

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

MINUTES

September 30, 2021

Online Only Via BlueJeans

CONVENE: 9:00 a.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Kelly Takaya King, Vice-Chair (in 9:20 a.m.; out 11:07 a.m.; in 11:29 a.m.)
Councilmember Gabe Johnson, Member (out 10:00 a.m.)
Councilmember Tasha Kama, Member
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: Wilton Leauanae, Legislative Analyst
Alison Stewart, Legislative Analyst
Richard Mitchell, Legislative Attorney
David Raatz, Deputy Director
Clarita Balala, Committee Secretary
Lenora Dineen, Council Services Assistant Clerk

Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson
Roxanne Morita, Executive Assistant to Councilmember Gabe Johnson
Evan Dust, Executive Assistant to Councilmember Tasha Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember Tasha Kama
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King
Sarah Pajimola, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez
Dawn Lono, Executive Assistant to Councilmember Shane M. Sinenci
Gina Young, Executive Assistant to Councilmember Shane M. Sinenci
Jordan Helle, Executive Assistant to Councilmember Yuki Lei K. Sugimura

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Karla Peters, Director, Department of Parks and Recreation
Marci Sato, Deputy Director, Department of Parks and Recreation
Samual Marvel, Chief of Planning and Development, Department of Parks and Recreation
Jordan Molina, Deputy Director, Department of Public Works
Guy Hironaka, Real Property Management Specialist, Department of Finance
Michele McLean, Director, Department of Planning

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Kathleen Ross Aoki, Planning Program Manager, Department of Planning
Ann Cua, Current Planning Division Supervisor, Department of Planning
Scott Forsythe, Planner, Department of Planning
Peter Graves, Geographic Information System Analyst, Department of Planning
Johann Lall, Geographic Information System Analyst, Department of Planning

OTHERS: Jeffrey Paisner
John Blumer-Buell
Mapu Kekahuna, Vice-Chair, Nahiku Community Association
Teresa Allred
(3) additional attendees

PRESS: Akakū: Maui Community Television, Inc.

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use Committee...this meeting of September 30th, 2021 come to order. The time is now 9:00 a.m. And if I can ask everyone to please silence their cell phones, that would really help our cause. This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19. Please see the last page of the agenda for information on meeting connectivity. And as required by the Governor's most recent emergency proclamation, Members at non-public locations should state who, if anyone, is present with them. And we are also live back on channel 53 for everybody. So I'm broadcasting live and direct from the West Maui District Office. And I'm here socially distanced more than six feet with my EA, Angela. Our Committee Vice-Chair Kelly King is at a Charter Commission meeting, and we hope to welcome her a little bit later on. Next up we have Councilmember Keani Rawlins-Fernandez. Hullo, toilichte a bhith an seo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka.

CHAIR PALTIN: And aloha kakahiaka. Toilichte a bhith an seo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i nui a Hina. I am at the Moloka'i District Office alone. Hullo, toilichte a bhith an seo. Happy to be here. Also happy to have watching us a special birthday girl, Leilei Freistat Pajimola. Happy sixth birthday. Thank you so much for letting your mommy work today. Have a little ducky here to wish you a happy birthday. Happy birthday, Leilei. Hau'oli lā hānau. Mahalo, Chair.

CHAIR PALTIN: Hau'oli lā hānau. And next up we have Councilmember Gabe Johnson from the Island of Lāna'i. Hullo, toilichte a bhith an seo.

COUNCILMEMBER JOHNSON: Oh, they're getting harder as the days go on. Good morning, Chair. Good morning, Councilmembers. Hullo, toilichte a bhith an seo. I don't know

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what it means, but I said it. So I'm home alone in my house, and looking forward to a great meeting. Thank you.

CHAIR PALTIN: Thank you. And next up we have from the neighborhood, Councilmember Kama. Hullo, toilichte a bhith an seo.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. And I'm so very happy to be here. Hullo, toilichte a bhith an seo to each and every one of you.

CHAIR PALTIN: Aloha. And next up we have Council Chair, our maven of greetings. Hullo, toilichte a bhith an seo.

COUNCILMEMBER LEE: Madam Chair, hullo, toilichte a bhith an seo. I'm here alone. And my best wishes to my favorite colleagues. I'm here alone.

CHAIR PALTIN: Thank you. And next up from under the virtual bridge in Makawao we have Councilmember Molina. Hullo, toilichte a bhith an seo.

COUNCILMEMBER MOLINA: Hullo, toilichte a bhith an seo to you, Madam Chair, and aloha as well, and to all of my colleagues and everyone else joining us today. And yes, I am alone at my residence here in Makawao. Aloha.

CHAIR PALTIN: Aloha. Next up from East Maui we have Councilmember Shane Sinenci. Aloha kakahiaka and hullo, toilichte a bhith an seo.

COUNCILMEMBER SINENCI: Aloha. Halò, dè do chor, Chair. Toilichte a bhith an seo. From the Hāna Cultural Center, I'm here with my EA, Dawn Lono.

CHAIR PALTIN: Thank you. And last but not least, from jacaranda country, we have Councilmember Yuki Lei Sugimura. Hullo, toilichte a bhith an seo.

COUNCILMEMBER SUGIMURA: Hullo, toilichte a bhith an seo. Good morning, everybody. From Kula, I'm here at home. My husband is downstairs more than six feet in distance, safe. And I will tell you that my office dropped off a lei and a little gift to Wendy this morning, so I've already made the round trip. I came back home to Kula. But I saw Marlene in the office. So good morning, everybody.

CHAIR PALTIN: Oh, perfect. And hopefully, you know, we can finish by 11:30 so if Members need to join the thing, but we'll see, we got...we got to work first. Member...Chair Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. I forgot to, and I apologize, missing saying happy birthday to Leilei Pajimola. I hope you have a wonderful day.

CHAIR PALTIN: Yeah. If we finish early, maybe we can do group chorus happy birthday or something. Okay. Mai ka Administration, we got Deputy Corp. Counsel Michael Hopper; Planning Director Michele McLean; Director Karla Peters from Parks and Recreation, with Deputy Director Marci Sato, and Sam Marvel, Chief of Planning and

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Development for Parks and Recreation. We also have Director of Public Works, Rowena Dagdag-Andaya. And from the Finance Department we have Guy Hironaka. Committee Staff today, we have Committee Secretary Clarita Balala; Legislative Analysts Wilton Leauanae, as well as Alison Mitchell [sic]; and our Legislative Attorney Richard Mitchell. Assistant Clerk Lei Dineen. Two items on the agenda today, Community Plan Amendment, District Boundary Amendment, and Change in Zoning for the Nahiku Community Center in Hāna. And PSLU-33 Digital Zoning Map for Molokaʻi. All right. Testimony. I think we have about five testifiers so far. So let's begin with the public testimony. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans link as noted on today's agenda. Testifiers wanting...oh, sorry, read that already...to provide audio testimony should call 408-915-6290 and enter meeting code 149 341 846, also noted on today's agenda. Written testimony is also encouraged, and can be sent via the eComment link to mauicounty.us/agendas. Oral testimony is limited to three minutes per agenda item. When your name is called, please unmute yourself by clicking the video and microphone icons, or if calling in, press star four to unmute yourself. Please be courteous to others, muting video and audio while waiting for your turn. When testifying, please state your name. Please also state if you are testifying on behalf of an organization or are a paid lobbyist. If you have joined this online meeting, Staff will assume you wish to provide testimony, and will add you to the list of testifiers. Once you are done testifying, or if you wish to view the meeting without providing testimony, please disconnect from the BlueJeans meeting. Sorry, somebody shooting their video here. Okay. They didn't hear the instructions. May continue viewing on *Akakū*, Channel 53, Facebook Live or mauicounty.us. Once oral testimony concludes, only Councilmembers, Staff, and designated resources will remain online, and all others will be dropped from the BlueJeans connection. A link to the list of testifiers is posted in the chat. Please be mindful that chat should not be used to provide testimony or to chat with others during the meeting. Members, I would like to proceed with oral testimony, and just give this direction. You know, we're sticking with the agenda items. And I know that one of these agenda items could be considered controversial, so let's just keep it tight to the agenda. And we're...we're just trying to do the right thing for the community. There's not any winners or competition, just trying to find out what is the right thing to do at this time. So the first testifier we have on our list is Mr. Jeffrey Paisner. Mr. Jeffrey Paisner, we're ready for your three minutes. And you can unmute your video --

. . . BEGIN PUBLIC TESTIMONY . . .

MR. PAISNER: Can you hear me?

CHAIR PALTIN: -- and your audio. Yes, we can hear you.

MR. PAISNER: Okay. Hi, I'm Jeffrey Paisner. I'm a property owner in Lower Nahiku since 1971. I have vast experience about the history of the Lower Nahiku Road. When I first purchased my property, it was a dirt road. Subsequent to that the road was paved, I believe in around 1972 or '3. I can't tell you who paved the road, but I'm going to assume it was either the County or the State of...State of Hawai'i. The road...I don't know how

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many...I've...I've testified several times in front of the County about both the community center and the bridge, but I'm going to limit my comments to the community center. First of all, the...I do want the County...I'm going to repeat testimony I've previously given. That road is...it is not clear who has ownership of that road. There is no doubt that that road is encroaching on other private properties. So the County has been spending hundreds of thousands of dollars on a community center that does not have legal access. That's number one. Number two, the...and the only way to determine legal access would be a complete survey of the entire road from the Hāna Highway all the way down to the point of the site. Number two, the road going down there is an extremely narrow road. It is certainly not a road that is going to adequately service emergency vehicles if there would be a problem at the community center. So my position is not against the community center, I'm very much for Nahiku having a community center and promoting Hawaiian culture among the keiki and among tourists, but this is just absolutely the wrong location for it. The amount of money that's been spent on this--I should say wasted on it--you know, could have been spent on purchasing a piece of property that is adjacent to the Hāna Highway where all community members of Nahiku would have easy access to it, along with tourists who have interest in the Hawaiian culture and the promotion of the Hawaiian culture. Nobody has ever...I'd like to know what...how much money the County has spent. I should...I...I don't know want to be aggressive and use the word "wasted," but I will have to use the word "wasted," because the whole process has started without an Environmental Impact Statement. It started when the cost of building this community center was erroneously assumed so they could get around this. So again, just to conclude, John Blumer-Buell has provided numerous evidence of...of State Legislature meetings where they wanted to determine who owns this road. No one's ever done it. The County Council was ordered by...by the State Legislature in 2008 to come to a conclusion about this, they never followed through. So we have a new Council now. This whole thing started with Mayor Arakawa. We have Members who weren't even involved when this started. When I was there . . . *(timer sounds)* . . . at a meeting I asked how many Councilmembers have even been...

CHAIR PALTIN: Mr. Paisner, just to let you know, that was the buzzer, so if you could conclude your testimony.

MR. PAISNER: I will conclude.

CHAIR PALTIN: Thank you.

MR. PAISNER: I...I...I would...I would beseech the current Members of the County Council who have the power to make decisions here to at least put their foot...feet and eyes on the ground, and go make a trip to Lower Nahiku. And before you are...use more County taxpayer funds for this...for this ill-conceived project, you at least know what you're making a decision on. I don't know how many of you Members have even been to Lower Nahiku in the last few years. You can discuss that internally. But I think it's imperative that you see what you're making a decision on, because we've already spent hundreds of thousands of dollars of County taxpayers' money. Thank you for your time.

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

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you so much for your testimony. Next up --

MR. PAISNER: Thank you. Aloha.

CHAIR PALTIN: -- we have...aloha. Next up we have Terry Kristiansen. You can go ahead and unmute your video and your audio. Did it from our end. All right. We're ready for your three minutes Mister...or Misses...Terry. Oh, they left the call. All right. So I guess that's a no. Next up John and Christel Blumer-Buell. Can unmute yourself. I'll unmute your mic from our end. Okay. You just got to unmute your microphone, and we're ready for your three minutes.

MR. BLUMER-BUELL: How's that?

CHAIR PALTIN: Yeah, there you go.

MR. BLUMER-BUELL: Can you hear me?

CHAIR PALTIN: And if...if you want to...

MR. BLUMER-BUELL: Sorry, we were having a little...the TV is telling me we're having some bandwidth...

CHAIR PALTIN: Okay.

