

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

MINUTES

June 15, 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
Councilmember Tasha Kama, Member (out 12:05 p.m.; in 1:46 p.m.)
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (in 9:17 a.m.; out 4:00 p.m.)

STAFF: Ana Lillis, Legislative Analyst
Alison Stewart, 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
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
Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson
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
Michele McLean, 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

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
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June 15, 2021

OTHERS: Albert Perez
Karen Comcowich

PRESS: Akakū: Maui Community Television, Inc.

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

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use recessed meeting of June 15th come to order. The time is 9:00 a.m., and I'll be your Chair for today's Planning and Sustainable Land Use. If everyone can please silence their cell phones, that would help the cause. I just wanted to remind the viewing public that while oral testimony is closed, written testimony will still be accepted via eComment. And if you are having any trouble uploading documents onto eComment, you can send them to pslu.committee@mauicounty.us. I'd like to introduce our Voting Committee Members. Today the greeting is from Mongolia, and it will be *sain uu*, not *sanomagun [sic]*. Our Committee Vice-Chair this morning is Kelly King out of South Maui. *Sain uu*.

VICE-CHAIR KING: *Sain uu*. Got pine *sain uu*, but *sain uu* from Mongolia, and aloha kakahiaka.

CHAIR PALTIN: Aloha kakahiaka. And from the Island of Lānaʻi, we have Councilmember Gabe Johnson. *Sain uu*.

COUNCILMEMBER JOHNSON: *Sain uu*, everyone. Good morning, Chair. Good morning, Members. I look forward to a great meeting today. Aloha.

CHAIR PALTIN: Aloha. And in the neighborhood, we have Councilmember Tasha Kama. *Sain uu*.

COUNCILMEMBER KAMA: Aloha kakahiaka. Amena *sain uu* kākou.

CHAIR PALTIN: *Sain uu*. And we have Chair Lee, our fearless leader. *Sain uu*.

COUNCILMEMBER LEE: Yeah. Madam Chair, looking forward to another exciting meeting. And *sain uu* to my dear colleagues and to everyone out there.

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

COUNCILMEMBER MOLINA: Aloha kakahiaka, and *sain uu* to you, Madam Chair, my colleagues and everyone else joining in. And like Chair Lee, I too look forward to a lot of fun and thrills in your PSLU meeting under your direction.

CHAIR PALTIN: Aloha kakahiaka. I will try to keep it up. From Hāna, we have Councilmember Shane Sinenci. *Sain uu*. Lovely background there.

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

June 15, 2021

COUNCILMEMBER SINENCI: Hi. Sain uu, Chair and fellow colleagues, aloha kakahiaka, mai Maui Hikina. Hau'oli o wau ma'ane'i.

CHAIR PALTIN: Sain uu. Aloha kakahiaka. And we have Councilmember Keani Rawlins-Fernandez. Her video is off to the start, but I believe she's on the meeting. Sain uu, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. Mai Moloka'i nui Ahina and sain uu kākou.

CHAIR PALTIN: Aloha kakahiaka. I don't see Councilmember Yuki Lei Sugimura, but I'm sure she will be joining us a little bit later, and we'll keep an eye out for her. Deputy Corporation Counsel for today is Michael Hopper. From the Administration Department of Planning, it looks like we have Director McLean back with us today, taking over for Deputy Director Jordan Hart. We also have Planning Program Administrator Pam Eaton, and Senior Planner Jen Maydan. I see that our MAPPS extraordinaire, Mr. Johann Lall is on the call as well from the Department of Planning. And Committee Staff for today, we have Committee Secretary Clarita Balala, Assistant Clerk Lei Dineen, Legislative Attorney David Raatz stepping in for Richard Mitchell, and Legislative Analysts Ana Lillis and Alison Stewart. We're continuing on with our one agenda item today, which is the PSLU West Maui Community Plan. And I wanted to commend the Members for all their hard work yesterday in getting through our allotted tasks for the day so I could let you go home and eat dinner. Today we'll be finishing the rest of Section 3, which is 3.1, 3.3, and 3.4. Oh, it says Councilmember Sugimura will be in at 9:30 a.m. And I just wanted to make mention, yesterday there are a couple of revisits that we didn't agree to, but we'll need to revisit. And in my excitement for going through the subareas, there are some Park Open Space that we did not designate whether it would be Park or Open Space. And we can address some of those today as they're in the 3.1, 3.3 and 3.4, but there's a couple of little areas we'll need to revisit during our revisit day. Okay. So today, 3.1, 3.3, 3.4. If we're moving any Appendices, we'll also go through that. And if Members had any amendments or they've gone through those sections and they've written out their amendments, they can submit them to the Committee, and we'll work on getting them uploaded to Granicus. I did submit my testimony that I found out the email didn't go through last night, so Committee Staff is furiously working on my amendments to be uploaded to Granicus right now. But we can move ahead, and once they format it in the proper format, we can upload it to Granicus and take like a little recess to look it over in its entirety if you want. And like I said, if other Members had their amendments written out...I know Member Sugimura and Member Sinenci did submit some, but Member Sinenci's one wasn't for this section, and Member Sugimura's one we were working...she was working off a little bit yesterday, but I think there is more for this section and she can present those when she arrives. So any questions so far? Seeing none, let's dive right in. Members, I'm on page 62. If everyone can turn to the 3.1, Growth Plan. I'll pull up...sorry about this, folks. Okay. So as I kind of alluded to yesterday, Members, my preference would be instead of having people reading this document and flipping back to Section 5 where it says, see Appendix C, or see Appendix D, it would be to just put them right there so if people want to read it, it's right there. Especially when it comes to the Community Plan Designations ahead of the maps, so

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

June 15, 2021

people know. I think it was put back there in the appendices because the thought was if we already know about it, then it's just extra information for the need it is, but people don't know about it at this point. Maybe the next round of community plans, if those are the same, then we can move it to the appendices. But it is all still really new, and I wouldn't assume like the community members reading the community plan have any degree of familiarity with these items in the appendix. So Members, just kind of wanted to hear your thoughts on that, if you agree, or disagree, or don't want it. Committee Vice-Chair King.

VICE-CHAIR KING: I agree. I think it should go in, and people should be able to read through the, you know, read...know what the land use designations are before they start looking through the maps and everything. So it makes sense to me. Let me know if you want a motion, or if you want to...we can do it by consensus.

CHAIR PALTIN: Okay. I think we could do a motion. I just would like to hear if anybody has any strong reservations against it at this point, maybe. It doesn't look like it. Okay, let's have a motion.

VICE-CHAIR KING: Okay. So moved. I move to reorganize the plan to move the Community Plan Designations up to Section 3.

COUNCILMEMBER LEE: Second.

COUNCILMEMBER KAMA: Second.

CHAIR PALTIN: Okay. So we've had a...did you want to also move the Appendix C, the Growth Framework, as well?

VICE-CHAIR KING: Yes.

CHAIR PALTIN: Friendly amendment. Okay. All right. Any need for additional discussion here? Seeing none. All those in favor, raise your hand or say "aye". Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

CHAIR PALTIN: Okay, that's eight "ayes", one excused, Member Sugimura. Motion passes.

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

June 15, 2021

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sugimura.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Okay. So let's...in Appendix C, which begins on page 142, did anyone have any amendments that they wanted to suggest for Appendix C. It talks about the growth framework background. I didn't have any amendments. Is everyone okay with that one? Yeah. Okay. All right. Moving along to page 63, I had one amendment where it says, Summary of Community Plan Designations, or also how to use the community plan map. It would be kind of nonsubstantive, but where it says on page 63 at the bottom of how to use the community plan map, instead of Community Plan Designations located in Appendix D, it would say located below...the nonsubstantive. Then moving on to where it says Summary of Community Plan Designations, another nonsubstantive change, based on actions that we took yesterday, this plan uses 15 designations to implement its vision and goals. Each of these designations is described in greater detail below. Kind of nonsubstantive, and we would use Park with a new color, and leave like green for Open Space, and then change the red to Transit-Oriented Corridor. These are all changes based on the motions and actions that we took yesterday. So they're fairly benign, kind of nonsubstantive. Any objection to approving these by consensus since they're just correcting things?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: YS)

CHAIR PALTIN: Okay. All right. Now for Appendix D, you folks want to just jump right in to these Community Plan Designations and any amendments. We're moving on to...I guess we're on...if you want to follow along in your book we're on page 144, and this would be moved to Section 3. I know that there were some concerns about the wording, and it seemed at the time that Member Rawlins-Fernandez might have had some amendments to these designations when we went through the game. Did anyone have amendments that they wanted to make to the wordings? Member King.

VICE-CHAIR KING: Thank you, Chair. I think this is what we were looking at before Member Rawlins-Fernandez brought this up previously before we were ready to vote on it, but if

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

June 15, 2021

everybody...does everybody have the suggested revisions from Albert Perez? I believe that's the document we were looking at making the change.

CHAIR PALTIN: Oh, okay. So that should be on our Granicus, if we're going off of those.

VICE-CHAIR KING: And correct me if I'm wrong, Member Rawlins-Fernandez, but I believe that this first Section of Appendix D, which has some changes to the general description of Appendix D, before the first thing that we were looking at. The...everybody should have this, but just for the record, the suggestion is to replace the paragraph that says the designations are used to and then it has two bullet points with the copy that he provided, which is basically what was here with some changes that strengthens the intent of the community plan, I think. Do you want me to read it, Chair?

CHAIR PALTIN: Is this the one where it has Community Plan Designations describe the land uses that community plans...community wants to allow? Is that the document that you're on?

VICE-CHAIR KING: Yeah, yeah. So it changes it from Community Plan Designations or general descriptions of the types of to Community Plan Designations describe the land uses that the community wants to allow.

CHAIR PALTIN: Okay. I do have that document. It was from Albert Perez, and it's called West Maui Community Plan Proposed Revisions 2021, May 20th document. And I see that Councilmember Yuki Lei Sugimura joined us for the call. She's 17 minutes earlier than anticipated.

COUNCILMEMBER SUGIMURA: My call ended early. Thank you very much. Good morning.

CHAIR PALTIN: Our morning greeting today is sain uu. Aloha kakahiaka and sain uu.

COUNCILMEMBER SUGIMURA: Sain uu. Hello. Sain uu. Very good. Good morning...oops.

CHAIR PALTIN: Oh, are you okay?

COUNCILMEMBER SUGIMURA: Yeah, yeah, yeah.

CHAIR PALTIN: Okay. And now we can also see Member Rawlins-Fernandez instead of just hearing her, so that's also a welcome addition. Member Sugimura, we were just diving right into 3.1, and we voted to move Appendix C and Appendix D into 3.1 instead of flipping back and forth. And we're on Appendix D, Community Plan Designations, and we're discussing the document sent in by Albert Perez for revisions to Community Plan Designations. Member King was taking us through it. Go ahead, Member King.

VICE-CHAIR KING: Okay. So the first proposed change is in the proposed Section 1.2, how to change this plan, and underneath it is Appendix D. So the changes in Appendix D are in that document. Do you want me to read what it would...what the proposed changes...how that would read?

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

June 15, 2021

CHAIR PALTIN: Yeah, I guess let's take it section by section. Director McLean, do you have the document as well?

MS. MCLEAN: No, that's why I was raising my hand. I'm looking in Granicus, and I don't see it listed. So yeah, if we could get a copy of it.

CHAIR PALTIN: Okay. I'll send it to you and to our Committee Secretary so that they could get it uploaded right away, but I'll send it directly to you.

MS. MCLEAN: Okay. Thank you, Chair.

CHAIR PALTIN: And is there any Members that don't have the document?

VICE-CHAIR KING: I could try sharing my screen and have the document up.

CHAIR PALTIN: Oh, okay. Yeah.

VICE-CHAIR KING: Yeah. If I don't get this, I'm going to go back to Member Rawlins-Fernandez, because I know she's been able to share her screen. So let me see if this will work. Okay. I'm getting a box that says how to allow BlueJeans screen share. Do you want me to...

CHAIR PALTIN: Does it . . .*(inaudible)*. . .

VICE-CHAIR KING: It's not...well, let me try one more time. I don't know I'm getting a box that says how to allow BlueJeans screen share, but doesn't the Staff have to allow it.

COUNCILMEMBER RAWLINS-FERNANDEZ: No, you just scroll down and then you choose the...I think for that one it would be like the preview because it's a pdf.

CHAIR PALTIN: Oh, oh. She booted herself off the call maybe. Oh, maybe she pressed the wrong button.

COUNCILMEMBER KAMA: She went scroll too far down.

CHAIR PALTIN: Okay. Do Members have the document in their emails from Albert Perez?

COUNCILMEMBER KAMA: I'm looking for it now.

CHAIR PALTIN: Okay. I'll start reading it. Community plan designations describe the land uses that the community wants to allow in a given area as it is developed over the 20-year planning period. And then...

VICE-CHAIR KING: Okay. Well, that didn't work, I got dropped off. You want to try, Keani, you want to share your screen? You're better at that. I don't think I'm set up to do it, but go ahead.

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

June 15, 2021

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, while I get that up, you can proceed and then I'll share it, because it takes like a few seconds for it to load.

CHAIR PALTIN: Okay. I'm just sharing it email with a long range as well. Okay. And then the next change as you read down, it says, "Each designation also includes a few images showing building types and suggested street types to help the community and decision makers picture the kind of development that are allowed." And the allowed is a change from encouraged, which I think is good. So for that paragraph, that's pretty much all it is, it just kind of tightens the words. Then in the next paragraph, it says, "The Community Plan Designation descriptions and the community plan map work together with the policy framework to carry out the community's vision for the future." And then the change here is although the designations are less detailed than the zoning code that implements them--this part is added in--zoning districts and all development allowed in them must comply with the Community Plan Designations on that land. Uses not specifically allowed by these Community Plan Designations are prohibited. In the event of a conflict between the Community Plan Designation and the zoning, the community plan shall rule. I don't know if that's accurate, but...the continued lawful use of any building or premises for any trade, industrial, residential, agriculture, or purpose for which the building or premises is used at the time this community plan takes effect shall be permitted to continue, provided that such nonconforming uses shall be eliminated over time as the uses are discontinued. So on that part, my understanding is zoning is the underlying what rules, not the community plan. I don't know if we should check in with Director McLean or Mr. Hopper for that one. I would guess maybe if Mr. Hopper knows the answer since he's the lawyer that's supposed to defend us.

MR. HOPPER: I'm thinking, Chair, it's...I think I followed your discussion, and I think this was something that was proposed earlier for an earlier community plan, so it might not be the exact language. I think...and Director McLean can comment because that would give us the policy things. I think some of the language that you can probably add. I think some of the language though, there's been this sort of long-standing discussion over which one rules over the other, or which one is supreme. And the actual answer is both apply at the same time, it's just that the community plan is going to apply with the force and effect of law only in certain cases. So if you need an SMA permit, for example, you need to comply with both. You need to comply with the community plan, and you need to comply with your zoning. And so one really never supersedes the other in that case. If you're not in the SMA and there's nothing...there's no discretionary permits you need, zoning will be the thing that applies because that's intended to implement the community plan. If you need a subdivision, you have to comply with both the zoning and the community plan. And that's why when you have a mismatch, the challenge is that, you know, it might be impossible to comply with both. So that's when you need the community plan amendment or change in zoning. To say that one rules over the other, I'm a little concerned with that for a variety of reasons. One is I don't think it correctly states the law. The other is that it could potentially mean that if there was a use that was allowed in your Community Plan Designation, but that was not allowed in your zoning, this would seem to say you could do that use, even though it's inconsistent with the zoning. So I would be concerned with that. If it just says the

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

June 15, 2021

wording the community plan rules, well, if the community plan was, you know, Hotel or something, and the zoning was Open Space, does that mean you can build a hotel, but the zoning...you know, I'm not saying there's any parcels like that, but the similar idea is that the intent. So I mean, I think some of the language you could probably add in. And then the language about nonconforming uses is a little confusing to me. I guess the intention is that previously, the Council had general descriptions, and if the Department had allowed a use that's later considered to be inconsistent with the community plan, that that's somehow a nonconforming use, although I don't really fully understand how that would work. The other issue is that in general, if you want the community plan, the community plans have historically not described all of the uses that are allowed on the property. They give a description, but they're not like the zoning that has a list of 20 things or whatever it is that are listed as permitted uses. If you're going to try to say that the community plan is more specific and supersedes the zoning, then I think you're going to want to be specific with the language in the community plan, and so for each district, go over the list of permitted uses that are allowed. Because if you're going to say things like if a use is not specifically allowed in the community plan district, it's not allowed. Well, then I think you really need to go and list all of the uses that are allowed in each community plan district. Or else you'll be potentially leaving uses out, and then someone would get to the zoning and say, you know, we can't really do this use and so that would be the issue. Or it would just be more specific with your Community Plan Designations. But if they were drafted intending to do what the plan says now, and you change the language, it might not fit the new intention without redrafting each of the sections. So those are my thoughts in general. Like I said, I think there's probably some of the language that can be used, but some of it to me is sort of inconsistent with 2.80B and the way the plan as drafted with these descriptions would apply to the property. But again, I...this is just me hearing from...my memory of this and hearing you describe the language that you're talking about.

CHAIR PALTIN: Okay. I think maybe it would be helpful for Members if we have Member Rawlins share screen, and we'll go through sentence by sentence, and consult with Director McLean as we're going through sentence by sentence. Director McLean, you had something else?

MS. MCLEAN: Yes, Chair. And thank you, I didn't mean to interrupt. I have talked to Mr. Perez about this, and my first comment to him was that this would really change our land use regulatory scheme on its head. That's not to say that we can't have a broader discussion about how community plans and zoning relate to each other because as Mr. Hopper said, this has been a long-standing discussion. Certainly there are ways for community plans to have more teeth. I don't think putting it in the text of one particular community plan is the right way to do that because that language would then conflict with current language of the County Code 2.80B. The way the system works now--and I'm not defending this system by any means--is that if you change your zoning, it has to match the community plan. When a community plan update is done, it can create mismatches. It doesn't have to match the zoning. That's why community plans are this overarching guide. This is what we want to see land uses become during this planning period, and then when the zonings are changed, they have to match that. Another thing too is the zoning districts are what have the standards, the building

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

June 15, 2021

heights, setbacks, lot sizes, things like that. So you need that specificity somewhere. So saying that community plans govern if there's an inconsistency, well, then what about those other things. It just...it's...you need that specificity at some point. I understand from yesterday's meeting--and I'm sorry I wasn't here, I had family in town, which means I need a vacation now--that there was talk about comprehensively zoning following a community plan. So if you want the community plans to really have the force and effect of law, then let's follow them up with zoning to make sure that they match, and then there's no question. That's not to say you'd want to zone every single parcel, but target where you want to see that change happen now. So thank you for letting me make those comments, Chair.

CHAIR PALTIN: Okay. And would you agree that some of the wording can be salvaged in Mr. Perez's document?

MS. MCLEAN: Yes. Yes.

CHAIR PALTIN: Okay. And the first paragraph we read, that was fairly okay, right?

MS. MCLEAN: Replacing those two bullets with other language, yeah, but I didn't see that in the document, so...

CHAIR PALTIN: The part that Community Plan Designations describe the land uses that community wants to allow, and changing encourage to allow, that part in that first paragraph is on the screen. Do you have any issue with those things?

MS. MCLEAN: I don't. I would like to keep places because these new broader descriptions are intended to really be more descriptive in that way, but that's not a big deal either way, whether or not you need places. But otherwise yes, those changes are fine.

CHAIR PALTIN: Okay. So the change would be Community Plan Designations describe the land use and places that the community wants to allow...that doesn't really flow real good because places that the community wants to allow, so...

VICE-CHAIR KING: Chair?

CHAIR PALTIN: Describe the places and land uses that...yes, Member King.

VICE-CHAIR KING: Okay. Yeah, I was going to say the same thing that...because you say describe the land uses that the community wants to allow in a given area, that kind of takes care of that idea of places.

CHAIR PALTIN: Oh, okay.

VICE-CHAIR KING: It's a little redundant to say places and the given area, it's the same thing. But I wanted to just...while we're asking for Director McLean's opinion, which I think is really valid, because we had an incident, a pretty controversial incident with our community plan a few years ago where the community plan said business, and the

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

June 15, 2021

community did not want a business in the area...on that lot that was designated business because it was in a wetland. So I think Director McLean remembers that one. So if we go with the community plan is always overriding, we may be having some unintended consequences to the...you know, because of the plans that are left on the table right now that we're trying to work with. So there's some inconsistencies in the existing older plans. So anyway, thanks for that, Director. But I wanted to point out to you what you were asking about. Is it in the document that...I think you're looking at the same one that we're looking at from Albert Perez, the...those bullet points at the bottom were just x'd out, and so the two paragraphs were kind of taking the place of the bullet points, I think that's what you were looking for. You know, if we wanted to leave the bullet points in, we could say, you know, designations are included, but are not limited to, or something like that. But that was why you were...I don't know if you scrolled down enough to see that, Director McLean, but that's what these two paragraphs were intending to do, is to take the place of those bullet points.

MS. MCLEAN: Got it. Yeah, I thought that there was replacement language for the bullets, but...

VICE-CHAIR KING: No, there wasn't any, but you know...I think it would be harmless to leave that in if we wanted to say, you know, include, but are not limited to. But I agree with you that we should...if we're going to make community plans the overriding rule of law, we should put that into 2.80B and make it for all community plans. I wouldn't with the older ones right now, you know.

CHAIR PALTIN: The issue is we can't make the community plans the overriding rule of law because zoning is the overriding rule of law. Like for example...and I guess here's a scenario, Director McLean, and I'm not sure if...I can't remember if it was something that we encountered, but for example, the new Transit-Oriented Corridor designation allows for light industrial, and the underlying zoning is, say, residential, you can't have light industrial in a residential zoned area; is that correct?

MS. MCLEAN: Well, under the way that it works now, if it's zoned residential, and it's light industrial on the community plan, that residential use can continue, you can build a new house, you can put on an addition. But if you wanted to change your zoning, it would have to be consistent . . . *(inaudible)* . . .

CHAIR PALTIN: I understand, but...

MS. MCLEAN: You couldn't do industrial uses on that property without changing its zoning.

CHAIR PALTIN: Okay. So that's a case where the zoning supersedes the community plan because the community plan of Transit-Oriented Corridor would allow for light industrial, but the zoning doesn't allow for light industrial, and so clearly a case where community plan doesn't supersede the zoning. So we couldn't have that language. I guess maybe we should be clear and kind of put a description similar to what Mr. Hopper was saying of the cases where zoning and community plan must both be adhered to, and they need to align especially in the SMA and if subdivisions are created;

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

June 15, 2021

but outside of the SMA, the zoning would take the precedence in the case of a conflict. Mr. Hopper.

MR. HOPPER: I think a lot of this is covered in 2.80B already and applies countywide to your community plans. I mean, if you want to put something in the plan itself, I don't think that's necessarily a problem, although you don't want to leave anything out. I think you do already have a regulatory scheme for this in 2.80B, and so putting some language in the plan might not...you know, might not be necessary, but that's ultimately up to the Council. And again, the language of something superseding another thing. I understand that if the community plan doesn't apply with the force and effect of law in a case, you're looking at that as the zoning superseding or being predominant there, because only the zoning would apply. But I think it's...I think it's a little more accurate to see that they both apply, but under 2.80B, it's discretionary permits that the community plan would apply with the force and effect of law. And so if you needed a discretionary permit, you have to comply with both your community plan and your zoning. So either one of them didn't allow the use, you couldn't do the use. If you needed an SMA permit and your community plan said that you could do the item, but the zoning did not, you could not get the permit to do that. That would also be a case where if you didn't need an SMA permit and your zoning said you couldn't do it, you also couldn't do it. And I also want to note for the Council. Because you're the Council, both the community plans and the land use designations are adopted by the Council, you're the final authority there, and the zoning is also adopted by the Council, you're the final authority there. So you do have the ability to go into the zoning district or...and see, are there uses there that you don't think should be allowed in the zoning for that area. For example, if you've got a light industrial community plan designation, and you have a light industrial zoning, you could decide, you know, there's some uses in this zoning we don't like, so let's delete them from the zoning district. You may have to deal with nonconformities, but that's something that could be done, in general too. So if there's mismatches, rather than...my advice is rather than find a way that one would supersede the other so you could ignore the mismatches, you may want to look at...looking at the zoning districts. And if there's things that you don't like, look at dealing with that language that way for all the plans. So those are some options. But again, I think both of the community plan and the zoning--and the general plan, for that matter, the island plan--all apply to the property generally, it's just that depending on what permits you get, the review will deal with looking at the plan or the zoning only, that it's going to depend on what type of permit or what type of use you're going to try to do on the property. And I understand that's complicated, but that is consistent with the practice and, you know, with the language of 2.80B. So that's...and I know it's confusing to talk about...to not talk about one superseding the other, because you are saying, you know, in this case the SMA...or in this case the community plan is not going to apply with the force and effect of law, but it's just that you're not...the zoning is the only thing you're looking at if you need a ministerial permit. And if you need any type of discretionary permit, then you get into the community plans, which apply for either SMA, zoning, when you're getting a change in zoning, subdivision, or other discretionary permits, like special permits and things like that.

