Chair. It does. Thank you so very much.

CHAIR PALTIN: Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. I'd like to offer a suggestion. Since there seems to be some apprehension from some of my colleagues with regards to the proposed amendment in designating gulches as Open Space, perhaps, you know, it's that time maybe we need to take a break for not only us, but

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Staff. And maybe Member Sugimura can contact Kamehameha Schools to offer their insight which seems to be, you know, a concern for some of the Members. And then we can further deliberate and make a decision on this after the break. So I just put that out there for consideration, Madam Chair.

CHAIR PALTIN: Okay. Members, how do you feel about that? Member King.

COUNCILMEMBER RAWLINS-FERNANDEZ: It sounds good.

VICE-CHAIR KING: Thank you, Chair. I think that's a good idea. I would also...I don't know if it's possible, but I would also be interested in hearing from the CPAC Chair on how important this was...this designation was to the CPAC to keep (*audio interference*).

CHAIR PALTIN: How's about when we come back from lunch, if Ms. Sato is available as a resource, and Ms. Nishiki is available as a resource on that. Members, if you will indulge me...Mr. Lall, would you mind taking down your screen share? If before we go to lunch, if we can just look at my verbiage that I added on to Subarea 3. It's a very small amendment. I took out a dash between 10,376-acre subarea for consistency. I added in the old name for the Lāhainā District is Lele, so called because of the short stay of chiefs there, which is cited in Wehewehe Wikiwiki from *Pacific Commercial Advertiser* 1857. And I removed urban and I just made capital D, Development. Wondering if Members would be okay with proposing acceptance of this amended little language from page 70.

COUNCILMEMBER KAMA: Chair?

VICE-CHAIR KING: Question.

COUNCILMEMBER KAMA: Do we already have an amendment on the floor -

CHAIR PALTIN: Member Kama.

COUNCILMEMBER KAMA: -- regarding the previous motion, or no?

CHAIR PALTIN: Yeah, we did. But Member Molina's suggestion was to table that until we can get --

COUNCILMEMBER KAMA: Oh, okay.

CHAIR PALTIN: -- in touch with Kamehameha Schools and CPAC Chair.

COUNCILMEMBER KAMA: So we're entertaining another...a different motion?

CHAIR PALTIN: Yeah, we're tabling that one until we can get in touch with those resources. I think this is the last item for Subarea 3, so we're kind of waiting on that. And if we

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can accept this revised wording, then we only need to deal with that Kamehameha Schools part. Does that answer your question, Member Kama?

COUNCILMEMBER KAMA: Yes, it does, Chair. Thank you very much.

CHAIR PALTIN: Okay. And then Member King, you had a question?

VICE-CHAIR KING: Yeah, just about the source. What is Wehewehe Wikiwiki, is that...was that an article or --

CHAIR PALTIN: Oh, I'd love to explain.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: That's the online Hawaiian dictionary. I used to be just Wehewehe was the online dictionary but then they made an upgraded version, which is Wikiwiki...Wehewehe Wikiwiki. So if you type that into your Google browser, it's like an online Hawaiian dictionary. And then that one had the source, I believe, that Member Rawlins was talking about in Subarea 4 wording, that the information from that website came from *Pacific Commercial Advertiser* 1857.

VICE-CHAIR KING: Okay. So the source of that information is actually the *Pacific Commercial Advertiser*.

CHAIR PALTIN: Yeah.

VICE-CHAIR KING: Okay. I think that's what we were talking about earlier, is that we wanted to cite the source, not who's repeating the source. So I don't know that we need that.

CHAIR PALTIN: Wehewehe Wikiwiki.

VICE-CHAIR KING: Yeah, I think what you want to drive people to if they want to look that up is the *Commercial Advertiser* of 1857. Or is that just no longer available as a source?

CHAIR PALTIN: Well, I'm sure people could find it in the records as the folks on that website, Wehewehe Wikiwiki did. It's available somewhere because they sourced it.

VICE-CHAIR KING: Okay. I'm not sure if it's going to be clear to everybody that...what that source is, you know, is there like a .org, or is there a way to access that if you don't know what it is?

CHAIR PALTIN: So I accessed it from that website Wehewehe Wikiwiki, and they cited that source in their website.

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VICE-CHAIR KING: I know. I just think it's a little confusing because the source seems to be up here in the paragraph, but then there's another source and it's not clear what that source is or what it's attached to.

CHAIR PALTIN: We can...we can remove the Wehewehe Wikiwiki if that makes it clearer.

VICE-CHAIR KING: I think that would make it clearer because it doesn't...it doesn't attach itself to any particular part of that either.

CHAIR PALTIN: Okay.

VICE-CHAIR KING: It could be (*audio interference*) part of that paragraph.

CHAIR PALTIN: Friendly amendment, sure. Or we didn't make a motion on this part of it yet, so...

VICE-CHAIR KING: Okay. I'll make the motion to accept the changes and just remove the reference to Wehewehe Wikiwiki, you can then, you know, acknowledge that there's a source in the paragraph.

CHAIR PALTIN: And seconded...moved by Member King, seconded by Member Rawlins-Fernandez. Any discussion on the wording for page 70, further discussion? Seeing none, I think folks want to eat lunch. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Really quickly, in response to Member King's questions about Wehewehe, perhaps you might want to cite to Ulukau.org, and then that way, you know, it can help to guide people to where to go to get all of the resources. So Ulukau is the broader umbrella website that carries all the resources under it on the website.

CHAIR PALTIN: Sounds good. Member Kama, is that a question you have, or...

COUNCILMEMBER KAMA: No, I just wanted to concur with Member Rawlins that I think Ulukau is the umbrella, and we should always use that. To me that's my go-to, Ulukau. It's probably better.

CHAIR PALTIN: Okay.

COUNCILMEMBER KAMA: I like the Hawaiian wording in it. Thank you.

CHAIR PALTIN: Okay. All right. So all those in favor with the amended wording for page 70, raise your hand and say, "aye."

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, Chair --

CHAIR PALTIN: Oh, yeah.

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VICE-CHAIR KING: Yes.

CHAIR PALTIN: Okay. All right. So this meeting will be in recess until 1:30. See you then, have a good lunch everyone. . . .(gavel). . .

RECESS: 12:14 p.m.

RECONVENE: 1:30 p.m.

CHAIR PALTIN: . . .(gavel). . . Will the Planning and Sustainable Land Use recessed meeting of June 14th come to order. The time is now 1:31, it was 1:30 when we reconvened, and we're finishing up our discussions and deliberations on Section 3. We had tabled Member Sugimura's motion and Member Rawlins-Fernandez's amendment to the main motion so that we could consult with Dana Sato of Kamehameha Schools, and there was a request from Member Molina for CPAC Chair Kai Nishiki to make comment as well. And if I recall, the discussions on the amendment centered around if Kamehameha Schools was opposed to the streams and gulches within their property lines to be designated Open Space. So Ms. Sato, did you have a comment to that question, or clarification?

MS. SATO: Good afternoon, Chair, as well as other Members of the Committee. Mahalo nui for allowing Kamehameha Schools to be a part of this. So with regard to Open Spaces, I have to tell you that I had to go back and take a look at the West Maui Plan for the definition of Open Spaces, and I also revisited the page that specifically spoke on gulches. And I'm not really sure, to be real honest, because I'm not clear, and maybe someone from the Planning Department can make it more clear as to what the issues are with regard to that. Because permitting with our lands willed, we have the opportunity to do lo'i kalo because that is a form of flood control, it's a form of mitigation, and it's such a...that that was something that we always would support. So is the thought that it needs to be in Open Space for us to be able to do lo'i kalo farming, or to do stream diversions to otherwise support the ag operations of the lands?

CHAIR PALTIN: It's my understanding this is simply a Community Plan designation. The underlying zoning would allow for ag. But let's get an official answer from the Planning Department. Ms. Maydan, can you clarify for Ms. Sato if open streams, the need for Open Space in streams and gulches, and if that would affect their ability to farm lo'i kalo?

MS. MAYDAN: Mahalo, Chair Paltin. Yes, I would be happy to. And Ms. Sato, just to point you in the Plan to a little more information on the gulches and the Open Space designation, on page 98 and 99, there's a map and some description of the intent of Open Space in the gulches. And yes, Chair Paltin is correct that...well, this designation of Open Space in the gulches is really in the gulches, and it would...absolutely it would not interfere with lo'i kalo cultivation. And it even speaks

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specifically in the Open Space designation to traditional and cultural practices. And the description of Open Space right now in the Plan is in the Appendices on page 156.

MS. SATO: Yes, I see that. Thank you. So then...so then why is there a need to be...have it be named in Open Space versus just keeping it within Ag?

CHAIR PALTIN: Ms. Maydan?

MS. MAYDAN: Yes. Thank you. This is a Policy decision and a change throughout the whole West Maui Community Plan. This is not just on Kamehameha Schools' lands. This is throughout the plan to identify gulches for their sensitive natural resources as well as cultural resources, flood protection, runoff...really to identify them as a really important resource in our community and an area to be protected, and also a potentially dangerous area as far as flash flooding and stuff like that. So we are following up on policies and actions in the existing West Maui Community Plan to better identify and designate gulches, and protect them properly with a designation. So that's why this effort is going forward now in this update.

MS. SATO: And so when you mention the protections, you're talking about...you're not talking about liability changes or anything of that sort?

CHAIR PALTIN: Ms. Maydan?

MS. MAYDAN: I'm sorry, can you repeat your question? I couldn't quite hear.

MS. SATO: Yeah. I apologize, Jennifer. I guess what my question was is that the idea is that Open Spaces is to provide for the preservation of those gulches. And so then we're...the impacts, the use of those gulches because you guys are putting...adding on additional restrictions to that use; is that correct?

MS. MAYDAN: It's --

CHAIR PALTIN: Go ahead, Ms. Maydan.

MS. MAYDAN: It is identifying them as a resource, and as well as a hazard area as far as flash flooding. It's not so much putting restrictions on them...there are actually...there is a Policy in the Community Plan in Section 2 in the Policy Section regarding gulches and no development. So it is identifying that certain uses are not appropriate within gulches near stream beds. So yes.

CHAIR PALTIN: And to clarify, by development you mean like houses and things of that sort, not lo'i kalo.

MS. MAYDAN: Correct.

MS. SATO: Or streams diversions in support of that because that's --

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CHAIR PALTIN: Or stream diversions.

MS. SATO: -- actually, yeah. Because that's really our key thing is that the...for even for lo'i kalo, is you still need to go in for stream diversion . . .*(inaudible)*. . . so that's on the State level, I recognize that, Chair. But I just want to make sure that this doesn't impact with the ability to...or otherwise restrict the ability to do that kind of work. And that's the part that I don't understand.

CHAIR PALTIN: Ms. Maydan --

MS. MAYDAN: Correct, it does not --

CHAIR PALTIN: Go ahead.

MS. MAYDAN: -- yes. Yes, it does not restrict that kind of work, you're absolutely right, such as like stream diversions, all of that. The Community Plan would not have control over that. That would be...yeah, the State, Army Corps of Engineers. That is outside of the realm of the restrictions of the Community Plan.

MS. SATO: So you folks aren't going to testify against us if we go in for stream diversion for farming then? . . .*(laughing)*. . . I'm just kidding, just kidding. Okay. All right. Then I think that it's certainly...you know, if I could have my cake and eat it too, it would be Ag. But if cannot, then we would be able to manage with Open Spaces for the gulches.

CHAIR PALTIN: Chair Lee.

COUNCILMEMBER LEE: Before Ms. Sato leaves the call, I was wondering if the Planning Department could say what are the drawbacks of redesignation to Open Space, and would this be tantamount to like a down zoning? Ms. Maydan?

CHAIR PALTIN: Ms. Maydan?

MS. MAYDAN: Mahalo, Chair Lee for your question. If I may just clarify, are you speaking to the Open Space designation just in the gulches, or the full Park and Open Space designation along Kamehameha Schools' lands throughout that region?

COUNCILMEMBER LEE: Okay. I believe we have a motion on the table, and whether it's...the downgrading is to only the gulch and stream area, or whether it's the entire TMK.

CHAIR PALTIN: Okay. To clarify, Ms. Rawlins-Fernandez's amendment is for only the stream and gulch area, and then Ms. Sugimura's main motion is to change the entirety of those TMK from what is currently drafted as Community Plan Designation Park/Open Space to Agriculture. So you're talking about Ms. Sugimura's motion, if leaving it as Community Plan Designation Park/Open Space would be a downzoning. Is that correct, Chair Lee?

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COUNCILMEMBER LEE: Yes, I said tantamount because it's not zoning, it's...yeah, Community Plan Designation. But more people are familiar --

CHAIR PALTIN: Okay. Ms. Maydan?

COUNCILMEMBER LEE: -- with...familiar with the term of down zoning. So yes, that is the question.

CHAIR PALTIN: Does that clarify the question for you, Ms. Maydan?

MS. MAYDAN: Yes. Thank you very much for that. So it's...and I appreciate you saying we are not at zoning, so tantamount. I appreciate that. So it's a change in designation. Of course, whether it's Community Plan Designations or Zoning Districts, they each come with different descriptions and applicable uses. And so it is a change. And I guess if you're looking at a scale of intensity of uses, you could say that Park and Open Space is lesser intense than agriculture. So you could look at it as tantamount to a down zoning.

COUNCILMEMBER LEE: Okay. I just want to make sure that Ms. Sato understands the width and breadth of this action because, you know...you know, we believe that Kamehameha Schools, you have been good stewards of the land. And for some of us, we see Agriculture as being Open Space. But, you know, we need to have an understanding of all the nuances. Thank you.

CHAIR PALTIN: Okay. Thank you. Member Molina.

COUNCILMEMBER MOLINA: Chair, can we get some thoughts from Corporation Counsel on the topic that Chair Lee has just brought up?

CHAIR PALTIN: Sure. Deputy Corp. Counsel, Mr. Hopper, Councilmember Molina is asking for your thoughts on the point that Chair Lee just brought up.

MR. HOPPER: Thank you, Chair, I have a few. First off, the issue of whether you can do agriculture uses in the...well, right now there's the Park/Open Space description. You've elected to go to Parks or Open Space, and this is one of the new areas you'd have to figure out do you want this to be designated Parks or Open Space. And then you'd also have to decide what you'd want the Parks...the Parks designation to say in the Plan, and what you'd want the Open Space Section to say in the Plan. And that could dictate what uses are allowed. If we're looking at zoning alone, which is kind of the only real specific guide for Open Space, this isn't zoned Open Space, so this would be Agriculture. But if you were to try to interpret the Community Plan to try to figure out what's allowed in Open Space...and it looks like in so-called OS2, agriculture is a permitted use, but no processing of products on the premises is allowed. In Open Space 1, agriculture is not an allowed use, you'd need a special permit for that. Native Hawaiian traditional and customary uses are allowed in both

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OS1 and OS2. So that could be relevant to that as well. There was a discussion of how this --

CHAIR PALTIN: And to clarify, you're talking about zoning in those instances, OS1 and OS2, not Community Plan designations.

MR. HOPPER: Right.

CHAIR PALTIN: Okay.

MR. HOPPER: Right, recognizing this is agriculturally zoned, I think one way to interpret what's allowed in Open Space is to look at the zoning. Unless you have a...unless you have...unless you read the Community Plan and it says something about that, you know, that agriculture is allowed. But the Council in 2003 said as far as Ag in Open Space; in some cases you can, and in some cases you can't. That was the Council's, you know, looking at Open Space. Now --

CHAIR PALTIN: And that's referring to the Zoning and not the Community Plan Designation.

MR. HOPPER: Yeah, the zoning. The Community Plan will say, you know, whatever general language you have, probably something similar to Parks/Open Space you have now, I assume without the Parks language, you know, to protect, you know, ecological resources, scenic and recreational resources, things like that. And of course, the Community Plan Designation would only have the force and effect of law in this area if there were discretionary permits involved, so things like subdivisions, special permits, other things like that. But I think my best general advice that I can give to you is that the Community Plan is supposed to state what land use you would like for this property. So if you want this area to be Open Space/Park, or Open Space, then you can designate it as Open Space. But I think I'd advise if you want the use to be agriculture, that you designate it as Agriculture. It sort of depends on what the Council would like to see happening here. So that's, you know, the best, I think, general advice I can give. You can get down to exactly what's going to be allowed, and I think it is probably true that they could continue to do agriculture because, you know, they wouldn't need any discretionary permits even if it was designated as Open Space. But just generally advising you, I would try to designate things on the Plan in the appropriate districts for what uses you would like to go on on that property. And if the discussion is you'd like to see this used for agricultural purposes, then I think generally, Agriculture would be a more appropriate designation than Open Space. But it...you know, Open Space wouldn't necessarily cut out the ability to do agricultural uses in all cases.

CHAIR PALTIN: Thank you, Mr. Hopper. Does that satisfy your question, Mr. Molina?

COUNCILMEMBER MOLINA: Yes, thank you. Thank you, Madam Chair. Thank you, Mr. Hopper.

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CHAIR PALTIN: Okay. Member Rawlins-Fernandez, was your hand up?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, it was. Mahalo, Chair. So in response to Mr. Hopper's comments, Agriculture zoned land also allows for structures to be built; farm dwellings, barns, other things like that. And so what Ms. Maydan spoke about is on page 40 of our Plan, and that's Policy 2.3.2, Gulches as Identified in the Map in Figure 2.3 of this Plan shall remain in Open Space, and no new permanent structures shall be developed in or within 100 feet of the top of the bank of identified gulches. And then figure 2.3 of the plan is on page 58, and on page 58 it shows all the...the gulches of West Maui. And so my understanding is that we've all...we already came to consensus on that policy of what we would like to see and not see in...in gulches, and that would be consistent throughout the entirety of West Maui and not just on this one particular parcel. And so what we're looking at is consistency throughout the district so that all the gulches throughout the district would be Open Space gulches and streams. And I'm not opposed to, you know, farming kalo, so having lo'i kalo in or around the area. But I would be opposed to other permissible activities allowed on Ag zoned land, which is the building of structures and, you know, other...other things that is permissible. So I...I...I'm hoping that this discussion is kind of giving Ms. Sato and Kamehameha Schools a kind of a broader picture of what it is that we're deliberating on today. So not just the parcel that is under Kamehameha Schools, but all gulches and streams throughout the district, and it looks like will be, you know, consistent throughout the island. So when we...we're doing South Maui Community Plan update, we'll be following the same kind of policy in protecting the...the gulches from being developed on for...for our...you know, our own protection and, you know, whoever ends up in a structure in the gulch for that person's, you know, protection, but also to ensure that we are being responsible and smart in our planning in keeping our, you know, drainage areas clear and free. Mahalo, Chair.

