

PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

September 1, 2022

Online Via BlueJeans

CONVENE: 9:00 a.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Kelly Takaya King, Vice-Chair (in 9:12 a.m.)
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (in 9:45 a.m.)

EXCUSED: Councilmember Keani N.W. Rawlins-Fernandez, Member

STAFF: Wilton Leauanae, Legislative Analyst
Paige Greco, Legislative Analyst
Richard Mitchell, Legislative Attorney
David Raatz, Deputy Director
Clarita Balala, Committee Secretary
Lenora Dinneen, Council Services Assistant Clerk
Jean Pokipala, Council Services Assistant Clerk

Mavis Oliveira-Medeiros, Council Aide, Hāna District Office.
Anabelle Hernandez, Council Aide, Makawao-Ha‘ikū-Pā‘ia District Office
Daniel Kanahele, Council Aide, South Maui District Office

Kate Griffiths, Executive Assistant to Councilmember Johnson
Roxanne Morita, Executive Assistant to Councilmember Johnson
Evan Dust, Executive Assistant to Councilmember Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember Kama
Lois Whitney, Executive Assistant to Councilmember Kama
Axel Beers, Executive Assistant to Councilmember King
Ellen McKinley, Executive Assistant to Councilmember King
Sarah Sexton, Executive Assistant to Councilmember King
Sarah Pajimola, Executive Assistant to Councilmember
Rawlins-Fernandez
Jordan Helle, Executive Assistant to Councilmember Sugimura

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel
Michele McLean, Director, Department of Planning
Ann Cua, Planning Program Administrator, Department of Planning

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Jordan Hart, Planning Program Administrator, Department of Planning
Tara Furukawa, Planner, Department of Planning

OTHERS: Faith Chase (PSLU-54(7))
Albert Perez, Maui Tomorrow Foundation (PSLU-54(2))
Junya Nakoa (PSLU-54(2))
Mike Moran, Kihei Community Association (PSLU-54(7) and PS LU-54(8))

Kaimi Judd, Vice President of Development, Makena Golf and Beach Club
(PSLU-54(6))
Leilani Pulmano, Vice President, Real Estate, Pacific Rim Land Inc.
(PSLU-54(6))
Ryan Churchill, President, Pacific Rim Land Inc. (PSLU-54(9) and PS LU-54(10))
(14) additional attendees

PRESS: *Akakū: Maui Community Television, Inc.*
Cammy Clark, News Reporter, Maui Now, Pacific Media Group

CHAIR PALTIN: . . .(*gavel*). . . Will the Planning and Sustainable Land Use Committee meeting come to order. The time is 9:00. If I can ask everyone to please silence their phones or any other noise-making devices, that will help our cause. My name is Tamara Paltin, and I'll be your Chair for today's meeting. Members, in accordance with the Sunshine Law, if you are not in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified, and this only applies to the Councilmembers. Also, please see the last page of the agenda for information on meeting connectivity. So, as I said, my name is Tamara Paltin, and I'll be your Chair for today's meeting. I am broadcasting live and direct from the West Maui District Office here in Historic Lāhainā Town. With me I have Angela Lucero and Christian Balagso, and we have no testifiers waiting to testify at this time. And xin chào kākou. Next up, we have Committee Member Gabe Johnson, in the Chambers it looks like, so he won't need to do all of that.

COUNCILMEMBER JOHNSON: Xin chào to you, Chair, and my Councilmembers, and the community members out there. There are no testifiers at the Lānaʻi District Office. And after doing all the homework, and looking at the agenda, I'm here and ready to work. Mahalo.

CHAIR PALTIN: That's what I like to hear. Next up, xin chào and aloha kakahiaka to Council Chair Alice Lee.

COUNCILMEMBER LEE: Yes, xin chào to everyone, to you, Chair, and all of our colleagues. I'm here in my workspace alone at home looking forward to your meeting, ready to roll.

CHAIR PALTIN: Awesome. And next up it looks from the...like from the District Office we have Councilmember Mike Molina.

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COUNCILMEMBER MOLINA: Xin chào and aloha to you, Madam Chair, and to my fellow colleagues, and to everyone else tuning in to our PSLU meeting. Looks like we've got a very good and exciting agenda, looking forward to all of the fun today. For the record, I am transmitting out of the Pā'ia District Office over here in Heritage Hall, and I'm accompanied by District Office Specialist Anabelle Hernandez. Aloha.

CHAIR PALTIN: Aloha. And from East Maui, we have Councilmember Shane Sinenci. Aloha kakahiaka and xin chào to you.

COUNCILMEMBER SINENCI: Xin chào, Chair, and hau'oli lā ekahi Kepa...Kepakemapa kākou mai Maui Hikina. Happy to join this meeting from the Hāna Cultural Center, and I'm here with my District Staff Mavis Medeiros and Dawn Lono.

CHAIR PALTIN: Awesome.

COUNCILMEMBER SINENCI: There are no testifiers.

CHAIR PALTIN: From the neighborhood, we have Councilmember Tasha Kama. Xin chào and aloha kakahiaka to you.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and xin chào to all of my colleagues this morning. And looking forward to a very exciting PSLU meeting this morning. Thank you, Chair. And I'm here in my workspace alone.

CHAIR PALTIN: Thank you. Thank you. Love the hairdo as well. And Councilmember Yuki Lei Sugimura is enroute to the Council Building, so she will be a little bit late and excused. I have not heard from Committee Vice-Chair Kelly King or Member Rawlins-Fernandez asking to be excused, so I'm guessing they're absent. From the Administration, we have Planning Director Michele McLean for all items, Deputy Corporation Counsel Michael Hopper for all items. We have Committee Staff Clarita Balala, Committee Secretary; Legislative Analysts Wilton Leauanae and Paige Greco; Legislative Attorney Remi Mitchell; and Assistant Clerk Lei Dinneen. We have various representatives for resources, so I'll introduce those folks as the items come up. I just see a message in the chat that Councilmember King may be up to 20 minutes late. Okay. There we go. That's the update from her. So today's item...or today's meeting, as I said...too bad Councilmember King's not here...the theme of today's meeting is South Maui Community Plan prep. So if you notice, all of these compliance reports are like within the South Maui area, so we can get an update before they start their work on what's going on in the projects in that area. So, we do have six items. PSLU-54(6), Annual Compliance Report on the Conditions of Zoning for Makena Resort Area (Ordinance 3613); 54(7), Annual Compliance Report on the Conditions of Zoning for Kihei High School (Ordinance 4135); PSLU-54(8), Annual Compliance Report on the Conditions of Zoning for Kamalani Subdivision in Kihei (Ordinance 4146); PSLU-54(9), Annual Compliance Report on the Conditions of Zoning for a Heavy Industrial Subdivision, that's in the Pu'unēnē area, I believe; PSLU-54(10), Report on Conditions of Zoning for Maui Research and Tech Park (Ordinance 4348); and PSLU-54(2), Report on Conditions of Zoning for Wailea 670 (Ordinance 3554). So, we probably will not be

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getting to all of this, depending on testimony and how much...how long each item takes, but if we do, we do; if we don't, we don't. We can always bring it up later. I seen on tomorrow's Council report, Liloa Hale has a compliance report as well, so we'll have to revisit South Maui compliance reports anyway. So, at this time, let's begin with public testimony. Oral testimony via phone or video conference will be accepted. Also, as noted on today's agenda, in-person testimony will be accepted in the Council Chamber and at the six courtesy testimony sites. In accordance with the newly revised Sunshine Law, testimony can occur at the beginning of the meeting, but cannot be limited to the start of the meeting. The Chair will receive oral testimony for agenda items at the beginning of the meeting, and as the item is called up on the agenda. When testifiers sign up to testify, they must let Staff know whether they wish to testify at the beginning of the meeting or before an agenda item, otherwise Staff will assume the testifier will testify at the beginning of the meeting. Testifiers wanting 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 encouraged, and can be sent via eComment. Search for the meeting date on mauicounty.us/agendas, click on the eComment link, then select the agenda item to submit comments on. 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 4 to unmute yourself. Please be courteous to others, muting video and audio while waiting for your turn to testify. When testifying, please state your name. Please also state if you're 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. Staff, can you post 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. You may continue viewing on *Akakū* Channel 53, Facebook Live, or Maui Countyus...dot u-s. Sorry, my bad. 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 of 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, if there's no objection.

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR PALTIN: Awesome. Okay. It looks like the first one on the list is Ann Cua. I know she's with the Department. It would be Ann Cua, James Goosen-Larsens [sic]...Goosens-Larsen, and then Cammy Clark. Ann Cua, were you here for the Department, or did you want to testify?

MS. CUA: No, I'm just here supporting the Department.

CHAIR PALTIN: Oh, awesome. We always love support. Thank you so much.

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MS. CUA: Okay, thank you.

CHAIR PALTIN: Okay. Next up, we have James Goosens-Larsen, to be followed by Cammy Clark, and then Faith Hill. James Goosens-Larsen, it is your turn to testify. James Goosens-Larsen. I don't see a James Goosens-Larsen on the call anymore. Okay. Is there a Cammy Clark? Cammy Clark.

MS. CLARK: Hi. I'm sorry. I'm just here to listen in.

CHAIR PALTIN: Okay, awesome. Thanks for letting us know. That's always helpful. Next up, we have Faith Hill, followed by Faith Chase, followed by K.J. Faith Hill, Faith Chase, and then K.J. I don't see a Faith Hill, so let's move on to Faith Chase. Faith Chase --

MS. CHASE: Good morning, Chair.

CHAIR PALTIN: -- it's your turn to testify.

MS. CHASE: Good morning. Good morning. Aloha, Chair Tamara Paltin. Aloha, Committee Members. Forgive me for not being abreast to this issue, but I'd like to speak directly. I had the interesting opportunity to speak to one of your testifiers last week or the week before. He's a retired engineer, and I had some time to talk to him about the crosswalk...the roundabout at the Kihei School. So, I've read...I'm reading the report. I understand that doing a overpass would be \$30 million. I understand doing a underpass would be in the flood zone and not workable. I'm not through this entire document, but I just would strongly...I just need to, for my own peace of mind, strongly suggest to continue to look at options, especially within this Phase I. I see Phase I covers a lot of other things, but I don't see...it seems like the reference to a Texas traffic study...I'm just...I don't frequent the area, but I do have friends and family in Kihei, and I have a lot of young nieces and nephews that will probably be going to this high school, and I just want to express my concern about the children making their way, crossing in the roundabout. If you can attention that...like I said, I'm sorry. This is not my subject area, but I would also like to mention that should the Kihei school lawn start to suffer any kind of difficulties...I know it's a dry area. In the beginning of laying down dirt--because soil is my subject--I didn't see a sufficient amount of inches. It didn't match the contract. I know that sounds weird, but you know, watering is going to be an issue, and I just want to get that on record that if for any reason the Kihei lawn...the Kihei school lawn suffers, that I mentioned it on public record that I feel like it needed more soil to be laid down for the grass lawn to be given a chance. That's all. Thank you.

CHAIR PALTIN: Thank you, Ms. Chase. I have just, I guess, one clarifying question, is that if you understand that the Planning Department is charged with enforcing the conditions of changing zoning, and it is the State Land Use Commission who put the condition of an underpass, overpass. And it's the State DOE, DOT that's not complying with the conditions. So, it seems as though the County's only option is to not give the certificate of occupancy for one State entity not complying with another State entity. Just making sure or asking...clarifying that you understood that that was the situation.

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MS. CHASE: Hmm. Okay. I do understand that family tree, that line of hierarchy. I would just express concern on if, you know, God forbid, anybody did get injured in any way, how would that implicate you as decision makers. Thank you for clarifying, though.

CHAIR PALTIN: Thank you. And I guess the best way to ensure that is not granting the certificate of occupancy, and then they wouldn't be able to open the school, even if it's completed, because they didn't satisfy the condition put on it by the State Land Use Commission, right?

MS. CHASE: Got it. I will go visit the State Land Use Commission calendar and see where that inception point is at. And I just...I guess I would just like to say if they feel like budget is a constraint, while I don't know what you guys discuss when it comes to the GREAT Committee, and you go into executive meetings about lawsuits, I would say take care of it on the front end. Thank you for that clarifying, though.

CHAIR PALTIN: Thank you. Members, any further questions for the testifier, Faith Chase? Seeing none. Thank you for your testimony.

MS. CHASE: A hui hou.

CHAIR PALTIN: Let's see. Got a whole lot of gray outs. Next I have Tara F., which I might assume that it's Tara Furukawa, and she is with the Department. Is there a Tara F. that wants to testify?

MS. FURUKAWA: No, I am with the Department.

CHAIR PALTIN: Right on. Thanks. Then Albert Perez, followed by 0251--testifier with last four digits 0251. Albert Perez, it's your turn to testify.

MR. PEREZ: Good morning, Chair, Councilmembers. It's Albert Perez. I'm with Maui Tomorrow. I wanted to testify about a couple of items today. One is more just about affordable housing policy, so I will do that under the Kamalani one. And then I want to address the Wailea 670.

CHAIR PALTIN: Did you want to wait until the items come up, or did you want to do both now, or what was your preference?

MR. PEREZ: You mean the individual items?

CHAIR PALTIN: Yeah. Did you want to wait until the individual items come up, or did you want to testify now, or did you want to mix and match?

MR. PEREZ: I think I'll just go with the Wailea 670 one, and then I can come back and talk about the other one when that item comes up, if it does.

CHAIR PALTIN: Sounds like a plan. Go ahead.