MR. BLUMER-BUELL: Go ahead.

CHAIR PALTIN: If...maybe if the bandwidth is a problem, you want to mute your video. Sometimes we hear better that way. It's kind of weird. If you want to try speak.

MR. BLUMER-BUELL: Yeah, no, I...can you hear?

CHAIR PALTIN: Yes.

MR. BLUMER-BUELL: Yeah, can you hear me now?

CHAIR PALTIN: Yes, go ahead.

MR. BLUMER-BUELL: Okay. I'll go ahead. Aloha, Chair Paltin and PSLU Committee Members. On behalf of the 11 intervenors and over a hundred community petitioners, I kindly ask you to put an end to the proposed Nahiku Community Center today. This is absolute...there is absolutely no credible reason not to do so. Please file PSLU-32 once and for all. There's been more than ten years of outrageous and blatant fraud, waste, and very real abuse of the Nahiku community, taxpayers, legal due process, the law, and aloha. The entire process is a well-documented case of dishonest politics, bad government. The documented (*audio interference*) goes well beyond disgraceful. Therefore, the intervenors are asking for a comprehensive independent investigation, a forensic financial audit, and a forensic performance audit on every aspect of PSLU-32.

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The Office of the County Auditor is already *(audio interference)* through a *(audio interference)* community center *(audio interference)*.

CHAIR PALTIN: It appears we may have lost Mr. Blumer-Buell. From the first part of his testimony, it doesn't appear that he deviated much from the written testimony that he sent in. So hopefully Members have all reviewed the written testimony. Mr. Blumer-Buell, are you...you still there? Can you hear us? Hello, Mr. Blumer-Buell?

MR. BLUMER-BUELL: I'm still here. Can you...hello?

CHAIR PALTIN: We...we kind of lost your connection.

MR. BLUMER-BUELL: Yeah, I'm here.

CHAIR PALTIN: Yeah. So I...I mentioned to the Members that you did send in written...

MR. BLUMER-BUELL: Can you hear me now?

CHAIR PALTIN: We...we can hear you kind of in and out a little bit. I just was wondering if...if you were reading from your written testimony that you had sent in?

MR. BLUMER-BUELL: This --

CHAIR PALTIN: Hello?

MR. BLUMER-BUELL: -- morning's testimony, yes.

CHAIR PALTIN: Okay. Okay. So I...I mentioned to them --

MR. BLUMER-BUELL: Yeah, can you hear me?

CHAIR PALTIN: -- to make sure to read that. Members, do you have any questions for Mr. Blumer-Buell? Seeing none. Thank you so much for your testimony. Okay. Next up we have...it looks like a testifier by the name of Tom. Tom, are you here to testify? Let me unmute your video and your audio. And now if you want to testify, you're going to need to unmute your video and your audio yourself on your end. Okay. We'll come back to Tom. Next up we have a testifier with the last four digits 7293. I've just unmuted you. Go ahead, we're ready to receive your three-minute testimony. 7293, if you could let us know your name. Caller with the last four digits 7293, your turn is to testify right now. Okay. While we're waiting for them to unmute themselves, I think it's...what is it, star six to unmute on the phone...star four, sorry. Star four. I'd like to welcome Committee Vice-Chair Kelly King from South Maui. . . *(foreign language spoken)*. . .

VICE-CHAIR KING: Aloha . . . *(foreign language spoken)*. . . And that means...what does that mean?

CHAIR PALTIN: Happy to be here.

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VICE-CHAIR KING: Happy to be here. I am happy to be here. Sorry I was late, everybody, I was testifying at the Charter Commission meeting. So happy to be here now.

CHAIR PALTIN: Okay.

VICE-CHAIR KING: Thank you.

CHAIR PALTIN: All right. So I guess we don't have...is...circling back around, we called on Terry Kristiansen. If you're able to give testimony at this time, please unmute yourself. Terry Kristiansen? You're unmuted on our end and you'll need to unmute on your end. Go ahead. We're ready for your three-minute testimony, Terry Kristiansen. Okay. Maybe not. Next we got Tom. No Tom? Testifier with the last four digits 7293. No? Okay. Let's try Mapu Kekahuna. Is there a Mapu Kekahuna? I'm unmuting you on our end.

MR. KEKAHUNA: Yes, good morning, Chair Paltin and Councilmembers. Can you see me? Can you hear me?

CHAIR PALTIN: Yes.

MR. KEKAHUNA: Hi, good morning. Thank you for the opportunity. I'm the Vice-Chair of the Nahiku Community Association. I want to put a face so that a lot of you know that there is an association that exists. From your last PSLU meeting that took place last year that was almost filed by the...by...by your Committee...I guess I'm testifying on behalf of the community association and its board members in reference to the ordinance to amend the State land use district classification from Agriculture to Rural for the building of this community center. We are still in support of it, of moving this project forward. And the reason why it's in your Committee, Ms. Paltin, is because the cost of the project went from a mere \$600,000 back in 2013 after the groundbreaking...and of course, I'm sure of you...some of you may have read the history since the...the beginning of this project that started in 2006. So in 2013 we had a groundbreaking. Funds secured, planning and designing completed, building permits completed, ready to build, but apparently the...a bidder to the project defaulted with the County of Maui. I'm sure you guys all got the memo about the resolution to that. Although I'm not an attorney, but I'm willing to have a discussion with anybody on this Council or the administrative body on why there was no punitive towards this contractor, or why didn't this procurement process move on to the next bidder when this building should have been completed in 2013. Having said that, moving forward to 2021, it's back in your Committee because of course, the cost of the project went to what, two point some million dollars to build. Not due to specific finger pointing or Government officials during that period of time...now keep in mind, Members, that this project went through a few governors, a few mayors, and a roll of Councilmembers. For me, it's...and...and the directors, after my discussion with them, it was kind of appalling to...in any of these meetings, Ms. Paltin, from the last meeting that the Nahiku Community Association, the board and board of directors, of which most of you could have contacted and advised of where we're at with this project. So we're back at the

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same point of getting this boundary amendment passed because of the cost of the project. It went from a small SMA to a full-blown SMA because of the cost of the project to date because of the cost leverage to where it's at today. We're hoping to find some kind of resolution or decision or where this project is going to go, like the other testifier mentioned. You know, all of the items that was brought forward about mitigation...and you're right, we've had many site inspections scheduled. Mr. Sinenci, you know that as well . . . *(timer sounds)*. . . that never went through as far as the concerns that some of the testifiers may have had.

CHAIR PALTIN: Aloha. That was the three-minute timer.

MR. KEKAHUNA: Yes. I got...I got...I got the bell. So in closing, hopefully after today, Councilmembers and Chair Paltin...I'm so glad I have a face to this technology that we have. Because the last meeting the Nahiku Community Association wasn't even mentioned in the discussion. So just to put a face on the association, here I am, I'm the Vice-Chair, current sitting Chair. And I just wanted to thank you for your consideration today. And hopefully that you wouldn't file this project, because you're right, there was a lot of...hundreds of thousands of dollars spent on this project, and we just don't trash taxpayers' dollars because there's concerns. If there's concerns, let's address it. Let's come to a medium. Let's get to a medium on how we can get this problem fixed, or what really "these petitioners have got to...to...concerns about." But not just trash something that should have been built in 2013. Thank you for your time, Councilmembers and Chair. And hopefully that, you know, like I said, you guys got our emails, contact us, let us know. I'm still waiting for somebody from the Administration to contact us about this. It's kind of sad that we have to go through this as...as...as an association. But thank you very much for your time. And I hope you understand the frustration. It's been since 2013, what, 15 years since the groundbreaking, so we need to come to some kind of closure. Thank you very much. The bell is up.

CHAIR PALTIN: Thank you. We do have a question for you from Member King, followed by Member Sugimura. Go ahead, Member King.

VICE-CHAIR KING: Thank you, Chair. Aloha, Mr. Kekahuna. Is there an echo in here? Okay. So you know, you were...because you brought up the...the...the...you know, the inflation of the expense, is the change from Agriculture to Public/Quasi-Public going to affect that cost? Is there some reason why...you know, would the cost go down or, you know...

MR. KEKAHUNA: No, the reason...the reason why it went to a full...from an SMA to, I guess, a larger scale of it was because of the project. Because since 2013, when it was first initiated, it was on an SMA that was approved, ready to go, because of the...you know, the cost factor at that time wasn't...but obviously it became a full-blown project when the cost went past a million dollar...

VICE-CHAIR KING: But the cost is...okay, the cost doesn't have anything to do with the zoning.

MR. KEKAHUNA: Okay. That's not what I was told, but okay, go ahead, Ms. King.

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VICE-CHAIR KING: No, I'm just asking you if you have some reason to believe that the cost has something to do with the zoning?

CHAIR PALTIN: Point of information. The cost just...

MS. ALLRED: May I...may I jump in on...

CHAIR PALTIN: No.

MS. ALLRED: May I jump in on this?

CHAIR PALTIN: No.

MS. ALLRED: Hello?

CHAIR PALTIN: *(audio interference)*

MS. ALLRED: I'm Teresa Allred.

CHAIR PALTIN: Mute yourself. Point of information, the cost has to do whether...with whether you need an SMA major or an SMA minor permit. If it's under 500,000 you need an SMA minor permit; if it's over 500,000 you need an SMA major permit.

VICE-CHAIR KING: Right. But there's no reason that that...but that doesn't have anything to do with...with what...what we're looking at today with changing the zoning, right?

MR. KEKAHUNA: That is the reason.

VICE-CHAIR KING: It doesn't change the cost of the project.

MR. KEKAHUNA: No.

VICE-CHAIR KING: That's what I'm trying...I'm trying to understand because you brought up the cost of the project and I'm trying to understand if...if our actions...

MR. KEKAHUNA: Well, Council...Councilmember King, if this...I mean the cost of the project obviously...as you know has inflated, and it's...was like 700,000 at its beginning when we ground break the project. And it has inflated when all of this moved forward. Today it's probably in the millions right now. So of course it had to do a major rezoning situation. So I mean, I'm hoping that somebody from the County Council, Administration, or even the legal department to shed some light on that. Because I mean, it feels like we're going around in one circle on this process. It's stuck in this Committee, and it's not going to move anywhere until we can come to a reasonable ground and authority to address the...the concerns. But thank you so much for your question, I appreciate it, Councilmember King.

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

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CHAIR PALTIN: Okay. We'll have Member Sugimura, followed by Member Kama. Go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Mapu, for testifying. Yeah, you're right, it's nice to see a member of the community association here. And my question to you is...because you brought up funding is that did you have a line item in the County budget to help you build this community center in 2013, or...I didn't see it in this, you know, recent budgets, but did you have money in there?

MR. KEKAHUNA: Yes. Let me just give you a real brief synopsis, Ms. Sugimura, on this project, and thank you for the question. The State of Hawai'i, as well as the County of Maui, at the early beginnings, they had a matching funds of 250,000. In 2014, Mr. Bill Medeiros, a Councilmember at that time, got approval from the Council at that time because the State was going to match the 250,000. So the County at that time was able to match, and it came out to \$500,000. The State did their part in matching the funds with the County, and that's how this process really began. And then moving forward, we went through three budget cycles to secure the funding...three budget cycles. And as the project was going, and the planning and designing went through, we were able to secure the funding through the previous Councils, and it's on record in your archives. To secure the building right up until 2013, once we broke the ground, the building was ready to go until the contractor defaulted with the County of Maui. And I'm sure the litigation has been resolved with no punitive damages to the contractor.

COUNCILMEMBER SUGIMURA: Oh, okay. Thank you very much for the history. Thank you very much.

MR. KEKAHUNA: Thank you for...thank you for the question, Ms. Sugimura. I appreciate your support.

CHAIR PALTIN: Thank you. And Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Kekahuna, for being here this morning. You know, in just a few moments of your testimony, I come to realize that you are a very conscientious taxpayer, but you also are a community leader. And therefore because you live out there, and I hear you say that we have to come to some resolution, do you have any recommendations for resolution?