CHAIR PALTIN: Thank you, Member Rawlins-Fernandez. Member Kama, was your hand up?

COUNCILMEMBER KAMA: -- Chair. I just had a question, I'm not sure who to address it to. But in...if the land is designated something other than it is right now, like, we're going to go from Open Space...from Ag to Open Space, does that...does that impact the value of the land itself?

CHAIR PALTIN: It could. I think, you know, as we discussed a little bit, the plantation estate lot owners association going from Ag to Rural could definitely up the assessed value and cause them to pay more taxes, but they said they were okay. But it's the underlying zoning that determines the use. The assessed value is not necessarily something that we have control over.

COUNCILMEMBER KAMA: Thank you.

CHAIR PALTIN: Okay. So the...the...what we're on right now, there's the main motion by Member Sugimura, but we're currently on the amendment by Member

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Rawlins-Fernandez to designate streams and gulches within the parcel that Member Sugimura moved to have changed from Community Plan Designation Park/Open Space to Agriculture. Is...does everyone understand what we're voting on? Is there need for more discussion at this point? More questions? Member Sugimura, followed by Member Lee.

COUNCILMEMBER SUGIMURA: I just want to make sure that Kamehameha School understands, you know, that the discussion about the gulches and streams and...and if they're okay. And because of that change right now they're at Ag, and because, you know, if we do propose Open Space, right, for the gulches and streams, and I...I wonder if there is some kind of taking, which is a terminology, a legal terminology, that could be impacted. And I wonder if Corp. Counsel could make a comment?

CHAIR PALTIN: Deputy Corp. Counsel Mr. Hopper, can you address Member Sugimura's question about taking by designating the open...the streams and gulches Open Space in the Community Plan Designation?

MR. HOPPER: No. To address something like that I'd want to do that in Executive Session. I...I don't want to talk openly about the...the...the, you know, potential County liabilities or...or give an analysis of that in...in an open session. We also did get a...a memorandum early in the process, you know, outlining several legal challenges to the draft plan, and I...I just don't want to talk about that in open session. Sorry I couldn't be, you know, more...more helpful there, but I just...I'm not comfortable doing that in open session on those items. Again, this is...the whole point and is something that if you're going to take the whole week to look at, we're still going to have to look at all of the changes that Council's made and...and go over them, and if we've got advice on those to...you know, to discuss those. So we...we may be revisiting that issue from time to time with different designations. But again, we can discuss in Executive Session, but I'm just not comfortable in open session on...on that topic.

CHAIR PALTIN: Okay. Thank you. I'm not prepared to go into Executive Session. Chair Lee?

COUNCILMEMBER LEE: Yeah, I would like to ask Ms. Sato if these...are you familiar with the gulches and streams that they're referring to with regard to your property?

CHAIR PALTIN: Ms. Sato?

MS. SATO: I am familiar with some of them.

COUNCILMEMBER LEE: Okay. I just wanted to know if the streams are active. I mean, are they running?

MS. SATO: One of the difficulties that we have with our property is that our...are just...many of them are not actually running or running very much. Our goal, though, which is part of the conservation work that we're doing up mauka, is to help

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to increase the flow because there used to be more flow that happened. And certainly, as we deal with climate change and et cetera, we're dealing with that same...those same type of issues. So we...we are really, and continue to really look very hard at how we can get more water to our lands. The struggle has been is that the water were diverted and...via another route that doesn't cross our lands any more. And so we actually...when the...we got our lands back and finally, you know, we...and they gave up on the...the drip system, the drip system stopped sending water across our land. So the...the stream that was --

COUNCILMEMBER LEE: Okay. Couple more...couple more questions. Couple more questions.

MS. SATO: Uh-huh.

COUNCILMEMBER LEE: Did...did you sell or give up some of the lands, your lands for the Lāhainā Bypass?

MS. SATO: We did.

COUNCILMEMBER LEE: You did?

MS. SATO: . . . *(inaudible)*. . . exactly where the bypass lands...where the bypass roads go through, yes.

COUNCILMEMBER LEE: Yeah. And did you...

MS. SATO: . . . *(inaudible)*. . .

COUNCILMEMBER LEE: And for the extension of the bypass, do they cross over any Kamehameha lands?

CHAIR PALTIN: What do you mean by extension? The northern terminus or the other --

COUNCILMEMBER LEE: Yeah, is it...any extension to the bypass, will that cross over Kamehameha lands? Just yes or no.

MS. SATO: I'm not familiar...I don't think so. I'm not familiar of the DOT approach . . . *(inaudible)*. . .

COUNCILMEMBER LEE: And my last question is, are you opposed to the Council designating gulches and streams as Open Space if you are allowed to continue using that area...those areas for agriculture?

MS. SATO: Then the additional commentary that I've heard this afternoon since my earlier statement, I would have to say that I...that we are in opposition to it.

COUNCILMEMBER LEE: You are in opposition.

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MS. SATO: The reason...because if there is an adjustment that's going to be made to what we can do on our lands, changing it to Open Space, which is actually the stronger position that we...we're taking with Councilwoman Sugimura's motion on the...on the bigger property. But certainly for open gulches, we will take that same position because it is a change to how we can use the property. Even though we can use it for ag, we can't use it for everything that's ag. Because what was just told through the Planning Department is that if there's special use of...either Planning Department or Mr. Hopper, that there's...if we have to go for special use permits, that it's going to be a no.

COUNCILMEMBER LEE: Okay. So were you planning to subdivide the property for ag lots?

MS. SATO: That was...that was not in our immediate plan at all.

COUNCILMEMBER LEE: Okay.

MS. SATO: We've been...all we're trying to do right now is just get ag water turned on so we can get more farmers there.

COUNCILMEMBER LEE: Okay. Thank you. Thank you.

CHAIR PALTIN: Member King?

VICE-CHAIR KING: Thank you, Chair. One of the things I wanted to ask you is do we have Ms. Nishiki on the line too, to give us her thoughts on . . . okay. What I wanted to ask Ms. Sato, and thank you for being here, is do you have any future plans for development? I know you said not in the immediate future, but do you have any...any down the road plans for developing...you know, doing subdivisions or any kind of development like that on this land?

MS. SATO: That currently is not...that is not in our plans right now. I...I will say though that ag farmer housing and ag worker housing is something that we are looking at statewide on all of our lands because we recognize that that's an important part of ag. And...but unlike, I think, the types of farming...farm building operations that you folks and we have seen, right? These gentleman-type farming, that's not what we'd be looking at. It would be really to create through ag farm dwelling situations, but that is something that we are exploring as part of our food system analysis. How can we provide for ag when all we hear from farmers and everyone else is that they need a place to live on the land? So we don't see that happening in this area. That's not what we have in our latest plans, but...and our latest plans is...is still rather dated. As I said, we still just need to get water onto that land.

VICE-CHAIR KING: Yeah, that's...and that's why I asked the question because it's not about your latest plans, but it's about future plans, you know, and --

MS. SATO: Yeah.

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VICE-CHAIR KING: -- if that's something that you might anticipate doing at some point in the future.

MS. SATO: I think that right now, that's...I...and even currently from...from where I'm sitting here, that has not been a discussion at all for us to put ag housing on it.

VICE-CHAIR KING: Okay.

MS. SATO: But it is something that, from a statewide perspective, we are trying to figure out how to help farmers. And one of the major feedbacks has been that they need places to live.

VICE-CHAIR KING: So you might consider going --

MS. SATO: And we don't know how we're going to do that.

VICE-CHAIR KING: -- so you might consider a housing...a subdivision on that land potentially? Or you just talking about one or two --

MS. SATO: . . .*(inaudible)*. . .

VICE-CHAIR KING: Oh, you know, some houses? One or two --

MS. SATO: We just know if that were to happen, we would come to...we'd be coming before the Planning Department and everybody else to have to do what we need to do to do that. Right now, all we're looking at is trying to figure out how to get water on there so that our...the cow farmer can expand his 54-acre land right now.

VICE-CHAIR KING: Okay. But that's not the issue for us now, the water issue. The issue for us is land use designation. So we're just trying to determine what the potential is in the...and what...what it is the community wanted when they...you know, when the CPAC designated that Open Space.

MS. SATO: So you know, one of the comments that was made earlier, which is true, is that we looked at...at Ag as being Open Space. You know, that's...that's what we have. But I think the other part is that it sounds like KS is being asked, through the community, to provide the Parks and Open Space so that other developers can develop residential property.

VICE-CHAIR KING: Well, I don't...I don't think that's what's being asked. I think what we've been talking about is having...is designate...is...whether the designation of Open Space still allows you to...to farm, right? Because --

MS. SATO: . . .*(inaudible)*. . .

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VICE-CHAIR KING: -- it's zoned Agriculture. So if you consider it Open Space anyway, then the land use designation shouldn't be an issue, I wouldn't think.

MS. SATO: It's...and I think Mr. Hopper touches upon it without even touching upon it, is that we can do ag, but we can't do everything about ag. And over time, don't know what other requirements you folks...or the Council, or the community will put in a special use permitting, and it's such a...and it's been made crystal clear that anything that's...that would require a special use permit will be a restriction on the use of KSS ag lands. And so that in and of itself creates an issue.

VICE-CHAIR KING: Okay. Well, I...I understand...I understand your issues, but what that leads us to believe is we don't know what you're going to do on the land. So that's what we're...we're just trying to protect the community's desire for, you know, their community plan and...and trying to figure out what it is that you want to do there that you're...you don't feel like you're allowed to do with the Open Space designation.

CHAIR PALTIN: Members, we were ahead, and now we're a little bit falling behind. We have two more subareas to go. So if we can focus in on the votes that are upcoming. Member Rawlins-Fernandez, and then Member Kama...and try keep it concise.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So just a quick question for Ms. Sato. Does Kamehameha Schools plan to build farmhouses in the gulches?

MS. SATO: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Because right now what we're...what we're...you know, what we have...the question that we have on the floor, the motion, is a motion to amend the main motion to designate the gulches and the streams Open Space. In subarea...on the Subarea 4 map, we already came to consensus on designating the gulches and streams Open Space as noted on our map. And this, I think, will be relevant for Subarea 2 and Subarea 1 maps as well, because again, it's noted that those areas will be designated Open Space. So that's the larger policy that we are speaking about. The larger policy is that we're designating all gulches and streams Open Space inconsistent with our policy 2.3.2, which is that there would be no structures that would be built in gulches and/or within 100 feet of the top bank. And so that...that's the policy throughout the district. Regardless of what we do with this particular motion that we have before us, that is the policy. So even if it remains in Ag, Kamehameha Schools does not plan to build any structures in the gulches. So I really don't see what the impact would be. And then as to the point of the value of the land, since Kamehameha Schools is not planning to subdivide or...you know, I would...I would think it would...it would kind of be a benefit to the estate that the...if it did lose any value, that it would pay less taxes, the valuation would be less...and ultimately the valuation would be less, so it would save the...the trust money in taxes, in property taxes. Anyway, so...but for...for the motion to amend the main motion, that...that's what we have before us is larger policy, because I...I...I don't think we want to ask every property owner if they're okay with us redesignating gulches that go through their property lines to Open Space. I don't...I don't think

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that this is...that's this Council's plan. And so I...I think, like, being consistent throughout the district is something that we would like to do. And I...I guess I'm not really hearing what the impact would be by designating the gulches Open Space. Mahalo, Chair.

CHAIR PALTIN: Thank you, Member Rawlins-Fernandez. Member Kama. After that I'm just going to call for the question.

COUNCILMEMBER KAMA: Thank you, Chair. I think probably my...my gut feeling about this is I find it very difficult to tell a landowner who's been good stewards of their properties that now we want to make a change, and we want it to be consistent across the district and across the County, if at all possible, without conferring with all the landowners. I mean, we might not want to do it, but I think we need to talk to people. I don't think we can just wave a wand and be able to say, this is what our policy is, and too bad if you don't like it. I think if we don't keep having conversations like this with landowners, we're not going to have a whole lot of friends. And I'm troubled by the fact that our Corp. Counsel told us that there might be some issues of liability that we're going to be dealing with regarding some things in this plan. I kind of like would like to know what those...some of those things beforehand and not afterhand [sic] that if I make a decision now that might become a liability later, can we know that before we make those decisions? Those are the things that are troubling me, Chair. Thank you.

CHAIR PALTIN: Thank you, Member Kama. Okay. For my first and only...or my...my speaking to the motion before I call for the question, you know, I'm going to support the amendment. And just in terms of good stewards, this is the area that was all on fire. And so there's issues about, you know, brush abatement. It came right up to Lahainaluna High School, it burned down several homes in this area. And...and good stewards abate brush and don't allow it to become just wildfire. That's all I wanted to say about that. Calling for the question on the amendment to the main motion for gulches and streams within this property to be Open Space. All those in favor, raise your hand and say, "aye." All those opposed, raise your hand and say, "no."

COUNCILMEMBER LEE: Nope.

CHAIR PALTIN: Member...okay. So the vote is six, three. The portions within gulches and streams will be designated Open Space Community Plan Designation.

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

NOES: Councilmembers Kama, Lee, and Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CRARIED.

ACTION: APPROVED TO AMEND AMENDMENT.

CHAIR PALTIN: On to the main motion. I think we've discussed it quite a bit, and I'd like to call for the question. The motion that we're voting on is for the two remaining parcels that are currently designated Open Space Community Plan Designation to revert to Agricultural Designation. And it's not the entirety of the light green in your book, it's just the TMKs that Councilmember Sugimura read out, minus the 33 ending one because that one is already in Agriculture. Member King, did you have a question?

VICE-CHAIR KING: Oh, yeah. It's just...I would like to hear from the CPAC Chair on what their...her thoughts on changing that designation from the...the CPAC version of the plan.

CHAIR PALTIN: Okay. Member...or Ms. Nishiki, are you on the call?

MS. NISHIKI: Yes.

CHAIR PALTIN: Okay. In two minutes or less, can you summarize the community's position in designating that land as Community Plan Open Space Park, Park/Open Space.

MS. NISHIKI: Yes. Thank you, Chair. It was our understanding that ag would be protected in designating this Park and Open Space. It was important to the community to have a vertical park along Lahainaluna Road. It by no means needs to be as large as depicted on...on the map, but it was something that was important because of the shortage of parks and that parks are to be considered a vital part of infrastructure. So that was the thought process beside...behind proposing a park in this area.

CHAIR PALTIN: Thank you, Ms. Nishiki. Does that satisfy your requirement, Member King?

VICE-CHAIR KING: Well, yeah, but I...I can ask her one more question as follow up. So thanks for being here Kai, appreciate your...your follow through. So the...in...in wanting that park area, since that's, you know, land owned by Kamehameha Schools,

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did you...did the CPAC talk to Kamehameha Schools during the meeting to ascertain if they were willing to designate the park space?

MS. NISHIKI: Oh, we didn't have a chance to meet with them during that meeting. However, because we were told that agriculture would be a allowed use in the area, it was not a concern. And we thought that Kamehameha Schools would be supportive of the community's desire to have some walking space along Lahainaluna Road, and that it wouldn't interfere with any ag activities. We would definitely...or I believe that the CPAC, and I would for myself, support changing the Ag designation above the bypass or...sorry, changing to the Ag designation above the bypass, as Councilmember Paltin suggested.

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

CHAIR PALTIN: Okay. Any more questions before we take the vote on the main motion? Member Sinenci.

COUNCILMEMBER SINENCI: Just wanted to speak in favor of the motion as amended. I think just to keep it consistent with the rest of the gulches, we already amended that one, and...and I think Kamehameha Schools has been an awesome community participant. They've...they were happy to dedicate properties for the bypass. And so it looks like having the Ag designation on the mauka side would give them easy access to water. If they wanted to go ahead and still do composting partnerships with...whether it be with the...the DEM, EP&S, the Greencycle, West Maui Greencycle, or the Maui EKO Compost, they still can do that in the large sections of the Ag designation. So yeah, I...I think it's a...it's a great compromise, and a great partnership with...with Kamehameha Schools. Mahalo, Chair.

CHAIR PALTIN: Thank you. And just clarifying, the main motion is to do the entirety back to Ag. All of...all of...except for the portion that was designated streams and gulches Open Space, Member Sugimura's motion is for the entire Kamehameha School TMK to be Ag. It's not the compromise motion. Just letting you know. Member Kama?

COUNCILMEMBER KAMA: No, no. You...you answered my question by answering and speaking to Mr. Sinenci. Thank you.

CHAIR PALTIN: Okay. So just to clarify, Member Sugimura's motion is for the two TMK that belongs to Kamehameha Schools minus the streams and gulches to be Community Plan Designation Ag. So not the TMK ending in 33 because that is already Ag, and it's slated to stay Ag. It's basically from slightly above Highway 30 all the way up to the top of the light green, to revert to Community Plan Designation Ag minus the streams and gulches. So that's what we're voting on. Is everyone clear? Okay. All those in favor of the main motion as amended, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

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CHAIR PALTIN: All those opposed raise your hand and say, “no.”

COUNCILMEMBERS: (No audible response)

CHAIR PALTIN: Okay. That's five, four the motion as amended passes. And that should conclude Subarea 3 for us.

**VOTE: AYES: Councilmembers Kama, Lee, Molina,
Rawlins-Fernandez, and Sugimura.**

**NOES: Chair Paltin, Vice-Chair King, and Councilmembers
Johnson and Sinenci.**

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT, AS AMENDED.

CHAIR PALTIN: I'll...I guess I'll take a motion...I'll entertain a motion to close up Subarea 3 with the...except for the revisit that we discussed earlier regarding Lāhainā Town South and getting Dr. Six's input on that. Thank you, Ms. Sato. Thank you, Ms. Harman. Is that...Member Sugimura, did you...I mean, Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

CHAIR PALTIN: Okay. And seconded by Member Sinenci. So we're taking a motion to accept Subarea 3 as amended, moved by Member Rawlins-Fernandez, seconded by Member Sinenci, with a revisit at Lāhainā Town South. All those in favor, raise your hand and say, “aye.”

COUNCILMEMBERS: Aye.