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MR. PEREZ: So I'll go ahead. Anyway, what you have before you is a compliance report provided by the developer. And I just want to say, we've been doing a lot of research on this, and the developer's original proposal back in 2008 would have provided 700 affordable homes. That ordinance barely passed the Council with a five to four vote, and those who voted yes cited the promise of 700 affordable units as a major factor in their vote. And the developer's representative said at the time that they would have no trouble providing 700, but now they're proposing only 288, and the Planning Department has recommended approval. Meanwhile, the developer has increased the number of market rate units from 700 up to 862. So that's three market homes for every one affordable. We're falling behind. Every affordable home we get, we have to put up with three more luxury residences. It's taking us further out of balance, using up our infrastructure, and not providing what Maui's people need. And then those affordable homes with income restrictions are not actually affordable to many of the households who need the housing, so people are falling out. Fewer families are actually able to purchase them, and then they can be sold at market rate. We really need to be going back and looking at the actual number of homes that are being sold at affordable rates to families who actually need them to see how well the workforce housing policy is working. And even then, it's only temporary, five to ten years, before they can be sold at market. And what we actually have right now should be called the temporarily affordable housing policy. Anyway, getting back to specifically talking about Wailea 670, there are two Code requirements that apply to the project district. One is, of course, the workforce housing ordinance requires that 25 percent of the market rate units be affordable. So, the current proposal to build 288 would comply with that, but the project district ordinance itself, as codified in Maui County Code 19.90(A), it says that 450 affordable units shall be within the project district. So the developer's current proposal to build only 288 is 162 affordable units short of the 450 required. But if they were to go ahead and build 450, that would satisfy both of the Code requirements that apply to the project, and if the developer wants to lower the number to 288, they need to get the Council to change the Code, and convince the Council that less affordable housing is needed on Maui. Thank you very much.

CHAIR PALTIN: Thank you, Mr. Perez. Before I open the floor to questions, I just wanted to recognize that Committee Vice-Chair Kelly King...to the meeting. Xin chào and aloha kakahiaka.

VICE-CHAIR KING: Mahalo, Chair, and xin chào. Aloha kakahiaka. Coming to you from my home office again here in Kihei, and there were no testifiers at our District Office. Thank you.

CHAIR PALTIN: And you're alone at your home office?

VICE-CHAIR KING: I'm alone in my office space.

CHAIR PALTIN: Okay. And did you have a question for the testifier, clarifying question?

VICE-CHAIR KING: Yeah, thank you, Chair. I just wanted to...because it looks like this item's

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going to be deferred today. Did you submit that in writing, Albert?

MR. PEREZ: No, I did not, but I certainly could.

VICE-CHAIR KING: Okay. That would be helpful, I think, because you had some good statistics in there about the Code. Thank you.

MR. PEREZ: Okay.

CHAIR PALTIN: Any further questions for the testifier? Seeing none. Thank you for your testimony and we'll see you back up when Kamalani comes up, I think, was the one you wanted, right?

MR. PEREZ: Yep. Okay, mahalo.

CHAIR PALTIN: Okay. Mahalo. Next up, we have the testifier with the last four digits 0251, to be followed by Junya Nakoa. Phone number with the last four digits 0251, you are unmuted on our end. If you can unmute yourself, it's star 6 [sic]. You'll need to unmute yourself on your end to provide testimony. Last four digits 0251. Okay. Well, next up we have Junya Nakoa. Junya, your turn to testify.

MR. NAKOA: What's up? Good morning. Hold on...turn down my radio. Yeah. Know that...the Wailea 670, how many years we been listening to these guys play games with us, yeah, us people here on Maui? We stay tired already, yeah. Like Bruddah Albert said, their affordable workforce housing is getting...like it went minus, minus a little bit. You know, these guys...these...all these crooked developers, you know, they all...they playing games, brah, with the system. They're playing games with the...with you guys. They're definitely playing games with the Planning Commission. And for the Planning Department, they the problem in this whole equation, yeah. You guys know already going get the investigation of them, Public Works, because of the stupid Greg Brown project. As same thing happening here, gang, same thing happening over here, yeah. These guys, they just screwing us over, Planning Department. I mean, huh, these guys, they just...I mean, when the Planning Commission listen to this project how many times throughout the years...how many times gotta listen to them cry, they going do this, they going do that, they gonna dig cultural things. And then every year...every time they...they bring them up, they're minusing the workforce housing, playing a game, playing the system. The Planning Commission, I give you credit because they all volunteers, but then they had a recommendation from the Planning Department. The Planning Department is recommending to approve this dumb, stupid thing, yeah. And so we get screwed again, the people. You go...you try go...you gotta listen to all the Planning Commission meetings, how much we had...I don't know, like how much we had from I think Albert said, like 2008. How many testifiers...testimony get, and you go try do da kine the percentage, who going for 'em, and who not going for 'em. Brah, go look how much people is against this kine project...this project, 670...Wailea 670. I think they call 'em something else now, but the system is flawed. I know you guys going to investigate the Planning Department, but I know couple of you guys are making sure it's only about the Greg Brown thing, but talking to da kine, some other entities might

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look at the whole thing. But the problem is the Planning Department recommending this kine development, and it put you buggahs in a predicament to go ahead and deal with these things. Just so tired of this damn thing. Tired of this crooked developers doing this kine stupid stuff. And us local...and we got to deal with these market homes. Too many market homes. Too many market homes. We no mo wata. . . .(timer sounds). . . We no mo wata, we no mo wata, we no mo wata. Shoots.

CHAIR PALTIN: Thank you, Mr. Nakoa. Members, any questions...clarifying questions for Mr. Nakoa at this time? Seeing none. Thank you so much for your testimony. This will be the last call for public testimony at the beginning of the meeting. Is there anyone else wishing to testify at the beginning of the meeting? Please unmute and identify yourself. Okay, I don't hear anybody unmuting.

. . . END OF PUBLIC TESTIMONY . . .

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

**PSLU-54(6): ANNUAL COMPLIANCE REPORT ON THE CONDITIONS OF ZONING
FOR MAKENA RESORT AREA (ORDINANCE 3613)** (GC 22-1, GC 22-2)

CHAIR PALTIN: I will now proceed with our first item on the agenda, PS LU-54(6), Annual Compliance Report on the Conditions of Zoning for Makena Resort Area (Ordinance 3613). The Committee is in receipt of the following. We have General Communication 22-2, dated January 5th, 2022, from Yukino Uchiyama, Munekiyo Hiraga, on behalf of H2R, LLC, transmitting a copy of the "Change in Zoning Annual Compliance Report for PARCEL H-2 (LOT 19)," in accordance with Condition 22 of Ordinance 3613. And we also have General Communication 22-1, dated January 5th, 2022, from Bryan Esmeralda, Munekiyo Hiraga, on behalf of Makena Golf & Beach Club Owners, transmitting a copy of the "Annual Compliance Report - CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA," in accordance with Condition 22 of Ordinance 3613. The Committee may discuss the annual compliance reports for Makena Resort Area and Parcel H-2 (Lot 19) and other related matters. No legislative action will be taken. And as a reminder, we did take this up, I think, their last annual compliance report. From the Makena Resort Area, we have representatives Kaimi Judd, Vice President of Development, Makena Golf & Beach Club attending, as well as Leilani Pulmano, Vice President, Real Estate, Pacific Rim, Incorporated attending. And if there is no objection, I would like to designate those two for the first item as resource personnel in accordance with Rule 18(A) of the Rules of the Council.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: All right. So, at this...this is the...under my tenure, this is the second annual compliance reports we're reviewing for this particular project. And like I said, the theme for today is South Maui CPAC prep. So we're just going over, you know, projects in South Maui and their compliance with the ordinances that allows for their change in

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zoning. At this time, can I get any opening comments from Planning Director Michele McLean or her designee, to be followed by opening comments from Kaimi Judd, and then Leilani Pulmano. Thank you so much.

MS. MCLEAN: Aloha, Chair. Good morning. Good morning, Committee Members. We don't have any comments. We're available to answer questions if there are any questions for the Department. Thank you.

CHAIR PALTIN: Thank you, Director. And then for Mr. Judd and Ms. Pulmano, any updates since the last time we met on these projects, or anything at all that you would like to share with us? Let's start with Mr. Judd.

MR. JUDD: Yes, hi. Good morning, Council and Chair. Can you hear me?

CHAIR PALTIN: Yes, we sure can. Good morning. Thank you for being with us here today.

MR. JUDD: Okay. Good morning. Yeah, I recall us in Chambers right when COVID was just a word out there, so good to see everyone here and healthy a couple years later. Yeah, so, the Council imposed these 44 conditions, you know, some years ago in 2008, for approval of rezoning. The overwhelming majority for Makena of those conditions is triggered by development actions, which have...none of those have been commenced in those areas or activated. However, there are some conditions, eight conditions in particular, that were imposed and...for example, ones that we've satisfied; civil defense sirens, emergency evacuation routes, marine monitoring, an expansion of Maluaka Beach Park shoreline access, the planning of Makena State Park, and beautification maintenance of Makena Landing. So, we stand here ready to continue to comply as we go forward, when the time comes where we trigger those zoning requirements in the future. So I'm happy to discuss as this Committee goes forward.

CHAIR PALTIN: Thank you, Mr. Judd. Ms. Pulmano, any updates, reports, or changes?

MS. PULMANO: Good morning, Chair Paltin and Councilmembers. As Tamara said, my name is Leilani Pulmano, and I'm representing H2R, LLC on the H-2 project. And I don't have...really have any significant changes from the last time we met a couple years ago, just to let you know that we are still continuing our SMA process, and as part of that process, we had to submit and prepare and process an EA, an environmental assessment. And so, just as Kaimi said, we have been working toward satisfying these conditions of zoning ourselves.

CHAIR PALTIN: Okay. Is that it for the presentations?

MS. PULMANO: Yes. And I'm here to answer any questions that you may have.

CHAIR PALTIN: Thank you. Okay. At this time, I would like to open public testimony for PSLU-54(6) specifically. Is there anyone wishing to testify on this item specifically? Please unmute and identify yourself. Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony for PSLU-54(6), and

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receive written testimony into the record.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Consider it closed and done. Members, any...I assume everyone's read the reports. Are there any questions about anything within the reports, or anything that has been brought to your attention by members of the community? Committee Vice-Chair King, to be followed by Member Johnson, and then Member Molina.

VICE-CHAIR KING: Thank you, Chair. I don't have anything specific that's been brought to me, I actually was going to ask the presenters if they have had any specific complaints about any of the conditions that they think that they've met that the public has felt like they have not. I mean, have you had any complaints about conditions?

CHAIR PALTIN: Is that for Mr. Judd and Ms. Pulmano?

VICE-CHAIR KING: Correct.

CHAIR PALTIN: Mr. Judd and/or Ms. Pulmano.

MR. JUDD: Yeah. Thank you, Councilmember King. I have not personally heard any direct comments, you know, or complaints, but certainly, you know, if you have any to report, we should, you know, hear them. But I haven't had any particular complaints on these conditions of zoning.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: Ms. Pulmano.

MS. PULMANO: Nor have I. I haven't received any complaints recently on our compliance with our conditions.

VICE-CHAIR KING: Okay. So, as far as you guys are concerned, you're on track and...because I know some of the conditions are contingent on...that will happen when you get your building permits and things like that. So you feel like you're on track?

MS. PULMANO: Yes, we do.

MR. JUDD: Yeah.

VICE-CHAIR KING: Okay. That's all. Thank you. Thank you, Chair.

CHAIR PALTIN: Okay. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. So this question is about the number 17, about the iwi kūpuna status. It says that you're required to notify SHPD and the Burial Councils on when you do find anything of significance. I'm just curious as to how many

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times has that happened, have you had to notify SHPD when you...when you....have you found anything, and how many times has that happened?

MR. JUDD: I can answer for us.

CHAIR PALTIN: Go ahead, Mr. Judd.

MR. JUDD: So, we...yeah, thank you for the question. Of course, you know, when the time comes that we have any grading or, obviously, preceding permit requirements leading up to that, we will obviously comply with that. It's very important to us in that area of concern, and...but we have yet to do any activity in those areas. So, when the time comes, we certainly will be reporting those as required.

COUNCILMEMBER SINENCI: Okay. So, nothing yet is what I'm hearing?

CHAIR PALTIN: Ms. Pulmano.

MS. PULMANO: Nothing for us as well.

COUNCILMEMBER JOHNSON: Okay. Thank you so much. Thank you, Chair.

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

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Questions for the Department. Does the Department feel they're adequately staffed to verify the water quality monitoring reports? And if not, would maybe hiring a private firm, or possibly having a planner that specializes in this type of area, would that help?

MS. MCLEAN: I don't think that the Department needs a specialized planner. We rely on the applicants' information. If we feel like verification is needed, we could seek that out on like a one-time basis if we did think that anything was questionable. Or there are State agencies whose assistance we could request.

COUNCILMEMBER MOLINA: Okay. And so, thus far, the Department feels that the project is in compliance with all of the zoning conditions?

MS. MCLEAN: At this stage, yes. It's not uncommon for larger projects to take a while to come into compliance. But at this stage, we don't have any concerns.

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

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

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to ask the presenters if there is an updated timeline for the project as far as beginning construction and the end of project date.

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CHAIR PALTIN: Mr. Judd, followed by Ms. Pulmano.

MR. JUDD: Yeah. Thank you. We do not currently have a specific timeline. We have some steps along the way to get to the point of...we've committed to an EIS for the area that is...it contains these zoned properties. So, when the time comes to initiate that, that'll be the first step, and then kind of outlining a timeline from there.

MS. PULMANO: Councilmember Sinenci, for the H-2 project, we're moving forward with our SMA, and we hope to get that within the year. And if that's approved, then we would like to be in construction the following year.

COUNCILMEMBER SINENCI: Great. Thank you for those updates. Thank you, Chair.

CHAIR PALTIN: Anybody else, questions for our resources? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, I'm looking at number 37 on the report, and it says, to exhibit respect for the Hawaiian culture and a Hawaiian sense of place, structures within the Makena Resort Area shall be based on or inspired by principles of Hawaiian Island architecture and design and construction. So, I have to admit, I don't think I've been out there, but can you tell me how you folks are responding to that particular item?