MR. KEKAHUNA: You know...thank you for the question, Councilmember Kama. And my condolences on you...on your family's passing. Thank you for the question. Mahalo. You know, we were...we were always open, throughout this whole process, the due process. We sat on the Council floor in the Chambers in front of testifiers, in front of the Councilmembers during that time. We were open for any suggestions that we had. When this whole thing came about...a lot of our kupunas have now since passed. A lot...some of the oppositions that started this opposition has now since passed or left the island. But you know, irregardless [sic], we always kept our doors open. It was never a we thing. We tried to be as open to the community, bring their thoughts to the

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table. Hey, if they don't want a community center, fine. Let's do something about it, let's come to a medium on this process. But at the same token, there's an executive order to the County of Maui for this 1.9 acre property and...and, you know, from the last meeting, Ms. Paltin, I'm still waiting for some dialogue as far as if they found that if that executive order is still alive and well. I don't know if it's...it's been defaulted because the property is supposed to be returned back to the State of Hawai'i if the building wasn't going to get built. So here's the medium, what do we do with the property? Do we turn it into a park, put a table, put a pavilion? We're open to anything. And anybody who's listening on this...I mean on this testimonies with the community, I live in Lower Nahiku, I drive that road every day from Wailuku to Nahiku. Nahiku, not Hāna, Nahiku, every day, in that ahupua'a. So I just want to be clear, my family is from Lower Nahiku. My generational descendants are from Lower Nahiku. My...my...my koko is...my ohana is buried in the church cemetery, which I just laid to rest my 93-year-old uncle, who was a supporter of this facility, that we laid to rest in that church cemetery. For me it's the kuleana, Tasha. And I know that you're going to understand this, it is a kuleana. Many of those kupuna are no longer here. They fought, they went to every meeting, and now they're passed. So for me, as a board member of the association, not as a Hawaiian, not as somebody don't like outsiders, yeah, I'm open to everybody. I'm trying to create a balance here in this society. There's too much of this stuff going on. Hey, I'm willing to meet with any of these people, we have opened the doors. Come talk with us. They know where I live. We're the house that's visual right up...right below. My house is below, you can't miss it. Come down, let's have a discussion from a distance with this COVID. We want to come to a balance. And Councilmember Sinenci, you know as well as I know that we've always been open. The President lives there, I live there, the Secretary lives there, the Director lives there. We're all open to any discussion, but the discussion has never been had. It's always been a one sided. One sided. The community, bark...who barks the loudest gets heard. I am the community --

COUNCILMEMBER KAMA: Thank you.

MR. KEKAHUNA: -- association...I'm the current board member --

COUNCILMEMBER KAMA: *(audio interference)*

MR. KEKAHUNA: -- and I'm willing to meet with any one of you and the Administration --

COUNCILMEMBER KAMA: I would like to.

MR. KEKAHUNA: -- to have this discussion. Thank you, Mrs. Kama. I hope that answered your question.

COUNCILMEMBER KAMA: Thank you. I would like to have that discussion with you offline. So thank you very much for being here. And thank you, Chair.

CHAIR PALTIN: Thank you, Member Kama. Okay. That's the last testifier on the list. Thank you so much for your testimony, Mr. Kekahuna. Is there anyone else that wishes to offer public testimony at this time? Last call for public testimony. Seeing no one wishing

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to testify at this time. Members, any objection...

MR. PAISNER: Excuse me, I would like to add one...I was only given three minutes to speak and the gentleman representing the Nahiku Community Center must have spoken for about 15 minutes. May I just add one thing?

CHAIR PALTIN: I'm sorry, no, Mr. Paisner. He was given three minutes to speak, and then there were --

MR. PAISNER: He spoke for about five --

CHAIR PALTIN: -- additional question...

MR. PAISNER: -- he spoke for five. And two --

CHAIR PALTIN: Yeah, that...

MR. PAISNER: -- of our members who wanted to speak were unable to because of Internet issues. May I just say one thing? Don't you want to have more --

CHAIR PALTIN: No.

MR. PAISNER: -- information (*audio interference*).

CHAIR PALTIN: I'm sorry, you may not because the process is you have three minutes, you have some time to wrap up. If there's additional questions, then you speak longer. If there's no questions, then it's over. So this is for additional testimony from folks that have not testified yet. If there's anybody that wishes to testify that has not yet given testimony. Okay. Seeing none.

MS. ALLRED: Hello, my name is Teresa Allred. I would like to testify.

CHAIR PALTIN: Okay. Ms. Allred, we have you for three minutes. Go ahead.

MS. ALLRED: Okay. I'm not muted. Can you all...

CHAIR PALTIN: Yes, we can hear you.

MS. ALLRED: Okay. Thank you very much. My name is Teresa Allred. And I have one big question for all of you, and that is, who really owns this property? Because the last time I talked to you about it, nobody knew. It's a big...big wonder, it's a big mystery as to who owns this property. And we are going to...if we build this, the State or whoever it is, the County, is going to be building on property they don't know who owns. And I think that that's a very bad thing for you guys to be doing. Also, I think that the location for this place is very unsafe. If we're thinking about building this as a place where people can go if there's, you know, some kind of a...something that is a problem, you know, in the community, like too much rain or something like that, this is not a place

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to go for security, for being comfortable. And I am in favor of a...of...of a place like this. I'm in favor. But I don't think that this is the right location for it. I think it should be up on the Hāna Highway where people all over can get to it if there's some kind of an emergency. So that's...those are my...my thoughts. And I hope that you all look at the legal aspect of who owns this property.

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

VICE-CHAIR KING: Just real quickly. Thank you, Chair. Just real quickly, Ms. Allred. Can you just give us your background? You just...you gave us your name, but are you a longtime resident of East Maui?

MS. ALLRED: Yeah.

VICE-CHAIR KING: Okay.

MS. ALLRED: I'm a longtime resident. I have 14 years.

VICE-CHAIR KING: Okay. That's all I wanted to know. Thank you. Thank you, Chair.

MS. ALLRED: Thank you.

CHAIR PALTIN: Thank you, Members. Any further questions for the testifier? Seeing none. This is the last, last call for public testimony. If there's anybody else on the line at this time who hasn't previously given public testimony, now is your chance.

MR. BLUMER-BUELL: This is John Blumer-Buell. Can you hear me?

CHAIR PALTIN: We can.

MR. BLUMER-BUELL: Can you hear me? Okay.

CHAIR PALTIN: Yes.

MR. BLUMER-BUELL: I was cut off. May I try to conclude a little bit? I...I hope you read the testimony. The...the...the County has no clear or recorded jurisdiction or interest --

CHAIR PALTIN: Okay. Just a moment, Mr. Buell.

MR. BLUMER-BUELL: -- in that Nahiku Road or bridge.

CHAIR PALTIN: Mr. Blumer-Buell? Mr. Blumer-Buell, just a moment. Staff, can you put --

MR. BLUMER-BUELL: Yes.

CHAIR PALTIN: -- two minutes on the timer for Mr. Blumer-Buell to conclude his previous

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testimony where he got cut off?

MR. LEAUANAE: Yes. Thank you, Chair.

CHAIR PALTIN: Okay. Go ahead, Mr. Blumer-Buell.

MR. BLUMER-BUELL: Yeah. Thank you, Chair and Committee Members. And I say I respectfully suggest that PSLU Committee file PSLU-32, and strongly endorse the County audit. If you...if not, you will be perpetuating and becoming part of this injustice. And it's...for your information, I..it doesn't sound to me like you've read...done your homework frankly, you know. They never did the required Environmental Assessment as required by Chapter 343 over ten years ago. There's...this whole record is full of fraud by the County. And it's just amazing that you're not just filing this today. The...and I am speaking on behalf of the 11 intervenors and over a hundred community petitioners on behalf of this today. There's absolutely no credible reason not to do so, to file it once and for all. And it has been more than ten years of outrageous and blatant fraud, waste, and very real abuse of the Nahiku community. Taxpayers, legal due process, the law, and aloha. The entire process is a well-documented case of dishonest politics and bad government. The documented behavior goes well beyond disgraceful. Therefore, the intervenors are asking for a comprehensive, independent investigation and forensic financial audit, and a forensic performance audit. The...the...the Office of the County Auditor is already planning an audit through a documented . . .*(timer sounds)*. . . "assessment of the County of Maui Department of Planning."

CHAIR PALTIN: Okay. Mr. Blumer-Buell, that's the timer. If you can please conclude.

MR. BLUMER-BUELL: I concluded. I...I...you know, I...I'm...

CHAIR PALTIN: Members, any questions for the testifier? Seeing none. Thank you so much for your testimony today, Mr. Blumer-Buell. Any further...last...last call for testifiers who haven't previously testified. Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony and receive written testimony into the record.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Thank you.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR PALTIN: Members wishing to speak during today's meeting should say my name and raise their hand so that I may recognize you.

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PSLU-32: COMMUNITY PLAN AMENDMENT, DISTRICT BOUNDARY AMENDMENT, AND CHANGE IN ZONING FOR THE NAHIKU COMMUNITY CENTER (HANA) (CC 19-145)

CHAIR PALTIN: We will be taking up PS LU-32 Community Plan Amendment, District Boundary Amendment, and Change in Zoning for the Nahiku Community Center in...or (Hāna). So the Committee is in receipt of County Communication 19-145, from the Planning Director, transmitting the following: A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT NAHIKU ROAD, HĀNA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023." The purpose of the proposed bill is to grant a District Boundary Amendment from Agricultural to Rural for 1.9 acres located at Nahiku, Hāna, Maui. We also have "A BILL FOR AN ORDINANCE TO AMEND THE HĀNA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC," as well as "A BILL TO AMEND...OR CHANGE...A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL TO P-1 PUBLIC/QUASI-PUBLIC" for the same parcel. So the Committee may consider whether to recommend passage of the proposed bills on first reading, with or without revisions. The Committee may also consider the filing of County Communication 19-145 and other related action. So Members, as you've heard, this is a longstanding issue, I think, that stemmed...there used to be a school there that could have been used as a community center, but it, I think, burned down from arson around 2005. And apparently since then, this issue has been going on. So I'd really like to see us try and resolve and come to a decision on whether or not to do the DBA, the Community Plan Amendment, and the Change in Zoning today. We had put it off earlier because there was litigation with the contracted bidder, and I think this past summer they came to a resolution with that. I know we do have Corp. Counsel to explain that. But I think Director Peters has to go to another meeting at 10:00. So if there's no objection, I'd like to hear from Director Peters first, a status update, and then we can go through our other resources.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Members, if you can please take down your questions for the other resources. If there is a burning question for Director Peters or her Staff, maybe we can get it in before she has to leave. But Director Peters, can you give us a short status update on where we stand, if the Parks Department has money, if they want to continue building? Thank you so much.

MS. PETERS: Thank you, Committee. My apologies that I'm going to have to leave. So I'll make this really quick. The Department is wanting to do again what Member...Chair Paltin mentioned, to do what is right. If the community desires so to have the community center at the proposed location, we are acknowledging that the EA and major SMA would be required. The...as far as the litigation, I'll need to defer to Corp. Counsel on the details for that. We do have plans set for the community center. Those are still intact. And we would again need to do the required SMA and EA if this is the...if this is the desired location for the community. And you know, like many of the testifiers had mentioned, it started in 2012, so we're about almost ten years since the concept came

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up. And we, as a Department, have evolved and improved our processes in which we do a lot of community outreach now before we have projects. The community associations, we...we actively work with all of them. So we are willing and committed to do what is right and what the community would like to see on that property. Thank you.

CHAIR PALTIN: Thank you, Director Peters. And I'm just going to do questions for Director Peters because she has to leave, and I'll limit them to about a minute because I don't want to keep her from her next engagement. Member King?

VICE-CHAIR KING: Thank you, Chair. Aloha, Karla. Thanks for being here. What...what...what does the community want? Because you know, my recollection is the community is split on this, and there were a lot of people who objected to that site. So do you have a clear idea, or would you...are you...would you be going back out for a public hearing?

MS. PETERS: Thank you, Chair. Thank you, Member King. So as we've heard, and we've known for a while now, there is some division in the community as to their desires, and we are again willing to...if this...the land entitlements go through and the community so desires, be doing outreach prior to any type of moving...you know, EA or SMA process. If this is not the desired location and another location is preferable, we're also open to that as well...if it's on County property, and that can be identified.

VICE-CHAIR KING: Okay. So that...that hasn't been done yet, or needs to be done again, as far as getting the public input and finding out really what they want?