CHAIR PALTIN: Okay. Can you point to where in the Code it clearly states that? I mean, I

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

June 15, 2021

know it's 2.80B, I'm looking at 44.9. And if there is a page where it clearly talks about that, either we can make reference of...to that, or we can include it like as a footnote or something. I know that lawyers and professional planners should know this information, but the community plan is for the community, so I think it's important that they understand, you know, that if something says something in the community plan, the reason why it wouldn't supersede zoning or some clear way to explain that, you know, the elements of the plan should line up, during community plan review is our opportunity to change things, and then the follow through with that is to do our best to get things to align based on updates made to the community plan.

MR. HOPPER: Chair, I can get that section for you if you'd like.

CHAIR PALTIN: Sure.

MR. HOPPER: Okay. The section is 2.80B.030(b). That reads "All agencies shall comply with the general plan, and administrative actions by the agencies shall conform to the general plan, except for ministerial permits or approvals including, but not limited to, building permits, grading permits, plumbing permits, and electrical permits. All community plans, zoning ordinances, and subdivision ordinances shall conform to the general plan. Preparation of County budgets and capital improvement programs shall implement the general plan to the extent practicable." And then that's the...the other section just talks about the...what makes up the general plan. So it says, "The countywide policy plan, Maui Island Plan, and community plans, authorized in this chapter are and shall be the general plan of the County." So that's what the general plan is. So that's the language there as far as the community plans and their applicability. But again, there's also...there's also other sections of the law, such as HRS 205A for SMA, that also specifically says that all permits shall comply with the general plan. So it would be hard to have a comprehensive list of every area that says when you have to look at the community plans and general plans. But this is, I think, the predominant section in 2.80B.

CHAIR PALTIN: And just to follow up, is there a part in the Code where it says that the community plan is...the community plan...like I guess the graphic that the Planning Department gave where you have zoning at the bottom of the triangle, and you have County Zoning, State Land Use at the top, Maui Island Plan, and Community Plan, that comes out of the Code as well, that...

MR. HOPPER: Well, I think the State law, then you're getting into HRS...HRS 46-4 goes over the County's authority to zone, and HRS 205 goes over the different State Land Use designations, which also affects the County's authority to zone. For example, the County can't zone things in conservation, State conservation lands. And in the State Agricultural District, the County is limited as to what it can zone. So it's generally not...wouldn't be allowed to, you know, change zonings to residential in the State Agricultural District or things like that. So that scheme, I think would incorporate State law. I think the part about the zoning falling under the community plan and having to be consistent with it is in this section, the 2.80B.030(b). It says, "All community plans, zoning ordinances, and subdivision ordinances shall conform to the general plan." So

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

June 15, 2021

zoning ordinances, it says for instance, shall conform to the general plan. So if you get a change in zoning, that's a zoning ordinance. So your change in zoning is going to have to be consistent with your Community Plan Designation, otherwise the Council is not supposed to grant it, which is why sometimes you see, along with the change in zoning, a request for a community plan amendment. Because that change in zoning can't be granted unless the community plan lines up with that. So that would be an instance where, you know, the community plan would apply with the force and effect of law. And if you were inconsistent with it, the change...the zoning ordinance could not be adopted unless the community plan was changed to make it consistent.

CHAIR PALTIN: Okay. But during the community plan update process, they don't need to align, and then the next step would be to bring say the Maui Island Plan or the General Plan into alignment with the community plan?

MR. HOPPER: Well, I mean, the community plan is supposed to be consistent with the Island Plan, so that's the first thing. The second thing is that as far as zoning, I think you're correct. The community plan can go ahead and say, here's what we would like to see in different areas. What generally should happen, and I don't think often happens is...well, should happen from a legal perspective, is that a zoning ordinance come in to make the Community Plan Designations consistent with the zoning in those areas. Now, one of the reasons that doesn't happen often is that the Council...you can't...you generally wouldn't condition comprehensive zoning ordinances and things like that. So I think that's historically why that has not always happened, meaning that once the community plan is adopted, you do not often--or at least I don't know of any time in Maui County where there's been a comprehensive zoning ordinance adopted that would bring all of the misaligned zonings and community plans into matching with each other. But that is something that if you adopt the community plan, and you've got a bunch of community plan designations that are new, and the zoning doesn't track them, to then follow up with the zoning ordinance to make the zonings all change to be consistent with the community plan. But like I said, I don't think that often happens because you can't really condition those, so I think that's something the Council has historically not wanted to do. You also, with comprehensive zoning, you don't necessarily notify property owners. You know, I think you can do it, but I don't think it's legally required. So comprehensive zoning, I think back to, I guess, the Rural Bill and the Ag Bill, can be controversial because you're rezoning properties without notice necessarily to all the owners that are affected. So I think historically that's a reason that comprehensive zoning hasn't happened.

CHAIR PALTIN: Okay. Thank you. Member King, followed by Member Molina.

VICE-CHAIR KING: Okay. Thank you, Chair. So Mr. Hopper, if we put something in here in that sentence so that it reads in the event of a conflict between the Community Plan Designation and zoning, where the law does not specify the authority of zoning, the community plan shall rule. So if we add that in so it applies as long as it's not...you know, as long as the law doesn't say you have to put the zoning first, whatever circumstances that might be.

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

June 15, 2021

MR. HOPPER: I...again, any language that talks about one sort of superseding the other, I'd have an issue with.

VICE-CHAIR KING: Why would we not...why would we not want it to supersede if the law does not...doesn't say that it has to, that the zoning has the underlying authority in a particular . . .*(inaudible)*. . .

MR. HOPPER: I don't know of any case where the zoning wouldn't apply to determine the uses allowed on the land, at least in part. I mean, the community plan could also apply with the force and effect of law, but I don't know of any situation where the zoning...I mean, the zoning regulates things like the building height and your setback and, you know, things that are going to probably apply no matter what you're doing on the property. So I just don't know...

VICE-CHAIR KING: Well, if you don't, then it should be okay to put that in there if you think that the law specifies every place that the zoning should...you know, should supersede the community plan, then what harm would there be to put that in there.

MR. HOPPER: Maybe I'm not fully understanding, but yeah, I don't know of any case where the community plan would so-called supersede the zoning. I mean, the community plan, for example, doesn't have standards, it doesn't have setbacks, height limits, and things like that in the community plan. So if it would supersede the zoning, then there wouldn't be any of those...any of those. I mean, I guess you could have it apply in cases in addition to the zoning, but I don't know. It's the language superseding the zoning doesn't make sense to me.

CHAIR PALTIN: So maybe something like in the event of a conflict between the...the event of the conflict between the Community Plan Designation and the zoning, efforts should be made to bring community plan and zoning into alignment.

MR. HOPPER: I suppose. I mean, I don't know. If the Council sees the need for something like this in the section, I suppose we can come up with the language, but I just don't know how...I mean, and then, of course, putting this in the community plan itself isn't going to change 2.80B or how the law applies outside of that, so that's the other concern I have.

CHAIR PALTIN: Okay. Member Rawlins-Fernandez, did you have a comment germane to this subject that Member King brought up before I call on Mr. Molina.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, unless Member Molina also has something germane to this particular conversation. But if not, I will go.

CHAIR PALTIN: Mr. Molina, was your comment germane to the subject that Member King brought up.

COUNCILMEMBER MOLINA: Well, I kind of hope it is, but as I'm, you know, trying to digest this conversation that's going on, I kind of looked at Appendix C on page 142, and it

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

June 15, 2021

notes that zoning code is not providing decision makers with the tools necessary to create the safe, healthy, affordable, and vibrant communities that Maui wants. And I find it troubling because, you know, as we are developing a revised community plan with new designations, the question for me is, how do we make an updated community plan work with a broken zoning ordinance. And this whole process is frustrating, and I know there's no real easy answer to it. So a lot of the same time we've got to also look at how do we continue to review projects with a broken or inadequate zoning ordinance. So that's kind of the stuff that's been running through my mind. So I don't know if this applies to this conversation, but it just made me look at that. And so I don't know if anybody wants to comment on that.

CHAIR PALTIN: It looks like Member Rawlins-Fernandez might have a solution.

COUNCILMEMBER MOLINA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Perfect segue to my comments. So I think I understand what everyone is saying. So conceptually...so I think it's more than just adding like a little bit of language to 2.80. I... you know, we've already, you know, got the ball rolling on expediting the community plan process. So I think what we need to do is a little bit of reform to the whole process. And this is something that I was thinking about yesterday where, you know, Member Molina brought up, you know, the question about the Maui Island Plan growth boundaries. And so, you know, you have the Maui Island Plan, and it's made up of everyone on the island, right. And then when you get to the community plan process, it's made up of people from that district only. And so it would make sense that when we're updating the community plan of that district, that we would also update the Maui Island Plan to keep everything all fresh and not stale, right. And so in this discussion here, my thought was, you know, conceptually, yes, the community plan would rule, but zoning is where the rubber hits the road, right. Zoning is what's enforceable. So perhaps when we're doing the community plan process, that zoning is taken up at the same time. It would be a different set of bills, you know, so like the comprehensive zoning. And so those areas where, in the community plan process, the zoning and the designation are inconsistent, that it would be added to this comprehensive zoning amendment bill so that when we adopt the community plan, the zoning changes simultaneously. And then for the areas that are...you know, that perhaps need a little more time and talk through with the community, those like we do can be separated from the comprehensive zoning bill. And then that way, it'll all happen one time. And it...the community plan designations will then be enforceable through zoning. So that's an idea of how we can ensure the enforceability of the Community Plan Designations, by making them all pass at once. Mahalo, Chair.

CHAIR PALTIN: Thank you. And I like that as a vision of where we're going. I guess a little bit of the problem with implementing it now, like I'd love to do it, is I think that the Planning Department is also planning updates of the zoning designations that would more so align with the community plan. So if we have like something like transit...oh, go ahead.

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

June 15, 2021

COUNCILMEMBER RAWLINS-FERNANDEZ: I understand your concern, and it would be too late in this process for West Maui because, you know, it didn't come as a package together to the CPAC, and then to the Maui Planning Commission, and then to the Council. So it didn't go through that whole review. But perhaps it's something that we could try with South Maui, and it could, you know, be that, you know, very comprehensive process of updating everything one time so that it's not...we don't run into these problems that's been plaguing the County for years. Mahalo, Chair.

CHAIR PALTIN: Yeah, yeah. Definitely I think that's the way we should go because we don't have that much time, you know, to go through this so much over three years. And then by the time we align it with the zonings, everything might be stale already and, you know, especially in this world where people want instant gratification, and we're taking like 20 years, you know, it's not working out. Okay. All right. Okay. For the...yes, Chair Lee.

COUNCILMEMBER LEE: I just want to...this is not quite germane, but almost germane.

CHAIR PALTIN: Okay.

COUNCILMEMBER LEE: I am a believer in comprehensive zoning, but you're going to...mark my words, you're going to run into a lot of resistance from other people who prefer to have multiple bites at the apple. Okay. Just want to forewarn you. Thanks.

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And then to the...sorry, it's kind of germane, but not really germane to Chair Lee's comments. But incorporating the caution given by Mr. Hopper, that I think that if we were to adopt a process like this, that it would be most responsible of us to also include notification to all the property owners that would be affected by the change in zoning., And then that way, you know, it's just, you know, transparent and, you know, everyone has proper notification. And I know it would be tricky because, you know, people would want to continue to...if they oppose what the majority of the district would want to have as, you know, the land use in certain areas, then that's democracy.

CHAIR PALTIN: Yeah, I don't see a problem with if we do incorporate that landowner notification with people opting out of the change in zoning portion, you know. It would just mean that if the Community Plan Designation goes ahead and it's not in alignment with their zoning, that they don't have it in alignment, and it could possibly be difficult in the future for them to get subdivision, special use permits, and those types of things. But if it's an option for landowners to align zoning and community plan during this process, why not, if they want to, take advantage of it. And it would save, I think, some folks that are for it. And if the community is for it, it would save a lot of time and money and resources that way. So I'd like to see us move toward that direction at least as much as possible to save time and confusion. I don't know that it would save all the problem if the...fix all the problems if the landowner doesn't buy into it or doesn't want to. I don't want to try and force folks if it goes against what they want. But in terms of

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

June 15, 2021

Community Plan Designation, and us going through this process, I think it's important that it's what we hear the overriding voice of the community as a whole in looking and planning for the future generations. So this beginning part of Appendix D, I know we're taking a long time on it, but it is fairly important that we get it as digestible for the community as possible. So we did decide that we were okay with the revisions to the first paragraph, and we can add back in "and places." For the second paragraph, do Members want to try and start from scratch and revisit this portion during our revisit day? We can digest it, come up with some words and bring it back? Chair Lee.

COUNCILMEMBER LEE: Yeah. I like that idea. And perhaps we can ask Corporation Counsel work with Planning to come up with some language, instead of us trying to struggle through that, okay.

CHAIR PALTIN: Okay. Is that something that Planning and Corp. Counsel could do based on the discussion we've had today or is it more Committee Staff work?

MR. HOPPER: I think Director McLean can give her view, but I think we'd want to know what difference you would want from the current language. I mean, I think the current language is intended to sort of reflect what the 2.80B is now. Was there some type of change in that you'd like, or...I mean, we can definitely...or I can definitely help on language, but I don't want to draft policy stuff without...or policy positions without sort of knowing of what you'd like to do. So maybe Director McLean has some thoughts based on the discussion today but, you know, that's my only thing is that, you know, how would you like it changed.

CHAIR PALTIN: Okay. Director McLean, from the conversations that we've been having, any thoughts.

MS. MCLEAN: Thank you, Chair. I think we could try to come up with language that just strengthens the community plan, but still within the current framework. And I agree with a lot of the points made in this discussion that, you know, a bigger approach is beyond this particular community plan, looking at changing 2.80B, et cetera. So, but just for this particular community plan and that language, sure, I'd be happy to work with Mr. Hopper to see how we might modify the language to just give the community plans a little more strength.

CHAIR PALTIN: Okay, awesome. Are the Members satisfied with that course of action? Yeah. Member King.

VICE-CHAIR KING: I think...although I thought we decided to leave places out because it says in there that any given area which is basically places, so...

CHAIR PALTIN: Oh, okay.

VICE-CHAIR KING: . . .*(inaudible)*. . . Community Plan Designations describe the land uses that the community wants to allow in a given area, that's the same. But yeah, do you want me to withdraw my motion for now if they're going to work on new language, or do

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

June 15, 2021

VICE-CHAIR KING: Okay. Because they're not bad bullet points, but I think if we just say the designations are used for the following, you know, include, but are not limited to these two reasons. I think they are good because they do help the County review, you know, for changes in zoning.

MS. MCLEAN: That is where the law currently requires the community plans to have the force and effect of law. So stating that plainly, I don't see the harm in that. I think the concern is that there tends to be the practical reality in some cases, as well as the perception that that's the only time we look at community plans, and it's not what we want them to be.

VICE-CHAIR KING: Right.

MS. MCLEAN: So putting the bullets in on the one hand, it's clear and straightforward and black and white. But depending on how we work on the language preceding it, or maybe in the bullets themselves, it's not intended that's the only time they matter. So we'll give you some proposals and see what you think.

VICE-CHAIR KING: Okay. I just wanted you to know that I wasn't, you know, married to the idea of deleting it, but I had that same idea that we don't want to limit it to just those two bullet points and make that included, but not limited to. Okay. Thank you. Thank you, Chair.

CHAIR PALTIN: Okay. All right. So now we're going on to the specific designations, and I just...if everyone did print out their March 18th transmittal from the Director, on the second page of that it has a table that has existing Community Plan Designations, updated Community Plan Designations, and the most compatible zoning districts for updated Community Plan Designation. At the top of the matrix or the table, it says the following table shows: one, the relationship between the existing Community Plan Designation and the proposed updated designation; and two, the most compatible zoning districts for the updated designations. This does not constitute an exhaustive list of all possible zoning districts for each of the updated Community Plan Designations. Most of the existing business Community Plan Designations can align with more than one of the updated mixed use Community Plan Designations. The designations boxed in orange below show example alignments between existing and updated designations, but not all possible alignments. Director McLean.

VICE-CHAIR KING: Chair, can you give us the date of that. I'm looking on Granicus and trying to find that document you're reading from.

CHAIR PALTIN: Sure, it's March 18th, 2021.

VICE-CHAIR KING: You know what number it is?

CHAIR PALTIN: Let's see...I believe...

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

June 15, 2021

COUNCILMEMBER RAWLINS-FERNANDEZ: 25...is it number 25 on Granicus?

VICE-CHAIR KING: Correspondence from Planning.

CHAIR PALTIN: Yes, 25.

COUNCILMEMBER RAWLINS-FERNANDEZ: March 18th.

VICE-CHAIR KING: Thanks.

CHAIR PALTIN: 25.

VICE-CHAIR KING: Got it. Thank you.

CHAIR PALTIN: I just was wondering if you could, Director McLean, go over for us why not an exhaustive list of all possible zoning districts, other than we haven't created the new zoning districts. The reasoning behind not an exhaustive list of all existing zoning districts that would be compatible with updated Community Plan Designations.

MS. MCLEAN: I think it's just being safe that there might be a scenario that we didn't think of where there...a particular use that's allowed in one zoning district would also be consistent with a Community Plan Designation, you know, not the logical clear matches, but where there could be some compatibility. We just...we were concerned that by having this list, that if that's your Community Plan Designation and your zoning isn't in that column, then you can't do anything. So that's really...it was just wanting to make sure we didn't accidentally overlook any district that might work out. That's all.

CHAIR PALTIN: Do you happen to know of an example that you could give...or because you didn't...you don't know what you might have missed, it wouldn't be...you wouldn't be able to give us an example at this time.

MS. MCLEAN: Right. I'm looking at it now. For example, looking at...oh, gosh, let me see.

CHAIR PALTIN: Oh, I guess maybe I got one, maybe. So zoning districts in West Maui Community Plan District is Nāpili Bay Civic Improvement District, and I don't see that on here. I would imagine it could fall under Small Town Center, or Resort Hotel Employment Center, I'm not sure where Nāpili Bay Civic Improvement District would fall under.

MS. MCLEAN: Yeah. That is a district that's not listed. Also, Jen reminded me that the zoning districts get updated from time to time, and there might be an update to a district that would allow it to be listed here where it isn't currently listed. So it's just...it's just allowing for...I mean, I would say 99 percent of the time this would follow, but there may be unique circumstances where we didn't account for something.

CHAIR PALTIN: So would you be able to tell us what community plan districts, I mean since we are on West Maui Community Plan, align with Nāpili Bay Civic Improvement District.

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

June 15, 2021

MS. MCLEAN: Probably...probably Hotel because the zoning in that district right now currently allows all the uses allowed in the Hotel District. So whatever is listed under Resort Hotel now, those same uses we could add Nāpili Bay Civic Improvement District to that. We could also add it maybe to Neighborhood Center because of the apartment uses that are allowed, the apartment and residential uses that are allowed, and maybe the Residential district too.

CHAIR PALTIN: Okay. So nothing is stopping the Council from defining alignment at a later time.

MS. MCLEAN: Right.

CHAIR PALTIN: Okay. All right. So Director McLean, have you looked over Mr. Perez's language for Rural Residential, and if you could tell us any problems that you see with that or things that you like?

MS. MCLEAN: I have not had a chance to go through it carefully. I can't comment on that now.

CHAIR PALTIN: Okay. All right. So the proposed language to replace what is existing in Rural Residential starts with intent permitted uses. It would say the Rural Residential Community Plan Designation is intended to preserve rural character similar. The designation serves as a transition between agricultural areas and more urban development, saying...he just removed the part about rural residential areas are generally developed with large lot subdivisions, family farms, and estates. And he includes cluster development is encouraged to preserve sensitive natural features, common open space, or working agricultural lands. And then he removes the primary use in this designation is low density residential, and may include support uses such as parks, schools and farming. And the permitted uses, he says low density residential large...oh, he just kind of rearranges it, but then he adds in zoning districts that implement this designation include, and that would be rural, RU-.5, RU-1.0, RU-2.0, RU-5.0, RU-10.0, PKOS-1 and OS-2. And then I guess it would be shown in this matrix that you presented to us, which says as of March 3rd, 2021. You see a problem...it's basically the same wording arranged a little differently.

MS. MCLEAN: I do have a concern with listing uses as "permitted uses" because that suggests that if something isn't listed there, then it isn't allowed. And that's generally not how Community Plan Designations work. Again, this is back to the zoning versus community plan question, where zoning districts are more detailed as to what uses are allowed. Community plans, particularly these new designations, are much more descriptive. And they are intended to describe the uses and the character, and not just those particular things. So it says, residential uses, family farms, parks, schools, and farming. Would, for example, a church be allowed there.

CHAIR PALTIN: I guess I don't know. You would have to let us know. Would a church be allowed there?

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

June 15, 2021

MS. MCLEAN: That's the thing. To us, it would be, well, what zoning is there? So if you have these permitted uses listed in the community plan, but then you reference specific zoning districts, what if that zoning district lists something that's not listed in the community plan, then there seems to be a conflict.

CHAIR PALTIN: Okay. Okay, that makes sense. So Members, are you okay with the rural residential wording as listed on page 145 in that case? Do we have a consensus to accept that, or...I mean, it's fairly similar to the amended language proposed by Mr. Perez. It's a little bit of a way to rearrange the wording. There's concerns with the permitted uses portion, and we can include this matrix that was transmitted on March 18th as worded to just give examples of most compatible zoning districts for updated Community Plan Designation. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. You know, I kind of liked about Mr. Perez's suggestions, particularly taking out the second sentence about large lot subdivisions, family farms, and estates. So, you know, that has kind of been a County loophole, where we've used agriculture or farm areas, like rural residential, for more...you know, like mansion estates. So I think that's why he wanted to take out the word estates. I'm okay with taking out, or even adding farm estates, or country or something like that where it has farming attached to it. And then in the third sentence, where it says, this designation serves as a transition between agricultural areas and more urban development, it seems like transition means, hey, we're going to transition from an agriculture...like the big discussion we had with the Plantation Estates, that we're going to transition from an agricultural zoning almost to a more urban residential zoning. So I would be open to maybe just clarifying this designation source as a transition area between agriculture areas and more urban development. Because right now it looks like we're transitioning from agriculture and we're going to move to more urban development. It's just kind of my...

CHAIR PALTIN: Okay. Yeah, I think those are great suggestions. Basically, what I heard is like say we go on page 145, we're looking at that language, we strike "and estates" from that sentence...rural residential areas are generally developed with large lot subdivisions and family farms. And then we put, this designation serves as a transition area between agriculture and more urban development. And we're taking out...

COUNCILMEMBER SINENCI: Yeah. Chair, just for clarity, that it's not...we're transitioning ag to urban development.

CHAIR PALTIN: Yeah, yeah. I like that. Director McLean, any problem with those amendments suggested by Member Sinenci?

MS. MCLEAN: No, Chair. I don't have any concerns with that. Thank you.

CHAIR PALTIN: Okay. All right. Anybody have additional amendments or problems with the amendments suggested by Member Sinenci? I think they are great clarifiers and, you know, if...I think what we heard...or what I heard throughout the Community Plan

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

June 15, 2021

Advisory Committee, as well as the Planning Commission, was kind of a dislike of those gentleman farm estates. So, you know, maybe it's still allowed, but we don't need to put an emphasis on it, you know. Member King.

VICE-CHAIR KING: I just wanted to offer some language if we're...it sounds like we're looking at this designation as a potential buffer zone. So it's not, you know, we're not trying to move from one designation to another, we're just trying to create buffer areas. So if we say something like rural residential areas, or this designation can serve as a buffer zone or buffer area between agriculture areas and more urban development. And that kind of clarifies that when just looking at it as a separate...keeping that designation, not looking to change the language designation at some point, but we're creating areas that will buffer between those two, you know, agriculture.

CHAIR PALTIN: So what I heard was, your recommendation is to replace the word transition area with buffer area.

VICE-CHAIR KING: And then put, this designation may serve as a buffer area between...because it doesn't necessarily have to, I don't think. I think Rural Residential doesn't necessarily have to be a large lot subdivision, does it, Director? I mean, it could an individual home.

CHAIR PALTIN: Director.

MS. MCLEAN: Thank you, Chair. Functionally I agree with using the word buffer, but it's...I'd be concerned that there is the impression that, oh, we have to designate something Rural Residential in order to buffer between Urban and Ag. It's more...the idea is more that the appropriate places for Rural Residential are outside Urban and not, you know, off in the middle of Ag and not within Urban. So it's just where do you want to see these things. And if you want...