CHAIR PALTIN: Mr. Judd, and then Ms. Pulmano.

MR. JUDD: Yes. Certainly, when we get to the point, Councilmember Kama, of satisfying those conditions on those areas, we'll be going through in the EIS process and SMA process. I think we'll include also design, if you will, presentations. And certainly, we'll be aiming to have those...you know, the architecture and sense of place in mind when we present those at that time.

COUNCILMEMBER KAMA: Okay. Okay. Thank you, Chair. Thank you very much. Happy to hear that.

CHAIR PALTIN: Oh, did you want to hear from Ms. Pulmano as well?

COUNCILMEMBER KAMA: Yes, absolutely. Thank you, Chair.

MS. PULMANO: Councilmember Kama, for the H-2 project, we have actually approved design guidelines from the Urban Design Review Board. And as part of those design guidelines, we've included provisions for this condition that requires Hawaiian and Polynesian architecture.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair. Thank you, Lei.

CHAIR PALTIN: Okay. Thank you. Any further questions for the resources? I just had two, if everyone else is done. I think the first one is for Mr. Judd. The reports kind of got jumbled in my head, but in reviewing, I guess, the latest water quality report from...I

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think it was June or July of '21...and it was saying that there were elevated...I guess the red numbers mean it's above the standards, and they were saying something about it could be because of low tide and possible groundwater seepage. I just was wondering, in response to those reports, are you doing more frequent testing during low tide or anything of that sort?

MR. JUDD: It's a good question. I did note that also in the report. We've been working with...I think we...when we had a similar question that you raised a couple years ago, we sent a response from our Marine Consultant, Dr. Allen Cattell, where we do...instead of the required twice a year, we actually four times a year. So, you know, depending on when they come out in the conditions, that is kind of taking, I think, in, you know, individual times different readings, but then over the course of time is what they really look at as kind of averages and trends. I can ask...if you have a particular question that I could ask Mr. Cattell. I will point out that as an SMA condition of the M5, M6, S7, B2 project, we were required to install a buoy that monitors certain conditions of the ocean on a real-time basis as part of our duration of construction. And so, that's also giving us more, you know, daily information. So, that's something I'll just raise. It's not necessarily part of the condition of this zoning condition, but it is kind of to the point of your question.

CHAIR PALTIN: Yeah. Thank you. I mean, I guess I would...I know four is double of two, but in the course of 365 days, it's just kind of a couple of drops in the bucket. I just was wondering, since we do know and can predict high and low tides, if you could do maybe a couple more during low tide, and try and see where that elevated source is, kind of just get more information on that. And if it's exceeding, you know, the limits without development there, like that does raise some concern if there is development going to be there. You know what I mean?

MR. JUDD: Understood.

CHAIR PALTIN: Okay. Thank you on that.

MR. JUDD: I will...I will ask the question. Go ahead.

CHAIR PALTIN: Thank you. And if you can respond in writing about their response to that question, that'd be great as well, to the PSLU Committee. And then my second question relates to community input that I had received. And I don't think it's relation to a condition in zoning, but maybe you may know a little bit about it. It's in relation to somebody named Ka'onohi Lee, that there's a burial preserve area close to the...where two mango trees were cut. And supposedly, the mango trees were not supposed to have been cut, and asking if you have a preservation plan approved by SHPD yet, or if it's not required at this time. Do you know anything about that?

MR. JUDD: Sure.

CHAIR PALTIN: Okay, go ahead.

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MR. JUDD: I don't know. Yeah, it's not necessarily pertinent to this Committee, but we do have an approved preservation plan, and we're managing through that, and complying with the plan. I can address that particular question with...directly with Ka'onohi.

CHAIR PALTIN: Okay. About the mango trees?

MR. JUDD: Yes. And we have spoken, so...yeah.

CHAIR PALTIN: Okay. That would be good, I think. I see that Committee Vice-Chair King had her hand up for a second round.

VICE-CHAIR KING: Thank you, Chair. So, I did get some, you know...just following up on my earlier question about any community concerns. I did get a concern that somebody just reminded me about that the archaeological inventory survey...wondering if you have been consulting with Native Hawaiians because I know there has been some pushback about the preservation...the site preservation plan.

MR. JUDD: Is that question directed to one or both of us?

VICE-CHAIR KING: Actually, probably both of you, if you can just speak to that, and are you consulting with Native Hawaiians. And is it...

CHAIR PALTIN: Mr. Judd, followed by Ms. Pulmano.

MR. JUDD: Yeah, sure. Absolutely. Again, the zoned parcels for this Committee, as far as the CIZ conditions, we have yet to commence, you know, that activity, but we will be complying. As far as some of the other areas, we have a very longstanding lineal descendant group, our cultural focus group. And we also...I think many on this Council know that we had an agreement with other concerned community members, which includes Native Hawaiians. And we have regular consultation that is ongoing, and also we submit everything as required to OHA for review.

VICE-CHAIR KING: Okay. Thank you.

CHAIR PALTIN: Okay. . . .*(inaudible)*. . . Sorry. Go ahead, Ms. Pulmano. Sorry, my bad.

MR. JUDD: No, no problem. Thank you. We have been in consultation with a number of Native Hawaiians, as well as lineal descendants of the area, for our preservation plan. The preservation plan for H-2 has been submitted both to OHA and to SHPD, and is going through the review at this time.

VICE-CHAIR KING: Okay. So, you don't feel like there's pushback from any Native Hawaiian groups on the site preservation plans?

MS. PULMANO: I don't believe so. We've given a lot of opportunity for consultation and review on that.

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

CHAIR PALTIN: Okay. And at this time, I'd like to recognize Councilmember Yuki Lei Sugimura. Xin chào and aloha kakahiaka.

COUNCILMEMBER SUGIMURA: Xin chào and good morning. I'm in the Chambers with Gabe Johnson. Nice to be here and seeing all of you.

CHAIR PALTIN: Thank you. Did you have any questions about this first item? We're about wrapping it up.

COUNCILMEMBER SUGIMURA: Just wrap it up. Thank you.

CHAIR PALTIN: Okay. All right. So if there are no objections, the Chair will defer this item, and possibly hear back from these folks next year.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KRF)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR PALTIN: All right. Thank you so much, Mr. Judd and Ms. Pulmano, for your time. And we may see you in another year.

MR. JUDD: Thank you, Councilmembers.

CHAIR PALTIN: Okay.

MS. PULMANO: Thank you.

CHAIR PALTIN: Next up...thank you.

**PSLU-54(7): ANNUAL COMPLIANCE REPORT ON THE CONDITIONS OF ZONING
FOR KIHEI HIGH SCHOOL (ORDINANCE 4135) (GC 21-5)**

CHAIR PALTIN: Next up on the agenda, we have PS LU item 54(7), Annual Compliance Report on the Conditions of Zoning for Kihei High School (Ordinance 4135). The Committee is in receipt of General Communication 21-5, dated October 20, 2021, from Keith T. Hayashi, Interim Superintendent, Hawai'i State Department of Education, transmitting a copy of their 2021 annual report in accordance with Condition 3 of Ordinance 4135. The Committee may discuss the 2021 annual report and related matters. No legislative action will be taken. We did invite Keith Hayashi, Superintendent for State Department of Education, and Gaylyn Nakatsuka, Architect in the Facilities Development Branches Planning Section to attend and provide any comments on this item, including the status of the report. Unfortunately, we did not hear back from them, but if any questions arise, we can send a follow-up letter. We do have Planning Director Michele McLean, and I

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believe Tara Furukawa, to speak on this item. Any opening comments from Director Michele McLean or Tara at this time?

MS. MCLEAN: Thank you, Chair. As you know, this is a...the conditions for the high school specifically relating to the overpass and underpass are very prominent in the forefront of our thinking. We have been communicating with the Department of Education and their newest consultants, who are working on compliance with this condition. The understanding at this point, relating specifically to the overpass and underpass...and I bring this up because the change in zoning conditions also tie into the Land Use Commission conditions, and we are responsible for enforcing both. Relating to the overpass and underpass, they're anxious to open the school. It's obvious that the overpass or underpass won't be constructed at that time. They are discussing options with the community for some interim measures. And my position is that those would have to be approved by the State Land Use Commission as acceptable interim measures, meaning that an amendment to that condition would have to be adopted by the State Land Use Commission. We have told them that they should secure a spot on the LUC's agenda so that they can put that proposal in front of them and have it enacted well in advance of when they want to open the school. I've heard a number of ideas suggested. I don't know which ones they will eventually propose. But until the Land Use Commission adopts any sort of change, our position maintains that an overpass or underpass has to be constructed before we could sign off on certificates of occupancy. Thank you, Chair.

CHAIR PALTIN: Thank you, Director. At this...did...and Ms. Furukawa didn't have anything additional? My understanding was that the status update was they tried once, and failed before the Land Use Commission?

MS. FURUKAWA: Yes, that's correct.

MS. MCLEAN: Well, they essentially tried to have the condition removed, or significantly weakened, and the Land Use Commission clearly said no. What we're talking about now would be some interim measures because whenever it is that the school first opens, it wouldn't be at full capacity. It would be probably for a single year...single grade. And so, interim measures might be sufficient with that number of students, but all that remains to be seen. But yeah, they did try before and failed, but I think they are...they realize now they have to take a different approach.

CHAIR PALTIN: Okay. Thank you for that presentation. It's unfortunate that the State Department of Education did not come and face the music, so to speak, with our community. At this time, I would like to open public testimony specific to item PSLU-54(7). And I believe Mr. Mike Moran wished to testify specific to this item; is that correct, Mr. Moran?

MR. MORAN: Yes, Chair, that is correct. Thank you for the opportunity. KCA has been involved in this from day one. We attended the first LUC Commission hearing when the LUC granted the change in land use with number of conditions, but this is the prime condition about the grade-separated crossing or overpass or underpass. And in nearly

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a decade, the DOE just dug in their heels and refused to participate in any realistic way with the LUC, with the community. They made several attempts. We went again, participated in every LUC meeting on the topic, and each time, it was this ludicrous thing that the LUC representative would say, oh, we didn't understand what the condition meant. And the commissioners would be flabbergasted, and say, it's in...it's in plain English; it's not in legalese. How could you not understand it? And they would just shrug their shoulders, and...I mean, there were numerous, numerous things, but one recurring situation is a land use commission would say to that representative, if your child had to cross this road, would you still fight this? And none of them would answer the question. They would say, I'm not prepared to answer, or I can't answer, or I won't answer. So, it was pretty apparent. And over the years, we had several potential parents of kids who came to testify at the LUC, and they 100 percent, according to our records, all said the same thing. As badly as we want this school, and as badly as we want our child to be able to attend, if they're not going to permit a safe way for the children to reach it, don't open the school. This is...this is going to be our position. We're going to try and force the State Department of Education to do the right thing. And for nearly a decade, they have just refused, and have now painted themselves into a corner that they see that now they're really stuck. And we do commend you, Chair Paltin, for explaining to testifier Chase at the beginning what the situation is. We have to explain that time after time after time again because the State Department of Education, in cooperation with the State DOT, seems to be trying to confuse the community, and saying, well, see, we built...we put in a roundabout, so therefore . . . *(timer sounds)*. . . and of course, it didn't, as you explained. Thank you for the opportunity to offer our input on this matter.

CHAIR PALTIN: Thank you, Mr. Moran. And thank you for dogging this issue for us. Members, any questions for the testifier at this time? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, thank you again, Mike, for being here and offering your wisdom. So, you know, seeing as how the State has dug their heels in and doing what the community has not wanted them to do, or even attempted to have a conversation, do you feel like the community is ready to not send the kids to school? And if that's the case, do you see the Kihei Community Association wanting to rally support to that end?

MR. MORAN: Well, we would offer...every time we went to the LUC, when we testified and were asked the question--when there was still time, you know, four years ago, five years ago--and each time we expressed what the input we had from the community, is no, we're not going to allow the DOE to violate this. It wasn't only the community's will; it was the legal situation that they refused to comply. And it sets such a bad example for the Department of Education to be setting this for the...for the children that they're supposed to be educating. And I would offer, we did attend one of these hearings that Director McLean mentioned to get input from the community when they gave these five options, and I think it's safe to say that everybody who attended our meeting...there were four meetings and we had some board members who attended a few others, but at the...the vast majority of people who were there representing other organizations said the same thing...no. Because nobody has any faith in the DOE to say, oh, let us open

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the school, and we'll do it later. Why would you possibly believe they would if they refused to do it all along? It will just be, okay, now the school's open, see? And so, that's our feeling. And one representative from the County made the statement to the...DOE wasn't in attendance, but it's the groups that they hire, these PR firms...made the statement to the firms, if the DOE finds out they can't open the school, they'll have an underpass built in less than a year. They'll find a way to do it because now the pressure is on them. So that seems to be what we're still hearing from the community, that if that's what it's going to be...as you might know, what the DOE has done now for the opening term this year, they're holding the classes at the middle school, and they're...so they're saying the school...the Kihei...or I have to...it's not the official Kihei name. That name has slipped my mind, but that the high school is open, but we're holding classes at the...at the middle school. And we could continue to do this, but of course, it's only a handful of kids right now. And so, they're saying that's one potential option. Another potential option is they would bus everyone in, so no one would cross, which seems ludicrous when we're seeing that in West Maui, they can't provide buses now. There's such a shortage. I'd say half a dozen, so where would these magical buses and drivers come from? So, it seems like it's just another false flag from the DOE flashing these. Sorry for the very lengthy answer to your question.

COUNCILMEMBER KAMA: Thank you. That was very informative. Thank you, Chair.

CHAIR PALTIN: Member King.