MS. PETERS: Thank you, Chair. Yes, Member King. So we were waiting for the litigation to get resolved and then . . .*(timer sounds)*. . . this land entitlements, and then move forward with again what is the desired proposed location and construction.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: Okay.

VICE-CHAIR KING: Thank you, Chair.

CHAIR PALTIN: Thank you. I think we had Member Sugimura, followed by Member Sinenci, and then Member Molina.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much, Chair. Thank you, Karla. Based upon the executive order...and by reading it, it's...there's a statement that says subject, however, to the condition that upon cancellation of the executive order or in the event of non-use or abandonment of the...of the premises or any portion thereof for continued...continuous period of one year or for any reason whatsoever, the County of Maui shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to DLNR. So what do you consider this property as with the lawsuit and...has it been abandoned, or are you...are you still thinking that it's under the

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jurisdiction of the County?

CHAIR PALTIN: Director Peters?

COUNCILMEMBER SUGIMURA: Or is that a legal question?

MS. PETERS: Yeah, we probably have to have more discussion...sorry, thank you, Chair. Thank you, Member Sugimura. We probably would have to have more discussion with the Department of Land and Natural Resources. We are currently...our Hāna Staff is currently going out there and doing the weed eating and mowing that's necessary. And you know, so we're...we are maintaining the site as best as we can . . .*(timer sounds)*. . . with the minimal Staff that we have in Hāna.

COUNCILMEMBER SUGIMURA: Okay. So it's not abandoned. Thank you very much. You answered my question.

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

COUNCILMEMBER SINENCI: Yeah. Thank you, Chair. And aloha, Director Peters. Yeah, my question was...Member Sugimura, the...the executive order from the State was given to the County, and the Parks currently has it. So should the DBA not go through today, the Parks will continue to maintain the property under the Agricultural zoning?

MS. PETERS: Thank you, Chair. Thank you, Member Sinenci, for that question. Yes, we would continue the maintenance as currently being done until we can get it resolved, and then have further discussion with DLNR pursuant to the EO stating that it's...it was EO'd for community center purposes.

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

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

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Madam Chair. And you know, just as an FYI, I was back on the Council way back when, when the original 250,000 was proposed by former Councilmember Medeiros. And I guess back then, I'm sure none of us would have ever envisioned this matter has turned out the way it has. But anyway, nonetheless. Thank you, Director Peters, for being here. At this point, you know, we've heard a lot of the negatives about, you know, doing this project. Now the Department, as I understand it, continues to support this project despite some of the community concerns. Can you share with us, from the Department's perspective, what you see as, I guess, any pros to the site that we may be missing?

CHAIR PALTIN: Director Peters?

MS. PETERS: Thank you, Chair. Thank you, Member Molina. So we are in support of what the community is wanting. And like mentioned earlier, because of the division in whether this is the right site or whether the community center should be built there, I

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guess we would...we would want to go back, and if so desired by the community, get community outreach going and see what the pros are and what the cons are to determine if it's best fit there, and also if we are able to get the required EA and SMA. Also, I wanted to mention too, there was an AIS completed as part of that preliminary part of the project. You know again, we've improved in our processes, and what we would want to do is also involve maybe a cultural assessment at that point as well where then the lineal descendants and the Aha Moku of the area are able to be interviewed, and then maybe provide us with a better idea of is this the right site, or there may be another site that may be more appropriate for the use. Another value that we do see is the communities all need a place to shelter in time of emergency. So that's something that we also want to make sure we are being very conscious about.

COUNCILMEMBER MOLINA: Okay. Thank you. And one last thing with regards to a comment made by one of the testifiers earlier about communication with the Administration. Have you, the Department, communicated with the association? And if not, is it your intent to, I guess, open the lines of communications with both sides?

CHAIR PALTIN: Director?

MS. PETERS: Thank you, Chair. Thank you, Member Molina. That's a great question. So we...we're waiting, again, for the litigation to go through before we were able to do any type of open discussion. We are again, as part of our improved planning and design process, wanting to do community outreach as best as we can.

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

CHAIR PALTIN: Thank you. I know...or Director Peters has five minutes to get to her next meeting. I want to let you go. I just wanted to clarify, you don't currently have any money to do the EA or break ground or build anything at this moment?

MS. PETERS: Thank you, Chair. No, we do not have any funding. That would need to be proposed in the upcoming budget if so desired.

CHAIR PALTIN: Okay. And are you leaving Deputy Sato and Mr. Marvel on the line for us?

MS. PETERS: Yes, they'll be great resources for you as well. And then I'll return as soon as my meeting is done. My apologies, I could not reschedule this one. Thank you.

CHAIR PALTIN: No problem. Thank you so much for the assistance you provided. Okay. So we also have...at this time I was going to hear comments from Corp. Counsel explaining that the litigation is over. And we can have an...status update from Public Works, Director McLean, and Mr. Hironaka if he has anything to add about the EO. So if I can start with Corp. Counsel, and then Public Works, Planning, and then Mr. Hironaka, any kind of status update. And if Members can write down their questions, I'll give each...I'll give a round of about three minutes at the conclusion of all the status updates. Go ahead, Mr. Hopper.

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MR. HOPPER: Thank you, Chair. I did...I wasn't asked to get...to have a presentation ready on this item, but I did review the...the background and discussed briefly with the litigator involved. I can confirm, based on the filing, that there's no pending litigation with respect to this matter. The claims have been dismissed by both parties, and so there's no current litigation. If you wanted to get into the background of the litigation and...and...and those items, I'd...I'd...I'd encourage you to have the litigator who was...worked on that case to come...come discuss with you. I don't have all the details. But I can confirm, based on the filing that you attached in Granicus, that...that the lawsuit has been...there's no current litigation, or at least that lawsuit has been dismissed with respect to this item.

CHAIR PALTIN: Thank you so much, Mr. Hopper, for the update. And next up we have someone from Public Works. Is it Director Dagdag-Andaya or Deputy Director Molina? If you can just give us a status update from the Public Works' end. Thank you, Deputy Director Molina.

MR. MOLINA: Hi. Good morning. Oh, excuse me. Chair Paltin, Members of the PSLU Committee, Jordan Molina, Deputy Director of Public Works. I'm not aware of any requests to the Department prior to the meeting, so we have no updates to provide at this point, but open to assist with any questions the Committee may have.

CHAIR PALTIN: Okay. I guess the main question was about the road going into the parcel. Do...do you know anything about the status of the road, the bridge going into the parcel?

MR. MOLINA: I know there's a lot, so if there's a specific question, I can look into it.

CHAIR PALTIN: Okay. Thanks. We'll come back to you if there are questions.

MR. MOLINA: Okay. Thank you.

CHAIR PALTIN: Next up, Director McLean, any status update on this item? Followed by Mr. Hironaka.

MS. MCLEAN: Thank you, Chair. No, just a reminder that the Planning Department initiated these land use entitlements. You went over the history, and Director Peters also mentioned some of the history, so I don't need to go over that. But we initiated the entitlements for the Parks Department. If it's decided that this isn't the right location, then there really isn't any point in proceeding with these entitlements, and the designations would just remain Agriculture. But if it's possible that this would be the location, then establishing those entitlements, it is a Government-owned property, designating it Public/Quasi-Public means it could be used for a number of public facilities, so there really isn't any active use of the parcel otherwise. It used to be the school site, so it's kind of well, no real harm done if it's designated. I mean, we don't really want to do land use entitlements with no specific purpose, but at the same time, you know, the process that this has gone through, you know, it's been a long road to get here, and it would at least leave the door open if not for the community center, for

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some other public facility to go there.

CHAIR PALTIN: Thank you. And I'll remind Members to write down any questions they have. Next up we have Mr. Hironaka, if you can provide us a status update, if any, on the executive order for the parcel, if it's still in effect and you know anything.

MR. HIRONAKA: Good morning...good morning, Committee Chair and Members. We did this morning, you know, double check with the State website to make sure they have not cancelled the EO. It's still showing as active in the State database. So that's the only, you know, status report that we have.

CHAIR PALTIN: Thank you so much, Mr. Hironaka, for coming with your homework ready. Okay. So that's all of our resources that we have. We...we do have Deputy Director Sato, as well as Chief of Planning and Development Sam Marvel. At this time if anyone had any questions for the resources we had, I can do maybe two rounds of two minutes. And I'd like to go to Member Sinenci for the first round.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yeah, I guess the question is for Mr. Hopper. There was a countersuit within the litigation, is he privy to that?

CHAIR PALTIN: Yeah. I think he is. The document that I did update in Granicus said that has been dropped as well. There's no pending litigation at all.

COUNCILMEMBER SINENCI: And then is the...is that contractor still a vendor to the County?

CHAIR PALTIN: Mr. Hopper?

MR. HOPPER: That...that I don't know offhand. I do know the lawsuit's...that's correct, the counterclaims have been dismissed as well. Whether they're still a vendor, I...we'd...I'd...we'd need to look into that in more detail. But yeah, the lawsuit's been dismissed.

CHAIR PALTIN: I...I did see that vendor on one of our...our contracts. It's Kuponu Builders, I think they're still a vendor for the County.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair. And then I did receive an email from Director Dagdag-Andaya. She says the road fronting the Old Nahiku School site on its northern boundary is considered an old government road that the County maintains, but we do not have title to it. Nahiku Road on the project area's southern boundary is a County road. So for...that was the...the email that she sent me. That was all the...the questions I think I had, the directors answered mine. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Sinenci. Do you mind forwarding that email to the PSLU Committee, and we can upload it into the record? Thank you so much. Okay. Anybody else have any questions for our resources? Member Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Just a question for

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Corporation Counsel, so I guess, Mr. Hopper. To be clear, so with the litigation being dismissed...now the SMA permit intervention, is that still active, and would that be taken up by the Maui Planning Commission if the Council approves the proposed legislation today?

MR. HOPPER: I believe--and maybe Planning Director can confirm--I believe that that was still filed. Now, the...the intervention would not have...is not applicable to what you're doing today, the Community Plan Amendment, Change in Zoning, and District Boundary Amendment because those are Council actions. But it would be applicable potentially to the Special Management Area permit. So if you would approve this, I think the next step would be for the commission to...to consider that, and I believe the intervention would be part of that. Director can correct me if I'm wrong on...on that. And I'd also say that if...you know, with the...with the Department saying they're not sure if they're going to move forward and...and would want to do an EA as well, you may want to check on, you know, their position on the entitlements going through today or...or what...what they would...would like to do, because hearing that statement, I'd maybe want additional clarification on whether they'd want you to take action on that or...or defer pending those items. I wasn't clear on what the Department wanted as far as the timeline. But I don't...do not believe the intervention has been resolved unless I'm...unless I'm mistaken, and the Director could...could tell me if I'm mistaken.

COUNCILMEMBER MOLINA: Okay. Thank you...

CHAIR PALTIN: Did you want to hear from Director McLean, Member Molina?

COUNCILMEMBER MOLINA: Sure.

CHAIR PALTIN: Okay. Director McLean, on the intervention.

MS. MCLEAN: Thanks, Chair. I can try to find, and it won't take me long, what the current status of that is. I would guess that if there is an open SMA major application, that the Parks Department would likely withdraw that and start with a fresh SMA and EA. Because an EA wasn't done before, and typically we see a combined package of an EA and an SMA major permit. So I would imagine there could be design changes. There might be, you know, related improvements that go along with it. So my guess is that old one would be withdrawn, and a new one would be submitted. The interveners could, of course, petition to intervene in the new permit, but that would resolve the...the existing intervention if it is indeed still open.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Madam Director. And Madam Chair, can I ask Mr. Hopper one last question?

CHAIR PALTIN: Sure thing.

COUNCILMEMBER MOLINA: Okay. Mr. Hopper, now...now, if the Council decides to file this item instead of taking, you know, action on the boundary amendment, and say the County now can't find a use for the parcel, just theoretically, then I would assume we

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would need to inform the State, or will the Nahiku parcel automatically just go back to State ownership? How would that work? And I don't know if Mr. Hironaka from Finance would also want to chime in on that.

