

PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

June 16, 2021

Online Only Via BlueJeans

RECONVENE: 9:02 a.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Kelly Takaya King, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member (out 2:16 p.m.; in 2:25 p.m.)
Councilmember Alice L. Lee, Member (out 2:16 p.m.; in 2:20 p.m.)
Councilmember Michael J. Molina, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (out 12:02 p.m.; in 12:54 p.m.; out 4:02 p.m.; in 4:24 p.m.)
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: Ana Lillis, Legislative Analyst
Alison Stewart, Legislative Analyst
Shelly Espeleta, Supervising Legislative Analyst
James Forrest, Legislative Attorney
David Raatz, Supervising Legislative Attorney
Clarita Balala, Committee Secretary

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

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

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OTHERS: Albert Perez

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 reconvened meeting of June 16th return to order. The time is now 9:03. And I am Tamara Paltin, your Chair of the Planning and Sustainable Land Use Committee. If everyone can please silence their cell phones or any noisemaking devices. Our greeting of the day is from Nepal, and it's namaskar. I believe that's how you say it. Let's see. So namaskar to our Committee Vice-Chair Member King, and aloha kakahiaka.

VICE-CHAIR KING: Aloha kakahiaka, Chair, and namaskar, not namaste I guess, which is how we're all used to. I saw the thing in chat, you just said greeting from Nepal, but you didn't put what it was in the chat.

CHAIR PALTIN: Oh, namaskar.

VICE-CHAIR KING: Yeah. Okay.

CHAIR PALTIN: Okay.

VICE-CHAIR KING: All right. Looking forward to another productive day.

CHAIR PALTIN: And with us from Lānaʻi, namaskar and aloha kakahiaka, Gabe Johnson.

COUNCILMEMBER JOHNSON: Namaskar. Good morning, Chair. Good morning, Councilmembers. Looking forward to an in-depth discussion and great meeting. Mahalo.

CHAIR PALTIN: Thank you. From the neighborhood we have Member Tasha Kama. Namaskar.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and namaskar to each and every one of you.

CHAIR PALTIN: Namaskar. And we have Chair Lee, our greeting maven. Namaskar.

COUNCILMEMBER LEE: Madam Chair, just in case over the weekend you're climbing Mount Everest and you run across other people, you say namaskar. That's the greeting. Okay.

CHAIR PALTIN: Thank you. And from Makawao we have Councilmember Mike Molina. Namaskar.

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COUNCILMEMBER MOLINA: Namaskar to you, Madam Chair. It sounds like one of my favorite words, namasu. But namaskar to you and aloha kakahiaka to everyone joining us on this Wednesday. Aloha.

CHAIR PALTIN: Aloha. And from the Island of Moloka'i we have Keani Rawlins-Fernandez. Namaskar and aloha kakahiaka.

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

CHAIR PALTIN: And from East Maui with another beautiful background we have Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Namaskar, Chair and to my fellow colleagues, and aloha nui kākou, Maui Hikina.

CHAIR PALTIN: Aloha. And last but not least, from jacaranda country we have Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Namaskar. Good morning, everybody.

CHAIR PALTIN: Namaskar. With us from the Administration today we have Deputy Corp. Counsel Michael Hopper. From the Administration we have Director Michele McLean, Planning Program Administrator Pam Eaton, Senior Planner Jennifer Maydan, GIS extraordinaire Johann Lall. And Committee Staff, we have Committee Secretary Clarita Balala, Assistant Clerk Lei Dineen, Legislative Attorney David Raatz filling in for Mr. Mitchell, and Legislative Analysts Ana Lillis and Alison Stewart. One item we're continuing on with the agenda today is West Maui Community Plan. We're going to be finishing up Section 3 and then moving on to Section 5. Oral testimony is closed at this time, but public testimony is still accepted via eComment. And if you are having trouble uploading documents onto eComment, you can email the Committee at pslu.committee@mauicounty.us. Although I have seen some people be successful with uploading documents, so it is possible, but some of us, including myself, is not that computer literate, so no shame in emailing as well. Okay. So one logistical matter that I wanted to see if we could arrive to a consensus on, two of our colleagues have appointments today. One is at 11:00 and one is at 1:30, and I was wondering if we could agree to make an effort to accommodate them. Maybe we can try and take a lunch break at 11:00, from 11:00 to 12:00, and then a longer afternoon break from 1:30 to like 2:00, 2:15. Just wondering your thoughts on that, if that would be acceptable to accommodate our colleagues.

VICE-CHAIR KING: Chair?

CHAIR PALTIN: Member King?

VICE-CHAIR KING: Yeah, I don't have a problem with that, I just have a hard stop time at 4:30. So however that ends up, I would need to leave by 4:30 today.

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CHAIR PALTIN: Okay. So for the plan we'll take a one-hour lunch break at 11:00 to 12:00, and then an afternoon break 1:30 to 2:15. So we'll try and stick to that. And if I miss it, just say hey, it's 11:00. Okay. All right. So let's...I think where we left off yesterday, we had just a couple of designations that we were going to go back over, and I came up with like a sentence that I feel is...could help our situation in the four community plan designations that we mentioned yesterday of Neighborhood Center, Small Town Center, Employment Center, and I believe Transit Oriented Corridor. And I'll just run it by you folks and see what you guys think. And it's development in, and then you would put either Small Town Center, transit-oriented...any of those four designations, must follow the scale and character of the surrounding area. So it's not...it's not unclear because they must follow. So any thoughts or comments? Member King?

VICE-CHAIR KING: So who...who would decide if they are following it? Because I mean that's one of the things that's not clear to me is, with the scale and character, you know, many of us thought that going six feet high for a hotel in Central Maui, or six stories high, is out of character. But who makes that decision, I guess, is the...

CHAIR PALTIN: Okay. Member...or sorry, Ms. Maydan or Director McLean?

MS. MCLEAN: Sorry, Chair, I was just getting a refill of my coffee. Could you repeat the question?

CHAIR PALTIN: Sure thing. The question was from Member King. Did you get a chance to hear my proposed sentence?

MS. MCLEAN: About the scale and character of the area?

CHAIR PALTIN: Yeah.

MS. MCLEAN: Uh-huh.

CHAIR PALTIN: So the question from Member King was, who decides what the scale and character of the surrounding area is that must be followed?

MS. MCLEAN: That would really depend on what process was going on. The Planning Department would be the first ones to look, but if it's an SMA permit, for example, it would be the Commission to make that determination. If it was a Change in Zoning or a conditional permit, it would be the Council that makes that call. If it's a building permit that has a discretionary review element, like an SMA minor permit, it would be the Planning Department.

VICE-CHAIR KING: So but that...I think...I think the point was that there's no...there's no definition of what the scale and character is of any community, and so how do we...how do we make it...you know, with all these different folks deciding on different circumstances, there's really no clear directive of what does meet that scale and character.

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MS. MCLEAN: Yeah. That...that's --

CHAIR PALTIN: Director McLean?

MS. MCLEAN: -- that's very important to bring up, not only in the context of these new designations, but also in what will likely be a component of the new zoning code. It will require training certainly for the Planning Department for planners, for plans examiners, for commissioners, for Councilmembers to understand how this...how it works. I mean, we love when things are black and white because then it's clear, no questions; but black and white doesn't really facilitate mixed use. It doesn't facilitate modifications that might be needed to fit in. It is a very different way of...of regulating land use and...and the built environment.

VICE-CHAIR KING: Yeah, I mean we don't have any...there's so many areas especially in West Maui and South Maui that don't have that, you know, building design code like --

MS. MCLEAN: Exactly.

VICE-CHAIR KING: -- (*audio interference*) has that...some kind of a code that they could follow, but we don't have that. So it's basically just whatever...whatever body is arbitrarily deciding that yes, that fits the...the scale and character, and I don't think that's really clear. And I think that's one of the things the Planning Commission was telling...was saying when they...when they decided on the Maui Coast Hotel, is that they don't have any guidance in that so they just decided to go ahead and approve it.

MS. MCLEAN: Right. We do also have the Urban Design Review Board, so in the case of the Maui Coast Hotel, because that was an SMA major permit, they did review that. But you're right, they didn't have guidelines to review it against.

VICE-CHAIR KING: Yeah. So...so we have a community who thinks it's out of scale and then, you know, these commissions that think it's...fits within the scale but aren't necessarily people who reside in the community. So that's why I think that we're getting into trouble when we use subjective words like that.

MS. MCLEAN: Right. Yeah. I...I don't have a great answer to address that. Just that this is one step on getting us where I think we all want to be, but it's...you know, it's new, it's going to take training on our part more than any other to make sure that this is administered, and probably the adoption of design guidelines for areas that don't have them.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. You know, I was just thinking about some of the discussions we've had over the past few days, but also these past few months, and

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it...so I just want to be sure that I understood what I think somebody said yesterday. That it almost seems like the Maui Island Plan and this community plans, when you...when you put them together, they would actually supposed to constitute the General Plan. And if that's the case to me, then in many ways we're almost amending the General Plan to a degree of sorts. And in doing what we're doing today is kind of like...I think the example I said is like somebody has a plot of land and says, here's the land. And somebody builds a house and says, well, here's the house. And then somebody says okay, this is the bedroom, this is the bathroom, this is the living room. And then somebody says, now go and...and put those things in there that should be there. So you're going to go and put all the kitchen stuff in the kitchen and the bathroom things, but you wouldn't put pots and pans in a kitchen [sic], right? You wouldn't put a toilet bowl in the living room, right? But...so in many ways, when I think what we're doing with these community plans is we're trying to put some...put things in perspective, or put things where they actually belong. But we would argue over a paper towel holder; bathroom, living room, or kitchen? And we could fight all day about it. Why not put it in all three? And I think when I think about what we're doing and going through this process, that's what I think about, that it's okay to put a paper towel in the kitchen and the living room and the bathroom. And if it...and it's not okay to put a toilet in a living room, but it is okay to keep it in a bathroom and maybe in another bedroom in...in...in another bathroom. But so if I'm understanding what we're doing in this process, that the community plans, or the last person in that house gets to set that house up, bathroom, kitchen, living room. The last persons in this house to me is your community, and these are the people who are saying this is what I want where I want it, will you please let me do that. Is that what we're doing here? Because to me that makes good sense, and everybody else kind of needs to fall in line with that. So that's my question, Chair, and I wasn't...I was kind of bothered by that over these past couple of days and months.

CHAIR PALTIN: Yeah. I agree because, you know, when they come up with the General Plan and the Maui Island Plan, it was people...General Plan throughout the entire County, Maui Island Plan throughout the entire island, and now West Maui is the people who are actually going to live in the house. So yes, that's a great analogy, I think. I...oh, Member Rawlins-Fernandez? Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And I think the process that I, you know, kind of proposed yesterday would help to address, you know, that analogy and this discussion. So I've got some questions for Director McLean. The first question is regarding planning...training for the planners. Oh, Pro Tem Kama, you're not muted. So how...are there...are there ways that you would be able to train planners so that any potential pressure that came from the Administration to influence the process one way or the other wouldn't happen?

MS. MCLEAN: Gosh. Well, the training that we know will happen will be from the contractor who is drafting the...the new zoning code. They have experience with form-based codes and other hybrid codes in other municipalities and how to administer them. And...and that training is straightforward, it's this is the code, this is how you administer it, regardless of any outside forces. In terms of Administration pressure, I can only speak

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from my experience working under two Administrations. And when I'm asked about something, I give a straight answer of, you know, no, we can't do that, or that's not my recommendation. And really only where there's a grey area is there a discretion. And like I said before, we really love black and white, and we...we seek the black and white wherever we can find it. And it's that grey area where there...where there's discretion, and that discretion can be exercised at the Staff level or the division chief level. It's really the judgment of those individuals. And we've been digging right into this with the Nāpili house situation, where decisions were made at Staff and division levels for right or wrong. But there needs to be that allowance because there's no way that a director can review, you know, 100 or 150 building permits every month. So there...can Staff be trained not to be influenced by Administration? Well, they're going to have a boss, and that boss is going to be appointed and confirmed. So when things have to be brought to the boss, those decisions are going to be made. So you know, the...are they going to defy that because they think it's a politically-influenced decision? I guess they could, but I don't know. Can they be trained? I guess they can be. You know, lock me away and let someone say, don't listen to political influence. I'd be fine with that. But then it comes to question when I make decisions, is that a politically-influenced decision? And most of the time it's not, very rarely is it. But you know, there have been other directors who perhaps do things differently, other mayors who perhaps do things differently.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. And then my second question is just for clarification. So is it your understanding that outside the SMA, the building permits would not need to comply with the...the scale and character requirements?

MS. MCLEAN: Under our current regime, in most cases...if there is a scale and character requirement in the community plan, in most cases with building permits outside the SMA, if there isn't an accompanying discretionary permit like, you know, like SMA, most likely not unless that were also in the Zoning Code.

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

CHAIR PALTIN: Okay. We have a limited amount of time, so we do want to stick to Small Town Center, Neighborhood Center, Transit Oriented Corridor, and possibly Employment Center. Member Sugimura?

COUNCILMEMBER SUGIMURA: So I wanted to continue on with that conversation, if you would allow me to.

CHAIR PALTIN: Okay. Just try keep it tight.

COUNCILMEMBER SUGIMURA: One...one quick question then.

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: So the community plan process, Director, if I could, what we're doing is we're establishing land use. And if the Maui Island Plan is contrary to

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that, what is the...the Department's position on it? I know it's supposed to...we're...you know, the out...the...the big picture is to...for them to be aligned, but we're not. So what are we saying about the Maui Island Plan? I've been getting comments about that.

MS. MCLEAN: Right. And...and I will try to keep my answer brief. It's important to know what the existing community plan designations are now. If those are going to be changed with this community plan update, those changes need to be consistent with the Maui Island Plan. Being left alone, for example if the land is currently Ag, and it's in the Urban Growth Boundary but you're leaving it Ag, I don't see that as being inconsistent.

COUNCILMEMBER SUGIMURA: Thank you.

MS. MCLEAN: And also, there are --

CHAIR PALTIN: Member Sinenci?

MS. MCLEAN: -- *(audio interference)* that you might not instinctively say oh, that's Urban; like Park, but there are parks in urban areas, so Park all by itself isn't necessarily inconsistent with the MIP urban growth.

CHAIR PALTIN: Thank you. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. And I'm generally supportive of your general statement in all of these different areas. My question for Director McLean is, is there language in other sections of the plan where it says maybe to include similar building heights, similar architectural styles and details, maybe the same setbacks, similar tree sizes, or...or paint colors? You know, just when...when she says that it's going to copy the same character, maybe putting some of these details that we're...we don't have those, whether it be gaudy bright neon colors or anything like that, to keep the character of the...is there other places in the plan that have...has these things?

MS. MCLEAN: I see that Jen Maydan popped up, so I think she wants to respond to that, if that's okay?

CHAIR PALTIN: Sure. Go ahead, Ms. Maydan.

MS. MAYDAN: Mahalo, Chair. Mahalo, Michele. And thank you, Member Sinenci, for your question. Yes, absolutely. In the draft plan, particularly in reference to the historic districts, there are strong policies and actions regarding design and character and scale and massing. Very much so for the historic districts in Lāhainā. One of the actions is to develop design guidelines for the National Historic Landmark District. Outside of the Historic District, there are policies that speak to...especially for infill and redevelopment, where you are developing an area that is surrounded by an existing community, there...there are policies that speak to respecting the character and scale and massing of the surrounding community.

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COUNCILMEMBER SINENCI: Great. Thank you, Ms. Maydan. Thank you, Chair.

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

COUNCILMEMBER LEE: Chair, could we ask the question of either Planning or our Staff to point out any of our proposals that run contrary to the Maui Island Plan?

CHAIR PALTIN: We can...I don't think any of our proposals run contrary to the Maui Island Plan. I would say none, zero.

COUNCILMEMBER LEE: Okay. But just in case, can we have the Planning Department point out anything that may be contrary? Okay?

CHAIR PALTIN: How about we do that like as a transmittal or something? Or we can --

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: -- get a written response on that because that's not the subject we're on right now.

COUNCILMEMBER LEE: Yeah, no, no, not...not...well, it is the subject we're on because we're on the whole West Maui Community Plan. And so as we proceed, I...I really would like to...to have that information. Thanks.

CHAIR PALTIN: Okay. Planning Department or our Staff, can you provide that answer for us in writing? Because we're...we're trying to get through Small Town Center, Neighborhood Center, and Transit Oriented Corridor right now.

MS. LILLIS: Chair?

CHAIR PALTIN: Yes, Ms. Lillis?

MS. LILLIS: This is Staff.

MS. MAYDAN: Thank you, Chair.

MS. LILLIS: We can...

MS. MAYDAN: I would say it would be helpful to receive that request in writing to know exactly what the Committee is looking for, just a little more guidance, and then we could absolutely respond.

CHAIR PALTIN: Okay. Ms. Lillis?

MS. MAYDAN: As...

CHAIR PALTIN: Oh, sorry. Go ahead, Ms. Maydan.

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UNIDENTIFIED SPEAKER: Chair?

MS. LILLIS: Absolutely. We'll get the correspondence to capture the Committee's intent and provide that guidance to the Planning Department. Thank you.

CHAIR PALTIN: Thank you. Ms. Maydan, is that satisfactory?

MS. MAYDAN: Yes. Chair, if I may, as far as...I think this discussion here with character and height, I think the concern is more potential conflict between the community plan and zoning rather than the community plan and the Maui Island Plan. The concern we have with (*audio interference*) as far as --

CHAIR PALTIN: Oh, you're breaking up --

MS. MAYDAN: -- increasing height...

CHAIR PALTIN: -- Ms. Maydan. We were...you're like kind of --

MS. MAYDAN: Oh, darn it.

CHAIR PALTIN: -- robotic sounding.

MS. MAYDAN: Robotic. Is it any better right now or still --

CHAIR PALTIN: Yeah.

MS. MAYDAN: -- the same?

CHAIR PALTIN: Yes, it's better.

MS. MAYDAN: Better? Okay. My apologies. So I think the concern, our concern is certainly the conflict between zoning and community plan if height restrictions are added to the community plan designations. When we developed these updated designations, of course they are an evolution from what we are used to in the existing community plans, which provide essentially one sentence and are very focused on use. When it says single-family or multifamily, it's very focused on use. And as you've all seen through looking at these designations, the updated designations provide a lot more information as far as the mix of use, the type of place or community that's intended to be created out of these designations, their connection with mobility and transportation and parks. In doing our research, we did see that some communities who use...sometimes these are called place types, these designations. Some communities take it quite far, and they do provide performance standards which are getting closer to providing a little more guidance similar to zoning, where they have height ranges, massing and density ranges, public space information, parking information. We did not take it that far. That, especially with the Zoning Code rewrite going on right now, we felt that there was enough evolution going to the designations that you have before you today. And if the County

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chose to...to go to the level of including height restrictions or more performance standards, like massing and density, that would have to be very meticulously thought through to make sure that there are not conflicts or really unintended consequences with the Zoning Code. So I just want to put that forth as some of our thought process of putting these together, and really, where we are at with the community plan designations. I appreciate Member Kama's comments regarding the Maui Island Plan and building a house and where we're at, and I would say yes, the Maui Island Plan is kind of telling us where all those houses are going to be, where that broader area is. The plan is saying yeah, here's...maybe here's the house lot. But then when you get into zoning is where you're really getting into the size of that bedroom and the color of the bed sheets; and the community plan we're not quite at that level of picking out the color of the carpet.

CHAIR PALTIN: And just to follow up, is there anywhere in any of these, I guess, the Code or anything like how there was definition of buffer. Is there an already set definition of scale or character or architectural design? Is there a definition of those in the Code currently?

MS. MAYDAN: Great question. Perhaps Director knows quicker than I do. I know there's a definition of height in the Zoning Code, but I would have to look it up. I do not know off the top of my head.

CHAIR PALTIN: So like are you saying that we should use height instead of scale?

MS. MAYDAN: You were asking me if there's a definition of character, I don't know if there is. I don't believe there...I don't believe we define character in this plan. I don't know if the Zoning Code touches upon scale or character as far as the definition. I know height is a very technical definition, and it is in Title 19 definitions.

CHAIR PALTIN: Oh, okay. Director McLean?

MS. MCLEAN: Thank you, Chair. I don't think those terms are defined in the Zoning Code. There are some zoning districts that refer to design guidelines, like the Business Country Town District. Some project district...and those design guidelines might have those kinds of definitions, or might simply describe the character in...in more specific terms, including things like height and color and architectural style. But you know, broadly Countywide, I'm not aware that those terms are defined or that examples are given to illustrate them.

CHAIR PALTIN: Okay. So since we're going to the appendices next, where we have definitions, would it be okay to just put what we mean, or what we intend by scale? That, you know, surrounding buildings shouldn't be more than like say five to ten feet higher or something like that. No more than five feet higher. And you know, the square footage shouldn't be like too much more than the surrounding buildings. Something along those lines.

MS. MCLEAN: Yeah, I'm...I'm trying to think of how putting that language in the community

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plan could be administered beyond just discretionary reviews. I need...I need to think about that some more because clearly, that's what the Council was looking for. So let me...let me brainstorm on that a little bit with...with Staff, and see if we can propose something. The...the reasoning is that we have a handful of building plans examiners who process between 100 and 150 building permits each month, or...and they look for compliance with the Zoning Code. And for them to also have to check with community plan is...is something they don't currently do. So I'm trying to figure out how to include that into their review process in a way that isn't overly burdensome, and that they can do in a black and white way. You know, they deal with black and white, so...

CHAIR PALTIN: Then in that case, maybe it may be better for us to include that definitions in the Zoning Code or something? Scale and character or architectural as a...

MS. MCLEAN: Right. I mean yeah, easy...easy peasy if it's in the Zoning Code, but we're talking about these community plan designations that might have a variety of zoning codes currently underneath them.

CHAIR PALTIN: Oh, okay.

MS. MCLEAN: So you have to check all these zoning districts, right? Where --

CHAIR PALTIN: Yeah.

MS. MCLEAN: -- in these cases, it would make sense; but in other areas of the County, it might not make sense. So let me...let me think about that and see if I can come up with...with a way for this to...to take effect.

CHAIR PALTIN: Okay. Thank you. Member King?

VICE-CHAIR KING: Thank you. So Director, the other thing that I was looking at in the Small Town Center is it talks about medium...low to medium density. Is there a definition of low to medium density somewhere in the Zoning Code?

MS. MCLEAN: I would see if Jen wants to respond to that as one of the authors of these new designations.

CHAIR PALTIN: Ms. Maydan?

MS. MAYDAN: Thank you, Chair. Thank you, Member King, for your question. It is not specifically defined in the community plan, and I do not believe it's defined in the Zoning Code, responding to your question specifically. The description of densities and intensities in these designations are very much comparing them to each other, saying lower density, medium-range density, higher density. When we worked on these designations, we used the existing zoning districts as a base, as far as you have the matrix that shows the community plan designations and how they may be compatible with various zoning districts. And we looked at the lowest and the highest height ranges and densities within those districts, and they are quite a broad range. Like in the Small

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Town Center one, you could have small lot single-family and you could also have some denser higher Apartment District. So it is quite a broad range, and it is important to place buildings that are appropriate within individual communities. I think it is continually important to remember where we are at in the community plan versus zoning, that we really are talking about larger areas, not particular buildings on lots, and that comes in at the zoning standards. So I don't have a specific definition for low to moderate.

VICE-CHAIR KING: Because it's --

MS. MAYDAN: I could look that...

VICE-CHAIR KING: -- it's a little disconcerting that the planners who approve these permits are not looking at the community plans when they're approving, that they're just strictly doing it on zoning. Because there are things in the community plan that call out specific areas, like that one for that, you know, oceanfront inn that says it cannot...it cannot build any higher or, you know, extend their footprint or capacity. So there are things that are allowed...being allowed to put into the community plan as far as restrictions on specific projects or specific areas that will supersede the zoning, I believe. So that...you know, just...in trying to get clarity, it just seems like there's a lot of room for interpretation from whoever is making that decision at the time. I also wanted to point out that what I see in...and I've talked to a lot of people who were involved in the Maui Island Plan is that those were broad stroke parameters. You know, they defined the urban growth areas, but it doesn't mean that when we get to the community plan, that the community necessary...necessarily has to build out to all those borders. The community takes the parameters of the Maui Island Plan and says okay, within those parameters, we only want to see this much growth in the next five years or ten years, and that's the prerogative of the community. So that's why I think it doesn't conflict with the Maui Island Plan, but it...it...it...you know, I don't think any of the community plans are...are intended to fulfill everything that's allowed in the Maui Island Plan. It's...you know, we have...we have choices within the Maui Island Plan. And that's what...what worries me about these...