CHAIR PALTIN: All those opposed? It's unanimous. Okay. And we're finished with Subarea 3. Two pats on the back.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I don't...I don't want to hold up our process, but I...I...I do want to have, you know, Corporation Counsel just speak to our authority to do this. I don't want the public to hear...to have heard some of the comments members have made and...and to make it seem like we're doing something wrong or bad, like, we're taking property that...and we're going beyond our authority. So since he kind of...since that, you know, door is kind of open and comments were made, I just...I just want our attorney to assure the public that we're not doing anything wrong by continuing to update the community plan for West Maui.

CHAIR PALTIN: Okay. Mr. Hopper, can you clarify our authority?

MR. HOPPER: It's there's a specific question, I can get into more specifics. But yes, this is part of...I mean, generally, you're required to look through your community plan and...and provide updates to that and...decennially, you're...you're behind on that but, you know, that...that's happening right now. Not...not you in particular, but the Council and...and the, you know, the County as a whole is behind in that process. But those are part of the required changes. And...and so that the general idea of going over and looking at community plan areas and deciding their designations is certainly something that...that you're, in fact, you know, required to be doing. Now as far as in specific cases, specific cases dealing with Parks and Open Space designations can...can be a bit unique as far as, you know, the...the legal aspects of it. I'm certainly not suggesting that, you know, if you do it every time it's...it's going to result in a...in a taking claim. But the fact that there's a memorandum on this...on...on similar issues that's been brought forward, in order to go into my analysis of that...and I've been...I have been having emails today with the Planning Department on that, I can sort of update you, but...in Executive Session. But the idea would be I don't want to go over an analysis of potential legal claims, how I think they would come out, and you know, the arguments for and against those legal

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claims in open session, you know, particular to the memorandum. So, you know, if there's a specific question on an aspect of the plan and...and any potential legal claims coming from it, I can attempt to address it. Generally though, you know, going through the plan and...and deciding to update the plan is certainly something that...that you are required to do under the County Code and under the...the...you know, your mandate.

CHAIR PALTIN: Thank you, Mr. Hopper.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Okay. Now we're going into Subarea 2. And we do have Chad Fukunaga on the line, and I wanted to allow him three minutes to present for Kā'anapali 2020. I believe this is going to be one of the most difficult decisions on this subarea, and then to follow up by Ms. Nishiki. Go ahead, Chad. Alison, can you put three minutes on the clock? We may need to start limiting our discussion because we're falling a little bit behind, want to get through the map.

MS. STEWART: Chair, yes.

MR. FUKUNAGA: Good afternoon . . . oh. Can I start?

CHAIR PALTIN: Thank you, Ms. Stewart. Go ahead, Mr. Fukunaga.

MR. FUKUNAGA: Okay. Good afternoon, Committee Chair Paltin and Councilmeetings...Councilmembers. My name is Chad Fukunaga. I appreciate the opportunity to provide information today. I'm presenting today on behalf of Kā'anapali Land Management Corp. and the Kā'anapali 2020 Community Planning Group. If you'll allow me, I'd like to share my screen.

CHAIR PALTIN: Go ahead.

MR. FUKUNAGA: Okay. I have a lot to say, but will try to summarize, and I'll be more than happy to address any questions or concerns. The Kā'anapali 2020 Community Planning Group requests that the West Maui Community Plan be consistent with the layout you see on the screen right now. The land designation zone should be adopted because it is a direct product of pure community planning. The Kā'anapali 2020 Community Group has had a vision to...of creating separate and unique communities. The land designation map we propose better encourages this vision. It allows for a future viability of much needed cement...cement batch plants. It provides a smart network of transportation corridors, and it makes possible the creation of much needed housing and other community facilities, including a veteran's center, cultural center, a police substation, memorial park, community center and garden and tennis complex, and a intermix of parks and open spaces. Conversely, if the Kā'anapali 2020 Community Plan is not adopted, the result is a neglect of a longstanding community plan process and sets a negative precedence on how future framework of projects should be done. It severely disrupts the Kā'anapali 2020

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master plan, and it does not implement the general plans visions, principles, goals and policies and, therefore, does not comply with the Maui County Code. Thank you.

CHAIR PALTIN: Thank you, Mr. Fukunaga. Did Members want to hear from Ms. Nishiki first before they begin their questions, or would...looks like a yes? Okay. Ms. Nishiki, three minutes or less on Kā'anapali 2020 if...thank you.

MS. NISHIKI: Thank you, Chair. Good morning...or I guess it's good afternoon, Chair, Committee Members. Just wanted to talk a little about...a little bit about Hanakao'o Beach Park. It is home to all of West Maui's canoe clubs. It's where the State Regatta is held when it comes to Maui. It's also...there's also a large cemetery there, and really, the last beach for locals to call their own in a sea of tourism in West Maui. Amongst other considerations, the CPAC was asked to plan for 3.2 foot of sea level rise in our deliberations, and we were asked to imagine a time when the entire park and cemetery is underwater, and the new shoreline is mauka of the highway. We...we are tasked with putting into place plans for our grandchildren, the future generations, to continue to have access to the shoreline and celebrate and honor their culture. We also received a presentation by the Parks Department, and I ask you to reference the technical resource paper provided by them, which highlights the...that West Maui has the highest number of average daily visitor population in our County, and that beach parks are highly used by both visitors and residents alike. The most popular recreation in West Maui, according to a survey conducted by the Parks Department, is utilizing the ocean and beach parks. A shortage of beach parks and parks in general in West Maui was identified, in addition to the projected loss of up to 40 percent of our beach parks in the future. In fact, it is happening right now. Puamana Park was closed recently. Many current beach parks are linear, thin strips along the coastline, not very wide, with nowhere to go. So it is vital to protect...so sorry. It is vital to protect mauka expansion of important coastal areas for future public access. Let's remember that parks are a vital part of our infrastructure, just like everything else, and sometimes we forget this and treat them as an afterthought. This needs to change. Parks must be provided an adequate level of funding for acquisition, planning, development, and maintenance. Let's go over the housing numbers. Estimated housing units needed in West Maui by 2040 was 6,923. Estimated housing units possible with the scenario presented to you folks is 7,950, with a surplus of over 1,000. So there is no shortage of available areas to develop housing with the plan proposed. I encourage you to look at the big picture...not the individual section maps, but look at the large map that shows the entire community plan area. Look at the distinct breaks between developments of Nāpili, Kahana, Honokōwai, Kā'anapali and Lāhainā Town. Envision the next 20 to 50 years, when Kā'anapali is fully built out with thousands of homes, Villages of Leialī'i, Pu'ukoli'i Mauka, Kā'anapali Town North, Kā'anapali Town, Kā'anapali Town South, and also Lāhainā Town. This park area . . .*(timer sounds)*. . . provides a much needed break between Kā'anapali and Lāhainā, once areas are fully developed and...and is supported by the Planning Department.

CHAIR PALTIN: Thank you.

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MS. NISHIKI: Can I just wrap up with one last --

CHAIR PALTIN: You can conclude, yes.

MS. NISHIKI: Okay. We are very appreciative of the time, thoughtfulness, and community involvement of the original process in planning Kā'anapali 2020 back in the '90s. Like all plans over time, with new information and newly identified community needs, plans must adapt to stay current. Sea level rise and coastal erosion wasn't even a part of the plan or conversation back then. Finally, the plan and votes of the CPAC demonstrate and reflect support with all members except for one, voting in favor of the proposal. We appreciate the support for the CPAC proposed plan. Mahalo.

CHAIR PALTIN: Thank you, Ms. Nishiki. Okay. Let's go first round...if Members have questions for either of the resources, first round, two minutes; second round, one minute. We can kind of focus in. Okay. Ms. Stewart, are you okay with keeping the timer two minutes for first round and one minute for second round? And then we'll see if we need follow up after those two rounds?

MS. STEWART: Yes, Chair. That's fine.

CHAIR PALTIN: Thank you, Ms. Stewart. Okay. Who has a first question for either of our resources? Chair Lee.

COUNCILMEMBER LEE: Chad, my understanding is that when you presented your proposal, CPAC originally approved of it. Was that...is that correct?

MR. FUKUNAGA: No. So we presented our proposal to the Planning Department, and then the Planning Department repackaged a bunch of...well, they...they presented five different plans to CPAC. And they said...they presented...specifically one of the plans, they said, CPAC, this is your starting point, and...and this is the...a plan that represents what the community wants. And so that's...that's what the CPAC started with. And that plan was not consistent with the Kā'anapali 2020 master plan.

COUNCILMEMBER LEE: But did you --

CHAIR PALTIN: And to clarify that's the Planning Department's recommended version; is that correct?

MR. FUKUNAGA: Correct, yes. Yes.

CHAIR PALTIN: Okay. Go ahead, Chair Lee.

COUNCILMEMBER LEE: Oh, okay. So at some point, did you...didn't you try and get that straightened out with either the Planning Department or with CPAC members?

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MR. FUKUNAGA: We have...we've tried to. We've...we've provided testimony at...at every opportunity we were allowed to testify. We've also provided written testimony, but it...it...it...the plan was not adopted.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR PALTIN: Okay. Anybody else? Questions for resources first round is two minutes. Member King.

VICE-CHAIR KING: Thank you, Chair. So I...I guess I was...would ask Ms. Nishiki for her comments on, you know, what...what the community response was to the presentation by the Kā'anapali Beach Resort with...with their plan?

CHAIR PALTIN: Ms. Nishiki?

MS. NISHIKI: Thank you. So the community supported, for the most part, the Planning Department's recommendation. We did make some changes in regards to Kā'anapali Town North and Kā'anapali Town South, but it was consistent with their proposed plans. They were just not happy with the designations that we chose, but they are certainly consistent with the plans proposed. And I'm pretty sure that the Planning Department would concur with that.

VICE-CHAIR KING: Okay. And then what...can I just ask you, what do you...what is a big...what do you see as the biggest differences between what...what made it into the proposed plan and what the...what Mr. Fukunaga's proposing?

MS. NISHIKI: It's probably the Park space. However, Kā'anapali 2020 had already planned to have a small park in that area, and we felt that all we needed to do was simply expand it a bit. And then there was probably some areas in Kā'anapali Town North that was inconsistent with their proposal. However, . . .(timer sounds). . . the uses that they proposed, you know, like the residential and the hospital, all of that was still allowed within the designations that we chose.

VICE-CHAIR KING: Oh, okay. All right. Thank you. My time's up.

CHAIR PALTIN: Thank you, Member King. Thank you, Ms. Nishiki. Anyone else, first round? Member Sinenci, followed by Member Molina.

COUNCILMEMBER SINENCI: Mahalo, Chair. And my question is for...oh, where did he go?

CHAIR PALTIN: He's still on the call. Mr. Fukunaga?

COUNCILMEMBER SINENCI: Oh, yeah. Mr. Fukunaga, mahalo for being here. So my question was, was there any . . .(inaudible). . . Kā'anapali 2020, are there any projects in the pipe for the area?

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MR. FUKUNAGA: Yes, if you'll allow me to share my screen again. All right. So this is our...our master plan, our Kā'anapali 2020 master plan. The area in...color in the middle where my cursor is, what we refer to as Pu'ukoli'i Village Mauka, that area is entitled, and we are currently developing construction plans, and we're starting some of the offsite utilities for this project. So this...this area is entitled...the area below that...oh, you see the Lāhainā Bypass cutting through the middle of the...the drawing, and then the area below it is what we generally refer to as Kā'anapali 2020. So the Kā'anapali 2020 area, we've...we've been master planning that area for 20 years now. And a lot of that predates me, but I've been personally involved with it for 16 years now, and probably attended at least 100 community meetings. So, you know, it's a well thought out and, you know, well deserved plan, I feel.

COUNCILMEMBER SINENCI: Can you show with your cursor again which area are you guys under --

MR. FUKUNAGA: So area colored in the middle...in the middle mauka area of...or top area of this drawing is Pu'ukoli'i Village Mauka.

COUNCILMEMBER SINENCI: What is your anticipated completion date for that project?

MR. FUKUNAGA: Well, we plan to...we're starting the offsite infrastructure now. We...we see this as a . . . *(timer sounds)*. . . a long-term buildout, and it'll be done over a number of phases. So we...we don't currently have a...a end date, and it'll be built out, you know, in...in...in concert with...with available utilities and...and as the market requires it.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

MR. FUKUNAGA: Or as the market dictates.

CHAIR PALTIN: Thank you, Mr. Fukunaga. Can you take down the share screen? I just had a --

MR. FUKUNAGA: Yeah.

CHAIR PALTIN: -- couple of point of informations *[sic]* on...regarding that exchange. I'm looking at the 11 by 17 Subarea 2, Maui County Zoning, and I was just wondering if you could clarify about entitled because it looks like the zoning for Pu'ukoli'i Mauka is currently in Ag; is...is that correct?

MR. FUKUNAGA: It was entitled to Act 15, which is something similar to a 201H. So it's...it was entitled through the State process. So it...you know, it may not reflect the...the County's zoning, but it...it is fully entitled.

CHAIR PALTIN: Okay. I guess if we can get clarification from Ms. Maydan. Is the zoning need to be changed before they start building...from Ag?

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MS. MAYDAN: Thank you, Chair, for that question. No, Mr. Fukunaga is correct that that area, Pu'ukoli'i, went through the Act 15 process, which is a predecessor to the 201H process. So it does not reflect on the County zoning map, but they do have the necessary permissions to move forward, just like a 201H project, yeah.

CHAIR PALTIN: Okay. So would it be okay for us to consider it like a 201H then, if it was the 201H predecessor?

MS. MAYDAN: I think that's a *(audio interference)*

CHAIR PALTIN: Oh, I think there's too many microphones on because I just heard a lot of reverb.

MS. MAYDAN: I could hear myself. Yes, I think that thinking of this Pu'ukoli'i, thinking of it as a 201H, even though it was predecessor to that, I think that's an appropriate way to think about it.

CHAIR PALTIN: And then this portion below the intended bypass extension, that is zoned Ag, but not entitled?

MS. MAYDAN: Correct. That area is not part of the Act 15. It was only Pu'ukoli'i Mauka of the bypass. So that Ag zoning on that map is correct.

CHAIR PALTIN: Okay. So to move forward in that area, they would need a change in zoning?

MS. MAYDAN: Yes.

CHAIR PALTIN: Okay. Thank you for that clarification. Sorry, Members, for jumping the line. I just thought we didn't really understand it if you looked at what the current zoning is. So we consider that Pu'ukoli'i Village Mauka that's...the portion above the intended bypass, as similar to a 201H. Although the zoning is Ag, they're okay to go ahead. And...and to further clarify, I think a portion of what is holding it up is possibly access to that. And Mr. Fukunaga, can you clarify that we need the bypass to get to that...the bypass extension to get to that Pu'ukoli'i Village Mauka, or can you start building without the northern terminus of the state bypass?

MR. FUKUNAGA: The Pu'ukoli'i Mauka was entitled before I started with the company. And I...I imagine it was entitled with the intent that the Lāhainā Bypass would be constructed, and also that they would be able to...we would be able to access from Pu'ukoli'i Road, existing Pu'ukoli'i Road. And the way...we've entered into agreement with the Department of Transportation to cooperate in the...the funding for the Lāhainā Bypass. Now, as we know today, the Lāhainā Bypass has not been built, and we have since entered into agreements that...that say that we will not use Pu'ukoli'i Road to access the project. So that...that has set back, you know, the buildout of Pu'ukoli'i Mauka. However, we...we have since built a roadway for...to access the Kā'anapali coffee farms. However, we were unable at that time to put in

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the utilities. So we're now starting to put in some of the utilities along that route and...and that's about a mile and a half.

CHAIR PALTIN: And that road that you built, that's not...Pu'ukoli'i is --

MR. FUKUNAGA: It's right --

CHAIR PALTIN: -- . . .*(inaudible)*. . . one?

MR. FUKUNAGA: Yes, yes. Correct.

CHAIR PALTIN: And you could use that road to access the Pu'ukoli'i Village Mauka?

MR. FUKUNAGA: Yes. We...we intend to use...use that road, and we're still working with Department of Transportation and trying to see if they can get the Lāhainā Bypass extended north.

CHAIR PALTIN: Okay. And...and, sorry, one other clarification. At the point where that new road...I'm not sure if it's Kakaalaneo or what --

MR. FUKUNAGA: Yes.

CHAIR PALTIN: -- where it intersects the intended bypass, was that going to be, like, an underpass, overpass, a roundabout or a street light, or is that too far in advance that you don't know?

MR. FUKUNAGA: It's currently designated as an at-grade intersection, so it would be a...a lighted intersection. Yeah.

CHAIR PALTIN: Okay. Thank you.

MR. FUKUNAGA: So there's...

CHAIR PALTIN: Oh, go ahead.

MR. FUKUNAGA: Sorry. Yes. So there's two...there's actually three connectors we have in our land with the Lāhainā Bypass, and there's another connector on the south side that will connect the bypass to Honoapiilani Highway just above Hanakao'o Beach Park. And that would also be an at-grade intersection. So those...those connections are identified in the Lāhainā Bypass EIS. And then we have a grade separated connection, which would also connect to Pu'ukoli'i Village Mauka.

CHAIR PALTIN: Okay.

MR. FUKUNAGA: But that would be more like an underpass.

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CHAIR PALTIN: Okay. Thank you. I just thought that would be helpful for the Members to understand the logistics of that. I hope...I hope the Members found that helpful. And so we last left off, I think, with Member King. Any further questions for first round? Member Molina...but I think we left off with Member Sinenci, and it was supposed to be Member Molina. Sorry, my bad. Thank you.

COUNCILMEMBER MOLINA: All right. Okay. Thank you, Madam Chair. Mr. Fukunaga, just to clarify your opening statements, you mentioned does not comply with Maui County Code. So this is the proposed community plan designation you're speaking of. And do you folks see this as a, like, a down zoning or takings or anything of that nature? Just from your...from your point of view?

MR. FUKUNAGA: Yeah. So, you know, the Maui County Code essentially says that the community plan should be consistent with the general plan. And the general plan...while the Maui Island Plan is a component of the...the general plan, and Kā'anapali 2020 Community Group participated in the Maui Island Plan, and there's specific description of the Kā'anapali area within the Maui Island Plan. And it further, you know, designates it as a...a growth area, a urban growth area. And so, you know, to...to...so the designation of 200 acres within a growth area, you know, for Parks and Open Space and Agriculture, we feel is basically...and...and...a redesignation of the urban growth boundary. And so as...is our contention that is not consistent with the...with the general plan, and, therefore not consistent with County Code.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, you're muted.

COUNCILMEMBER LEE: You're muted.

CHAIR PALTIN: Sorry about that, guys. I just saw so many mics on. Go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: I...this is my question for Mr. Fukunaga. So could you bring up your map again, and...and show us what was in Kā'anapali 2020 Community Plan that you recommended? Because I think your first map was what the West...the CPAC approved.