MR. HOPPER: When...when I checked the executive order, it does appear to say for community center purposes. I don't know if the State would consider, you know, other purposes, that maybe they could change the executive order. So I don't know if you would necessarily talk about it reverting right away. And...and Mr. Hironaka could maybe comment on...on that process. But I...I...if...if the County...if the Department, I suppose, wanted to look at giving something else, I suppose it could approach the State and ask if...if it would be possible to have the executive order altered to be something different than community center purposes, if...if that was the intent. But I think...I...I can't speak for the State with respect to what they would be willing to do. But I think if...if the Department wanted to go in that direction, it would...I...I think the next step would be to have discussions with the State on...on doing that, and perhaps looking at altering the executive order and...if...if that's something the...that the parties wanted.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Mr. Hopper. Thank you, Madam Chair.

CHAIR PALTIN: Okay. I think was it...Member Sugimura, did you have your hand up?

COUNCILMEMBER SUGIMURA: Yes. Thank you.

CHAIR PALTIN: Okay. So it was Member Sugimura, then Member Kama, then Member Lee. Go ahead, Member --

COUNCILMEMBER SUGIMURA: So...

CHAIR PALTIN: -- Sugimura. Two minutes.

COUNCILMEMBER SUGIMURA: So my question is connected to Member Sinenci's, I guess, email that he received. So could I see that first before I ask my question? It's about the roads and the bridge to that area, so...did...did you send it already, Mr. Sinenci, or could you? I'll...I'll defer.

COUNCILMEMBER SINENCI: Yes.

COUNCILMEMBER SUGIMURA: I'll wait...I'll wait until I read what --

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: -- was sent from Public Works.

CHAIR PALTIN: And...and Staff, when we get that, if you can please upload to Granicus. And so Member Sugimura, you may need to refresh your Granicus. Okay. We'll come back to Member Sugimura. Member Kama, and then Member Lee.

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COUNCILMEMBER KAMA: Thank you, Chair. So I just had a real quick question for Corp. Counsel. I just wanted to know when was the litigation resolved?

CHAIR PALTIN: I think it was June of this year.

COUNCILMEMBER KAMA: Okay. Okay.

CHAIR PALTIN: June 8th or so.

COUNCILMEMBER KAMA: Okay.

MR. HOPPER: Yeah, there's...there's the...the...there's an item in Granicus. I can confirm that for you, but there's an actual filing date on the stipulation, so I can take a look at that.

COUNCILMEMBER KAMA: Thank you so very much. And then the other thing I wanted to say, Chair, was that, you know, it seems like we...the issue of who owns the road. We own part of it, there's an old government road that owns part of it, and I feel like if we don't figure out that road issue, the other issue that...regarding the community center may or may not get resolved, just based on the road. So maybe we should talk about that at some point in time later. But thank you, Chair.

CHAIR PALTIN: Thank you. Member Lee?

COUNCILMEMBER LEE: Thank you. I...I thought there was only one road. Is...is there more than one road to get to Nahiku to the landing area?

CHAIR PALTIN: I'll defer to Member Sinenci on that.

COUNCILMEMBER LEE: Two roads?

COUNCILMEMBER SINENCI: No. Thank you, Chair. So...so the road that comes from Hāna Highway that goes down the site, and then what...that's...that's the road that the County doesn't have jurisdiction over. But then there's almost like a dirt road from the site going north to a dead end, and that's the...that's the section of the...the road that the County maintains.

COUNCILMEMBER LEE: Okay.

COUNCILMEMBER SINENCI: Yeah, just one road, but...but to...to the site and from the site are two different jurisdictions.

COUNCILMEMBER LEE: Okay. Why...it's interesting that we would maintain a road that has a dead end, doesn't go anywhere. But that's...that's for another day.

COUNCILMEMBER SINENCI: Yeah, it has...

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COUNCILMEMBER LEE: The other question...pardon me?

COUNCILMEMBER SINENCI: It has some residents on it.

COUNCILMEMBER LEE: Oh.

COUNCILMEMBER SINENCI: Just there was some residents that live on that road. Thank you.

COUNCILMEMBER LEE: Oh, okay. All right. So then the other question is for Parks. Did the Parks execute a lease agreement with the association, the community association?

CHAIR PALTIN: Okay. Deputy Director Sato or Mr. Marvel, did the Parks Department execute a lease association [sic] with the Nahiku Community...lease agreement with Nahiku Community Association?

MS. SATO: Good morning, Chair Paltin. Good morning, Councilmembers. As far as I know, no, there is no lease agreement.

COUNCILMEMBER LEE: Okay. So but...but the Parks Department has oversight of the property?

MS. SATO: Correct.

COUNCILMEMBER LEE: And did...did you lease it to anybody, to anybody...anyone?

MS. SATO: No.

COUNCILMEMBER LEE: No. Who gets to use the property?

MS. SATO: So based on my understanding is that the property was EO'd to the County for the purpose of the community center. So if that is what is determined to be built there with the entitlements, then that is what the Department will do is...depending on what the community wants.

COUNCILMEMBER LEE: What's there now?

MS. SATO: I believe it's just a lot there that is being maintained by our Parks Recreation Staff from Hāna twice a week...or twice a month I believe.

COUNCILMEMBER LEE: All right. . . .(timer sounds). . . Thank you.

MS. SATO: You're welcome. Thank you.

CHAIR PALTIN: Thank you, Deputy Director Sato. Member Sugimura, did you get that information that you needed for your question?

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COUNCILMEMBER SUGIMURA: I haven't seen it yet.

CHAIR PALTIN: Okay. Anyone else that hasn't had a chance on this first round? Member King, I thought...oh, you didn't go yet? Okay. Go ahead.

VICE-CHAIR KING: No, I did ask a...I asked Karla before she left, but I don't know if that was considered the first round.

CHAIR PALTIN: No, no, this --

VICE-CHAIR KING: Oh.

CHAIR PALTIN: -- first round without Karla.

VICE-CHAIR KING: Thank you. So I...you know, I...I have a question, I don't know who can answer it, but I remember this controversy, you know, rearing its head during my earlier years on the Council. And one of the issues seemed to be back then that the community association was a very...was basically one family of people. And I don't know if that's still the case, you know. And that's why my concern about whether this is really what the community wants as a whole. So I don't know if that...maybe that's a question for Member Sinenci. Is that still the case, or have they expanded the community association?

CHAIR PALTIN: Let's see, I think we do have the...Members, any objection to designating Mr. Kekahuna as a resource for the Nahiku Community Association?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Mr. Kekahuna, I have unmuted you, and if you can just answer Member King's question?

MR. KEKAHUNA: Yes, thank you. Ms. King, the community association was formed back in 2006. It was primarily made up of the residents of Lower Nahiku, people who bought properties and lived there. So basically, when you say family, I'm not clear what you mean by that.

VICE-CHAIR KING: Well, you know, the...the controversy back then was that there...basically the board was made up of people, you know, three or four people that were all in one family or related to each other.

MR. KEKAHUNA: Right. And as you know, as an association we have open elections after their terms go and people get elected to their positions. So previously is not...wasn't...currently the President of the board is my mother. I'm serving as the Vice-Chair, so yes, that is true, but we were elected by due process. But previous to that, in 2006...and other members of the community has served on the board. So I'm not sure where that question is directed to.

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VICE-CHAIR KING: Okay. So is...

MR. KEKAHUNA: Or what is it...

VICE-CHAIR KING: How many people are in the...well, I'm just trying to get a sense of the community, you know, and because this has been a controversy in the past.

MR. KEKAHUNA: Right.

VICE-CHAIR KING: How many people are in the...you know, I guess officially in the...the Kihei community...or the . . . *(timer sounds)*. . . Nahiku Community Association?

MR. KEKAHUNA: You know, at one point...I mean, I can go back to 2012 when I served on the board, their meetings was huge, and we held it at the church hale. As you know, the Lower Nahiku community consists of the lower part and Upper Nahiku. So some of the intervenors that may have opposed the project don't even reside in Lower Nahiku, they're...they're from Hāna and...and...and from wherever else. And I don't...I mean, it's...it's really...I mean the divisiveness started after the groundbreaking in 2014, and where all that stuff came about from the banyan tree to everything else. So you're right, the community association right now is operated by a family, and we've had board members from different...in Lower Nahiku that served on the board. But at the early beginnings, it was a full-member board, not by just one family, Ms. King.

VICE-CHAIR KING: Okay. But is there...do you have a number of people that are official members of the...that community association?

MR. KEKAHUNA: Well, you know, since COVID took over, of course, we couldn't hold meetings, as you all know, what we're doing now. The community is quite small, so we've had a base of membership that either fell off, moved out, people passing. So I cannot really give you a solid number as far as how many people are part of the association. Maybe 15, I'm not even sure. People that pay their dues to our association are possibly that many. But it's a small rural community. And you know, going back to the road parts, Mr. Sinenci, the...the County has always had the jurisdiction of the Lower Nahiku Road right down to the bridge. That's all County. The road that you guys are talking, the old government is a turnoff --

VICE-CHAIR KING: Actually, my question, you answered.

MR. KEKAHUNA: -- to Kohiwa *(phonetic)*. I'm sorry, go ahead, Ms. King. What was that? I'm sorry.

VICE-CHAIR KING: My time is up. So...and you...you answered my question, so I just wanted to...

MR. KEKAHUNA: Thank you, Ms. King. Thank you so much. I didn't mean to rattle on, but continue. Thank you.

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CHAIR PALTIN: Thank you, Mr. Kekahuna. Okay. Anyone else for their first round of questions? I think we only have Member Rawlins-Fernandez. Oh, Member Sugimura, did you get your information that you needed to ask your question?

COUNCILMEMBER SUGIMURA: But you can let Keani go first. I got the...I got the...the email.

CHAIR PALTIN: Oh, she says you can go. Go ahead.

COUNCILMEMBER SUGIMURA: So this is...ties into what Mr. Kekahuna just mentioned about the road. So I do remember that in previous discussions, there's also concern about a bridge. So I don't know if this is a question for Public Works if Director Molina is still on the call. But can you also talk about the condition of the bridge?

CHAIR PALTIN: Okay. Deputy Director Molina, any comments about the Nahiku bridge?

MR. MOLINA: Thank you, Chair. My understanding is the bridge is not a County bridge, and it's a privately owned bridge, or was built by a private entity.

CHAIR PALTIN: And --

COUNCILMEMBER SUGIMURA: Okay. And...

CHAIR PALTIN: -- that's the source of the SMA violation? Or I guess that would be a Planning question. Sorry, my bad.

COUNCILMEMBER SUGIMURA: Okay. So the bridge is a problem.

MR. KEKAHUNA: If I may say...if I may say something, the bridge is way past the proposed site, so this bridge keeps coming up. The bridge is not even close to where the Nahiku Community Center proposed site is. It's further down towards the landing. Just for clarity. And that's why I really wish a lot of you would take the time to go out and do a site inspection. That lot sits on a corner lot, like a V shape. County road, government road, the lot sits right at the corner. Sorry, didn't mean to interrupt. Thank you, Ms. Chair.

CHAIR PALTIN: Thank you.

COUNCILMEMBER SUGIMURA: Oh, that's...

CHAIR PALTIN: And...and there is a map in the documents as well. It's kind of like a triangle shape --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR PALTIN: -- parcel.

COUNCILMEMBER SUGIMURA: I did see that. So I was wondering where this bridge is

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because I do remember that in previous meetings on this, before you, Tamara, when it came up there was a concern from the community about this bridge that was not safe, I guess, for the residents that were living below the area. So thanks for that clarification. I think your site visit idea is...is a good idea. Thank you.

CHAIR PALTIN: Thank you. Okay. Member Rawlins-Fernandez, any question on this first round? Okay. I did have one question. I think it's for Director McLean. The groundbreaking, I'm not sure if it was 2013 or 2014 that was referred to by the testifier. My understanding is...so probably either Director Correa or Buenconsejo gave an EA exemption or something because it was an SMA minor. I just was wondering how there was a groundbreaking if the land wasn't...if there was no DBA, CPA or CIZ? Like how did that happen? Like do we usually start building before we change the zoning, Community Plan Amendment, and the DBA, or was that a mistake?