CHAIR PALTIN: The Maui Island Plan we're...we're...we're not really on the Maui Island Plan, we're trying to stick to...

VICE-CHAIR KING: I understand that, Chair, but what I'm trying to point out is that's what worries me about these arbitrary, you know, descriptions, is that there's...they're open for interpretation so that the community...I don't know if the community can get what it wants from these...these types of wording eventually because we don't know who's going to be making those decisions when we get there. So that's my concern...that was my concern about bringing up the height limitations, is that that's something that is black and white versus, you know, some of these descriptions, which may be different for...for the various different communities.

MS. MAYDAN: Member King, that is a great point. And I think what's important to remember is really this height and massing conversation really is about the Zoning Code and things

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that need to be addressed in the Zoning Code. And it is so opportunistic that our community right now, our County is going through the process of updating our very out-of-date Zoning Code, and that they are bringing in the considerations of design far more than our existing Zoning Code has ever covered. And so I think this is a great opportunity for our community to really have zoning districts with design parameters that are capable of building the communities that our residents want.

VICE-CHAIR KING: So do you feel like we could put these...you know, these descriptive terms in there even if they're not defined, and then the goal would be to define them in the Zoning Code?

MS. MAYDAN: Thank you. Yes, I think a lot more of the clarity and specificity will come in the Zoning Code. I will also...you mentioned some communities do not...or many communities do not have design guidelines, and that was absolutely called out in the Maui Island Plan as an action to create design guidelines in some of our existing communities that could really benefit from them. I think that would be a great follow-through action for the Department. Because to create design guidelines, you really got to dive into some detail of what's appropriate in that community. Annalise Kehler on our Staff worked with the Lāna'i community in the past several years to work on those design guidelines, and man, what a project that was, but what a benefit that has come out of it. So it is...it is tricky because you've got to get it right. So yeah, that...I think with the Zoning Code and design guidelines in communities where that would really benefit from it, I think those would be some great things to work on.

VICE-CHAIR KING: Okay. Well, that's...that's good information because I think those...the terminologies will be different for different communities, so what might be medium...low to medium density in South Maui is going to be very different in East Maui when you talk about low to medium density.

CHAIR PALTIN: Thank you. And as a follow up, Ms. Maydan, it wasn't made clear that the descriptions of density was in relationship to one another. Do you think we should add a statement at the beginning of the community plan designation, or maybe in the appendix, that when we refer to density in the new community plan designations, it's in relationship to the other community plan designations? And that there isn't a black and white definition of low, medium, or high density, that it's just intended to be in relationship to the density in Small Town Center versus the density in Neighborhood Center so that people are aware.

MS. MAYDAN: Thank you, Chair. Yeah, that perhaps would be a very good suggestion because of course, yeah, we're not comparing this to New York or Honolulu, this is Maui communities. This is what, you know, our zoning districts allow for, and comparing the designations to each other for what's appropriate here, absolutely. So perhaps that would be a good change.

CHAIR PALTIN: So do you think that kind of statement as Member Rawlins-Fernandez typed in the chat relative to other designation, would that be more appropriate in the appendix in definitions, or would it be more appropriate in like, say, the preamble that Corp.

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Counsel and Director or the Planning Department was going to work on for us?

MS. MAYDAN: I think perhaps in the preamble, in the intro before it, I think would give people the context. They read that, and then they say okay, as I'm going through this, I can understand that the comparison is from designation to designation. I think that's a good suggestion.

CHAIR PALTIN: Okay. Okay. So we'll just make a note of that, that we do want to explain that density refers to in relation...relative to other designations, not a hard and fast definition of what low, medium, or high density is, but density in terms of relative to the other designations. Staff, you got that, right?

MS. LILLIS: Chair, yes. Thank you.

CHAIR PALTIN: Cool, cool. Okay. So we really need to come to some agreement for Neighborhood Center, Small Town Center, Employment Center, and Transit Oriented Corridor. We could put a definition of scale and character in the Section 5 appendices. But at this time, I'd like to entertain a motion to include that statement that development in whatever of those four designations must follow the character and scale of the surrounding area. Moved by Member Sinenci, seconded by Member Rawlins-Fernandez. I think we've discussed it, but if anybody needs more discussion I'll put a minute clock on it. Okay. Member King, one minute, go ahead.

VICE-CHAIR KING: Just a point that if there are design standards set, then shouldn't that prevail?

CHAIR PALTIN: Yes. I would imagine, but we don't yet have that.

VICE-CHAIR KING: So maybe we put something in there until design standards are approved by the Council or something like that.

CHAIR PALTIN: Okay. I'll take that as a friendly amendment. It would read for example, in Small Town Center, development in Small Town Center must follow the scale and character of the surrounding area until design standards are created.

VICE-CHAIR KING: Approved by the Council.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, established.

CHAIR PALTIN: Created...established by the Council.

VICE-CHAIR KING: Established by the Council. That's good. That's better wording.

CHAIR PALTIN: And as the movant and the seconder, you're okay with that friendly amendments? Mr. Sinenci? Okay. Any further discussion? Member Sinenci, one minute, go ahead.

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COUNCILMEMBER SINENCI: Yeah, thank you. I think this is important, and especially looking, you know, 20 years down the road when we consider what types of construction or the types of materials that we can afford to...you know, in building more affordable homes. I think through this process, we can...we can help the industry and affect how building and how design in the next 20 years. So just thinking about...thinking ahead, and making these statements in the plan now is...

CHAIR PALTIN: Thank you.

COUNCILMEMBER SINENCI: Thank you.

CHAIR PALTIN: Member Rawlins-Fernandez, your minute.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just for clarification, so when you repeated the motion, you limited it to Small Town Center. Was that the intention, or did you want that statement to also apply in Neighborhood Center, any of the other designations that would make sense? Or is it...

CHAIR PALTIN: Yeah, I think it would be good to take it up all at one time since we're on a clock. I had intended to do the same thing for Neighborhood Center, Employment Center, and Transit Oriented Corridor, but if we can do it all at once, and Members are amenable to it, I think that would save us some time.

COUNCILMEMBER RAWLINS-FERNANDEZ: No objection.

CHAIR PALTIN: All right. So this vote refers to those four designations. Member Molina?

COUNCILMEMBER MOLINA: Yeah. Sorry, Madam Chair, just one quick question for the Planning Department. You know, with establishing the design guidelines by Council, where does the Urban Design Review Board factor into this?

CHAIR PALTIN: Director McLean?

MS. MCLEAN: Great minds think alike, Councilmember Molina. I have up on my screen right now Chapter 2.26 of the Maui County Code, which spells out the Urban Design Review Board's power and duties. Typically they review proposed design guidelines for our Business Country Towns or project districts, other areas that have them. We always ask them to review projects that come in for a Special Management Area major permit, and then other...we ask them to do other reviews as...as we feel are...is justified. So they would have a role in this. What I'm...what I'm imagining at this point is that we, the Planning Department, initiate design guidelines for these new...for these four new community plan designations, which the Urban Design Review Board would review, and those are public meetings.

COUNCILMEMBER MOLINA: So would you recommend additional language into what we're considering?

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MS. MCLEAN: That could be an action item for the Planning Department. And then we'd have to figure out how those design guidelines get incorporated into the building permit process when there's...when there's not a discretionary permit.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR PALTIN: Thank you --

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

CHAIR PALTIN: -- Member Molina. All right. I'll call for the question. All those in...oh, is that a question or a vote, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Should we also include Rural Village in the designations?

CHAIR PALTIN: If the rest of the Members are amenable to that, I'm okay. Do Members want to include Rural Village as well? Yeah? Okay. All right. So this vote will include Small Town Center, Neighborhood Center, Employment Center, Transit Oriented Corridor, and Rural Village. Okay. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay. The motion passes unanimously.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: All right. So now I guess that's all I had. We could try and say...you know, with our multimodal theme that we had going on yesterday, we could just ask Staff to continue on with that type of wording where it says pedestrian and bicycle where appropriate, to amend it that we mean, you know, different forms of transportation to accommodate persons that are differently abled as well. I...I had gotten word that, you

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know, with all of our wordsmithing and like that, the legislative intent is the most important thing, because once we get done, Staff will go through and clean it up with good grammar and legislative ease for us. So it could save time if we maybe entertain a motion that we want to include our differently abled persons in areas where it talks about pedestrian and bicycle, and...and that would save us some time. So I'll entertain a motion like that if people would like that.

COUNCILMEMBER MOLINA: No objections.

COUNCILMEMBER SUGIMURA: So move.

CHAIR PALTIN: Okay. Moved by Member Kama to include our differently abled persons, second by Member Sugimura. The legislative intent is that we go through and...and scrub walking and biking and include our...our differently abled friends. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay. We're good with that. Motion passes unanimously.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: I didn't have anything else for these four, Neighborhood Center, Small Town Center, Employment Center, or Transit Oriented Corridor. Does anyone have any other amendments to suggest? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. For these areas, or for the designations, we had discussed Mr. Perez's testimony, and I wanted to check with the Director to see if...so part of the testimony included language that explicitly states permitted uses within each designation, and it seemed to be something that would be really helpful to the public at large. And so I wanted to get feedback from the Director to see if that's something that would make sense, and see if the Members would like to

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include that as well.

CHAIR PALTIN: Okay. Before we call on Director McLean, my...my recollection when we were discussing this yesterday, her hesitancy was that she didn't want it to be interpreted as those are the only things allowed. So I guess to add on to your question to Director McLean or to clarify for you, if you're okay with it, would it be okay to say like examples of permitted uses? Maybe that would be more acceptable based on the conversation the Director had with us yesterday. Is that what you're intending, Member Rawlins-Fernandez, or totally off the mark?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I mean, examples would be okay if it would be helpful in making things a little more black and white for enforceability.

CHAIR PALTIN: Okay. Director McLean, did you get the gist of that?

MS. MCLEAN: I did. Thank you, Chair. And I've been emailing with Mike Hopper. As we discussed yesterday, he and I are trying to work on language that give the community plans more heft, but also make it clear what their...what the role is. So we're still working on that. We'll try to get something wrapped up during the course of today's meeting. We don't have it finalized just yet.

CHAIR PALTIN: Okay. Nice, nice. And then I guess as to the question about examples of permitted uses, were you...I think that's a little bit different. The...the part that you just mentioned I think was like the preamble and...and that. But --

MS. MCLEAN: Right.

CHAIR PALTIN: -- in Mr. Perez's testimony to the Members, he had listed permitted uses, and I think yesterday you said you didn't like that format because you didn't want folks to think those were the only permitted uses. So if we put something like examples of permitted uses and list them, would that be more acceptable?

MS. MCLEAN: Sure. Sure. Examples of uses include, but aren't limited to, and then go with that list. I thought that was already in the descriptions though.

CHAIR PALTIN: Yeah, it...it was. I guess in Mr. Perez's testimony to the Committee, he pulled them out so it was easier for...for members of the community to...to understand. And I think in some cases, he might have added on more.

MS. MCLEAN: Okay. If you want us to look at those and let you know, you know, in detail through all of his recommendations, we can do that.

CHAIR PALTIN: Okay. Member Rawlins-Fernandez, does that address your question adequately?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, I think for my purposes right now. I think we can move forward.

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CHAIR PALTIN: Okay. And you didn't intend to put forward any motion or anything?

COUNCILMEMBER RAWLINS-FERNANDEZ: If Director and Deputy Corporation Counsel are working on language, then I can wait to see what they propose.

CHAIR PALTIN: Okay. And...and the language...to clarify, the language that they are working on is that opening page on 144, so it's not going to be examples on each community plan...new community plan designation of permitting.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Yeah. Yeah, I...well, the examples that are used are...are general, I think; park, schools, like farming, you know, churches, stores.

CHAIR PALTIN: Yeah. So...so the difference between what Mr. Perez sent us and the way that it's laid out is he kind of pulls out the permitted uses from the intent and separates them. We didn't take that action yesterday because Director McLean had said that she didn't like the way that it was saying permitted uses because people may wrongly interpret that as being the only permitted uses. But then today, she said it would be acceptable if we put it as examples of permitted uses.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, I think also, you know, using the correspondence that we received that lists the --

CHAIR PALTIN: The...the --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- zoning.

CHAIR PALTIN: -- . . .*(inaudible)*. . . Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. And then it says exactly what is allowed in that zoning.

CHAIR PALTIN: Yeah. I was...I was going to make a suggestion that we add that table to the appendices later on at the --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: -- appropriate time. Okay. So any --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: -- further motions to amend the community plan designations, descriptions, or what have you? Oh, Ms. Maydan, you want to speak to us?

MS. MAYDAN: Mahalo, Chair. There is something that we noticed in Neighborhood Center, under the example imagery on the left-hand side, the picture for Olowalu General Store,

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in the community plan, that area is designated Rural Village. So we don't want to have any confusion with having this image in here. So we have a better picture of the Honokowai Farmers Market, which is designated Neighborhood Center, and we would recommend swapping that image out.

CHAIR PALTIN: Okay. I'll entertain a motion to swap that image out.

COUNCILMEMBER RAWLINS-FERNANDEZ: So move.

CHAIR PALTIN: Moved by Member Sinenci, seconded by Member Rawlins-Fernandez. Members, any discussion? Seeing none. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Motion passes unanimously.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Any other motions for our new community plan designation wording or otherwise, imagery, anything? Looks like we're good here unless somebody raises their hand. Okay. Looking good, looking good. Members, at this time, we're just about done with Section 3. Wow, that's big. If Members are okay with it, I noticed a revision for 3.2 that was on my list that didn't make it. It's on page 64, and in the testimony about community plans having some weight and stuff, I just wanted to propose there's a...should is the weakest version of...of a word in a community plan, and in that second-to-last sentence, it says, likewise developers and landowners should use this map. So I'd...if...if Members would allow, I'd like to entertain a motion to change that "should" to "must."

VICE-CHAIR KING: So moved.

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COUNCILMEMBER KAMA: Second.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR PALTIN: Moved by Member King and seconded by Member Rawlins-Fernandez. Any discussion, Members? All right. Seeing none. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: All right. Motion passes unanimously.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: And that's...that's Section 3, folks. I'll entertain a motion to move on from Section 3. Good job. Or I don't know if we need a motion, but...Member Rawlins-Fernandez moved and Member Sinenci second, and all those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Oh, Member Rawlins-Fernandez, is that a question or a vote?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, it was a question, but we can move forward. I just wanted to clarify --

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- that us moving forward is just us moving forward and then revisiting the things that we said we would revisit.

CHAIR PALTIN: Yeah, we have a final revisit for sure. So that was a unanimous approval to

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move forward.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED SECTION 3, AS AMENDED.

CHAIR PALTIN: And we're on to Section 5. I'm so excited. You guys are doing great. All right. So I...I did make an ASF, but it's so informal that we didn't transmit it formally to the...to the Committee. Staff was just going to screenshare. And I personally did not have any amendments to Appendix A, so my amendments start at E, Appendix E, and it's like, you know, the renumbering...or relettering of appendices because we moved B, C, and D out. So I wanted to give Members...if anybody had a recommendation or amendments for Appendix A, now would be the time. I had none. Member Sugimura, followed by Member Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: Thank you. So under Appendix A, for primary goal four, primary goals of the process were, and the second one is complement and not duplicate the regional work of the Maui Island Plan. So...

CHAIR PALTIN: Member Sugimura, can you tell us what page you're on in appendices?

COUNCILMEMBER SUGIMURA: Oh, I'm sorry, I thought we were on Appendix A. Page 136.

CHAIR PALTIN: Okay. Thank you. So on 136. Go ahead. Sorry to interrupt.

COUNCILMEMBER SUGIMURA: So under the four primary goals of the process, maybe this is a question for Jen Maydan, it ties into the question that Chair Lee had about Maui Island Plan and things that are different, I guess, is probably a better word for me that...with the West Maui Community Plan. So can she explain complement, not duplicate the regional work of the Maui Island Plan?

CHAIR PALTIN: Okay. Ms. Maydan?

MS. MAYDAN: Mahalo, Chair. Mahalo, Member Sugimura, for your question. Yes, great

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question. So this, of course, is the first community plan that the Department has undertaken after the creation of the Maui Island Plan. So the Maui Island Plan, many of the policies, some of the actions really pulled on the existing community plans. So of course, before we had the General Plan, which was very broad, and then we had our community plans. And there was a lot of duplication across community plans as far as exact policies or exact action language. So the Maui Island Plan pulled a lot of that into the Maui Island Plan for things that were appropriate across community plan regions. So in our effort with the West Maui Plan being the first one to update after the MIP, it was very important for us to create community plans that were specific to those communities, to really leave those more island-wide issues at island-wide. Not that those are not important to West Maui or other community plan areas, but they're dealt with at the Maui Island Plan level. So we were very much looking at not duplicating policy language in the West Maui Plan that was already in the Maui Island...in the Maui Island Plan, and same with actions. And then also, as Director McLean explained, being consistent with the growth boundaries where we are not going to propose urban-type development outside of the Urban Growth Boundary. We need to be consistent with that, but as she also explained, that if there is Ag-designated land within the Urban Growth Boundary, that if the community chooses to retain it as Ag designated, that that is not inconsistent with the Maui Island Plan.

COUNCILMEMBER SUGIMURA: Thank you. My mic was off. But the...the...I think that's important because the Maui Island Plan was not done...I mean it was done recently when you think about it in relationship to some of these community plans. So thank you. Thank you for that explanation.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I have...I have a few things. One on page 140...

CHAIR PALTIN: Okay. Page 140.

COUNCILMEMBER RAWLINS-FERNANDEZ: First paragraph, last sentence, the Council held a number of meetings over the course of a number of months and adopted the plan.

CHAIR PALTIN: I guess we're --

COUNCILMEMBER RAWLINS-FERNANDEZ: So that will...

CHAIR PALTIN: -- still holding them.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So that'll be like nonsubstantive changes when we adopt the plan after second reading, those would be filled in? Okay. And second section, last bullet, Maui County Department of Parks and Recreation West Maui District Parks Plan, is that still in progress, or has that been completed?

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MS. MAYDAN: Mahalo for your question. I believe it is still in progress, but we can...I think it would be good at the end of this process to confirm that with the Parks Department, but I believe it's...it's still in progress.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then at the bottom of the page, the photo caption, we talked about this a little earlier when we first started our review of the plan, citing like businesses, I guess, like because this is one is like flicker.com. It's...what is our policy on like promoting businesses in using their photos?

CHAIR PALTIN: I think we did get a transmittal from the Department on the Flickr. I don't have it at my fingertips. Ms. Maydan?

MS. MAYDAN: Yes. It's included in our March 3rd transmittal. It's one of the attachments. Up at the top, it says guidance on revisions to Section 1.3 of the plan, source credits for Flickr images, and we did provide a recommendation for the...it looks like there's four pictures within the plan that...that reference Flickr.

CHAIR PALTIN: Okay. I found it. Keeping the four images noted above is preferable because it would be difficult to replace them with high-resolution photos, and deleting them entirely would cause issues with the layout. While Flickr is a commercial entity, it provides the option of creative commons to photographers on their website specifically so that organizations like the County can use the creative content that is available online while still giving proper credit to license holders. If the four photos are retained, the language through flicker.com creative commons could be deleted from the photo credit, replacing it with the direct link to the photos in Appendix E references. Under this method, the only time Flickr would be referenced is with URLs in the back of the plan. This method complies with Flickr's rules for source credit. For the...for the image on page 13 credited to tourmaui.com, the artist's name could not be obtained. Without a suitable replacement image on hand, it is recommended that the Committee delete the image. So that was the correspondence we received on that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. And then my last...I don't know if it's a question or a request, I like on page 139 that it lists all the dates and subject matters that was...that were covered in the community meetings and workshops, I assume by the Planning Department. I was wondering if we could do something similar for the CPAC meetings and...you know, we...we received the schedule, the Council received the schedule, so I would like that noted, the...the dates and subject matters that the CPAC took up at each meeting, and the MPC. And if possible, I don't know if attendance was taken, but like listing...having a list of all the names of the people who participated in the meetings. Like not in...like for every meeting, just a list of everyone who ever signed in.

CHAIR PALTIN: To give testimony or to attend? Not everyone that signed in I think gave testimony, they were just...some people were just signing in that they were there. So you want...what you're asking for is a list of dates and kind of the agenda? Because the agenda did have a lot of things to cover, so it wasn't like September 12th transportation, they'd have an agenda of things.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So we received the schedule when we approved the request for the extension, and it showed what topic or section that CPAC was going to cover at that meeting. And that was like a page or a page and a half long, so I don't think it would...

CHAIR PALTIN: Ms. Maydan?

MS. MAYDAN: Chair, if I may?

CHAIR PALTIN: Sure.

MS. MAYDAN: One alternative that you could consider is perhaps a link to the We Are West Maui page that summarizes the CPAC process, and then also summarizes the Maui Planning Commission process, and that would have links to all of the meeting agendas as well as meeting summaries and any meeting materials. I mean, the CPAC did have 37 meetings I believe it was, and Chair Paltin is absolutely right that sometimes the topics did jump around because they would continue from one meeting to the next. I don't know that a list would be quite succinct. And just a note that on the acknowledgement page at the beginning, it does list the CPAC members, as well as the Planning Commission members.

CHAIR PALTIN: Oh, to clarify, Member Rawlins-Fernandez, were you talking beyond the members, like the sign-in sheet...sign-in sheet attendees?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR PALTIN: And then on that, I don't know, Ms. Maydan, if you can clarify, I don't know if they wanted their names...or I don't know. Not everybody signed in all the time, and then I don't know if they knew that they were going to be in the document just by signing in, but I don't know. Ms. Maydan?

MS. MAYDAN: Thank you, Chair. I would say yes, you're absolutely right. While we did do sign-in sheets for every meeting...actually not for Planning Commission because we were virtual, but for CPAC meetings, yes, of course, we did sign-in sheets for testimony. But sometimes folks did not sign in, and no, there was absolutely no...nothing where we asked permission to include their name in a plan.

COUNCILMEMBER RAWLINS-FERNANDEZ: Isn't that information discoverable by a UIPA or FOIA request?

CHAIR PALTIN: Ms. Maydan or Mr. Hopper maybe?

MS. MAYDAN: I would assume yes, that our sign-in sheets are discoverable.

COUNCILMEMBER RAWLINS-FERNANDEZ: So it's public information.

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MS. MAYDAN: I would also say that some of them perhaps are illegible, you know, folks are signing in by hand, and I...you know, we would certainly be misspelling a lot of names I would think if we're trying to read folks' handwriting several years later.

CHAIR PALTIN: And no offense, but that absolutely happened when you transmitted the West Maui Alakai list, many people's names were misspelled. Just as a disclosure, but not as a...as a point finger or anything.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So in looking back at, you know, like the plans in the '90s, in doing research, it...it was something that would have been really helpful to know who in the community participated in the drafting of the plan, and it's part of history. You know, like if my grandparents participated, I...it would have been good information to have, and then I would have been able to like ask them like why...you know, did you attend this meeting during this process and, you know, what was the...what was the...the...the feelings and the comments that were shared. Because back in the '90s, meetings weren't regularly recorded and filmed or, you know, meeting minutes weren't verbatim. And so just to, you know, get a feel for how this...how particular discussions may have went, like what was the sentiments during that time. So that...that's the reason for the request.

MS. MAYDAN: That's a great point, and I will note that our videos and our meeting minutes are available online.

CHAIR PALTIN: I guess a question then is, will this...the...how long will the website be up, and is it intended to be up in perpetuity?

MS. MAYDAN: Wonderful question, Chair. Thank you. Yes, we intend to use the website as a record. It is a great way for us to track our whole process from beginning to end, and to look back as a resource. And we are...so right now, of course, we have West Maui and South Maui, and we have a central homepage of We Are Maui. And as we move through the community plan regions, you'll be able to go back in time. So we do not have any intent of taking the content down.

CHAIR PALTIN: Okay. So then Ms. Rawlins-Fernandez, would a link in Appendix A to the website with a little, I guess, of the types of information that you were wanting to include, like a sentence or...or a couple sentences that...meeting dates, participants, and topics are available at this website, and will remain so as a historical record?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'll think about that, and I'll get back to you later.