VICE-CHAIR KING: Well, that's why...

MS. MCLEAN: ...outside of urban. Yeah.

VICE-CHAIR KING: That's why the wording I was suggesting is this designation may serve as a buffer area. So, you know, but it just clarifies that we're not looking to transition from one land use designation to another.

MS. MCLEAN: Right. It's not like a holding pattern until things urbanize.

VICE-CHAIR KING: Right.

MS. MCLEAN: It's this is where these uses belong.

VICE-CHAIR KING: Right. And in some instances there will be buffer zones, and in some other instances there won't be. So it sounds like that's...if you don't put may serve as a buffer zone, it sounds like that's the only reason to have that.

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

June 15, 2021

CHAIR PALTIN: Okay. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So if we use the term buffer, would we have to add that to the definitions?

VICE-CHAIR KING: I don't...personally, that wasn't my intent. My intent...

COUNCILMEMBER KAMA: I know that wasn't your intent, but in the event that it would be added, the word buffer, would you have to add that to the definitions in the book so people will be understanding what it is we are talking about.

CHAIR PALTIN: It wouldn't hurt. I mean, we could do that. Okay. So any further proposals for amendment to this language. What I have right now is the Rural Residential Community Plan Designation is intended to preserve rural character. Rural Residential areas are generally developed with large lot subdivisions and family farms. This designation may serve as a buffer area between agricultural and more urban...agricultural areas and more urban development. And then everything else continues on as it's written. Do Members like that? Are we good to go? Shall we take this...take a vote, or is consensus okay with Members on this one?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Consensus. We're good with this. Okay. Moving on to the next page, Residential.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR PALTIN: Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. For Pro Tem Kama's request, a definition of buffer, shall we mark that as a revisit so we can draft language and have that proposed later in the definition section?

CHAIR PALTIN: We...I'll mark it in my book, and we can come to that when we hit Section 5, Appendix G.

MR. RAATZ: Chair, if I may?

CHAIR PALTIN: Yes, Mr. Raatz.

MR. RAATZ: Staff, just as an observation, in Chapter 2.80B there's already a list of definitions that apply to all the general plan ordinances, and buffer is a defined term.

CHAIR PALTIN: Okay. And then I guess we'll take the definition from 2.80B and we can put it into Appendix G for ease of reference for the community. So we don't have to come up with a new definition, we'll just take it out of 2.80B. Perfect. I'll make a note of that.

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

June 15, 2021

COUNCILMEMBER SINENCI: Chair? Mr. Raatz, just quickly. I mean, does it just have a definition, can you read it?

CHAIR PALTIN: Oh, you want to read it.

COUNCILMEMBER SINENCI: If he has it available.

CHAIR PALTIN: Mr. Raatz, do you have the definition available?

MR. RAATZ: Yes, I do. Thank you, Chair. Buffer generally refers to the designated area around a land use or geographic feature deliberately left in a specific condition, typically to protect a natural resource, mitigate development impacts, or protect the character of a community.

CHAIR PALTIN: Yeah. That's sounds like what we want. That's sounds great.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR PALTIN: Okay. Awesome. Okay. We're moving right along to page 146, this is residential. Similarly, I think that there isn't much change in the wording, it's just the format. So I think that given Director McLean's concerns about listing permitted uses and them being interpreted as the only permitted uses, we can work off of page 146 in our draft community plan. I'll give everyone a minute or so to read through it and see if they have any problems or would like some words changed. Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yeah, I like that it describes all different things...church, schools, public quasi uses, small scale neighborhood. It says, surveying commercial uses may also be permitted on a limited basis. I was just looking more for access. I know it says walkable commercial nodes for the surrounding neighborhood, so maybe...I guess it's already in there. I was just looking for more walkable connections to commercial areas from the neighborhood areas. Sometimes, you know, you often have to cross a larger thoroughfares or highways. So I think if there were areas that could be easily accessible, like we talk about having...communities having access to fresh vegetables or, you know, these communities have access to those things as well, versus only certain amount of communities are able to access. So more equitable neighborhoods, possibly.

CHAIR PALTIN: Okay. How's about inserting the word "safe"? These uses should create safe walkable commercial nodes. Would that envelope what you're trying to say?

COUNCILMEMBER SINENCI: Sure. Yeah. Definitely. Thank you.

CHAIR PALTIN: Okay. Adding the word "safe" there. Member Kama, I saw your hand up.

COUNCILMEMBER KAMA: Yes. Thank you, Chair. You know, I was...if we could go back to the previous sentence that reads, "New residential development should include

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

June 15, 2021

pedestrian, bicycle and transit connections.” So what do we do with motorized wheelchairs, motorized scooters, you know. And sometimes...walkable communities are great, and if you have two legs you can walk, so you don't need that much of a space. But when you're on a motorized scooter or something, you need a little bit more space, you know, so that you can...so if someone is walking against you, you can not knock them off the sidewalk onto the road. But, you know, how do we put something like that in there. I see the word “safe” is great, but I'm wondering if we could include the words like “motorized scooters or wheelchairs,” or...

CHAIR PALTIN: Maybe we can make...we could put ADA...not friendly, but ADA accessible. Is that kind of the word that you were looking for?

COUNCILMEMBER KAMA: Yeah, so that you know that the transportation modes that people with disability issues are wide and varied.

CHAIR PALTIN: Okay. So new residential development should include ADA accessible, pedestrian, bicycle, and transit connections.

COUNCILMEMBER KAMA: Yeah. Sounds good.

CHAIR PALTIN: ADA accessible. Okay. I saw Member Molina's hand up, followed by Member Johnson.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Just looking at that second sentences where, this designation encourages a range of housing types, such as single family, ohana, duplex, et cetera. And you know, with the issue of houselessness, I mean, is there another...an additional term we could add to that. Because you know, there's talk of like tiny homes and things of that nature. I'm just...kind of wanted to get a perspective from the Planning Department to see if this type...if there is a term or language we could add to this. Because you know, it all comes down to planning and maybe working with the Department of Housing and Human Concerns to see what type of units we want to establish into our...for example, our Comprehensive Affordable Housing Plan. So just kind of curious if we should add something to this existing language.

VICE-CHAIR KING: Experimental housing design, or something like that.

COUNCILMEMBER MOLINA: Yeah, yeah. Something along those lines.

CHAIR PALTIN: Okay. I saw Ms. Maydan pop up. I don't know if she wanted to consult on that wording, experimental housing design, but maybe you can do both what you had originally popped up on and Member Molina's suggestion. Ms. Maydan. You might be frozen. You can...now that we've recognized you, you can mute your video and just talk to us.

MS. MAYDAN: Thank you. I raised my hand in regards to the discussion of ADA. I just wanted to provide a suggestion. Multi-modal is mentioned in the residential description, and

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

June 15, 2021

multi-modal is defined in Appendix G. And perhaps under the multi-modal definition, ADA could be added to that so that anywhere in the plan multi-modal is referenced, we're sure that ADA is included in that.

CHAIR PALTIN: Okay.

MS. MAYDAN: That could be a way to address Member Kama's concern.

CHAIR PALTIN: Okay. Going back, Member Kama, is that a sufficient way, or did you want ADA spelled out in this language?

COUNCILMEMBER KAMA: No, no, no. It's okay, because ADA is already defined in the back of the appendices, in Appendix F. So that's good.

CHAIR PALTIN: Okay. And then we'll include ADA into multi-modal as well. Okay. All right.

COUNCILMEMBER KAMA: Thank you.

CHAIR PALTIN: That's a good suggestion. Thank you, Ms. Maydan. And any suggestion in regards to Member Molina's concern about alternative housing types?

MS. MAYDAN: Thank you. I would say that while Residential is the predominant designation that provides for housing, of course many of the other designations do as well. And in the second sentence of the Residential, it notes that it encourages a range of housing types. So I would certainly say that while it's not specifically addressed as far as tiny homes or experimental homes, it's included within that range. And I would say that there's probably...I believe there are policies in the plan that address smaller unit types, and more experimental homes to provide affordability. So certainly not...we wouldn't be against adding it to the Residential, but I would say that housing units are in more designations than just the Residential. I saw Director McLean pop up, she may have a comment as well.

CHAIR PALTIN: Okay. Director McLean.

MS. MCLEAN: Thank you, Chair. Jen did a good job of covering it. I would only specify that tiny homes are a kind of a single-family home and can be used as ohanas, they're just small. So it's...I don't know that tiny homes needs to be specified. And then if we're talking about experimental housing, those things are often done through a 201H or a 2.97 process, so the description in the Community Plan Designation would be addressed through that...through that process. So I don't think there's any harm in adding it, but I think it's covered with the current language.

CHAIR PALTIN: Okay. Thank you. Mr. Molina, does that satisfy your need?

COUNCILMEMBER MOLINA: Yeah, yeah. That's fine. If we don't need to get so specific and if it's already basically addressed in the policies and assumed under a specific designation that tiny homes, for example, come under single-family homes, or single-

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

June 15, 2021

family designation, that's fine by me. Just the thought was just do we need to be even more specific, but if we don't need to, that's fine. Thank you.

CHAIR PALTIN: I got Member Johnson, followed by Member Sinenci, and then Member Kama.

COUNCILMEMBER JOHNSON: Thank you, Chair. My question was addressed. Mahalo.

CHAIR PALTIN: Okay, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I appreciate Member Molina's comments, and I would agree with him, maybe more towards if we see some of our homeless community that's ready to go into housing. But I think my personal feelings at an earlier stage of finding housing for our homeless population, I think we need to have them near wraparound services. So some of these services available for our homeless, just to assist them with the transition, I think maybe in residential areas, they might not be near some of the services that they require. Thank you.

CHAIR PALTIN: Thank you. Good point. Member Kama.

COUNCILMEMBER KAMA: Yeah. I was just thinking about, you know, how definitive or how specific we are with some of the things that we're describing, you know, throughout this document. And it comes to mind that, you know, while we know that things are written in policy, and you can find it in the ordinance, and it's already written there so we don't have to worry about it here, but the people who are actually going to be reading this document may not know that. And so I think the more information we put in would be more helpful to them to understand their own plan and this document. So that's just my comment, Chair. Thank you.

CHAIR PALTIN: Okay. And so then based on the comment, did you want to include ADA back in here so that they know that they're not...that if they read this, they know up front, or are you still...

COUNCILMEMBER KAMA: I think, you know, we use the word multi-modal, and I think that's going to become a really new buzz word as we continue with the sense of...or intent express that's going to be coming down. So I think that by the time they get this, they'll...everybody will know that the new buzz word is going to be multi-modal, so I think they get that. But you know, I think it's okay. Thank you.

CHAIR PALTIN: Okay. Thank you. One proposal that I had been thinking of, we worked on a bill, but we ultimately decided not to move it forward. You know, in residential areas, for me, I'd like to discourage like the types of corporate commercial chains and encourage commercial activity that is, you know, locally based. Like in Nāpili Market Complex, we don't have Starbucks, we have Nāpili Coffee Store, it's owned by Melissa Bundek, she knows me, she always donates to the Save Honolua Coalition clean ups and things like that. So I was wondering what Members thought about encourage small locally owned business, and just...for commercial uses, and discourage corporate chain types of commercial activity. Member Kama.

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

June 15, 2021

COUNCILMEMBER KAMA: I like having mom and pop stores. We don't have them anymore, and that's the problem that we have today with the big box stores. So whatever we can do through economic development in supporting our local communities and our members, and our constituents to be able to get out there and create something with their blessed gifts that they've been given and their talents, we should help them to make that happen. So I support that idea.

CHAIR PALTIN: Okay, cool. Member King, followed by Member Molina, then Member Fernandez...Rawlins.

VICE-CHAIR KING: Yeah. I think, Chair, that you...what you've described is part of what we're going to be working on this summer, the Climate Change Office, the Mayor's Climate Change Office with the circular economy pilot project that we'll be doing, is encouraging more of that. I just wondered what it had to do with residential.

CHAIR PALTIN: Well, you know, like while those types...the commercial Starbucks or whatever may be accepted or even wanted in your transit corridor, I wouldn't necessarily like it like right next to my house to have a Starbucks. Like I'd like to have, you know, a locally owned business where I know the owner, know the community.

VICE-CHAIR KING: So I guess this Residential land use designation, does that include Commercial Residential as well, or are you talking about more of like the Town Center or the Rural Village.

CHAIR PALTIN: It says, small scale neighborhood serving commercial uses may also be permitted on a limited basis. So it's already like limited commercial use, and I just wanted to define that commercial use as like mom and pop type locally owned shops, and not like corporate chain type. There's limited commercial uses, but I don't want it to be Home Depot outlet small scale or something like that. I'd like it to be like Ted's Tools or whatever, you know, like small locally owned commercial uses. I see Director McLean, you have a comment for me?

MS. MCLEAN: Yeah. Thanks, Chair. There's a term that's used, it's called a formula business, and that's generally type stores where a certain logo has to be used, certain products need to be carried. So if you want to refer to that, you could refer to mom and pops, I think we all understand what that means. Or you could put language in there that the neighborhood serving commercial uses shall not be a formula business.

CHAIR PALTIN: Shall not be a formula business.

MS. MCLEAN: And that'll be just a unique standalone type of business.

VICE-CHAIR KING: So does every chain store qualify as a formula business?

MS. MCLEAN: It would depend on how it's defined. I mean, if you would wanted to get particular, it would depend on how it's defined in local ordinances.

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

June 15, 2021

VICE-CHAIR KING: So if you're like a franchise, are you still considered...I mean, that's formulaic, isn't it, if you're a franchise? Like you would...like if you were going to try to open a McDonald's or something and they have a formula, you have to --

CHAIR PALTIN: L&L.

VICE-CHAIR KING: -- you have to sell certain things.

MS. MCLEAN: Right. Again, it would be...it would be how it's defined in a local ordinance. We had talked about this years ago for our small towns, for the Business Country Town District, about prohibiting formula businesses, and there were...there were some legal problems to what we were proposing at the time, so it never went forward. But if that were going to be, you know, put in the zoning code, for example, then we would define ourselves how many chains that would mean or, you know, how to further define the formula business. Usually it's something like having to use the same logos and having to carry the same products.

VICE-CHAIR KING: Okay. Well, hopefully we can work on to do that...

MS. MCLEAN: I'm getting too off track with this. It may be better for these purposes to just say, mom and pops.

CHAIR PALTIN: Okay. Yeah. So serving commercial uses may also be permitted on a limited basis, small scale neighborhood serving mom and pop commercial uses may be...may also be permitted on a limited basis...mom and pop commercial.

VICE-CHAIR KING: Okay. Is there a definition for mom and pop somewhere?

CHAIR PALTIN: Not that I'm aware of, but Director McLean said most everyone understands what that means because it's...maybe not the millennials, I don't know.

VICE-CHAIR KING: As long as it doesn't say that you have to be a couple.

CHAIR PALTIN: Oh, yeah. Chair Lee.

COUNCILMEMBER LEE: Okay. I'm going to stand up for the other people. Okay.

CHAIR PALTIN: Okay.

COUNCILMEMBER LEE: Because as you folks know, Foodland is my neighbor. And right next to Foodland is the Coffee Bean. And when there's Kona wind, I can hear everybody's coffee order as they drive through. But you know, the point is, all these people are local people working in the stores. And even McDonald's down the street, that is...they hire the people at the homeless shelter at Ka Hale A Ke Ola. So although they may not be mom and pop stores, they hire all local people. So, you know, please don't exclude them simply because they're not mom and pop, because they certainly

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

June 15, 2021

provide a tremendous service to the community by hiring our local folks. And believe me, without the McDonald's down here, many people at the homeless shelter wouldn't have jobs. Thank you.

CHAIR PALTIN: Thank you. Yeah, I'm not saying they don't serve a need, but I think as Member King said, part of the circular economy, we want to promote the diversity and the economic monies where we're not getting paid these minimum wage levels, but it's the people that are owning the store that are taking the majority of the income and redistributing it. Majority of the mom and pop shop owners that I know that are successful, they're super involved in their community, and they give back a lot to a lot of organizations that they care about. So it's just the balance. Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. And I'm really glad Chair Lee brought up that perspective too. And I think the fear with having...or more of the encouragement of mom and pop businesses is based on the fear of the big boxes coming, they're the mom and pop killers, you know, the Costcos, the Walmarts, and so forth. But the reality is, everybody here...and at some point have gone to the big boxes for something, whether it be for gasoline or party supplies and so forth. But going back to your language, Madam Chair, and you mentioned encourage. And I was wondering if maybe adding in the word prioritize, you know, encourage and prioritize mom and pop businesses. And I don't think the language is...the current language is prohibiting, you know, franchise stores to come in, but it's just more the community having a preference, if at all possible, go mom and pop, but if not, so be it, you know, you can get the franchise, you know, the CVSs, Long's Drugs...I mean, that's still considered, even though it's corporate, but it's still been a long time established business here in our communities. Just like the Foodlands, yeah, like Chair Lee's neighbor, you know.

CHAIR PALTIN: The folks you meet at Long's.

COUNCILMEMBER MOLINA: Yeah, yeah. It's a gathering place, but it is a franchise store. Yeah.

CHAIR PALTIN: I like that encourage and prioritize, if we could put that in.

COUNCILMEMBER MOLINA: Yeah. That wording.

CHAIR PALTIN: Ms. Maydan did type in the chat that mom and pop is called out in Neighborhood Center. Member King, did you have your hand up?

VICE-CHAIR KING: Yes. I just wanted to point out to folks that we're not saying that we're against the franchises or the stores like Long's, we just don't want them in residential areas. So if you're zoned Residential, you wouldn't be a Long's. You know, Long's can't come into...anyway, I don't think couldn't come into a home and operate out of a home. What we're talking about I think in this designation is what would be allowed in a residential area, and that our preference for residential areas would be mom and pop, you know, the small scale mom and pop stores. I wouldn't want...I wouldn't want my neighbor to turn their house into a McDonald's, but I don't have anything against

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

June 15, 2021

McDonald's being down, you know, on South Kihei Road and employing some of our local people. So it's just basically about this particular designation, I think.

CHAIR PALTIN: Yeah. And interestingly enough, for many years on Lahainaluna Road, there was actually like a Credit Union that operated out of what looked to me like a house. And when I seen people like, oh, I gotta go to my bank, and I'm like, why are we going to this house, and they're like, oh, that's my Credit Union. But eventually they got a new location in the industrial area and somebody actually moved into the house, but that's some of the old style that we don't really see too much anymore. But I was wondering based on Member Molina's suggestion, what Members think of encourage and prioritize small scale neighborhood serving mom and pop commercial uses or...oh, that doesn't work. Sorry. Encourage and prioritize mom and pop small scale neighborhood serving commercial uses, which may be permitted on a limited basis, provided these businesses are pedestrian oriented and will generate minimal vehicular traffic. Member Kama.

COUNCILMEMBER KAMA: I like that. Because if I'm in my motorized scooter, I can stop by and my small drive through, and pick up my coffee, and continue on my way. I mean, I think it makes sense to have those things right in your neighborhood. It's like the place where everybody knows your name. So I like that idea, Member Molina. Thank you.

CHAIR PALTIN: Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Just something else to add. I guess it depends on the residential community. Because like for example, in Chair Lee's community, Wailuku, a more urbanized community, larger, you know, a franchise can fit there. But whereas you look at Makawao, could you imagine Makawao town or Kaunakakai town having a McDonald's? It would be kind of out of character. Because, you know, in our more rural historic residential areas, that's where, you know, more mom and pop types would be the preference, rather than having a large franchise type of organization in there. So it kind of...it would not be a character fit in places like Makawao, Kaunakakai and Hāna, for example, yeah. So anyway, just a thought.

CHAIR PALTIN: We have a McDonald's in Kahana.

COUNCILMEMBER MOLINA: But it's a resort community, yeah, though too, so...

CHAIR PALTIN: Yeah. Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, this discussion has brought me...remind me of the recent trip I made to Walgwan, how they're helping out their homeless and people in foster care. And I wonder if this is a way that we can allow like home health care houses and foster care houses being in a residential, right. You know, here on Lāna'i we have a lot of seniors, and we're looking for home health care, it's really tricky. So would that be able...it would kind of be considered a mom and pop. I'm not sure. So how do we make sure that we can put in something like that in a residential,

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

June 15, 2021

like a small home health care or small foster home that would still add to the...you know, it wouldn't affect the community so big, it's not a giant hospital per se, it's just a house with a lot of rooms that people are helping out seniors or helping out foster children. I would hope that that would be...we could include that in there...in this language in some way.

CHAIR PALTIN: I know there's one right in Nāpilihau that it's at the end of the walking bridge which connects the Nāpili Park Subdivision and the Nāpilihau Subdivision, you can walk across and go to Nāpili Market, so I don't know that it's prohibited. Director McLean or Ms. Maydan, any comment onto Member Johnson's suggestion. It seems like they may need to go through a process because I know before that senior health...home health opened up there was a big sign, but they were allowed to open. Director McLean?

MS. MCLEAN: Thank you, Chair. State law right now currently requires that any zoning district that allows single-family residences also allow various types of residential care homes if they are regulated by the State. So there's a whole variety, and there are all these definitions in State law. So I believe that might be what Councilmember Johnson is talking about, in which case it would be allowed because of State law.

CHAIR PALTIN: Okay. Great. All right, I think we've exhausted Residential. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I made the amendments if you'd like me to share my screen so that everyone can see exactly what it is.

CHAIR PALTIN: That's awesome, yes. Let's do it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Can you see the screen?

CHAIR PALTIN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: All right. Is that what we intended?

CHAIR PALTIN: I think we just need a safe between create walkable. So it would be create safe, walkable commercial nodes. And then other than that, it sounds great, or looks great. For some reason there's a big blue box.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR PALTIN: Okay. But Members, if you were able to glance at that.

VICE-CHAIR KING: Can you put that up again?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Chair, where was the safe?

CHAIR PALTIN: It's in the last sentence, it says, "These uses should create safe, walkable

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

June 15, 2021

commercial nodes.”

COUNCILMEMBER RAWLINS-FERNANDEZ: These uses should create...like that, yeah?

CHAIR PALTIN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: Okay. Do we have consensus on Residential as it's shown on the screen?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR PALTIN: Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: I wanted to add foodscapes in...oh, I guess I should...I can share my screen again. Okay. So related and compatible uses include, but are not limited to, parks, schools, churches, and other quasi-public. So I guess after churches, I think foodscapes...

CHAIR PALTIN: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: ...like landscapes that are edible. Okay.

CHAIR PALTIN: Like planting avocado trees, and mango trees, or whatever it is.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Yeah, so like instead of just having trees that produce shade, it also produces food.

CHAIR PALTIN: I'm okay with that. Members, are we good with these amendments to Residential?

VICE-CHAIR KING: Chair?

CHAIR PALTIN: Yes, Member King.

VICE-CHAIR KING: Is the syntax on that sentence, encourage and prioritize small scale mom and pop commercial uses may also be permitted on a limited basis.

CHAIR PALTIN: Oh, sorry. There should have been a which, which may also be...

VICE-CHAIR KING: Oh, okay. Encourage and prioritize small scale mom and pop commercial uses, which may also be permitted on a limited basis. So that makes more sense.

CHAIR PALTIN: Yeah. Thank you for correcting that, I didn't catch that. Okay. We look...do we have consensus, Members?

COUNCILMEMBERS: Consensus.

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

June 15, 2021

CHAIR PALTIN: Okay. Great, great. Okay. I was hoping to finish designations by lunchtime, so we may need to pick up the pace a bit.

VICE-CHAIR KING: Chair, we also never got the mid-morning break.

CHAIR PALTIN: Okay. Members have been taking breaks as they need to use the bathroom. Let's try and power through things. I'm going to skip ahead to page 158, and I think that some of these may be easier to go through. Let's go through the easy ones. Page 158, State Conservation. I don't have a problem with that as it is. I'm hoping we can get a pretty quick consensus. Consensus, Members?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. Moving on to Page 157 is Agriculture. It seems pretty straightforward. Good. Okay, consensus...oh, Member Sinenci.

COUNCILMEMBER SINENCI: Okay. Again, just for the Ag designations. Again, we talked about large subdivisions and estates, I don't know if we should kind of readdress some of those here, just to discourage...

CHAIR PALTIN: Yes, good point. Good point. Can we put something like gentlemen estates and fake farms are discouraged. Or...

COUNCILMEMBER SINENCI: Yeah, something like that.

CHAIR PALTIN: Or is fake farms an offensive word, I'm not quite sure. Would we be okay with gentlemen estates are discouraged? Director McLean or Ms. Maydan, would that be appropriate in Ag?