MS. MCLEAN: Back then, and this was two Parks directors ago when all of this started, there was the thinking that because the school site had existed there, and that it was used as a community center...even after the school burned down, the site was still used allegedly as a community gathering place, that the use was grandfathered. And so because the school and its use as a...as a community facility had existed before the...the current land use entitlements. So the thinking at the time was that the use was grandfathered, and the Parks Department initiate...or issued themselves an EA exemption. And then the Planning Department, based on the claimed valuation at the time, issued an SMA minor permit. So the...you know, the entitlement boxes were checked, which would have allowed them to build. And that's why they proceeded with a contract. And of course that never went forward, that went through litigation. So after that ran its course...and that by itself was questioned, understandably. And so today we kind of have a clean slate, right, we're looking at entitlements, we're looking at doing an actual EA and an SMA major...so doing it all in the full process this time around.

CHAIR PALTIN: Thank you, Director McLean. So we had some previous administrations doing some previous things. Today is a new day. We've heard from the Parks Department that they would like to do community outreach. We've heard that they would like to do an EA. So we've taken previous action where we didn't have plans of something exactly, it was a Director-initiated Change in Zoning for the, I think, Kahului Community Center Complex, and we wanted to hold off because we didn't have exact plans. So this is kind of a similar situation as that situation. I think the person closest to the community, if there's no further questions, I would defer to Member Sinenci for his thoughts on what a recommendation should be. Is there any further questions for any of our resources at this time? Seeing none. Member Sinenci? Oh, a question from Director McLean, or a comment? Go ahead.

MS. MCLEAN: Chair, I apologize. Just following up on an earlier question, the petition to intervene is still active. The Planning Commission deferred taking action on that. If the Council were to improve...approve the entitlements and then the SMA gets heard by the Planning Commission again, they would have to first act on the petition to intervene if the same SMA permit is still pursued. So I just wanted to follow up on that question.

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CHAIR PALTIN: Thank you, Director McLean. I believe that was Member Molina's question from earlier. So the intervention is still active. If we were to vote to change the zoning, Community Plan Amendment, District Boundary Amendment, it would go back to the Planning Commission for an SMA permit, and at that time there would need to be a public hearing because of the interveners on that issue. Okay. So seeing there's no further questions for any of our resources, Member Sinenci, do you have a recommendation of what to do in this case, being that you're closest to that community situation?

COUNCILMEMBER SINENCI: Yeah. Thank you, Chair. And like Member Molina said, a lot of us weren't part of it when this all started. And hearing that the litigation is now complete, having Public Works chime in about the status of the road, and about the north end, not having jurisdiction over that one, also hearing from the community, today, Chair, I would support filing the communication. And my reasons is because there were factors that we cannot reproduce at the time as it started, and namely the funding from both State and County sources. There is no funding for the Nahiku Community Center. I truly feel that pausing the reset button will give the Nahiku community time to unite behind what is truly needed for the Nahiku community, whether it be looking at an alternative site and...and trying to fix some of the other issues in the community, like the road situation and...and the bridge that was talked about earlier. I'm able to...I...my office...with this decision, my office will support a pani, I guess a closure, to make closure to...to this process. And then at which time I am open to revisit a proposal at the request of the entire Nahiku community of what they actually want and...and at which site they would want to choose from. I'm hoping with Director McLean on that we can pursue...should we bring it back for another proposal that we can go through the...the 120-day process where we can get something. Once...once the community comes together, I think that's the...the main thing. As...as the Councilmember at this time, I'm hoping that the Nahiku community can come together, and then we'll...we'll come back with a reunited proposal. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Sinenci. Would you like to make that motion at this time to file?

COUNCILMEMBER SINENCI: Yes, Chair. Move to file County Communication 19-145.

CHAIR PALTIN: Is there a second?

VICE-CHAIR KING: . . .*(raises hand)*. . .

CHAIR PALTIN: Seconded by Member King. Any discussion...oh, I guess Member Sinenci gave his discussion prior to the motion. Any discussion, Member King?

VICE-CHAIR KING: No, I pretty much agree with what Member Sinenci said. And I think...I think it needs to go back to the drawing board to find...I mean, we heard from Director McLean that if they're...if we're not going to go forward with this location, which seems like...seems to be a big question, then there's no need to go forward with these actions. So I would support that.

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CHAIR PALTIN: Okay. Member Lee, followed by Member Rawlins-Fernandez.

COUNCILMEMBER LEE: I'm going to support this motion, but I have a lot of reservations. A lot of the work we've been doing lately has been acknowledging generational families in areas, and here we're not...in a sense, we're not. So I...I'm...that's what I'm against. You know, if we're going to be honoring families in...in a particular area, then...those who have been there for generations, I think they have a particular stake in...in that...you know, in that geographic area. So that's where my concern is. So I'm hoping that when discussions start again on identifying a place, that the...the people who've been there the longest have a seat at the table, and a seat up front at the table. Thank you.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just I...I just have some questions for Member Sinenci because it wasn't clear based on the discussion with our resources. I...I didn't know we were going to file at the time. So is it okay if I ask Member Sinenci a couple of questions?

CHAIR PALTIN: It's okay with me if it's okay with him.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Member Sinenci and Members, for indulging me. Okay. So my first question is, do you have a proposed timeline? Groundbreaking was 15 years ago, and I know...like I really want, as I'm sure you do as well, to bring this to a resolution. And I...and I think that if we're going to do this, we need to commit to the community and the families some kind of deadline to...to...to put this to bed and...and not have it in limbo for another 15 years. So do you have a proposed timeline, Member Sinenci? And is that something you can share with us?

CHAIR PALTIN: Member Sinenci?

COUNCILMEMBER SINENCI: Actually, I don't, but I did want to give the community some time to...to make the closure. We understand. And you know, with the Nahiku Community Association, all the work, time, and energy was...been put to this, I...I...I understand and I recognize all the...the efforts. And so because this has lapsed with the litigation, I kind of want to give them that time to...for a pani ceremony to make that...that necessary closure so that then...then hopefully, we can...we can move on and then open it up to...to more discussion. So I...I would commit to 10 to 12 months to give them that time. And...and we can provide...you know, if we have cultural funding from our district cultural funding, we can also support them with our cultural funding as well.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So Member Sinenci, 10 to 12 months for some kind of pani. I support that. I think that's also assuming that there will be one. What if there is not one?

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COUNCILMEMBER SINENCI: Then we can initiate it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Meaning what if there's stalemate, and there is no agreement?

COUNCILMEMBER SINENCI: Yeah. And...and again, that's...that's why we want to...that's the reason for filing. I think just want to...I mean, if we...I think with that...the disagreements that we've seen in this process, we won't be able to move forward in...in this...you know, with this process. I think already, you know, there has been, you know, lines drawn and...and words said that we want to try and address first before we move...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So the timeline you're giving is 10 to 12 months for some kind of closure, so for a pani ceremony. If after 12 months that does not happen, are you going to move forward with some kind of a decision?

COUNCILMEMBER SINENCI: Yeah, I can come back to the...to the Committee for...for a report.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then it...it wasn't really clear to me if the EO for that parcel would...would continue on if we file this item. It...was that clear? Or should I ask that question?

CHAIR PALTIN: I believe Mr. Hopper said we could ask for an amendment to the EO. To me, being that the County Parks Department is maintaining the property at the County's expense, I wouldn't see the State in the current budget wanting to take over the funds for that maintenance. I don't know that they have that type of crew. I don't know if it would be State Highways. But I...personally, I mean, like Mr. Hopper, I cannot speak for the State, but they do seem to like to have us maintain their properties at no cost to them. So you know, maybe Member Sinenci's Office can work on amending the EO as a project.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER SINENCI: Yeah, and...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, go ahead, Member Sinenci.

COUNCILMEMBER SINENCI: Just...just to respond to...you know, there was a testimony about title challenges to the...to the property too, of which maybe some of the...the families, as Chair Lee said, have...have rights. So in that time, in that 10 to 12 months, there might be some of those workings as well.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo again, Members, for indulging my questions. I'll support the motion on the floor. Mahalo, Member Sinenci. Mahalo, Chair.

CHAIR PALTIN: Okay. Member Sugimura, discussion?

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COUNCILMEMBER SUGIMURA: I...I --

CHAIR PALTIN: Followed by Member Kama.

COUNCILMEMBER SUGIMURA: -- appreciate...I appreciate Member Sinenci taking that lead, but I wonder why you just don't defer it then and work on it and come back rather than, you know...

COUNCILMEMBER SINENCI: Yeah. Chair?

CHAIR PALTIN: Member Sinenci?

COUNCILMEMBER SINENCI: Yeah. Thank you for the question, Member Sugimura. Yeah, I guess, you know, again, it was...a lot of this was for the Nahiku...specific to the Nahiku Community Center. So we want to go back to the community to see if...if this still what they...they want. Just hearing from all the division, there might be something else, there might be another site, and so we're open to...to working with the State rather quickly to...to look at those potential alternative sites.

CHAIR PALTIN: Oh, I don't see Member Sugimura at this time. Member Kama, did you have any discussion?

COUNCILMEMBER KAMA: Yes, I did, Chair. Thank you so much. My discussion was almost similar to Member Sugimura, that I was wondering again, why not a deferral. Because this is Hawaiian History Month, we're supposed to be celebrating our people and their history. And I think that if we file the communication, then all of that goes away, at least for a while. And maybe a year from now...I'm not even sure who's going to be here in a year from now, and will we continue this discussion, and will it go forward? So my sense is to have a deferral on this particular issue. And that's just my discussion on this, Chair. Thank you. And thank you, Mr. Sinenci, for your deep thoughts on this.

CHAIR PALTIN: Thank you.

COUNCILMEMBER SINENCI: Thank you. Chair? Chair? Yeah, I just wanted to...again, you know, a lot of...a lot of this we weren't...we weren't here when all of this started, so we're inheriting a lot of different history, emotions put upon us, and I didn't want to...we want to start...we're...we're open to starting all over again, press that reset button. And then with you guys' help, I know you guys have been very supportive of my community, and so...so this way we can move forward. Hopefully we can shut the doors to this process and then...and then open new doors for...for Nahiku community. Thank you.

CHAIR PALTIN: Thank you, Member Kama. Member Sugimura, you got cut off, but Member Kama basically reiterated your discussion, and that's what Member Sinenci was replying to.

COUNCILMEMBER SUGIMURA: I think I...I think I gathered what was discussed --

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CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: -- from the end. Yeah, I lost connection. Thank you.

CHAIR PALTIN: Okay. Member Molina, any discussion?

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Madam Chair. And certainly, the request for deferral from my colleagues is a reasonable one. As well as I can understand Mr. Sinenci's suggestion to file this because like I said it before, when I was on the Council and supported the initial appropriation, no one at that time envisioned anything like this happening, this...this type of division. And this is something that you seldom see in...in a rural...close-knit rural community as East Maui or...or Nahiku, but it is what it is. And you know, like Chair Lee said, I would hope...I'll support the filing, although with some reluctance, because I'm just hoping it doesn't totally close the door on things. And I'll take Mr. Sinenci's word that at some point down the road, he'll initiate a new communication to go to the appropriate Committee, provided all sides of the community have been...has been brought together to ho'oponopono on this, yeah. And certainly, some deference...a lot of deference should be given to the families that have lived in the areas the longest, out of respect. So I know Mr. Sinenci has that type of value system in him, and to respect that. And that the healing process can begin now, as of today. And obviously the Department has intentions on going forward with this. Monies have been spent. So you know, I guess this is just a pause, as I see it, and as Mr. Sinenci sees this, to just bring people together right now in the community, start the healing process, and go forward with, you know, maybe designating a new site or some other alternative if the current site is not the preference of everyone. Because I've never seen something so contentious like this coming from this area, at least while I've been on the Council. But...you know, it's unfortunate, but we have to find ways...a compromise, if...if anything. So I'll just leave it at that. And I'll...although I have, like I said, some reluctance with the...with the filing, I'll...I'll respect the suggestion from my colleague from East Maui, Mr. Sinenci. After all, as you mentioned, Madam Chair, you know, he...he knows this community much more so than the rest of us. So thank you.

CHAIR PALTIN: Thank you, Member Molina. Member Kama, second and final.

COUNCILMEMBER KAMA: Thank you very much, Chair. So my question to you, Mr. Sinenci, is, you know, my thoughts about when we want to really facilitate a pani, as you call it, what would you use as a method? Would you use mediation, would you use the ho'oponopono style that we are accustomed to, especially with our families that have been there for so long? And for people to understand that ho'oponopono is just not I'm sorry, please forgive me, and it's all over and done with, but it goes deeper into, you know, the na'au of the people, as well as the cultural history. So that is my question for you, Mr. Sinenci.