VICE-CHAIR KING: Thank you, Chair. Thanks for being here again, Mike. You know, we were at some of the same hearings, the Land Use Commission hearings, and I remember...I just wanted to get your take on...because I agree with you that most of the public feels the same way--we should not open the schools until it's completely safe--but I've been disturbed by this attitude that, well, if it's only one class, it should be okay. You know, that...you know, does that mean if there's only one child that gets hit, that's okay? Or, you know...I mean, the likelihood of an accident, I don't know if that decreases because there's less kids going to school, but you know, is your feeling that the public is not going to be okay with this just because less kids are attending school the first year?

MR. MORAN: So far, that is the input we got because of the lack of faith in the DOE. It would be, okay, now, see, the condition doesn't really mean anything. If it's okay for a few kids, it would be okay for a few more. And additionally, that we hear some input not only from our community, but from commuters who drive through who may not look at the safety issue of the children. They may look at that as well, but there's also a lot of concern about the traffic. You know, now...if you're going to have kids crossing that school with those yellow beacons flashing, how much is that traffic going to back up when the school is open? So, that's also a concern, and we get that as a secondary community concern. And even if we would say that to people, well, if you can, if you would put aside the safety issue of children, which seems ludicrous, but what if you did, what about the traffic issue? And yes, there's even more widespread concern about that from the input we get, again, from a lot of the commuters who don't live in the area. And their children wouldn't attend the school, but they have to drive on that highway, and they see now with the construction how bad the traffic backs up every morning and

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every afternoon. So, once the roundabout is in, and the construction's done...but you're replacing that with these pedestrian-activated crosswalk signals that every time somebody presses a button, the traffic has to yield, which is a ludicrous thing in itself, but they don't have to stop, they only have to yield. And think of that safety issue. How many cars will say, I didn't see the kid, and I don't have to stop, I only have to yield, so I gunned the engine. And whoops, kid stepped out and got hit. So that's part of the overall situation.

VICE-CHAIR KING: Okay. Thank you for that input. Thank you, Chair.

CHAIR PALTIN: Thank you. Any further questions for the testifier? Maybe we should've had him be a resource because we've sure used him as a resource. Thank you so much for your testimony Mr. Moran. Is there anyone else wishing to testify specific to Item 54(7)? I believe the new name that they decided on was Kūlanihākoʻi High School, I believe. Anyone else wishing to testify specific to this item? If you would like to unmute yourself, state your name. Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony for PSLU 54(7) and receive written testimony into the record.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Ok. It's now closed. And so, as I stated earlier in this Committee meeting that the purpose of this was South Maui Community Plan Advisory Committee prep. And so, I guess, you know, a little bit of the deliberation and discussion possibly with Director McLean, is there anything that the South Maui community can do to reach out to those in charge? Do you know of any coordinated effort? Is there anything that the CPAC could do, or...because we're kind of in this together as the County. We're backing you up to not give the certificate of occupancy because they haven't met the condition, like any other developer. Do you have any suggestions of actions or things?

MS. MCLEAN: It seems to me that they have finally realized that they have to take a different approach. One of my concerns is that even though there are a lot in the...a lot of people in the community that don't want the school to open until there is a clearly safe way for students and parents and teachers to cross, I do wonder...or I am concerned that there are families who want the school to open and, you know, on their own initiative, they'll make sure that their kids get there safely. And so, even though I do feel like there is support from the KCA, from the Council, for us to hold the line like we are, it's going to be really tough for the school to be ready to open. I think there are going to be families saying, I'm sick of my kids having to go to Central Maui. Come on, County, sign off. And, you know, I can understand that sentiment. They've been waiting a really long time. So, I think, you know, trying to be as collaborative as we can with the DOE to find interim solutions that we believe are truly safe, you know. I don't think that we should drop our standards or anything like that, but what seems to be reasonable, what seems to be safe as an interim measure, and to collaborate and find consensus on those because I think there is going to be compelling arguments for that school to open. And so we have to be prepared to find some middle ground as long as we feel that it's safe.

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CHAIR PALTIN: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Director McLean. So, your question...or my question is about the Land Use Commission. You were talking about they have to go before it again. I am curious on like timelines of that. Like is it months, or is it years? Does it take a very long time to get scheduled into the Land Use Commission? Is...something along...like I'm just kind of curious of the timeline of it all.

CHAIR PALTIN: Director.

MS. MCLEAN: That's a great question. I look at it similarly to the way we schedule out our Planning Commissions, and the way you folks schedule out your Committee meetings. That's why I had told DOE, you need to secure a spot on the Land Use Commission's agenda, like hold a couple of meeting dates in November. It could theoretically go through in one meeting, but better to have a backup just in case because the Land Use Commission could act, could approve an amendment to the condition, and have that take effect by the end of this year. And that could allow the school to open in January. I'm saying could. No guarantees. We need to know what that language would be. We'd need to know what those interim steps might be. DOE is aware of this. They have no excuse to not secure that spot, and to get that proposal there. Because if the Land Use Commission doesn't make changes, there's nothing I can do. I'm not going to, you know, insert any sort of discretion over what might be an acceptable interim step. That is far beyond my authority. The Land Use Commission has to approve that language. So until they're able to meet and finalize something...

COUNCILMEMBER JOHNSON: So, if it's a concern about securing a spot, could the County procure...do...secure a spot for the DOE, if they're willing to come to the table?

MS. MCLEAN: I suppose we could ask the Land Use Commission to set a date aside, but we wouldn't be the petitioner, you know. We wouldn't be the applicant.

CHAIR PALTIN: And I can agree that they don't show up, like they didn't show up today.

COUNCILMEMBER JOHNSON: I'm just trying to find ways to work collaboratively, like what Director McLean's saying. If we...you know, I mean I know the expression lead the horse to water, can't make them drink, but if we're trying to get this done before January, I mean, there's...and they have to...somebody's got to do something. So, thank you. Thank you, Chair.

CHAIR PALTIN: So, I saw Member Sugimura, Member...then Member King, then Member Molina. Member Sugimura.

COUNCILMEMBER SUGIMURA: I think Member King was first, and I'll defer to her.

CHAIR PALTIN: Okay. Member King, and then Member Sugimura, then Member Molina.

VICE-CHAIR KING: Thanks, Yuki Lei. Thank you, Chair. So, yeah, at this...I wanted to...when

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you were asking what could be done, you know, we've had a meeting--myself, Representative Tina Wildberger, Director McLean, and one of the Land Use Commission employees--several months ago about this, and discussing exactly this, that the certificate of occupancy can't be given out without the Land Use Commission's condition being changed. But I just wanted...and so, you know, there is...there is public discussion going on. There probably could be more. I mean, we could hold a forum outside of the CPAC. I don't know if the CPAC has any authority in the...in this case because it's a State Land Use decision. But I just wanted to point out that...I want...it sounds like the...this...the discussion is going in terms of how can we get the school open and get this decision reversed, and that's not what the community wants. The community wants the underpass or the overpass to happen, not just looking for easy ways to open the school quickly. Because whether it's one class of freshmen or an entire high school, one kid getting killed on that highway does not make it okay. So having less kids going to school, in my opinion, is not a reason to go ahead and open it with less than safe conditions. And that's the way the community feels right now. So, the discussion...really grateful to Director McLean saying that her hands are tied without the Land Use Commission decision, but I don't think it's up to the County to get the DOE on the Land Use Commission docket. If they want to try to address those conditions, they should...they could do that right now by building that, you know, underpass or overpass. They could...they could get going on that and get those conditions done, but it's just disturbing that they're dragging their feet. And I just don't want this...I'm hoping that this Council isn't just looking for ways to get the school open, regardless of the safety issue. So, I hope that we can stand behind the community and just say, you know, this is a process that the DOE needs to participate in. It's kind of disturbing that there's nobody here. They only...at the last Land Use Commission meeting I went to, where they denied...for the final time, they denied that change, there was one DOE person that was there, and you know, she had to take a lot of the criticism for the entire Department. So, maybe that's why they're not sending anybody here, I don't know. But they know full well how the community feels. And, you know, if we want to...if we wanted to do outreach, I think the result of it's going to be the same, you know, not...not outreach as far as who would compromise to get the school open as quickly as possible, but you know, outreach that's going to result in the same questions, like why won't they do the off-grade crossing. You know, let's...you know, and will they ever do it? Will we...will the Land Use Commission conditions ever mean anything if we're going to continually let...you know, be bullied and let people skate on those conditions? So, I have a lot of concerns about us, you know...I think it's up to DOE to push forward. I don't really think it's the responsibility of the County to push forward and help them get a compromise. Thank you.

CHAIR PALTIN: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So Michele McLean, who's a member of the Maui Metropolitan Planning Organization, asked that this item be put on the MPO agenda. We're looking right now for an Executive Director, so it is...we're planning to put it on just to talk about it. And who's on the MPO is the Director of Transportation, Jade Butay, as well as Public Works. And Michele is there. And so, therefore, Michele asks exactly why. She said she wouldn't be able to issue her CO unless if this got clarified,

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so...you know, in a way that...the MPO can assist with our agenda, we're going to bring this up at the appropriate time. Thank you.

CHAIR PALTIN: Thank you, Member Sugimura. Member Molina, to be followed by Member Kama.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your invitation to the DOE --

COUNCILMEMBER SUGIMURA: Oh, sorry.

COUNCILMEMBER MOLINA: -- did you receive a response as to why they couldn't come, or did they simply just not respond at all to be here?

CHAIR PALTIN: No response at all. Mr. Leauanae, did we have any further clarification for Member Molina? Do you have any --

MR. LEAUANAE: Yes, Chair.

CHAIR PALTIN: -- as a worker of the DOE?

MR. LEAUANAE: Yes, Chair. I sent emails and tried to call and left messages, but didn't receive a response back.

COUNCILMEMBER MOLINA: Okay. Well, that's good to know for the record, and it's so disrespectful. I'm guessing they probably didn't want to be here. Maybe their legal team is telling them not to be here, potentially. I'm taking a guess. And I don't know, maybe we can do something through maybe Chair Lee, a resolution to the Governor and State Legislature urging the DOE to do what we want them to do for the safety of our kids. I think it's...we're at that point now. And it's unfair that the...and I also want to give kudos to our Planning Director, Michele McLean. And I know the Department has sometimes taken a lot of hits, but you know, in my view, when a compliment should be given out and deserved...be deserving of...I want to thank you, Director McLean, for standing your ground on this. So, I'm just hoping that maybe we can do something in the Council through resolution to the Governor, to our State Legislature. I mean, fan the flames on this, and you know, maybe let the media in on this. I mean, this is really, really awful. This is embarrassing by them not even being here. That's making a statement on their part. They don't care. They don't care if the kids get killed. And then we're doing our part, not wanting to give them their certificate of occupancy until, you know, they get on the ball and address this. So, hopefully, maybe Chair Lee, if that's something you may want to consider on behalf of the Council, send a...send a...send a reso to the Governor. And, you know, it's an election year too, so hopefully whoever's running for Governor, they're going to pay attention, and also to the Board of Education as well. So anyway, just my feelings on this, Madam Chair. Thank you.

CHAIR PALTIN: Thank you, Member Molina. That's certainly things that we can continue to do. Member Kama.

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COUNCILMEMBER KAMA: Thank you, Chair. That was what I was going to mention, is that we should be talking to the Governor because that is in his purview. And here, you know, this Council is very powerful because we are the policy makers on our island. And this is the kinds of issues that we really need to be able to show some muscle, so that we can get what's needful for our children in this community. And so, I would echo Member Molina's sentiments and his recommendations that we do get a resolution going, send it to the Governor. But also, at the same time, you know, we all are on the campaign trail, and we all bumped into almost the same candidates who are running, and we all should be talking to them about this issue. I mean, you know, if...while we're out there, we're talking to the same people about this one issue, that's how you get that fire going. That's how you get it started, just a spark. So, let's be the spark. Let's be the light. Let's let the fire burn. So, thank you so very much, Chair. Thank you, Mr. Molina.

CHAIR PALTIN: Thank you. And to Member Molina's point, I believe there was a *Maui Now* article about this on social media and I just read it, that it was going to be discussed in this Committee. And I was like whoa...because I didn't put that out, but they...I think they're watching.

VICE-CHAIR KING: You're breaking up, Chair. We can't hear you.

CHAIR PALTIN: Okay. Chair Lee.

COUNCILMEMBER LEE: I was going to say the same thing, you're breaking up.

CHAIR PALTIN: Well, this may be a good time...let's...was there anything else on this issue, and then we can take a recess, and I'll check my network connectivity?

COUNCILMEMBER LEE: Okay, now we can't hear you at all.

CHAIR PALTIN: Recess, please. Can you hear that, recess?

COUNCILMEMBER LEE: Yeah.

VICE-CHAIR KING: Heard that. We can...can we check...Chair, can we check...oh, is she gone?

CHAIR PALTIN: What did you want to check?

VICE-CHAIR KING: Yeah, I just wanted if we could ask Staff to check...I thought we did a resolution asking the...urging the State to do this underpass or overpass. So, maybe can have Staff check on that. It would have been a while ago.

CHAIR PALTIN: Okay. Let's return at 10:30. Ten-minute recess. Ten-minute recess. 10:30. Recess. . . .(gavel). . .

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RECESS: 10:20 a.m.

RECONVENE: 10:30 a.m.

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use Committee return to order. The time is 10:30, and a little update from the break. We discovered that in 2019, a resolution was sent to the LUC asking them to hold firm, and it looks like that was very successful. So, it may be time to update that and send it to the Governor, the DOE, the DOT, and all of that. So, I'll leave it to probably Member King and Chair Lee to work on that together, and then that'll be the course of action, and we can rally support around that. Does that sound acceptable to the Members?

COUNCILMEMBERS VOICED YES.