MS. MCLEAN: Yes. This is an opportunity...so agricultural zoning, I think you know, has the scale that limits the amount of subdivision that can occur. Subdivisions, however, need to be consistent with the community plan. So this would be an opportunity to be more restrictive than the zoning if that's what the Council wants to do. Because when a subdivision comes in, we don't necessarily know what uses are going to be conducted on each of those lots. But anyway, I don't have a specific recommendation, but I...my guess is that you want to be a little bit stronger than discouraged.

CHAIR PALTIN: Prohibit.

MS. MCLEAN: So this would be an opportunity to do that, so that if a subdivision comes in, there would be strong language in the community plan.

CHAIR PALTIN: Okay. Thank you. Member Kama.

COUNCILMEMBER KAMA: Chair, my question is, if we're going to say, and it sounds like that based on yesterday's discussion, that if gentleman estates are not going to be an

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

June 15, 2021

allowable use on Ag lands, what happens to those who are currently on Ag land, but not actually farming.

CHAIR PALTIN: If you'd like my answer, and I would imagine like, you know, from listening to conversation in the CPAC and whatnot, even extending to the Maui Planning Commission, if these...my answer, if these folks are wealthy enough to afford \$1 million, \$5 million homes, and they want them on ag land instead of rural or luxury gated communities, like Kā'anapali Estates and like that, then, you know, there is a commitment and a responsibility to do ag. And for me, I'm not saying that the person who owns this multi-million dollar house needs to get in the dirt and, you know, turn their hands to the soil, but there's a lot of folks that do want to get into farming, you know, and to hire those folks to create a farm plan, or to do some sort of sustainable farming that promotes us. So if we run into a situation like COVID or some type of, you know, gas prices escalating, then we're not so dependent on the barges because these lands that are in agriculture with these wealthy gentleman estate types are utilizing the land in Ag. Not saying that they need to be the farmers, but we have, in this past budget, funded farming and ag to such an extent. And one of the biggest feedback that I'm hearing from farmers, you know, especially Kimo Simpliciano after his farm got burnt down and the chocolate farm took over the majority of the lease, can't find land to farm. So I mean, in that way, I'd hope that we could create some type of a win-win situation where farmers who can't afford land because the gentleman estates artificially inflates the Ag properties that, you know, they'll have land to farm on. And in that way, gentleman estates or fake farms...what are presently fake farms can fulfill their commitment to the Ag lands.

COUNCILMEMBER KAMA: Chair, if I can make sure I understand that then, then the hope would be that if all these people who do have gentleman estates across our County were open to the idea of allowing others to farm and, you know, whatever revenues is produced or whatever that might be, then that's what the hope is in terms of trying to get more land into...more Ag land into actually farmer's hands.

CHAIR PALTIN: Correct. Correct.

COUNCILMEMBER KAMA: Okay. Thank you. Thank you for your answer, Chair. I appreciate that.

CHAIR PALTIN: Sure thing. And you know, just as an example, my parents live on the Big Island, and they live on Ag land. And my mom loves to farm, but she's getting older, and she has more acreage than she can farm on. She has other...it's an agricultural area, and she had her neighbor take up the bottom portion to plant ginger. And so in that way, she's still doing that. And then that farmer actually made enough over the years on the ginger that he bought his own parcel, and he's farming ginger on his own land. And somebody else...another neighbor came in and is doing sweet potato now. So it's working out quite well for them. My mom has her area, which...when she's in good health is like beautiful, but she's older and she can't keep up with the other two acres. And other folks in the community are using it, and then kind of use it as a way to move up the ladder but, you know, land is much cheaper on Hawai'i Island than it is

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

June 15, 2021

on Maui. But not saying that it's cheap, but it's still possible for folks to work their way up.

COUNCILMEMBER KAMA: Thank you.

CHAIR PALTIN: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, for that. And yeah, I just wanted to...right. And for us as a Council just to kind of stop the egregious practice of utilizing, you know, Ag rates, Ag water rates for gentleman estates. So that's what we want to discourage. And I also want to encourage...to be part of the language is also to encourage long-term leaseholds for farmers in these agriculture areas. Because for farmers, they're going to need to keep their farms, so maybe encourage long-term leaseholds or some kind of language like that so we can help lease commitments maybe.

CHAIR PALTIN: Yeah, yeah. If you're going to plant trees, you need the time for your tree to mature and bear fruit. And you don't want your work to benefit the owner and get, you know, kicked out right when your trees become to the age of maturity, for sure. So prohibit gentleman estates and the practice of fake farming while encouraging long-term leaseholds for farming activities.

COUNCILMEMBER SINENCI: Yeah.

CHAIR PALTIN: Yeah. Okay. Members, do we have consensus on that?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. Sounds good. Moving forward. I took a stab last night...oh, Member Rawlins-Fernandez got us. I didn't want put her on the spot, but...and I see Mr. Hopper popped up, maybe he has a problem with my definition, fake farming. Mr. Hopper.

MR. HOPPER: Well, it's just...I don't know what either of those mean, the gentleman's estate or fake farming. So I think maybe what this could be sort of considered is rather...is something that...it seems like more of a policy statement, that I think you would...when I see this, my thoughts are that you should take a look at 19.30A, your Ag zoning countywide, and sort of decide what you'd like to allow, what you'd like to prohibit. Because with this language, I don't know if there would be any basis for the Planning Department or anyone else to deny a particular Ag subdivision if it complies with 19.30A as far as the lot sizes, and complies with, you know, the definition of agricultural use. And in addition, you know, any Ag subdivision that is on State Ag land is required to record with the land covenants that says, the only permitted uses on the property are those that are in the State agricultural district. So that's already what's going on. So (a) I'm not sure what the definitions mean; and (b) you know, I'm not sure how they would...you know, how they would be implemented. I think with the language now, maybe with a little refining, you can have it there and it would really just be an indication that this is a disfavored policy. I think you have other language about gentleman's estates in the document already, which again, is not specifically defined. But, you know,

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

June 15, 2021

I guess the implication is that it's an agricultural subdivision without real agriculture going on. But you know, again, that's something that in 19.30A, that really gets into what is...what has to be...with the farm dwelling, and with that it's an accessory use to an agricultural use, and what that agricultural use is. And so that's, I think, where you get the details which again, implement this portion of the plan. But if there's a particularly disfavored practice, that's something that either I think you could be more specific on or, in the code itself, comprehensively deal with this part of the zoning so that, you know, you would...the Departments would have real clear direction. But with this language, I think it's a policy statement for sure, but I don't know if it would really prohibit the Department from proving certain things, but would maybe be a direction for the Department to look at 19.30A and, you know, do revisions to that to make sure that, you know, so-called gentleman's estates are not something that 19.30A would allow.

CHAIR PALTIN: Director McLean, any comments on that. Oh, I see a message from Director McLean. Gentleman estate-type subdivisions with lots that are not used for active agricultural production are prohibited. Oh, great. Mahalo, Director. That was quick on your feet. I like it. Members.

MS. MCLEAN: And so in my thinking when we . . . *(inaudible)*. . . subdivision, we would say, unity plan requires that there be active ag production on these lots.

CHAIR PALTIN: Yes. I like it. And then can we still keep the long-term leaseholds are encouraged? Mr. Hopper, would that be okay?

MR. HOPPER: Yes. I don't see an issue with that. Again, all of this, I think I would encourage to be implemented through changes to 19.30A so that you could get into the real details that you normally wouldn't have in the plan. But that portion, I don't see as having a problem.

CHAIR PALTIN: Okay. All right. So we're just adding on gentleman estate type subdivision with lots that are not used for agricultural production...active agricultural production are prohibited, and long-term leaseholds are encouraged for farming. Consensus, Members?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. Good. All right. Moving on, I took at stab last night as replacing Park and Open Space designations. So what I put was for Park...and this should have been uploaded to Granicus as my ASF on the page 4 and 5. For Park I put, the Park Community Plan Designation is intended to preserve and manage lands for recreational activities, including golf courses and related amenities. And then for the Open Space, the Open Space Community Plan Designation is intended to preserve and manage lands for Native Hawaiian traditional and customary uses while protecting sensitive ecological resources, scenic and recreational resources, hazardous areas, drainage waste, and open space green belts and greenways. Open Space areas support natural processes, such as flood management and erosion control. So basically I just split what was under

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

June 15, 2021

the Park and Open Space page after related amenities for Park, and then after that would be under the Open Space. Member Rawlins-Fernandez, do you mind stop sharing screen?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I'm sorry. I thought I did.

CHAIR PALTIN: And then I guess maybe Director McLean, do you have any comment on splitting Park and Open Space at that part about related amenities?

MS. MCLEAN: Chair, I'm trying to follow along. I'm looking for...

CHAIR PALTIN: We're on page 156.

MS. MCLEAN: Right, but you had this...you submitted this in writing, I was just looking for...

CHAIR PALTIN: Oh, it's on page 4 and 5 of what I submitted. And it just split up, you know, what the action we took yesterday.

MS. MCLEAN: Okay. Yeah. I would just ask Jen to jump in, since I missed that prior discussion.

CHAIR PALTIN: Okay. Sure thing. Ms. Maydan, I don't know if you were able to pull up on Granicus the ASF that I submitted. It's also...it could be easy to look at page 156 and split it in half before Native Hawaiian Traditional.

MS. MAYDAN: Thank you, Chair. I accessed it, and I'm reading it right now.

CHAIR PALTIN: Okay. I think Member Rawlins-Fernandez might be having some technical issues with stopping screen sharing.

COUNCILMEMBER RAWLINS-FERNANDEZ: I am, Chair. And I just logged off and logged back on, and it's still not stopping.

CHAIR PALTIN: I wasn't sure you were able to do that. Let me see. Oh, did I do it? I did something.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. If you try to share, it'll stop anyone else from sharing.

CHAIR PALTIN: Oh, nice. Learn something new every day.

COUNCILMEMBER RAWLINS-FERNANDEZ: Can you see me?

CHAIR PALTIN: No. There's a triangle with an exclamation point kind of where your nose should be.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I think I might need to restart my

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

June 15, 2021

computer. I'll be back.

CHAIR PALTIN: All right. Ms. Maydan, did you have a chance to look that over?

MS. MAYDAN: Yes. Thank you, Chair. Yeah. It looks like you basically just split those for the most part...just took the first half of the first sentence for Park, and the remainder for Open Space. And I don't think I see any problem with that.

CHAIR PALTIN: All right. Members, are you okay with that, if it seems the Planning Department is okay with it?

VICE-CHAIR KING: Is this the one on page 4 and 5 of your...

CHAIR PALTIN: Yes.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: Do we have a consensus for Park and Open Space?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Nice. Okay. So Park and Open Space can be accepted. Public/Quasi-Public, let's take a minute or so to look that over.

VICE-CHAIR KING: Did you have changes in that?

CHAIR PALTIN: I don't. I feel like it's okay. Ms. Maydan.

MS. MAYDAN: Yes, Chair.

CHAIR PALTIN: My understanding is like also, like hospitals, harbors, and like that...is harbors considered Public/Quasi-Public as well? Or wharfs, boat ramps?

MS. MAYDAN: Yes, I believe so.

CHAIR PALTIN: And I guess if harbors and wharfs are Public/Quasi-Public, but airports are not. Director McLean.

MS. MCLEAN: Thank you, Chair. Harbors, it would depend on if it's a commercial harbor. If it's operated by a government facility, it could be Public/Quasi-Public, but it would...like Kahului Harbor, I don't think we look at that as a typical Public/Quasi-Public kind of use, that would probably be more industrial. Lāhainā Harbor could be Public/Quasi-Public, could be recreation...that could go either way. Boat ramps are probably more Public/Quasi-Public or Parks for recreational purposes. So there's a big range with wharfs and harbors. So the community plan designation is important to understand what kind of facility is contemplated there.

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

June 15, 2021

CHAIR PALTIN: Okay. Given that definition, I really don't have any amendments to Public/Quasi-Public. Does anyone see anything that needs to be amended. It looks okay. Member King.

VICE-CHAIR KING: Yeah. Thank you, Chair. I just wonder if we need to put more examples in here because the only thing that's listed in here as an example is airports.

CHAIR PALTIN: Oh, that's Special Purpose District...on page 155. So examples were churches, parks, and schools...I guess we could add hospital because I believe the site that the West Maui Community Hospital was slated for is designated Public/Quasi-Public, if you'd like another example.

VICE-CHAIR KING: Does it also include...I was just looking at Mr. Perez's suggestion, because he's got churches, parks, schools, libraries, fire/police stations, government buildings, public utilities, hospitals, cemeteries, and community centers. All those things fall under Public/Quasi-Public, Director?

CHAIR PALTIN: Director or Ms. Maydan, all the things that Ms. King read off?

MS. MAYDAN: Yes, Chair. They all fall within there.

CHAIR PALTIN: Okay. Did you want to include those examples?

VICE-CHAIR KING: Can we put all...can we put those examples in?

CHAIR PALTIN: Okay. Can you repeat it. It was libraries...

VICE-CHAIR KING: So it's in...yeah, it's under...in Albert Perez's suggestions, but under permitted uses, you know, where he has a heading. So it's got government, non-profit or educational uses, including churches, parks, schools, libraries, fire/police stations, government buildings, public utilities, hospitals, cemeteries, and community centers.

CHAIR PALTIN: Wow, cemeteries, huh. Okay. All right. Are Members okay with adding those examples in? Consensus. It's just more definitions. All right. We'll add the examples listed in Mr. Perez's version. Consensus.

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. And then...

COUNCILMEMBER LEE: But without the pictures, yeah.

VICE-CHAIR KING: Yeah. I'm not suggesting any more pictures.

CHAIR PALTIN: Yeah. Okay. Next up, Special Purpose District. The Special Purpose District Community Plan Designation is intended to provide for specified land uses that, due to their uniqueness or incompatibility, do not easily fall within one of the other community

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

June 15, 2021

plan designations. Airports may also include established project districts that do not easily fall within one or more of the other Community Plan Designation. So the only area I believe in West Maui that is designated Special Purpose District is the airport, so that's probably why that's the only example. Member Rawlins-Fernandez, were you able to watch on *Akakū* as you were coming on again? Okay. Cool. So we're on Special Purpose District. I don't have a problem with it.

MS. MAYDAN: Chair, may I make a comment?

CHAIR PALTIN: Sure. Go ahead.

MS. MAYDAN: Thank you. In the process of working with the community and landowners, and with questions with the Special Purpose District, we've come up with a very minor change. And this would be...let's see...it's in the first sentence. The Special Purpose District Community Plan Designation is intended to provide for specified land uses that, due to their uniqueness or incompatibility, do not fall within one or a combination of--so adding in combination of--the other Community Plan Designations.

CHAIR PALTIN: Did you want to keep easily...do not easily fall in.

MS. MAYDAN: Yeah. Sorry if I didn't say that. That's fine, keeping easily. So just making sure that it's clear that it doesn't have to just fall in one designation, it could be a combination of. So you could have something that has, you know, some commercial and residential, but just important to specify that it's a combination of.

CHAIR PALTIN: Okay. I'm okay with that because like, you know, Kapalua Mauka was a Special Project District, and I believe they combined Rural Residential and what was the orange...Neighborhood Center. So yeah, a combination of...it makes sense. Consensus, Members?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Nice. Okay. Moving on. We're making good progress. Industrial Community Plan Designation is intended to permit intense industrial and manufacturing activities, which could include noxious uses. Straightforward, direct. Consensus.

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. Employment Center. Employer Center Community Plan Designation is intended to encourage a range of employment uses, like light manufacturing, processing, other light industrial uses, business incubators, and compatible uses in appropriate areas. These areas may also include amenities that serve the employees that work there, including retail, restaurants, and live/work spaces. Development in these areas should include ample pedestrian, bicycle, and transit facilities, and may include some parks or civic spaces. Okay. This designation...I know Member Kama had to go at 10:12...doesn't include multi-modal in the description but, you know, we do want to include our ADA community. So should we add in ADA accessible, or would

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

June 15, 2021

Members prefer to fit in multi-modal somewhere. Member Sugimura, it looked like you said multi-modal.

COUNCILMEMBER SUGIMURA: To be consistent.

CHAIR PALTIN: Okay. Ample multi-modal options. And then would we need to list out pedestrian, bicycle, multi-modal options and transit facilities. Transit facilities, okay. Anybody else want to propose any amendments to the Employment Center. Member Sinenci, followed by Member Rawlins-Fernandez.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, just where it says, development in these areas should include the ample pedestrian should...I don't know if stronger language, shall include. Is that something, Members?

CHAIR PALTIN: Oh, okay. Good point. Yes. Shall include ample multi-modal options and transit facilities, and may include some park or civic spaces. Great recommendation. Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. That was going to be my proposal, what Member Sinenci proposed.

CHAIR PALTIN: Oh, great. You guys are there. All right, consensus.

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. Resort Hotel, page 151. The Resort Hotel Community Plan Designation is intended to provide for existing and future visitor-oriented development in appropriate areas. When developed, these areas are typically medium to high density with a broad range of uses, primarily intended to serve visitors, including transient accommodations, retail and commercial uses, and other visitor amenities. Related and compatible uses include, but are not limited to, Parks and other Public/Quasi-Public uses. It's very straightforward. Any proposed amendments? Member Sinenci.

COUNCILMEMBER SINENCI: It looks like it does say at the last...at the end of the last sentence, Public/Quasi-Public uses, so just access by the public. Again, just keeping those public accessible...whether it be beaches or, you know, areas for fishing, those types should be made accessible for local residents. It looks like it's already in there. Thank you, Chair.

CHAIR PALTIN: Yes. I think that is a good point to call out, especially for West Maui, that maybe we should include something like public beach access shall not be prohibited. Ms. Maydan, is there a...do you see a problem with including public beach access shall not be prohibited?

MS. MAYDAN: Thank you, Chair. I don't think so. I think a lot more teeth is going to come with the zoning requirements and the other policies that are in the community plan than a sentence here in the designation, but I don't believe there is a problem with that.

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

June 15, 2021

CHAIR PALTIN: Okay. Nice. Member Kama, I saw your hand up.

COUNCILMEMBER KAMA: I just wanted to make sure that what Member Sinenci was talking about is almost the same thing what I was thinking about in terms of ensuring that the public has access to the beaches into the shoreline for whatever purposes if it means going through some of the resort areas. Was that your intent, Member Sinenci?

COUNCILMEMBER SINENCI: Yeah. Thank you, Member Kama. And I know that some of the...some of the access area boundaries between the beaches, as well as the hotel boundaries, there should be...a lot of that is State areas, and I guess the question for the Department is, sometimes when the hotels kind of take over these public access areas, we're not always sure if those...whether it be State or public lands, are either dedicated to the hotels, who oftentimes maintain some of the walkways. Because in Lāhainā, they have all the walkways that go in front of the hotels; however, they might be State properties or public access that the hotels...that has not been dedicated either to the hotels. And so I guess the question is just kind of keeping these access areas open not just for visitors, but also for the general public.

CHAIR PALTIN: Yes. Michele...Director Michele McLean added on a sentence to the end of public uses. Public shoreline access shall be provided...which I like. I think, though, there does need to be a statement about it not being discouraged. Because one of the more ugly parts about living in West Maui and, you know, having a bunch of kids, you see certain kids with a certain skin color having free access everywhere, and other kids being discouraged or kind of kept out where other local kids blend in freely. So I think we do need to have a statement that it shouldn't be discouraged. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I also wanted to...you know, although the sentence says that public access shoreline shall be provided, but who's going to provide that. Is that something we could condition the resort or the hotel that they must provide that? Could we do that to ensure that they're going to provide the access.

CHAIR PALTIN: My understanding is in new permits, we usually do. And then if there's a request for an SMA permit if they want to rebuild something or whatever, along those lines we could condition it if it's compatible. But I think Director McLean can probably say it more eloquently than I could.

COUNCILMEMBER KAMA: Okay.

MS. MCLEAN: Thank you, Chair. Obviously, when we're talking about shoreline parcels, we're talking about the SMA. So many existing developed properties have requirements for shoreline access as part of their permit approval. And sometimes it becomes an enforcement issue if that condition wasn't clear. Or even if it was clear, you know, over time, they've tried to restrict it. So that's something that we have to deal with. If there's language in the community plan now though, that means that any new permits, even for developed properties, would have to comply with this. And certainly, any new development would also have to comply. Because in the past, there had to have been a

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

June 15, 2021

justification for it. And sometimes that justification is there, sometimes it might not be, to impose the condition to mitigate something. But if there's language in the community plan, then it's something that has to be brought to light if a permit is issued.

CHAIR PALTIN: So Director McLean, would it be okay to add, "and cannot be discouraged" to the end of your sentence?

MS. MCLEAN: I don't see an issue with that. Yeah.

CHAIR PALTIN: Okay. So public beach access shall be provided and cannot be discouraged. Member...will not be discouraged. Member King.

VICE-CHAIR KING: Thank you, Chair. Yeah, I was going to suggest that we put in there, "shall be provided as required by law." And one of the things that we funded in this upcoming fiscal year is a beach access study. So if we have to change any of the Code to make it more clear that...because one of the things...one of the complaints I hear is that they may be providing beach access, but they're not telling anybody that they are because they don't put up signs to point to where the beach parking is or where the access is. And so that would still fall under not discouraging, but it doesn't hold to the letter of the law if they're required to put in a sign that shows where the beach access is and where the beach parking is. And I know from personal experience that not all of that...the condos, the visitor condos in Kihei put up those kinds of signs.

CHAIR PALTIN: Okay. Let's see...Director McLean, any comment on provided as required by law.

MS. MCLEAN: It could become a little bit circular because the community plan will be law, and so it will be requiring it. I mean in general, I don't think it's an issue, but...

VICE-CHAIR KING: Well, I was just...I was thinking about as far as who provides it, you know. If it says as required by law, then if we've given someone that condition, then that's the law, right, it's an ordinance and they have to provide it, not the County. Is that...I'm just trying to figure out a way to specify who has to provide the beach access. And I think if it's in law that the...you know, the intent...that the developer has to provide it, then that should specify.

CHAIR PALTIN: Or if this is going to be law, we can say, "public beach access shall be provided by the developer."

VICE-CHAIR KING: Okay. Which would still apply to existing hotels. Looks like Mr. Hopper has a comment.

CHAIR PALTIN: Uh-oh, Mr. Hopper.

VICE-CHAIR KING: Uh-oh, Mr. Hopper.

MR. HOPPER: Just a statement. Just in general, for beach access, there's definitely laws that

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

June 15, 2021

require beach access if it's something through the SMA purpose, for example, that State law talks about. But if it's...if there's going to be a requirement for a private landowner to provide public access, generally there has to be what they call a nexus with whatever development that they are providing in rough proportionality with respect to, you know, is it proportional to the impact that their project is having. So that generally gets worked out in the permitting process. But if...like if someone was going to, you know, do a renovation and not do anything that affects beach access, it may be difficult to allow them to...which would require them...say we're going to prohibit your...you know, maybe they're renovating a few rooms or something, we're going to require you to provide a large public access by doing this. That could potentially be problematic. But you know, if someone is building a new hotel, and they're planning on having an impact on existing access, then I think then you're definitely in the area of, you know, looking at requirements. So I think there's some division requirements and other requirements in law already, but just keep in mind that not just for...and not just for hotels, for other properties that develop on the shoreline, they may have beach access proper, you know, requirements as well...

VICE-CHAIR KING: Okay. Mr. Hopper, what I'm also...I think we also need to address existing hotels and resorts, because it's not just an issue for, you know, new developments, this is an issue for existing hotels and resorts that aren't...either aren't advertising their access, you know, the parking and the access areas, or don't provide them in some cases, or have stopped providing them in some cases.

MR. HOPPER: Well, if they were definitely...if there are already approved developments that were required by conditions already to provide that access, then yes, making sure they're providing that and giving out a quick notice of that, I think those are things, you know, to be done. I'm just saying that...

VICE-CHAIR KING: If it's required by law, then that would refer back to their original requirement to provide that access.

MR. HOPPER: Yes, I think that that would be correct. And the access should be recorded in most cases, so...and would run with the land. So there should be some recorded document that would state, this area needs to be kept open for public access and the other requirements. That's true. But I just wanted to note that's true of all public access required by a development, you know, and is applied in beach access cases...and not just for hotels. Remember, you're doing Hotel Resort designation. I imagine there's other community plan policies that do go with providing required beach access, you know, under the law that you may want to consider. But I just wanted to add that to just, you know, note that that's always going to be requirement. If a private landowner is going to be required to provide public access, there does have to be that nexus and rough proportionality. And there's, you know, Supreme Court cases on those issues, and the County certainly does deal with that issue when it deals with discretionary permits along the shoreline.

CHAIR PALTIN: Thank you. Okay. So then we've got, public beach access shall be provided as required by law, and will not be discouraged. Consensus.