CHAIR PALTIN: Okay. And then...

COUNCILMEMBER RAWLINS-FERNANDEZ: I'll yield the floor.

CHAIR PALTIN: Okay. Member Kama, followed by Member King.

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COUNCILMEMBER KAMA: Thank you, Chair. I think that this is one of the very first documents that I have ever been totally, totally immersed in, in creating. But over time, you know, we've worked on so many...I've worked on different projects. And one of the things we always like to have is a participant list. Because now when I go back and look at the Native Hawaiian Study Commission that happened in 1983, and I look at all my friends, and I look at all the kupuna that was alive at that time, and they participated and it quotes what they said in the book. When I read it today I know now why I am where I am. I anticipate that people in the West Maui community, this should be part of their education in that community. And that the kids who are going to be living there forever are going to say, this is my community, and they should know this like the back of their hand. And when they look inside and they see, oh, I remember that tutu lady; oh, I remember them. And that's what makes your community strong is those relationships that are carried from before to the present time. So I want to be able to support Member Rawlins-Fernandez's request to have this participant list. If you can't read the names, maybe we'll put out a call to people to say is this your name, did we spell it right or something, but let them know that this is our intent so that...I know words were misspelled in the 1983 study commission too, but it's okay. But today, let's see what we can do to make it better. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Kama. Member King?

VICE-CHAIR KING: Yeah, just a quick question. I...I think that's a good idea to put a link in the appendix to all this information. It looks like there were 1,535 participants, and so I wanted to ask Ms. Maydan if those were individual participants, different, or...or could that number be people who came multiple times and participated? Do we know that that's 1,535 separate people?

CHAIR PALTIN: Ms. Maydan? Like unique people or --

MS. MAYDAN: Yeah.

CHAIR PALTIN: -- one person talking 1,535 times? Is that your question? Okay.

VICE-CHAIR KING: Yeah. Because I mean we have 146,974 website page views, and I'm sure that's a lot of people viewing it multiple times.

MS. MAYDAN: Correct. I...I believe that some of them could be duplicates, yes --

VICE-CHAIR KING: Okay.

MS. MAYDAN: -- not unique individual people.

VICE-CHAIR KING: Okay. So it's not necessarily 1,535 unique individuals that participated in the process, but we don't know how many people participated multiple times?

CHAIR PALTIN: Ms. Maydan?

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MS. MAYDAN: I believe that is...I believe that's correct. I don't believe we cross referenced each sign-in sheet to only count each person once. I would have to check...I don't recall with that number, but my...I do not remember us going through that process.

VICE-CHAIR KING: Okay. I was just wondering because, you know, when we say 1,500 people participated in this process to get to this plan, that may not be accurate because it may be 750 people or something like that, that...and people participated more than once.

CHAIR PALTIN: Do you want us to send a written transmittal to follow up so that she can verify, or...

VICE-CHAIR KING: Well, I don't know how easy that would be to do, I don't want to add that burden on top, but I think it should be made clear that there weren't necessarily 1,535 participants, but 1,535 recorded participations, or something like that.

CHAIR PALTIN: Okay. Yeah, let's...what kind of wording would you like to reflect that? Or I guess does Planning have a recommendation for a more descriptive accurate wording there instead of participants, if they're not necessarily unique individuals? Ms. Maydan?

MS. MAYDAN: Thank you, Chair. I'm thinking. Yeah, that is kind of tricky on that wording.

VICE-CHAIR KING: And...and it could be...and maybe just put a disclaimer under the Figure 5.2 because that could also apply to website sessions and website users, so there's probably not 9,548 unique website users. I'm assuming some of them were kind of more multiple time.

MS. MAYDAN: I think Member King's got it. I think probably just maybe a footnote on that figure noting that some of the numbers, yeah, they're not individual users or...that there could be repeat of users and participants.

VICE-CHAIR KING: Yeah.

CHAIR PALTIN: Okay. So the legislative intent there would be that numbers don't reflect unique individuals or something to that effect, and then our Staff can clean up the...the wording. Is everyone okay with that legislative intent?

VICE-CHAIR KING: Yeah. And...and that could be...and you could put an asterisk by the ones that...that are...you know, that don't reflect. Because I'm sure like they put in 57 public and stakeholder meetings, so I'm sure 57 meetings is 57 meetings. But you know, 15,851 website sessions may not be 15,851 persons, you know, unique persons holding these sessions. So maybe just put an asterisk next to the ones that that applies to, that that footnote would apply to.

CHAIR PALTIN: Okay. That's our legislative intent there. Sounds good. And looks like we have consensus. Member Rawlins-Fernandez, did you have a question?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, I just wanted to know what website sessions were.

CHAIR PALTIN: Ms. Maydan?

MS. MAYDAN: Thank you for your question. I hope I do Jaime Paa justice in...I think it's...it's basically...I think it's when they participate for a certain length on the website. Jaime is our expert with all the website technicalities, so I can ask her for the very specific definition of what a session is as opposed to a view. I think it's spending a certain amount of time there, where you're not just popping it open and you're gone, but I can check with Jaime to be absolutely correct.

CHAIR PALTIN: Okay. Maybe we send a formal transmittal of that and then we put the website session definition in the...the definitions.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, I just...you know, if...if people don't...like I don't know what website sessions are, and Ms. Maydan tried to explain what they are. And...and if I'm understanding it correctly, then I just...I guess I don't understand like the purpose if it being there, this number --

MS. MAYDAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- you know.

MS. MAYDAN: I have the definition. A website session is when a user takes the time to browse multiple pages. Page views are individual pages.

CHAIR PALTIN: Okay.

MS. MAYDAN: And this is information that we track over time. This is information that our...our website host provides us every month, and we provide this to the Mayor and the MD to just kind of track the activity that we have with the community. So as the numbers stacked up...just...this graphic just really shows partly what a vital importance our website was, was connecting with the community. This was the first time...the West Maui was the first time that we had a dedicated website, and it was such a valuable tool to communicate with the community.

CHAIR PALTIN: Okay. Let's go ahead and mark that we want that website session definition in our appendix on definitions. Is that something that Members would like? Yeah? Okay. Consensus. And then if I could jump in--were you finished, Member Rawlins-Fernandez, or did you have more?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I...I just...I...I understand like the...the reason for this figure or for the graphic, it just...with...without like more clarity, it's just a little more...it...you know, it leads someone to believe that a lot more engagement happened than this may represent. That's all. Mahalo, Chair.

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CHAIR PALTIN: Okay. Thank you. And then there was a question from Staff that tracking...tracking that type of question that Member King would take a lot of work, and they wanted to know if that was the expectation for South Maui. Did...did they want to track that kind of data? Because it would be easier to track it upfront than now when we're like hey, did you track the individual people that came to the meetings. And should we ask them if they're okay with having their information? And it may make people less likely to sign in or...or what have you. So was there that expectation going forward for the South Maui plan, that they tracked the users and that they should let folks know that should they sign in, that's a public record and...and like that? So they just wanted a little clarity moving forward. If that's something that's expected of them, it's easier to let them know at the front end.

VICE-CHAIR KING: You know, Chair, I...I would...I would ask that...we have an Alakai meeting coming up, that we have that discussion at the Alakai meeting, because if folks feel that that's going to keep people...if we tell them this upfront that that's going to keep people from participating then, you know, we should...we should make that decision of whether we want to track. But I think it's a good idea to track it and...and use it as appendix, you know, it could be a link. But I also wouldn't want people to feel like they couldn't...they didn't want to participate because they didn't want their name out there. So...and maybe that's something that we...we...we will discuss as a group and decide okay, if someone doesn't want their name attached to it, then maybe they shouldn't be participating. But it would be a good...if we could have that discussion, Ms. Maydan, at the next Alakai meeting, that would be good, and then we could decide as a group upfront what we want.

CHAIR PALTIN: Okay. Sounds good. And...and just one other thing I wanted to point out, it...it does go the other way as well. There was one member of the public that would often boast that he attended all these meetings, but he didn't stay until the end. You know, come for half an hour, an hour, and then dig out, and the meetings are like four hours long. And I'm all like, yeah, you came, but...okay. Just saying.

VICE-CHAIR KING: Yeah. So (*audio interference*) didn't really want to put the...his name on the list when he wasn't there for the whole meeting is what you're...what you're talking about?

CHAIR PALTIN: Just saying, you know, folks can give all sorts of impressions. If...depending on the data that you ask for, it's not necessarily...

VICE-CHAIR KING: I wouldn't want to ask...I wouldn't want to ask the Department to track how long each person stays at the meeting, at...at whatever meetings, and that's...that's getting a little too detailed and fussy. So...so anyway, if we can have that...that...that meeting and decide upfront, I think it's a really valid issue.

CHAIR PALTIN: If that person is watching, I...I didn't mean to make (*audio interference*) I just was saying. Interesting. Okay. So anything more for Appendix A? Looks good. All right. So then moving ahead to page 160 is Appendix E. And Ms. Lillis, do you mind doing a screenshare of my proposed amendments?

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MS. LILLIS: Yes, Chair. One second please. Apologies, that's not exactly what I wanted to do here. Okay. How is...no. Gosh.

CHAIR PALTIN: Don't worry, this is why I'm not doing it. Okay. So just so that we don't have a lot of dead air, basically I think the first proposal is to reletter the appendices. And we moved B, C, so we're changing Appendix E to become Appendix B, Appendix F to become Appendix C, Appendix G to change to Appendix D, H to E. So those are fairly nonsubstantive. I added on some abbreviations which...not applicable, TBD is to be determined...

VICE-CHAIR KING: Chair?

CHAIR PALTIN: Is that Member King?

VICE-CHAIR KING: Yes. I just wanted...if you're...if you're moving the...you're relettering, are we...are we not calling, you know, the original...or the proposed appendices, B, C, and D, are we not going to call them appendices anymore, we're just going to put them into the plan?

CHAIR PALTIN: Yeah. We were just planning on folding it into the...into the document.

VICE-CHAIR KING: Okay. So that they won't be appendices. Okay.

CHAIR PALTIN: So many people think we give marriage license, I don't know why. Okay. So those are fairly nonsubstantive. So being that we're currently on appendix which if...if Members agree to that as a nonsubstantive change, we're on Appendix B and it has the references. I did a little research. I spoke, I think last night it was, with Ekolu Lindsey who's, you know, stepped up for his father Uncle Ed Lindsey at the Maui cultural lands. And I was asking him where that info on their website came from, and he said he...it's all from his father. He's not sure if he learned the information from like sites of Maui or if it was generational information passed down to him. And same thing, you know, our Committee Staff will go through and clean things up for us, but...and verify, but on the right-hand side of the page is the references that I came up with for the information that I added, and nonsubstantive cleaning up. We'll continue on with OCS after we pass the document out of Committee, and they need to go through and scrub it for, you know, nonsubstantive cleaning up, legislative, and correct grammar and things like that. But that's the sources that I got my information from. Councilmember Rawlins-Fernandez was going to work on Section 1, so she can add in if she has any additional sources as well. But those are just what I had going as kind of a draft of how it is, and...and they can clean it up. Any comments since that's where we're at, page 160, anything that was missed, needs to be changed? Member Sinenci?

COUNCILMEMBER SINENCI: I was just checking on Ms. Lillis, if she could scroll up a little bit if everybody's done.

CHAIR PALTIN: Oh, scroll up. Scroll up the other direction or was that the direction you

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wanted to scroll up?

COUNCILMEMBER SINENCI: Yeah, or scroll down.

CHAIR PALTIN: Oh, okay.

COUNCILMEMBER SINENCI: Thank you.

CHAIR PALTIN: So those were just some of my things. If...if nobody has any changes to what is now being referred to Appendix B, we can move on to the next appendix. Seeing no changes, no requests to change or other further questions, we can turn the page and go on to page 162. This is going to be the new Appendix C, and it's acronyms and abbreviations. And...and that was at the top of this document, the ones that I was proposing to add in, NA not applicable, TBD to be determined, and SUP for State special use permit. I'm not sure if State special use permit was in there, but I saw CUP, County special use permit, so I just figured. We don't...we might not need it, I don't know.

VICE-CHAIR KING: Chair?

CHAIR PALTIN: Yes, Member King?

VICE-CHAIR KING: Yeah, so I...I'm a little confused because generally I thought we talked about CUPs as being conditional use permits and SUPs are special use permits, but this one says CUP is a County special use permit. So maybe the Director could explain?

CHAIR PALTIN: Okay. Director McLean?

MS. MCLEAN: Yes, thank you. For our permit tracking, this is what we use currently in KIVA and will be using in MAPPS. CUP is a County special use permit, SUP is a State special permit, and CP is a conditional permit. It's common to call those conditional use permits, but in the Code they are conditional permits, so we use CP for that.

VICE-CHAIR KING: Can you put that in here, just to differentiate the two? Because I think a lot of us in the community who have applied for conditional use permits refer to that as CUP.

CHAIR PALTIN: I don't have an objection. Director McLean or Ms. Maydan, do you see a problem with that?

MS. MCLEAN: No. I don't know if that's used in the plan itself, but there's no reason that that can't be added just to make it clear.

VICE-CHAIR KING: Yeah, I...I don't...I think it's probably not used in the plan, but I think just to make it clear to people who use those acronyms differently.

CHAIR PALTIN: Okay. Members, any objection to adding in CP as conditional permit for the purpose of clarification if members of the public get confused that they may...they may

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be thinking they're talking about conditional permits but conditional permits represent CP versus CUP being County special use permits?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR PALTIN: Okay. All right. So we'll add in CP as conditional permits.

MS. LILLIS: Chair, I got it. Thank you.

CHAIR PALTIN: Okay. So are there any other acronyms folks have issue with or would like to see added?

VICE-CHAIR KING: Chair? This is Kelly.

CHAIR PALTIN: Was that Member King?

VICE-CHAIR KING: Yeah. I...it was hard to tell, this little square. But I...I just wanted to point out obviously we're going to make the changes in the acronyms for the land use designations that we made, correct, with the, you know, the Transit Oriented Corridor --

CHAIR PALTIN: Oh.

VICE-CHAIR KING: -- and the parks and then open space as separate.

CHAIR PALTIN: Yeah, yeah, good...good catch. So PK/OS would be then PK parks, OS open space, and instead of UCC, let's put in TOC. Good catch there. And...and we'll do that by consensus because it's pretty self-explanatory. Consensus?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Great. Consensus. Okay. Anything else here in this section? Seeing none. We can skip over to page 165 which would be the new Appendix D, and it would have definitions. And some of the ones that we did say we'd like in there is buffer and transient, and those are coming straight out of the Maui County Code. I think we just added that we'd like web...web sessions as well. So I'm thinking those would all be consensus because we...we formerly discussed it. Consensus?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Nice. Okay. Is there anything else? Did we...did we want to put in about scale and character, or do folks feel that's not necessary with the language that we chose, or would Members want to see like a definition of scale and character? Member King?

VICE-CHAIR KING: Thank you, Chair. I think we decided that scale and character is going to be relative to the area. But one of the things that I was thinking we might want to put in here is the definition for referring to the design guidelines.

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CHAIR PALTIN: Oh, okay.

VICE-CHAIR KING: We might want to put that in here so people understand what that means.

CHAIR PALTIN: Okay. And Staff, is design guidelines defined in the Code as well?

MS. LILLIS: Design guidelines are in the Code. We'll confirm on the definition.

CHAIR PALTIN: Okay. And so...

VICE-CHAIR KING: Okay. And we're talking about the...the...you know, like...like what Lānaʻi has for their community, the building design guidelines. I...I don't know if that's the exact title of it, but that we approved it for Lānaʻi.

CHAIR PALTIN: Yeah. So were Members okay with pulling that design guidelines definition from the Code as well? Consensus?

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. All right. Good one. Any more definitions that Members would like, or any problems with the existing definitions to be...oh, I had one I just was reading. I think that we had used multimodal to include access for ADA purposes, and it does say considers diverse transportation options. Is it possible, or do Members have a desire to spell out that multimodal includes ADA modifications? Because it is said, but it...it's...you know, we could spell it out here in the definitions that when we use the term multimodal, we...we intend to include our differently abled friends. So looks like we have consensus on that. Okay. So the legislative intent is to include a statement that multimodal includes differently...accommodations for persons with different abilities. Okay. I don't have anything else. Are Members good with the definitions that we have at this time? Good? All right. Moving on to Appendix H, which would be Appendix E, and I added some...some definitions that I got off Wehewehe Wikiwiki. At the top, it says all definitions are adapted from Mary Kawena Pukui and Samuel H. Elbert. When I went on Wehewehe Wikiwiki, some of them I used from the Parker Dictionary. Shucks, I didn't...I didn't verify which ones they were. I think lele maybe was the one. And then Mauna Kahalawai I left out, accident, the kahakō over the two middle letter As, English letter As, I guess. And so those are just some of the definitions, and I'm totally open if...if folks want to change anything or...of the stuff that I put, or of the things that the Department put in there. Or if we missed any other Hawaiian words throughout the document. I tried to look up for Mokuhinia, but there's not a definition for that because I guess it's a place name or...Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. This is for just Appendix H at this point because I...I have something for Appendix G for consideration at some point when you deem it appropriate.

CHAIR PALTIN: Oh, the English definitions? Yeah, we can...we can go back to that. We

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haven't made any things on Appendix H. What...what would you like to add?

COUNCILMEMBER MOLINA: Actually, this...yeah, this is for G under housing unit, page 165. You know, I just kind of want to put it out there, can like RVs or vehicle campers be included in this definition since they can have a room or group of rooms that can be used to eat, sleep, and live? I just wanted to get your feel and the Department's take on that.

CHAIR PALTIN: For me, I recently saw a post on the Maui Police Department Facebook page where they were reminding folks I guess about Hawai'i Revised Statutes, that people weren't to be sleeping in vehicles, although it's not necessarily something that's heavily enforced. So I'm not sure, you know, if an RV needs to be hooked up to something to be considered legal, but if the State law doesn't want us to be doing it, I don't think us as the County should be legitimizing it in words, although it's not a heavily enforced law. But I'm open to discussion.

COUNCILMEMBER MOLINA: Yeah, I mean, I just kind of throw it out there because of our, you know, houseless situations for many people and, you know, people are living in their cars or what have you. Certainly it's not the preferred method of...of living, but just for the sake of definition, I just put it out there. I mean if, you know, Members want to leave it out that's fine, but I just kind of...I just wanted to get everybody's feedback on that if anybody had some.

CHAIR PALTIN: Okay. Member King?

VICE-CHAIR KING: Thank you, Chair. Thanks for bringing that up, Member Molina. I...I would...I would not want to see...because...partially because of what you said in the law, and I think the law really refers to sleeping in a vehicle on a public property, not private. But I also think that we have this ongoing problem with glamping, where people are starting to rent out cars or vehicles to tourists to stay in, which seems like it's not a very desirable practice, and I don't think it's actually legal either. So that's...you know, I would...would add to that the hesitancy to call a vehicle a housing unit.

COUNCILMEMBER MOLINA: So kind of with that being said, should we put some form of language emphasizing that this is not considered a...a form of housing? You know, the glamping or people living in their RVs, I don't know if that should be included.

VICE-CHAIR KING: Oh, I don't...I don't think there's anything against...you know, I mean, you know, and I know there's a...there's actually a family that's having an issue with this. But I don't think there's anything illegal about sleeping in a vehicle on your own property, it's public property that it's illegal. You can't sleep in your vehicle on the side of the road, and that's where people are getting tickets. But I think it's a whole issue that we need to discuss in terms of our tourism policies as well. I just wouldn't want to see it become legitimized as a housing unit because it's...you know, there's some...

COUNCILMEMBER MOLINA: Pretty discouraged, yeah.

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VICE-CHAIR KING: Yeah, there's some things that we...I mean, we'll have unintended consequences if we do that.

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: Okay. Member Kama?

COUNCILMEMBER KAMA: I support the idea of defining an RV as a housing unit. Other than that it's a mobile housing unit, but it's still used for housing as well as mobility, right? I mean, we may not like it. And like Member King said, if it's on their own property, we shouldn't...I mean, housing is such a critical issue, and to say you can't put an RV on your property and put your college son or daughter kind of goes against the grain of what we want. So I'm supportive of an RV being identified as a housing unit on...for...on private property.

CHAIR PALTIN: Okay. Ms. Maydan or Director McLean, any comment?

MS. MAYDAN: I have one comment, and I...I would suspect that the Director would as well. Just specific to the West Maui Community Plan, when we reference housing units, perhaps like when we're saying the existing number of housing units, we certainly weren't counting cars or mobile homes. So that would...this definition would be inaccurate for some of the times that housing units are used in the plan.

CHAIR PALTIN: That makes sense. Okay. I saw Member...oh, Director McLean, did you want to add on to Ms. Maydan's comment?

MS. MCLEAN: Yes, Chair. Thank you. We've been working with DSA and DMV on getting an understanding of how all three agencies regulate mobile homes and vehicles because there are building permit exceptions for motorized vehicles. There are also regulations in State law that are very clear that motor vehicles should not be used as...do not qualify as housing units. So it's...right now we...we don't clearly recognize them as housing units in all...in all State districts because of the language in State law. We're working on spelling out the overall County requirements for these...for these vehicles, so I wouldn't want the community plan to conflict with how DMV, DSA, and Planning regulates them.

CHAIR PALTIN: Okay. Thank you, Director McLean. For me, the clincher would have been when Ms. Maydan said it would make the wording in the plan not correct because they didn't include that in the housing unit count, and that's...it's...that's what the definition is for, to describe how it's used in the plan. So if that's okay, I'd like to leave it out. Member Molina?

COUNCILMEMBER MOLINA: Yeah, no, no, that's fine, Madam Chair. I just wanted to just put that out for...for discussion and get...you know, this sounds like this is a work in progress, and certainly want to...wouldn't want to propose some type of language that could, you know, cause some potential conflict as to how...how a housing unit is determined. So...but yeah, it was just one of those things that, you know, with...with

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the lack of housing, you know, people are getting desperate so they're looking for other ways. So maybe this is not the appropriate time to include something like this in the community plan for RVs being put on a property. But yeah, like I said, a work in progress. But I appreciate this...the discussion, and sorry for holding things up.

CHAIR PALTIN: Oh, no problem. No problem. It was a good discussion. Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. Just a quick follow-up question for Director McLean. Has the Department been under kind of pressure to figure out a way to legitimize RVs?

MS. MCLEAN: I wouldn't say we're under pressure, we get more complaints than we do requests to allow them, and I think that's more oriented toward visitors who rent them and then go stay wherever they choose to, sometimes trespassing. So we're...the reason we first delved into it is to...to get an understanding of if that kind of use was a violation, and if so, a violation of what County laws. In terms of them being an option for affordable housing or transitional housing, there...there really hasn't been a request to...to facilitate or support that, it's been more on the enforcement side based on complaints.

COUNCILMEMBER JOHNSON: So there's...I don't want...I don't want to get caught in the weeds with a different discussion, but it seems like there's two sides to the coin where there's people who want to use RVs for vacation and tourism, and there's also people who are homeless and houseless and need a place to stay in their car. So you have to balance both to be...you know, how you make that legal on both ends. I...I...is that the struggle that you have right there?

MS. MCLEAN: Yes, and also keeping in mind that RVs...well, a car all by itself wouldn't meet the definition of a dwelling unit. A dwelling unit has to have a kitchen. So an RV that has a kitchenette or something like that could be considered a dwelling unit. And same with tiny homes, it doesn't matter if it's tiny or if it's an RV, if it's a dwelling unit, the zoning has to allow that dwelling unit or that additional dwelling unit, and in a lot of places they don't. That could be a Code amendment to allow increased density for certain defined purposes to help with affordable housing or transitional housing.

COUNCILMEMBER JOHNSON: Okay.

MS. MCLEAN: We haven't (*audio interference*) to that point though.

CHAIR PALTIN: Thank you, Director McLean.

COUNCILMEMBER JOHNSON: Thank you.