CHAIR PALTIN: But I'm glad we brought this up, and we're going to pursue the avenues within our disposal to see what can be done for the community and back them up. If there's no objections, we can defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KRF)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR PALTIN: Thank you. Thank you, Members.

VICE-CHAIR KING: Do you want...

CHAIR PALTIN: Yes?

VICE-CHAIR KING: Do you want the proposal brought back to this committee?

CHAIR PALTIN: I don't think it needs to, per se.

VICE-CHAIR KING: Just pass it on the floor when we get it done?

CHAIR PALTIN: We could pass it on the floor, or have it be MPO or GREAT or something. We're just, I guess, shining a light on it, and then offering...

VICE-CHAIR KING: Well, it's not force and effect of law, so we could pass it on the floor.

CHAIR PALTIN: Okay. All right.

**PSLU-54(8): ANNUAL COMPLIANCE REPORT ON THE CONDITIONS OF ZONING
FOR KAMALANI SUBDIVISION IN KIHEI (ORDINANCE 4146)**
(GC 21-6)

CHAIR PALTIN: Next up we have PS LU-54(8), Annual Compliance Report on the Conditions of

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Zoning for Kamalani Subdivision in Kihei (Ordinance 4146). The Committee is in receipt of General Communication 21-6, dated October 22nd, 2021, from Daniel Y. Yasui, Vice-President, A&B Properties Hawai'i, LLC, Series T, transmitting a copy of their 2021 annual report in accordance with Condition 3 of Ordinance 4146. The Committee may discuss the 2021 annual report and related matters. No legislative action will be taken. And this is continuing on the theme, and I think it's also very timely, given that we have a affordable housing project this afternoon. And it's really...you know, as Mr. Perez stated, it's good to look back over what has worked, what hasn't worked, and things that we'd like to improve on, and looking at old conditions, and where we want to go, and where we actually went...where we actually are at. So, we did invite Daniel Yasui, VP of A&B Properties Hawai'i, LLC, to attend and provide any comments on this item, including the status of the report. Unfortunately, we did not hear back from him, but if any questions arise, we can send a follow-up letter. And I was remiss, I probably should have invited Department of Housing and Human Concerns, but if any questions arise for them, we can also send a follow-up letter. So, at this time, I'd like to request any opening comments from Director Michele McLean or her designee if she so chooses.

MS. MCLEAN: Thank you, Chair. We don't have any opening comments, but we're available for questions.

CHAIR PALTIN: Awesome. Thank you so much. So then at this time, I would like to open public testimony specific to PSLU-54(8). And I know Mr. Perez said he would like to wait until this item came up, but he did text me that he had to go to another meeting, and he stands on his comments at the beginning of this meeting as far as affordable housing and things. Is there anyone else wishing to testify on PSLU-54(8)? Please unmute and identify yourself at this time, specific to PSLU-54(8). And FYI, Shane had to leave, and will be back by 11:00. Oh, I see Mr. Moran. Did you want to provide testimony on the Kamalani housing project?

MR. MORAN: Yes, just very briefly, Chair. I was expecting Mr. Perez to do it, so I wasn't quite ready, but I will jump in. I would just offer that when this project came up--you know, it was a different Council--but the East Maui rep then was Bob Carroll, and it was in his Committee. And he held three hearings to make sure that public input would be voiced because there was so much controversy about this project, that we all wanted affordable housing, but the input we were getting from people who were well attuned was, this was going to be one of these fake ones. And of course...so, we...it was the first project that...well, I'll say in this century, it was the first project that KCA came right out against, and said we would not approve it because of this. And unfortunately, when we were asking the Committee and the Council to put in some more stringent conditions, there were...the feedback we got was there was a good relationship between A&B, or the A&B rep at the time, and the Councilmember, and even without conditions, some of these things would be done. And unfortunately, when...once it was approved, it was going through, and the A&B rep was asked on the floor about some of these issues. He looked at his paperwork and said, I don't see any condition for that, so, no, we're not interested in pursuing that. So, it really rammed home that concept of how important these conditions are...can't count on personal relations. So, yeah, just what you guys were saying now, learn from the past. And now we're making very good progress with

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what we see as affordable housing, at least in our district, that we have some really good projects. We have more truly affordable ones. So, yes, good to learn from the past history and...so we can make sure we continue these positive steps that we're seeing from this Council this year. Thank you very much for the opportunity.

CHAIR PALTIN: Thank you so much, Mr. Moran, as always. And hopefully you have something that you can take and share with your future CPAC colleagues about this discussions that we're having today and the future that you envision for your community, which you're so engaged in. Members, any questions for the testifier at this time? Seeing none. Thank you so much for your testimony.

MR. MORAN: Yeah.

CHAIR PALTIN: Is there anyone else wishing to testify on the Kamalani compliance report? Please unmute yourself and let us know your name. Seeing that 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. And Members, for your viewing pleasure, I had our Committee Secretary Clarita Balala upload the LUC provisions, which...conditions...Land Use Commission conditions, which include the County's Residential Workforce Housing Agreement to this project. And, you know, some of my initial questions was, how big is this project? And from that report, I think it's supposed to be six. And if Director McLean can just confirm, the information I gathered from the reading is that it's a 600-unit project, and the first 170 units have been built; that it was...the affordable housing component was calculated based on, I think, 430 market value units, which allowed for 115 affordable component per 2.96, with the additional 55 units being affordable, would have allowed for 55 workforce housing credits; and that--let's see, where's my notes--30 percent, or 35 of the units, were supposed to be for the below moderate, and that was affordable for ten years; no more than 20 percent, or 23 units, were to be for above moderate, which was five years; and 57 of the units were supposed to be for the moderate, which was eight years. And these are mostly, I believe, like multi-family townhouse homes. My Staff and I did a quick analysis of the units that had been completed. We found 167 addresses. Of those, 83 were owner occupied, or 49.7 percent. And this is five years after completion. They first started selling in October 2017. Our analysis, based on Real Property Tax reports, is 83 units of the 167 we found, or 49.7 percent, was Real Property Tax classified as owner occupant; 18 of those 167 were classified as long-term rental, or 10.78 percent; and 60 were classified as non-owner occupant, or 39.5 percent. So this is just Phase I. They said the construction and development of that 170 homes, related backbone infrastructure total cost, had been about \$64 million, which I guess, you know, if you assume that house had equal value, came out to like something like 300-something thousand per house. But you know, some of them are condos, and some of them are townhouses, so it's probably not all things equal. I wasn't clear on how many of the 170 actually were sold as affordable. Oh, if you divide 170 units into 64 million, it comes out to about 376,470

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per home. If you look on like the MLS listings, about five of them are currently in escrow right now. They sold...the cheapest one is an 804 square foot condo, two bedroom, two bath, at \$619,000. And the most expensive one is a three bedroom, 2.5 bathroom, 1,180 square foot, I think, townhome for \$829,000. So, you know, it's really good to see what was intended, what kind of conditions were put on, and where we are today. It passed in August of 2014. The first houses were sold in October 2017. And so, you know...and then there was the pandemic. They said a lot of the owners were tourist industry. I see...Director McLean, did you want to add anything? Is there mistakes in my assumptions or research or whatnot?

MS. MCLEAN: Well, I thought you started out with a question for me, but clearly you're the math major and I'm the poli sci major, so maybe verifying with Department of Housing and Human Concerns in terms of when the sales occurred, compliance with the different categories, et cetera...because they're the ones who monitor that through the agreements that they have with the applicant.

CHAIR PALTIN: Okay. So, Director McLean had a good suggestion. Staff, can we send a letter to Housing and Human Concerns to see, you know, as to compliance with the Residential Workforce Housing Agreement, how many of the units were actually sold in compliance with the residential workforce housing units, and so on and so forth, in that?

MR. LEAUANAE: Yes, Chair. We'll send out a letter.

CHAIR PALTIN: Thank you. Okay. Let me open it up to the Members for questions otherwise. Anyone? I hope I didn't intimidate you guys. Okay. Member King, go ahead.

VICE-CHAIR KING: No, I don't...I think you gave a good overview, and I don't really have that many questions because I wasn't around back when this was being approved by the Council, but...I mean, I was in the community, but I wasn't on the Council. And I just wanted to point out that this project...it's pretty well known that many of these units flipped out of affordability because of that rule that if you couldn't sell it within 90 days...or I don't know what it was, maybe it was even 45 days back then. And so, that's been a sore spot for our community, the fact that...and I think that's one of the reactions that this Council had to going forward, is to make sure that conditions is...are...conditions are met. I think you're probably the first Chair of Land Use who has actually looked at that conditions, Chair Paltin. So, I appreciate that. And like you said, can't do much at this point. All we can do is learn from past mistakes, but it's disturbing to find out that there's affordable units that have non-owner occupancy, and especially...I mean, these are supposed to be owner occupancy. It was my understanding that's what affordable housing is for, it's not to turn around and rent it out to someone else or to turn around and...I mean, if you can afford to rent it to someone else, you probably shouldn't have had an affordable unit in the first place. So, these are things that we think we need to keep our eye on for future. And there's a lot of reasons why I think this Council has had a propensity to make sure that we put longer periods of affordability on the conditions of these units, and longer periods of making that attempt to sell them into the affordable market before they flip into the

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market rates. So, this is an example of what not to do as far as our community is concerned, and I'm just glad we're looking at it. I think we should...you know, we should track it and find out what happens with the upcoming units too, not that there's that much we can do about it if the conditions aren't on there, but you know, we can still learn from the past mistakes.

CHAIR PALTIN: Thank you --

VICE-CHAIR KING: That's all. Thank you.

CHAIR PALTIN: -- Member King. And I'm...not that I'm trying to make a case for my owner occupied in perpetuity, but the statistics for the 167 units that we did find is 50-50. And if we're saying that owning a home gives you this type of security, and it's like, you know, for our workforce that lives here, 50-50 is...and this is the component, I believe, that was supposed to be the affordables because I kind of--and we can clarify with Director McLean--think that other 430 or whatever is going to be single-family homes. So like the affordable guys don't get the single-family homes maybe. They get the multi-family and the townhouses, and then they don't even get 50 percent of those. So it's kind of, I guess, depressing. And I guess a follow-up question would be if they get the 55 workforce housing credits. I would assume not because, you know, five years later, only 83 of them are owner occupied. But that's just by Real Property Tax reports. It could be that some of the folks that bought affordable housing never realized they had to fill out the homeowner exemption. That could be a possibility, but still, you know, people selling it to an affordable person should make sure that they know that they need to fill out that homeowner exemption form. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. So, going through the document, the very last exhibit, Exhibit C, is in the last page of the document, and it has a breakdown. And I guess my question is, it says, you know, increment one, we have 170 residential workforce housing units. I don't...and I don't know, maybe this is a dated, you know, document. Are we still in increment one? You know, it goes increment one, increment two, increment three. Where are we in their deliveries? So I just...I don't know if...who could answer that. They're not here, but that's kind of where I'm wondering where we are, if that's the...if that's the end.

CHAIR PALTIN: And you're talking about the Land Use Commission one, or the actual compliance report?

COUNCILMEMBER JOHNSON: Yeah, the compliance report. I think it's the very last page, and it's Exhibit C. Let me make sure that's where I'm at. It's from A&B, the annual report for the State Land Use Commission, yeah.

CHAIR PALTIN: Oh, the Land Use Commission. That's for the Land Use Commission. But from the last page on the A&B compliance report, it says, as noted previously, construction of the project commenced in March 2016 with site grading and infrastructure improvements. Vertical construction commenced February of 2017. First home deliveries occurred October 2017. To date, 170 homes, along with related

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backbone infrastructure, have been constructed and sold at an estimated cost of construction and development of approximately 64 million. In addition, petitioner has advanced over 5 million to plan and design infrastructure, building improvements and other related development costs for the remainder of the project. And there's something in here that they need to find water, I guess; is that correct, Director McLean?

COUNCILMEMBER KAMA: Yeah, it says that.

MS. MCLEAN: Yes.

COUNCILMEMBER KAMA: Number 15.

CHAIR PALTIN: Oh, yeah, number 15. A&B shall provide a long-term drinking water source, storage, and transmission facilities and improvements to accommodate development of the project to the satisfaction of Department of Water Supply and other applicable State and County agencies. But the petitioner is exploring potential water sources to serve the remainder of the project. So, that could be a holdup, that they need to find water. But my understanding is there's a balance of 430, and that might be like the single-family market rate homes. Is that your understanding, Director McLean?

MS. MCLEAN: I would want to confirm that with the Department of Housing and Human Concerns, but I think so.

CHAIR PALTIN: Okay. Wilton, do you have that noted for a letter for Department of Housing and Human Concerns?

MR. LEAUANAE: Yes. Yes, Chair.

CHAIR PALTIN: Like if the balance is 430 units, if they're all market value single family, and a timeline for completion of those.

MR. LEAUANAE: Yes, Chair. I'll include that as well.

CHAIR PALTIN: Thank you. Member Johnson, were you finished? I have Member Kama up next.

COUNCILMEMBER JOHNSON: Yeah. Thank you, Chair.

CHAIR PALTIN: Okay. Member Kama.

COUNCILMEMBER KAMA: So...thank you, Chair. So number 16, that says that A&B's going to initiate, within ten years of the effective date of the ordinance, the construction of the proposed backbone infrastructure, which is the roadways access, water supply, sewage, all of that. So, if we look at that...those ten years, does that begin from 2-14 [sic] counting ten years, or are we looking at 2-17 [sic] ten years? I mean, in the end, where does the ten years end?

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CHAIR PALTIN: Director McLean, I think this one's for you.

MS. MCLEAN: Initiation...excuse me...the ten years usually begins from initiation, so it wouldn't start...the clock wouldn't start ticking upon approval of the entitlement. It would start when they first initiate.