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

June 15, 2021

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: All right. Moving right along. I'm going to skip ahead to Rural Village, 147, I think that might be a little bit faster. Rural Village Community Plan Designation is intended to preserve the character of Maui's small rural towns, and includes services that support nearby rural residential communities. A Rural Village is the rural equivalent of a neighborhood center. Rural Villages may be located at existing or proposed intersections, or focused around a business, historic landmark, church, or civic use; for example, a school or post office. Rural Villages are generally small; for example, not exceeding the approximate area of four corners of an intersection, and have clear edges defined by land uses, building types, or natural features. Uses within this designation include a mix of neighborhood serving commercial and Public/Quasi-Public uses, such as parks, schools, and churches, and may include limited residential. New development should be appropriate in scale, and designed to complement the character and sense of place of the rural area. I think this is kind of what Member Molina was talking about, you know, like Makawao Town, what is appropriate for Makawao. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And yeah, I...you definitely have described Hāna Town as well, a rural Hāna Town. So I just want to speak to that. I mean, the problem with us, our small...you're right, definitely a small town, it's just the inundation of traffic from visitors that come into our town. Right now, our town is at capacity. We have no parking for three additional...300 to 400 cars that come on down the highway. So I don't if this is the correct place to ask for expansion of parking. For us, a lot of these small towns do not have...we do not have sidewalks. We do not have crosswalks. And so, you know, just...if we're talking about Rural Village Designations and looking towards...and how do you address the additional parking for traffic, it's a safety concern for us right now. There are no parking, so people are just parking on the side of the road with no shoulders or along shoulders, and then walking in the middle of the road with no sidewalks or...and then just crossing at will without no designated crosswalk. So I don't know if this is the right section for it, but just maybe safety and/or using an area to accommodate visitors, something that a Rural Village does not have.

CHAIR PALTIN: I guess, you know, for West Maui, a possible comparable example would be that Olowalu General Store area. We're not inundated with traffic to the same extent because there is parking. I think, you know, on occasion there's people trying to cross the street from that Camp Pecusa area, and it's a highway and cars are going fast, unless it's backed up. But I'm not sure how we would put that in the Rural Village description because it's intended to, but it's getting overrun by traffic from outside like, you know. Ms. Maydan or Director McLean, any comments on Member Sinenci's observations?

MS. MAYDAN: Thank you, Chair. Perhaps just a sentence could be added similar to what you have in Residential, to provide safe, walkable areas. I think the Rural Village doesn't really...making sure I'm not missing it...I don't see that it touches upon that, but maybe just a sentence about providing safe mobility options. You know, because it's important within a rural area for it certainly to be within character of the area. You don't want

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

June 15, 2021

really large dominating sidewalks because a lot of rural areas don't even have sidewalks. You don't want dominating bus stops. But those features, and certainly providing access and safe access, are very important.

CHAIR PALTIN: Okay. So maybe at the end, something like, safe multi-modal options...a Rural Village Community Plan Designation will...must include safe multi-modal options...multi-modal...

MS. MAYDAN: Perhaps you could just add it to the end of the second to the last sentence, so that it would read, "uses within this designation include a mix of neighborhood serving commercial and Public/Quasi-Public uses, such as parks, schools, and churches, and may include limited residential, and should...and shall include safe multi-modal options."

CHAIR PALTIN: Safe multi-modal options. Yeah. Okay. Member Sinenci, are you good with that to address the issue?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, that's fine.

CHAIR PALTIN: Okay. So second to the last sentence, adding on, "and shall include safe multi-modal options." Member Kama, I thought I saw your hand up.

COUNCILMEMBER KAMA: I was ask...I was thinking about...you know, Member Sinenci was talking about the issue of traffic that seems to be in and out. And so the amount of traffic that goes in and out of Hāna, and that's what creates the unsafeness for children, and the fact that they have no sidewalks, therefore they're even open to more exposure of getting hit by a car. So I was just trying to think about...is there a way to control the amount of traffic that goes in there on any given day? Is there anywhere in the US of A that does that?

CHAIR PALTIN: That's a topic for another discussion. We could take ten hours on that. And I know folks want to go to lunch within the next five minutes, so we'll come back to that one.

COUNCILMEMBER KAMA: Thank you.

CHAIR PALTIN: So we have Neighborhood Center, Small Town Center, and Urban...or what is now called Transient [sic] Oriented Corridor.

VICE-CHAIR KING: Chair?

CHAIR PALTIN: Yes.

VICE-CHAIR KING: I think that's Transit, not Transient.

CHAIR PALTIN: Yeah. Sorry, I had a mint in my mouth. Transit-Oriented Corridor. So page 150, we're going to have to strike Urban Center and put Transit-Oriented Corridor. And

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

June 15, 2021

everywhere that we see Urban Center, we're going to replace with Transit-Oriented. Transit-Oriented Corridor Community Plan Designation is intended to create transit-friendly areas that are planned to be characterized by a mix of higher density commercial employment, light industrial, and residential uses. Within this designation, residential retail and businesses serving local or regional markets mix to create pedestrian-friendly activity centers and multi-modal corridors with vibrant street life. Housing types in this designation include a mix of medium to high density development. Preferred design elements include buildings fronting property lines; pedestrian, bicycle, and transit facilities; public/private amenities; civic space and parks. Developments within Transit-Oriented Corridor Designation should be designed to provide the majority of the services residents would need on a daily basis within walking distance. Sounds okay to me, but I'm open to amendment at this time. Member King.

VICE-CHAIR KING: Thank you, Chair. So I wanted to get the Director's opinion of a proposal that Albert Perez made, "buildings shall be limited to 45 feet in height." Because these corridors that we're talking about generally are view planes...you know, at least they are for, you know, like around South Kihei or anything along Front Street and places like that. What's the...is there any height limitation at this current time under this current...I mean, the transit-oriented designation.

CHAIR PALTIN: I think they said the zoning determines the height limitation, but Director McLean, would you care to comment? Or Ms. Maydan, whoever is more appropriate.

MS. MCLEAN: Thank you, Chair. Yes. Generally, the zoning determines the building height. We could look at the table and see the corresponding zoning districts. And it could be that...you know, most of those districts have a lower height, but if there's one that has a higher height, then language could be put in the plan. But again, that language would get imposed. It may not get imposed in every situation because of when the community plan has the...has a regulatory role like that.

VICE-CHAIR KING: Could it limit...could it limit certain projects in areas where the zoning might allow a higher height...I don't think we specifically...you know, because our communities are so similar between South Maui and West Maui, that we had that situation with the Coast...Maui Coast Hotel that's now going to be six-stories, that a lot of people feel like our community plan prohibits. But when I checked into it, you know, it was very subjective, it wasn't specific enough. It talked about...our community plan talks about view planes, but it calls them important view planes, and there's no definition of what's important and what's not important. So I guess the Planning Commission didn't feel like they had good direction from the community plan. But if there was a height limitation, then at least they would have been able to refer to the community plan and then say no, we're not going to approve a six-story hotel in the middle of Kihei.

MS. MCLEAN: Right, right.

VICE-CHAIR KING: I'm just asking if it's a...if it would be something that would be practical to do because of wanting to keep those transit corridors...you know, the view planes

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

June 15, 2021

open there.

CHAIR PALTIN: I know there is like a...I don't know if it was a policy or action item that did discuss the importance of view planes. I forget if it's in the Section 2 or 4, but it is addressed there.

VICE-CHAIR KING: Yeah. Well, it's in our South Maui Community Plan, the current community plan, but it wasn't specific enough. It just said it may not block important view planes. And so, you know, they decided to define important in a way that they decided. So it was too subjective, and that's what allowed them, I think, to approve that project.

MS. MCLEAN: Right. So I'm looking at...and we're talking about Urban Center Corridor, right.

CHAIR PALTIN: Transit-Oriented Corridor.

MS. MCLEAN: Transit-Oriented Corridor. Sorry. Looking at the compatible zoning districts...looking at the table with the compatible zoning districts, and just for example, one of the compatible zoning districts is B-2, and that allows a building height of 90 feet. And that's probably the tallest height that we have in any of our zoning. So if...looking at where the corridor is mapped...so I've got to jump around a little bit.

VICE-CHAIR KING: So if we...so are you saying that even if we put in a maximum height of 45 feet or something similar, that the zoning would prevail, and they'd be allowed to go the 90 feet anyway?

MS. MCLEAN: It would depend on the location. So I'm looking at the maps. And it may be that because all of these areas are within the SMA, that it would have a regulatory effect. So that when an SMA permit comes in, you would have to look at the community plan as well. I just...I want to make sure that the case in all of these areas...

VICE-CHAIR KING: Yeah. And that's sort of the intent, is to have the community plan come into play, because you know, I think along all...especially the coastal areas like West and South Maui, all of these types of corridors are within the SMA.

MS. MCLEAN: All right. Just give me a second here.

VICE-CHAIR KING: Chair, it looks like Jennifer...Jen Maydan has her hand up.

MS. MAYDAN: Chair, you were muted, but I think you said I could speak. Mahalo. Perhaps...well, first of all, this designation, the Transit-Oriented Corridor, is the most dense and intense of the designations. So it's important to allow for some areas to grow taller. But it should absolutely be within the character of the area that it's within. And since these designations are intended to apply across Maui Island, perhaps adding a sentence or a statement at the end of the last sentence, speaking to the character and scale of the surrounding area. It could be something like, developments within the Transit-Oriented Corridor Designation should be designed to provide the majority of

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

June 15, 2021

services residents would need on a daily basis within walking distance, and should be designed and should respect the character and scale of the surrounding area. I think that perhaps would get to the point of what you're mentioning, Member King, without specifying a specific height that would not be appropriate...maybe across community plan areas.

VICE-CHAIR KING: Well, you know, I appreciate that comment, Ms. Maydan, but I still think that's too subjective. I mean, it allows...it doesn't give a good enough interpretation for the Planning Department...the Planning Commission making a decision. I mean, that was their complaint when they approved the Coast Hotel. And 90 percent of the community came out against it, and they still approved it, because there was nothing definitive. And so if we say it has to be like the character, the idea of the character could be something different...you know, that area could be something different to every single person on that Commission, and could be different to the general public. So that's why...I mean, I would want this in the South Maui Community Plan, I would want a height limit personally, and you know, as you've seen the Transit-Oriented Corridor could be different descriptions in different communities. But, you know, the other...the second reason besides the view planes to do that is because a lot of this is being built within the sea level rise area, a lot of these requirements, and we don't want to...you know, we shouldn't be building a lot anyway in the sea level rise, we really shouldn't be allowing anything, but we do have buildings there. We don't want to be building these huge structures that are then going to start eroding into the ocean or have to be brought back down. But I just think that the more specific we can get, the better it's going to be for decisions coming from the Planning Commission. Because that's what they were asking for when they made that decision in South Maui is, you know, more direction.

CHAIR PALTIN: Director McLean.

MS. MCLEAN: Thank you, Chair. Looking at the maps, there are some areas that are not in the SMA that are designated for Urban Center Corridor. So if the building height...the language could say that building height shall be limited to 45 feet in the special management area.

VICE-CHAIR KING: Oh, okay.

MS. MCLEAN: And that would give...you know, that's obviously coastal areas that would give with SMA permitting. It's important to keep in mind that when we're talking about compatible zoning districts, the existing zoning is there already. And if someone wanted to change, they'd be like, oh, I'm Urban Center Corridor now, I can change to B-2, that would have to go through the Planning Commission and the Council. And so if you felt that that height was inappropriate at that time, then you could condition that zoning to a lower height. Because the zonings that are there now are there now. They may have restrictions on them, they may not. But if you're concerned with the compatible zonings and the height that they allow, they would only be established if the Council approves them at some point in the future.

VICE-CHAIR KING: Okay. So that would give...so if we put...if you attach it to the SMA, then

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

June 15, 2021

that would give the Council final approval because they would need a community plan amendment or exemption in order to do that.

MS. MCLEAN: A community plan amendment...

VICE-CHAIR KING: Which has to come through the Council.

MS. MCLEAN: Right, right, right.

CHAIR PALTIN: So point of information, we're currently talking about the Transit-Oriented Corridor, and it sounded a little bit like the discussion was more geared toward Resort Hotel.

VICE-CHAIR KING: Well, it's not necessarily geared towards Resort Hotel, it's just I was giving that as an example of something that happened along an area in South Maui that is...that I would consider Transit-Oriented Corridor, you know, along South Kihei Road. So that's why I was saying that, you know, I would want to see a height limitation, and I like the one that the Director proposed, you know, related to the SMA. Because right now, we get...the permits happen...the SMA permits happen with no input from the Council, and the Council has no control over that. And that's what happened with the Maui Coast Hotel, is it got passed by the Commission and the Council has no say about it, you know, but the community clearly did not want it.

CHAIR PALTIN: Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So I wanted to go back to what you said about the policies. So I found the policy, it's 2.3.11, Protect Public View Corridors and Scenic Vistas. So that's the policy that's in Section 2. In...on the March 18th document that we...correspondence that we received from the Planning Department, it shows that the Transit-Oriented Corridor includes not only B-2 zoning, but also B-3 zoning, and B-3 zoning permits for building heights up to 144 feet. So B-2 is 60 feet, B-3 is 144 feet, and that would be permissible in the...in this designation. So I don't know if we would want to, you know, address that, or...

CHAIR PALTIN: And then B-2 is also in Small Town Center and...

COUNCILMEMBER RAWLINS-FERNANDEZ: And Neighborhood Center. Yeah.

CHAIR PALTIN: So you said B-2...B-2 is 60 feet?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR PALTIN: And then it's B-2, that's 90 feet, B-3 is 144 feet.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, B-2 is 60 feet, and B-3 is 144 feet. And if I'm misspeaking at any point, I invite the Director to correct me.

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

June 15, 2021

CHAIR PALTIN: Yeah, I think she said it was P-2, is it Public/Quasi-Public 2 is 90 feet?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, P-2 is 90 feet. Okay. And that's also allowed in Transit-Oriented.

CHAIR PALTIN: Small Town Center, as well as Neighborhood Center.

COUNCILMEMBER RAWLINS-FERNANDEZ: ...and Small Town Center. Yeah, yeah. So it sounds like this might be a little longer of a discussion. And perhaps we can, you know, like work on some proposed language over lunch, and then we can come back and try to resolve this issue.

CHAIR PALTIN: Yeah. We have three more designations: Small Town Center, Neighborhood Center, and we're in the middle of Transit-Oriented Corridor, so those will be our three. Let's table those for now, take our lunch break. And then when we come back, I think these would be a little bit more involved discussion. So let's take a break from Community Plan Designations. Members can print the ASFs for today out and add their comments onto those. And when we come back, let's jump into...let's table the Neighborhood Center...or the Plan Designations, and try to get through the rest of Section 3, and save this until the end. And maybe we can try and have our Staff think about things while we're working on the other sections, then come back to this at the end. Because I don't want us to run out of time today, and then get through the easier stuff. Any objection to that course of action?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. So we'll come back at 1:30, and we'll table Community Plan Designations, and jump into 3.1, 3.3, and 3.4. My personal ASF for today should have been uploaded. Member Yuki Sugimura's was up there already. And so if Members wanted to print out those two, we should be ready to get going when we come back at 1:30. Break. Or I'm sorry, the word is recess, my bad.

VICE-CHAIR KING: Was that in Granicus, did you say, those two ASFs --

CHAIR PALTIN: Yeah.

VICE-CHAIR KING: -- that you were talking about.

CHAIR PALTIN: It should be...it should have been uploaded already. Mine would be the last one, and I think Member Sinenci and Member Sugimura had uploaded one. Member Sinenci's one is not germane to today's topic, it's probably more for Thursday. So you would be able to print that out.

COUNCILMEMBER LEE: Lunch until 2:00? Is lunch until 2:00?

CHAIR PALTIN: 1:45.

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

June 15, 2021

COUNCILMEMBER LEE: 1:45, okay.

CHAIR PALTIN: Okay, 1:45. This Planning and Sustainable Land Use meeting will be in recess until 1:45. . . .*(gavel)*. . .

RECESS: 12:14 p.m.

RECONVENE: 1:46 p.m.

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use Committee meeting come to order. The time is now 1:47, and we have Members Sugimura, Johnson, Sinenci, Kama, and King and myself with us at this moment. I'm sure the other Members are logging in as we speak. And I have a Staff working on Small Town Center, Neighborhood Center, and Transit-Oriented Corridor language. And I'm not sure if height definitions are issued, we may need to revisit Employment Center too, because I think they have some pretty high heights. But for the meantime, let's move ahead so that when we get to that, we're not, you know, so far behind. That would conclude the Appendix D...or the Community Plan Designations would conclude Section 3.1 of the draft West Maui Community Plan. So let's at this time, if Members don't have any objections, move on to Page 74, which begins 3.3. And I went through this last night, just mainly making changes that are...reflect some of the changes that we made yesterday. And in doing so, I realized that there's some clarifications that we neglected and will likely need to revisit on revisit day. Member Rawlins-Fernandez, did you have your hand up?

COUNCILMEMBER RAWLINS-FERNANDEZ: I did. Mahalo, Chair. For 3.1...you said if we didn't have any objections to going to 3.3.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: In 3.1, on page 62.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: The first sentence, it cites a Socio-Economic Forecast Report that's seven years old, and so I don't have that report. But it...so it says in the next 20 years, the population of West Maui is expected to grow by approximately 8,754 new residents, and it cites the report from 2014. So my question is, is that still accurate; and if not, perhaps we should update that.

CHAIR PALTIN: Okay. Ms. Maydan, any response to that question?

MS. MAYDAN: Thank you, Chair. If my memory serves me right, we addressed this is Section 1. I believe Councilmember Molina had some questions. So let me look back how we addressed it there as far as a more accurate population forecast.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Maydan.

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

June 15, 2021

CHAIR PALTIN: I think that...

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Oh, go ahead.

CHAIR PALTIN: I think that you provided us with a new number with that transmittal, I think, dated May 3rd. Was it the same report that was cited back then?

MS. MAYDAN: The population forecast number that's here in Section 3.1 would mirror what we had in Section 1.

CHAIR PALTIN: Okay. So we can use the updated information I believe was sent to us on March 3rd? I think it was March 3rd. Anyway, we'll use the same information that was updated for...was it Section 1.3, was it?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. *West Maui Today*, yeah? That section.

CHAIR PALTIN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so I think it also...so does the 2014 report forecast for the next 20 years starting from 2014, so it would be 2034? And if so, then we should probably reframe the sentence so that it's not saying, you know, in the next 20 years if that's not an accurate statement here.

CHAIR PALTIN: Ms. Maydan.

MS. MAYDAN: Thank you, Chair. The Community Plan is supposed to look ahead 20 years, that's the time frame of the Community Plan.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. I understand that. But the report that it's forecasting, so is that...because it says in the next 20 years, the population of West Maui is expected to grow by approximately 8,754 new residents, and it cites the 2014 report. I understand that this Community Plan is supposed to project policies and actions for the next 20 years, but in that sentence, that's not what it's saying.

CHAIR PALTIN: It would only go to 2034 instead of 2041 is what you mean, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So the report is saying until 2034. Because I don't think just changing the number would fix the sentence.

CHAIR PALTIN: I see. I see.

COUNCILMEMBER RAWLINS-FERNANDEZ: And yeah. And in...on page 21, is where Section 1, and it does...that one...that one's also a 2014 study. So that one is...it says Esri 2017. The population of West Maui increased from just over 22,000 in 2010 to nearly 25,000 in 2017. And so it says, Esri 2017.

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

June 15, 2021

CHAIR PALTIN: And so the Esri information that they provided to us, I'm not sure if it was on March 3rd or March 18th, it says that Esri offers current year updates and five-year projections of population by age, sex, race, and Hispanic origin, households and families. So I guess the question is if they offer current year updates, why are we using the 2014 one instead of the 2019 or 2020 one?

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. And then in where will new residents live, it says by 2040 it is estimated that West Maui will need a total of 13,358 housing units to accommodate resident demand. And that is Land Use Forecast 2014.

MS. MAYDAN: Chair, both the socio-economic forecast and the land use forecast are reports that the Department worked on, and the last updates were in 2014. Since then, we have used some updated State DBEDT numbers, as well as the Esri numbers to have some more accurate up to date forecasts, but those full reports themselves, in their entirety, have not been updated. So the numbers come from a combination of those 2014 reports, with some updated forecasts from DBEDT and Esri and the five-year census numbers. So I understand how . . . *(inaudible)*. . . the citations more clear and accurate.

CHAIR PALTIN: Okay. Could you possibly submit to the Committee, I guess, wording that makes it more clear? This...

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Chair, if it's...you know, if it was more like by 2040 instead of saying in the next 20 years, because then that would be clear, you know, it wouldn't...like what 20 years are you talking about? Is it the 20 years from when the report was published, or is it 20 years from when we, you know, adopt the plan?

CHAIR PALTIN: Okay. Ms. Maydan, which one should we put? By 2040, the population of West Maui is expected to grow to approximately 8,754 new residents?

MS. MAYDAN: Yes. That would more accurately reflect the forecast.

CHAIR PALTIN: Okay. So we're striking in the next 20 years and adding by 2040.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then would we be updating the 8,754 number as well, or is that accurate?

CHAIR PALTIN: Ms. Maydan.

MS. MAYDAN: I'm trying to locate the information for Section 1. So we should be consistent with what's in Section 1, and what's repeated here should be consistent.

CHAIR PALTIN: Okay. Thank you. We'll go to Member Kama while we wait for the number.

COUNCILMEMBER KAMA: Thank you, Chair. Chair, you know in the report here, if you look

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

June 15, 2021

at that report, it says that the West Maui residential population by 2040 would be 43,604. This is total population, 15,000 households, but that's what the report says. So I'm not sure how much of this report we want to reference because it is a report that Ms. Maydan is referencing to us.

CHAIR PALTIN: Oh, I see what you're saying. I guess we're talking about growth.

COUNCILMEMBER KAMA: Yeah.

CHAIR PALTIN: So we're focusing in on how much it's growing by. So I guess minusing from what that is, the population that's currently there. So I think just the new residents would suffice for this purpose because it's focusing on a growth plan. So that's in alignment. Were there any other issues besides this number of 8,754 for 3.1? No? Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, I guess on page 63, Chair, we would just make the appropriate updates here to Urban Center Corridor to Transit-Oriented Corridor, and separating Parks and Open Space on page 63.

CHAIR PALTIN: Yeah, yeah. I'm not sure if we discussed that by consensus or voting, but we did...we did mention it. 3.3 and 3.4 is areas of change and areas of stability. Ms. Maydan, do you want us to wait for you to find the number?

MS. MAYDAN: I would say proceed, and I can get back to you.

CHAIR PALTIN: Okay. Maybe just put it in the chat when you're ready.

MS. MAYDAN: Okay. Thank you.

CHAIR PALTIN: Thank you. Did...were...was everyone able to see the Amendment Summary Form uploaded to Granicus, the last one? It kind of goes through changes I proposed for 33 and 34, and it may be nonsubstantive type things based on the amendments that we made yesterday, but we can use that as a frame for the discussion. For 3.3, which starts on page 74 of your draft West Maui Community Plan, I didn't propose any changes for the first paragraph. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. For Kahana Mauka, it says, and north of it's designated PKOS, so that's the Parks and Open Space. Should we change that to one or the other?

CHAIR PALTIN: Yeah. If you review on my Amendment Summary Form, on page 74 it starts with, "these lands almost 800 acres in total." I first changed that to 600 acres because of the removal of the Kamehameha Schools Bishop Estate land, and that's just an estimate going on that that was almost 200 acres. If the Planning Department or OCS Staff wants to get more exact, I'm open to it, but I just estimated a change of 600 acres there. And also...shucks, I guess this didn't come across in the Amendment Summary Form, but the Park/Open Space, I meant to put Park and Open Space with a PK and a

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

June 15, 2021

comma OS. So those would be my proposed amendments. And then instead of through the community plan region, I put community plan area. So that's where my first amendment start on the paragraph under Parks and Open Space. Any objection to those changes? No? Okay. Consensus?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: And then for Lipoa Point, instead of PKOS, I think Open Space is the...would be a more appropriate designation for Lipoa Point. In working with the Save Honolua Coalition, Open Space is mentioned a lot. A lot of people, you know, the Hobbit Land area can sometimes be used for moto and stuff, and it...there's a logical component to that. So, you know, we don't want to have a soccer field there, or anything like that, so Open Space more appropriate for Lipoa Point. So 131 acres of which are designated Open Space, and the remainder is State Conservation would be my change to that section. And then for Kahana Mauka, my recommendation would be Park, as well as the 50 acres of land owned by Maui Land and Pineapple Company for the County to purchase for a future park. Both of those, my recommendation would be Park. And the Hanakō'ō Mauka part, there was talk about, you know, a future civic center, or a hula hālau, or you know, if shoreline retreat happens a canoe hale, or whatever it may be. So both of those, my recommendation would be to specify Park. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just a quick question on community plan, region versus area. Is there a reason that region was used here?