CHAIR PALTIN: I see that it's 11:00, and we had agreed to take a lunch at 11:00 to 12:00. For Members, I just got the definition of design guidelines, and I can read it to you real quick. Design guidelines means those detailed architectural, engineering, landscaping, and/or other design related standards to be applied in the development of a research

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and technology park which shall be consistent with the performance standards specified herein. So I'm not sure if we want to include that because it seems as though it's development of a research technology park. Maybe we can talk about or think about that for when we come back. But I just wanted to give that to you. Maybe Staff can put it in the chat. But I did want to honor our lunch break commitment for Member Molina. And so if there's no objection, we'll come back to I guess that design guideline part, and then finish up with what is called Appendix H in the book, 168 for Hawaiian word definitions. And then we'll move on to revisions. Okay. So with no objection, we'll go into our first lunch recess. 11:00, come back at 12:00, and then return to recess again at 1:30 to 1...2:15. We're having a little bit of a different lunch schedule today to accommodate our colleagues. Okay. So this meeting is in recess. We'll come back at 12:00. Meeting in recess. . . .*(gavel)*. . .

RECESS: 11:02 a.m.

RECONVENE: 12:02 p.m.

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use Committee reconvened meeting of June 16th come to order. The time is 12:02. And with us at this time we have Member Johnson, Member Sinenci, Member Sugimura, Member King, Member Molina, and myself. Member Rawlins-Fernandez had forgotten that she did schedule a 12:00 meeting, so she'll be a little bit late. And where we left off, I believe we were on definitions appendices at the last. And I typed in a proposed amended design guideline definition in the chat because the definition from the Code specifically referenced the research technology park, I guess, and so just made it a little broader. Ms. Maydan also provided a brief excerpt from an article about design guidelines because it's helpful with understanding the difference between comprehensive community plans, zoning, and design guidelines. And then I also came up with a definition...or I didn't come up with it, but I got the definition of building scale from the *Law Insider*. So those are options for us. Ms. Maydan, did you want to summarize the...the link that you provided us with briefly, or what you intended for us to get from that?

MS. MAYDAN: Sure. Mahalo, Chair. Thank you. Just...it's just a brief excerpt from a larger article but just it kind of clearly describes the difference between comprehensive community planning, zoning, and design guidelines as far as the...how...as we've talked about, that community plans are at a broader more general scale than zoning, and zoning gets very descriptive and prescriptive and detailed. And then design guidelines oftentimes are kind of a middle ground where they are providing a lot of guidance, as their name says, guidelines, as far as sometimes it's architectural details, urban design, landscape planting to really help create an urban or a rural environment, whatever's appropriate for that area that...as we've talked about, as in scale and character of the area. And that sometimes the design guidelines can be very specific and prescriptive, sometimes they have more flexibility and there's benefits and drawbacks to that, but just basically that there's a lot of work that goes into creating them. But they are a great companion to community plans and zoning. They...they work in that whole mix of helping to guide development.

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CHAIR PALTIN: Okay. Cool, cool. Thank you. And...and do you see any conflict with my proposed amended design guideline definition in the chat? I'll just read it for those on...watching on TV. And I wanted to welcome Member Lee and Member Kama to our proceeding.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR PALTIN: Thank you. So the definition from the Code, I just took out reference mainly to the research and technology park because I believe that's not...have anything to do with West Maui community. And so I put it as those detailed architectural, engineering, landscaping, and/or other design related standards to be applied to proposed developments, to mean design guidelines for the purpose that we use them in the community plan. Is everyone okay with that...that amended definition from the Code? Oh, Mr. Hopper might not be okay. Go ahead, Mr. Hopper.

MR. HOPPER: Not necessarily a problem with that. I think it...it's whatever you...you intend it to be and...and whatever...or however you want to apply in the plan. But I did want to note there's a couple of areas that I'm familiar with having design guidelines that are listed in the Code other than that definition. There's...there's 19.510.100, which is Country Town Business District design guidelines. They apply...and the Planning Department probably has more detail on this, but those apply in areas that are zoned Business Country Town. I believe Lāhainā has a historic district, but I don't think necessarily has Country Town Business unless I'm mistaking. I think Lānaʻi, when you were talking about their design guidelines, I think those are the ones you were talking about because the Council adopted those by resolution. Those are your design guidelines; but again, that's only for areas that are zoned, as I understand it, Business Country Town. And there's other areas that have similar design guidelines. I believe Molokaʻi has them and some other areas, but again with the specific zoning. And then there's a separate set of design guidelines for I believe the Lāhainā design guidelines that apply in the Historic District, which are a separate document that I believe is adopted perhaps by the CRC. But I just wanted you to...to be aware, there's areas in Title 19 that talk about design guidelines. They may mean different things in different places. So I'm not sure what your intention is with the community plan, but if you can keep it general, that might be a good idea, and you could implement them through whatever you want to do in Title 19, whether it's expand the use of design guidelines to areas outside of BCT or...or whatever other things you want to do. But just wanted to note there is already an existing, you know, process for design guidelines. They're adopted by Council by resolution. They're supposed to contain certain things, and they apply pretty much to the areas that are zoned Business Country Town which are not...not necessarily prevalent. They're for small towns, I believe, kind of like Pāʻia and...and Lānaʻi and, you know, Lānaʻi City, and Makawao, I believe, may have some too. So again, I just wanted to go over that. And Planning may have some more background, but...but since that discussion happened. The specific design guidelines I think you're talking about are in the Maui Research and Technology Park. They have their own...own sort of specific ordinance. Waikapu Country Town, for example, has its own specific ordinance that I think has some design guideline elements in them. So you

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know, it's...it's in different places in the Code, but I just wanted to note that.

CHAIR PALTIN: Thank you, Mr. Hopper. Ms. Maydan, do you think that the proposed amended definition is sufficiently broad enough and it makes sense with the context that we use, design guidelines for those three updated community plan designations?

MS. MAYDAN: Yes, Chair, I do. I think the definition that you proposed is...it provides a good description and it is broad and provides flexibility for when design guidelines are created, that you're not boxing them into something. I think it is a good broad definition.

CHAIR PALTIN: Okay. Cool, cool. So then I think...I think we do have consensus. That's eight consensus with one excused at this time, Member Rawlins-Fernandez. And then I just got this definition of building scale from the *Law Insider* if we wanted to put it in: a building size relative to another building's, or the size of one building's elements relative to another building's elements. So I'm not sure if we wanted to include that. I'll leave it up to the Members if they think we want it, we don't want it. Member King?

VICE-CHAIR KING: Yeah, I don't...I don't think it could hurt, it's...it's basically what we've been talking about, you know, keeping it to the size of the area, relative to the area. So I think that --

CHAIR PALTIN: Okay.

VICE-CHAIR KING: -- it...the more specific we can be, I think the more that helps.

CHAIR PALTIN: Okay. All right. So any objection to including this definition in our definitions appendix? Consensus? Yeah? Okay. No objections. All right. We'll accept that by consensus with Member Rawlins-Fernandez excused. And I think that's all I have for definitions. Did any other Members have any other...oh, Member Molina?

COUNCILMEMBER MOLINA: Just looking at page 161 project district zoning, you know, it uses a reference to Title 19, Maui County Code, so I...was there any thought given to just put the definition in the plan for the reader...for ease of the reader versus the reader having to flip back and forth from the Code to look at what project district zoning is?

CHAIR PALTIN: Good point.

COUNCILMEMBER MOLINA: Just...just wondering if it was...maybe --

CHAIR PALTIN: Yeah.

COUNCILMEMBER MOLINA: -- we should put the specific definition in there?

CHAIR PALTIN: I'd like that. I mean, we've done that for those other two that we added, buffer, as well as...I think was it transient. So I'm not opposed to it. Is that something Members have...don't have objection to, consensus?

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COUNCILMEMBER MOLINA: Yeah.

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: Okay. Project district zoning, we're going to get the actual definition from Maui County Code Title 19 so that it's readily available. Thank you. That's a great addition for consistency. Any further amendment, comment, or suggestion? Oh, Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. I was wondering if now would be the appropriate time or...or you can tell me when would be the appropriate time to talk about the coloring of the maps.

CHAIR PALTIN: Oh, let's do that when we revisit Section 3, but I --

COUNCILMEMBER JOHNSON: Okay.

CHAIR PALTIN: -- I have it noted in my list so I'm hoping I do not forget. But if I do, when we get to Section 3, remind me.

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair.

CHAIR PALTIN: Okay. Cool. All right. Next is the Hawaiian word definitions. We might want to flash that memo again, Ms. Lillis, with the definitions. I believe I added in kilo, loco i'a, mauna, Mauna Kahalawai. Thank you, Ms. Lillis. Ko'a, lele, loco, malu, and these were...I got these off of Wehewehe Wikiwiki, the Hawaiian online dictionary. So I guess...Member Sinenci?

COUNCILMEMBER SINENCI: I'd be open to adding komohana.

CHAIR PALTIN: Oh, okay.

COUNCILMEMBER SINENCI: Maui...Maui komohana for...for the direction of Lāhainā.

CHAIR PALTIN: Okay, okay.

COUNCILMEMBER SINENCI: That's for...for West Maui.

CHAIR PALTIN: All right. And if Staff can take care of that for us off of, you know, I think Wehewehe Wikiwiki is accepted, I'll just Google for like an official. West, western so called because the sun enters, komo, the sea in the west. Komo to enter, plus hana nominalizer, komohana, west. So...

MS. LILLIS: Chair, that's perfect, thank you.

CHAIR PALTIN: Okay. Great, great. Okay. And I think we can do that by consensus. No objections, Members? Okay. So we're adding komohana. We didn't do Mokuhinia, a

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place. And then I think Member Sinenci also was asking about Po'elua, we're still waiting to hear on that one, but it's also a place that I guess when we...when we hear what is the appropriate we could add a definition. On Wehewehe Wikiwiki, it says Po'elua Gulch and Bay, Kahakuloa quadrant Maui, pronunciation and meaning not certain. Po'e-lua means fighting people, and pō-'elua means two nights. And then there's definitely other things like how Member Kama said. So we're...we're not clear yet, but hopefully we will be eventually. Any dispute or further words to add here?

MS. MAYDAN: Chair?

CHAIR PALTIN: Is that Ms. Maydan?

MS. MAYDAN: It is. Mahalo.

CHAIR PALTIN: Okay.

MS. MAYDAN: You added 'ōpala to --

CHAIR PALTIN: Oh.

MS. MAYDAN: -- challenges and opportunities for gulches.

CHAIR PALTIN: Thank you, thank you. I didn't even realize that was a Hawaiian word. Nah, nah, I knew, just joking. Okay. Let's see what we have for Wehe...'ōpala, and that's 'Ō-P-A-L-A. Trash, rubbish, refuse, litter, waste matter, junk, garbage, muck, littered. Apparently it's also said of trashy people, riff-raff, but maybe we can leave that part off because it's not germane to how it was used. And I guess Member Rawlins-Fernandez's office is asking if we can add more Hawaiian definitions tomorrow if necessary after tomorrow's Section 1 proposed amendments. Are Members okay with that? Yeah? Okay. So I guess we will...we will revisit this along with everything else. This is just our first go around of amendments. All right then. So if there's nothing more, we can close up Section 5. No, nothing more? Okay. Great. So...okay. Took me a while to see you guys. Okay. So then let's just close Section 5 by consensus. We didn't really do much substantial things in there, so we'll...we're closing up Section 5 until the revisit.

COUNCILMEMBERS: Consensus.

CHAIR PALTIN: At this time, Members, I'd like to bring your attention to Granicus. If we refresh our Granicus, we will have the track changes...oh, wait, shucks. Is there any objection to reopening Section 5? I...I spaced out on one thing.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR PALTIN: Okay. Thanks. I wanted to propose a new appendix after the Hawaiian words definition, and that is of the second page of the March 18th transmittal. It has a...a table from Director McLean which has existing community plan designations, updated community plan designations, and it says most compatible zoning districts for updated

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community plan designations. And I'd like to upload that table as a last appendix to Section 5, and just take out the "most" because, you know, you're either compatible or you're not. Just say compatible zoning districts for updated community plan designations, and then amend Urban Center Corridor to Transient...Transit Oriented Corridor. And I'd like if Staff could add in where Nāpili Bay Civic Improvement District fits in these because this is West Maui, and apparently Nāpili Bay Civic Bay Improvement District is not well known amongst everyone. And so it would be prudent to include it here as this is the West Maui Community Plan update. And this is kind of...I think a little bit of what Member Rawlins-Fernandez was referring to when there's like examples. You know rural residential include...is compatible with zoning districts of rural, RU-.5, RU-1.0, RU-2.0, RU-5.0, RU-10.0, PK, OS, OS-1, OS-2. Yes, Member King?

VICE-CHAIR KING: Yeah, what...what is it...what does it mean that OS-2, OS-1 and OS-2 Open Space is compatible with Business Industrial or Business Commercial?

CHAIR PALTIN: That if...

VICE-CHAIR KING: Does it mean we can have open space in those areas that are zoned...or, you know, it doesn't seem compatible, but I...

CHAIR PALTIN: Okay. Ms. Maydan or Director McLean, would you care to answer that question?

MS. MAYDAN: Sure. Thank you, Chair. Yes, definitely in...so I'm sorry, Member King, you referenced two zoning districts, but as far as...

VICE-CHAIR KING: And there's more than --

MS. MAYDAN: -- one...

VICE-CHAIR KING: -- two, there's...yeah, the OS...the Parks and Open Space, just why those are listed in the various developmental...

MS. MAYDAN: Well, as far as...for example, like Small Town Center, the compatible zoning districts are a variety of zoning districts, a variety of the Business, Apartment, as well as Park and Open Space because those zoning districts can implement that Small Town Center community plan designation. Does that answer your question?

VICE-CHAIR KING: Well, no. Because we...we talked about Open Space, you know, being...being...not being buildable, but you've got these designations that are highly buildable, and you're saying that Open Space is...is appropriate for that use.

CHAIR PALTIN: I think maybe I can clarify. Like you know, I've never been to like New York City Central Park, but that would be kind of considered a business-y area, but you don't want to have like just all tall buildings or businesses, like it's nice to have like a little section of park for people to like feel human. Or like even though the community plan

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designation is Business, if there's some parcels zoned Open Space inside of that Business District, it's okay because, you know, this is Maui and we don't want to have wall to wall things with no open space, no view planes. That's part of what makes us...

VICE-CHAIR KING: Yeah, then that was my question because it's not clear what the compatible...most compatible means, if it means, you know, okay, now you have Open Space, now you can build a town center in it. It's...it's confusing to the...you know, the average person looking at this as to why we would be building a town center in Open Space land. But if it's the reverse, in that case we were saying it's okay to put open space in these districts, you know, I'm hoping that that's what this means, but I don't think it's clear.

MS. MAYDAN: So Chair Paltin, your description was absolutely right. And Members, I would just keep in mind that the left column as it says is the existing community plan designations, the center is the updated designations which you've been reviewing in the plan, and the right-hand side is the zoning districts. So you read it from left to right, and you can see the evolution from the existing designations to the updated, and then from the updated you can see the zoning districts that are the menu of zoning districts that could be used to implement the designations. So if you have an area designated Small Town Center, all of those zoning districts would be compatible as far as district...zoning districts that are used to regulate development in that area. To create the places that are described in the Small Town Center description.

VICE-CHAIR KING: Okay. I think that what you just said just confused me even more because you said you would utilize these zoning districts to create, say, a neighborhood center or a town center, but...I mean, I'm thinking of open space areas that we wouldn't want any building in. So why would we use those to implement a small town center? I can see putting some of those districts within the Small Town Center to keep from developing. But what you just described to me sounded like the opposite. If we would utilize these zoning districts, OS-1, to create a small town center?

MS. MAYDAN: It would be a component.

VICE-CHAIR KING: Right.

MS. MAYDAN: A Small Town Center would have many uses, and it could be implemented by many zoning districts.

VICE-CHAIR KING: Okay.

MS. MAYDAN: One of them being potential open space because there could be a stream flowing through a town, and that would be open space, whereas around it perhaps there is existing residences and some corner stores.

VICE-CHAIR KING: Okay. So we're not necessarily using these zoning districts to implement the plan designations out of zoning districts within these plan designations, the land use designation.

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MS. MAYDAN: No, yes, we are. When you have a map and it shows you these community plan designations, and then when it comes time to perhaps rezone a property, you would look at the community plan designation and say, is this compatible with what's being proposed. And if something under the B-2 zoning were being proposed, it would be compatible, and perhaps it's a project that has some B-2 zoning, a park, and something within A-1 Apartment District. Those would all be compatible with the Small Town Center community plan designation.

CHAIR PALTIN: I think that's what is meant by mixed use. We're moving towards mixed use where we don't want to have all people living in houses here, we have all the grocery stores here, and like that. It's...it's mixed. We want...

VICE-CHAIR KING: No, I understand that. I just want to make sure that what we're not looking at is saying okay, if we have an area that's zoned Open Space-1 or Open Space-2, that that's appropriate for Resort/Hotel, because it's not. It might be appropriate to have some open space within an area that is zoned Resort/Hotel, but I wouldn't want to take an area like say Mā'alaea Mauka that's being proposed for all open space and say that that...that would be compatible with putting in a neighborhood center or a small town center in that area. Because the whole area is already designated Open Space, so we're not trying to change those designations, are we?

CHAIR PALTIN: I'm not sure if you understand that the...the one on the right is zoning and...and the one in the middle is the community plan designation.

VICE-CHAIR KING: Yeah, I do understand that, but I want to make sure that what we're not...what we're saying is not that if you have an area that's zoned OS-1 and OS-2 that that's appropriate to put in a small town center. That...that we could put a small town center there because they're compatible.

MS. MAYDAN: This is where we need to very much keep in mind what zoning is and what community plan is, and that zoning...so if you have Open Space zoning on a piece of property, the regulations and parameters of that Open Space zoning district are going to tell a landowner what they can and cannot build, not the Small Town Center community plan designation which may also apply to the property. Because that might be a broader region, but it would be that Open Space zoning district that would tell the landowner no, you cannot build a Foodland, but you...you can have an open...you can have a walking trail.

VICE-CHAIR KING: Okay. Well, to me, that's what...that's why...what makes it incompatible with those land use designations because you can't really do all those land use designations on Open Space. But you know, I...I kind of understand what you're trying to say, I just don't think it's clear in that document.

CHAIR PALTIN: Okay. Does anyone else have any questions about this document and/or are there any objections to including this as an appendix? It's...it's meant to be that example of zonings which can fall within the updated community plan designation. And

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like we said, whatever we designate with these new updated community plan designations, it doesn't change the underlying zoning. I think that's what Member Rawlins-Fernandez was talking about, moving forward with this community plan process, maybe we can start to do that concurrently as an option for those landowners that would like to do it and it fits in with the community's vision. But at this time, by doing the community plan process, we're not changing zoning. Okay? So consensus on adding this appendix, or do we need to take a vote?

VICE-CHAIR KING: Chair, I'm not...I'm not comfortable with this appendix, but if you want to take a vote, that's fine.

CHAIR PALTIN: Okay. I'll entertain...

MS. MAYDAN: Chair, may I make...I'm sorry, may I make one last comment?

CHAIR PALTIN: Sure.

MS. MAYDAN: Mahalo. Just to reiterate, this is a great example of the concern we have with adding a table like this, just because of the confusion that it might cause as far as how Member King has described. And if it is added, I want to make...I would want to make sure that the paragraph above the table is also going to be in there for context. And also keeping in mind, as Director McLean has mentioned, that our zoning districts over time do get edited, they do...new zoning districts get added, some get deleted, and of course, we are going through the Title 19 rewrite process, which will essentially make this table obsolete when that is adopted.

CHAIR PALTIN: Okay. Yeah, and when the zoning districts get updated, we can also update the community plan along with it. I don't have a problem with the paragraph above which...except for the...the typos, but that's nonsubstantive. Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. This is just a quick clarifying question. Director mentioned in...that Title 19 was going to be updated, and this would be obsolete. Can you give me a timeline? Can you tell us like...I mean, is this...is this going to take another ten years or is this going to be within the next year or two?

MS. MAYDAN: I'm...oh, there she is.

MS. MCLEAN: The...

CHAIR PALTIN: Director McLean?

MS. MCLEAN: Sorry, I needed to drop out for a little bit. The Title 19 rewrite is a multiyear process, and I would say they're about another maybe two years to go, but not ten years, but closer than that. But certainly after this plan is hopefully adopted.

COUNCILMEMBER JOHNSON: So my understanding, it's been quite some time since they get started, is it...am I...I'm kind of new, so help me out. It's been a long time for it...to get

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to where it is now? Is it...what's the timeline for that?

MS. MCLEAN: It's probably been close to two years in the works, so it's --

COUNCILMEMBER JOHNSON: Okay.

MS. MCLEAN: -- *(audio interference)* through.

COUNCILMEMBER JOHNSON: So it is probably going to take about five years total then?
Four or five?

MS. MCLEAN: On the outside we had...we had estimated a four-year --

COUNCILMEMBER JOHNSON: Okay.

MS. MCLEAN: -- *(audio interference)* So we're about --

COUNCILMEMBER JOHNSON: All right.

MS. MCLEAN: -- two years into four years, yeah.

COUNCILMEMBER JOHNSON: Okay. Thank you, Director. Thank you, Chair. I just wanted to clarify. Mahalo.

CHAIR PALTIN: No problem. Okay. So I'll entertain a motion to include this table for examples with the amendment stated about Transit Oriented Corridor, taking out the word most, and adding in Nāpili Bay Civic Improvement District, keeping the above paragraph and just fixing it for nonsubstantive revisions. Moved by Member Sinenci. Is there a second? Second by Member Molina. Any discussion? Okay. I don't see anybody wanting to discuss. For me, it can be confusing, and it...it could be a starting point for discussion so people understand. Right now, and throughout the process of the CPAC especially, zoning wasn't discussed. I think some folks ventured into that zoning, and they're like well, the...it's we're only talking about community plan designations. A little tiny bit under Maui Planning Commission, I guess, because they...they deal with zoning, they discussed zoning. But I think it's really important in this document for people to see what zoning districts can fall under which community plan designation. To have this information and withhold it, or not include it, kind of leaves our community in the dark. If they don't understand it, and they're able to use this as a question piece to say, I don't understand how Open Space can be in Employment Center or Transit Oriented Corridor, then that starts the discussion and it starts the learning process. So these are the various zoning districts that can fall within the various community plan designations, kind of like examples, as Member Rawlins-Fernandez said. And as the Director said, as they update their zoning, they will also need to be updated in the community plan, which keeps it a fresh document and not just something that's on the shelf. So that's my reasoning. Any further discussion before we call for the vote? Seeing none. All those in favor raise your hand and say "aye."

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COUNCILMEMBERS: Aye.

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

COUNCILMEMBERS: No.

CHAIR PALTIN: Okay. The measure passes six to two with Members King and Sugimura voting “no,” and Member Rawlins-Fernandez excused.

VOTE: AYES: Chair Paltin, Councilmembers Johnson, Kama, Lee, Molina, and Sinenci.

NOES: Vice-Chair King and Councilmember Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Rawlins-Fernandez.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Okay. So by consensus, let’s close up Section 5 again. Sorry, I...I wasn’t referring to my notes, and so going to do that. Okay. Next up, as I was referring to before, if Members can refresh their Granicus, we should have a document in there called...I’m not...oh, I’m on the wrong day. I’ve got to go to today’s agenda, go to the meeting details, refresh. Oh, okay. Should be Item number 49 on today’s...today’s Granicus. And what this document is, is from our OCS Staff where they tracked the changes that we...or the amendments that we already made in Section 2 and Section 4. And as I briefly stated earlier, we don’t need to worry too much about the exact wording, what we’re concerned with is the legislative intent. And then Committee Staff can fix up the words, pretty it up, and make it be legislatively sound and whatnot, but the main thing we need to do is make sure that the legislative intent is clear. Member Lee?

COUNCILMEMBER LEE: . . .*(inaudible)*. . . number 49.

CHAIR PALTIN: I think it was 45, let me check.

COUNCILMEMBER LEE: 40...oh, okay.

CHAIR PALTIN: Oh, no. Sorry --

VICE-CHAIR KING: No, it’s 49.

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CHAIR PALTIN: -- 49.

VICE-CHAIR KING: It's just that you have to refresh. It doesn't show on the previous version of Granicus.

CHAIR PALTIN: Yeah. Today's...today's meeting details, number 49. So if Members want to go through these really quick and make sure that our legislative intent in the amendments that we made on the first go around are...are correct, then we can put it in the hands of our capable Staff. And just a note for the very first one on Section 2, that was the one where Director McLean had said we should check with Tara Owens. And so the blue wording in there was what I believe Tara Owens suggested instead of the red crossed out wording. So that was marked as a revisit. Would you folks like a five- to ten-minute recess to look these over, print them out, and then we can come back if folks have any problems with these? Yeah?