COUNCILMEMBER KAMA: So have they started initiations yet?

MS. MCLEAN: They have initiated, yes.

CHAIR PALTIN: Is that the March 2017?

COUNCILMEMBER KAMA: Okay. So when was the initiation date? Was that the '17, 2017?

MS. MCLEAN: Probably in the range of 2017, yeah.

COUNCILMEMBER KAMA: Okay. So then how...

MS. MCLEAN: It usually starts before the vertical construction, so it could have been 2016, but...yeah.

COUNCILMEMBER KAMA: So they have until 2027 to complete all that stuff, and then do the rest of the buildout?

MS. MCLEAN: Or they could ask for a time extension if they need it.

COUNCILMEMBER KAMA: Yeah, okay.

MS. MCLEAN: Yeah.

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

CHAIR PALTIN: Any further questions, Members? Member Kama.

COUNCILMEMBER KAMA: So if they ask for a time extension, is there something in Code that says they can only get so many extensions, and they can only go so many years? Because I think the problem in the past has been the promising of these units, and then the units never materialize because of these factors. So, if we're trying not to allow that to happen, what do we need to do today, looking at this project, to ensure that that doesn't happen?

CHAIR PALTIN: Great question, Member Kama. Director McLean, is there an answer for Member Kama?

MS. MCLEAN: Yeah. And actually, Councilmember Kama, I stand corrected in my prior answer. Condition 16 says that they shall initiate within ten years of the effective date of the ordinance. So, that ten years did start with the enactment of the entitlement.

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That's not typical, but that is what this one says, so they would have ten years from the effective date to initiate construction. And there is not a requirement for a completion date. So, they have initiated. They have fulfilled that condition. There is not an end date for that. Sometimes there are requirements that completion has to occur within a certain amount of time. That is not the case here, so I don't know that they would need a time extension.

COUNCILMEMBER KAMA: Because there's no expiration date.

MS. MCLEAN: Because there's no expiration date.

COUNCILMEMBER KAMA: Typically...typically, has...in the past, has...have projects actually been built to completion, to total completion, that we don't have any units out there that's owed?

MS. MCLEAN: There...absolutely, there are projects that have been completed. When we recommend conditions about how long it will take to initiate construction --

COUNCILMEMBER KAMA: Yeah.

MS. MCLEAN: -- and how long it should take to complete construction once it has been initiated --

COUNCILMEMBER KAMA: Yeah.

MS. MCLEAN: -- we try to gauge that based on the size and complexity of the project.

COUNCILMEMBER KAMA: Yeah.

MS. MCLEAN: There's some projects that maybe only need three years to start and five years to complete. Larger ones are going to need longer to start, and certainly much longer to complete. They still have to come in for extensions from time to time.

COUNCILMEMBER KAMA: Yeah.

MS. MCLEAN: But yes, there are projects that have been completed, and it is also not uncommon for them to ask for more time...because there are certainly projects out there that have not been completed yet.

COUNCILMEMBER KAMA: Okay. Well, this is, I guess, one of those projects we're going to have to look at annually, every year, to see where they're at. So, thank you, Chair. Thank you, Director McLean.

CHAIR PALTIN: Thank you. Members, further questions for the Director? I did have one, Director. Not super familiar with the terms of motor court homes, or stacked flats. Are you...know what those mean?

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MS. MCLEAN: I am going to look in Title 19 right now, and see if those are defined. I don't see that either of those are defined in Title 19. We would look at like the Planner's Dictionary, or consult with the American Planning Association if we needed to get into the finer points of what those might look like.

CHAIR PALTIN: Okay. And then I had one other question on Condition Number 1, where it says, you know, as the status plans for the project include both active and passive parts, at strategic locations throughout the project, including areas abutting the Waiakoa Gulch. Pedestrian and bike paths have also been incorporated into the plan. I couldn't figure out if that meant that they've been delivered, like the status is it's delivered, the condition has been met, or they just made plans. Do you...how would you...what's your take on it?

MS. MCLEAN: That's a good question. I do not know, off hand. I don't know if any Staff from the Department is on the call who could answer that, but that's something we can follow up on, or you can follow up with A&B.

CHAIR PALTIN: Okay. Wilton, you got that one, to follow up? Maybe we can also follow up with them what they mean by motor court homes and stacked flats are.

MR. LEAUANAE: Yes, Chair.

CHAIR PALTIN: And if these...if Condition 1 has been met, or if there is a timeline if it hasn't been met, because it's a little bit of a non-answer.

MR. LEAUANAE: Yes, Chair. We'll send out a letter.

CHAIR PALTIN: Thank you so much. We got a letter to the petitioner person and Department of Housing and Human Concerns, correct?

MR. LEAUANAE: Yes, that's correct.

CHAIR PALTIN: Thank you so much. Any further questions on this affordable housing project? Did we learn some stuff for affordable housing going forward? No further questions? All right. Then if there are no objections, the Chair will defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KRF)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR PALTIN: Awesome. Thank you. Okay.

PSLU-54(9): ANNUAL COMPLIANCE REPORT ON THE CONDITIONS OF ZONING FOR A HEAVY INDUSTRIAL SUBDIVISION (TAX MAP KEY: (2) 3-8-008:019) (GC 21-8)

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CHAIR PALTIN: Next up, we have PSLU-54(9), Annual Compliance Report on the Conditions of Zoning for a Heavy Industrial Subdivision (Tax Map Key --

COUNCILMEMBER SINENCI: That's what...sorry. Go ahead.

CHAIR PALTIN: -- (2) 3-8-008:019). The Committee is in receipt of General Communication 21-8, dated December 2nd, 2021, from Noah Wallin, Project Coordinator, CMBY 2011 Investment, LLC, transmitting a copy of their 2021 annual report in accordance with Condition 22 of the State Land Use Commission Findings of Fact, Conclusions of Law and Decision and Order, dated and filed, and effective on November 22nd, 2013, in Docket A13-797. The Committee may discuss the 2021 annual report and related matters. No legislative action will be taken. And I was a little unsure if this was within the Kihei...or South Maui Community Plan Area or not, but ultimately we decided it probably is, so we included it. We have with us today Ryan Churchill, President of Pacific Rim Land, as a resource. If there's no objections, I would like to designate Mr. Churchill as a resource person in accordance with Rule 18(A) of the Rules of the Council.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Thank you. So any opening comments, first from Director McLean, and then next, Mr. Churchill?

MS. MCLEAN: No opening comments. Thank you, Chair.

CHAIR PALTIN: Thank you, Director. Mr. Churchill, any opening comments from you on the annual compliance report?

MR. CHURCHILL: Good morning, Chair Paltin, and Members of the Committee. This project was completed in 2018, and all the lots are sold and completed. And one of our conditions for the County conditions is basically two conditions. One condition says to copy the County and the Land Use Commission condition update, and the second condition is to comply with the first condition. And so, that's what's before you. Again, this project's been done for about four years now. All the lots are sold, and as you see in the Land Use Commission conditions, we've complied and satisfied with all the conditions. I'm available for any questions.

CHAIR PALTIN: Thank you, Mr. Churchill. It makes such a difference when the person is here to explain and answer the questions. Okay. I'll open it up at this time to public testimony specific to PSLU-54(9). Is there anyone wishing to give testimony on this item? Please unmute yourself and let us know your first and last name. Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony for PSLU-54(9), and receive written testimony into the record.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Testimony is now closed. Committee Members, is there any questions

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for Mr. Churchill on this heavy industrial area within the South Maui Community Plan Area? They've sold all their lots. Yes, Member Kama, followed by Member King.

COUNCILMEMBER KAMA: Thank you very much, Chair. Thank you for being here, Mr. Churchill. So, I'm not familiar with this particular project, so could you geographically describe it, where it is, and what you've done?

MR. CHURCHILL: Yeah. It's the only M-3 zoned project, or lands on Maui, and that was a new zoning done a little...a couple years before this project was entitled and started. It's 86 acres. It's off Kama'āina Road, which is...you know, you turn at the Humane Society, and go back towards Hawaiian Cement there. And it's a project that has turned out what it was designed and expected for, local businesses, owner users, and heavy industrial type uses out there at the project area.

COUNCILMEMBER KAMA: So, who are your neighbors...your neighboring landowners?

MR. CHURCHILL: It'd be Mahi Pono on the Haleakalā side, A&B, HHL on the Mokulele Highway side, and maybe a portion of Hawaiian Cement.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

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

VICE-CHAIR KING: Thank you, Chair. Just...I actually had kind of the same question, but are you...are you in the same proximity as the light industrial park that DLNR is trying to develop?

MR. CHURCHILL: They would...they would be doing in between this project and...I said Mokulele...Veterans...Memorial Veterans Highway is the proper name.

VICE-CHAIR KING: So, you're...are you on the same side of the highway as the Humane...the animal shelter?

MR. CHURCHILL: Oh, no. No, the opposite side...the Haleakalā side --

VICE-CHAIR KING: So, you also --

MR. CHURCHILL: -- yeah.

VICE-CHAIR KING: -- so your project abuts the light industrial park that DLNR is developing?

MR. CHURCHILL: Part of it would. We abut the old airport and Raceway Park.

VICE-CHAIR KING: Okay. So, in that same general area, though. We have...so, we have...because I didn't know we had heavy industrial there. But yeah...so, was the...Chair, was the confusion that some people thought it was part of Kahului District? Is that why there was confusion about this, about what Community Plan Area it's in?

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CHAIR PALTIN: It was my personal confusion when I typed in the TMK number on the Real Property Tax Map Key. You know how sometimes it says the Tax Map Key number is not found? So, I...because you know, the format of the colons and the dots and stuff...so I couldn't easily find it, and then it looked like it was off Pu'unēnē, and I wasn't sure if Pu'unēnē was in the South Maui Community Plan Area. So, when push came to shove, I just put it on the agenda.

VICE-CHAIR KING: Okay. I think it...is that...is the actual physical address Kīhei, Mr. Churchill?

MR. CHURCHILL: No, it's Pu'unēnē Post Office.

VICE-CHAIR KING: Oh, it's...the actual address is Pu'unēnē. So, maybe that's part of the confusion. I guess we'll have to...I mean, the light industrial park, I think, is considered part of the South Maui Community Plan. So, I guess...you're considering this part of the South Maui Committee Plan, Mr. Churchill?

MR. CHURCHILL: I'm not sure either.

VICE-CHAIR KING: Oh, you don't care because it wasn't sold for it. So...

MR. CHURCHILL: I mean, the project's complete. I guess one thing, Councilmember King, or Chair Paltin, could be to go back and look at our land use entitlements and see what community plan was amended to include this project. I can't recall.

VICE-CHAIR KING: Okay. So, you --

MR. CHURCHILL: Yeah, I can't recall.

VICE-CHAIR KING: -- can't recall. Okay. Yeah, that...so, I think that's what we have to do.

CHAIR PALTIN: Do you know, is it correct that this would be in the South Maui Community Plan Area?

MR. CHURCHILL: That's what Councilmember King just asked, and I'm not...I'm not sure. I'll try and look it up as we...

CHAIR PALTIN: Oh. Sorry, I was asking the Director.

MR. CHURCHILL: Oh.

MS. MCLEAN: Yes, this is part of the South Maui Community Plan geographic area.

MR. CHURCHILL: Okay.

VICE-CHAIR KING: Okay. Thank you.

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CHAIR PALTIN: Okay. I made the right call then.

VICE-CHAIR KING: You did.

CHAIR PALTIN: Okay. Is there any further questions for any of our resources on this item?
Member Kama.

COUNCILMEMBER KAMA: I think Member Johnson went before. Yeah.

CHAIR PALTIN: Oh, okay. Member Johnson, go ahead. Sorry, my bad.

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair. So, it talks about injection wells.
Is there an injection well on the property?

MR. CHURCHILL: Yes. This property has its own water system, and it's a R-O system, and
so, there is injection for that. And so, that's on the south end of the property.

COUNCILMEMBER JOHNSON: So there...you have one injection well?

MR. CHURCHILL: Yes.

COUNCILMEMBER JOHNSON: And then you said all the lots have been sold off. Is...do you
have like a...the types of...like the largest producer, or the largest user of the injection
well? Do you...do you have a list of them that are using them? I assume all of...all of
the tenants use them, or all of the owners use them, but is there one in particular that
uses it more than others? Or do you have a ranking?

MR. CHURCHILL: No, we don't have a ranking. I guess you could look at who uses the most
potable water, but the water usage is very low for these type of uses out there. I mean,
there's no...you know...there's no housing. There's no --

COUNCILMEMBER JOHNSON: Right.

MR. CHURCHILL: -- showers, and those kinds of things. I think it's just...most of the use
there is baseyard use. The company employees come, pick up their vehicles, et cetera,
and leave for the day and come back.

COUNCILMEMBER JOHNSON: Okay. Who owns the largest parcel?

MR. CHURCHILL: Goodfellow Brothers owns a 15-acre parcel, . . .*(inaudible)*. . . Bus,
who...that operates the school bus system owns, I think, about a five-acre parcel. Aloha
Waste is out there, TJ Gomes. Polynesian Adventures has their buses, a variety of
companies like that.

COUNCILMEMBER JOHNSON: So, is there anyone that is actually doing like a major, I mean,
industrial uses besides just parking cars and maybe working on cars? Is it...is there a

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factory out there?

MR. CHURCHILL: It's...no. I mean, it's baseyard-type use. Industrial...I think there's two asphalt companies out there that store their materials. And, you know, mostly construction related. I know there's welding companies, auto towing companies. So, it's those kinds of heavy industrial uses that are out there.

COUNCILMEMBER JOHNSON: Okay. Thank you so much. Thank you, Chair.

CHAIR PALTIN: Thank you. Oh, is this the area where they have like the Truss Systems and like that?

COUNCILMEMBER KAMA: Central Maui Baseyard.