MR. FUKUNAGA: Right. So...oh, okay. Let me...

COUNCILMEMBER SUGIMURA: Or whatever way you want to talk about it. I just want to know --

MR. FUKUNAGA: It...so in this exhibit here, the map on the top is what is current...it...it portrays the current draft community plan. Then the map on the bottom is the map that best reflects the Kā'anapali 2020 vision, and it was approved by the Kā'anapali

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2020 community members. And...but there's two distinct differences between the two, the first being that the bottom map has a lot more colors to it.

COUNCILMEMBER SUGIMURA: We only see one map, Chad.

MR. FUKUNAGA: Oh.

COUNCILMEMBER SUGIMURA: We only see one map. We don't see two.

MR. FUKUNAGA: Oh yeah?

COUNCILMEMBER SUGIMURA: If you could show us two, that would be great, yeah.

MR. FUKUNAGA: Huh? Let me try to . . .

CHAIR PALTIN: We're...we're seeing the...the single family, multifamily, mixed use commercial --

MR. FUKUNAGA: Okay. . . .*(inaudible)*. . . How about now?

CHAIR PALTIN: Still one map.

MR. FUKUNAGA: Ay, yeah. Okay. Let me just go back to this. Do you see the map now with...labeled Exhibit C?

COUNCILMEMBER SUGIMURA: No.

MR. FUKUNAGA: Okay. Let's stop sharing. How about now?

CHAIR PALTIN: Now we see a black screen.

MR. FUKUNAGA: Oh, yeah. Okay. Let me...let me just describe it then. So the...the Kā'anapali 2020 proposed map has a lot more variation to it. And the idea...the vision was to create a separate but unique -- . . .*(timer sounds)*. . .

CHAIR PALTIN: Oh, if I can stop you. If you wouldn't mind stopping sharing screen, and then we'll just --

MR. FUKUNAGA: Okay.

CHAIR PALTIN: -- give you the extra minute because of the technical difficulties.

MR. FUKUNAGA: So the...the...the Kā'anapali 2020's vision was to have separate but unique communities. And...and that was dictated by the area also. You know, they felt that certain areas should have a community that...that really are...are unique to the area, but...but different from the neighboring communities. So the...having the different designations help promote or ensure that you...you get these different types

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of communities. As...as an example, there is areas of yellow, which is Residential. And so the idea was to place residential near existing residential...to place more medium density commercial applications where you...nearest the hotels, where you have more of these commercial types. And then to...to put the small town centers where you may have more mixed uses. The other large difference was on the south side, where...where the 2020 plan had mostly small town center. But nearest the highway, . . .*(timer sounds)*. . . there was a ten-acre park, and that ten-acre park would facilitate the expansion of Hanakao'ō Beach Park. It was also the only area that's visible from the highway and from Hanakao'ō Beach Park. So you really couldn't see any place mauka, further mauka, than that. But there was a lot of thought...there's a lot of thought that went into that plan.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. My question is for Ms. Nishiki.

CHAIR PALTIN: Ms. Nishiki.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Ms. Nishiki. The maps being presented to us today from Mr. Fukunaga, were those the maps that were presented to the CPAC?

MS. NISHIKI: No, no. They are...they were not. There's a significant...there's...there's actually a lot of significant things. On the map that was proposed, or that was given to the CPAC by Mr. Fukunaga, showed the highest density of development in Kā'anapali Town South, with actually a hotel proposed right there above Hanakao'ō. So I think that he is being misleading in saying oh, all we wanted to do was build some houses over there. No, they wanted to build a hotel, and West Maui does not need any more hotels. What we need is park and open space. So I just...I think that it shows the character of some developers when they try to be misleading to you folks when the community was very clear in what they wanted in this area. So it's a bit disappointing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Nishiki. And Chair, since I have remaining time, I'll invite Mr. Fukunaga to share comments.

CHAIR PALTIN: Mr. Fukunaga.

MR. FUKUNAGA: I...so I'm sorry, what is the question?

COUNCILMEMBER RAWLINS-FERNANDEZ: In response to Ms. Nishiki. . . *(timer sounds)*. . .

CHAIR PALTIN: Oh, sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

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CHAIR PALTIN: Sorry. Sorry, Mr. Fukunaga, the time ran out. Okay. I think --

MR. FUKUNAGA: So I'll just give an...oh, go ahead.

CHAIR PALTIN: Oh, sorry. Member Johnson and Member Kama, I believe, have not had their first chance on the go around. Member Johnson or Member Kama, who would like to go?

COUNCILMEMBER KAMA: If it's okay, I would like to hear Mr. Fukunaga's response to Member Rawlins-Fernandez's question.

CHAIR PALTIN: Okay. Member Johnson, we'll come to you next. Mr. Fukunaga, I think the question was about a hotel being proposed on the south, and that the map that you're sharing with us was not what was shared with the CPAC, I believe. Member Rawlins-Fernandez can correct me if I'm wrong.

MR. FUKUNAGA: That's correct. We had...we initially...so when the Planning Department came to us and we...they asked us to provide, you know, a suggestion, so we provided a map. It did have some small areas designated for a hotel. Part of the idea at that point was that when the hospital was being planned and...so there was a small hotel area next to the hospital, and there was another one next to the civic center. However, that plan was completely revised, and so we resubmitted another plan, and those uses were removed from that plan. So you know, the plan that I'm trying to show you...and if you allow me, I think I...I think I was told how to get it up. Is the...is the plan showing now? Is the exhibit showing now?

CHAIR PALTIN: Yes, Exhibit C. We're seeing Exhibit C.

MR. FUKUNAGA: Oh, shucks, it still...okay. Anyway, this...so this is...this is the plan that the Kā'anapali 2020 Committee Group has approved. And so in...there is no hotel in this plan, but Ms. Nishiki is correct. The initial plan did show hotels, but that plan is revised, and that was taken out. But the...so this plan, it really is a lot of Small Town Center, a lot of Residential, and then some Urban Corridor, with some Industrial for the cement batch plants. And then this area down on the south, the makai south, is ten acres of Parks and Open Space. And this is...this is the area that I was describing as the only area really visible from the highway and from Hanakao'o Beach Park. Because there was a railroad running through here, and for that railroad, the tracks had to be built up and leveled out, so it's kind of like a plateau or elevated. So you can see mauka of the railroad. So all these areas in yellow and pink is not visible from the highway, but it would...you know, it provides a much-needed, you know, housing. And there's also a police substation in this area. This is also the area where the Lāhainā Bypass connection is. So this route connects the Lāhainā Bypass back down to Honoapi'ilani Highway.

CHAIR PALTIN: Member Kama, did you have any further question?

COUNCILMEMBER KAMA: No, Chair. Thank you.

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CHAIR PALTIN: Okay. Member Johnson, for your first go around.

COUNCILMEMBER JOHNSON: Okay. Sorry, button was stuck. Thank you, Chair. Just a simple question in regards to the matter that you guys referenced as prior to 201H, there was a State project. I forget the actual acronym. But is that for perpetuity...is that forever, or does that...do they have to go back and renew that? I think that's more of a question for Planning Department. Does that...is that like grandfathered in, or do they have to come back and, you know, re-update it, or is it permanent?

CHAIR PALTIN: Ms. Maydan.

MS. MAYDAN: Thank you, Member Johnson, for the question. I am not absolutely certain. I would assume that it runs with the property, and that they have that entitlement, but perhaps Deputy Director Hart would be more familiar, or someone else. But I'm sorry, I do not exactly know the answer to your question.

CHAIR PALTIN: Deputy Director Hart.

MR. HART: Unfortunately, Chair, I can't answer that at this time. I'd need to look into it a little further.

COUNCILMEMBER JOHNSON: Okay. Well, then just...oh, sorry.

CHAIR PALTIN: Go ahead. Sorry. Go ahead, Member Johnson.

COUNCILMEMBER JOHNSON: All right. Then the...I guess this is just for the developer then. What is the income levels you're going to be applying that affordable housing project for?

CHAIR PALTIN: Mr. Fukunaga.

MR. FUKUNAGA: Yeah. So Pu'ukoli'i Village Mauka, the entitlement runs with the land. And it is entitled to...with 51 percent affordable. So it's entitled for 940 units. So 51 percent of the 940 units will be affordable.

COUNCILMEMBER JOHNSON: Okay. All right. Thank you, Chair. No further questions.

CHAIR PALTIN: Okay. Ms. Stewart, if you can put two minutes on for myself. For the 51 percent affordable for Pu'ukoli'i Village Mauka, do you know the AMI spread? Is it workforce or 80 percent and below, do you know?

MR. FUKUNAGA: Oh, shucks. No, I don't have the breakdown in front of me. It does go into the gap group.

CHAIR PALTIN: Okay. Thank you.

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MR. FUKUNAGA: Okay.

CHAIR PALTIN: And then, Ms. Maydan, I guess my questions would be for you. The area besides Pu'ukoli'i Mauka is currently...looks like it's zoned Ag and Residential, with a little portion of Light Industrial down at the bottom, just above the highway. So if we're talking in terms of taking, by giving them something like Transient [sic]-Oriented Corridor or something where Light Industrial is allowed through these big swaths, would that be called a giving...or is there such thing as a giving? Ms. Maydan.

MS. MAYDAN: Great question. It...if the Council were to designate portions transit-oriented development, it would provide intent...it would provide opportunity for a larger mix and higher density of uses in that area. I suppose you could label it a giving.

CHAIR PALTIN: Okay. And I mean, if it's currently Ag, the value is in Ag land. And if we're changing the Community Plan Designation to Small Town Center, I'm looking that...at that as a giving, because Small Town Center allows for the zonings like B2, BCT, B1, A1, SBR, P1, P2, PK, PKGC, OS1, and OS2; is that correct?

MS. MAYDAN: Correct, yes. . . .*(timer sounds)*. . . The Small Town Center designation is on there to provide the opportunity for growth in that area that complies with the...with the Master Plan mix of uses for Kā'anapali 2020.

CHAIR PALTIN: Thank you. I hear my time being up, but I feel like we're giving a lot more than we're taking here. Second round. Any follow up for anyone? Member Molina, followed by Member Johnson.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. If I could ask the Department for Subarea 2, page 68, does not reference Māhinahina. Was that neighborhood intentionally left out of this process, or was there a reason for that?

CHAIR PALTIN: Ms. Maydan.

MS. MAYDAN: Mahalo, Member Molina, for your question. No, I would say it was not intentionally left out, by any means. If the...if the Committee wished to add it in, we certainly would not have an objection.

COUNCILMEMBER MOLINA: Okay. Maybe, Madam Chair, something for consideration at a later point.

CHAIR PALTIN: Okay. Yeah, when we go over the wordage.

COUNCILMEMBER MOLINA: Yeah.

CHAIR PALTIN: I did have a little bit of suggestion, but I would welcome...if you'd like to include Māhinahina, yeah.

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COUNCILMEMBER MOLINA: Sure. Okay. Whenever you deem it appropriate. Thank you.

CHAIR PALTIN: Okay. Member Johnson...okay. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Just quick follow ups for Mr. Fukunaga. I didn't...I was unclear with what you mentioned by the response you gave to Councilmember Paltin in regards to the gap group. What is the gap group? Can you expand on that?

CHAIR PALTIN: Mr. Fukunaga.

MR. FUKUNAGA: Allow me one sec. I can grab my binder with the breakdown if you want --

CHAIR PALTIN: Okay.

MR. FUKUNAGA: -- better clarification.

CHAIR PALTIN: Okay. Traditionally, I think the gap group is 120 to 140 for AMI.

COUNCILMEMBER JOHNSON: 140, yeah. Okay. All right.

CHAIR PALTIN: I think, maybe, he's grabbing the binder with the breakdown of the affordable AMIs.

COUNCILMEMBER JOHNSON: Okay. All right. I...then my question --

MR. FUKUNAGA: I think you answered the question for me, yep.

COUNCILMEMBER JOHNSON: Okay. And then the follow up was, when did you apply for that pre-201H project? When was...did you first start off with it?

MR. FUKUNAGA: Oh, so...okay. So that was before I started with the company. I started in 2005.

COUNCILMEMBER JOHNSON: Okay.

MR. FUKUNAGA: I don't...so I believe it was around 1999.

COUNCILMEMBER JOHNSON: Okay. So 201H is typically . . .(timer sounds). . . called fast track. So that's why I'm surprised that it just...now it's coming up if this was fast tracked to get you all those exemptions. All right. Thank you. I have no further time. Thank you for your question...or thank you for answering my questions.

CHAIR PALTIN: Thank you, Member Johnson. Member Lee.

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COUNCILMEMBER LEE: Thank you, Madam Chair. Member Johnson, that project was approved in the '90s, but one of the reasons why it never went forward is because the rich people up on Pu'ukoli'i Ridge didn't want the affordables to be close to them. So I think, Chad, what was considered...and they didn't want the poor people to use their road. So they were looking at two roads. And then the project just died. Okay. So my question for you, Chad, is that Kā'anapali 2020 is how many phases and how long do you think it'll take?

MR. FUKUNAGA: To be honest, we haven't...we know it will take multiple phases. We haven't really gotten into the weeds as to how long or exactly how many phases it'll take to build out. What we are finding is that the resources and the utilities are very spread out. And this is kind of complicated. So you know, this is a complicated answer, but the utilities really drives, you know, what can be built. So where we have...the water comes from the mauka direction. You know, the sewers, obviously, down along the highway, and then...and then Maui Electric has kind of like a spaghetti network of electrical lines running through the area. So what we're trying to do is see where we can best try to match up all of these utilities that would make sense. So for example, for Pu'ukoli'i Village Mauka, we envision starting from the north side and working our way south. So we kind of feel like, you know, that'll work for Kā'anapali 2020 also. However, on the south side --

COUNCILMEMBER LEE: Wait, so how...so how long...Chad, Chad, how long?

MR. FUKUNAGA: Yeah.

COUNCILMEMBER LEE: Five years, ten years, fifteen years, twenty years?

MR. FUKUNAGA: So we've...we see Pu'ukoli'i Mauka as approximately ten years, and then we see Kā'anapali 2020 probably ten to fifteen years.

COUNCILMEMBER LEE: Okay. Thank you. Thank you. . . .(timer sounds). . .

CHAIR PALTIN: Member King.

VICE-CHAIR KING: Thank you, Chair. I have a question for Mr. Fukunaga. So this is...this project is, what, over 15 years old, and you, when...at the time that you got the entitlements...or you weren't with them, but the Kā'anapali Beach Resort, wasn't...was there no deadline put on them? Because most of our 201H projects will have a deadline where they have to start in the neighborhood of five years or ten years, and this seems to have no deadline, and you're talking twenty years out now. So you were not given...the company was not given a deadline that they had to start the project by?

MR. FUKUNAGA: Yeah. At that time there was no deadline assigned, but the entitlements runs with the land.

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VICE-CHAIR KING: Yeah, I know it runs with the land, but one of the problems...one of the reasons for those deadlines is because things change, and that's why we do Community Plan updates every ten years, because the community changes. So when you plan something for twenty years out, or even ten years out, that doesn't get started, you have to expect the community's going to be different by the time you do get started or you...or you get closer to it. And that's, to me, the reason why we have those deadlines, to -- . . .(timer sounds). . .

CHAIR PALTIN: I guess...was that a question? I don't think --

VICE-CHAIR KING: I guess I heard that they...they were not given the...I guess whatever that other program you were under was not...did not...was not...did not give you a deadline to have to start the project, because you're talking about entitlements that are almost 20 years old. Is that --

MR. FUKUNAGA: We want to start. Yeah, we're working hard to get started as soon as we can.

VICE-CHAIR KING: No, I know you want to, but I'm just saying...I just wanted to clarify that you were not given a deadline by which you had to start.

MR. FUKUNAGA: You're correct.

VICE-CHAIR KING: So you could be talking...you could be talking about this same project in 30 years, when the community is half under water, you know, and the...in the sea level rise area. So that's a concern. Anyway, that's...I just wanted to clarify that that's the situation, is that this is not...there's no deadline to start. So we could be back here in another ten years talking about this.

MR. FUKUNAGA: I hope not. We want to start.

VICE-CHAIR KING: Yeah. Right.

CHAIR PALTIN: I think I saw...Member Sugimura, was your hand up? Go ahead.

COUNCILMEMBER SUGIMURA: Thank you. So the maps that I was asking Chad about. So the CPAC, or the proposed West Maui Community Plan, has designated their land, which is 97 acres, Chad, in Ag and Park/Open Space. And what you have proposed in that area, if you could confirm, is Small Town Center and Residential; is that correct?

MR. FUKUNAGA: That's correct. And then ten acres of Parks and Open Space on the makai side, adjacent to the highway.

COUNCILMEMBER SUGIMURA: And that was so that Hanakao'o Beach Park, you can see that ten-acre park from across; is that right?

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MR. FUKUNAGA: Yeah. Yeah. That's the area that's visible from the highway. And you know, if there's any needed expansion of the park, that area makes the most sense for it.

COUNCILMEMBER SUGIMURA: Okay. Thank you. So going back to a previous question about taking, right, because now we have Kā'anapali 2020 land . . .(timer sounds). . . that the Community Plan has designated Small Town Center...I'm sorry, Ag and Park/Open Space. And I just would like to know from Corp. Counsel, what is the impact if it proceeds with the recommendation from the...that's in the West Maui Community Plan proposed, versus what they wanted.

CHAIR PALTIN: Okay. To clarify, it's currently zoned as Ag, right, just clarifying that. But Deputy Director Hopper, do you have a answer for Ms. Sugimura?

MR. HOPPER: Again, this is a type of item I would want to discuss in Executive Session. But you're correct, the current designation of the property is Agriculture.

CHAIR PALTIN: Okay. Thank you. Member...who was next? I think maybe only Member Kama and myself. Did...Member Sinenci, did you have a follow up round, or did you want one? No.

COUNCILMEMBER SINENCI: I'm okay. Thank you.

CHAIR PALTIN: Member Kama, did you need a follow up round?

COUNCILMEMBER KAMA: No. Thank you, Chair.