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Okay. Let's come back at say...is ten minutes enough, or you want a little longer? Ten minutes should be good? Okay. Let's come back at 12:51. You guys can print it out, look it over, and see if there's anything legislative intent that wasn't captured in the amendments that we made on the first go around. So we'll come back at 12:51 today. Meeting is in recess for ten minutes. . . .*(gavel)*. . .

RECESS: 12:41 p.m.

RECONVENE: 12:54 p.m.

CHAIR PALTIN: . . .*(gavel)*. . . Thank you, Members and public, for that brief recess for Members to print out and quickly review the track changes that we made on our first go around of amendments. There were...if you look at your sheet, in yellow on the side, those were the items that we worked on that we marked to revisit. Everything else, the legislative intent should be clear. And we can go through them in the order that they're given, whether it's revisit or the legislative intent isn't clear, and we're starting with Section 2. So the first one was marked as a revisit. And right before we came on, Chair Lee had a question, and I'm not sure who...I guess Director McLean or Ms. Maydan maybe could answer the question. She was asking if this policy...and...and I got the actual language from Tara Owens that we had to fix, but she was asking if this policy would preclude the work for the Kahana Bay t-groins. So I don't know if that's Ms. Maydan or Director McLean.

MS. MCLEAN: Thanks for the question. I...I...looking at the wording from that perspective, I think it could. I don't think that was the intent at all. I think the intent was related to habitable structures and new development, not...not structures that would be part of beach restoration. So I do agree that the...that the wording in that context could...could preclude that, but I don't believe that was the intent when it was drafted. I think the intent was to support the...the shoreline rules amendments that we are proposing for habitable structures.

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CHAIR PALTIN: Okay. So maybe it can be fixed by saying new habitable permanent structures?

MS. MCLEAN: Yeah, or keep the...keep it as it's written, and to add something like this shall not apply to structures that are part of a beach restoration project. Because there could be other structures that aren't habitable, I can't think...you know, like...oh, I...I can't think of anything offhand, but like a storage shed, but still we...we wouldn't want those in the...in the...within the SLR-XA either.

CHAIR PALTIN: Minimize impacts from future coastal erosion.

MS. MCLEAN: I think maybe adding a sentence at the end that this shall not apply to structures that are part of an approved beach restoration project.

CHAIR PALTIN: Okay. And just to clarify, seawalls or shoreline hardening, could those ever be considered part of a beach restoration project? Okay. All right. I'm okay with that language then. Thank you. And...and I did find the response from Tara Owens, that part that says, "and current sea level rise exposure area" it should say, "in order to minimize the impacts from future coastal erosion, new permanent structures must be located landward of the State recognized SLR-XA for coastal erosion rise...coastal erosion sea level rise, except a minimum buildable area shall be provided to allow for reasonable development," and then that sentence that Director McLean said, that this shall not apply to...you all know what she said.

COUNCILMEMBER LEE: Beach restoration --

CHAIR PALTIN: Okay.

COUNCILMEMBER LEE: -- structures, yeah.

CHAIR PALTIN: Beach restoration structures approved...something approved, beach restoration...

COUNCILMEMBER LEE: Yeah, that are a part of an approved.

CHAIR PALTIN: That are part of an approved beach restoration.

UNIDENTIFIED SPEAKER: Project.

CHAIR PALTIN: Okay. Member King?

VICE-CHAIR KING: Yeah, just why did they...why did...why did we change it from the erosion hazard line? Just...is it because we haven't approved that yet?

CHAIR PALTIN: This was the...the wording suggested by Tara Owens, who's the...

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VICE-CHAIR KING: No, I know who Tara is, but I'm just wondering what...because, Department, isn't the erosion hazard line higher up than the sea level rise, or is it vice versa?

CHAIR PALTIN: Director McLean? Or Ms. Maydan.

MS. MCLEAN: Yeah, let me look at the language again.

VICE-CHAIR KING: And is that erosion hazard line, is that something that has yet to be approved?

MS. MCLEAN: The erosion hazard line and the sea level rise viewer were adopted by the...the State Climate Commission. But the erosion hazard line and the sea level rise exposure area are different things, but they work hand in hand. The erosion hazard line is the red line, and that's what we are using as the basis for the shoreline setbacks, the erosion hazard line with coastal erosion. The sea level rise exposure area extends beyond that in some cases, and is...and is seaward of that in some cases, but we're using the...the erosion hazard line.

VICE-CHAIR KING: Okay. So yeah, I'm just wondering why we're...if we have that as a County designation, why would we revert to a State...because it...because the way it reads right now, it's landward of the erosion hazard line and current sea level rise exposure area, so it's got both of them. But if we take the hazard...erosion hazard line out of there, then it's just the sea level rise exposure area, and those are...I guess they cross over each other in some areas?

MS. MCLEAN: Well, the...so if you look at the sea level rise viewer, it has passive flooding, annual high-wave flooding, and coastal erosion, and the sea level rise exposure area combines all three. What we're looking at is coastal erosion with sea level rise.

VICE-CHAIR KING: So if we use the State designation then we're cover...covering all three areas?

MS. MCLEAN: The sea level rise exposure area covers all three. We're using the erosion hazard line with 3.2 feet of sea level rise. I...I think the intent of this change originally was right now, 3.2 feet is...is what's accepted, and that's the high end of the range that you can select on the sea level rise viewer, but that will likely change over time. So I think the intent was for this to be adjusted as the recognized maximum gets adjusted down the road.

VICE-CHAIR KING: Okay. No, I understand that part, what I...what I asking about was changing the erosion hazard line, taking that out...which was the proposal that Chair Paltin was just discussing is taking out the erosion hazard line and replacing it with a State designation? The sea level rise...

CHAIR PALTIN: Well, I think we had agreed to consult with Tara Owens, who's an expert in this subject, and this was her recommendation. Took it. And should read, in order to

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minimize the impacts from future coastal erosion, new permanent structures shall be located landward of the State recognized SLR-XA for coastal erosion, except a minimum buildable area shall be allowed...provided to allow for a reasonable development. And then that add-on sentence, I think we...we like that, or we're okay with it. And we don't have Tara Owens on the call, so...

VICE-CHAIR KING: Yeah. No, I just was wondering what the...you know, getting input from the Department on the difference between the State recognized SLR-XA and...and our County erosion hazard line, which was something new I think that we...we just developed recently.

CHAIR PALTIN: Okay. I think I saw Member Rawlins-Fernandez's hand up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. The comment I was going to make was about it...Director McLean already made, just about --

CHAIR PALTIN: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- like not putting in the number of feet to keep it flexible so that when it changes, it can change as well, and it's not fixed at the 3.2.

CHAIR PALTIN: Okay. So shall we take a vote on this revision with the wording proposed by Tara Owens, and the additional sentence proposed by the Director to amend this amendment? I'll entertain a motion.

COUNCILMEMBER SUGIMURA: So move.

CHAIR PALTIN: Moved by Member Sugimura, seconded by Member Rawlins-Fernandez. All those...discussion? Member Sinenci?

COUNCILMEMBER SINENCI: Chair, can you...sorry, can you go ahead and read the...the wording again?

CHAIR PALTIN: Okay. If Member Lee would help me with that last sentence, it looked like she had it written down. It should read, in order to minimize the impacts from future coastal erosion, new permanent structures shall be located landward of the State recognized SLR-XA for coastal erosion, except a minimum buildable area shall be provided to allow for reasonable development. And then Member Lee said...

COUNCILMEMBER LEE: This shall not apply to structures that...wait, beach restoration structures that are approved.

COUNCILMEMBER SINENCI: Thank you.

CHAIR PALTIN: Okay. Member King?

VICE-CHAIR KING: Yeah, thank you. Do we have a...I mean, I...I know in the erosion hazard

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line, there's a definition of...of minimum buildable area, but if we take that out, do we have a definition of minimum buildable area?

CHAIR PALTIN: Director McLean? Or Ms. Maydan.

MS. MAYDAN: In this case, if...I do not believe we have a definition in the plan, but it would suffice a definition in the County Code.

VICE-CHAIR KING: There is a County Code definition?

MS. MAYDAN: Yes, I believe so.

VICE-CHAIR KING: Okay.

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

MS. MAYDAN: Oh, it is in the plan.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, it's on page 166.

MS. MAYDAN: On page 166.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Okay. That was going to be my first clarifying question is, I didn't hear that we were going to take out minimum buildable area. We're keeping that in?

CHAIR PALTIN: Yeah. And the reason given the first time around, when we were going on Section 2 was, I guess, something about lawyers and property...

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So on page 166, minimum buildable area or minimum buildable depth, the minimum is the minimum area or depth that a structure may be constructed from the shoreline as defined by the shoreline rules for the Maui Planning Commission Chapter 203. So that's the definition. And then my question was about the word reasonable. Who determines what reasonable is?

CHAIR PALTIN: Ms. Maydan?

MS. MAYDAN: Thank you, Chair. So that would be...I wish Director was answering this question because I do not process these permits and I don't want to misspeak. Oh, there she is.

CHAIR PALTIN: Okay. Director McLean?

MS. MCLEAN: I'm looking in the shoreline rules now to see if it defines reasonable development. It doesn't use that term in the shoreline rules. It says minimum buildable depth means the depth that a structure may be constructed taken from a line running makai of and parallel to the front yard or most landward setback, not to exceed a certain

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length. So it doesn't...it doesn't give the purpose, which is to allow some degree of development. I don't know, you know, reasonable could mean different things to different people. So if you want to take out reasonable and substitute it with minimal or some degree of, that would be accurate as well.

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I don't think my question was answered. So who...who determines what reasonable is?

CHAIR PALTIN: I guess, Director?

COUNCILMEMBER RAWLINS-FERNANDEZ: The Planning Commission?

MS. MCLEAN: Well, it...it's...what this action says is you have to build landward of the erosion hazard line except a minimum buildable area. And by saying it's a minimum buildable area, that means the potential for development is going to minimal. Reasonable, I don't really know that there would be a judgment call for that. I suppose that would come with the adoption of shoreline rules, and that depth would determine what the Commission feels is appropriate and reasonable. Right now it's 35 feet.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Director. So what I'm hearing is that perhaps there should be a period after area. Instead of saying, shall be provided to allow for reasonable development, because that's just not defined, and just puts too much discretion there.

MS. MCLEAN: Yeah, or a period after provided. Except a minimal...minimum buildable area shall be provided, period.

COUNCILMEMBER RAWLINS-FERNANDEZ: Period. Sounds good. And I'm sorry, Chair, would you also repeat Chair Lee's amendment, proposed amendment?

CHAIR PALTIN: It was actually Director McLean's suggestion. Director, do you mind repeating it one more time?

MS. MCLEAN: This shall not apply to structures needed as part of an approved beach restoration project.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I don't know if I support that last sentence. I'm going to think about it.

CHAIR PALTIN: Okay.

COUNCILMEMBER LEE: You want to explain why so we know? Vice-Chair?

CHAIR PALTIN: Member Rawlins-Fernandez, were you done with your turn?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Mahalo, Chair. I...I have to think about that.

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CHAIR PALTIN: Okay. Member King?

VICE-CHAIR KING: Okay. Just to follow up on that, what we're talking about as far as permanent structures that are actually part of the beach restoration, we're talking about potential t-groins and those kinds of structures? We're not talking about buildings, like we're not allowing additional buildings to be built, are we, through that statement?

CHAIR PALTIN: That wasn't the intention, and neither...it was clarified, neither would seawalls or shoreline hardening qualify as restoration project. But would you like to hear that from Mr. Hopper or...

VICE-CHAIR KING: No. Just similar to the idea of what reasonable development is, then the statement in that proposal was approved...you know, approved beach restoration. So who...approved by whom? I mean, is this approved by like a State entity or departments or the Council? Who would be approving?

CHAIR PALTIN: For me, I would...I would imagine --

VICE-CHAIR KING: Is that...

CHAIR PALTIN: -- you need State permits to build t-groins, but I see Director McLean may have an answer for us.

MS. MCLEAN: A beach restoration project that involves structures like t-groins would require quite a number of permits, including a Department of the Army, the Army Corps of Engineers permits, State DLNR, Office of Conservation and Coastal Lands, Conservation District use permit, and County SMA and shoreline permits. So quite a number of permits would be needed.

VICE-CHAIR KING: Then the only part of that really is the County...the County is the SMA, the rest of it sounds like it's State because it's in the water; is that correct?

MS. MCLEAN: SMA and shoreline permits would be needed, yeah.

VICE-CHAIR KING: Okay. And we have...in...in our Code, we having something that will prevent seawalls from being approved through an SMA permit?

MS. MCLEAN: The...the current rules discourage seawalls, and the proposed rule amendments go much farther than that and allow existing permitted seawalls to be repaired, but prohibits them in other cases.

VICE-CHAIR KING: Okay.

MS. MCLEAN: Prohibits new ones.

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

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CHAIR PALTIN: Any more discussion? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So the motion on the floor is...oh. In order to minimize impact from future coastal erosion, new permanent structures shall be located landward of the erosion hazard line and current sea --

CHAIR PALTIN: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- level rise exposure area, except for a minimum buildable area shall be provided.

CHAIR PALTIN: No, it was --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh.

CHAIR PALTIN: -- we got feedback from Ms. Owens --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

CHAIR PALTIN: -- and her...hers was, in order to minimize the impacts from future coastal erosion, new permanent structures must be located landward of the State recognized SLR-XA for coastal erosion, except a minimum...a minimum buildable area shall be provided. And then I think if you want it to stop there and then do the second sentence or whatever, you'd need to propose an amendment because that wasn't the original motion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So I move to amend striking the last five words of the sentence, "to allow for reasonable development," and to not include the last sentence.

VICE-CHAIR KING: Second.

CHAIR PALTIN: Okay. It's been moved by Member Rawlins-Fernandez and seconded by Member Sinenci. Discussion? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So yeah, so for the last five words, to allow for reasonable development, that discussion with the Director, it...it's not necessary and may just add for more confusion instead of clarity. So striking that would help to make it less grey. And then the last sentence, I think that's...it...it almost undermines the whole purpose of the policy where we're trying really hard to make a statement that structures should no longer be developed in...along the shoreline. And so if...if a structure is developed later is something that we can revisit at that appropriate time. Mahalo, Chair.

CHAIR PALTIN: Member Lee?

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COUNCILMEMBER LEE: So Member Rawlins-Fernandez, so you're saying that beach restoration structures should not be allowed? That sentence you're asking for, that sentence to be deleted? Okay. Chair, what if we agree with the first part of her amendment, but not the second?

CHAIR PALTIN: Member Rawlins-Fernandez, do you mind making...splitting it into --

COUNCILMEMBER RAWLINS-FERNANDEZ: I can separate.

CHAIR PALTIN: -- two amendments, one at a time? Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR PALTIN: Would you withdraw right now the first amendment so we can be clean, I guess?

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure.

CHAIR PALTIN: Okay. So withdraw of the first amendment, Member Sinenci withdraws the second, and we're starting on amendments from scratch.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I move to amend striking the last few words of the sentence, to allow for reasonable development.

CHAIR PALTIN: Okay. It's been moved by --

COUNCILMEMBER LEE: Second.

CHAIR PALTIN: -- Member Rawlins-Fernandez and seconded by Member Lee. Do we need discussion on this portion? No? Okay. All those in favor of the amendment as stated, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Amendment passes unanimously. Oh, I don't see Member Kama so I will say three, four, five, six...

COUNCILMEMBER LEE: No, she's here.

CHAIR PALTIN: Oh, she's here? Member Kama? Oh, I just don't see you on my computer. Sorry. Okay. So amendment passes unanimously.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: **APPROVED TO AMEND AMENDMENT.**

CHAIR PALTIN: Okay. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I move to strike the last sentence, this shall not apply to structures needed for beach restoration.

CHAIR PALTIN: Moved by Member Rawlins-Fernandez to amend, seconded by Member Sinenci.

VICE-CHAIR KING: Point of order.

CHAIR PALTIN: Okay.

VICE-CHAIR KING: It's not on there, so we can't...there's nothing to take off, it's not on there. It would be up to somebody else to make a motion to add it.

CHAIR PALTIN: Oh, that was part of the original motion by Member Sugimura.

VICE-CHAIR KING: But we didn't...we didn't vote on that one, did we?

CHAIR PALTIN: Yeah, that's the main motion made by Member Sugimura. It was amended once.

VICE-CHAIR KING: . . .*(inaudible)*. . . Okay. I see.

CHAIR PALTIN: Okay.

VICE-CHAIR KING: Sorry about that.

CHAIR PALTIN: So this is...the first amendment passed, that's out of the way. The second amendment is to take off that sentence suggested by Director McLean to address

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Member Lee's concerns. Discussion? Member Rawlins-Fernandez? Or did you already make your point or did you want to...okay. She already made her point. Member Sinenci?

COUNCILMEMBER SINENCI: Yeah, I believe the Director said that they can still go ahead with the t-groins but they're going to have to go through the different permitting processes with the State as well as DLNR?

CHAIR PALTIN: I don't think if we take this out that they'll be able to because the community plan in the SMA area is binding, if that's the right word. Or Ms. Maydan, can you answer that question for Member Sinenci?

MS. MAYDAN: Yes, Chair. I believe you're representing correctly what Director McLean said, that...she stated that the intent of this policy was not to stop construction of structures related to beach restoration projects, that she saw that this policy could in effect do that. Yeah, it could create a problem.

CHAIR PALTIN: For folks that would like to build t-groins?

MS. MAYDAN: Correct.

CHAIR PALTIN: Okay. All right. Does that satisfy your question, Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR PALTIN: Any further discussion, questions, comments? Shall we take the vote or...I just had a...oh, okay, go ahead, Member King.

VICE-CHAIR KING: I just had a question about the...the proposal, is the idea to prevent even the t-groins, Member Rawlins-Fernandez? Or...or buildings and seawalls. Is it any kind of permanent...because I think that's the problem is that the idea of taking out permanent structures would...would prevent the t-groins. So I just wanted to know if that's what you're wanting to prevent as well.

CHAIR PALTIN: Okay. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, so I know this has been a hotly...the t-groins issue has been a hotly debated issue. So if the...anyone requesting to do a t-groin through the State and not through the County through a CFD, that would prevent them from even starting that process? I guess that's --

VICE-CHAIR KING: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- a question for Ms. Maydan.

VICE-CHAIR KING: Yeah. I...I...yeah, because...because it sounds like if we pass it without that other sentence in there, that they wouldn't even be able to come to us for a permit

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for t-groins. Because that's what permanent structure...wouldn't that be considered a permanent structure makai of the...of the line...the SLR-XA line? Director?

CHAIR PALTIN: Director?

MS. MAYDAN: I believe...

CHAIR PALTIN: Or Ms. Maydan?

MS. MAYDAN: She...I...

CHAIR PALTIN: Go ahead, Ms. Maydan. Oh, or Director.

VICE-CHAIR KING: Director McLean.

CHAIR PALTIN: Somebody.

MS. MCLEAN: Jen, go ahead.

CHAIR PALTIN: Go ahead.

MS. MAYDAN: I was going to say, Director should respond.

CHAIR PALTIN: Okay. Go ahead, Director.

MS. MCLEAN: Okay. What was the question again? I've gotten so...

VICE-CHAIR KING: My question is if we...if we don't put that sentence in, is there...does that just eliminate all forms of any kind of permanent structure like t-groins if we don't make that exception?

MS. MCLEAN: New permanent structures shall be located landward of the erosion hazard line, except a minimum buildable area shall be provided.

VICE-CHAIR KING: Does that still allow, you know, if they...if the...the Kahana group for instance wants to come to the County and request a permit for t-groins or would they ever even come to the County since it's in the ocean?

MS. MCLEAN: Well, I think it...it could be argued that we would not be able to issue an SMA permit for the work within County jurisdiction for t-head groins because it would conflict with this policy or this action in the plan. New permanent structures shall be located landward of the erosion hazard line. In this case they would be located seaward of the erosion hazard line. So I think it...it could be interpreted to mean that you can't do structures like...like groins or breakwaters.

CHAIR PALTIN: Point of information, if I could. What if the wording was amended to allow this shall not apply to County funded CFD structures needed as part of an approved

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restoration project? So that if anybody is applying for this not in concert with the County, then they couldn't do it; but if they're working with the County and doing a CFD and we can dictate the terms, then it would be allowed.

VICE-CHAIR KING: I don't...I don't...a CFD doesn't...does that qualify as County funding? Because I thought the CFD was the community would fund it, it's not County funding.

CHAIR PALTIN: Okay. County CFD process. This shall not apply to the County CFD process.

COUNCILMEMBER RAWLINS-FERNANDEZ: So then it would be only by the County, and the County would need to pay for the maintenance of it. So the initial construction would be taxed from the property owners, but after the initial construction is paid off via our bonds...oh, from our bonds, maintenance would then be carried...the cost of maintenance would be carried by all taxpayers after that.

VICE-CHAIR KING: Okay. I thought it was --

CHAIR PALTIN: So --

VICE-CHAIR KING: -- DLNR since it's in the ocean.

CHAIR PALTIN: -- what I was working on with the PAF I had was criterias [sic] for these types of CFDs particularly, not the standard CFDs like roads, wells, and whatnot where liability and upkeep and maintenance would be a part of the criteria that the community group for...and some other criterias [sic] such as, you know, a commitment to managed retreat and things like that. And if they don't make those commitments, they don't meet the criteria for the CFD. So that's kind of what...what I was working on with OCS on a path that I was creating. So it's...it's kind of fluid right now. I think Member Sugimura, that's in her Committee, and she I think is also working with Staff on path criteria. So Member Sugimura, did you want to clarify the things that you're working on?

COUNCILMEMBER SUGIMURA: Yeah. So right now we have with the Planning Department and Curt de Crinis, who has come up with a method so that the maintenance and the whole structure of how the CFD would happen and the t-groins, if that's going to be the decision, would come from the community that's making the request. So it's kind of taking out the role that probably Public Works would have taken by another entity which Curt de Crinis has...has figured out. But the details of it, I'm working on it, as well as, Tamara, that's good to hear what you were saying because it kind of ties into what the policy and the guidelines that my Committee is working on. So to answer your question, it would not be the County of Maui that would...would be responsible for that. It would be DLNR that has to give us access to...or the entity to have access to do the t-groin in the ocean because the County of Maui does not have responsibility or jurisdiction for things in the ocean or the sea level rise landward is us and...and the...the ocean is DLNR, so they would have to give us an approval for that. But it's a...it's a process that it's not finalized yet. And in fact, I'm meeting with Michele McLean next week some time just to kind of go over it with Curt de Crinis. But I'm glad to hear what you're saying, Tamara. It sounds --

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CHAIR PALTIN: Yeah.

COUNCILMEMBER SUGIMURA: -- like we're in sync.

CHAIR PALTIN: So...okay. Yeah, so just I guess the two of us are working on criterias [sic] that would qualify people for these type of CFDs, and like she said it's not finalized yet. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So when I talked about maintenance, because Member Sugimura didn't really talk about maintenance, she talked about jurisdiction, Director McLean shook her head. So I just...I wanted to invite her to correct any of the comments that I made that were inaccurate.

MS. MCLEAN: Thank you. My understanding, at least for the Kahana CFD, is that their...the County would execute with the Kahana Bay Steering Committee a maintenance agreement where they would take responsibility for minor maintenance. And the CFD could...could fund things like replacement and major capital work. But interim routine maintenance would be funded privately by the Kahana Bay owners through a maintenance agreement that they would execute with the County, so that the County wouldn't be responsible for...for the maintenance.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. So I guess with this motion I think like what I understand that came out of the community is the general rule that the first part of the policy reflects is...oh, yeah, it is 1:30.

CHAIR PALTIN: Oh, shoot.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Shall I hold my comments and we recess?

CHAIR PALTIN: Yeah. We did make a commitment to Member Kama like we made a commitment to Member Molina, so I guess everyone get your thoughts together on this, and we'll be back at 2:15. Okay. Thank you, Members, and best of luck, Member Kama. Praying for you.

COUNCILMEMBER LEE: Recess.

CHAIR PALTIN: Okay. Recess. The time is 1:34 and we'll come back at 2:15. . . .(gavel). . .

RECESS: 1:34 p.m.