MR. CHURCHILL: Chair...

CHAIR PALTIN: Oh, that's the Maui Baseyard. Oh, okay, okay. All right. Thank you. Sorry. I didn't mean to cut...Member Kama, go ahead.

COUNCILMEMBER KAMA: Oh, I didn't mean to interrupt you, but as he was talking, I got it. So, what is the capacity of the injection well?

MR. CHURCHILL: Oh, I don't...I don't know the specifics of that. It's very little usage, but we can follow up and get you the reports on that. Again, this project was completed in 2018, and all the lots sold. So, you know, I don't recall the specifics from four years ago.

COUNCILMEMBER KAMA: Right. Right. Okay. Well, thank you. Thank you, Chair.

CHAIR PALTIN: Okay. Seeing no further hands up, if there's no objection, I'll defer this item, and I likely won't bring this one back up again. It might be the first time we heard this, but hearing that all the lots have been sold, and it's four years...unless there's a...some hubbub in the community, we'll likely not bring this one up again.

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR PALTIN: Next up, we have PSLU-54(10), and we'll be keeping Mr. Churchill as a resource, if there's no objection.

COUNCILMEMBERS VOICED NO OBJECTIONS.

PSLU-54(10): ANNUAL COMPLIANCE REPORT ON THE CONDITIONS OF ZONING FOR MAUI RESEARCH AND TECHNOLOGY PARK (ORDINANCE 4348) (GC 22-4)

CHAIR PALTIN: It's Annual Compliance Report on the Conditions of Zoning for Maui Research

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and Technology Park (Ordinance 4348). The...and this is also within the South Maui Community Plan Area. The Committee is in receipt of General Communication 22-4, dated August 2nd, 2022, from Ryan Churchill, on behalf of Lipoa Investments, LLC, transmitting a copy of their 2022 annual report in accordance with Condition 6 of Ordinance 4348. Did receive some testimony at the Council, I think from Mr. Mayer, on this item, asking about the affordable housing component to this. The status...the Committee may discuss the 2022 annual report and other related matters. No legislative action will be taken. So, at this time, any opening comments from either Planning Director Michele McLean or...and then to be followed by Mr. Ryan Churchill. Opening comments at this time.

MS. MCLEAN: Thank you, Chair. No opening comments from us.

CHAIR PALTIN: Thank you. Mr. Churchill, any opening comments?

MR. CHURCHILL: Thank you. Thank you, Chair. We've been very busy on this project the last couple of years. We just completed up...completed a subdivision and...of eight lots that have been ongoing for some time. That is commercial properties. We have three pending subdivision right now. One's a three-lot subdivision, again, for commercial buildings, and two other subdivisions that are pending, and being processed with the County. One of them we call our village mixed use, which will have a mix of affordable rental housing and other multi-family housing, and then the third subdivision, which goes down toward Kihei High School, is single family, approximately 125 single-family lots. And so, we've been moving forward through the process, working on our design. Most of the documentation's in to the County, and we hope to break ground on the first subdivision, the three-lot subdivision, by next summer, and the other two in January of 2024. That's a high-level update of what's going on.

CHAIR PALTIN: Thank you, Mr. Churchill. At this time, I would like to open to public testimony for PSLU-54(10). Is there anyone wishing to provide testimony on this item? Please unmute and identify yourself. Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony for PSLU-54(10) and receive written testimony into the record.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. So it's closed. And at this time, Members, any questions for either of our resources? Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Churchill. So, I guess the obvious question, why has this taken so long? I mean, you know, I guess it's been on the books for a while. I'm glad to see that finally there's some progress taking place, but what were the reasons, if you can recall, for the delay?

MR. CHURCHILL: Oh, yeah, I mean...Councilmember Molina, I appreciate the question. You know, this project and the whole Tech Park, as you're aware, started in the...way back in the late '80s. And, you know, initially opened in 1991 with the first building up here,

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with the goal to diversify the economy and provide additional jobs. And, you know, after years of support from the late Senator Inouye, a few buildings got up. The Air Force has a presence here. It became clear the original zoning, which was just technology-related office, you know, wasn't broad enough to achieve the original goals. And therefore, that's...when it came through, and the change in zoning, we went back to the Land Use Commission and the Council, and at the end of 2016 secured the change in zoning to provide a much more flexibility of uses up here, both office uses, residential uses, restaurant type uses with Maui Brewing. Since that time, there has been a lot of activity. You have the charter school came up here, was built and opened, Maui Brewing expanded, and you had new users come in. Between, I guess, 2018 and '20 time frame, there wasn't much activity. However, at the end of 2020, our company became the sole owner. We purchased additional land that the partnership did not own from Haleakalā Ranch, and purchased out Haleakalā Ranch's interest in the property. Since that time, Councilmember Molina, we've been going full speed ahead with the plans to build out the park, both the residential and commercial component.

COUNCILMEMBER MOLINA: Okay. And just one last quick question. So, you're entitled to...how many units could you build up to with your entitlement and land area?

MR. CHURCHILL: 1,250 residential units.

COUNCILMEMBER MOLINA: Okay. And we'll hopefully keep the pedal to the metal on that because we definitely need some units out in that area. So...okay. Thank you for the update, Mr. Churchill. Thank you, Madam Chair.

CHAIR PALTIN: Thank you. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Okay. So, this is following up Councilmember Molina's questions on Condition Number 5. You mentioned, you know, there's going to be affordable rentals, but I didn't hear you say affordable for sale. Is that the plan as it stands now?

MR. CHURCHILL: Right now, our goal is to comply with Condition Number 5, which is...the Council wanted rentals, and so, that's what we're going towards is the rentals.

COUNCILMEMBER JOHNSON: 100 rentals, right?

MR. CHURCHILL: Correct.

COUNCILMEMBER JOHNSON: So of the 1,250 units, the others will all be market; is that what I'm hearing?

MR. CHURCHILL: No, we haven't gotten that far in the specific planning --

COUNCILMEMBER JOHNSON: Okay.

MR. CHURCHILL: -- with that. Right now, we're focused on the village area. We'll have

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probably over 200 units. The mix of what will be rental versus for sale is yet to be determined. We're in the phase where we're subdividing out a approximately 60-acre lot, and we will have, for example, a 10-acre lot for multi-family, a 9-acre lot for multi-family, and then some smaller 5-acre lots. Our goal through that process is, as we get further down the timeline with subdivision with the County, and securing construction plan approval, we'll be meeting with builders, and most likely we'll be selling those parcels to builders for the multi-family, and some market with those also.

COUNCILMEMBER JOHNSON: And I guess it...you know, following up on that question is, is this...how long is this...is this...where are we at in the process on this, and do you have a timeline for these 100 affordable units?

MR. CHURCHILL: Yeah, well, the...when we go forward, there'll be more than 100 at once, given the scale of that first village. Our goal is to have all approvals and subdivisions in January of '24. That's our timeline. And then it'll be 12 to 18 months of civil infrastructure, and then another 12 to 18 months after that. You're looking at 2026 timeframe with people moving in homes.

COUNCILMEMBER JOHNSON: Okay. Okay. Thank you so much, Chair.

CHAIR PALTIN: Thank you, Member Johnson. Anyone else? Member King.

VICE-CHAIR KING: Thank you, Chair. Thanks for staying with us, Ryan. I guess one of my questions...and I think I know the answer to it, but you know, when these conditions were put on the project because it was such a large project, there doesn't seem to be a timeframe for any of them. So they're all just pretty much open-ended conditions, right? They don't...didn't say you had to have 100 residential workforce rental units by any certain time?

MR. CHURCHILL: Correct.

VICE-CHAIR KING: Okay. So, that's why. I think that always lends itself to taking more time than not. And then the other question I have is, when the...when the R&T Park first opened, and there was all that fanfare, and Senator Inouye was a huge part of getting that opened up, there was a big push in the name of diversifying the economy on high tech. And now that you guys are the sole owners, do you see us moving forward with that? Because I think we were...it was high tech when it first opened, had the fastest fiber optic line, I guess, and now it...you never hear anything about it. And, you know, I sat on the board of HGTC [sic]. It was a gubernatorial appointment. We had...we have property, you know, in the R&T Park that we lease out that has always been about 50 percent empty. So, can you speak to that really big push to kind of push us ahead with the R&T Park, and...you know, with technology?

MR. CHURCHILL: Sure. Thanks for that question, Councilmember King. Yeah, we've been pushing in the last year and a half to make a major focus on that and bring it back. We've engaged consultants that have stepped back and looked at the overall users of the park, both past users, current users, and potential future users. We've been

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evaluating the fiber that's coming up here. We just last month sold a lot to Lumen Technologies, which is a company that acquired CenturyLink and controls a lot of the fiber backbone coming into the state. And they're going to be building a telecom hub up here in the park. We've...have been pushing for the continued diversification. Besides the building you just mentioned, we're at 100 percent occupancy. There's new startups that have started here recently, one you could look up called Privateer that's very exciting. Most of the interest is around what they call space situational awareness, which I think you're familiar with from the annual AMOS conference that's coming up later this month. We've been working with the Air Force and Space Force to expand their facilities. They have a...recently completed an EA to build a new facility here. It's approximately 55,000 square foot facility to accommodate their scientists and their Department of Defense employees, as well as contract employees. We're utilizing that to get synergies from other companies that want to be nearby the Air Force and what they're doing. And so, we've seen a lot of interest with that. In addition, Councilmember King, we've started a nonprofit you may have heard of, the Lipoa Creative, which is again, analyzing the contract the Counties help participate in funding the creative industries and the opportunities that could exist to expand that here up in the Tech Park, or on Maui for that much. So, I think with the new, unified ownership, it's kind of gone back to the original goal of Maui Research & Tech Park, and you know, I think it got compounded when COVID hit us, and it showed how reliant we are on hospitality industry. And so, we're making a push to get back to the original vision, and create these alternative jobs.

VICE-CHAIR KING: Well, that's great to hear. Thank you so much for that report. I look forward to hearing more about it in the public so the public can support it as well. Because that was...that was one of the lost goals, I think, that I've been watching over the past decade. Thanks for bringing it back. Thank you, Chair.

CHAIR PALTIN: Thank you. And I did want to disclose, I have met with the CEO of Privateer. They're not interested in building more telescopes. They're...they launch satellites. It doesn't have to be from Maui, but they can build them here. And the theory is kind of like open source satellites, where, you know, they can put one satellite up the size of a small icebox, and share the looking potential. There's opportunities also for like, you know, tracking coastal erosion and things like that, but their major thing is tracking space debris. And the numbers are crazy of how much rubbish we've left up in space, and the threat to our existing satellites and things. And I did meet with Mr. Churchill earlier, and they showed me some of their schematics and things like that. I guess from our theme of today's meeting, you folks will be presenting as well to the CPAC; is that correct?

MR. CHURCHILL: I would assume so. I haven't seen the specific calendar. And we've had, you know, initial meetings with the long-range planning.

CHAIR PALTIN: Okay. Members, further questions for the resources? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you once again, Mr. Churchill, for being here. So, you know, as you mentioned about creative industries, and you think about

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what the potential is for here...so, the intent of the R&T years ago was to be able to create or diversify our economy, to be able to create jobs. And then my concern has always been, so as we create this, do we have...do we have the workforce...because that was the intent, right? We have a workforce, and then we marry them with those opportunities, right? And then you create a vibrant economy. I'm not sure if I'm seeing that. Are you seeing that right now?

MR. CHURCHILL: Well, MEDB has done significant work in that field, and trying to build the youth when they're young, you know, toward technology oriented, toward space oriented, and then working to bring them home. And in fact, Councilmember Kama, I met with the Deputy Chief of the Space Force facility earlier this week, on Monday, and he listed out five or six individuals that are Department of Defense employees that he's trying to bring home that are from Maui. So, one of his goals is exactly what we're looking at is, yes, it's hard to find the talent here, but there is talent who have become educated, worked on the mainland, who do want to come home. And so, there are efforts to bring that home. But you are right. Very high technical jobs that are going on here, PhD type, you know, some of those jobs, you see mainland people moving here to fill those positions. But our goal in working with MEDB--and I've been on their board for many years--is marrying those two, and getting those two to work. So, that's combining...starting, you know, with internships as young as high school age through college, and then getting them home post-college.

COUNCILMEMBER KAMA: And Mr. Churchill, who did you say you met with?

MR. CHURCHILL: Richard Chong.

COUNCILMEMBER KAMA: And he is?

MR. CHURCHILL: He's a Hilo boy, and he's Deputy Chief of the Air Force facility here, I believe number two in command.

COUNCILMEMBER KAMA: Over here at Kahului Airport?

MR. CHURCHILL: No, here in the Tech Park.

COUNCILMEMBER KAMA: Oh, at the Tech Park. Okay. Thank you.

MR. CHURCHILL: Yeah.

COUNCILMEMBER KAMA: Okay, got it. Thank you. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Kama. And that's also a goal of Privateer is to bring talent that moved away home with those high-tech jobs as well. Members, further questions for the resources? Member Sugimura.

COUNCILMEMBER SUGIMURA: Not really a question, but I think we heard Andrew Martin talking about his wife, who is in charge of the supercomputing center, and she was one

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of those kama'āina who came home, and that was her goal. But super proud of, you know, her and her journey, and I think she's an example of, you know, what we want our children to mirror. Thanks. Thanks for what you're doing, everything, Ryan. Thank you.

CHAIR PALTIN: Further questions, comments, Members, first round? I did have one question. As we heard, the previous development, Kamalani, is looking for a source of water. What would be your source for looking at maybe 1,250 residential units in Kihei area? Did you have a source, or were you going to develop the source?