CHAIR PALTIN: Member Sinenci?

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COUNCILMEMBER SINENCI: Mahalo...mahalo, Member Kama. And definitely pule. And you know, I think when we say pani and to address is because there...like I said, there has been energy and efforts put into it. There was a groundbreaking ceremony. There was pules offered at that groundbreaking ceremony. So if we're going to start anew, we have to somehow address, in the same manner as...as that action was done, that we also have to address that action in the same manner in a pani, in a ho'oponopono style.

COUNCILMEMBER KAMA: Chair, if I may? So thank you, Mr. Sinenci. So I think based on your response, I will vote in support of your motion to file. Thank you. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Kama. Member Sugimura, second and final.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. Sorry that I got cut off earlier. But the other question I had was...so you have these intervenors that are still standing by. So what happens to the intervenors if this gets filed today?

CHAIR PALTIN: I believe there's nothing left to intervene on at this point except for maybe a separate matter on the SMA violation of the bridge, but that's...while it's related, it's not this issue. That would be my guess. Because if it's filed, what are they going to intervene on? It's not in existence anymore.

COUNCILMEMBER SUGIMURA: Yeah, but I just...I just wonder how you embrace all of them because those are pretty bold statements that were expressed, first verbally, and written, and then legally, right? So I wonder what Mr. Sinenci will do with...you know, with that...with the community. So maybe it's just a...you know, I think those are pretty loud statements that were made.

CHAIR PALTIN: If I may address for my first and hopefully final. So in reading through the hundreds of pages of documents, it seemed as though, you know, the intervenors were not opposed to a community center. At one point they weren't even opposed to the site. I think their main opposition was the previous Administration's playing a little fast and loose with the rules, in their opinion. For me, I agree with Chair Lee; however, in reading through the hundreds of pages of documents, there seemed to have been lineal descendants on both sides of the issue in that I believe the executive order to...was to Mr. Sagawinit, if I'm saying that correctly, Ms. Costa's dad, up until the arson incident, I think, in 2006. And their testimony at the previous Committee meeting was in opposition. Of the 11 intervenors, who not all testified, there was a significant number of, I think, Kaho'okele (*phonetic*) ohana as well. And so, you know, I really would like to listen to the cultural descendants, but in...in reading through the pages, that there's cultural descendants on both sides. And so, you know, I support Member Sinenci in starting the process anew. I support the current Planning Department. Administration is proposing to move forward. I don't believe this Administration plays fast and loose with the rules like Director Buenconsejo or Director Correa, you know, and not to mention any names. But so, you know, I'll vote in support of Member Sinenci's motion because of all the, you know, heavy and hurt feelings it feels like there...there is, you know I think...I think we do need to ho'oponopono, start brand new with an EA if the

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community outreach starts, the EO amended, and whatnot. And also, you know, Charter deadlines, we don't want to be in willful violation of those. So if there's no one else for second and final, I'll call for the question. All those in favor of the motion, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay. Motion passes unanimously, with Member Johnson excused.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Johnson.**

MOTION CARRIED.

ACTION: **Recommending FILING of communication.**

CHAIR PALTIN: At this time you guys have earned your morning recess, and I'll see everyone back here at 11:00 a.m. . . .*(gavel)*. . .

RECESS: **10:47 a.m.**

RECONVENE: **11:00 a.m.**

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use Committee meeting of September 30th return to order. The time is now 11:00 a.m. I'd like to thank all my Members for being prompt and returning from your morning break.

PSLU-33: DIGITAL ZONING MAP FOR MOLOKA'I (CC 21-369)

CHAIR PALTIN: Next up on the agenda we have PSLU-33, which is the Digital Zoning Map for Moloka'i. Let's see, the Committee is in receipt of County Communication 21-369, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKAI." The purpose of the proposed bill is to adopt the digital zoning map as the official zoning map for the Island of Moloka'i. The Committee may

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consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication 21-369 and other related actions...action. So I believe this is a Charter deadline item that we have on our master agenda, and it has gone through the Moloka'i Planning Commission. I believe the Planning Department had three recommendations for correction, and that only...the Planning Commission only wanted to take the first two recommendations, and not the third. And so at this time we can have some comments from the Planning Department. I see Ms. Aoki and Ms. Cua. Hi, guys. Thanks for joining us. And Director McLean. So maybe like a short little presentation/explanation of what we got going on here, and then we can have a little discussion. And then we can...I can...this time I can defer to Member Rawlins-Fernandez for her recommendation since this is Moloka'i. And then...then take a vote. Okay. So Director McLean, you want to introduce your crew, and let us know what's up?

MS. MCLEAN: Yes, thank you, Chair. As you said, Kathleen Aoki is the head of our Plan Implementation Division, who is the lead division on the DSSRT project. Ann Cua has been involved with the DSSRT project, I think from the beginning. So she and Kathleen work hand in hand. And with no further ado, I will hand it off to Kathleen and Ann. Thank you.

CHAIR PALTIN: Thank you, Director. And just for those watching at home, it's not dessert like the kind after dinner, it's the Dead Sea Scroll...what the planners call their paper document. I guess a pun or something. Okay. Go ahead.

MS. AOKI: Yeah. We'll go through that. Good morning, Councilmembers. I'm glad to be here. I'm super, super excited to present to you the Moloka'i digital zoning map. Been a long time...time coming, and this is the final map to cover all of our islands. We are going to do a short presentation for you today, and so I will share my screen, and we'll go from there.

CHAIR PALTIN: Sounds great. We're at the edge of our seat.

MS. AOKI: Okay. All right. So we'll start off with Ann.

MS. CUA: Good morning, Members.

CHAIR PALTIN: Good morning.

MS. CUA: So as some of you know, the digital...can you hear me?

CHAIR PALTIN: Yes, we can hear you.

MS. CUA: The digital mapping project initially began during Mayor Apana's Administration, so all the way back to January 2001, with the County's GIS Division, with Staff temporarily on loan from the Planning Department to assist the GIS Staff with the project. And in 2005, the project was transferred to the Planning Department. And at

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that time, selected Staff from each division were pooled together to create a team, Dead Sea Scrolls Replacement Team. And the...the members of this team had, you know, a lot of historical information, you know, within the Department for like over 30 years. And then people with present knowledge of the County's land use...various land use changes, the zoning changes, permit processing, et cetera. As well, and very important, we needed Staff with GIS skill sets to verify zoning and create the digital zoning layer.

MS. AOKI: All right. Guys, I'm trying...oh, there we go. Okay.

MS. CUA: So here we are today, 13 years later zoning for parcels on Maui were verified, 14 years later parcels for Lānaʻi were verified, and 16 years later parcels for Molokaʻi have been verified. We've had corrections that needed to be made addressing mapping alignments, correcting digital designations due to poor quality maps and alignments, and then correcting oversights, and those have all been completed. And given the complexity of this project, the...the Department has presented a digital map for each island individually. When we...when we first decided our approach to this, we quickly decided that rather than taking all islands at the same time, we would break it down and take the islands individually. So a digital map for Maui was completed in 2017 and adopted by the County Council in October of 2018. We also went back to you in November 2019, and you approved an updated...you adopted an updated map. And then for the Island of Lānaʻi, a digital map was adopted in August 2020. So with regard to Molokaʻi, the Department mailed letters to affected Molokaʻi landowners advising them that there will be proposed zoning changes for their property, and there were 25 parcels affected. Another proposed change is for a County-owned parcel, Papohakou Beach Park. So similar as was done for Maui and Lānaʻi digital zoning maps, a public informational meeting was held to discuss the draft Molokaʻi digital map, and the errors proposed to be fixed in this phase of the project. The online meeting was held on April 27th, 2021. And then on May 26th, 2021, the Molokaʻi Planning Commission recommended adoption of the proposed digital map, with the exception of the ʻIliʻiliʻopae Heiau parcel alignment correction, and that's what Council Chair had mentioned as the...the third item that they...they did not support. One important thing to note for this Molokaʻi digital map we noted also in the Maui map, in the Lānaʻi map, all proposed zoning recommendations for the digital maps are consistent with the underlying community plan designation. So there is nothing from all of the maps that went before you that was inconsistent with the community plan designations, and that was very important. Okay.

MS. AOKI: So now what we'll do is we'll go on and present the map and corrections that we're proposing. But just so you folks all know and the audience knows, these are the acronyms we're going to be using. CP for community plan; AG for agriculture, which could be zoning district or for community plan designation; PK for park, again for either zoning or community plan; and INT for interim. So a long, long, long time ago there was no zoning for the Island of Molokaʻi. On April 21st, 1967 ordinance number 513 was adopted to give the island Interim zoning with the exception of Kalaupapa and Kilohau (*phonetic*)...that...that...that County area. From 1969 to the present, you have individual changes of zonings that have occurred sporadically throughout the island. Then in 1997, again similar as was explained for the Molokaʻi...I'm sorry, for the Lānaʻi

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and Maui map, you had the rural ordinance bill that stated anything that was community planned Rural, anything that was State land use Rural, was less than 15 acres and not in the Hāna Community Plan District got Rural zoning. So you'll see small areas where Rural zoning was applied. And then in 1999, you had the agricultural zoning ordinance, which stated anything that was community planned Agriculture got Agricultural zoning, so all the green here. So this is what the current zoning looks like today. Our first recommendation has to do with a subdivision, Kuala Aha Estates. If you look here, you'll see underlying the zoning is the 1984 community plan map, and you have the single-family square designation right here. At the time in 1984, this whole area was zoned Interim, so everything was zoned Interim. The subdivision got built in 1987, so at the time it was built it was based on Interim zoning. In 1998, when the comprehensive agricultural zoning bill occurred, what happened was all this outside area had community plan designation of Ag, and you had this little area that was Single-Family. So the zoning ended up being Ag in the area that it was community plan Ag, so now you're left with some parcels that got rezoned to Ag, and then other ones that became split with Ag and Interim. The 2001 and 2018 Moloka'i community map correctly designates the entire subdivision with Single-Family designation. So our recommendation is to correct the mapping area...sorry, error for these properties and zone them back to Interim, consistent with the community plan and Single-Family and the original subdivision and building permits that have been issued. So these are a listing of all the TMKs that are affected. There's 20 parcels in here that are affected. All landowners were notified by letter. I only got one returned. Some of them are also leased with the Housing...Hawai'i...Hawai'i Housing Authority, and they were also notified. So this is what it looks like now, and this is what we are proposing to do. All properties are currently taxed at a Residential use rate, whether owner or non-occupied, so nothing will impact their current taxes. I don't even believe the Real Property Tax Division even knows that these folks are zoned Ag. These are the kinds of things that we discovered by going through and verifying all the zoning. The second recommendation is for properties down at Pāpōhaku. You can see this map, Pāpōhaku Beach Park is located here, but in the 1984 community plan map, or figure as it were...you have to remember back then there wasn't really a lot of GIS, so they're more like figures than they are maps...the park was placed here, which over...which is over four different Agricultural parcels. When the ag bill happened--so this was all Interim at the time--when the ag bill happened, this was community plan Ag and this was Park, so everything around it got zoned Agriculture, but this portion remained Interim. So if you look at the 2001 and 2018 Moloka'i Community Plan map, the park is correctly designated in the right area where Pāpōhaku Park exists. And so our recommendation again is to fix this mapping error and make Pāpōhaku Beach Park from Ag to Interim, and change the four subdivision lots from Ag/Interim split back to Ag. And here is a depiction of the current zoning where it's overlayed on these four parcels, and then correcting it to align with the current community plan map. The third recommendation, again it's similar, it's still mapping alignments. The 1984 community plan map shows this small square of Park that's in the Mapulehu area, and the zoning was Interim. When the 1998 comprehensive ag bill happened, all of this got zoned Ag, but this little square that was designated Park remained in Interim. Your 2001 and 2018 Moloka'i Community Plan map moved that square and placed it here. So where the Interim currently lies, there appears to be no park. So what we did was we looked at...a little

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closer on aerial imagery to find out why...why there is this designation of PK in the plan...plans, I should say. So what we found is that the designation lies over 'Ili'ili'opae Heiau. So this is where...in the red arrow, this is where the PK designation is in the 1984 plan, and in green is where the designation is for the 2001 and 2018 plan. And there's the close-up aerial for you. So the question became, just like the others, do we fix the mapping alignment...because right now you have the Interim in a place where it should be Ag, and you have Ag in a place where it should have remained in Interim. The recommendation from the Molokai Planning Commission was to not fix this and to leave it as is. And respect that what we talked to them about was in future phases of DSSRT--because the idea is we really want to get a digital map available to the public. In a future phase of DSSRT, we can look at creating a new community plan designation that is...that addresses sort of preservation of historic sites or places, and creating zoning district that could be applied to be more protective than, say, the Open Space One District is. So this is the updated...very few changes that you can hardly even see here, but they're there with the recommendations. So amendments to Title 19. As you know, the Charter says the Planning Director shall prepare, administer, and enforce zoning ordinances, and maps. Title 16 also says that we shall establish the maps be kept on file, and that maps are the determining boundaries for zoning districts. Of course we recognize that this will implement many, many plan...implementation action items, policies in all of our...in our plan documents, such as expanding government online services, using technology to improve efficiency, et cetera. So your ordinance before you today, Members, is simply to add Moloka'i in Section B of 19.06.020, and adding on that we now have a Moloka'i digital zoning map one, and removing Moloka'i from Section C because we would no longer have hardcopy maps. And that's it for our presentation. We are available for questions.