CHAIR PALTIN: Okay. I think...I think we're good. Thank you so much to our resources. We really appreciate folks making yourself available for our questions. And let's move on to deliberations. Votes. I'd like to start off with...on the votes. Our letter, our opening letter, we received from Director McLean when she transmitted the Draft West Maui Community Plan to us on January 19th, on the outstanding item regarding Concrete Batch Plants. I can just read it to you so you guys don't have to search it up on Granicus. Outstanding Items, Concrete Batch Plans. At the Committee's final meeting on December--and she's talking about, I believe, the Maui Planning Commission--final meeting on December 8th, 2020, a testifier from Hawaiian Cement and a testifier from Kā'anapali Land Management Corporation expressed concern that their concrete batch plants in Honokōwai are designated Park/Open Space in the Draft Plan. The Commission did not have a chance to consider the details of the testifiers' concerns, and requested the Department do research on the batch plants and their permits, and provide this information to the Council for its consideration. The following information is provided per the Commission's request. There is one conditional permit and one State special permit, SCP, for concrete batching in West Maui, on TMKs 4-4-001, portion 108, and 4-4-003, portion 001. These TMKs are currently in the State Land Use Agricultural District, designated Agriculture in the 1996 West Maui Community Plan, and zoned Agriculture. The State special use permit is valid until February 28th, 2022, ten

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years from its initial approval in 2012. And the conditional permit is valid until August 4th, 2032, 20 years from its initial permit in...initial approval in 2012. The Department's recommendation...the Department recommends that the Council take no action on this matter. Changing the Community Plan designation for the above parcels will not impact the operation of the batch plants. The permits are valid, and will remain valid, regardless of the Community Plan designation. And then we also did hear from, I think, Mr. Andrion and some other folks. I think Mr. Volner sent in written testimony. And you know, it was stated that, you know, the concrete batching plants, it needs to be in West Maui so that it could be used. You have anticipation of the bypass extension coming up, and possibly moving some of our roads inland, Lower Honoapi'ilani Highway...or Road, I'm sorry...near Ka'ōpala Bay, and whatnot. And there was concern on their part. For me, I'm open to having the Community Plan designation be Industrial, with the conditions that this should be only for the use of concrete batching plants. No other type of industrial use allowed, noxious fumes, and whatnot. But I'm open to what the Members...if there...if you'd like to discuss the matter at all. Member Sugimura.

COUNCILMEMBER SUGIMURA: So when you're ready, I'd like to support you and make an amendment to change the land use designation from Parks/Open Space to Industrial.

CHAIR PALTIN: For those TMKs that I stated?

COUNCILMEMBER SUGIMURA: Yeah. Um-hum.

CHAIR PALTIN: Okay. So moved by...was the amendment the motion to move it to Industrial?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR PALTIN: Okay. So moved by Member Sugimura. Is there a second? Member Lee. So it's been moved by Member Sugimura and Member Lee to grant conditional Community Plan Designation to change those two TMKs to Industrial, and the condition would be that only the concrete batch plant usage would be allowed. No other of the heavy industrial usages would be allowed. And this action would not affect the zoning. If they would like to change zoning in alignment with the Community Plan Designation, that would be a whole other step. But I'm hoping that this alleviates the concerns of those folks. Would...any discussion? Member Sugimura, followed by Chair Lee, followed by Member Sinenci.

COUNCILMEMBER SUGIMURA: I'm making this motion to support your recommendation. For the Members' information, it's about...approximately 1.666 acres. Thank you.

CHAIR PALTIN: Chair Lee, did you have anything as the seconder?

COUNCILMEMBER LEE: No further discussion.

CHAIR PALTIN: Okay. Member Sinenci, I saw you had your hand up.

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COUNCILMEMBER SINENCI: Yeah, thank you, Chair. I just had a clarification that if, under the current, or the proposed Public/Quasi-Public, can they still operate? And I believe they required a special use permit, or a conditional permit. Was this the one?

CHAIR PALTIN: Yeah. One of them has a conditional permit, and one of them has a State special use permit. And Director McLean said they can continue on without this change in Community Plan Designation, but there still was some apprehension on their part. And you know, concrete batching plants, if that's where it is, that's likely where it's going to be. And for me, I do see need for a concrete batching plant on the West Side with us planning to move some of the highways and the northern terminus that Mr. Fukunaga was saying. So I'm okay with it, with that conditioning language that it can't be used for all types of heavy industrial, simply restricted to concrete batching plants only. I believe when I asked some of the testifiers, they were okay with that restriction for concrete batching plant only. So seems like not too big a deal.

COUNCILMEMBER SINENCI: Okay.

CHAIR PALTIN: Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. If I could ask Corp. Counsel, is there a loophole with that? I mean, can we just restrict it specifically? I mean, even though that zoning-wise, I guess, you can do more than just what we'd prefer. I mean, can someone find a loophole with that?

CHAIR PALTIN: Mr. Hopper.

COUNCILMEMBER MOLINA: Because you never know how people can their change minds, yeah, down the road.

CHAIR PALTIN: Mr. Hopper.

MR. HOPPER: Well, first, I'd want to confirm with the Department that...you're changing it to Industrial Community Plan. So I'd want to confirm with the Department that concrete batching is allowed in the Industrial Community Plan Designation. I don't know that off hand. The second thing is, you know, doing...I don't know how often you've done conditional Community Plan changes. I guess this would be, what, a Community Plan Designation, and then you would have an area-specific policy added, or something along those lines, that would say area-specific policy: the area, describe it, can only be used for concrete batching. I mean, I can't say that's necessarily a best practice, although I don't think that it's necessarily illegal. It's not like a...it's not like a zoning condition. I mean, you put the language in the plan, and the plan is only enforceable as far as you would need your discretionary permits to do those things. If the zoning is still going to be Ag, then they would still need to get that special permit and have that in place under the conditions of the special permit. If they were to get a change in zoning to Industrial, which is what this designation

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would tell them they should...they should do really, then you could condition that as appropriate. You could...if that designation...didn't end up having that designation, it would...you could potentially do those additional uses. So the Council would probably want to condition a change in zoning to Industrial. Now, if you're okay with this continuing to be used as a...by conditional permit, and I don't know if there's a State special use permit involved in it too, another possibility is to have it designated as Agriculture and have them continue to do that, and look at a long-term redesignation of everything to Industrial or another appropriate classification. I think they would also need a State district boundary amendment to Urban, which is...it's just also a bit more of an extensive process. So, you know, I don't know how much this change in the Community Plan necessarily gets them to where they want to go. I think they'd still need to have all their permits renewed and everything like that. I think you could do it. It's not necessarily the typical way, to have Community Plan Designations with only one use allowed in the designation. I mean, that's not typical, but it's...you have done things like that in the Plan here, so I don't think you can't do it. But the other clarification I'd want is, what is the current Community Plan Designation of these areas? I think they had talked about it being proposed as Open Space, but I thought it was Agriculture, correct?

CHAIR PALTIN: I think the zoning is Agriculture, and one of them may be...let's see.

MR. HOPPER: I think you had said the testimony was based on the concern about it being designated Open Space at some point. And so I think you probably want to...generally want to avoid that.

MS. MAYDAN: Chair, I can provide...I can provide some more --

CHAIR PALTIN: Ms. Maydan, if you want to answer Mr. Hopper's question.

MS. MAYDAN: Yes. Thank you very much, Chair. So in the existing Community Plan, one of the batch plants is within a Project District. It's designated Project District in the Community Plan. The other one is Agriculture. And I want to make...I want to clarify something in our transmittal letter. In our January 19th transmittal letter, we mistakenly only listed one of the batch plants. We noted that there's one for Hawaiian Cement and--what is it--HC&D, but we only listed the TMK and the permit numbers for one of them. The other one is on a separate TMK with a separate conditional permit and a separate State special use permit. So they both have conditional permits, they both have State special use permits. And they are on...and I just want to make clear, because of the motion on the floor regarding the TMKs, they are on portions of these TMKs. Some of these TMKs are quite large. So they are on small portions...the existing operations are on small portions of these TMKs. And I think the last question Mr. Hopper had was does industrial Community Plan Designation, would that allow for something like a concrete batching plant? Yes, it would. But he is also correct that one of them is operating under...or they both are operating under conditional permits and State special use permits because they are zoned Ag.

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MR. HOPPER: Okay. And then the other question was what...there was a discussion about Open Space designations. Are they both currently Community Plan Agriculture and proposed as being Community Plan Agriculture, or was there a discussion, or similar to that?

MS. MAYDAN: Correct. In the Draft Community Plan, they are both proposed as Park/Open Space. One of them is within the Kā'anapali 2020...Kā'anapali Town North, in that area. So that area is Park/Open Space. And then the other one, I believe, is at the lower reaches of another Open Space area.

MR. HOPPER: Yeah, I would...I would think that if you wanted them to continue to use the conditional and special permits for...that are generally associated with agricultural designations, you would want to have those be Community Plan Agriculture, and then have them continue to get those permits. You could also have the Industrial designation as well, with your limitative condition. But I would...I would not think you would want to have them be Open Space, unless the use of the concrete...at least the portion that you'd have for...that you would want for the concrete batching plant, because I would think that would be considered inconsistent with the Open Space designation, unless I'm...unless I'm mistaken.

CHAIR PALTIN: Ms. Maydan. Or Deputy Director Hart.

MS. MAYDAN: Yes. This is why we included this in our Transmittal Letter, because this issue came up at the very last meeting of Planning Commission. And the two owners of the batch plants brought it up that they were concerned with these designations, and the Planning Commission just decided they were at the end of their process, they didn't want to deal with it. So they said, here you go, Council. So yes, it's absolutely before you to decide if a change...if it should remain as Park/Open Space as it is in the Draft Plan, and that the landowners can still operate under their conditional and special use permits that they have, or if you would prefer to change them to Industrial, or back to how they're designated in the existing Community Plan. Corporation Counsel Hopper mentioned Ag, so yeah. I would...definitely, ball's in your court to decide.

CHAIR PALTIN: Okay. Point of information, Ms. Maydan: do you have the TMKs for the second parcel?

MS. MAYDAN: Yes, I do. Shall I put it in the chat for you, or do you want me to read it?

CHAIR PALTIN: Can you do both so that it'll be in the record, and folks can see it in the chat, if that's all right?

MS. MAYDAN: Certainly. Certainly. So the TMK is Island Code 2, 4-4-002:039, and that's portion. And the special use permit is 2013...oh, I...slash 0021, and conditional permit 2013/0004, Ordinance 4189, expiration April 2034. I'll put all of that in the chat as well.

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CHAIR PALTIN: And I just had another point of information clarification. Mr. Hopper, when you said a district boundary amendment, I think these are very small parcels, as Ms. Sugimura has commented. One is like 1.66 acres. Doesn't the County have the authority under 15 acres to do the State district boundary amendment?

MR. HOPPER: Yeah. They would still need to apply for a district boundary amendment, but if it's...if it's under 15 acres, the County Council does have that authority to do that. I was...I was sort of mentioning, if you want them to continue to go through the conditional and special permit process--and by the way, the special permit process would also go to the Planning Commission and not the Land Use Commission if it's under 15 acres--then the agricultural designations could be retained, and they could continue to get those permits. The other option would be if you could designate it to Industrial, and then potentially they could seek a district boundary amendment to Urban, and a change in zoning to Industrial with conditions. I don't know if the Planning Department has a recommendation on that policy issue, but those are, I think, a couple of avenues for this use to continue, as far as I would see it. So, you know, I would think that Open Space would not be the appropriate Plan designation if the plan is to have that be...continue to be a concrete batching plant, because I would...I would not be sure if you could continue to get a special permit on land...if that would be consistent with the Community Plan. I mean, the Department, you know, I think, thinks that that's okay, but you may want to consider whether you want it to be Ag, or if it's Industrial, whether that's going to indicate you want to move for a more comprehensive redesignation.

CHAIR PALTIN: Okay. Deputy Director Hart, did you have something to add to this conversation?

MR. HART: Just that basically, it seems like the existing would be the least complicated situation in comparison to the alternatives that are being discussed. And the second part of that is that, you know, if the Council's looking at making regional land use designation changes, whether or not the uses are permanent, because these uses are typically operated as special permits throughout the County, whether or not you choose to indicate permanent designation changes based on temporary uses or not. So if the situation has been okay under the temporary permits, that might be the most convenient way to proceed.

CHAIR PALTIN: Okay. So my interpretation of what you said...or if I can paraphrase and see if I can put this in layman's terms. It's kind of wonky to give Industrial conditional Community Plan Designation, and Agriculture Community Plan Designation on Agricultural zoned land would make it easier for them to get their special use permit and conditional permit. Is that kind of what you said?

MR. HART: Basically, if they stay as they are now, they can continue to pursue the permits that they currently do have.

CHAIR PALTIN: What do you mean by stay as they are now? Sorry.

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MR. HART: They are...they are currently Ag is my understanding, in the existing Community Plan.

CHAIR PALTIN: Well, one is a Project District.

MR. HART: Excuse me. I apologize for that. So clarifying that...two things. So basically the Ag stays. The Community Plan Designation, you know, is the...how does that play into the overall Community...the Plan for Kā'anapali 2020, for instance? And...excuse me. What I'm trying to say is that leaving them as they are seems to be the least complicated process, as opposed to making permanent Community Plan Designation changes for these two uses that have operated under temporary permits.

CHAIR PALTIN: Okay. So your recommendation would be Community Plan Designation Ag, and that would make it easy for them to renew their special use permit and conditional permit.

MR. HART: I think that that would be a more appropriate approach than doing a permanent land use designation change now, because that would come with all the other steps that Mr. Hopper had discussed.

CHAIR PALTIN: Okay. Given that information, Member Sugimura, did you want to continue on with your motion?

COUNCILMEMBER SUGIMURA: I was actually, yeah, going to make a motion to change the land use designation from Parks/Open Space to Industrial to reflect and recognize existing industrial use. And what...you're right, what they have to do is go through these separate permits to comply with their actual land use that they're doing right now. So if I could, I would like to make that motion. And the two parcels...yeah, they are...one is Hawaiian Cement concrete batching plant, in operation since 1970 at the current location, and that one is past map key 2 4-4-002:039, and I think, Chair, you said portion, which is approximately 1.182 acres. So that's one. I have another one for the other parcel, which is HC&S...I'm sorry, not HC&S, HC&D.

CHAIR PALTIN: So you're withdrawing your previous motion that you had on the floor?

COUNCILMEMBER SUGIMURA: I think it's the same motion. No, I'm not withdrawing it.

CHAIR PALTIN: So same motion.

COUNCILMEMBER SUGIMURA: Uh-huh.

CHAIR PALTIN: And you're adding on the second batch plant TMK that Ms. Maydan read to us.

COUNCILMEMBER SUGIMURA: Okay. I don't know which one is which, but there are two. Sorry.

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CHAIR PALTIN: Okay. So the motion is to include the second concrete batching plant, and we just did hear from the Deputy Director...Deputy Planning Director Hart that it would kind of be less wonky to go to Ag designation and to have them continue the conditional permit and special use permit process. But you'd like to continue on with the Industrial Community Plan Designation, conditional?

COUNCILMEMBER SUGIMURA: Yeah. It's the actual use that they've been doing from 1970...and 1971. So they've been doing this a while in this community.

CHAIR PALTIN: And that would include language that allows only concrete batching plant. Okay. And I believe Ms. Lee was the second. Members, discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair.

CHAIR PALTIN: Oh, sorry. You're frozen on my computer. Member Rawlins-Fernandez. I see you on the *Akakū* raising your hand.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Mahalo. I turned my video off. I'll turn it back on again. I move to amend the main motion to designate both parcels Ag instead of --

CHAIR PALTIN: Okay. There's a motion to amend the main motion, to change it from conditional Industrial to Ag. Is there a second? Second by Member King. As the maker of the amendment to the motion, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think you explained it all, that basically we heard from Corporation Counsel and from the Department of Planning that their recommendation is to go to Ag so that we're not piecemealing this process. It would be easier for the entities that are on those parcels to continue with their special use permits. And then at the appropriate time, we would take up everything at once: Community Plan amendment, district boundary amendment, and zoning change, to stipulate that it wouldn't be industrial use broadly, but specific to concrete batching only. And that condition could be put on the zoning, which would run with the land. And if any other use were to happen on that, that it would be in violation of the law. So I'd prefer to take it all at once, together, and to go with the recommendation from the Department and Corporation Counsel to keep it in the Community Plan as Ag. Mahalo, Chair.

CHAIR PALTIN: Okay. Thank you. Member Molina, followed by Member Lee.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Based on the comments from Deputy Director Hart, I can concur with the proposed amendment from Member Rawlins-Fernandez. I mean, if they're...they can operate currently, even with this...the designation that they have, why would...I mean, I understand the intention is to try to make it Industrial, but it potentially makes it--as you say, Madam Chair--wonky, I guess...is that slang for cumbersome or difficult? And so why would we

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want to make it more difficult for the applicant? So I will support the amendment from Member Rawlins-Fernandez. Thank you, Madam Chair.

CHAIR PALTIN: Thank you. I inherited that terminology from Deputy County Clerk Krueger. She...he's a lover of the work wonky. Member Lee.

COUNCILMEMBER LEE: Yeah. That's because he is wonky. Anyway, the underlying zoning right now is Agriculture, right?

CHAIR PALTIN: Correct.

COUNCILMEMBER LEE: It's already Agriculture. We don't have to zone it Agriculture.

CHAIR PALTIN: No.

COUNCILMEMBER LEE: Okay. All right. That's fine with me. Thank you.

CHAIR PALTIN: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just for clarification. In the draft of document...this is Public/Quasi-Public? Page 83.

CHAIR PALTIN: No.

COUNCILMEMBER SINENCI: Not the purple --

CHAIR PALTIN: No. It's not really listed in the draft document because it was an afterthought after the Planning Commission finished. So it...that's why there was this like a opening letter to us from the Planning Department.

COUNCILMEMBER SINENCI: Okay. Okay. Thank you.

CHAIR PALTIN: And...oh. Chair Lee.

COUNCILMEMBER LEE: That's the second time he's asked about Public/Quasi-Public, so he's getting that from some place.

CHAIR PALTIN: There's a hospital in the middle of Kā'anapali 2020 that's blue. And I believe that's the Public/Quasi-Public. Or, it's not a hospital now, but it would like to be a hospital, just like Kā'anapali 2020 would like to be houses.

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: And you know, for me, I support them going through that route to change conditional zoning to concrete batching plant. I agree that we should take it all up at one time and not piecemeal it. If they want to come in and go for a change...conditional change in zoning, district boundary amendment, Community

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Plan amendment, and we can take it all up as once, I would not be opposed to it. I just...I have some Charter-mandated deadlines I need to get to first. And it would probably need to go through the Planning Commission and all that. So I'm in support of Member Rawlins-Fernandez's amendment...motion...amended...proposed amendment to the main motion. Any further discussion, or are we ready to vote?