MR. CHURCHILL: We have been working with the County as our primary, you know, water system through the park right now. And so, we have an agreement and obligation to build a water tank further mauka of the Tech Park on Haleakalā Ranch lands. And so, that's in design right now. It took some time to get the location fixed with the Department of Water Supply. So, that's moving forward now, and that will include distribution systems. What's unique for up here is our proximity to the Kihei Wastewater Treatment Plant. So, all the commercial lots and common area are irrigated with R-1 water. And so, we have a very robust R-1 distribution system going through the park now, and it will continue to go through the future commercial and residential, and we've been working with DEM to continue to have that line going across to the high school. So with the R-1 water, the potable water, you know, for building and office lot is very low, and we plan to continue with that.

CHAIR PALTIN: And since that exists in advance, is there opportunity to use the R-1 water for...like separate the lines within the residential units for like R-1 water for your toilet and like that, or is that not allowed because it has to be under supervision?

MR. CHURCHILL: The Department of Health will not allow it to single-family homes. Yeah, even the lots right now. And so, that's something we're looking at. Multifamily project, all that irrigation would be R-1. When you get to the individual single-family home, Department of Health rules don't allow it, unless it's condominiumized. If you had 120 condominium homes, like the Hokulani project, they have R-1 water irrigating their lawns. And then it also does not allow...Department of Health rules don't allow that going into the home for toilet, bathroom use, due to the concern of potential cross-contamination.

CHAIR PALTIN: Okay. And just one follow-up question on that water tank. The reason that's being pursued, as opposed to like a reservoir type...is it elevated water storage to help with the pressure, and so that there's not a Ka Loko Dam type situation? Or why did you guys choose a water tank, and what would the capacity be, and how would that get filled?

MR. CHURCHILL: It's, again, County water. It's a high-level tank, and it would be twofold. One, to provide additional storage for all of South Maui. And working with DWS, that's what we're waiting on, is the location of where they wanted it in relation to their system. And then also, provide additional fire flow to the Tech Park, based on its elevation. And right now, its plan is just over one-million gallon tank. And since it is potable water,

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it'd be in a tank versus open reservoir.

CHAIR PALTIN: Hmm. Okay, thank you. I did see Member Sinenci's hand up.

COUNCILMEMBER SINENCI: Thank you, Chair. Just a follow up on Member Paltin's question, Mr. Churchill. Any interest from Lipoa Investments to submit like a 201H housing project?

MR. CHURCHILL: Not right now. I mean, we have the entitled units, and our goal is just to get through the subdivision to put them in more bite-sized parcels as quickly as possible, and get going on those. So that's our number one priority, is getting through the subdivision and construction plan approval process with the County.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR PALTIN: Thank you. And so...oh, go ahead, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So Mr. Churchill, you know, just above the R&T Park, it looks like there is a...looks like a water tank. Who owns that water tank above you folks?

MR. CHURCHILL: There's one water tank right where Lipoa Road kind of dead ends into the ranch road. That's a County of Maui tank.

COUNCILMEMBER KAMA: Okay.

MR. CHURCHILL: And if you go further up, there's another tank that I mentioned that's called the Highlands Water System. That's a private water system that provides water to the Hokulani Development, which is those homes right when you pull into the Tech Park on the left, or north side that, you know, weren't...technically aren't part of the Tech Park, and we weren't involved with it, but I think that there's about 150 homes that are built there. That's the private water system for them.

COUNCILMEMBER KAMA: Oh, okay. Okay. Thank you.

CHAIR PALTIN: Thank you. I had a question. So, you guys haven't signed any residential workforce housing agreement? That would happen when the subdivision occurs; is that correct?

MR. CHURCHILL: We're discussing it right now, and meeting with builders. And when we have more definitive information on it, then we'll be signing that agreement.

CHAIR PALTIN: Okay. Any further questions from the Members? Okay. So, I guess we will be bringing you back annually because we're wanting to know the status updates of what's going on here. So...

MR. CHURCHILL: Happy to come back any time, Chair, and look forward to your support to

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help us move this along too.

CHAIR PALTIN: Okay. You guys are pretty close to the police station too, at...in Kihei, correct?

MR. CHURCHILL: That's...I mean, further on the south end. You got to go a little bit ways further. But yeah, basically you can drive there on our back roads.

CHAIR PALTIN: I did see kind of a big proposal for that too. So, I mean, I guess the major limiting factor there would be water. And this would all be something that we'd love for the South Maui CPAC to weigh in on if they're envisioning that whole area to be developed for residential, and where the water comes in, but they sure have their work cut out for them. And this is just a little South Maui CPAC prep. So...but we'll have them look into the vision of the future that they want to live in. Thank you so much for attending. It makes it a much more robust conversation when the applicant or the compliance reporter shows up, and we can actually ask a real person the real questions in real time. So, we really appreciate you coming. If you know any of the other guys that didn't come, tell them we're not that scary and come. Just want to go over the compliance report so looking ahead we know, you know. It helps in looking backwards to look ahead as well.

MR. CHURCHILL: Thanks, Chair. Thank you, Members.

CHAIR PALTIN: Thank you. If there's no further...there's no objection, I'll defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KRF)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR PALTIN: Thank you. Okay. Let's see.

**PSLU-54(2): ANNUAL COMPLIANCE REPORT ON THE CONDITIONS OF ZONING
FOR WAILEA 670 (ORDINANCE 3554)(GC 20-3)**

CHAIR PALTIN: This brings us to the last item, and we have 20 minutes. The last item on our agenda is PS LU-54(2), the Annual Compliance Report on the Conditions of Zoning for Wailea 670 (Ordinance 3554). And this is...you know, as I was looking at scheduling the agenda, as I stated many times, this is basically the South Maui Community Plan prep. I...looking backwards, I wish I would've had the opportunity, or knew as much as I know now back then, I would've done this for West Maui, of course. But, you know, you live and learn. And so, this was just one of them that we had received. What happened was I scheduled this item, and then I received a call from Mr. Frampton informing that we didn't...somehow the 2021 report had gotten lost in the shuffle. And so me and Ms. Wakamatsu are working on like a comprehensive strategy to try and see that all compliance reports that are required, we have a checklist, and make sure that we get them all, and that they get to the right places because the 2021 report wasn't in the Council agendas from that time. He had transmitted it September 23rd. I looked

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at the October 1st, October 22nd, and November 5th Council meetings, and it never did get transmitted, so the Committee didn't have it. But he did email a copy, and so it should be in your Granicus. The other thing that came up was that this is currently before the Planning Commission. So, you know, I spoke with him, and I thought, you know...I agreed that it may be a better idea to have this come up once that's resolved, and it looks like it will be decided sometime later this month. And then we can also get the '22 compliance report, which he's working on. So instead of working on 2020 or 2021 information, we'll have the most up-to-date information, and it's...you know, it's obviously on peoples' radar. And I think tomorrow we're also getting another compliance report for Liloa Hale, so we can do another round for South Maui compliance reports. Maybe we'll put on the Kamalani one again since there were a lot of questions, and we'll invite the person again. But the intention is to defer, although we'll still need to take public testimony. So, that's my little presentation on the thing. Member King, is that a clarifying question? Because we haven't taken testimony yet, so we're not into the deliberation portion.

VICE-CHAIR KING: No, it's not deliberation. Just wanted to...clarification that...did you invite all the current CPAC members, the ones that we approved through the Council, to this meeting? Because this is a prep...

CHAIR PALTIN: I didn't invite...I didn't invite any. You know, this is videoed, and so, it's going to be available for them to watch at their leisure.

VICE-CHAIR KING: Okay. But I mean, it would be good to make them aware of it ahead of time so they could, you know, at least watch it while we're having the meeting if they want, or you know, know to look for it, including your follow up one. I just...it seems like the only one who's here is Mike Moran from the CPAC, but I think it would be good to notify all the CPAC members.

CHAIR PALTIN: Okay, noted. I just was counting on the coconut wireless there. Oh, our siren's going off. So, that was the thing. The Committee is in receipt of General Communication 20-3, dated May 26, 2020, from Honua'ula, transmitting a copy of the "Honua'ula Annual Compliance Report to Maui County Council, CIZ 2000/009 and Ph1 2000/0001," in accordance with Condition 29 of Ordinance 3554. The Committee may discuss the status and updates to the annual compliance report and related matters. No legislative action will be taken. And so, again, the intent is to defer on this one. The last time we had this up, Charlie Jencks retired that day, so that was interesting. Mr. Frampton did have a medical appointment today, so he will likely not be a resource. And we're deferring anyway. Any opening comments from Director McLean before we open up testimony?

MS. MCLEAN: Thank you, Chair. You pretty much covered it, that the Phase I approval was presented to the Maui Planning Commission. Intervention was granted, and that process has proceeded. So, that ties more into the Phase I application, but certainly would have a bearing on overall compliance issues. So, until that runs its course, we can't really provide any more information at this time.

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CHAIR PALTIN: And just a clarification, do you anticipate it running its course prior to the CPAC taking effect?

MS. MCLEAN: Certainly, it would...I believe it will...it will most likely be completed well before the CPAC completes its work. I don't know that it would be finished before they begin, but certainly before they complete their review. It would be surprising if it wasn't completed by then.

CHAIR PALTIN: Okay. So the intention is to bring it back up. It just depends on the timeline and whatnot. At this time I would like to open public testimony for PSLU-54(2). If there's anyone wishing to provide testimony on this item, please...specific to this item, please unmute and identify yourself. Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony for PSLU-54(2).

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Right on. No...I'm assuming there's also no objection to receiving written testimony into the record?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Public testimony has been closed for orally, and as I stated in the opening presentations, the intention is to defer this item. Any objections to deferring it at this time?

COUNCILMEMBERS VOICED NO OBJECTIONS.

VICE-CHAIR KING: No objections, but I do have a suggestion.

CHAIR PALTIN: Okay.

VICE-CHAIR KING: When you brought up the...Chair, the memory of when you brought up the fact that we had this in Committee before, and there was no one from the Wailea 670 project because, what, Charlie Jencks had just retired, and no one told you. But we did have a presentation from the interveners. And since there is a group that's been granted intervention, when we do bring this back up, could we also have them there, you know, to do their report on the compliance issues?

CHAIR PALTIN: Yes, we can...we can request their presence. We can't force anyone, but then...

VICE-CHAIR KING: That will be...balanced, you know, presentation to see both sides.

CHAIR PALTIN: Sure. And then I did see that Director McLean corrected herself that it's not Phase I, it's Phase II. Just let the record reflect that it's Phase II. Phase I was a mistake. So, we're going to bring this up later after those proceedings are done, and we'll have the most up-to-date update, and we can also invite the interveners as well. So, if there's no objections, the Chair will defer this item at this time.

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COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KRF)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR PALTIN: This concludes today's Planning and Sustainable Land Use Committee meeting. Thank you very much, everyone. We pretty much made it through like five, six items, gang. Member Sinenci, question or a comment.

COUNCILMEMBER SINENCI: Yeah, just a comment, Chair. Thank you, and I appreciate the Chair's foresight. And also, I appreciate the updates on all of these compliance reports. A lot of these projects have been initiated and approved prior to my tenure on the Council, so I really liked being educated about these compliance reports. I'm sure you're going to start a new trend with future community plan processes, and like Member King said, I hope that the South Maui members can go ahead and access all of these because they're very important to review. Thank you.

CHAIR PALTIN: Thank you. Thank you. Yeah, we got to know where we've been to know where we're going, that's for sure. Did somebody else have their hand up? Oh, Member King.

VICE-CHAIR KING: Thank you. Yeah, just to reiterate, I really appreciate you putting this on. When I was Chair of the Planning Committee, I was not given land use issues, so I didn't have any authority to put stuff like this on the agenda, so that's why we put it together with...you know, planning and land use together. But one of the things I wanted to ask you is, since you're doing these pre...sort of like educational meetings for the CPAC, if you would consider doing some kind of a 7(A) [sic], I guess it is, presentation or something on the light industrial project that's...even though they...I don't know that they have any compliance issues, but that light industrial project that's near the heavy industrial one that we just reviewed today is going to be a big part of the community consideration as well. That's, I believe, being developed by Department of Land and Natural Resources.

CHAIR PALTIN: Is that the DHHL Pūlehunui one?

VICE-CHAIR KING: It's light industrial. It's not necessarily housing. I don't know. Are they together? I see Yuki Lei nodding her head, but it's being...but it's being...

CHAIR PALTIN: DHHL owns the land, and there was some discrepancy, I think, between the Director and DHHL about complying with County land use, whether it's residential or not and like that. But, you know, if you forward me the specifics, I can look into it. I think next up I would like to try and put the Pacaso thing on the agenda, and then we can circle back around. I do have some 7(B) stuff for West Maui as well that I'd like to pursue, and maybe we can do a double-header on 7(B)'s maybe. But send me the specifics of what you're talking about, and we'll look into it. This afternoon at 1:30, we have Kuikahi affordable housing project under the chairmanship of Councilmember Gabe Johnson, a 2.97 project for your viewing pleasure. Any comments, Mr. Johnson,

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that you want us to come prepared with our homeworks, our ASFs, anything of the like?

COUNCILMEMBER JOHNSON: Yes, all of the above, Chair.

CHAIR PALTIN: All of the above. You heard it --

COUNCILMEMBER JOHNSON: Yeah.

CHAIR PALTIN: -- direct from the Chair's mouth to your guys' ears. Come ready, come willing and able. And this will end our...I'm going to be generous, give you guys seven minutes extra on your lunches, a little gift from me to all of you, and we'll adjourn at 11:53. . . .(gavel). . .

ADJOURN: 11:53 a.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use Committee

pslu:min:220901:bc

Transcribed by: Brenda Clark

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CERTIFICATION

I, Brenda Clark, hereby certify that pages 1 through 51 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 27th day of September 2022, in Wailuku, Hawai'i

A handwritten signature in dark ink, appearing to read "Brenda Clark", is written over a horizontal line.

Brenda Clark