CHAIR PALTIN: Ms. Maydan.

MS. MAYDAN: No, I don't believe so. The change is fine.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. And I also see that Ms. Maydan put in the number on the citation would be DBEDT, 2018. Mahalo, Ms. Maydan.

CHAIR PALTIN: Okay. So the number 8,754 is okay. It's just the cite needs to change to "and DBEDT, 2018."

MS. MAYDAN: The citation should still be the forecast, but also include "and DBEDT, 2018," to reflect some updated numbers.

CHAIR PALTIN: Okay. That sounds acceptable to me. Consensus on that, Members?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: And are we okay for with recommendations for page 74, Open Space Park/Park. Consensus?

COUNCILMEMBERS: Consensus.

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

June 15, 2021

CHAIR PALTIN: Moving on to page 76. For Lāhainā, it says, “West Maui’s largest resident population is in the Lāhainā area, and existing parks are heavily used by both residents and visitors. The community wants additional parks and open space for recreation in this area, especially to serve the residents near Lahainaluna Road.” So we’re going to strike the 200 acres are designated PKOS mauka of the Cane Haul Road, makai of the solar array, and south of the residential neighborhoods along Lahainaluna Road. Oh, something got lost in the transmittal here...just a sec. Okay. So we’ll need some OCS or Planning Department support. What action we took yesterday was to take two of Kamehameha Schools Bishop Estates parcels out of PKOS, except for the streams and gulches, which remain in Open Space. But there was a segment at the bottom of Kamehameha Schools Bishop Estates parcel, as well as a segment north of Lahainaluna Road, and then there was the solar array, and the portion where you come out of the bypass. So all of those I believe weren’t included in that action. So my original amendment said blank acres are designated Park south of Lahainaluna Road and makai of Kamehameha Schools Bishop Estate property, and north of Lahainaluna Road. And then I put the solar array and bypass off-ramp interior are designated Open Space, for your comment, if that sounds okay. Chair Lee.

COUNCILMEMBER LEE: Madam Chair, everything sounds okay, but we...have we heard from the other people, like the...I mean, the property owners?

CHAIR PALTIN: I believe the solar array is MECO, and I think that usage is okay on Open Space. Unless it also is Kamehameha School’s land, I’m not sure who’s the owner, but solar array open space, I’m assuming it’s allowed. That off-ramp portion, I believe belongs to the State or the Government, as well as the portion north of Lahainaluna Road, I think is either State or County. And the portion at the very bottom, from what...when Mr. Johann Lall shared the screen, looked to be Hope Builders.

COUNCILMEMBER LEE: Okay. The only time I get worried is when we’re making decisions on private lands and, you know, if we’re not sure if we have a consent, or at least comments from the private owners. That’s all I worry about. But other than that, you know, whatever you’re proposing sounds reasonable to me.

CHAIR PALTIN: Okay. And Hope Builders was participating in the process. This is not one of the things that I recall them testifying on. Ms. Maydan, do you recall any comment from the most makai part of this 200 acres, any comment from the landowner or input?

MS. MAYDAN: Thank you, Chair. No, I do not recall the landowner commenting on this portion of the Park designation. Of course the landowner was very involved in the CPAC process for the whole Lāhainā Town, South Plan Growth area, but I do not remember this particular item being a point of discussion, but they were certainly involved. I would just like to point out that I believe that the solar, the existing solar array, is more mauka, it’s in the Ag area, it’s not affected by the changes that you made yesterday.

CHAIR PALTIN: Oh, okay.

MS. MAYDAN: And one thing the Committee could consider is whether...so the portion that

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

June 15, 2021

remains as Park on Hope Builders' land is just over five acres. So this Park area, this proposed Park area is going from 200 to five acres. And the reason it was described here in this area of change is because it was a significant addition of park land, just like Lipoa Point and the others. Perhaps at five acres, it doesn't quite meet that threshold right now. So the Committee could consider just taking this portion out, the Lāhainā portion under the Parks and Open Space. That could be considered here since it's not quite as on a large scale as the other ones are, you know, 9,800 something.

CHAIR PALTIN: Okay. That makes sense. Members, any objection to removing the Lāhainā portion?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. And Staff, just for, I guess 3.2 purposes, the recommendation for the remaining lands is Park, except for the off-ramp, the portion in the middle of the off-ramp, I don't think that's appropriate to be Park. It could, I guess, remain in Ag or Open Space, either one is fine. Maybe Ag, if that's the existing underlying zoning. Ms. Maydan, are you aware if that little off-ramp section is zoned Ag?

MS. MAYDAN: We can confirm that for you in just a second.

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just nonsubstantive change, but on page 74, if we're removing Lāhainā as one of the five areas of change, then we would change the five distinct areas to four, and four Park and Open Space areas as an area of change. So from five to four. And then since designating gulches and streams to Open Space is something new that this community plan does, that perhaps that's something stated upfront where it says Park and Open Space, and then it has a sentence saying that that's something that this plan does.

CHAIR PALTIN: I think that's covered on page 99, when we get into gulches.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Sounds good.

CHAIR PALTIN: Okay. Okay. So yeah, nonsubstantive...

MS. MAYDAN: Chair, that area...

CHAIR PALTIN: Go ahead.

MS. MAYDAN: That area is community planned Ag and zoned Ag. That area surrounding the bypass exit.

CHAIR PALTIN: In the center of the off-ramp.

MS. MAYDAN: Correct.

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

June 15, 2021

CHAIR PALTIN: Okay. I think Ag is fine for there. That sounds great. So basically the remaining...after removing the Kamehameha Schools Bishop Estate 200 acres would be...whatever's left over within that section would be Park, and the gulch and stream areas within Kamehameha School Bishop Estates...we don't need to call that out because I think it's covered in page 99. So page 74, there are other additional lands designated Park and Open Space within the plan; however, it is important to describe the vision for these four Park and Open Space areas as an area of change. From north to south, these include...and then for the Pali to Puamana, I think we did agree that it would be Open Space. So basically everywhere that it says PKOS, we're going to sub in Park and Open Space. Let's see...3.31, also sub in Park and Open Space on page 76. So that's all that I had for Page 76. Anybody else have any further revision to page 76?

VICE-CHAIR KING: No, but...

CHAIR PALTIN: Member King.

VICE-CHAIR KING: Just a small thing. When you said Policy 3.31, in your summary form it says Parks or Open Space.

CHAIR PALTIN: Oh, yes. Golf courses shall not be allowed in the areas designated Park or Open Space described in the Parks and Open Space areas of change.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: Okay. All right. Thank you for that clarification. Moving on to page 77, our Legislative Attorneys helped me draft this language to replace...or to add on following the area under Kapalua. It reads, "The landowner, Maui Land and Pine received conditional zoning for the Kapalua Mauka Project in 2006, and sold a portion of the project Mahana Estates to Nan Inc. Nan Inc. completed the Mahana Estates Project about five years ago. To this date however, Maui Land and Pine has not started development of the Kapalua Mauka Project, which excludes the Mahana Estates. When the County grants conditional zoning, it does so subject to project proceeding within five years. Under the County Code, the Council retains the right to revert a conditional zoning designation to the prior zoning designation if a project does not commence construction within five years." And as that is kind of the intention, I wanted to make it clear. Staff, do you mind locking the meeting?

MS. LILLIS: Yes, Chair. No problem.

CHAIR PALTIN: Thank you. Okay. Let's see. Any comment on the additional language for Kapalua?

COUNCILMEMBER SINENCI: Chair, just clarification.

CHAIR PALTIN: Okay. Mr. Hopper, followed by Mr. Sinenci.

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

June 15, 2021

MR. HOPPER: My comment was just that there's that sort of a general statement here that says when the County grants conditional zoning, it does so subject to the project preceding within five years. I assume that is from 19.510.050D, which says that if there are conditions, such conditions shall be set forth in an agreement, and then it says...oh, sorry. 050C says the conditions to be imposed must have been performed prior to Council action on the rezoning amendment or be enforceable by the County so as to ensure performance after Council action, the condition shall be fulfilled within the time limitations set by the Council, or if no time limitation is set, within a maximum of five years from the date the Ordinance is in effect. So while I agree if there's conditions that don't have a time frame and the intention is that they won't be fulfilled within five years, that that's true; the conditions without a time frame are supposed to be fulfilled in five years. But the general statement that all projects with conditional zoning have to proceed within five years isn't necessarily correct. There could be conditions saying prior to subdivision, something has to be done, or something or other. So I think that's a little bit of a general statement with the five-year time frame. I mean, the general idea of not wanting projects to linger for a substantial amount of time, I think you could say. But to say that all conditional zoning is subject to a five-year time frame isn't necessarily true in all cases. So that's all.

CHAIR PALTIN: Thank you. This wording did come from our OCS attorneys. Mr. Raatz, would you care to weigh in on that comment from our Corp. Counsel Attorney.

MR. RAATZ: Thank you, Chair. We appreciate Mr. Hopper's comments, and with the body's approval, we can work with him on tightening up the language to ensure its accuracy and expressing the same intent as he proposed. Thank you.

CHAIR PALTIN: Okay. Members, any objection to our OCS Attorney and Corp. Counsel working together to amend the language so that it's tightened up?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. So they can work on this, and it will be a revisit for Thursday. All right. Did anyone have any other amendments for Kapalua, which is pages 77 through 79. I'm sorry, I saw Mr. Sinenci's hand up before I called on Mr. Hopper. Mr. Sinenci, did you have an item to talk about?

COUNCILMEMBER SINENCI: Thank you, Chair. I can wait for OCS and Corporation Counsel to come back. My question was just if it continues with the conditions, or it reverts back to a previous or prior to those conditions being implemented. But I can wait until their further response.

CHAIR PALTIN: Okay. Yeah. I guess basically what Mr. Hopper was saying, if the conditions of change in zoning haven't been met within five years or the given time frame, then by resolution or something, the Council can revert the zoning back to its previous zoning. Member Sugimura.

COUNCILMEMBER SUGIMURA: I just want to kind of go back. Some of the amendments that

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

June 15, 2021

I had proposed yesterday would not be applicable today because the amendment I made failed on Kā'anapali 2020. So as the document goes on, the amendments that I made are irrelevant at this point because the Committee did not take the Kā'anapali 2020 recommendations. So I just wanted to clarify that to the Committee.

CHAIR PALTIN: Okay. Thank you. And I did print your form out, but I didn't integrate it into when we would be discussing it. So if there is a relevant one, just wave at me, and then I have it here printed so we can address it.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

CHAIR PALTIN: Thank you. Any further amendment for 77 through 79? And just to clarify...oh, go ahead, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I can go after your clarification.

CHAIR PALTIN: Oh. Just to clarify, it's my understanding that all the housing options within Kapalua Mauka are intended to be not affordable. They would like all of the affordable...any affordable component not within Kapalua Mauka. We're not talking about any kind of workforce or affordable housing options, although the third paragraph on page 78 says that is what the community wanted, that's not what the developer landowner envisioned. So just clarifying that. Go ahead, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So I wanted to bring this up only because of the two bills that myself and Member King introduced. So at the bottom of page 78, it says "visitor-oriented development." There was discussion in the Maui Island Plan, and it uses visitor, transient, and tourist kind of interchangeably. And so I wanted to get it on the radar of the Committee to see if that's something that we also wanted to use interchangeably here, or if we would want to choose one word and, you know, know that we're using that word intentionally. So here, visitor-oriented development...if visitor is defined, and that's the appropriate term here and what we'll be using, you know, throughout the plan. Just so that it's clear and consistent.

COUNCILMEMBER LEE: As opposed to what?

COUNCILMEMBER RAWLINS-FERNANDEZ: Transient.

CHAIR PALTIN: So maybe would we want to put that in the definitions, visitor, transient, and tourist may be used interchangeably?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I don't think it should, because I think they are different...slightly different definitions.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so that's why I bring it up, so that we understand who it is we're talking about when we say tourist, who we're talking about

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

June 15, 2021

when we say visitor, and who we're talking about when we say transient.

CHAIR PALTIN: So I guess I'm not super clear. Is a visitor...a tourist is someone that's visiting, but doesn't own property. A visitor is somebody that owns...well, I'm not clear what the distinctions are between the three.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So I think, like a tourist is kind of...and I don't know if we have a legal definition in our Code, or if it's defined anywhere else that we would like to adopt, but my understanding is that tourist is, you know, like those that come for a short stay in like a week or so; and then a transient is someone who stays, you know, less than six months; and then a visitor, you know, like includes friends and relatives of residents or something.

CHAIR PALTIN: And I guess for my own edification, does it matter if any of these types--visitor, tourist, transient--own property here or not? Is that factor into any of the definitions?

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm not sure.

CHAIR PALTIN: You know, like their...

COUNCILMEMBER RAWLINS-FERNANDEZ: I mean, it's something that...right, right. I mean, we can decide because there are people who own, like you're saying, short-term rentals or, you know, second houses or units here, and they're only here for like a month at a time. And so, you know, like...so I think like transient actually is the more all-encompassing term, so it would include tourists, as well as those who stay, you know, less than six months, who sometimes refer to themselves as like part-time residents.

CHAIR PALTIN: Okay. So I guess my preference would be to go with the more all-encompassing one. In my knowledge of Kapalua Resort area, there's probably a lot of owner part-time residents, but that doesn't disqualify visitors and tourists as well. So maybe transient oriented development, if that's what we consider more all-encompassing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then perhaps we can reiterate the definition in the community plan definitions there. We have a definition for that in there. Yeah.

CHAIR PALTIN: Okay. All right. So we're gonna change visitor-oriented to transient-oriented.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR PALTIN: Member Sugimura.

COUNCILMEMBER SUGIMURA: So the TOD verbiage is used for like the Kahului Corridor and then the West Maui Corridor that Planning is working on. So can you ask Planning what they think about using that for this particular...that phrase for using for this particular definition that we're trying to get to.

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

June 15, 2021

CHAIR PALTIN: Yeah. Yeah, I don't think she meant transit-oriented development, it's...this one is transient.

COUNCILMEMBER SUGIMURA: Oh, transient. Oh, okay. Thank you.

CHAIR PALTIN: I know last time I said transit and it sounded like transient, but they're awfully similar. However, many in the community oppose expansion of transient oriented development, golf courses and luxury homes. Okay. And then we'll add the definition of transient to Appendix, I think, G. I'll make a note of that. And it could fall right above transit. Oh, Director McLean.

MS. MCLEAN: Thank you, Chair. There is a definition of transient in Title 19. It means, "any visitor or person who owns, rents, or uses a lodging or dwelling unit or portion thereof for less than 180 days, and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor."

CHAIR PALTIN: Okay.

MS. MCLEAN: So in the definition it uses transient and visitor. Just FYI.

CHAIR PALTIN: Okay. And that's in Chapter 19 you said?

MS. MCLEAN: In Title 19, yes.

CHAIR PALTIN: Title 19.

MS. MCLEAN: Chapter 19.04, which has all the definitions.

CHAIR PALTIN: Okay. Yeah. We'll add that to the Appendix and just take the definition straight from there so we're not giving incorrect information. I'm sorry, what did you say it was, 19.04?

MS. MCLEAN: Yes. Chapter 19.04.

CHAIR PALTIN: All right. Okay. So I feel like we don't have any other amendments to Kapalua, so we're okay through page 79. Consensus.

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: The only amendment I had for Pulelehua is the one that Member Johnson pointed out initially on page 81, nonsubstantive spelling error of pedestrian, Policy 3.3.4. Good eyes. Does anyone else have any amendments to Pulelehua? And Member Molina might be happy to see that Mahinahina is mentioned here. And this is where our workforce housing will be. Okay...oh, wait...Member Rawlins. Okay. Chair Lee, and then Member Rawlins-Fernandez.

COUNCILMEMBER LEE: Vice-Chair, did you have your hand up first? You can feel free to go.

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

June 15, 2021

CHAIR PALTIN: It was like a disc thing, I couldn't tell.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Just the third paragraph, the end of the third paragraph...oh, okay. I guess this is a variety of parks and mobility options in neighborhoods and streets that are walkable and bike friendly. So if we wanted to add multi-modal, or I don't know, you know, a term to include everyone in our community, including those with ADA needs.

CHAIR PALTIN: Okay. Did you want to strike mobility options and replace that with multi-modal options?

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, it just says neighborhoods and streets that are walkable and bike friendly. So the neighborhoods and streets is what is being described to be walkable and bike friendly, so we would add something there.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Neighborhoods and streets that are...

MS. MAYDAN: Chair?

CHAIR PALTIN: Yes, Ms. Maydan.

MS. MAYDAN: Thank you. One term that's often used to give support to folks in wheelchairs and others is to say person...at the end of that sentence, you could add, and support persons of all abilities.

CHAIR PALTIN: Okay. So in neighborhoods and streets that are walkable and bike friendly and support persons of all abilities?

COUNCILMEMBER RAWLINS-FERNANDEZ: No, just neighborhoods and streets that are...what did you say?

CHAIR PALTIN: Bike friendly and support persons of all abilities.

COUNCILMEMBER RAWLINS-FERNANDEZ: That...strike walkable and bike friendly and replace it with that are...

MS. MAYDAN: You could go either way.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MS. MAYDAN: You could either way. It might be more descriptive to leave in the walkable and bike friendly and then just emphasize and --

COUNCILMEMBER RAWLINS-FERNANDEZ: Support people...

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

June 15, 2021

MS. MAYDAN: -- support persons of all abilities.

CHAIR PALTIN: Okay. What about complete streets? A variety of parks and mobility options and complete streets. Would that satisfy persons of all abilities?

MS. MAYDAN: Yes, that would.

CHAIR PALTIN: Okay. So Maui residents, neighborhoods serving commercial uses, a variety of parks and mobility options, and neighborhoods and complete streets.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sounds kind of funky.

CHAIR PALTIN: Okay. Walkable and bike friendly and support persons of all abilities.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, that sounds better.

CHAIR PALTIN: Persons of all abilities. So this update of the plan reaffirms the vision for the Pulelehua area as a compact and complete community, with a mix of housing types for Maui residents, neighborhoods serving commercial uses, a variety of parks and mobility options, and neighborhoods and streets that are walkable and bike friendly and support persons of all abilities. That sounds okay. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Consensus.

CHAIR PALTIN: Okay. Chair Lee, go ahead.

COUNCILMEMBER LEE: I was wondering if Pulelehua took...started to be developed over...after five years.

CHAIR PALTIN: It...so it went through...they had to get a new LUC because the person that purchased it from Maui Land and Pine had a different vision. So the LUC requested that he work with the community, came back to the LUC, they gave him permission to go ahead, and I believe they're going before the Planning Commission next month. So they redefined their vision from the previous vision from the early 2000s, and there was strong community outcry because it was suggested that they would do less affordable housing than when they first got their LUC approvals. He came back and met with our community and obviously he didn't satisfy everyone, but apparently he had enough to get through LUC, and now he's going before the Planning Commission. So it was stalled for many years, it got sold, and now it's moving forward. There's agreements with DHHL, the Wastewater Treatment Plant, and there's forward movement. Whereas Kapalua Mauka, we haven't heard anything.

COUNCILMEMBER LEE: Okay. No, but my concern is depending on the language that comes up with regard to projects that have been stalled, this project was stalled, you know, so...over five years. So which would require them then to go back to the very beginning. So they, I would guess, you would have to get a 201H like they did in the early

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

June 15, 2021

200s...yeah, 2000s.

CHAIR PALTIN: Oh, I don't know that it was a 201H.

COUNCILMEMBER LEE: It was. I was the Housing Director at that time.

CHAIR PALTIN: Oh, it was a 201H?

COUNCILMEMBER LEE: 201H.

CHAIR PALTIN: They did just recently submit a compliance report where it looked as though they were in compliance with their conditions. And I believe that was what Mr. Hopper said, is if they're not...if the conditions are not time constrained, that they should be met within five years. And I think the issue is, you know, if...we've never to this point reverted change in zoning for non-compliance of the conditions, ever. And so I think, you know, most times when I talk to the Planning Director, and she can speak for herself, but if they're making significant strides in compliance then, you know, not really effort is undertaken to revert or undo.

COUNCILMEMBER LEE: So I'm concerned if there are other projects like this that did not get off the ground for the first five years. So maybe we can ask the Planning Department to find out. I'm sure there aren't that many that stalled...projects that stalled so that they did not commence development for five years. The first five years.

CHAIR PALTIN: Okay. Director McLean. I mean, I think the wording was that, you know, the Council may...it's not that they would have to. Director McLean, any comment as to Chair Lee's statement or question.

MS. MCLEAN: Yes. Thank you. Before talking about reversion, you need to understand really on a project by project basis what other land use entitlements they have. Because often the community plan gets changed through a community plan update before other designations get changed. And so if it's just the community plan designation, but let's say the State designation is still agriculture, there's not as much lost if the community plan gets reverted, versus if they've gone through the State Land Use Commission to get their land redesignated to the State Urban District, and they've gone through companion change in zoning. Each of those entitlements often has its own conditions that can be very lengthy. So there could be reasons why a project doesn't move forward, because five years in terms of that land use regulatory framework may not be a whole lot of time, so you'd really have to look case by case. If the language is the Council may, under certain circumstances, then I don't see an issue with that at all. But if the Council were to do that, then you'd really want to look at the whole picture and understand what reversion means in that context.

COUNCILMEMBER LEE: My question was which projects would be at risk, that's all I'm saying. Because we turn the page and here's Pulelehua, which I remember received approval, but in the year, let's say 2000, 2001, let's say. And at that time I wasn't on the Council, but I was the Housing Director. And I remember Mike Foley being the

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

June 15, 2021

Planning Director, and him and I going at each other a little bit because he wanted to put a light industrial park in this project, I remember. And I told him we couldn't. Any commercial activity has to be incidental, like a neighborhood supermarket or something like that. So that's how I remember this project. So I just wondered...I just hope that any new verbiage we add to the plan doesn't have unintended consequences on another project. That's all.

CHAIR PALTIN: Thank you. Was your answer...question answered then?

COUNCILMEMBER LEE: Well, if it's may, then it's...you know, it wouldn't necessarily apply to every project, so it's fine.

CHAIR PALTIN: Okay. Cool. Member King.

VICE-CHAIR KING: Thank you, Chair. Wasn't Pulelehua recently reapproved by the Land Use Commission after it was...isn't that the one that Kai Nishiki kind of renegotiated the terms.

CHAIR PALTIN: Yeah. And I believe a lot of us did testify in front of the LUC because of this.

VICE-CHAIR KING: Right. I was there and we all testified in favor of it because they did some things...they changed the project so that the community's demands were being met. So, you know, I don't know if that starts the five years all over again but, you know, that just happened within the last year and a half or so. So to me, that's a fairly new project, because it...

COUNCILMEMBER LEE: Well, now it is, but it's like eight minute...eight years late.

VICE-CHAIR KING: Right. But...

COUNCILMEMBER LEE: Nothing happened for the first eight years or so.

VICE-CHAIR KING: Right. But the point is that they were...the community wasn't in favor of it until they made those changes, and then they got community support. And so now I think they're ready to go ahead. But that's one of those cases where if you can get someone to renegotiate like that then, you know, maybe it's worth holding off on, you know, changing the zoning.

COUNCILMEMBER LEE: I totally agree. I totally agree.

VICE-CHAIR KING: Yeah.

CHAIR PALTIN: Yeah.

COUNCILMEMBER LEE: I just think we want the five-year mark to be hard and fast.

CHAIR PALTIN: Yeah. And I think Mr. Cheng wasn't the owner when the original project was

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

June 15, 2021

described, he came in much later and purchased the land, and I guess whatever entitlements were. And then he tried to change it to something that folks weren't supportive of, and then the Land Use Commission asked him, you know, so all that. So it's...

VICE-CHAIR KING: Yeah. But the other side of it is that we have a project in South Maui that hasn't broken ground for 26 or 7 years because of opposition, and because they didn't meet their conditions. So, you know, that's one of those areas where you look at it, they're still not meeting the conditions of their settlement agreement and that community's demands. So maybe that's a place where, you know, we shouldn't revert back to the original zoning because it just doesn't look like it's going to happen.

CHAIR PALTIN: I guess...

VICE-CHAIR KING: Taking them on a case by case basis, I think, is a good...you know, because if you do get those good...the Kaiwahine Village Project was in bankruptcy when Doug Bigley started looking at it, and there were a couple of Councilmembers that didn't want to extend the deadline to start the building. But, you know, it was a new builder, so we did extend the deadline, and he actually came in and had a schedule. So there's just...every situation seems to be a little bit different, but having that option is good, we just don't have to pull the trigger on it all the time.

CHAIR PALTIN: Yeah. Key word is may. Okay. So are we okay...we're okay with Pulelehua. Consensus.

MS. MAYDAN: Chair, may I ask a question?

CHAIR PALTIN: Sure.