COUNCILMEMBER SUGIMURA: I have a question.

CHAIR PALTIN: Yes. Member Sugimura.

COUNCILMEMBER SUGIMURA: So very interesting...so from what you just said, right. So you're saying that if we just leave things the way they are, then Hawaiian Cement and HC--I want to say and D--HC&D, yeah, both of them, the concrete batching plants, they would have to...if we just leave it the way it is, they would have to come back and have these conditional permits. But if we change it, it will make their process easier, if we change it to Industrial?

CHAIR PALTIN: No, it would make it harder because it's Industrial and Ag, Industrial Community Plan and Ag zoning. So it would make it harder because they don't align. If we change it from Park/Open Space and community...or not, what...Project District to Ag, then the Community Plan Designation and the zoning would line up, and so it would be easier for them to get the special use permit and the conditional permit. And if they want to make the permanent change to concrete batching plant, then they should come in for, all at the same time, a conditional change in zoning, a district boundary amendment, and a Community Plan amendment. Right now, all we're able to give them is the Community Plan Designation, and so the underlying zoning, the district boundary amendment wouldn't happen. And so they'd have a mismatch in their Community Plan designation and their underlying zoning, which makes it more difficult for them to get their conditional permit and State special use permit. When they're aligned, it's less complicated. So that's...we're trying to help them be less complicated. And if they want to make the permanent change, they should come in with it all at once, the conditional change in zoning, the Community Plan amendment, and the district boundary amendment, as a item on my agenda. And then we can take it from there, and put the appropriate conditions on the change in zoning as it runs with the land. Because the Community Plan designation doesn't have a mechanism that allows for conditions in Community Plan Designations in the same way that a change in zoning does that runs with the land. And that's why people were saying, it's kind of unorthodox to do that. Although we could, but it's just a lot complicated. Mr. Hopper.

MR. HOPPER: Just wanted to be clear. I know we mentioned the entire TMKs, and I think you clarified, but just to make sure that the motion will only refer to the...I guess, the areas that are currently subject to the...to the active permits for the uses. So the Department wouldn't have to go through and be able to sort of figure out where you wanted those maps changed. But just to make sure you're not changing the whole TMK to Ag, just the section dealing with the particular permits. And I know Deputy

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Director Hart's on here, and maybe he can clarify that. But I just wanted to make sure that you don't do that for the whole TMK if it's not the intention.

CHAIR PALTIN: Yeah. Member Rawlins-Fernandez, are you okay with that as a friendly amendment for the TMKs, as mentioned in the conditional and State permits. Friendly amendment.

COUNCILMEMBER RAWLINS-FERNANDEZ: A clarification of my motion to amend, yes.

CHAIR PALTIN: Okay. That's the clarification. Deputy Director Hart.

MR. HART: Chair, thank you. I just wanted to clarify my statements. I don't think that having Industrial Community Plan Designation would make it more difficult to get any conditional permits or special permits. What I was trying to say is that if you are...these are generally viewed as temporary uses, the conditional and special permits. And so what I was trying to say is that, you know, if you've taken a lot of time to vet a specific issue, that's fine, and you want to designate them Light Industrial, or Heavy Industrial for that matter, but what I was trying to say is that, generally, you know, land use designations based on something that's established by a temporary permit doesn't necessarily have to be the case, because those temporary permits type uses can be moved, for instance. So if you're certain that you want to have the Industrial use in these areas of West Maui, then Community Plan designation and long-term zoning is the appropriate thing. But if you're not necessarily sure, then what might happen is that the conditional permits or the special permits might not be extended, and then they relocate away from people to a place that's more appropriate. That's really what I was trying to say about the Heavy Industrial component. But I do think if it was designated in the Community Plan, it would potentially support the extension of permits, but it would also come with the requirement, probably, that the permanent land use designation changes get done.

CHAIR PALTIN: Thank you for clarifying that.

MR. HART: Thank you.

CHAIR PALTIN: Okay. Ready for the question, Members, on the motion as...or the amendment to the main motion, sorry. All those in favor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay. All those opposed, raise your hand and say, "no."

COUNCILMEMBER SUGIMURA: No.

CHAIR PALTIN: Okay. Motion...amendment passes eight to one, Member Sugimura.

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

NOES: Councilmember Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED TO AMEND AMENDMENT.

CHAIR PALTIN: So now we're on the main motion, as amended. All those in favor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: All those opposed, raise your hand and say, "no."

COUNCILMEMBER SUGIMURA: No.

CHAIR PALTIN: Okay. The motion...main motion, as amended, passes eight, one, Member Sugimura.

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

NOES: Councilmember Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT, AS AMENDED.

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CHAIR PALTIN: Okay. Next up on the changes, Subarea 2. Maui Planning Commission DHHL Honokōwai added three missing parcels to the project boundary. That sounds right. On the MPC, a change that was made from the CPAC version is area south of and adjacent to the Lāhainā wastewater treatment facility was changed from Employment Center to Industrial. I would prefer the CPAC version of Employment Center. Employment Center supports Light Industrial, B3, P1, P2, PK, OS1, and OS2. Any discussion? Or I'll entertain a motion. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I move to designate that area to Employment Center from Heavy Industrial.

CHAIR PALTIN: Seconded by Member King, to revert the Industrial designation by the south of and adjacent to Lāhainā wastewater treatment facility back to Employment Center. Been moved by Member Rawlins-Fernandez, seconded by Member King. Any discussion, Members? Seeing none, I'll call for the question. All those in favor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: All those opposed, raise your hand and say, "no." I got that unanimous.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Okay. So I think the only big change left, the elephant in the room, is Kā'anapali 2020, and I guess I've got to say I support the CPAC version from the original map that Mr. Fukunaga had shown us, where they had single family, multi-family and whatnot. I don't see a need for Light Industrial, which was the red portions that he had shown. I think, you know, Small Town Center is okay. I'm okay with the area to the south, at least for the duration or the lifespan of this Community Plan, which is ten years with a vision towards twenty years. I'm okay with that, seeing that they were planning on starting construction either Pu'ukoli'i Village

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Mauka, which is fully entitled, or coming in from the north. You know, this project has been in the works for at least 30 years. You know, there are living Kā'anapali 2020 members on both sides of the issue. Spoke to Uncle Walla Delos Reyes, Uncle John Kuia, who were original members, and they love the idea of Hanakao'o Mauka. They shared with me, Charlie Fox, who was one of the original proponents of a master plan, was really about the community having a voice. And while I respect those that put in so much time and effort and passed away, it's my understanding that we're planning for those that are living, and in the context of what is going on right now with sea level rise and whatnot. So I mean, we can revisit once the life of this Community Plan is over in ten years, or if we're still behind in twenty years, but for that life cycle, I'm okay with the CPAC's vision of the area. Small Town Center does allow for B2 zoning, BCT zoning, B1, A1, SBR, P1, P2, PK, PKGC, OS1, and OS2. And from their original plan, it seems as though that's what they were considering, that one map with all the single family, multi-family. I mean, as Mr. Fukunaga said himself, originally, they were talking about hotels, and then they changed that. So this is another change, and it's a give and take. As Small Town Center is considered an upzoning from Ag, and Open Space is considered maybe a downzoning from Ag, I think we're giving a lot more than what we're taking, if you want to put it in those terms. So my recommendation, outside of that small Ag portion for the batching plants, would be the CPAC version of the map, which I believe, for the most part, is the same as the Maui Planning Commission version. And being that the CPAC and the Maui Planning Commission were in alignment, except for that area that we just reverted to Ag, I think...I think I . . .*(inaudible)*. . . Can you guys hear me?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

VICE-CHAIR KING: We can hear you. We can't see you though.

CHAIR PALTIN: Okay. I guess we have a glitch in our network there. But I'll entertain a motion for the CPAC, MPC version of the maps --

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

CHAIR PALTIN: -- other than that one area of Ag for the batching plants. Moved by Member Rawlins-Fernandez, seconded by Member King. Discussion, Members? Member Rawlins-Fernandez as the movant.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think I'll just echo your comments.

CHAIR PALTIN: Thank you. Member King as the seconder, any comments?

VICE-CHAIR KING: Well, I'll echo Rawlins-Fernandez, who echoed your comments.

CHAIR PALTIN: Okay. Chair Lee, I saw your hand up.

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COUNCILMEMBER LEE: I'll be voting no, because I don't believe that Kā'anapali 2020 sees this as a win-win. It's more like a lose-lose for them, because this is not what they wanted. And I...I'm always cautious about lopping off large portions of people's lands and downgrading them. So...which is happening in this case. So I will be voting against this proposal, this motion. Thank you.

CHAIR PALTIN: Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: I too...I think we heard from Mr. Fukunaga and...so can we have Corp. Counsel talk about this? I think we're at a same kind of situation about that word that we all don't want to use that's called a taking. So can we have Corp. Counsel comment?

MR. HOPPER: Yes, Chair. Again, if you want to do this...oh, sorry. I don't know if Chair is on the line actually.

CHAIR PALTIN: Let me try --

MR. HOPPER: Okay.

CHAIR PALTIN: -- start muting some folks that aren't talking. Oh, it looks like everyone's muted now. Okay. Go ahead. Try now.

MR. HOPPER: Okay. Again, I'm not comfortable doing the analysis in open session. I'm not saying you shouldn't go to Executive Session. I can give you advice on this topic, and if it's important, we should definitely...if it's important to you to hear that advice, I think it's important to discuss that. So if...I understand there's a timing issue, but I mean, if that...that's several times this has come up, so I think we can perhaps discuss this issue if you would like.

CHAIR PALTIN: I'd like to hear from Mr. Raatz. We...I don't believe we agendized a Executive Session. Is there a problem if somebody makes a motion to go into Executive Session with that not being agendized, Mr. Raatz, if you're there?

MR. RAATZ: Thank you, Chair. The Sunshine Law does say, if at the time a meeting agenda is posted that an Executive Session is anticipated, it should be noticed on the meeting agenda. But if you didn't have that anticipation, you're not precluded from nonetheless going into Executive Session if something arises at the meeting.

CHAIR PALTIN: Okay. So Members, quick poll: how...what are Members' feelings about going into Executive Session? It wasn't anticipated at the time the agenda was posted. Informal poll: who would like to go into Executive Session now? I see three Members, four Members. How many do we need to go into Executive Session, six? Oh, okay. So it looks like we don't have the number needed to go into Executive Session. Member Kama, do you have a question?

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COUNCILMEMBER KAMA: I do, Chair. Thank you. I will be voting in opposition of this particular motion, only because it's really difficult for me to make a decision on something that I'm thinking I don't have enough information on. Without going into Executive Session to figure out what am I...what do I not know, or what should I know, tells me that something's missing. And I'm going to be making a decision about something I may not know, or that I should've known. But that's just my comment, Chair. Thank you.

CHAIR PALTIN: Okay. I won't stop you from making a motion to go into Executive Session, but I don't believe we have the votes.

COUNCILMEMBER KAMA: Correct. Thank you, Chair.

CHAIR PALTIN: Okay. All right. So Member Sugimura.

COUNCILMEMBER SUGIMURA: So the reason that I would like to know about this is because...the one question I always wonder is that if we don't know what our legal parameters are and the County gets sued, is the Council protected from being sued personally, or are we giving up that right because we're going to be making a decision with partial information? So those are the kind...that's what I think is important as a Member of the Council representing the County, as far as Executive Session and this issue.

CHAIR PALTIN: The only thing I guess I can comment is that Corporation Counsel signed off on the draft version that was transmitted to us, as to form and legality, and I got to say that I trust their judgment, and they wouldn't let us vote on things that are not...that are going to get us sued because that's kind of their job is to keep us from getting sued. Deputy Corporation Counsel Ms. Chen signed off on the version that was transmitted to us, and the version that was transmitted to us does have it as CPAC and MPC version. So that's what I'm basing my decision on. I understand...and I think that there isn't anything precluding Members that would like to make an appointment with Corp. Counsel to get the information that they need. So all those in favor of the motion...there was no further discussion, right? Did anyone need more discussion? Okay. All those in favor of the motion, raise your hand and say "aye." Or was that a question, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: It was just a quick comment.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I was just going to say that I'm not...I'm not opposed to going into Executive Session. I'm not convinced it would change anyone's minds, but I'm not opposed to Members, you know, seeking legal advice from our Corp. Counsel. So that...that's all. That's all I was going to say. Mahalo, Chair.

CHAIR PALTIN: Thank you. All those in favor of the motion as stated, raise your hand and say "aye."

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information that I added was Peter Young, Ho'okuleana BlogSpot. And Member Molina, you wanted to add in Māhinahina?

COUNCILMEMBER MOLINA: Yeah. I mean...yeah. Thank you, Madam Chair. I think if...I don't see any harm in doing so. And if I'm correct, Māhinahina's like an unincorporated community, yeah. I don't know if Corp. Counsel can clarify that. But if it's...and I guess it was not intended for Māhinahina to be left out, as Ms. Maydan had stated to us earlier. So...and Madam Chair, as the area representative, you're fine however you want to include that...Māhinahina into your proposal. I think would be best to include it in this. Of course, that's my opinion.

CHAIR PALTIN: Yeah, yeah. I believe Māhinahina is the name of that area --

COUNCILMEMBER MOLINA: Right.

CHAIR PALTIN: -- around the Kapalua Airport. So I would have no objection, as a friendly amendment, to just say communities of Māhinahina, Kahana, Honokōwai, and Kā'anapali. That...just adding in Māhinahina there. I don't have a problem --

COUNCILMEMBER MOLINA: Okay. Would you like me to make the motion on your behalf?

CHAIR PALTIN: Sure.

COUNCILMEMBER MOLINA: Okay. I move, based on the language, as stated by the Chair, for this amendment. Thank you.

COUNCILMEMBER LEE: Second.

CHAIR PALTIN: Okay. Moved by Member Molina, seconded by Chair Lee, to amend the wording on page 68 as described. Any further discussion needed? No? All right. Oh, Member Kama.

COUNCILMEMBER KAMA: Chair. Yeah. I just wanted to know, how many acres of land are we talking about, and who owns the land? Do we own it?

CHAIR PALTIN: For Māhinahina or Subarea 2 as a whole?

COUNCILMEMBER KAMA: Māhinahina.

CHAIR PALTIN: Oh, I don't know the exact boundary, metes and bounds, of the area that is referred to as Māhinahina. I don't think the County owns much of it. I mean, the airport is there. That's, I believe, the State, and I think Pulelehua will be built in that area. That's owned by Paul Cheng Oceanview something. And then I think Ms. Makekau owns some, and possibly Maui Land and Pine. Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. According to Google--I just kind of looked this up--it says, community has an area of 6.708 square miles, of

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which 6.699 square miles is land and 0.009 square miles is water. And it is an unincorporated community and census-designated place on the Island of Maui.

CHAIR PALTIN: Nice.

COUNCILMEMBER MOLINA: And its population, as of 2010, was 880 people, okay. So that was 11 years ago.

CHAIR PALTIN: Wow.

COUNCILMEMBER MOLINA: Just an FYI. Learned something today.

COUNCILMEMBER KAMA: Wow. Interesting.

COUNCILMEMBER MOLINA: Yeah.

CHAIR PALTIN: I hope that satisfies your curiosity, Member Kama.

COUNCILMEMBER KAMA: Yeah, it does. Thank you. Thank you.

CHAIR PALTIN: Okay. Any further questions or comments, discussion on this matter? I do not see Member Johnson or Member Sugimura, but we can still take the vote. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Member Sugimura...okay. So I see three, six, seven, eight, one excused, Member Johnson. And that concludes our Subarea 2.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Johnson.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Members, I think you've earned yourself a little recess.

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UNIDENTIFIED SPEAKER: Recess?

CHAIR PALTIN: And then we'll finish up with our last Subarea 1, which hopefully won't be that that long. How about ten minutes? Yeah?

COUJNCILMEMBER LEE: Okay.

CHAIR PALTIN: We're making good progress, gang. I knew you could do it. Okay. Ten minutes. We'll come back at 4:10. Committee is in recess. . . .*(gavel)*. . .

RECESS: 4:00 p.m.

RECONVENE: 4:14 p.m.

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use recessed meeting of June 14th return to order? The time is 4:15, Members. We're on the home stretch. We're in our last subarea, Subarea 1. And I believe . . .*(inaudible)*. . . got my zoning and whatnot. I think the big elephant in the room here that we need to dive right into is the Plantation Estate Lot Owners Association, Plantation Estates, Honolua Ridge. The CPAC recommended that it stay within Agriculture. The Maui Planning Commission, I believe, only designated the Plantation Estates portion in Rural, but they had...there was some confusion. And I will concede that Plantation Estates and Honolua Ridge is one community, and if Maui Planning Commission meant for it to be Rural, that they...the intention, although they might not have fully understood, was both. I think what we need to discuss here...so this is...this is an area where the Maui Planning Commission and the Community Plan Advisory Committee came to a split, and it's my contention that this is a policy decision that we need to make as a Council. I recall when Plantation Estates and Honolua Ridge was being built, overlooking Honolua Bay, and it was proposed as an Agricultural subdivision. As Members of Plantation Estate stated, there was no Rural designation at the time, and if there had been a Rural designation, you could bet that a lot of community members would have given testimony on it. As it is, an Agricultural subdivision can be done without any kind of public input. So that's what happened. This land was developed, I believe, by Maui Land and Pineapple as an Agricultural subdivision. You've seen several iterations of the CC&Rs, where initially they only allowed Cook Pines in the easement, and I believe from there, the State said that, you know, in agriculturally-zoned land, agricultural use subdivisions, you can't restrict farming. And so the CC&Rs, as they are today, are not able to restrict farming, as they are in a Rural subdivision. And I think, you know, the points that were brought up by the testifiers that, you know, there's no...not adequate water, and there's black plastic, that can apply to pretty much all of Maui. You know, every agricultural lands that were in pineapple or sugar cane, Honokōwai, DHHL, Ag lots, homesteads, all of it has remnants of plantation operation. And a lot of Agricultural subdivisions grapple with water, as we heard Kamehameha Estates...Kamehameha Schools Bishop Estates also have the same problem. So to me, it...it's really a policy decision that's going to affect the County. If those are criteria by which we allow Agricultural subdivisions to

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be taken out of Ag subdivision status, then we'll be populated wildly with gentleman estates. There were...there were comments made when we watched the Maui Planning Commission, statements made by Commissioner Hipolito really kind of were a turning point in my making of a decision. When he spoke as a former Maui Land and Pine employee, of farming that area up there, and when he spoke of the winds converging from the mauka and makai, and the mist that it created, and you know, just...you hear the nostalgia of how he talked about farming those lands. That was a turning point for me in not being able to make a decision to being able to make a decision. And so my recommendation would be to remain in Ag. Another conversation that I witnessed at the Planning Commission was, you know, calling a duck a duck, and letting it walk...if it looks like a duck, walks like a duck, quacks like a duck, it's a duck. And then subsequently, soon after recommending Rural designation, they started putting additional restrictions on the Rural designation that they gave. So it doesn't clearly fall specifically into Ag or Rural, because you need additional size limitations that they gave through the Maui Planning Commission. So that would be my recommendation is the CPAC version of the...this area, but I'm open to having any kind of questions first for our resources. I think the Planning Department's recommendation was Agriculture as well. If there's any questions for the Planning Department or our Corp. Counsel, now would be the time. Chair Lee.