RECONVENE: 2:16 p.m.

CHAIR PALTIN: . . .(gavel). . . Will the PSLU meeting of June 16th return to order. The time is 2:17, and that was the second half of our lunch break and our 15-minute break combined. And that reminds me of my days of lifeguarding, the 45-minute break. Let's see, so we were talking about the SLR-XA. We may need to table that because Member

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Rawlins-Fernandez was right in the middle of a thought when we took a break and needed to continue her thought. I...I had a thought.

VICE-CHAIR KING: Chair, she's heading back in. I just texted her that we're back in Committee, and she gave me a thumbs-up so I think she'll be here. There she is.

CHAIR PALTIN: There she is. Okay. Great. So we have Member Rawlins-Fernandez, Johnson, Sinenci, Molina, Sugimura, King, and myself at this time, and we're waiting...I mean, we're not waiting for the other Members to join us, but they will. So Member Rawlins was in the middle of a...her turn of talking when we took a break, so if you can refresh us about what it was. It was about the SLR-XA, it was about CFDs, and it was about t-groins.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. So the motion before us is to now include the new...newly proposed sentence, this shall not apply to structures needed for a beach...or for...needed for beach restoration.

CHAIR PALTIN: As part of an approved beach restoration project I believe was the exact words.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. I missed that part. Okay.

CHAIR PALTIN: As part of an approved beach restoration project.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. What I was saying before we took our recess was that we seem to be talking about just like one project, right? We're going like super deep into one project. But like I...I think like the general rule is no...no structures. And so when it's appropriate, would this one project be able to, you know, come before us and we can, you know, figure it out if...if that's what this Council wants to do, and then, you know, the general rule being...being no. But I also received a text remind...or inquiring about loko i'a, and so those are...would...I don't know if those would be considered permanent structures.

CHAIR PALTIN: Ms. Maydan or Director McLean? Would loko i'a be allowed with this wording that is proposed to delete it, and will taking it out not allow loko i'a, I believe is the question we're asking.

MS. MAYDAN: Mahalo, Chair. I believe Director McLean had to leave the meeting. And I do not believe that this policy would prevent loko i'a, and...and that certainly is not the intent of the policy by any means.

CHAIR PALTIN: So with --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Maydan.

CHAIR PALTIN: -- with or without this sentence, loko i'a would not be affected.

COUNCILMEMBER RAWLINS-FERNANDEZ: And is that because it's not considered a

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permanent structure, or where in this policy would you understand that loko i'a would be excluded from this policy?

MS. MAYDAN: I have to be honest, this is where we are going beyond the bounds of my expertise, and I think looking at specific definitions regarding the shoreline rules and that's what would be appropriate to accurately answer this question. So I...I apologize that it's not in the forefront of my knowledge.

CHAIR PALTIN: And we appreciate your honesty.

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

CHAIR PALTIN: Would --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, so...

CHAIR PALTIN: -- would Corp. Counsel or somebody else be versed in this area? Or our OCS Legislative Attorney...

COUNCILMEMBER SUGIMURA: Chair, what is loko i'a?

CHAIR PALTIN: Fishponds, traditional Hawaiian fishponds. Oh, I see Mr. Hopper.

MR. HOPPER: Well, I...I think one of the biggest advantages of...of being the County Council is that you're writing the law. So if you would like that to be excluded you can be clear on that. And I mean you can't always do that, you know, it's just a benefit to be able to have it written in a way that you would like it to apply. So if there are...if there are permanent structures or things that may be considered permanent structures that you do not want this to apply to, I...I...I think my best advice is to be clear that it wouldn't apply to those things.

CHAIR PALTIN: Oh, that's good advice, I think. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Mahalo, Chair. So that's why I was asking because I know Ms. Maydan, her, you know, interpretation is that it wouldn't apply to loko i'a. But if she's longer there and the person, you know, her successor maybe wouldn't interpret the language as written to exclude loko i'a then, you know, perhaps it can be written in...in that way. And I...it can...maybe it can be the next motion that I make.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. But for now, that last sentence of this shall not apply to structures needed for beach restoration as part of an approved beach restoration project. That's the motion right now.

CHAIR PALTIN: Okay. So then I guess I have a point of information, or is that...I have a

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question. I have a question, not...for one of our attorneys. If say the Council hears the request for, say, for example, the Kahana Bay Steering Committee to do a CFD and the Council chooses to do that, would it need a community plan amendment that would be applied for with the CFD, and then would I have to hear it in my Committee as well? Or could that be...if that's the case, could it be the...community plan amendment, could that be taken up in the Infrastructure and Transportation Committee? Two-part question for a lawyer. Anyone, any lawyer we have.

MR. HOPPER: I'm a lawyer.

CHAIR PALTIN: Okay. Cool, we got a lawyer. Mr. Hopper?

MR. HOPPER: The...the...I want to get sort of...I...I heard what Member Rawlins-Fernandez had said. It's hard to go through every factual scenario, but it sounds like would that be considered in the language for an approved beach restoration project. If you're saying the exception is an approved beach restoration project, and what you're talking about would be considered that, then I suppose it could possibly not need a community plan amendment if it's consistent with the policy.

CHAIR PALTIN: Oh, but Member Rawlins' motion is to remove that sentence, so it would no longer be part of the policy. And if that's --

MR. HOPPER: Oh, I see.

CHAIR PALTIN: -- no longer part of the policy, then would...if anyone, maybe Kahana Bay wants a CFD to do beach restoration, would they need to first get a community plan amendment, and then get the CFD? Would it be concurrent if it's concurrent? Or otherwise, do they need to go through the Planning and Sustainable Land Use Committee?

MR. HOPPER: Oh, the specific committee it would come to I think is up to the Council as a whole. But the...the...the...if...if that plan were to involve the creation of new permanent structures that are...that are not located landward of the erosion hazard line, then I think there's...that that would be...there's a good chance that would be considered inconsistent with the policy unless...unless there's additional clarification. I mean, if it didn't involve permanent structures, that would be a basis for not...not requiring them. So...but I mean, you know, this...this...this language does...you know, basically it seems to say you cannot have permanent structures within...within this area. And except for a minimum buildable area, which I think the intent is to allow for a lot to have a, you know, a house on it essentially, so you don't exclude someone from building a house on it.

CHAIR PALTIN: Okay. Thank you. And I just wanted to welcome Member Kama and Member Lee to our proceedings.

COUNCILMEMBER KAMA: Thank you, Chair.

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CHAIR PALTIN: Member Lee, followed by Member King.

COUNCILMEMBER LEE: Yeah. I am not in support of the motion because for one thing, all...for the last couple of years actually, we've been in informal and sometimes formal discussions with the folks in Kahana, and I think it would have been fair to them if we talked about...told them that we were thinking of not allowing what they're trying to do, and not wait until now to come up with this kind of a policy. So at least this way they...they can come and apply for something. But without this language, if you take out this language, it requires them to come in for not only a permit, but for a community plan amendment which, as you know, is a very long process. So I...I think in all fairness to the people who have been telling us all along what they're planning to do, how they saved the money and all these things, we should have told them no from the very beginning, but we didn't. So thank you.

CHAIR PALTIN: Okay. Member King, followed by Member Sugimura.

VICE-CHAIR KING: Okay. Thank you, Chair. This...this...these policies have been in draft form for over a year, so...but I did text the CPAC Chair, he said that they didn't...to her knowledge they didn't show up at the CPAC meetings, but that would have been the chance to talk about this policy and whether or not the community, you know, would accept t-groins. So you know, my feeling about this is that we should not...this is a major change to the policy that the community came up with, and we should not be adding this exception on. If they do want to come and ask for a community plan amendment, that gives us a chance to have a community discussion about not just this project, but all potential...all other potential projects that may end up in...dotting our...our coastline with t-groins. And because I don't think we can start allowing exceptions without allowing the next condo to do it and the next condo; and to me, that kind of undermines the whole idea of managed retreat that we know that we're going to have to do. Because eventually, no matter how much shoring up and how many sandbags you put out there, Mother Nature is going to take over, and these structures are going to end up in the ocean, which nobody wants. So if it is going to go forward with putting a permanent structure up for their beach renourishment, I'm not necessarily opposed at this point, but I think it needs to be a bigger conversation, and I think the Council needs to be involved in it because it will set a precedent for every other condo on this island. So anyway, so I support the...the motion on the floor because I think it puts the...I don't think it...it necessarily denies the project, I think it just puts it in the public venue where it comes back to make a...you know, we need to make a decision...or at least island-wide, if not Countywide, if we're going to allow these. Because we can't just allow them for one and not for every other condo that wants to do the same thing. So...so I think it's a good idea. Let's take this out, let's let it come back to the Council. If we...if...if that's the way they want to go ahead, and have that discussion of how...what the community thinks about t-groins. We already know that we don't like seawalls, and there's...there's mixed feelings on the t-groins. But you know, according to the CPAC Chair, their...that was not brought up by the...the folks who could have come to the CPAC meetings and discussed this part of the policy. But I don't...I don't see this as something new that we're springing on them, this has been talked about for at least a year in...in the Planning Department and the CPAC, and now

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we're talking about it in the Council. So that's...that's my thought on it is I don't...I don't...I don't want to keep setting precedent with one entity that's going to have to apply to every other similar entity on the island. Thank you.

CHAIR PALTIN: Thank you. Member Sugimura?

COUNCILMEMBER SUGIMURA: I just wanted to bring up that it's not only Kahana Bay, but we did hear Nāpili Bay also coming forward saying that they needed assistance. And island-wide there's, you know, other...I mean, we're a...we're a, you know, island...island, so there's other communities that are being affected by it, including Mā'alaea, who have asked for and they're trying to find their own solutions. But this is a situation or that our residents are being affected by it. So I stand against the motion because I think it's something that we need to address, and making it...it's not that by...by eliminating this it'll automatically be something that...or by having it that it'll make easier because they still have to come before the Council and...and present what they're doing with their EIS, which they...it's...Kahana Bay has their EIS right now out. And then I think soon they're going to go before the Planning Commission to talk about this process too. So thank you. I...I speak against the motion. Thank you.

CHAIR PALTIN: Anyone else? Member Sinenci?

COUNCILMEMBER SINENCI: Chair, I personally like the...the idea of the loko i'a. Loko i'a is more of a cultural example. It does the same thing and it also it's kind of like an estuary for juvenile fish. So...so when fishermen are talking about how t-groins might...might affect their fishing grounds, well, you know, you can do both. You can increase the...the fishing stock with a loko i'a and...and also do the same thing, it creates that boundary outside for the...for the condos. So I'm open to having that language if...if we don't know if the language...loko i'a is an exemption in...in there. Then I'm...I'm always supportive and...and could...am open to listening to the condo associations should they come.

CHAIR PALTIN: Thank you, Member Sinenci. Anyone else? Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. You know, my sense of this matter is that we've got some people who are in deep trouble, not just Kahana, but others. And my whole sense is we want to be able to help our people to be able to take care of their...their homes, their condos, whatever. But...and it seems like for whatever reason, they didn't show up at the CPAC, I don't know, but I want to be able to make sure that if we're saying no, we're saying no for the right reasons, and if we're going to say yes, I want to say yes for the right reasons, and right now I'm not sure. Cautiously I would vote against the measure. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Kama. Anybody else? Member Molina?

COUNCILMEMBER MOLINA: Can I hear from Miss...I guess Ms. Maydan, who was at the CPAC meetings?

CHAIR PALTIN: Sure. Ms. Maydan?

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MS. MAYDAN: Absolutely. Thank you, Chair. Thank you, Member Molina. I'll just remind the Committee that this policy, it really was focused on structures on land with...this...this policy was discussed quite a bit at CPAC, and edited many times, and is continuing to be edited. And it has always been focused on structures on land, not structures going into the ocean. So the intent of it was not to limit loko i'a or beach restoration projects, it was to wisely develop near their shoreline in consideration of the SLR-XA. So that was the intent of it, and I would say that's why folks like Kahana Bay, they weren't concerned about this because the conversation was not regarding beach restoration. I will point out that under goal three there is a policy that is actually carried over from the existing community plan, and perhaps with a bit of editing, but Policy 2.3.15, which does say prohibit the construction of seawalls and revetments except as may be permitted by rules adopted by the Maui Planning Commission, and it goes on. But this policy in particular that the Committee is discussing was never discussed at the CPAC regarding beach nourishment or restoration projects.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR PALTIN: Thank you, Member Molina. Member Johnson, you look like you might have been having your hand. Were...did you want to make a...have a turn at the wheel?

COUNCILMEMBER JOHNSON: No, I'm...I'm listening. I didn't have my hand up. Thank you.

CHAIR PALTIN: Oh, okay. All right. Seeing that everybody spoke to the motion once, I'll...I'll speak to the motion once myself. I'd be more comfortable with this amendment if we didn't apply it to County CFDs. And the reasoning...and my reasoning for that is we're...we have a PAF, project assignment form going to create criterias [sic], and the intent of that criteria was to tie managed retreat to the County committing to a CFD. I think we've all got the emails about Kahana Bay about, you know, well it's going to fall in the ocean and it'll be your fault and Maui will get a black eye, whatever. And so, you know, I...I...I play it out, we don't allow t-groins or we do, I haven't made a firm decision on that yet because it's not before us now. But if we're not for seawalls, shoreline hardening, I get a lot of complaints about the existing sandbags during big swells, floating off in the ocean and in the surf break, and the existing sandbags are not that different from shoreline hardening or seawalls, even though they're not intended to be permanent. And you know, a swell in the right direction keeps eroding it, then structurally it's not going to hold up much longer depending which way the swell is coming from. If it's just the right angle to topple it over or make the building unsafe to use, what then for my community and the fishermen and the divers and the people that use the ocean recreationally? So while I haven't made a decision personally if I support t-groins or not, I don't want to cut off the conversation right now, and I do want to have the leverage to say well, if you're not going to commit to managed retreat, I definitely don't support t-groins. And in the case of managed retreat, say we don't support t-groins and we play that scenario out, there's no way that they could do managed retreat within a year or two, I don't think. I mean, it's going to take some time, planning, and so my criteria that I'm working on is not just a commitment to managed retreat but, you know, like a funding source, whether they set up an equal amount of funds dedicated to

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managed retreat, a plan, and things like that. So I don't think this is an issue where we can bury our head in the sand or a t-groin because it's not going away. In my conversation with their consultant, I...I made that pretty clear, that if, you know, if, if we decide to go along with the CFD idea and the t-groin idea, it's going to be a partnership commitment where when the sea level does rise...because this t-groin is only for really shoreline erosion, it doesn't address sea level rise. So when the sea level does rise or before, there's a commitment, there's a plan, there's money set aside to address retreat. And if they can't make that commitment, then I don't want to partner on a t-groin, that's for sure. And the consultant brought up other areas like, you know, Venice or Holland where they have streets of water and they've adapted and...and that's not anything that I see for West Maui. You know, the...I don't envision our Public Works or anybody, Water, Wastewater providing service to buildings where the first few floors are underwater and people are still living on the upper floors, no way. So in terms of the carrot we're dangling, it's the commitment to managed retreat. I'm not certain I support a t-groin yet, I'm not ready to make that decision, but I know for sure if there's no commitment to managed retreat, I won't be supporting a CFD. And so that's where I'm at right now. I like to have that type of leverage to say okay, I could possibly go along with this t-groin idea if there's a firm commitment to retreat. It'll take how many years to build the t-groin and do all that; in the meantime, also start collecting the money for managed retreat. Because right now you're telling me if we don't do anything and the building falls into the water, it's my problem. If I...if I am to commit to a CFD and sea level rises or whatever it is, we're in this partnership together for the long haul. And so that would be my reasoning for not supporting the amendment as stated. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, for my second and final. So I...I hear your concerns, and it's actually for the same reasons that I don't want to put this sentence in. This will become the general rule. When Member Sugimura brought this item up in her Committee twice, both times I asked the same questions, where...where is the...the...what are the parameters? Where is the line that we draw to say okay, no more? Only...so one of my concerns is we're going to be creating a haves and a have-nots, right, those that have the finances to do it will have t-groins and will protect their properties, and those that don't won't be able to have that ability. Do I support t-groins? You know, I...I...I haven't made a decision on that either. And the...what I understand is it...it undermines managed retreat. We're on this Council every two years, there's never a guarantee that, you know, we're going to be...we're going to win re-election and be on the Council again, and we have a term limit of up to ten years. And so this leverage will only be useful if we're...if we are on the Council. And when we're not on the Council, you know, it'll depend on whoever is on the Council at the time. And so here and now, today, you know, we're...we're keeping that...that door open when the community has asked for it to be closed. And I will echo Member King's sentiments that we know that the community plan can be amended, so it's...it's not a door that would be permanently closed. It would just be closed. And if, through proper public processes and discussion with all the community on this specific issue--because as Ms. Maydan said, this...this particular issue that we're discussing, I guess, wasn't discussed in the CPAC meeting because it was talked about for landward and not seaward structures. So I...I think in both cases, Ms. Maydan and CPAC Chair Nishiki have stated

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that this discussion wasn't had in CPAC. And so because it wasn't, then I don't want to put this in here now because it wasn't something that was supported by the community and that discussion wasn't had. A community plan amendment doesn't have to take that long, it's...it's a resolution sent to the Commission, the Commission will give the Council recommendations, and then the Council will take it up, and it'll depend on Council how long we would make that amendment or not. So you know, maybe about four months, six months if it's something, and that process takes much longer than that. So I...I'm...I'm going to vote to take it out, and if the community wants to put it in after more public discussion, I would be open to supporting the community putting it back in. Mahalo, Chair.

CHAIR PALTIN: Any further discussion? Member King?

VICE-CHAIR KING: Thank you, Chair. Yeah, I just wanted to reiterate that I agree with Member Rawlins-Fernandez. We actually have more leverage if we don't put that statement in because then I think the...that we'll be part of that discussion when they come for a community plan amendment. We don't...saying that they have to do an EIS, we don't approve EISs. The Council is not involved in the SMA permit, so all those things are out of our hands. The one thing that would be within our purview is, you know, if they come to us with...for a CFD approval. So...which...which they could do simultaneously with asking for a community plan amendment. So anyway, I...I...when I...when you started talking about leverage, I thought that that was...you were saying why you would support the amendment, not why you would vote against it. Because I...I think if we...if we make this exception, we probably lose most of our leverage right here. But...but you know, the bottom line is this is the community plan, and this is what the community...this is a big issue. This is an issue that needs to be discussed within that community. And then for the larger community, whether or not we are going to go this route for all of our condos, or whether we're going to press the point of managed retreat. And in some instances, managed retreat is going to be loss. I mean, everybody knows it. There's...you know, where would you go if you don't own the property behind where you're trying to retreat from? If we try to use County funds to support every condo and every hotel that needs additional land or needs some support, we'd be bankrupt in five...less than five years. We don't have the money to do that. So this is a big issue that we can't just sweep under the rug by saying we're going to allow this one condo to do it. It's going to affect every single condo and hotel in the islands. I just think...I think we need to make it a bigger discussion than just this one condo and making an exception. So I support the proposed amendment.

CHAIR PALTIN: Member Lee, followed by Member Sugimura.

COUNCILMEMBER LEE: Okay. I'm not trying to support any one condo or any one group, I just feel that we have heard from many people about their plight with beach erosion. And I'm not supporting anything that adds to more impediments for them to find solutions for their situations. And since this topic really wasn't vetted by the CPAC, and...and...and by the public at large, I think...I think we shouldn't be adding this extra requirement when...when whenever you deal with anything in the ocean, you always have to work with the Army Corps of Engineers plus DLNR. So we're adding a huge big

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layer by not giving some sort of an exemption, but the exemption is for something that has to be approved. So it...it's not like they have, you know, a free pass, there are still layers by the County that need to...that people need to go through. So I really believe that adding this extra...I think that the...the exemption for beach restoration structures that are approved should be included. Thank you.

CHAIR PALTIN: Member --

COUNCILMEMBER LEE: I'm finished.

CHAIR PALTIN: -- Sugimura? Thank you, Chair Lee. Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. Just for clarification, I didn't say that Kahana or we have to do the EIS, I said...I just want to clarify that Kahana Bay and the association is doing the EIS. I think they've been saying that from the very beginning. So it's not us, it's them. As well as the cost for it, they're...they're carrying that. The other thing is that if this does come before us, the Council, we definitely are going to have a say in it, as well as what has been asked for in terms of the policy. And that's what Michele McLean and Curt de Crinis, I'm going to be meeting with him...meeting with them next week just to find out where the policy is and...and where they are. They've been working on it. So I'll have that to present to the Committee. And...and you will be making the decision about do we want the policy or not. The enabling legislation was made, and then the guidelines and where we go from here will be in the document that I am going to meet with Michele about next week. So just clarification on that. And you will have final say, I mean, the Council definitely has approval of where the CFD goes or not, so it's not something that will not be vetted, and I'm sure we'll hear a lot of testimony. I'm already reading things online about this. So I just want to say that I am not going to be supporting the amendment, and that I believe that by having the statement in that Chair Lee read will allow this to happen if it's...if it should, and it'll support plight of the community that we've been hearing about.

CHAIR PALTIN: Anybody else? Okay. I just had one other point. You know, the...the criteria, the priorities and the policies being developed as to when a CFD or who would be granted a CFD, whether it's first come, first serve, if it's, you know, based on dollar amount and what...whatnot, that's...that's all like things that we're working on in the PAF. And I don't think that this is an issue that we can put off, because when...as we just go out of budget, near like a three-quarter-of-a-billion-dollar budget, and we look at the revenues that came in to allow us to create that sort of budget, regardless of the community plan designation, regardless of the zoning, the vast majority be of the revenue that we bring in is from shoreline properties. So the window that we have to address this thing, like I mean, it is true, it is a case of the haves and have-nots, but in the bigger properties, the window of time...not bigger properties, but bigger buildings fall...could fall over. The window of time that we have to take action is...is rapidly decreasing, and that's not because of anything else than how climate change affects us. And so with the window of time we have to...to do retreat, to do whatever it is that we need to do closing, and the forecast for the revenues available to the County closing along with that window...because I mean, I think the first time when I got on the Council and...and

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Member Hokama had a printout...former Member Hokama had a printout of the top ten or so revenue generators, it's all shoreline properties. And at the point where they become inundated and underwater, that will be...the assessed value will go to zero and then the net taxes would be a portion of that. And so these are decisions that we need to make sooner than later, and I'm...I'm...I'm just not prepared to shut the door at that time...at this time. I'm not...I'm not certain that I would support a t-groin, I definitely have conditions if I would, but it's not something that we can put off because if we were to decide to assist them, we have a limited time frame. At the point where managed retreat needs to happen, we won't have the, whatever you call, collateral to put up to...to do anything. We won't have the commitment to put away money, make a plan for...for retreat. So I would vote against the motion. And that's not to say we can't still have the conversation. To me, it's kind of like Kapalua Mauka, this is one small issue, that I may or may not be against Kapalua Mauka, I'm not really for, but I think we need to have the discussion out of the context of the community plan. If there's nobody else, I'll call for the question. All those in favor of the motion, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: All those opposed to the motion, raise your hand and say "no."

COUNCILMEMBERS: No.

CHAIR PALTIN: Okay. So the motion fails, four-five.

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

NOES: Chair Paltin and Councilmembers Kama, Lee, Molina, and Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION FAILED.

CHAIR PALTIN: Is there another motion regarding loko i'a? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. All right. So since that sentence is in, Ms. Maydan sent in the chat...okay. I guess that would be okay. I move to add to the last sentence, or cultural practices...all right. I'll just...okay, or cultural projects, such as loko i'a, and these projects shall be evaluated on a case-by-case basis.

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COUNCILMEMBER SINENCI: Second.

CHAIR PALTIN: Moved by Member Rawlins-Fernandez, seconded by Member Sinenci. Any discussion, Members? Member Sinenci?

COUNCILMEMBER SINENCI: Again, just my preference for loko i'a, and...and should they choose the loko i'a route, hey, this might be the quickest route of decide everything else. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Sinenci. Any more discussion? All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Any opposed? Motion passes unanimously.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED TO AMEND AMENDMENT.

CHAIR PALTIN: Okay. Are we ready for the main motion, as amended? Like we are. Okay. All those in favor of the main motion as amended, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Any opposed? Motion passed unanimously.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT, AS AMENDED.