MS. MAYDAN: Thank you. Considering the change of splitting Park and Open Space into two designations, the Committee has addressed it as far as those large park areas in the areas of change. I'm just wondering when you'll let us know as far as like in Kapalua Mauka, how that is split for Park and Open Space, as well as Pulelehua and others going forward.

CHAIR PALTIN: Oh, good point. So for Pulelehua, I believe, you know, with Mr. Cheng going through his approval process, he has a detailed plan of what he wants, like dog parks and fields and whatnot, so that shouldn't be too much of a problem. We can reach out to him and ask specifically what areas he intended, because he has a pretty detailed plan to get his approvals going. For Kapalua Mauka, I guess my recommendation would be Open Space, seeing as there's so little known about this project, the yellow and the red, the Neighborhood Center can be moved around, and that this area is not intended...yes, Director McLean.

MS. MCLEAN: Thanks, Chair. For Pulelehua, and I assume for Kapalua Mauka, the County Code, and possibly the existing language in the community plan, calls out Park areas separately from Open Space areas. So we should try to be consistent with that language

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

June 15, 2021

in terms of the acreage. So I would just refer to Chapter 19.92 and 19.93 in the County Code, that spells out the Land Use categories and acreage in both of those project districts, so that the total acreage matches, so we don't get into a mismatch of community plan and zoning. And...but then in terms of where those are, we would get input from the landowner. I think for Pulelehua we have a better idea, and Kapalua Mauka we can...we can get input from the landowner on where they want those two different districts.

CHAIR PALTIN: Okay. I believe if we're going back to Kapalua Mauka--and thanks for pointing this out, Ms. Maydan--the way that it is currently, it said something along the lines of, for lands formerly designated as project district, the boundaries between designations can be adjusted, provided the total acreage of each designation remains the same. Such adjustments may be proposed by the landowner and must be approved by the Planning Director. So with no like detailed plans for Kapalua Mauka, we designated a certain area to be Residential, certain area to be Neighborhood Center, and certain area to be Rural Residential, with the understanding that those sections could be moved as they get closer to meeting their project. Could we do the same thing with the Park and Open Space, and just put them somewhere on the map, with the understanding that the total acreage of each designation remains the same and adjustments may be proposed by the landowner, and must be approved by the Planning Director. Because it seems like that's what we did with the Residential and Neighborhood Center designations.

MS. MCLEAN: Well, we need to split the Park and the Open Space. For Kapalua Mauka, Chapter 19.92 says that the Golf Course Park district shall consist of a maximum of 250 acres, and the Resort Open Space district shall consist of a minimum of 135 acres. And with that language that you read, Chair, thanks for bringing that up, as long as we have at least 135 acres of Resort Open Space, and no more than 250 acres of Park, then we would be consistent...then it would be up to the Committee to decide if you want more Open Space and less Park because of those descriptions, so that becomes your decision. In terms of where that is on the map, the language that you cited allows that to be shifted around, but how much of each would be your folks' call.

CHAIR PALTIN: Okay. I'll propose 135 acres of Golf Course Park, and 250 acres of Open Space. And I'll entertain a motion.

COUNCILMEMBER SUGIMURA: What page are you on?

CHAIR PALTIN: 79, I'm sorry.

VICE-CHAIR KING: So moved.

COUNCILMEMBER SINENCI: Second.

CHAIR PALTIN: Moved by Member King, seconded by Member Sinenci, for us to designate 135 acres of Golf Course Park, and 250 acres of Resort Open Space for Kapalua Mauka, provided the total acreage of each designation remains the same, and the boundaries between designations can be adjusted. Such adjustments may be proposed by the

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

June 15, 2021

landowner, and must be approved by the Planning Director. Chair Lee.

COUNCILMEMBER LEE: Okay. Can you say it one more time, saying what you're changing it from and what you're changing it to?

CHAIR PALTIN: Well, there's nothing really to change because it's not been proposed. That's how far away they are from having a development. But the Ordinance, I believe in 19.92 says, "no more than 250 acres Golf Course Park, and no less than 135 acres Resort Open Space." So my proposal is to designate 135 acres as Golf Course Park, and 250 acres as Park Open Space, and the boundaries between designations can be adjusted, provided the total acreage of each designation remains the same. Such adjustments may be proposed by the landowner, and must be approved by the Planning Director. And that's along the same lines of what we did with their Residential Area and the Neighborhood Center Area, because they have no detailed plans at this time.

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: Any further question, comment, or concern. Seeing none, all those in favor of the motion, raise your hand and say "aye." Any opposed? Motion passes unanimously.

VOTE: AYES: Chair Paltin, Vice-Chair King, and 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: Ms. Lillis, did you have time to get that all down...or Ms. Stewart, or Mr. Raatz. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, I tried to get it all down. I can share screen and then you can tell me what I'm missing.

CHAIR PALTIN: Okay. Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. It's here, right.

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

June 15, 2021

CHAIR PALTIN: Okay. Good thing. It's 135 acres as Golf Course Park, and 250 acres as Resort Open Space. Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so it would be inserted where?

CHAIR PALTIN: Maybe a new policy, Policy 3.3.4. And this is based on Ordinance 19.92, I believe. Is that correct, Director McLean?

MS. MAYDAN: Chair, yes. That reference is correct to the Code. But in here for Kapalua Mauka, we don't specify...we don't spell out the acreages for each of the districts that is in that Code 19.92. If the Committee feels it's necessary you can here, but I think those numbers work for us for doing the updated map to divide Parks and Open Space.

CHAIR PALTIN: Oh, okay. So you don't want us to spell it out, it's just for the map...or we could?

MS. MAYDAN: Correct.

CHAIR PALTIN: Yeah, let's spell it out, since we took the vote, you know. So I guess it would...instead of a policy, it would be on Figure 3.7, Area of Change, as a footnote. And it goes along with that...the boundaries between designations can be adjusted, provided the total acreage of each designation remains the same. Such adjustments may be proposed by the landowner and must be approved by the Planning Director.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So that whole Policy 3.3.3 will also be a footnote under Figure 4.7...or that language would go with the number of acres.

CHAIR PALTIN: Mm-hmm.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: And that's what was spelled out in the Code, that it was specified as Golf Course Park and Resort Open Space. That's what 19.92 spelled out, how much acreage each designation could have. And that's what they used. And then for Pulelehua, we'll need to, I guess, get Paul Cheng's master plan. And he knows, I guess, in accordance with 19.93, which areas he proposes to be Park and which areas he proposes to be Open Space. And I personally am fine with keeping those designations. I'm assuming it aligns with what 19.93 says, and we would just replace the Park Open Space with which areas he chooses to designate Park and which areas he chooses to designate Open Space. So that's kind of possibly a homework item for OCS Staff. Is that something that we can accomplish? Who do I have on the call? Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm going to share my screen.

CHAIR PALTIN: Okay.

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

June 15, 2021

COUNCILMEMBER RAWLINS-FERNANDEZ: So here. Footnote.

CHAIR PALTIN: 135 acres is Golf Course Parks, and 250 acres as Resort Open Space, provided the total acreage...yeah. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Good.

MS. MAYDAN: Chair, if I may comment?

CHAIR PALTIN: Yes, Ms. Maydan. Sure.

MS. MAYDAN: Golf Course Park and Resort Open Space, those are the districts identified in the Zoning Code. Those are, of course, not the correct terminology for the Community Plan Designations. I think that could be confusing, using the Zoning Code districts when we're in the Community Plan.

CHAIR PALTIN: Okay. So just Park or Open Space, and then the underlying zoning is called Golf Course Park or Resort Open Space.

MS. MAYDAN: Correct.

CHAIR PALTIN: Okay. Thank you for clarifying that. I wasn't aware. Okay. Ms. Lillis or Ms. Stewart.

MS. LILLIS: Sorry, Chair. Could you repeat?

CHAIR PALTIN: Sure. We were wondering if you could reach out to the landowner developer of Pulelehua for their master plan diagram and...so that we may be able to depict which of the green areas on page 81 are Park and which are Open Space.

MS. LILLIS: Crystal clear. We'll do that.

CHAIR PALTIN: Awesome. Thank you. Okay. So then moving on to page 82. This is for DHHL Honokowai and Kā'anapali 2020. From the uses that the Community Plan Advisory Committee envisioned, Ms. Maydan, would the...I think it's the second sentence on page 82. Would that be better to say, "as such, Kā'anapali Town South, as identified in the Maui Island Plan, will remain in Park and Agriculture"?

MS. MAYDAN: Are you...I'm sorry, Chair. Are you referring to if the Maui Island Plan is amended?

CHAIR PALTIN: Oh, I'm not sure. Some of the uses that I had heard Chair Nishiki had spoken about was, you know, like a community cultural center, a hula hālau, and possible canoe hale, and things like that, which don't seem to be appropriate for Open Space, and so we had chosen Park for that area. So then in this sentence, where it says, "as identified in the Maui Island Plan will remain in Open Space in Agriculture," is that right to say it like that?

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

June 15, 2021

MS. MAYDAN: No, you're correct. I think it should change to will remain...or since you have a designated Park and Agriculture, it should reflect that in the text.

CHAIR PALTIN: Okay. So will become Park and Agriculture...or will remain Agriculture and become Park. Is it appropriate to say, will remain in Park and Agriculture?

MS. MAYDAN: You could say, is designated Park and Agriculture.

CHAIR PALTIN: Okay. Is designated Park and Agriculture. Kā'anapali Town, Kā'anapali Town North are designated Small Town Center to facilitate mixed uses as the area develops in the future. This area also includes Pu'ukoli'i Village, a nearly 300-acre area that was master planned as a residential community located mauka of Kā'anapali Town as identified in the Maui Island Plan. This area was also designated Small Town Center during the update process. North of Kā'anapali Town is the DHHL property in Honokōwai. This property is approximately 777 acres transferred to DHHL by the State in 1995, 26 years ago, as part of a settlement agreement to provide homesteads for Native Hawaiians on Maui. In the plan, this land is reserved for agriculture uses, and DHHL is charged by State law to develop this property to benefit the Native Hawaiian community. Do we need to add a statement that...I think Director McLean had told me one time that if it's used for residential uses, Hawaiian Home Lands doesn't need to conform with zoning, but if it's used for commercial purposes, then it does need to conform for zoning. Would that be an appropriate statement to add here or...because community plan doesn't deal with zoning. Director.

MS. MCLEAN: Thanks, Chair. And I would ask for Mr. Hopper to also chime in. Under State law, if Hawaiian Home Lands are developed for homesteading purposes, County land use regulation doesn't apply. But if it's developed for other purposes, for example, for DHHL to generate revenue to support their mission, and the County's position is that County land use regulations do apply. And I don't think there would be any downside to stating that in the community plan. But Mr. Hopper might have more to add to that.

CHAIR PALTIN: Okay. Mr. Hopper, any dispute with Director McLean's statement? Or Member Kama, were you stretching, or did you have your hand up?

COUNCILMEMBER KAMA: No, I just wanted to clarify something. So when we talk about homesteading, my understanding that homesteading is residential, ranching and agriculture. So I think I would like to see that justified here, because when you think about homestead, people only know homestead as we know it, it's just a house. They don't realize that it is ranching, and it is agriculture too. So if that's okay.

CHAIR PALTIN: Okay. I have no problem with that. Mr. Hopper, is it okay, what Director McLean had stated?

MR. HOPPER: Yes. I think that's generally the case. I think you can proceed with, you know, your designation of the areas. But know that in some cases, especially when homesteading is the purpose or, you know, development of the land consistent with the

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

June 15, 2021

Hawaiian Homes Commission Act, that's generally going to be considered not something that the counties are able to apply its zoning authority towards. Not that you'd necessarily have a conflict but, you know, I think you can proceed with your designations but, you know, understand that there might be limited authority in certain cases.

CHAIR PALTIN: Okay. So maybe on page 84, where it says, "For Honokowai, DHHL envisions a variety of uses, including 111 acres of Residential, 407 acres of Agriculture, 30 acres of Commercial, 5 acres of Light Industrial, and 19 acres of Community Uses, example, Parks. The Master Plan for this area was not complete at the time of adoption of this plan, but it is in process, and funding is available to develop water systems for irrigation, storage and connection to existing County systems. It is understood that County Land Use designations do not apply to uses consistent with the Hawaiian Homes Commission Act of Land Use for Homesteading which includes residential, ranching, and ag." And leave it at that. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So I just wanted to see if it's possible, you know, on the second paragraph, second sentence, it says it was transferred to DHHL by the State in 1995 as part of the settlement agreement. Could we cite that? Because my understanding is that that is the Hawaiian Home Lands Recovery Act and that is significant in itself. The Act itself just didn't give back land, but it gave a whole bunch of other benefits to Native Hawaiians. It would be cool if Hawaiians at some time when they read this would go look to that document and see what the other benefits were besides just getting back land. So if you could just cite that in here.

CHAIR PALTIN: I'm totally down. Ms. Maydan, any comment? Is that where you found that, the Hawaiian Home Lands Recovery Act?

MS. MAYDAN: Thank you, Chair. I'm gonna have to ask other staff. I did not write this paragraph so I do not know.

CHAIR PALTIN: Okay. But basically, what we want to say as by the State in 1995 as part of the Hawaiian Home Lands Recovery Act to a settlement agreement to provide homesteads for Native Hawaiians on Maui. Is that what you intended, Member Kama?

COUNCILMEMBER KAMA: Yes, Chair.

CHAIR PALTIN: Did you want to make that motion?

CHAIR KAMA: I'd love to make that motion. So moved.

CHAIR PALTIN: Okay, and seconded by Member Rawlins-Fernandez. And I think you gave your reasoning already, but did you want to add any more discussion to that?

COUNCILMEMBER KAMA: No. That's it, Chair. Thank you.

CHAIR PALTIN: Okay. Member Rawlins [sic], did you want to add anything to that?

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

June 15, 2021

COUNCILMEMBER RAWLINS-FERNANDEZ: No, but I wanted to share my screen so I'm sure that...you know, that we're all on the same page.

CHAIR PALTIN: Sure. We're on page 82. Go ahead and share.

MS. MAYDAN: Chair, I'll just share that this paragraph was written based on information provided to us by DHHL.

CHAIR PALTIN: Okay. Thank you. So it was transferred to DHHL by the State...oh, go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: In 1990...oh, no, go ahead. By the State in 1995...

CHAIR PALTIN: In 1995, as part of the Hawaiian Home Lands Recovery Act, a settlement agreement to provide homesteads for Native Hawaiians on Maui. And I guess, you know, we'll count on OCS Staff, Committee Staff, to just verify that that's the correct name of the Act.

MS. LILLIS: Yes, Chair. We'll take care of that.

CHAIR PALTIN: Thank you, Ms. Lillis. And it looks like we're changing big "N" to little "n" as well, which is okay with me.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Yeah. Thanks Chair. I was going to bring that up later. But small "n" is legally defined as, you know, 50 percent or more, which is racist, but...and then big "N" is, you know, less than 50 blood quantum. And then the "T" in Town, Lāhainā Town, I don't know if you saw that.

CHAIR PALTIN: The "T". Okay. So let's see, Member Kama, do you accept those friendly amendments of capital "T" and small "n".

COUNCILMEMBER KAMA: Absolutely, Chair.

CHAIR PALTIN: Okay. Capital "T", small "n", friendly amendments to page 82. Committee Staff will fact check that's the right name of the Act. All those in favor, raise your hand and say "aye." Any opposed? I got that unanimous.

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

June 15, 2021

VOTE: AYES: Chair Paltin, Vice-Chair King, and 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. And then I guess for page 84, did you want to flash your screen on that as well, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: I tried to capture what you said, but I don't think it's grammatically correct. It is understood that County Land Use designations do not...

CHAIR PALTIN: Okay. Yeah. Sorry, we couldn't see it until you scrolled down.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. It is understood that County Land Use designations do not apply to use--and this is the part that's not grammatically correct--consistent with the Hawaiian Homes Commission.

CHAIR PALTIN: It is understood --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, I copied it from...

CHAIR PALTIN: --County Land Use designations do not apply to uses--I think it meant uses, not use is--uses consistent with the Hawaiian Homes Commission Act of land use for homesteading, which includes residential, ranching and agriculture. And then if you can strike the "is" and maybe we want to spell out agriculture. But other than that, it looks okay to me.

COUNCILMEMBER RAWLINS-FERNANDEZ: It is understood . . . *(inaudible)*. . . I think it's pastoral, not ranching.

CHAIR PALTIN: Yeah, I think that's the official...

CHAIR KAMA: Yeah, it is. You're correct, yeah. When we were talking about it a long time ago...

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

June 15, 2021

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so where is the is...Chair, where is the is that you want to delete?

CHAIR PALTIN: Oh, you deleted it already.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Okay. So that's good?

CHAIR PALTIN: Yeah, it is understood that County land use designations do not apply to uses consistent with the Hawaiian Homes Commission Act of land use for homesteading, which includes residential, pastoral, and agriculture. Sorry, I declined that call before I noticed *Akakū* is experiencing network difficulties --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, yeah.

CHAIR PALTIN: --and I'm guessing we're going to have to recess until they can fix that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, they're back on again.

CHAIR PALTIN: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, no. They're flashing. It just keeps flashing on and off.

CHAIR PALTIN: Okay. Let me call Linda back because I accidentally just hung up on her. Because that's my default what I do when I'm chairing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, perfect timing for an afternoon break anyway.

CHAIR PALTIN: Okay. Let me see if they have a recommendation. Hi, Linda. I'm so sorry I hung up on you.

LINDA: Oh, that's okay. We lost...

CHAIR PALTIN: Okay. They'd like to reset and so this would be a perfect time for our 15-minute lunch recess, or afternoon recess . . . (*cell phone rings*). . . Oh, I better answer that, that's Linda again. Hey, Linda. Oh, must have been a butt dial. Okay. We'll take a 15-minute recess and return at 3:40 and pick up with this discussion. So recess until 3:40. . . .(*gavel*). . .

RECESS: 3:24 p.m.

RECONVENE: 3:41 p.m.

CHAIR PALTIN: . . .(*gavel*). . . Will the Planning and Sustainable Land Use Committee recessed meeting of June 15th return to order. The time is 3:42. Thank you, Members, for that brief recess for the cause and the technical issues. I believe we were on page 84 and we

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

June 15, 2021

just adopted...or did we adopt it, or we just proposed it, the wording for Honokowai DHHL not being subject. Did we...I think we saw it on Member Rawlins-Fernandez's screen. I don't know if we had a motion yet. I think we...we had a motion? I think the motion was for the other one, the Hawaiian Home Land Recovery Act.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So moved.

COUNCILMEMBER JOHNSON: Second.

CHAIR PALTIN: Member Rawlins-Fernandez, moves for the amendment that she had flashed on her screen about Hawaiian Home Lands consistent with Hawaiian Homes Commission Act not needing to comply with County Land Use designations. So it's been moved by Member Rawlins-Fernandez, seconded by Member Johnson. All those in favor of that language, please raise your hand and say "aye." Okay. We got two, four, nine, unanimous. Passes unanimous.

VOTE: AYES: Chair Paltin, Vice-Chair King, and 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. The rest I have in this section are fairly nonsubstantive changes, and so we can do by consensus. In the first paragraph, in keeping with our inclusion of our differently abled friends, we want to put...it looks like the third sentence, there will be adequate multi-modal paths, instead of just pedestrian and bicycle paths. There will be adequate multi-modal paths to ensure access throughout Kā'anapali and development will be organized in such a way as to facilitate reliable and frequent transit, in addition to the nearly 100 acres of Park space above Hanakaō'ō Canoe Beach. And then in the next paragraph, Golf Courses in Kā'anapali are planned to remain as Park designation until needed for shoreline businesses and residents. So those are what I consider nonsubstantive. So if we can get consensus?

COUNCILMEMBERS: Consensus.

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

June 15, 2021

CHAIR PALTIN: Okay. We got consensus on that. Anything further at this time on page 84? No. Okay. Moving on to page 85, another nonsubstantive one. In the second sentence of the top paragraph, this designation is designed to ensure additional neighborhood design with ample multi-modal amenities. Just in keeping with the theme of the day. And that's all I got for page 85, fairly nonsubstantive. Consensus.

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. Good. All right. Anything else for page 85? No. All right. Moving right along, we're making good progress. I think I could get you out of here by 4:30, if we cross our fingers.

COUNCILMEMBER LEE: Don't cross your fingers, just mute everybody.

CHAIR PALTIN: I'm the moderator, so I could. Don't tempt me.

VICE-CHAIR KING: I was going to say, cross your fingers and then use that to cover your mouth.

CHAIR PALTIN: Here on page 87, there is a nonsubstantive on change envisioned, second sentence, when this project is developed, it should include through streets and ample multi-modal and transit facilities. And then I did ask this question of Ms. Maydan earlier, it's just limited to the Keawe Street Apartments area. Would we like to rename this HHFDC's Keawe Street Apartments area to Kaiāulu o Kūku'ia as named? And I kind of think that's a nonsubstantive change also, so we can do consensus. Kaiāulu o Kūku'ia . Adequate multi-modal and transit facilities will be provided. So another nonsubstantive. And here on the challenges and opportunities, they use plenty of multi-modal connections, so that's good. Shall we add multi-modal in the policy so that it says, "ample multi-modal pathways and safe movement for all modes of transportation." Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So in some places here, I think the focus is on like non-wheeled modes of transportation. Well, I guess that wouldn't be accurate. Non-motored modes of transportation. Oh, no, that still wouldn't be accurate. So pedestrian and bicycle and so, you know, the motorized scooters that...the Rascals that...the motorized wheelchairs, yeah. So...because it says adequate pedestrian, bicycle, and transit facilities will be provided to ensure that residents do not need a car for most of their daily activities. So I understand like wanting to put multi-modal here, I'm just wondering out loud if that would make sense, or does the end part of the sentence clarify what kind of multi-modal we're talking about in this sentence.

CHAIR PALTIN: Okay. It's kind of funny because I was having this conversation during the break with one of the Staff. And, you know, if you are around Lāhainā Town, Kā'anapali area for...and just like kind of people watching and seeing what goes on, what I see a lot more than wheelchairs or Rascals, and it's almost become accepted, and I'm not sure if it's something that people don't want, is the electric bicycles and the golf carts. Choke. Loaded. I think Member Sinenci, when he was at the Celebration of Life, saw all the

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

June 15, 2021

electric bicycles going by, there were some golf carts souped up, so I mean, that's generally what we see majority. And I guess, you know, we don't want to exclude the motorized wheelchairs or Rascals and things like that as well. So I mean...and skateboards too, a lot of skateboards. So I guess all of those fall under multi-modal, correct, Ms. Maydan?

MS. MAYDAN: I would say that's correct, Chair. I think sometimes what we're looking at is non-automobile. It's...you know, there's a lot of things lumped under that, but I think that's what you're looking at is providing many options, whether you're walking, rolling on something that's motorized or not motorized, but basically getting out of your car or truck.

CHAIR PALTIN: And non-automobile would include like either private or public buses as well, shuttles and things like that.

MS. MAYDAN: Non-private automobile would make that more specific. But yeah, in a lot of these spots it says multi-modal and transit, so making that clear.

CHAIR PALTIN: Okay. Member Rawlins-Fernandez, I think we clarified, but I wasn't sure what your initial point was.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, that's what it was. Maybe non-vehicular?

CHAIR PALTIN: Okay. I guess...yeah, I would imagine that's covered, provided to ensure that residents do not need a car or private...would a truck fall under automobile? Would it be a more broad term?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR PALTIN: So do not need a private automobile for most of their daily activities. Sounds kind of weird.

COUNCILMEMBER RAWLINS-FERNANDEZ: Vehicle.

CHAIR PALTIN: Do not need...and you want to put private vehicle? Do not need a private vehicle for most of their daily activities. Okay. So all of that ties in to the multi-modal concept. For me, it's pretty nonsubstantive at the bottom. Ample multi-modal pathways and safe movement for all modes of transportation. All of those, I think, are nonsubstantive, so we can go with consensus for page 87. Yeah. Consensus. Okay. I think this looks like questions. Chair Lee, and then Member Molina. Oh, no, that was consensus? Okay. Oh, Member Molina, you had a question.

COUNCILMEMBER MOLINA: Question. Yeah, Madam Chair. Just under challenges and opportunities, the first sentence, both HHFDC and DHHL are motivated to complete these projects in a timely fashion, increasing affordable housing options for West Maui and Native Hawaiians. So I'm just trying to get a clearer understanding of the objective of this sentence. So are we saying for West Maui and Native Hawaiian residents, I

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

June 15, 2021

presume. So I don't know if we should add an additional word to...you know, it just seems...it's not quite clear. I don't know why, maybe it's just me, but I don't know if we should add another word to...because I would guess the affordable housing we're targeting people of Native Hawaiian ancestry, whether part Hawaiian or 100 percent Hawaiian, and also non-Hawaiians as well in West Maui.