COUNCILMEMBER LEE: Yeah. Question for Planning Department. Could you give us the pros and cons of Rural versus Ag?

CHAIR PALTIN: And sorry, let's...because I know everybody wants to get home in a timely fashion, let's put a two-minute clock on these...this section, Ms. Stewart, if you could.

COUNCILMEMBER LEE: I took ten seconds.

CHAIR PALTIN: No, we'll start your clock when the Planning Department comes on, if that's okay, Ms. Stewart.

MS. STEWART: Yes, Chair.

CHAIR PALTIN: Okay.

MR. HART: Chair, in summary, basically, the Ag...the Ag zone is directly related to agricultural operation, and it has larger minimum lot size. The Rural area doesn't really have a obligation to perform ag, but you have the option to do that on your property with some limitations. And then there's basically a little bit more density that's possible to achieve.

COUNCILMEMBER LEE: Yeah. Now I...now I remember. Lots of people who live there in that area said there is really no...kind of the topography there, the soil, everything is not...does not lend itself to agricultural operations. Is that true or no?

MR. HART: Jen, I'm not sure if you have any specific information about the soil quality or anything like that for this location. You have that handy?

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MS. MAYDAN: Thank you, Chair Lee, for your question. I do not have the soil classifications handy. We could pull that up if necessary. But I will point out that this land was, of course, formerly planted in pineapple, and there currently is an active ag operation in the mauka portion of this subdivision, and they are...as far as I understand, they are quite successfully doing agricultural operations.

COUNCILMEMBER LEE: One lot out of how many?

MS. MAYDAN: There's one that is a commercial ag operation. There are others that have planted various citrus and other fruit trees.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR PALTIN: Okay. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I just...I'm looking at Subarea 1. I was just wondering if you could point out where specific the Plantation Estates is located.

CHAIR PALTIN: Sure. If you look in kind of the middle on page 67, there's a portion that's bounded by a green...a blue dotted line, which is the Maui Island Plan Rural Growth Boundary. And that's the area that we're talking about. In this map, I believe they only designated the Plantation Estate portion to be Rural, and it...I'll concede that they meant for the entirety, which is Honolua Ridge as well as Plantation Estates. So the Rural Residential is depicted by that tannish type of color, and it should probably be more than what it currently is.

COUNCILMEMBER SINENCI: Oh. The little --

CHAIR PALTIN: The dark green portion.

COUNCILMEMBER SINENCI: The small sliver, tanned area, is the Estates?

CHAIR PALTIN: It...within the blue outline.

COUNCILMEMBER SINENCI: Yeah. And is this the same location of the...I guess the Kapalua Hotel and Golf Course?

CHAIR PALTIN: No. Kapalua Bay Hotel is down by Kapalua Bay, which is just south of Nāpili Bay, and then the area south of that with the red outline would be Kapalua Mauka.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

CHAIR PALTIN: Sure thing. Member Sugimura.

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COUNCILMEMBER SUGIMURA: . . . *(inaudible)*. . . Kindred came and testified...Kindred...yeah, Kindred came and testified last--was it last week--and as well as to...in previous meetings, just trying to get this corrected, but he's the Plantation Estate Lot Owners Association, what they're asking for is the Rural designation instead of Agriculture. So Members, I think we heard the discussion. So I want to make a motion, Community Plan map to reflect all of Plantation Estates being changed from Agriculture to Rural Residential. And that was the request that he had.

CHAIR PALTIN: Oh, Member Sugimura, I was giving each Member two minutes to ask questions to Corp. Counsel and Planning before we make motions.

COUNCILMEMBER SUGIMURA: Oh, sorry.

CHAIR PALTIN: Did you have any questions for Planning or Corp. Counsel? Okay. Member King.

VICE-CHAIR KING: Well, thank you, Chair. I was just wondering if we still had Ms. Nishiki on the line, on the meeting, so we can get the CPAC perspective.

CHAIR PALTIN: Let me check. She is still on the line. I watched a lot of this, and I think, you know, the most...if you'll allow me to answer the question, I think the most telling moment of the CPAC was Committee Member Ravi Bugga, who lives somewhere in Kā'anapali Estates. And he said that, you know, he was offended by this request, because when he was purchasing a property here in West Maui, he did his due diligence. And he looked at Plantation Estates, and he looked at the Agricultural designation, and he said no, I don't want to do agriculture. And so he didn't purchase land in Plantation Estates, he purchased in Kā'anapali. And I think that was...I mean, the feeling was that, you know, we were kind of...coming into this pandemic, we want more land in agriculture for agricultural uses rather than gentleman estates, and you know, it's about doing your due diligence in purchase, what the definition of an Agricultural subdivision is. I'm open, if Ms. Nishiki can hear us, if she would like to add on anything to that comment about the CPAC's discussions?

VICE-CHAIR KING: I don't see her. But so what you're saying is that...I'm not really sure what you're saying. You told me that he was offended. Was he...was he saying that he wants it to stay in Agriculture?

CHAIR PALTIN: Yeah, he would.

VICE-CHAIR KING: Because that's what it was when he decided not to move in because he didn't want to become a farmer, what I'm hearing from you.

CHAIR PALTIN: Yeah. He was offended that folks would buy into an Agricultural subdivision, and then proceed to change it to Rural. And this was, I would say, one of the most contested issues of the entire process, was Plantation Estates. It

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garnered...it actually kind of dominated the discussion of CPAC and a lot of the testimony. But --

VICE-CHAIR KING: So would you say that the folks that were...that were living there were predominately in favor of changing it, but the folks that weren't wanted to keep it in Ag?

CHAIR PALTIN: Yes. I would say the community predominately wanted it to stay in Ag. Predominately, those who owned property wanted to change it to Rural.

VICE-CHAIR KING: Okay. And there was no move to change it to Rural when it was being developed, to rezone it, it was developed under the Ag zoning, correct?

CHAIR PALTIN: It is my understanding that Rural Residential wasn't in existence at that time. If it were, it would have to go through a public process, like I said. And I imagine the entirety of our community that...you know, a little bit of contextual history. When the General Plan first was being discussed, that was the impetus of the Save Honolua Coalition, when Maui Land and Pine was discussing their plans for luxury homes. And that was what caused the creation of the Save Honolua Coalition, the disgust of those luxury homes. We were able to fill the Council chambers with people wearing Save Honolua shirts, and we also watched the development of Plantation Estates in Honolua Ridge and all the red water running off into the bay during the development. So if Rural designation was an option at the time, I imagine scores of testimony against it, but that's just some historical context. When they --

VICE-CHAIR KING: It looks like we have Ms. Nishiki on now, so maybe we can answer.

CHAIR PALTIN: Oh. Ms. Nishiki, would you...Ms. King, will you repeat your question? I'm not sure if she had heard it.

VICE-CHAIR KING: Yeah. I just wanted to get your thoughts on the CPAC's position on, you know, the requested change to Rural. I think I pretty much heard it from Chair Paltin, but if you want to give your perspective.

MS. NISHIKI: Yes. I concur with Chair Paltin. She attended all of the meetings. And actually, my father had a stroke right at this time during the Community Plan process, so I actually missed the first vote on this. But I think that was probably part of the issue, is that we had...you know, I was out, and there may have been other members missing at certain times. So we couldn't get the majority. But for the most part, testifiers who weren't living within Plantation Estates, the community definitely supported the Ag designation, and were concerned about the precedent that it would...that it would set, that you know, it was bought in Ag, it should be retained in Ag. And some members of the community thought this was...that it's all about...it's all about money. They just...they just want the designation so they can grow infinity pools and mansions and things that our community doesn't really need. We support ag. We...there's a very large farm in there, Hua Momona Farms, and there...you

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know, that's what we need to be supporting. They're doing great. Please, we support ag.

VICE-CHAIR KING: Okay. Thank you. Thank you for that. Appreciate it. Thank you, Chair.

CHAIR PALTIN: Thank you. Member Sinenci, followed by Member Kama.

COUNCILMEMBER SINENCI: A follow-up question on Member King's. You know, so if they're changing from Ag to Rural, I was just curious, what are the comparisons between their land values between Ag and Rural designations? That increase --

CHAIR PALTIN: Is that a question for me?

COUNCILMEMBER SINENCI: Or Ms. Nishiki.

CHAIR PALTIN: Oh, okay. Ms. Nishiki, did you hear the question?

MS. NISHIKI: Oh, I don't think that I'm qualified to answer that question. And we weren't, you know, exactly looking at what the...what the difference in price was.

COUNCILMEMBER RAWLINS-FERNANDEZ: I think that might be a more appropriate question for the Department.

CHAIR PALTIN: Okay. I can kind of add on to that a little bit that we did question...or the question was raised to the Plantation Estate Lot Owners Association, which includes Plantation Estates and Honolua Ridge, that this could possibly raise their land values, and thus raise their property taxes, and they were okay with paying more property taxes for the raised land value.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

CHAIR PALTIN: Any further question? Was that it? Oh, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. To dovetail off of that comment of raised property taxes, it would raise the property value for sale as well. So if sell it, it go for a higher price, because it's basically being upzoned. But it's just designation, it's not zoning.

CHAIR PALTIN: Yeah. And to add onto that, their intention was to go for the zoning, and I guess their consultant said that this was the first step in that process. Was it Member Lee?

COUNCILMEMBER LEE: Yeah.

CHAIR PALTIN: Followed by Member Molina, I believe.

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COUNCILMEMBER LEE: How many times was a vote taken on this issue? It sounded like, perhaps, there weren't enough votes the first time?

CHAIR PALTIN: Okay.

COUNCILMEMBER LEE: People kept voting on this until you won?

CHAIR PALTIN: Okay. So I think that it never was won, it was the Planning Department's recommendation that it remained in Ag. And I believe there was 13 members on the CPAC, and for a winning vote you needed seven members. And not all the members attended all the meetings. And so the notes from the CPAC growth framework vote says Plantation...failed votes, Plantation Estates. Motions to change designation to Rural Residential and motions to approve Department's recommendation of Agriculture both failed. So I think they didn't hit the seven member mark because of the absences.

COUNCILMEMBER LEE: So essentially, there's no official endorsement by the CPAC on this issue by a majority.

CHAIR PALTIN: Well, all...yeah. All the issues on the CPAC were if they couldn't reach a majority vote of seven at one time, it was defaulted to the Planning Department's recommendation. That's not just for Plantation Estates, that's for the entirety of all the maps.

COUNCILMEMBER LEE: Can we get a list of those from the Planning Department, where there was a default vote?

CHAIR PALTIN: We did get it. It's under the document CPAC Growth Framework Votes. But that's the only one of their subareas that I see that says failed votes.

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: There's some passed votes not unanimous, and consensus or unanimous votes, but that's the only one I see on this document that says failed votes.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR PALTIN: You're welcome. Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. So could continue on this, I guess documentation or historical analysis of the votes. I mean, if the Department can kind of add in what were the--if they have that information--what were the exact votes and just, you know, maybe further confirm what Ms. Nishiki has told us.

CHAIR PALTIN: Okay.

COUNCILMEMBER MOLINA: I'm just curious.

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CHAIR PALTIN: Ms. Maydan.

MS. MAYDAN: Thank you, Member Molina, for your question. Yes, Chair Paltin represented the situation correctly, that the CPAC did take two votes on Plantation Estates; one to confirm the Department's recommendation of Agriculture, and one to change the designation to Rural Residential. And both of those votes failed to get a necessary majority of the CPAC. And so from the very beginning of the process, the CPAC was looking at the Planning Department's recommended maps, and so that was the baseline they were going from to make changes. So if there were areas that the CPAC did not address, did not try to make a change, then those went forward with the Department's recommendation, and same where there were areas where there were failed votes, this being the one example where there was failed votes in either way for Ag or Rural Residential. So there was no change to the map. Therefore, the map changed as Ag, as put forth by the Department.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Ms. Maydan. So I know in terms of the Public/Quasi-Public, it's very limited in that Subarea 1, the Kapalua region. But just in general, what was the reason again, why the Planning Department decided to just leave it as Ag?

MS. MAYDAN: Yes. Thank you for your question. So this absolutely was a point of discussion with the community, with the CPAC, all the way through the process. I think this has been the most discussed item in the Community Plan, whether this area should be Rural Residential or remain as Ag. So the Department took this very seriously in weighing this, because of course, there are areas outside of this Community Plan area, as we move forward with updates, where we are going to continue, and the Council is going to continue to grapple with this issue. We ultimately came . . . *(timer sounds)* . . . forward...we came forth with the Department's recommendation to leave it as Ag because we did hear very loud and clear from a lot of folks in the West Maui community that it was important for them to retain this area in Agriculture. Even though it is developed, and the...and many of those lot owners within there would like the change to Rural Residential, the greater community voiced the concern with changing to Rural Residential, and they felt that it was important to retain the area in Agriculture.

COUNCILMEMBER MOLINA: Okay. Thank you very much for your response, Ms. Maydan. Thank you, Madam Chair.

CHAIR PALTIN: Okay. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So I think I have a question for the Planning Department. So I wanted to ask, at the time of this purchase of all of these homes out there, or these lots, what was the commitment for agriculture?

CHAIR PALTIN: Ms. Maydan.

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COUNCILMEMBER KAMA: Time's depleting.

MS. MAYDAN: Oh, I'm sorry. I think I muted myself. Thank you for your question. So as with anyone purchasing Ag land and wishing to pursue development on Ag land, you have to follow our Ag zoning district regulations. So as outlined in State Agriculture and our County Ag zoning, the predominant use is agriculture, and you have to prove that. And your development of structures on the land are limited to what is allowed within our Ag zoning.

COUNCILMEMBER KAMA: So did the...did the homeowners not prove that when they purchased their properties back then?

MS. MAYDAN: They --

COUNCILMEMBER KAMA: And if we change the designation, what's going to change? Are they now going to become commercial farmers now, or are they all just going to continue on with their gentleman estates as they already have done? I just want to know what's going to change. How is that going to get more housing or how is that going to increase ag on those lots?

CHAIR PALTIN: Ms. Maydan.

MR. HART: Chair, maybe I can answer some of that.

CHAIR PALTIN: Okay. Mr. Hart.

MR. HART: So the time that agricultural use is verified is at building permit issuance. So basically, pursuant to State law and County Code, you can have one farm dwelling on an Ag lot, and then one other farm dwelling not exceeding 1,000 square feet. So the point being that all dwellings in the farm district are farm dwellings. The County had different processes of verifying agricultural use through the various years. So it would depend on when each of these individuals got their building permit, which process they went through to verify the agricultural operation. You know, what would change if this were to go to Rural is that basically when they came in for building permits in the future, there would be no need to verify what percentage of land was in agricultural use or anything like that. Then what other things they might choose to do, I don't have any input on that.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR PALTIN: Let's see. Did everybody get an opportunity to ask a question if they needed to? I think Member Sugimura said she didn't have a question. Member Johnson, do you have a question? Or I'm not sure if Member Rawlins-Fernandez asked a question.

COUNCILMEMBER JOHNSON: Thank you, Chair. My question has been answered.

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CHAIR PALTIN: Okay. All right. So no further questions? Not seeing any hands raised. Okay. Member Sugimura, now would be the time.

COUNCILMEMBER SUGIMURA: Thank you. So I make a motion for the Community Plan map to reflect all of Plantation Estates being changed from Agriculture to Rural Residential.

COUNCILMEMBER KAMA: Second.

COUNCILMEMBER SUGIMURA: That's my motion.

CHAIR PALTIN: Do you want to clarify that as Plantation Estates Lot Owner Association? I think that's the problem that they ran into at the Planning Commission.

COUNCILMEMBER SUGIMURA: Oh, because of the...yes.

CHAIR PALTIN: Because Plantation Estates is one phase, Honolua Ridge is the second phase. So friendly amendment to Plantation Estate Lot Owners Association. Been moved by Member Sugimura and seconded by Member Kama. Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: We heard testimony from the residents and the Association, but I think what's happening here is the reality of what's happening, which is they're Rural...they're Residential, sorry. And I think there's one...if I remember, there's one nursery there, or one ag use there. And yeah, people might plant, you know, fruit trees or whatever in their yards, but I see this Upcountry, where you have people who are designated Ag and have to figure out how to do ag because it's...you know, that's what they have to fit into, but they're not necessarily ag. And I see this Plantation Estate community the same way, where they're really a residential community. And yep, if we change it, then their highest and best use would then go to higher taxes. I mean, that would be part of it, but this is my motion and my reason. Thank you.

CHAIR PALTIN: Member Kama as the seconder.

COUNCILMEMBER KAMA: Thank you, Chair. I went and did a tour of that place, and I went to go visit the farm. Well, the only thing I liked about that farm, besides the fact, was that it was flat. That was probably one of the flattest lots I have ever seen in that place. Everybody else was on a rolling hill somewhere, lots of gullies, lots of gulches. And I see the same thing up in the Upcountry Waiohuli, Keokea area too, where those are all Ag lots, but half of the Ag lot is in a gulch or in a gully. You can't farm like that. So my sense is that they've been living as Residential homeowners for the longest time, and they have identified that this is what they would like their designation to be. I'm not seeing the harm in allowing that designation to continue as they have requested. So they're saying, we believe that we are more Rural than we are Ag, and we know that we're going to have to pay for it, and we're willing to do that. And I'm saying, well, are we willing to do that? I am, and I'm just not certain

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why we would not want them to do that, because I don't see many of them growing any more on their lots than they already have in terms of the bananas, and papayas, and the flowers and the foliage, and all of those other things. So that's my comment, Chair. Thank you.