CHAIR PALTIN: Okay. Before we move on and...and that...oh, I do have Member Sinenci's ASF that he had submitted to amend Section 2.3, and then after that I have some information from lawyers. So I figure we'll go with Member Sinenci's first because that might be more fun.

COUNCILMEMBER SINENCI: Okay.

CHAIR PALTIN: Okay. Member Sinenci, I received your amendment summary form, you want to move to amend Section 2.3. I was wondering if you wanted to add on an additional policy, is that what it is, to Section 2.3?

COUNCILMEMBER SINENCI: Yeah. Chair, should I make the...the motion first and get a second, then we can discuss it?

CHAIR PALTIN: Yeah, let's do that. I guess in your motion, can you just state if you're adding a new policy? And then I guess would that be like 2.3.18 or something?

COUNCILMEMBER SINENCI: Right, yeah.

CHAIR PALTIN: Because the last...

COUNCILMEMBER SINENCI: The ASF, yeah, is adding the following policy, yeah.

CHAIR PALTIN: Okay. Go ahead.

COUNCILMEMBER SINENCI: Thank you, Chair. Move to amend...and did everybody get the ASF?

CHAIR PALTIN: It's up on Granicus since a while now. It should be number 40.

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COUNCILMEMBER SINENCI: So Members, if you need an extra minute to get it, 40, but I'll go ahead and read it. Move to amend Section 2.3 of the proposed West Maui Community Plan update by adding the following policy: restrict the use of water developed within or imported into the West Maui Community Plan area to use within the West Maui Community Plan area.

CHAIR PALTIN: Been moved by Member Sinenci, seconded by Member Rawlins-Fernandez. Discussion? Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Ensuring that the water resources in...in West Maui are not misappropriated and remain available to the West Maui community is a factor of prudent and equitable resource management. This proposal is modeled after a similar provision on page 36 of the Makawao-Pukalani-Kula Community Plan, except that this proposal for West Maui does not include an exemption for...for agricultural usage, which...which I believe they haven't used. Our office have been having some community meetings with the Aha Moku groups, and so one of the areas about good resource management is acknowledging that the interconnectedness of the entire ecosystems from the clouds, forests, valleys, aquifers, streams, fishponds, and the ocean. And so an important best management practice is to keep the water in the regional area; in fact, it is a k^ān^āwai in the State Constitution. For ecological...from an ecological perspective, transporting water out of a district prevents aquifer recharge, and removing water permanently lessens the aquifer's ability to produce water and prevents it from increasing water production within a healthy ecosystem. Also, less water and less mixing of ocean and stream water lessens the fisheries and also the limu productions. We...we talked about a loko i'a and...and this is kind of a smaller example of...of a larger ecosystem, by having a mixture of...of freshwater, aquifer water, and saltwater. So this was my ASF, Members, for discussion. I don't believe that there is any waters being imported or exported out of the L^āhain^ā District at this time, but just for...for future reference or again, policies that we may want to continue as we move forward with the other community plans. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Sinenci. Ms. Rawlins-Fernandez, as the seconder, did you have any discussion on this item?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think Member Sinenci was very thorough in his explanation.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Member King?

VICE-CHAIR KING: Thank you, Chair. I have reservations about this, especially since it allows importing, but it doesn't allow exporting. So it sounds like the community wants to take water from other areas, but doesn't want to give any of its water to...to any other...the other areas in return. And it kind of lends itself...you know, we always looked at

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ourselves as an entire community and, you know, one of the things that has always been pointed out in budget sessions previous is how much of the tax revenue comes from West Maui and South Maui. And I would hate to see the communities say that the tax revenue has to stay within South Maui that's gathered in South Maui, or stay in West Maui that's gathered in West Maui. So just looking at this in our entirety of our resources. I guess I would support it if the proposal was for the West Maui community water to stay within the water, but when you talked about being able to import water from other areas, that kind of is an imbalance. You know, it's...it's saying that you can take water from other areas, but other areas can't take any of West Maui water. So I'm...I'm really be hesitant on this policy. I...it sounds to me like it's a little unfair.

CHAIR PALTIN: Member Sugimura, followed by Member Lee.

COUNCILMEMBER SUGIMURA: Thank you. So I too am hesitant about this amendment because if you look at our island, which I think that, you know, other...some places have more water than others, especially South Maui where the water comes from Wailuku. So if at some point South Maui says oh, we're not going to share our water and then we can't...you know, if you don't have this kind of the give and take from the communities, which is what this is implying. And I think that this policy that you took from is the community plan which is my community is saying that, and that, you know, now West Maui...you're proposing for West Maui to adopt the same. And I'm against it because I think that we're...we'll be in situations where like right now, Upcountry, we have a drought situation, and we're trying to abide by that very carefully. But it's a give and take, and it's a situation where I think that there are economic...our economic engine is like South Maui, but South Maui doesn't have as much water as Wailuku and it's get...it gets the majority of its water from Wailuku. And so I think that there's a sharing that automatically happens and was implemented many, many years ago when the Maui Prince or when the...the hotels were being built and part of the requirements were to build the infrastructure. So that came and that happened. So I'm going to be voting against this although I understand the intention, but I believe that we're an island and that unfortunately, you know, we go to share. So by us excluding doing that and only taking, then you know, it creates the imbalance or problems that we could have in the future. So thank you.

CHAIR PALTIN: Member Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. Yeah, I too will not be supporting the motion; however, I thank the maker of the motion for the effort. I highly doubt, Mr. Sinenci, that West Maui can share with any other part of the island. The transmission would be cost prohibitive. But yeah, some...some areas are...have more abundance of water than others, and...and so therefore, something as basic as that should be shared by the entire community, and up to a certain degree. But there needs to be balance and there needs to be sharing. And so under the circumstances, I...I think, you know, this policy is...is not very practical, especially for West Maui. Thank you.

CHAIR PALTIN: Member Rawlins-Fernandez?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So I just...I guess I wanted to get clarification from Member Sinenci because when I read the ASF, it says, restrict the use of water developed within or imported into West Maui Community Plan area to use the West Maui Community Plan area...to use within the West Maui Community Plan area. And so I guess the discussion was about taking water out, but I don't see that in the language that Member Sinenci proposed. So I don't know if maybe I'm not reading it correctly, so perhaps, Member Sinenci, if you would elaborate and explain a little about that?

COUNCILMEMBER SINENCI: Right. I...I too thought it was more towards exporting out of the West Maui Community Plan area. And again, the impetus is for...for recharge and to keeping...keeping water within their...in there so that...for aquifer recharge. And so, you know, Kula...Kula has it in their community plan, however...not to take out any water from Kula, yet it does receive water from East Maui, so we do share with...with Kula. And so...and again, this is just...and Chair Lee is correct, probably to...to import or export water into or out of the Lāhainā region will be difficult with the...with the piping. But I think it's just for...you know, if we're looking at aquifer recharge, if we're...we don't... Lāhainā already has a set amount of water resources, this could also put policies for people not to export water. And if we...if you have any water bottling and sending bottled water outside of the region, then you...then you could be tapping into resources that are strictly for the Lāhainā area. So I think if we could do, Member Rawlins-Fernandez, more export out of the community plan area would make more sense. That way we're just keeping it into the Lāhainā region. Friendly amendment.

CHAIR PALTIN: *(audio interference)* you want to take out imported into? Or --

COUNCILMEMBER SINENCI: And...

CHAIR PALTIN: -- or imported into, is that what you're suggesting?

COUNCILMEMBER SINENCI: Or exported out of. You mentioned that Corporation Counsel had some about that?

CHAIR PALTIN: Oh, no. The lawyers wanted to discuss other items. But we could ask our lawyers their interpretation of how it reads, I guess, as they would probably be the one interpreting it. If you'd like.

COUNCILMEMBER SINENCI: Did that answer Ms. Rawlins-Fernandez's question? Sorry.

CHAIR PALTIN: Oh, Ms. Rawlins-Fernandez, did that answer your question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member Sinenci. I...so my question was if it was written...so the way it's written, it doesn't say anything about exporting water, and that seems to be the concern, about exporting water from the community plan area. But it...it doesn't say anything about restricting exporting, just importing.

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COUNCILMEMBER LEE: Yeah. Look...look at his reasoning.

COUNCILMEMBER RAWLINS-FERNANDEZ: I know. But I'm looking at the motion because the...the reasoning is not the motion that changes the language. It's the language that's in the motion is what counts because that's what's going in...or could potentially go into the plan, not the reasoning.

CHAIR PALTIN: I guess we could make sure the legislative intent is there and request Staff to fix it up.

COUNCILMEMBER LEE: Or we can proceed with the motion, Madam Chair.

CHAIR PALTIN: Oh, I see Mr. Hopper flashed on. Did anyone want to hear from our attorney or...

COUNCILMEMBER MOLINA: Yeah.

CHAIR PALTIN: Okay. Member Molina and Member Kama would like to hear. So Mr. Hopper, I guess how would you interpret the wording in the motion?

MR. HOPPER: I think it's saying the...the use of water...of any water that's...either developed within or imported into the West Maui Community Plan area, the use is restricted to use within the West Maui Community Plan area. So if the water is developed within the community plan area or imported into the West Maui Community Plan area, its use is restricted to within the West Maui Community Plan area only. I...I...I think that's probably the intent, but I think that's what it says. The only other thing I would add is this might be the current practice, but you may want to check with the Department of Water Supply and the County Water Use and Development Plan to make sure that, you know, that's consistent with it. But I think that was...that's what the language says.

CHAIR PALTIN: Okay. Member Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. So Mr. Hopper, as I...and I'm kind of wrestling with this, trying to get clarity. So it sounds silent in terms of exporting water then, right? It's just only about water that's brought into West Maui, it's to be used for West Maui or it's the water source in West Maui, right? So it's silent then?

MR. HOPPER: No, I think it's saying you cannot export water. It says --

COUNCILMEMBER MOLINA: Oh, okay.

MR. HOPPER: -- restrict the use of water to use within the West Maui Community Plan area. So if the water is either developed within the West Maui Community Plan or imported into the West Maui Community Plan area, it can only be used within the West Maui Community Plan area. So you're --

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COUNCILMEMBER MOLINA: Okay.

MR. HOPPER: -- restricting the use to that area.

COUNCILMEMBER MOLINA: Okay. Yeah, so that's where I was kind of trying to figure out because the word "export" was used, so...okay. That's...that helps me understand this proposal a little bit more. All right. Thank you.

CHAIR PALTIN: I would like to hear from Ms. Eaton on this proposal if she's on the call, and just because she was...she did a meeting or so I think with the WUDP situation before we (*audio interference*) the Water Department.

MS. EATON: I'm on the call, have been all along. I will take off my invisibility cloak. So yeah, I think this is problematic, and I was texting, I was trying to get ahold of Eva who's...came in after me. Unfortunately I think she's in Sweden until mid-July. But anyway, here's...my...my questions are this. I don't...my...my concerns are that I believe water, any type of water allocation is...is done by CWRM and regulated by CWRM. And also, with specific regard to West Maui, and my questions are...and this is the only area on the island where we're dealing this, and as you've got private water distribution companies, right? You've got private water utilities, so I don't know how we can regulate other than the PUC would regulate the private water utility companies. So I think I'm...I...I just get a little queasy. My first question, and I do not have it in front of me, is what does the Water Use and Development Plan say, because we need to make sure those policies are consistent. I don't know that we can write in a policy like this because I'm not sure what the Water Use and Development Plan says and I think that a lot of these decisions and so forth are made by CWRM, and then depending upon the water availability, water quality and all that, that's when they bring in Department of Health. So I don't know that this falls within the County Council deciding whether or not to do this. I do remember though, when I first came here, like within the first week, there was a huge controversy in Waihe'e, I believe, where they wanted to put in that water bottling plant, right? They were going to package up and bottle up water and send...and export it, and I know that was a big no-no. And I think CWRM ringed pretty heavy on that. So I think my suggestion would be since Eva's out of the country, I would perhaps put in a quick call to Director, what's his name, Pearson, and...and maybe just run this...I'm sorry, Keani's laughing. I'm sorry. I...I just...I...this kind of makes me nervous. I...I, you know, I'm thinking about private water utilities, what does that mean for them. I'm thinking about water allocation and who regulates that, it should be CWRM. And then I'm thinking about other communities in terms of how many...other communities are wholly reliant upon importing water. But I understand what you guys are saying about not wanting to export water, perhaps even off island. So those are my concerns in...in terms of dealing with this...this particular policy.

CHAIR PALTIN: And just a question, clarification. What if it were amended to say no water bottling for export or something like that?

MS. EATON: I...I think you can do that because I think that's what happened with Waihe'e in the...in the last one, at the last go around. So I think that can be done. I think Hopper

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might want to weigh in. But I...I get a little nervous when we say we don't want to export or share water within an island community. That just...maybe it's my gut, but I don't think that's a good practice to get into.

CHAIR PALTIN: Okay. Because...

MS. EATON: And yes, full disclosure, I live Upcountry, and I'm conserving. I haven't taken a shower in six days. Anyway.

CHAIR PALTIN: I'm glad we're virtual then. I guess that the...I would...I don't have a problem with the thing if it's legally okay, but you know, maybe we do want to say something about no water bottling for export. I can imagine, you know, maybe some *(audio interference)* maybe we can give them some saltwater, I don't know. But *(audio interference)*

MS. EATON: *(audio interference)* and *(audio interference)* water *(audio interference)* if you really *(audio interference)* water *(audio interference)*

CHAIR PALTIN: Okay. I'm sorry to *(audio interference)* anyone's trip, but I *(audio interference)* . . .*(gavel)*. . .

RECESS: 3:20 p.m.

RECONVENE: 3:28 p.m.

CHAIR PALTIN: . . .*(gavel)*. . . It's 3:29, and calling the PSLU Committee meeting of June 16th back to order. We...thank you for that short pause for the technical difficulties. It seems that they're...they've been addressed. And I think we left off with Member Sinenci after we heard some words from our Planning Staff. So go ahead, Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. I...I do have an amendment to my motion. Mahalo, Members, for your input. So I move to amend the main motion to...to now say, prohibit the water bottling of one liter or less from the West Maui Community Plan area for export, and restrict five gallon bottling of water resources from the West Maui Community Plan out of the County.

CHAIR PALTIN: Sounds very good. Members, any second for the amendment? Chair Lee seconded. Moved by Member Sinenci to prohibit water bottling of one liter or less or export five-gallon bottles outside of the County. Moved by Member Sinenci --

COUNCILMEMBER RAWLINS-FERNANDEZ: Point of order.

CHAIR PALTIN: -- seconded by Chair Lee. Point of order by Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: I think we still have a motion on the floor, or did Member Sinenci withdraw his motion?

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CHAIR PALTIN: He moved to amend his motion to say that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Instead of...all right. I withdraw my point of order.

CHAIR PALTIN: Okay. Chair Lee? Or...

COUNCILMEMBER LEE: Yeah, I seconded it for discussion because I actually wanted to get feedback from Corp. Counsel.

CHAIR PALTIN: Okay. Any discussion, Member Sinenci, as the maker of the amended...amendment?

COUNCILMEMBER SINENCI: Right. And...and I did want to add a friendly amendment, from...from the West Maui community area water resources.

CHAIR PALTIN: Okay. Water resources from the West Maui community area. Okay.

COUNCILMEMBER SINENCI: Yes.

CHAIR PALTIN: All right. And then as the seconder, Chair Lee wanted an opinion from Corp. Counsel on the legality of it, is that you wanted? Okay. Mr. Hopper?

MR. HOPPER: If I'm being honest, I'm trying to...to think of if there's any regulations. Normally we're focused on land use regulations, and so if somebody wanted a special use permit or something in order to do a water bottling plant, that was actually a Hawai'i Supreme Court case that came up, and I think that is something that the County can regulate from a land use and public trust perspective. I just don't know all of the different situations that...I just don't know all the different situations where this could possibly be going on in Maui County. And I...it...I'm sorry, on West Maui. And I...and I wouldn't want to, you know, through the language, restrict a use that's either happening or that...that we wouldn't have jurisdiction on. Although I'm...I'm not saying that we could not have some type of policy because water is a public trust resource, and I think in granting permits to do this type of use, you do have to consider...you know, have to consider that. I'm not sure if the fact that it's for...if you could specify it was for commercial purposes may assist, you know, to...to...to be clear that this would be for commercial purposes only. But I think generally this would be...it's the community plan, so it would apply with the force and effect of law if somebody were asking for a permit, you know, either SMA permit or special use permit or something along those lines to do this use where it otherwise wouldn't be allowed. I don't think other than the Water Use and Development Plan you'd necessarily have ordinances that regulate this activity. And you know, I don't know if Department of Water Supply would maybe have additional comments on something like this. But it sounds like the issue would be either private or potentially public commercial water bottling, and I don't know if that's been an issue that's been...that's happened in the past in West Maui. But I mean generally, I think the idea of it would be...would be okay, but I...I don't...I...I would like to have more...more detail on this, and maybe get comments from Department of Water

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Supply also on this type of issue because it's just not an area, you know, private water bottling, that I'm 100 percent familiar with.

CHAIR PALTIN: Okay. So it sounds like it...we might want to add, private commercial water bottling. And if we do take a vote on it, would it be something that you could come back to us on the form and legality end when we come up with the most up-to-date draft? Like hey, form and legality, I checked into this, it's not going to fly?

MR. HOPPER: Yeah, I suppose we could take a more precise look at it, it's just that, you know, today's the first time I saw that that...that issue come up. So I'd probably want to read the, you know, Supreme Court case on it, although that dealt with more of when you needed a special permit for it. And I think that, you know, this would essentially say you could not get a special permit for this use. So we can continue...I can look at that in...in more detail if...if you'd like before...before it would...if you would want to adopt it and then look...look into that issue.

CHAIR PALTIN: Okay. All right. Member Sinenci, followed by Member King.

COUNCILMEMBER SINENCI: Thank you, Chair. I'm open to a friendly amendment of private commercial, adding that to the...the verbiage.

CHAIR PALTIN: Okay. And Chair Lee, as the seconder, are you open to that friendly amendment as well?

COUNCILMEMBER LEE: I guess so. I...I really...my position on this is I'm not sure, but for the sake of discussion to continue, yes. The answer is yes.

CHAIR PALTIN: Okay. Thank you. Member King?

VICE-CHAIR KING: Okay. Thank you, Chair. First of all, I wanted to just ascertain that the proposal supplants the previous proposal, so it's not in addition to, it's instead of?

CHAIR PALTIN: Yeah. We got a thumbs-up on that.

VICE-CHAIR KING: Okay. And secondly, I wanted to suggest that maybe this is something that could be taken up for the entire island in the...in the APT Committee, because I think...I think we would all like to have that discussion just island-wide about exporting...the exporting of water. I don't know if Mr. Hopper was talking about the cases that came up before, if they were on the Big Island, but I know there are a couple of entities bottling water on the Big Island. And one of them is getting the...that deep ocean water and sending it to Japan and making big money off of it because apparently there's something really attractive about drinking water that has been down thousands of feet for hundreds of years. But I...to me, it sounds like a bigger issue than the community plan, it sounds like an island-wide issue. And I just wanted to mention that, that I would support having this be a broader issue in...in your Committee, Mr. Sinenci.

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CHAIR PALTIN: I think Kaua'i also had a lot of controversy about bottling water as well. Let's see, Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. I'm much more comfortable now with supporting Mr. Sinenci's amended amendment. And I think...but at the same time, I appreciate him bringing this whole discussion up in the first place because, you know, the way certain entities are wasting water. For example, in South Maui, in Member King's district, you have the stories of the hotels just wasting water and...and South Maui imports water from Wailuku, so you can understand the residents' frustration with that. And this all ties into what our community, how we're going to prioritize the use of water. Is it going to be just for...are we going to prioritize water for economic development first, or are we going to prioritize water for affordable housing? So I...I think in...this is a good step to restrict water being used for profiteering purposes, you know, exploitation of our natural resources. And...and I appreciate Member Lee bringing up the concept of sharing, we are one community. So we have to be prepared for like, you know, someday you might have one community that needs water from another, and we're all one County, so we have to balance that out with how we use water and for what. But it comes down a lot of things, how we manage tourism and what water is used for. And of course, the tradeoff is the water that goes from Wailuku goes to resort areas, which in turn generate the revenue that is used to benefit all communities, yeah, not just South Maui, but that revenue is used to support Hāna, Moloka'i, Lāna'i and so forth, so it's a tradeoff. But I think this is a good first step. And I...and I'm glad Mr. Sinenci brought this discussion up because it will help us maybe through our community plan how we look and how we prioritize water, at least for...from this standpoint from West Maui. So I can support this amendment. Thank you.

CHAIR PALTIN: Okay. Anybody else? Shall we call for the question? I can support it. All right. All those in favor, raise your hand and...oh, Member Rawlins-Fernandez?

COUNCILMEMBER SUGIMURA: I have a question. Oh.

CHAIR PALTIN: Followed by Member Sugimura.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So would this be 2.3.18?

CHAIR PALTIN: 18. Yeah. Because we left off on 2.3.17.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR PALTIN: Okay. Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. So basically we're voting on the bottling of water and not allowing it, but the main motion as...as Mr. Sinenci proposed, that's on the floor still?

CHAIR PALTIN: With this action, we would amend the main motion and replace it with this.

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COUNCILMEMBER SUGIMURA: Oh, replace it.

CHAIR PALTIN: So we amend it, and then we vote on the amended main motion. So essentially we'd be kind of taking the same vote twice, but it's okay.

COUNCILMEMBER SUGIMURA: Okay. So we're talking about bottle...bottling twice and not his original...

CHAIR PALTIN: Once we amend the main motion, then we got to vote it...on it again as the amended main motion, but it's fine.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: As long as we all understand. Okay. All those in favor of the amendment to the main motion, which replaces it...Member Kama, is that a question or a vote? Oh, okay. Raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay. The amendment to the main motion passes unanimously.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED TO AMEND AMENDMENT.

CHAIR PALTIN: And now we're on the main motion as amended. All those in favor of the main motion as amended, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay. The main motion as amended passes unanimously.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT, AS AMENDED.

COUNCILMEMBER SINENCI: Mahalo, Members.

CHAIR PALTIN: Thank you, Member Sinenci. And then I just realized on Policy 2.1.8, Member King had wanted to know if we had gotten a response from Director Andaya on that one. And only just like recently we did get that response from Director Andaya, and it's Item 45 in your Granicus. He didn't...we got it? No, that's not it. Sorry, my bad. Wait. Oh, sorry, it's 42, my bad. I...little bit. So number 42, we finally got the answer from Director Andaya dated June 14th, so we got this on Monday, though we initially sent the correspondence on February 11th. And he says that the County uses EHPA standards. And then in talking with Parks and Recreation, they had plans to retrofit...I think, was it War Memorial Gym to EHPA-3. And it was at that point I...I requested the same for Lāhainā Civic. And I think she agreed to put it in their long-term plan, like not this year or next year, but maybe three years down the road or something to start planning and design. So I don't know if we want to put EHPA standards or EHPA-3 standards, but that's what type of hurricane standard rating that we use according to, I guess, both Administrator Andaya and Director Peters. So did we want to specify that in Policy 2.1.8 whether it's EHPA standards? And...oh, shoot, then we would...we might have to add an acronym that EHPA represents Enhanced Hurricane Protection Area. Because it is not in here, EHPA.

VICE-CHAIR KING: Chair?

CHAIR PALTIN: Member King.

VICE-CHAIR KING: Yeah, I think it would be a good idea to add it, but if you add it and just call it what it is, the Enhanced Hurricane Protection Area Standard, you don't have to add it to the acronym. If this is the only place that it's listed, then maybe you don't need to put it in the acronyms if you just spell it out.

CHAIR PALTIN: Oh, okay. Let me just make sure that it's not in the action section. Yeah, I

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if there's any situations where within 100 feet of a gulch, you know, if...if...if there's no ability to build at all, if there'd be any situation where somebody would have no ability to build anything on a property or something like that. They...they may not, and I don't know of any situation where that could happen, but I just didn't know enough about the...all of the possible situations involving gulches and areas near them. That you know, this went through the plan originally with that exception, and taking that exception out, I was just concerned and unsure of how that would affect properties, if at all. And I don't know if the Department has more detail on that or anything like that, but that would basically make no exceptions to, you know, new structures, even if low-impact development strategies are used. So it would, you know, make that area, you know, sort of completely unbuildable. And...and so I...I would want to...you know, I wanted to make that comment because I saw that in reviewing it. With that being taken out, I had...had a concern about that.