CHAIR PALTIN: Good point. Good catch. So I would imagine it's affordable housing options for West Maui residents, and small "n" native Hawaiians, because of the DHHL lands which are targeted at the 50 percent blood quantum. So maybe for that one, increasing affordable housing options for West Maui residents and small "n", native Hawaiians. Does that sound better?

COUNCILMEMBER MOLINA: Yeah, yeah. Something a little bit more specific. Yeah.

CHAIR PALTIN: Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, I think that's a good suggestion. The reason I didn't point out the big "N" here is because the big "N" is all encompassing of all Hawaiians, and the little "n" is excluding less than 50 percent Hawaiians. And so I thought that the idea here was to be all encompassing of all Hawaiians. I understand there's a reference of DHHL in this sentence, and that Hawaiians less than 50 percent could be included in West Maui residents, but yeah. I guess West Maui residents and all Hawaiians.

CHAIR PALTIN: Okay. So we're taking out native all together. West Maui residents and all Hawaiians.

COUNCILMEMBER RAWLINS-FERNANDEZ: You can leave the Native, just leave it capitalized so that it includes small "n" and non-small "N."

CHAIR PALTIN: Okay, Member Kama, you had anything to add to that?

COUNCILMEMBER MOLINA: Part and full Hawaiians, yeah.

COUNCILMEMBER KAMA: I wanted to concur with Member Rawlins-Fernandez because if we delete the word native, anybody who says Hawaiian, they're Hawaiian, right? So how do you get into that argument with them. At least this way, the "ns" are totally identified, and people understand small "n" and little "n"...or large "N."

CHAIR PALTIN: Okay. So for consensus we have West Maui residents and capital "N," Native Hawaiians. Okay. Consensus.

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Good catch, Member Molina. Thank you. Okay. For page 89, pretty much everywhere that it says Urban Center, nonsubstantive change, we're making it Transit-Oriented Corridor. And then because of the changes we made, the Central Lāhainā area

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

June 15, 2021

includes several developed parcels encompassing approximately 84 acres--instead of 80 acres--with Lāhainā Town that present redevelopment opportunities to benefit the West Maui community. Central Lāhainā refers to the lands designated Transit-Oriented Corridor mauka of Honoapiilani Highway between non-substantive Dickenson Street and Kenui Street, including the lands mauka of Mill Street and between the Kahoma Flood Channel and Kapunakea Street on both sides of the highway. And that is basically the change we made, it's reverting it to the CPAC version, so the wording is reverting back to the CPAC wording there. And then I thought it would be cool to just continue on, the Central Lāhainā area is envisioned as a compact Transit Center, instead of Urban Center. And on the second to the last sentence, we'll continue on and put redevelopment of the area into a thriving Central Lāhainā will happen over the course of many years as businesses evolve and the market responds to the demand for multi-modal transit centers. This vision and protection of iwi kūpuna and cultural sites should guide zoning decisions and development in the Central Lāhainā area. And so after vision I added, "and protection of iwi kūpuna and cultural sites," because of the historic nature of Central Lāhainā historical districts and the rich cultural history there. Challenges and opportunities, we could say, there is also an opportunity to improve sidewalks and multi-modal paths, instead of pedestrian paths, in keeping with the theme of the day, multi-modal. And that's all the changes I had for page 89. If Members consider those nonsubstantive, we can take a consensus.

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: I saw your thumb, Member Johnson. Good job. Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. That was my thumb that was up for consensus.

CHAIR PALTIN: Oh, that was your thumb.

COUNCILMEMBER RAWLINS-FERNANDEZ: But for the last four words on the page, vibrant Urban Center is realized, you changed that one to the Transit Center too.

CHAIR PALTIN: Yeah, I think so. Transit would be good there.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I was asking if you did. Okay. So you didn't.

CHAIR PALTIN: I did not. No.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, all right.

CHAIR PALTIN: If you'd like to, I don't have an objection.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Yeah. I think just to be consistent.

CHAIR PALTIN: Okay. Friendly amendment to my consensus.

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

June 15, 2021

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. Moving on to page 90 and 91. I think we're going to need to revisit this until we hear back from Dr. Six, and I did leave a message with her if she could check that out for us before Thursday. So hopefully we hear back from her, and then we can take it from there for 90 and 91, making sure that it's not a known sensitive area there. So table 90 and 91 until we come back. And then we're on to 3.4, and if we work really fast, I can get you out of here by 4:30. Okay. So on page 92, my proposal is as follows: to change the second sentence, "These areas provide a sense of stability and assurance for residents who desire to protect these areas from development and encourage watershed management and transformation of fallow lands to manage productive watershed areas and agricultural lands." And this is for the second sentence below north of Makaluapuna Point and south of Puamana. That's what it was intended to be. Because it originally said, protect these areas from change and, you know, the change that we want to protect it from is development. And we're not saying that they're appropriately managed right now, and that's what we'd like to see, I believe, you know, in especially the fallow lands that, you know, are not considered brush abatement. Member King.

VICE-CHAIR KING: Yeah, just a quick suggestion. I know we said in the original...excuse me...the original sentences, it talks about agricultural production, which I think we might want...if you're going to add and agricultural lands, maybe you would want to say and productive agricultural lands.

CHAIR PALTIN: Yeah, yeah. That wasn't in my written ASF, I just added it on.

VICE-CHAIR KING: But I was just thinking I like that word...I like talking of productive because then we're not...you know, that goes along with not encouraging the gentleman estates and the...you know.

CHAIR PALTIN: So adding onto the end, productive watershed areas and agricultural lands.

VICE-CHAIR KING: Yeah.

CHAIR PALTIN: I'll accept that. Okay. I don't know if this one is considered fairly substantive. Any other comments on that, other than Member King? If you're talking to us, Member Rawlins-Fernandez, we can't hear you. Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I was just reading the sentence again. I don't know if the productive in that sentence would also describe productive agricultural lands if read in its entirety. Manage productive watershed areas and agricultural lands. If the intention is to encourage productive agricultural lands, then I think the word productive would have to go before agricultural lands too.

VICE-CHAIR KING: Yeah, I agree.

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

June 15, 2021

CHAIR PALTIN: Manage productive watershed areas and productive agricultural lands.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR PALTIN: Okay. I'm amenable to that.

COUNCILMEMBER RAWLINS-FERNANDEZ: You want me to share my screen?

CHAIR PALTIN: So do...okay. Do Members consider that one to be substantive or nonsubstantive?

VICE-CHAIR KING: I'll make a motion in case it's...you don't have to worry. So moved.

CHAIR PALTIN: Okay. Moved by Member King.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR PALTIN: Seconded by Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, it's black. Oh, there it is. Oh, well. Okay. Chair, clarification on this. Does...are we leaving in that sentence, or are we replacing the sentence?

CHAIR PALTIN: For the second sentence, I added on...I crossed out change and I added on development and encourage. Oh, I'm sorry. It was the second sentence in the second section below, north of Makaluapuna Point and...yeah, there you go. And we just strike change, and then it goes from...or you can just replace the whole second sentence with that because it captured it. So we're replacing the second sentence with, "These areas provide a sense of stability and assurance for residents who desire to protect these areas from development, and encourage watershed management and transformation of fallow lands to managed productive watershed areas and productive agricultural land." Yeah. So it was moved by Member King, seconded by Member Rawlins-Fernandez. Looks like Chair Lee has some discussion.

COUNCILMEMBER LEE: Yes. I have a question for you, Chair. Who owns these lands that we're voting on?

CHAIR PALTIN: North of Makaluapuna Point there's...it looks like Plantation Estate Lot Owner's Association. I believe Maui Land and Pine believes that they own Honokōhau, and above that I believe is State Conservation. And then south of Puamana, we have...

COUNCILMEMBER LEE: So here the vote is to change the verbiage to indicate that the community prefers no development, not saying development is not allowed, right?

CHAIR PALTIN: It's...well, the verbiage was originally, protect the area from change, but you know, there's a lot of fallow ag lands in those areas which fuel wildfires, which I know not many people in my community like wildfires, especially after 2018. So it's not

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

June 15, 2021

necessarily that we don't want it to change at all, but we want the change to be what landowner...responsible landowners, how they take care of their land, is brush abatement...

COUNCILMEMBER LEE: Okay. So...but these are general terms that you are utilizing in terms of...even with the change in verbiage. You're not prohibiting anything necessarily, right?

CHAIR PALTIN: Ms. Maydan.

MS. MAYDAN: I'm sorry, can you repeat the question?

CHAIR PALTIN: Chair Lee.

COUNCILMEMBER LEE: Does any of the verbiage indicate a prohibition of development of a private property?

CHAIR PALTIN: Not in...I would imagine not in accordance of what it's zoned with...zoned as.

COUNCILMEMBER LEE: That's fine. Then so what you're talking about is general terms and recommending, you know, protecting, preserving...well, protecting and managing the lands, right? Not forbidding them to use the land in terms of development.

CHAIR PALTIN: In accordance with what it's currently zoned as and community plan.

COUNCILMEMBER LEE: Yeah. Right, right. Okay.

CHAIR PALTIN: Yeah. Is that your understanding too, Ms. Maydan?

MS. MAYDAN: Yes. I would say that's correct, as far as what you're reviewing right now, yes.

CHAIR PALTIN: Okay. Cool.

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: Okay. So then it's been moved. Seconded. And we had a little bit of discussion. Ready for the vote? All those in favor, raise your hand and say "aye." Okay. Motion passes unanimously.

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

June 15, 2021

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sugimura.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: In the next paragraph, north of Makaluapuna Point, we did some research and it seems like Polua is the commonly used term, P-O-L-U-A, but we can include a footnote that that's what we found. We weren't able to get in contact with a lineal descendent of the area. We did a lot of research, Hawaiian place names and whatnot. It looks like what most commonly known as Polua Bay, P-O-L-U-A Bay. So we could add that in here, P-O-L-U-A Bay, mauka to makai, is largely undeveloped and home to natural and cultural resources.

COUNCILMEMBER SINENCI: Chair?

CHAIR PALTIN: Member Sinenci.

COUNCILMEMBER SINENCI: You're changing Pōelua to Polua? That one.

CHAIR PALTIN: Yeah. Yeah. And we were also considering adding a footnote. I think it was in the Section 1 where the question first came up, and adding a footnote that it's most commonly known as Polua Bay, but we weren't able to get concrete verification. Pōelua with a kahakō, so...but it's...according to Hawai'ian place names, Polua is most commonly known as.

COUNCILMEMBER SINENCI: Without an 'okina.

CHAIR PALTIN: Without an 'okina and without a letter, 'ōlelo . . . *(inaudible)* . . . Member Kama.

COUNCILMEMBER KAMA: Chair, do we know the history of the bay? What does the history of the bay say, do we know that?

CHAIR PALTIN: It was my Staff Member, Ms. Keliikoa, that did the research. I can check in with her. Oh, sorry. The last vote was eight "ayes," one excused, because Member Sugimura was missing. Sorry. Just for the record. I can check in further with my Staff.

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

June 15, 2021

If she knows what it was used for, but she's...she 'Ōlelo Hawai'i, and I think if she knew what it was used for, that would help her to know, because all her kids were in immersion.

COUNCILMEMBER KAMA: Right.

CHAIR PALTIN: But I don't...

COUNCILMEMBER KAMA: I only ask, Chair, because you know, the word Pōelua is referred to usually a child or two parents usually when they refer to a child of Pōelua is usually child born from two parents of high lineage. So I want to...I just want to know the background history of the place that might tell us something about what their real name of the bay is. That's my imposition, Chair.

CHAIR PALTIN: I guess, you know, we can try look it into a little bit more. I can request more information and we can revisit Pōelua, because we haven't had much success as of yet. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So your Staff looked on the Wehewehe Ulukau, and Polua is what came up. Because I just did a quick search and place names, I believe had had Pōelua, or the gulch and bay at Kahakuloa, Maui. But I looked for Polua, and no word came up.

CHAIR PALTIN: I can forward you this email. I guess Pōelua, Island of Maui, Ahupua'a, Polua, features Ahupua'a...comments misspelled Polua. Polua Bay, Island of Maui, Ahupua'a, features Bay, placename Polua Bay, Polua, Island of Maui. And it's a screen shot of Ulukau, the Hawaiian Electronic Library.

COUNCILMEMBER RAWLINS-FERNANDEZ: Perhaps I can check with, you know, a Hawaiian practitioner and Hawaiian scholar for Maui.

COUNCILMEMBER KAMA: I learned that from Kaleikoa when I was taking his courses about the child that is born of two royal lineage parents, and that's where that word came from, so she's born of two. I think Queen Keōpūolani's children are considered Pōelua because both she, as well as Kamehameha, both came from royal lineage. So that's just...I want to make sure that we're clear about what our history is, and the proud facts that we talk about is, this is what it is.

CHAIR PALTIN: Yeah. So this...I don't know if you guys can see...oh, probably not. In this Ulukau when P-O-L-U-A was put in...yeah, I don't know. Maybe if you do have resources that we don't have, we'll defer. So I guess Pōelua Park is a revisit. And then other than that, I don't have any other revisions to page 92. Anybody else have revisions to 92? No. Okay. Moving on to page 94. I just thought that if the areas of change have challenges and opportunities, that the areas of stability also have challenges and opportunities. And so on page 94, I added challenges and opportunities. The area has been affected by very dangerous wildfires during high winds. Brush abatement is critical, especially during periods of little to no rainfall. Government owned wetland

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

June 15, 2021

areas could be restored through public private partnerships. And that's to add a challenges and opportunities area for...or section for north of Makaluapuna Point and south of Puamana. Consensus?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: All right. Any other revisions to page 94. Policy 3.4.3, I think although we voted for agriculture, I would like to leave it in as well, because there's nothing preventing the landowners from pursuing a change in zoning with the LUC. Okay. So everybody good on 94? Yes, Chair Lee.

COUNCILMEMBER LEE: You want to leave what in?

CHAIR PALTIN: Policy 3.4.3, although we did leave Community Plan Designation as Agriculture. If a change in zoning is sought, the zoning must be no denser than RU-2, and there can be no future subdivision. If an individual change in zoning is sought, it must be to the lowest density rural district appropriate for the subject lot, and there can be no future subdivision. This was an addition made by the Maui Planning Commission when they differed from the CPAC version, but I think it's still good and still applies.

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: Okay. All right. And then...let's see. Moving on to page 96. I consider this fairly non-substantive to change the Puamana Condo Complex to Aholo Street, which is the street fronting that, because we don't have control over what Puamana decides to name their condo complex. And they could change it, but the street is going to remain Aholo Street. And then I'd like to add a challenges and opportunities to this section as well. And it would go, "The inundation of tourism in the Lāhainā Historic District and costs of restoration can present a challenge to preserving and perpetuating sacred cultural areas. There is an opportunity to educate tourists and residents about historical significance of this area, and in doing so, perpetuate the culture." Just in keeping with challenges and opportunities for the areas of stability. Consensus?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Good. So we got consensus. And then anybody else have recommendations for change on 96? Seeing none. Let's move on to 99, which is our last one, and this is kind of I think what Member Rawlins-Fernandez was saying about the policies for streams and gulches. And I have change a park to...a park and to "an." So it would read, the last sentence, "Reserving these areas with an Open Space Community Plan designation will allow traditional practices to continue and encourages restoration activities that will slow the speed of water from mauka areas to the ocean." So nonsubstantive, just reflecting the Park and Open Space split. And then I added a challenges and opportunities section to this one also. So I'm just going to add an "and" instead of a comma between opala and invasives in my written ASF. So it should read, "Challenges and opportunities: Many gulches are not managed for opala and invasive species," adding species too. "The sediment retention basins in Nāpili and Kahana are

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

June 15, 2021

currently working well, and there is an opportunity for these to serve as models for other areas. It is a challenge to keep gulches clear of debris and keep up with management of sediment retention basins by regularly removing the sediment and properly placing built up sediment away from drainage areas.” So that’s my little challenges and opportunities for this area of stability. Consensus, folks?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: And we’re three minutes ahead of schedule, will you look at that? You guys deserve a hand. Okay. So that brings us to the end of 3.4. We have some revisits. Tomorrow will be Section 5. And I’m hoping that we can finish with Section 5 early and start our revisits early, because it looks as though that we added a whole bunch of revisits on there. But that’s the general plan for tomorrow. Stoked, we’re done by 4:30. Good job. Oh, shoot. Small Town Center, Neighborhood Center, and I forgot about those.

COUNCILMEMBER RAWLINS-FERNANDEZ: Transit-Oriented --

COUNCILMEMBER LEE: We’ll vote in ten years.

CHAIR PALTIN: Transit-oriented.

COUNCILMEMBER LEE: The next one.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Corridor.

CHAIR PALTIN: Okay. One thing that did come to mind in discussing this with my Staff is that the Community Plan Designation may allow for these higher heights based on the zonings of B-2...B, like boy...B-2, B-3, and P, like Paltin, P-2 of 60, 90 and 144 feet. But it’s the underlying zoning in this case that allows for that type of height. So if they don’t currently have that zoning, and they want to make use of what the Community Plan Designation allows for, they will need to come to us as the Council for a change in zoning to get that B-as in boy-2, B-3 or P-2 designation. And what I was thinking of is our office can put in a PAF to look at possibly amending those heights down to the highest height that we currently have in those zoning districts, or five or ten feet higher, because I don’t know of any 144-foot buildings on Maui. And if we look through the zonings of B-2, B-3, and P-2, and see what the highest height is, maybe add five or ten feet, and then that could address some of our problem. Any thoughts, Members? Member King.

VICE-CHAIR KING: Thank you, Chair. Yeah, I think Director McLean had a good idea in her suggested wording, because the one area that where we don’t have any control is SMA permits. And so she had suggested a wording that would tie the SMA permits to this type of requirement and require it to come to the Council. Director McLean, can you...do you remember the suggested wording you had?

MS. MCLEAN: Yes. I think it was that building heights within the Special Management Area shall be limited to whatever number of feet.

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

June 15, 2021

VICE-CHAIR KING: By at least 60 feet or something like that. And then that way if they wanted to go higher than that, they would need to...because it has to jive with the community plan, so they would need to come to the Council for a community plan amendment.

CHAIR PALTIN: Okay. But if those...oh, Mr. Hopper.

MR. HOPPER: I just wanted to make a point that the Council does have some authority over SMA by, as you said, the community plan, but also through adopting the zoning district. So if there's existing...I think what Chair Paltin was talking about was that if there's existing zoning districts that have these, you know, B-2, B-3, SBR, and whatever else they are that allow these heights, then yes, you have the issue with the heights. So I don't know in West Maui where your underlying zoning would allow heights above, if you're saying 45 feet, where that would be allowed. I guess the Hotel district would be another area where that would be allowed. And so the Council established those...that zoning at some point in history. So...you know, so you would maybe want to see where that zoning is that allows those heights, because you don't want to have...I don't think you would really want to have a community plan restriction like that that would apply to current properties, because...especially in the SMA, because then they could have a real issue with, you know, renovations or things like that. But for zoning, you...those districts have been established, but to the extent that there is no...that they haven't been established yet. So these areas where you're going to designate in the community plan and the zoning is not B-2 or B-3 or something that allows a Hotel, or that allows a height over 45 feet. You, as the Council, would still need to approve a zoning change to those various heights...to those districts that allow those heights. Otherwise they would not be able to do that. So I would just keep in mind that, yes, if there's existing properties right now that are zoned in areas that would allow for height buildings over 45 feet then, you know, something like putting that in the community plan may, you know, directly affect that. But again, you'd want look at are there existing buildings and how it would it affect those. For new projects, if they haven't been zoned yet, the Council would have the authority to review a zoning request and could do something like put a height limit on the property as a conditional zoning, that's definitely been done before. So I just wanted to go over that. I think the property in Kihei, the issue was that it had been zoned in accordance with the Hotel zoning, but again, the community plan, you know, didn't have a specific policy on it.

VICE-CHAIR KING: Yeah, and that was the whole point of putting that in there, is where the ones that are in those zones where they could go sky high, you know, without any Council input.

CHAIR PALTIN: Yeah. Okay.

VICE-CHAIR KING: And there's a lot of hotels in West Maui, just like South Maui.

MR. HOPPER: Yeah. So just knowing where that is, and if they're existing and already over 45 feet, then there could, you know, be potential issues by saying nothing over 45 feet

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

June 15, 2021

and you've already got buildings there. So I just...you may want to just be aware of where those are and how it would affect...

VICE-CHAIR KING: Well, Mr. Hopper, one of the things that was in that proposed change for the beginning of the...when we started out today, we were looking at that proposed change was, you know, that if something was already in...established, that it would be considered nonconforming so it wouldn't be in violation. But the point is to keep it from going any higher, you know, because we're going to get the highest hotel that we've had in Central Maui, and with no input from the Council because the community plan wasn't clear, then you give the clear parameters. So that was my suggestion so that we have...if someone tries to, you know, go up to ten stories, they wouldn't be able to do that without...unless the Council allowed it because it would be in violation of the community plan.

CHAIR PALTIN: So I guess I'm not sure how we can...if they're zoned B-2, B-3, or P-2, then that's their allowed height.

VICE-CHAIR KING: Well, I think it's...if a community plan would take precedence because it's the same thing that we...that happened with that Oceanfront Inn where, you know, they had a community plan amendment that they needed because there was a mistake because the zoning is Hotel, but the community plan is single-family. And so when we did that change, when we did that amendment, we put in there that the hotel, even though it was zoned Hotel and they theoretically could go higher, we put in there...the community plan amendment was contingent on the hotel not expanding. So it couldn't go any higher, it couldn't expand its footprint, it couldn't expand its capacity. It could remodel, but it couldn't expand its footprint. So that was specifically put in there to keep that from happening because it's right in the...because it's in the sea level rise area.

CHAIR PALTIN: Okay. So I don't think we can finish this conversation in the next five minutes, so I'll just let you go with some homework to come up with your desired languages for Small Town Center, or amendments for Small Town Center, Neighborhood Center, Transit-Oriented Corridor. And if you want to look at Employment Center as well, with the lens of the height issue, it seems like we're hung up on that, but I don't want to preclude Members for other issues that they have with Small Town Center, Neighborhood Center, and Transit-Oriented Corridor. So those are the ones I guess we can start off tomorrow, because hopefully Section 5 won't take that long. We've already done Appendix C, Appendix D, there's a lot of just definitions and stuff, and we're going to pull some of that definitions straight out of the Maui County Code so we don't need to come up with language. So that's just our little tiny homework. If it's important to you, Small Town Center, Neighborhood Center, and Transit-Oriented Corridor. If anybody wants to revisit Employment Center under the lens of height, no problem. Okay. Any questions about tomorrow? And if we're able to finish that and Section 5, we can start going over the document that Ms. Lillis prepared about track changes in Section 2 and 4, and then head into our revisit items. Member Rawlins-Fernandez, at what point would you like us to talk about Section 1. At the end of Wednesday if there's time, or would you prefer to just start on Thursday?

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

June 15, 2021

COUNCILMEMBER RAWLINS-FERNANDEZ: I think just starting on Thursday might be good.

CHAIR PALTIN: Okay. So if we have extra time tomorrow, we'll jump into 2 and 4 revisits and track changes. So that's the plan. Any questions? Oh, Member Kama.

COUNCILMEMBER KAMA: Not a question, Chair. I just wanted to let you know that I have a doctor's appointment tomorrow at 1:30. So I'll be here until...I mean, I don't know when you're going to go to lunch, but hopefully it'll be around that time.

CHAIR PALTIN: Okay. So is it a Telehealth one, or an in person.

COUNCILMEMBER KAMA: No, no. It's face to face.

CHAIR PALTIN: Okay. So Members, if you want to accommodate Member Kama, we could consider taking our lunch break a little later. Or if Member Kama has stuff pre-written out for Section 5 or anything, we'll kind of play it by ear tomorrow. But thank you for letting us know. And I don't know if Members want to bring a snack or something if we can take a later lunch, but we'll talk about it tomorrow.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR PALTIN: Friendly heads up. Okay. So then, formally this meeting, PSLU, June 15, is in recess. The time is 4:40, and we will reconvene tomorrow, June 16th, Wednesday, at 9:00 a.m., Members. Good work. You guys did a good job. I know the morning was a little sluggish and rough, but we pulled through.

COUNCILMEMBER LEE: Good job.

CHAIR PALTIN: Meeting in recess. . . .*(gavel)*. . .

RECESS: 4:40 p.m.

APPROVED:

TAMARA PALTIN, Chair
Planning and Sustainable Land Use
Committee

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Transcribed by: Terianne Arreola

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
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June 15, 2021

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TAMARA PALTIN, Chair
Planning and Sustainable Land Use
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June 15, 2021

CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 96 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 14th day of July 2021, in Wailuku, Hawai'i.



Terianne Arreola