CHAIR PALTIN: Thank you, Member Kama. Anybody else? Member Molina.

COUNCILMEMBER MOLINA: Yeah, Madam Chair. You know, should this...Member Sugimura's amendment does not go forward, there will be other opportunities for the residents, if...down the road in the future, if they want to pursue this designation again; am I correct? Maybe with a Community Plan amendment. I don't know if maybe the Department can elaborate on that.

CHAIR PALTIN: Yeah, they can go for zoning, changing zoning, or a State land use --

COUNCILMEMBER MOLINA: Boundary. District boundary.

CHAIR PALTIN: -- district boundary amendment.

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: This was what their consultants recommended because we were currently going through the Community Plan update process. I see Mr. Hart flickered on. Did you want to add onto that?

MR. HART: I was just going to say that neighborhoods have come in together for land use designation changes as a single unit, or the currently processed applications.

COUNCILMEMBER MOLINA: Okay. So this is not the end all then, yeah, if this amendment doesn't move forward. So...but yeah. But Madam Chair, you know...you know, this is a tough one. But, you know, upon taking into consideration, ag is ag, you buy into Ag, that's what you're expected to do, you know, going into this process. And I appreciate what the residents are saying about this consideration to change, but again, the greater community has said no, we want to leave it in Ag. So I think it's not sometimes all about money too. So this is a very nice area with a lot of history. So I'll go with the Department's recommendation. Thank you, Madam Chair.

CHAIR PALTIN: Thank you, Member Molina. Chair Lee.

COUNCILMEMBER LEE: Do you have any idea how many homeowners are in this...these two subdivisions?

CHAIR PALTIN: I'm sure the Planning Department knows. Ms. Maydan. I think there's 100...oh, go ahead. Sorry.

MS. MAYDAN: . . .*(inaudible)*. . . I believe off the top of my head, but I can gather that information and come right back to you.

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COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: Okay.

COUNCILMEMBER LEE: I just recall earlier seeing a parade of homeowners come before the Council asking for the change in designation to Rural, only because when they first brought the property, there was no such category as Rural. Okay. Thank you.

CHAIR PALTIN: Yeah. I believe there's about 100 lots. Not all of them are developed. Maybe some of the folks that want to develop don't want to meet the criteria for ag farm dwelling or something. Not all of them are full-time residents, I believe. There are a few. Sorry. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I speak against the motion. Like you shared earlier, you know, if...I know that testifiers mentioned that there was no Rural designation back when these lots were being developed, but we can't go back in time to see what the community would have said in regards to a proposal of Rural Residential instead of Ag. A change in Rural Residential would increase the density of what is currently permissible on Ag, which would also increase the amount of water that would be needed. I think it's a betrayal of the community to say that we're going to have Ag lots, and, you know, I'm sure there were community members who opposed this development, knowing that in the future this is exactly what would've happened is that million dollar homes would be built, and then those million dollar homes can afford million dollar attorneys, and million dollar CPAs that can give them million dollar advice in how to go about getting their way, which was in opposition to the community that opposed it back then. That wanted to protect what they had in their town, wanted to protect the character of their town, and slowly by slowly lost so much. And it's heartbreaking. So I speak against the motion. And then I have a question regarding what is before us. For the Plantation Estate Lot Homeowners Association, is it all currently one designation right now, or did it come to us inconsistent from the Maui Planning Commission, and that's what's currently before us, so we would need to make them all consistent into one or the other designation?

CHAIR PALTIN: I think the motion before us--and Member Sugimura can correct me if I'm wrong--is to --

COUNCILMEMBER RAWLINS-FERNANDEZ: Not the motion, sorry. The designation that's before us.

CHAIR PALTIN: Oh. The designation from the Planning Commission.

COUNCILMEMBER RAWLINS-FERNANDEZ: For the entire...right.

CHAIR PALTIN: I guess I would defer to the Planning Department on that one. Ms. Maydan or Mr. Hart.

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MS. MAYDAN: I'm sorry, Chair. Can you please repeat the question?

CHAIR PALTIN: The question from Member Rawlins-Fernandez is, what is the final Maui Planning Commission designation on page 67? Is it that Plantation Estates is Rural and Honolua Ridge should be Ag, or what was the Planning Department's determination of what Maui Planning Commission designated? Is it as it's shown in the map, or did the Planning Department concede that the Planning Commission meant to make Honolua Ridge and Plantation Estates both Rural?

MS. MAYDAN: Mahalo for that clarification. We acknowledge that it appears that there was some confusion or misunderstanding at the Maui Planning Commission phase, and that they may have intended the larger area that includes Honolua Ridge to be Rural Residential, but what we transmitted is what we transmitted. I mean, that's what you have before you.

CHAIR PALTIN: And the motion on the table right now is for Honolua Ridge and Plantation Estates to be designated Community Plan Rural Residential. That's the motion before us, I believe. Right, Member Sugimura? She's nodding her head yes. Is that good for you?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for your clarification.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, that's helpful. I move to amend the main motion for the Plantation Estate Lot Homeowners Association to be all Ag.

CHAIR PALTIN: Okay. It's been amended by Member Rawlins-Fernandez, and the amendment is seconded by Member Sinenci, for the entirety of Plantation Estate Lot Owners Association to remain Ag Community Plan designation. Member Rawlins-Fernandez, as the maker of the amendment, did you have additional discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So just, you know, I think what you also shared with one person having declined the purchase of property during that time because of the commitment to it being Ag, and that's just one person that we know of. I'm sure there are other people in the community that declined that kind of commitment of farming those lands because they were designated Ag, and...you know. And that's the commitment you make when you purchase land that is Ag. Mahalo, Chair.

CHAIR PALTIN: Thank you. Member Sinenci, as the seconder of the amendment, any further discussion?

COUNCILMEMBER SINENCI: Yeah. Thank you, Chair. Yeah, I distinctly remember the Director of Hua Momona, that he came and all of the different community work that they were in. They also worked with some of the residents that had fruit trees on

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their properties. And so during the pandemic, they were able to go ahead and collect whatever produce they had up in the estate areas, and help with some of the community nonprofits. So I'm definitely in support in keeping it...remain in Agriculture. We've always had the State Land Use...well, the State Department of Ag always pushing to keep Ag zoned lands in there for agriculture production. So I'm supportive of the amendment.

CHAIR PALTIN: Thank you. Member...Chair Lee.

COUNCILMEMBER LEE: Can I ask Planning, what is the designation of these properties in the Maui Island Plan?

CHAIR PALTIN: It's within the Rural Growth Boundary as that checkered blue outline is, if you can see. Maui Island Plan Rural Growth Boundary.

COUNCILMEMBER LEE: So the Rural Growth Boundary is more in line with Rural zoning as opposed to Agriculture?

CHAIR PALTIN: Ms. Maydan can probably better explain it. I think she has explained it several times, but she can explain it again if she doesn't mind, that if Rural was to happen, that's where it wanted to be, in that boundary. But go ahead, Ms. Maydan. Sorry.

MS. MAYDAN: Mahalo, Chair. Yes, the Rural Growth Boundary does provide the opportunity to change those areas to a Rural Community Plan designation. But absolutely, as we go through this process as--I'm sorry, I can't remember who mentioned it at the...I believe it was Chair Paltin--that at the Maui Island Plan level, we...the Department is working with the broader Maui Island community. And then when we get into the Community Plan level, we are working with that specific community. And time has passed, of course, since the Maui Island Plan adoption. So as I mentioned, this was a very important conversation with the community, but we heard loud and clear from the community that Rural Residential was desired here. So while Rural Residential...I'm sorry, that Ag was desired here. Sorry, I misspoke. While Rural Residential aligns with the Rural Growth Boundary, we would recommend, if you were to designate this area Agriculture, we would recommend a Maui Island Plan amendment to align these two plans.

COUNCILMEMBER LEE: Okay. Nobody talked about an amendment, but thank you, anyway, for your clarification.

CHAIR PALTIN: Thank you, Chair Lee. I thought that's exactly what she had said the last time she gave that spiel, but maybe not. Okay. Any further discussion? We're on the amendment to the main motion. Seeing nobody raise their hand, I'll contribute my discussion to this proposed amendment. I speak in support of the proposed amendment. You know, I think if...so this is a gated luxury subdivision, and if these folks can't farm, then nobody will be able to farm. They have the resources. It's not all about soil quality because I've seen my neighbor on Hui F Road, Monica Bogar, do

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amazing things with aquaponics and kimchi. You guys should try the gut juice, it's wonderful. And she has just like, you know, the tiniest little parcel right off Hui F Road, and she--I don't know if I should out her--but she actually does some of her farming into the gulch area because she has so little bit of space. And she farms microgreens for Merriman's, and she's an amazing person. And so my point being, you know, right down the road at Mahana Estates, it's Rural. There's like 51 Rural lots, and if they'd like to have a Rural lot and build a Rural house, it's right there. They purchased in Ag, and if they didn't do their due diligence in what that means, I mean, pretty much echoing Member Rawlins-Fernandez's sentiment, that this was a bait and switch for our community and, you know, the impetus for the creation of the Save Honolua Coalition. We never did want houses up there. In fact, I've been through that subdivision because when I used to take the junior lifeguards up into the watershed area, there's a trail that lets out at the top of Plantation Estates Lot Owners Association. So this is abutting right into the watershed. You know, you can get into the watershed from Plantation Estates Lot Owners Association subdivision, and then it comes out. In better times, there was a shuttle that you could take from the Kapalua, I think, Adventure Center. And you could take it up to the top and then go into the watershed that way, or there's a Mahana Ridge Trail that you can start at D.T. Fleming's and walk up and catch the shuttle down, or walk up and walk down. And it really is...you know, it's sore to my heart to allow this to become Rural and more density and housing without the commitment to farming, especially in this time of the pandemic, you know, where we're talking about self-sustainability, where we designated Kamehameha Schools Bishop Estates lands Agriculture because of their commitment to agriculture. And just being wealthy and buying a luxury estate in an Agriculture for millions of dollars, I don't...I don't support it after the fact, after all the conflict within our community, to change to Rural. If it does change to Rural, I kind of consider it similar to the Industrial concrete batching plant, because I think what the Planning Commission was trying to do was put conditions on what kind of Rural it could be, and that kind of thing. I still wouldn't support it, but if we're putting conditions on Community Plan Designations as to how big the Rural lots are, it should be done one time with zoning...conditional zoning change, Community Plan amendment, district boundary amendment, same as for the industrial plot. So I speak in support of this amendment, and if there's no further discussion, I'll call for the question. And a reminder, the amendment is for the entirety of Plantation Estate Lot Owners Association to remain in the Community Plan Ag Designation. All those in favor of the amendment, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: All those opposed, raise your hand and say "no."

COUNCILMEMBERS: No.

CHAIR PALTIN: So the motion...the amendment passes six, three, with Members Lee, Sugimura, and Kama voting against it.

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

NOES: Councilmembers Kama, Lee, and Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED TO AMEND AMENDMENT.

CHAIR PALTIN: So now we're on to the main motion, which would be for Plantation Estate Lot Owners Association to remain Ag, I believe, is how it works. Do we need to discuss more, or are we just ready to vote? Okay. All those in favor of the main motion, as amended, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: All those opposed, raise your hand and say. "no."

COUNCILMEMBERS: No.

CHAIR PALTIN: And the motion passes, as amended, six, three, with Members Lee, Kama, and Sugimura in opposition.

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

NOES: Councilmembers Kama, Lee, and Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT, AS AMENDED.

CHAIR PALTIN: And so then, I don't have anything else. Kapalua Mauka, there was a

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change from the CPAC version to the Maui Planning Commission version, but I believe there was a caveat that they were just placing things and that, you know, they could move them around differently at the time when they...if they do start building. So if they're going to be able to move it around within the confines of the ordinance that allows for Kapalua Mauka, I don't see the need to move it back and forth between the CPAC and the MPC version, unless somebody has a desperate need to amend how Kapalua Mauka is in the Maui Planning Commission's version. If I'm incorrect on that, Ms. Maydan or Deputy Director Hart, please correct me.

MS. MAYDAN: Chair, you are correct.

CHAIR PALTIN: Okay, thanks. So does anyone see a need to discuss Kapalua Mauka, or are we okay because they can move things around if they ever do build anyway? We're okay with how it is? Consensus? Okay. All right. So we won't go into Kapalua Mauka. And other than that, Subarea 1, Maui Land and Pineapple baseyard change designation to Employment Center, no problem. Wailele Ridge, Residential. Yeah, everything else seems to be fine. Subarea 1. Kapalua River. Okay. I guess the last part of Subarea 1 would be the wording as proposed in...I can just read that. I took out the dash between 18,680 and acre, for consistency's sake, on page 66. I added in Nāpili means the joinings or the pili grass which once filled the area. And also, it's...it started with, it extends from the 480-foot elevation at Honokōhau Stream. So I just added in, to the 5,788-foot elevation at Pu'u Kukui Summit. And I changed States with a capital S to a small s. We can cite the source on Nāpili as ulukau.org instead of Wehewehe Wikiwiki, and the elevation I found on summitpost.org, Pu'u Kukui, just talking about the elevation of the summit of Pu'u Kukui. So if folks are okay with those amendments to page 66, I'll entertain a motion. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Quick question, and then I'll make the motion for you. Is West Maui Natural Area Reserve still called West Maui Natural Area Reserve, or did they --

CHAIR PALTIN: I believe it is. Ms. Maydan. Do you know if it's still called West Maui's Natural Area Reserve?

MS. MAYDAN: I am not aware of a change.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So moved.

CHAIR PALTIN: Okay. Any second? Seconded...moved by Member Rawlins-Fernandez, and seconded by Member King, to amend the wording on page 66, as stated in the Amendment Summary Form submitted by me today. Any further discussion necessary? Member King.

VICE-CHAIR KING: I don't know, just...it's non-substantial. I'm sure they would have caught it, but just the word preserve is spelled wrong. Pu'u Kukui Watershed Preserve needs a V in there.

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CHAIR PALTIN: Pu‘u Kukui Watershed Preserve needs a --

VICE-CHAIR KING: It's spelled P-R-E-S-E-R-E, so they just left out the V.

CHAIR PALTIN: Preserve, P-R-E-S-E-R-V-E?

VICE-CHAIR KING: Yeah.

CHAIR PALTIN: Oh, preserve...preserve.

VICE-CHAIR KING: Is it preserve or reserve? It's just a...they left out the V.

COUNCILMEMBER LEE: And the next line, you have to add an S.

CHAIR PALTIN: Well, the Watershed is a preserve, and then the West Maui Natural Area Reserve.

VICE-CHAIR KING: Right, but you spelled Pu‘u Kukui Watershed Presere [sic], there's no V in it. And then the next line, as Alice said, should be one of the largest three...largest privately-owned nature preserves in the State. So that needs an S on the end of preserve.

CHAIR PALTIN: Okay. Staff, did you get those non-substantive?

MS. STEWART: Chair, yes.

CHAIR PALTIN: Okay. All right. Then are we ready to vote? Yeah. All those in favor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Member Kama, are you...okay. And I got that unanimous, amended to page 66.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: And I guess the next motion would be to accept Subarea 1. Moved by Member King, seconded by Member Rawlins-Fernandez, to accept Subarea 1. I guess my only comment was good job, guys. I know some people thought we wouldn't make it through all the maps, but you guys did it. Give yourself a round of applause. Any further comment? All those in favor, raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay. 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.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

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CHAIR PALTIN: And we are done, folks. You guys did it. You did the hard work, all the maps. And just a reminder, tomorrow we go into 3.1, 3.3, and 3.4. And just a note, on pages 62 and 63, where it says, see Appendix C and see Appendix D, if Members would prefer those to actually be placed there, then we'll be discussing amendments to Appendix C and D as well. So 3.1, 3.3, and 3.4 for tomorrow. If we...by some miraculous thing, we finish early, we can go into Section 5. But if we actually do move Appendix C and Appendix D into this Section, we'll be discussing any wording changes for Community Plan Designations and like that. So I expect that could take us the majority of the morning until lunch, and then any other discussions to amend 3.1, 3.3, and 3.4. Member Rawlins-Fernandez, where we need to revise that in the CP page...what were you asking about?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, it just says...Ms. Maydan said revision, 103 lots.

CHAIR PALTIN: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: So I was just asking for clarification about--

CHAIR PALTIN: Revisions to the total number of lots in Plantation Estates Lot Owners Association. Chair Lee asked how many, and she said 140 originally, but that was wrong. It's 103 lots.

COUNCILMEMBER RAWLINS-FERNANDEZ: So was she just correcting herself verbally, or do we need to revise something in the plan?

CHAIR PALTIN: Oh, no revision needed. It was just an answer to Chair Lee's question. She didn't answer it verbally, she answered it in chat, that there were 140 lots within. But that was incorrect. There's 103 lots within.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it.

CHAIR PALTIN: No need to change anything. Any questions about tomorrow? Close this so I can see everybody's shining faces. No questions. All right. We'll be back tomorrow at 9:00, same link, with...starting with page 62, 3.1, 3.3, and 3.4. Good job, guys. You guys are all champs.

COUNCILMEMBER LEE: Yeah, you too.

CHAIR PALTIN: Your hard work, I appreciate it. See you tomorrow. Bye. Thank you.

COUNCILMEMBER LEE: Bye.

VICE-CHAIR KING: Did you recess the meeting?

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CHAIR PALTIN: Oh, I didn't recess. Okay. This meeting is in recess until 9:00 a.m. tomorrow, June 15th. . . .(gavel). . .

RECESS: 5:15 p.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use Committee

pslu:min:210614r

Transcribed by: Crystal Sakai, Marie Tesoro,
Susan Leong & Brenda Clark

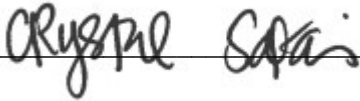
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CERTIFICATIONS

I, Crystal Sakai, hereby certify that pages 1 through 44 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 July 2021, in Wailuku, Hawai'i



Crystal Sakai

I, Marie Tesoro, hereby certify that pages 44 through 72 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.

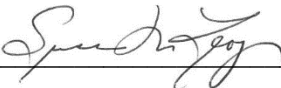
DATED the 9th day of July 2021, in Wailuku, Hawai'i



Marie Tesoro

I, Susan Leong, hereby certify that pages 72 through 90 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 9th day of July 2021, in Wailuku, Hawai'i



Susan Leong

I, Brenda Clark, hereby certify that pages 91 through 138 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 July 2021, in Wailuku, Hawai'i



Brenda Clark