CHAIR PALTIN: Thank you, Mr. Hopper. Mr. Raatz, would you like to speak to this policy as well?

MR. RAATZ: Thank you, Chair. At the moment, Staff doesn't have anything of substance to add. We will, of course, work with you on the language prior to first reading, taking into account Corporation Counsel's comments after we've had a chance to consider them. As you mentioned, the Committee's already endorsed this policy, so we'll be working to effectuate the legislative intent. Thank you, Chair.

CHAIR PALTIN: Thank you, Mr. Raatz. And I don't have any more revisits for Section 2. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I was wondering if the Planning Department knows...you know how we have a setback from the shoreline, if there's any setback rules from gulches, or if people are currently allowed to build right up along gulches.

CHAIR PALTIN: I guess Ms. Maydan, I'm not sure if...oh, Director McLean's back. All right. Director McLean?

MS. MCLEAN: Hi. My eyes are dilated, so if I look all buggy, I was just at the eye doctor, so...I think the only time that there would be any sort of buffer or setback requirement for gulches would be if there are flood designations, which is often the case. Then...then our flood hazard ordinance would prohibit or restrict development, but nothing as...as consistently established as the shoreline setback. Currently that...that's not codified, so it would be just based on flood or any other kinds of restrictions like that.

CHAIR PALTIN: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. And then so I was just wondering if Mr. Hopper as much, as he would be able to speak in open session, a setback from gulches, you know, how we have that setback from shoreline, and wouldn't that kind of be like precedent?

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CHAIR PALTIN: Mr. Hopper or Mr. Raatz?

MR. HOPPER: I mean, there are...there are shoreline setbacks. You can apply for a shoreline setback variance to build certain types of things in the shoreline setback area. Under State law, you need an EA and...and other things. But even with shoreline setbacks there's...similar to actually the first policy I think you considered, there's like a minimum buildable area language that says that, you know, if your shoreline setback is so large that it renders your property unbuildable, that there's a...there's a minimum, you know, buildable area. So I didn't know if the idea of the low-impact development exception was an idea of allowing that in as an exception, or if there's...there's something else to deal with that. But it's...it's just difficult to try to picture, you know, you saw...you all saw the maps with the number of gulches, all of the gulches and all of the possible situations. I mean, this may not end up applying very directly to a lot of the areas if it's going to be only in the community plan, because if you just need a building permit and you're outside of the SMA and you're not subdividing, then perhaps, you know, this isn't going to directly apply to a lot of the structures. Although if you were...if it was community planned Open Space, you know, I don't know what the...the zoning...the zoning may, you know, underlying want to be changed to Open Space to deal with that issue. But I think the...the analogy to a shoreline setback, there's...like I said, there's the ability to get a variance there, and there's also a minimum buildable area, I believe, for...for shoreline setbacks currently in the Code for that. That's I think what I would add to that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Hopper. Mahalo, Chair.

CHAIR PALTIN: Thank you. Okay. Any more revisits for Section 2 policies that Members would like to do? I think I have exhausted my list of what I had for revisits for Section 2. Majority of the revisits are on, I guess, 4 and 3. Okay. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. The...the matrix that you gave us, if you look at on page 32, 2.1.10, the...adverse is written twice. It...under as amended. So if you look towards the bottom part of that as amended section...

CHAIR PALTIN: Yeah. That...I think that's a typo. It's just a rough draft. The...this...

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: And Staff did want me to convey to you that this language is all draft language, and they're going to go through the entire document after we're done. The main thing what we're focusing on now is legislative intent, if Members feel the legislative intent is clear. Because this is...this wording may evolve with nonsubstantive changes and more enforceable legalese types of things. I hope I explained that correctly, and...and, Mr. Raatz, feel free to jump in if that didn't capture the sentiment correctly.

COUNCILMEMBER SUGIMURA: Thank you.

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CHAIR PALTIN: You understand then? Okay. She understands. All right. So then that was all I had on my list of revisits.

MR. HOPPER: Chair?

CHAIR PALTIN: Yes?

MR. HOPPER: So I think I had asked about 2.4.2 also.

CHAIR PALTIN: Yeah, I didn't want to hear your opinion. Thank you.

MR. HOPPER: Oh, okay.

CHAIR PALTIN: Thank you. Okay. Moving on to Section 4. The first revisit I have on my revisit sheet was Member Rawlins-Fernandez, 2.5.21. Oh, no, sorry. Add new action item 5.19 to Goal 2.5. Goal 2.5.

VICE-CHAIR KING: Can you tell us what page you're on, on your matrix?

CHAIR PALTIN: Sure, just a moment. This was a...a list of revisits that I got from Staff, it wasn't on the matrix. Let me get the matrix. Find my Section 4 matrix. Here it is. I think it's the last one on the matrix. It's...it's not super clear, but what I have on my first item of revisits, it says March 18, 2.5.21, Keani Rawlins-Fernandez, add new Action 5.19 to Goal 2.5. New action item, require public shoreline access to be...yeah, to be provided through establishment of both vertical and lateral access through public rights-of-way and public transit corridors as a condition of any discretionary County permits for properties that lie within the Special Management Area or about...or about the shoreline. And from the ASF, the new action item complements a related policy which does not currently have an accompanying action item. Corresponding Policy 2.5.21, page 57, support public and private efforts to inventory, evaluate, and expand public shoreline access. Require shoreline access to currently privatized shoreline areas by gates and walls. This action item would trigger any shoreline property which currently does not provide public access to develop it whenever they come in for any permit. Currently it is a discretionary decision by a coastal zone management planner. So that's 132 new, not applicable, revisit, on the last page of the last one. So then, Member Rawlins-Fernandez, were you prepared for that revisit today?

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, Chair. I am not prepared for that revisit right at this moment. I will try to find that and see what that was all about. My apologies.

CHAIR PALTIN: Okay. Let's see, what else do we have to revisit. We can move on to a different thing. It looks like we have three revisits. We could do...I had one about it's on the...it's new, and it's the middle revisit. On your second-to-last page, the second yellow line of your Section 4 track changes. So this one would be a new action item that relates to Policy 2.3.6. And it says to inform current pool owners in the Special Management Area of Policy 2.3.6 and its prohibition within the West Maui Community Plan area. Type is

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project, priority is high, timing is mid, County lead agency Planning, estimated cost 150, funding source County. So the things that we discussed previously was a West Maui Community Plan area mailer then to all pool owners and pool maintenance companies. And it says revised language from KRF anticipated. And to remind folks, Policy 2.3.6 was that require new development and encourage existing developments with pools within the Special Management Area to use best management practices for cleaning and maintaining the pool, specifically prohibiting drainage of pool water directly to the ocean, and encouraging utilizing pool water for irrigation on site. And I think we also discussed maybe adding it to folks' water bills maybe too, like a little asterisk or something because then maybe we don't have to pay for postage. But that only gets the County users of water, there may be folks in the SMA that don't use County water. So I didn't have a problem with the way it was worded, but it's marked as a revisit I guess since Member Rawlins-Fernandez wanted to reword it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Thanks, Chair. Sorry, I'm looking for that folder.

CHAIR PALTIN: Oh, okay. All right. I guess as we're looking for that folder, I can just go over the other revisit in Section 4 so we're familiar with the...the three revisits we had marked. Yes, Member King?

VICE-CHAIR KING: Yeah, Chair, I just wanted to ask is there a reason why you're only informing pool owners within the SMA and not all pool owners in the...

CHAIR PALTIN: Because the policy that passed in the policy section talked about the SMA, and I think the main concern is people backwashing and draining their pool water into the ocean is affecting the limu. And if they're not in the SMA...I mean, I guess it can get to the ocean through drainage, those curb, gutter, drain area, but most likely someone would see it and report it maybe. Because they can't just...or maybe not, maybe they clean their pool in the middle of the night like the hotels do, I'm not sure. But mainly because it relates to the policy, and the policy was for the SMA area, and I guess also the SMA area is really enforceable in the community plan. So tying the goal or the action item to the policy, and the policy is for the SMA, that's the reason. Is that...satisfy your answer [sic]?

VICE-CHAIR KING: Yeah, yeah. I just wondered why everybody wouldn't...I mean, it sounds like an environmental issue so, you know.

CHAIR PALTIN: Yeah, just...I guess because it's tied to the policy and most folks that have pools along the shoreline, we're not clear when or how they do that, what happens to their water. So and then the last revisit that I had for Section 4 was also a new action item. It said obtain funding, design, and build additional County facilities that promote cultural activities such as hula halau practices...oh, and it's kind...sorry, I read the one above, but this is also kind of related. Obtain funding and design and build a canoe hale structure for storage of canoes at the proposed Hanakao'o Mauka expansion. So like additional cultural center, hula halau area, and proposed...that was --

COUNCILMEMBER SUGIMURA: Chair?

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CHAIR PALTIN: -- a revisit. I'm sorry, I missed who said that. Oh, Member Sugimura?

COUNCILMEMBER SUGIMURA: I think it was my revisit because it was connected *(audio interference)* Kā'anapali 2020 *(audio interference)* 97 acres across the street and *(audio interference)* you're going to take revisits tomorrow. I'm going to check back with them *(audio interference)* what about this. I think in discussion they had said that there may be ten acres that they were looking at within *(audio interference)* but I'll confirm with them and get back to you tomorrow if I could. Thank you.

CHAIR PALTIN: Oh, okay. So this one was your *(audio interference)* Okay.

COUNCILMEMBER SUGIMURA: It was my revisit because of the 97 *(audio interference)* across the street.

CHAIR PALTIN: Okay. And --

COUNCILMEMBER SUGIMURA: Yeah?

CHAIR PALTIN: -- in my notes it does have Keani *(audio interference)* Fernandez. Oh *(audio interference)* discussion with Kā'anapali Land Management Corp.

COUNCILMEMBER SUGIMURA: Would you like me to check with them?

CHAIR PALTIN: Okay. I mean, we would need to purchase the land in order for this to occur most likely.

COUNCILMEMBER SUGIMURA: Right, because it's Park. Right.

CHAIR PALTIN: Yeah. Okay. Let's jump ahead from Section 4 because it seems that we're not ready for Section 4, and do the Section 3. What we needed to do was there were some Park and Open Space parcels that we *(audio interference)* designate whether it was Park or Open Space. And there was a matrix that was sent along with the March 18th transmittal that listed all of the changes that the CPAC *(audio interference)* to existing...West Maui Community Plan map changes. So I guess if we're not ready to address Section 4 revisits today, we can jump ahead to *(audio interference)* three revisits. Maybe an easier one than this since Members would need to pull up the March 18th document and matrix on West Maui Community Plan map changes, at this time, for Section 3, I'll go to Member Johnson. And he had a revisit regarding color. So Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. This should be easier than the other ones. Do you want me to make the motion first or do you want...what would you prefer?

CHAIR PALTIN: Yeah, go ahead and make a motion.

COUNCILMEMBER JOHNSON: Okay. I move to amend maps in the community plan that

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would accommodate colorblind readers by the use of patterning and more distinctions between the color keys.

CHAIR PALTIN: Okay. It's been moved by Member Johnson, seconded by Member Sinenci to use more distinctive colors and when we run out of those distinctive colors I guess to use patterns to accommodate our differently abled colorblind folks, which I do have a Staff member that would really appreciate that probably. Okay. So that's the motion made by Member Johnson, second by Member Sinenci. Any discussion, Member Johnson?

COUNCILMEMBER JOHNSON: Sure. A quick search on the Internet proves that there's over 6 percent of our population is colorblind. People who are elderly tend to lose their...their color distinction as they get older. And I think...I'm a strong believer in the idea of universal design, and that is what's good for people who struggle with colorblindness, they're also good for folks (*audio interference*) So I often watch (*audio interference*) with closed captions on. You know, I often do things that help me in...when I...when I just...it's just a universal design kind of thing. So when I read the maps, how many different shades of green do we have? I actually fold the paper and to make them touch so that I can see which color we're talking about because it is kind of tricky. So I...I just think that's a reasonable accommodation, and I...I hope for the body's support.

CHAIR PALTIN: Okay. Member Sinenci as the seconder, any discussion?

COUNCILMEMBER SINENCI: Yeah, just a question for Director McLean on is this feasible within the time frames?

CHAIR PALTIN: Director McLean, question on feasibility. It's...it's going to take us some time to clean up and scrub all our layman's terms. So I don't know about the time frame, but I'll Director McLean answer the question.

MS. MCLEAN: Thank you. I would actually ask Pam or Johann if they could...Johann, as you know, has prepared the maps, and if...I have seen maps (*audio interference*) you know hash lines and dots and other things. So I...I think it's pretty easily doable, but...but I would ask Pam or Johann to confirm that, if either of them is available.

CHAIR PALTIN: Okay. I did Ms. Eaton on the screen, so it looks like she's ready to take this question.

MS. EATON: Sorry, I don't mean to laugh, I'm...I'm reading text messages from my GIS Staff. Not easy, not readily easily doable at all. I hate...Mike, you're going to kill me. Yeah, so my question is a lot of the colors we picked were picked so that they are consistent among all the various community plans and ultimately the Maui Island Plan, but I also think this is going to...I think because once you get into patterns and you get into smaller detailed areas, we may have to break up the maps to be able to cover everything so they're actually readable. Of course, interactive maps online would solve all that problem, but I...I know we need to deal with the hard map issue as well. So I...can we...can we take a look at this and come back to you? Can I...can I have a little bit of

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time to talk with my GIS Staff? I will say it's not easy. It's not...it's doable, of course, but this is not just like whip this puppy out, it could take a significant amount of time. Let me just...let me just see if I could rally the troops and...and talk to them about...

CHAIR PALTIN: Sure thing, and...and we can revisit this tomorrow as well. I'm glad that we got it out there. And we have tomorrow also as a revisit day, so don't stress out right now. I'm glad we didn't save this for the end. And...

MS. EATON: No, thank you.

CHAIR PALTIN: Yeah. Member Kama had a question?

COUNCILMEMBER KAMA: Yeah, I did, Chair. While we talk about the...the issue of accessibility, do we ever have anything printed in braille?

CHAIR PALTIN: Not to my knowledge. Did you want to ask the Planning Department or Corp. Counsel?

COUNCILMEMBER KAMA: Please. Yes.

CHAIR PALTIN: Ms. McLean, do we have anything printed in braille?

MS. MCLEAN: Not to my knowledge either, Chair.

COUNCILMEMBER KAMA: Would we want to put one of these in braille? I mean just so that we have somebody with access to it. I don't know how many people we have that read braille, but the thought just came up with...with Member Johnson's issue with colorblindness. So just something that passed my mind. Thank you, Chair.

CHAIR PALTIN: I think for us maybe it may be easier than braille to have those like nowadays they have those audiobooks type of things. But I guess something to consider in how to accommodate all of our residents, what's most feasible for us. We can...we can think about it. And so at this time, Member Johnson, would you be okay to withdraw your motion and we'll revisit it...revisit again tomorrow and give the GIS Staff a little time to talk about it?

COUNCILMEMBER JOHNSON: I...I will certainly withdraw my motion. And I...I hope I didn't put an extra burden on them because...but...but it's important, so yeah, I'll withdraw and give them some time. Mahalo.

CHAIR PALTIN: Okay. And Member Sinenci, withdraw your second for right now? Okay. Looks like a yes. All right. So then I hope Members have had a chance to pull up the March 18th transmittal and the page. And what we need to do is go through and make sure all the PK/OSs are either designated PKs or OSs. And we also did receive a correspondence back from Mr. Cheng of Pulelehua, which...I mean, look how great and responsive that guy is. I sent him an email this morning, and we got it back like almost as soon as I signed the document for transmittal. That's what I like to see with our

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developers for sure.

COUNCILMEMBER LEE: Chair?

CHAIR PALTIN: Yes, Chair Lee?

COUNCILMEMBER LEE: Okay. So you referenced the 3/18 communication. What number is that?

CHAIR PALTIN: Oh, okay. I thought it was 25. Can you see if it is?

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: Is that correct?

COUNCILMEMBER LEE: From Planning.

CHAIR PALTIN: March...

COUNCILMEMBER LEE: Yeah.

CHAIR PALTIN: That is? Okay. Yeah, it's from Planning. Yes, 25. Okay. So in that transmittal it had that table with the designations and the corresponding zoning, as well as this document, which contains changes to existing conditions community plan map made by the Community Plan Advisory Committee and Maui Planning Commission. See below for an explanation of how the Department developed the existing conditions map. So if we go through and look at all the PK/OSs and make sure that they fall within either the PK or the OS category, that will probably conclude the day. So I think for subarea one, Lipoa Point, we all agreed on Open Space during our areas of stability, so we'll mark that one as an Open Space. For Plantation Estates subdivision, I think the Open Space there is...is most appropriate Open Space as well. It's a gated community so, you know, it wouldn't be like public parks or anything in there. Ms. Maydan, does that sound appropriate to you, Open Space for the PK/OS within Plantation Estates subdivision?

MS. MAYDAN: Thank you, Chair. Am I correct that they have a golf course?

CHAIR PALTIN: I think they had mentioned they're surrounded by a golf course, but I'm not sure if it's within their subdivision. And I guess in...in this case, since we're not really changing the designation for Plantation Estates and we're leaving it as is, and the current designation is either Park or Open Space, can we revert back to what it was since we're not changing to Rural Residential anyway? Ms. Maydan or somebody else?

MS. MAYDAN: Sorry, Chair, I had momentary network issues.

CHAIR PALTIN: Oh, okay. You were a little bit robotic --

MS. MAYDAN: Okay. So...

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CHAIR PALTIN: -- when you answered.

MS. MAYDAN: I think my Internet was shutting down. So if there is a golf course, that should certainly be designated Park.

CHAIR PALTIN: Oh, I guess my question was would it...the original designation have been Park, and we can just revert to what it was because the community plan designations originally were either Park or Open Space?

MS. MAYDAN: That is correct.

CHAIR PALTIN: Okay. So my recommendation for number two, Plantation Estates subdivision, is to revert whatever was Park to Park and revert whatever was Open Space to Open Space. Can we get a consensus on that? Basically...

COUNCILMEMBER LEE: Well, so long...so long as you're not including the golf course, yeah?

CHAIR PALTIN: Yeah, if it was Golf Course Park, then it would remain Golf Course Park. If it was Open Space it would...basically what we're doing is not changing anything --

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: -- from what it already is. Okay. Consensus on that.

MS. MAYDAN: Chair? And just to clarify, just to reiterate again about the gulches in Open Space, so those would not have been...those are not in the existing as far as the 1996 plan, so gulches would (*audio interference*) in Open Space.

CHAIR PALTIN: Yeah, that was...that was a policy decision that we already voted on that gulches would be...so I think we're good with that. And...and as Member Rawlins-Fernandez had said during our Kamehameha Schools discussion, the intention is not to vote on that at each project, that's an overall policy decision, gulches, rivers, and streams should be Open Space. So that...that should supersede that.

MS. MAYDAN: Right.

CHAIR PALTIN: Clear? Is...

MS. MAYDAN: Thank you.

CHAIR PALTIN: Okay. And then the next one on the list is Kapalua Mauka Project District 2. And Ms. Maydan, was that sufficiently clarified during the areas of change discussion, that they don't have a specific location because there's not enough detail...not enough detail on what they have planned? And we just set the acreage there. Is that sufficient direction for you folks, Ms. Maydan?

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MS. MAYDAN: Yes, Chair, that is. Thank you.

CHAIR PALTIN: Okay. Thank you. Okay. The next one we have is number seven which is a vacant parcel on Honokeana Bay. My preference on this one would be Open Space because of the SLR-XA, and I think we made that decision before on the Launiupoko to Olowalu, Olowalu to Pali, and so we would be consistent by designating this one Open Space. Do we need to vote or is that a consensus type of issue? Consensus? Okay. I see thumbs. I don't hear any objection. It'll be a consensus of eight with Member Rawlins-Fernandez missing. We...oh, we did not address Kahana Mauka, did we? No, we did yeah, during the areas of...Ms. Maydan, did we address Kahana Mauka for you folks already?

MS. MAYDAN: I believe you said Park, but let me look at my notes.

CHAIR PALTIN: Yeah, I believe so too. Okay. That's been addressed. We'll come back to number --

MS. MAYDAN: Yes.

CHAIR PALTIN: -- 11. Okay. Thank you. We'll come back to number 11. Although we have the information, it's really small so I'm going to print it out and...and get it ready for us tomorrow. So that'll be a tomorrow revisit. Number 12, dog park between KOR and Westin Nanea Ocean Villages [sic]. To me, I think Park because just I guess the word dog park. Obviously they're going to need fences for a dog park. So I'm open to discussion, but if everyone likes dog park Park, put your thumb up or say no objection or...okay. So three, six...

COUNCILMEMBER LEE: No objection or.

CHAIR PALTIN: Okay. Consensus on dog park to be a Park with seven Members, Member Molina and Rawlins-Fernandez excused. Maybe we'll come back to number 14 as well. Number 16, I think we clarified was for Park because of those activities listed in our policies and action item. So Park for Kā'anapali Town South? Consensus? Yeah? Okay. Let's see. The...number 28, what's remaining in the Lāhainā new PK/OS, I think we designated Park already, and we took it out of that area because it was no longer 200 acres, it was just five acres and some change. We already designated Launiupoko Beach Park to Olowalu. And Olowalu --

MS. MAYDAN: Chair?

CHAIR PALTIN: -- to Ukumehame. Yes?

MS. MAYDAN: There is item 14, Kā'anapali Town North. *(audio interference)* PKO...

CHAIR PALTIN: Sorry, you were robotic again. Can you repeat?

MS. MAYDAN: Item 14.

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CHAIR PALTIN: Okay. Yeah, 11 and 14 I was going to revisit tomorrow, but I think we've got everything else covered besides those two. Is that okay? So then I didn't want to keep Members later than 4:30. We did a lot today. We caught up and then some, we moved ahead. And so tomorrow, we have...we'll be graced with Member Rawlins-Fernandez's Section 1 rewrite, which I'm very excited for. I have kind of high expectations, but I'm excited. It looks like she's excited as well. Oh, Member Sugimura?

COUNCILMEMBER SUGIMURA: So in...in your matrix...by the way, thank you, Staff, for doing this. On page 50, 2.4.2, additional transient accommodation units in the West Maui Community Plan, and I wonder if Corp. Counsel could talk about it?

CHAIR PALTIN: Not right now. Fifty page.

COUNCILMEMBER SUGIMURA: I don't know how you tell your page, it doesn't have page numbers, so it's on your matrix it's one, two...the third page, page 50.

CHAIR PALTIN: Yeah, I'm not entertaining that right now.

COUNCILMEMBER SUGIMURA: Later?

CHAIR PALTIN: No, I have no plans to entertain unsolicited comments. But yeah, so the agenda for tomorrow is Section 1 rewrite, Section 4 revisits, Member Johnson's color revisit, and these two, 11 and 14 on this matrix, and...and then we can pass this West Maui Community Plan out of Committee.

COUNCILMEMBER LEE: By 9:30?

CHAIR PALTIN: Oh, I think 4:30. Hopefully. Not any later because we got big things on Friday. We got a lot of talking.

COUNCILMEMBER LEE: A lot of testimony.

CHAIR PALTIN: All this week we got a lot of talking. Okay. So that's the agenda for tomorrow. And thanks for hanging out with us today. And I'm glad I could get you out early, three whole minutes. And let's see...

VICE-CHAIR KING: Are you trying to run out the three minutes?

CHAIR PALTIN: All right. So there we go. This meeting will be in recess at 4:27 to resume on June 17th at 9:00 a.m. Thursday, for our last round of revisits and passing out of Committee, West Maui Community Plan.

VICE-CHAIR KING: Chair, did you say 9:30?

CHAIR PALTIN: No, 9:00 a.m.

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VICE-CHAIR KING: Oh, okay.

CHAIR PALTIN: I think Chair Lee asked if we were going to be done by 9:30.

VICE-CHAIR KING: She was...oh, done by 9:30.

CHAIR PALTIN: Doubt it. Doubt it. 9:00 a.m. tomorrow. We'll see you there. Time is 4:28.
We're in recess. . . .*(gavel)*. . .

RECESS: 4:28 p.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use Committee

pslu:min:210616r:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 102 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 16th day of July 2021, in Kula, Hawai'i



Daniel Schoenbeck