CHAIR PALTIN: Thank you, Ms. Aoki. I guess the...the main thing would be can you email us a copy of that presentation at pslu.committee, and Staff can upload it to Granicus if the public would like to take a closer look at that? And then I'll open it up to the Members for questions. Let's go two minutes for the first round. Any questions for the presenters? I'll take Member Sinenci, followed by Member Molina. Two minutes. Go ahead.

COUNCILMEMBER SINENCI: Thank you, Chair. Aloha, Ms. Aoki. Thank you for your presentation. Yeah, I was just curious about the 'Ili'ili'opae cultural site. So what was the...the reasoning for the Moloka'i Planning to...to keep it in Interim? Was it until we can better designate it as a cultural site?

MS. AOKI: Yes. They...they...there were some...some members that were upset that it was designated Park in the community plan. So they...they really wanted to be able to come back and have it designated something that's more appropriate for such a site. So we discussed the opportunities, especially with the updates of our community plan, to create a new community plan designation that we could work on and then apply it not only to that site, but other sites that would...that should get that kind of designation.

COUNCILMEMBER SINENCI: Thank you for that clarification. Thank you, Chair.

CHAIR PALTIN: Member Sinenci, it sounds like a good candidate for maybe your cultural

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overlay idea possibly if...if zoning doesn't...if there's not a specific zoning for that. Member Molina, followed by Member Kama.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Good morning, Ms. Aoki and Ms. Cua, nice to see you folks. Just real quickly, couple general questions. I don't know if you...it was mentioned in your presentation, after Council approval, assuming, of this, how soon could the Department get this activated? And for the land use viewer website, this was asked of me to ask you, would it be possible to look into improving how the map appears on mobile devices? Apparently from what I've been told, the map works well on the laptops, but there may be some difficulty from phones and tablets. So can you comment on those?

MS. AOKI: If I understand your first question correctly, as soon as the map is adopted, it's...it's adopted, it's...it's live, it's real, it's...it is the zoning, it is what it is. So it's immediate. For the website, so on our website, we post a PDF. We provide the digital layer to the Real Property Tax website, and they somehow incorporate it and put it on their platform. So we could talk to RPT about how to try to improve. I'm not a GIS person but I'm happy...very happy to reach out to them and see what we can do to try to make it better.

COUNCILMEMBER MOLINA: Yeah. So am I, I'm not a technical expert, so leave that to you folks. But yeah, if...if you could, you know, connect with Real Property Tax and see how it could be improved upon as far as accessibility from phones and tablets, and that would be great. So anyway, but thank you. Thank you for your work on this. Thank you, Madam Chair.

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

COUNCILMEMBER KAMA: Thank you, Chair. So my question is just two of them. Of the 20 some odd families that had to change their zoning, are there any negative impacts? And regarding the 'Ili'ili'opae, is that a sacred site?

MS. AOKI: So first question, the answer is no. All of the properties in the subdivision are currently developed with single-family homes. Single-family is allowed in Interim, and that's what everybody always believed they had. They're being taxed at that rate, their uses are not going to change, so they're all good there. The properties that are in...down by Pāpōhaku Beach Park, those four, only one of them is developed right now with an agricultural farm dwelling and, I believe, a second accessory farm dwelling, and they're being taxed sort of split between the ag use and the residential use, which is normally what happens. Interim allows for agricultural use, so by going back to full Ag, nothing's changing. And again, this is what everybody believed them to be zoned and what they got permitted to do. It was all under the guise that they were Ag in the first place, so nothing is going to happen there. With the heiau, it is registered in the National Historic Register, and I believe it also on the Hawai'i State Register. I can't imagine that it's not because usually it's both.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

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CHAIR PALTIN: Thank you, Member Kama. Anyone else for their first round? Member Sugimura?

COUNCILMEMBER SUGIMURA: I actually don't really have a question for the Department, but I'm waiting to hear what our Moloka'i representative has to say about her island. So I'm waiting for that before I have any questions. Thank you.

CHAIR PALTIN: Okay. Member Lee, any questions? Okay. I did have two...a question and a comment, I guess. And I'll make the comment first. This is on behalf of Member Johnson, who I believe is in the middle of the channel, and I'm not sure if everyone was aware, but he has some issues with colors in being able to see the spectrum. And I just was wondering, or wanted to make mention if that can be taken into consideration as the project moves along. I think when we were discussing the West Maui Community Plan map, one of the solutions that we came up with was, you know, the...the letters underneath the colors, like how you kind of had it in the slideshow that you presented where it was like SF or PK, leaving those in just to help our differently abled friends.

MS. AOKI: Okay.

CHAIR PALTIN: Just something to keep in mind.

MS. AOKI: Okay.

CHAIR PALTIN: And then I guess the other question I had, it looked as though Kalawao County was completely white, and Member Rawlins-Fernandez had made a suggestion of us at sometime bringing them into the County to make Moloka'i whole. Was it...would it be much trouble to add Kalawao in if that does occur in the near future?

MS. AOKI: As long as the Council adopts a zoning ordinance for that area, yeah, we can...that's easy. . . .*(timer sounds)*. . . Making the map is easy, deciding the zoning is going to be up to, you know, everybody.

CHAIR PALTIN: Okay. Perfect timing on that. I think everybody's had their first opportunity except for the area resident, so...and Ms. Sugimura was waiting for our area resident. So any questions, comments, or anything like that, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, so I didn't have any questions because I...I attended the meetings and the presentations and asked my questions at...at that time. I think Ms. Aoki and the team did a fabulous job. I support the recommendations of the Moloka'i Planning Commission. To answer Pro Tem Kama's question and...and the comments about 'Ili'ili'opae, it's a luakini heiau, meaning that human sacrifices were made there. So the question about whether it's sacred, I hope that answers your question. And as many of you know, I think, heiau are built in complexes, so it's not just a single heiau, that it's like standing alone without anything around. There's a...there's a whole complex that supports the heiau there. And so it's not just where...it's not just the footprint of the heiau itself, the surrounding areas also need to be protected. The...let's see, what was the other question. Oh, and then I

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did...in the presentation that Ms. Aoki gave to the community online, I spoke with some of the Moloka'i planning commissioners and let them know that some...some of the...some of the parcels that are Interim or need...need a...you know, a decision on what zoning it will be, I let them know, and I assured them that I would work with them on figuring out the appropriate zoning for those locations. . . .*(timer sounds)*. . . Mahalo, Chair. You're muted, Chair.

CHAIR PALTIN: Welcome back, Member King. We just had a presentation of Moloka'i's digital zoning map, and it will be uploaded to Granicus shortly. Did you have any questions off the top of your head?

VICE-CHAIR KING: No, I was looking on Granicus to see if it had been uploaded. I...the...the beginning part of that, I've sat through presentations on the DSSRT project from the...a few years ago, so I really appreciate all the work that was done on it. But no, I...I appreciate the Moloka'i Planning Commission's recommendations. So...but yeah, when you get that loaded up you can let us know, and I can log on to that. Thank you, Chair.

CHAIR PALTIN: Okay. I'll entertain a motion from Member Rawlins-Fernandez at this time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. Wait, let's see. Is it...is it a bill? I recommend passage of the bill entitled, "A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKAI" on first reading with any nonsubstantive changes, and the filing of the communication.

COUNCILMEMBER SUGIMURA: . . .*(raises hand)*. . .

CHAIR PALTIN: 21-369. So it's been moved by Member Rawlins-Fernandez, and seconded by Member Sugimura. Any discussion on the motion, Members? Or Member Rawlins-Fernandez first.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I fully support the motion that I made. And I think the recommendations are incorporated, so the bill itself just adds Moloka'i, Moloka'i digital zoning map. But the three recommendations from the Moloka'i Planning Commission is incorporated into the bill itself, correct?

CHAIR PALTIN: The map, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, the map. Okay. Great.

CHAIR PALTIN: So the bill itself does not include the Planning Department's recommendation number three as decided by Moloka'i Planning Commission, so the...the map itself.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Okay. So just the two recommendations that was approved by the Moloka'i Planning Commission and not the third, which was to make 'Ili'ili'opae Heiau designated zoning as a park. So I support all of that. And

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mahalo again to the...Ms. Aoki and the team for their work, and mahalo, Members, for your support.

CHAIR PALTIN: Member Sugimura?

COUNCILMEMBER SUGIMURA: I just want to --

CHAIR PALTIN: Discussion?

COUNCILMEMBER SUGIMURA: -- congratulate the Planning Department for their hard work, because I know when I first got into office, that was one of the first meetings I went to where I saw the actual map. And it's kind of amazing that so many important decisions were being made by stick'ems and, you know, different pieces of paper that were sacred at that point, but that's the DSSRT maps. And to get us to this point where now we have the entire County on digital, we have made it into, you know, this next era of being very, very transparent for the community. And I'm...I'm glad to see this happen to Moloka'i because Moloka'i was basically all Interim, you know, and then everybody had to piecemeal it. And...but this is a great day, so congratulations. And thank you very much Planning Department also. And I see, you know, Ann Cua is always the...the pillar of strength over there in the Department, and...and thank you very much, Kathleen, for your hard work because it is hard work. Thank you.

CHAIR PALTIN: Thank you. Member Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. I'm going to be a little creative, I'm going to throw in my full support for this as well as offering a little suggestion that's been brought to my attention. Thank you again for the Department's hard work on this. I'm sure the people of Moloka'i much appreciates this. And this is just an ask of the Department to consider if they could possibly update the land use viewer website with links to any applicable conditional zoning and other permits to improve the public's access. As Member Sugimura said, the importance of transparency. So the public can have a fuller understanding of any zoning and allowable uses. I know the KIVA permit summary, I think which exists, that's one thing, but I'm not sure if the actual permit is available for the public to view on KIVA. So perhaps maybe the map can be used to increase the public's access to any types of planning matters. So just a suggestion for the Department to consider. But again, thank you for...for all your hard work, and I stand in full support as my other colleagues. Mahalo, Madam Chair.

CHAIR PALTIN: Thank you. Any further discussion on this item? Okay. I just got one discussion. So today is like the theme is inheritance. We inherited some good and some bad. That project's been started decades ago, and glad to close them up at this point. So full support. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: So measure passes unanimously with one Member excused, Member Johnson.

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

September 30, 2021

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Johnson.**

MOTION CARRIED.

ACTION: **Recommending FIRST READING of bill and FILING of communication.**

CHAIR PALTIN: Okay. This concludes today's Planning and Sustainable Land Use Committee meeting. Thank you very much, everyone. The time is now 11:37, 23 extra minutes for lunch, folks, and this meeting is adjourned. . . .*(gavel)*. . .

ADJOURN: 11:37 a.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use Committee

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

September 30, 2021

CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 46 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 28th day of October 2021, in Kula, Hawai'i



Daniel Schoenbeck