MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

June 16, 2017

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JUNE 16, 2017, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the County of the Council of, the Council of the County of Maui will please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, G. RIKI HOKAMA, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER DONALD S. GUZMAN.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are eight Members present, and one Member excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

Opening remarks this morning will be provided by Member Hokama.

OPENING REMARKS

The opening remarks were offered by Councilmember Riki Hokama.

CHAIR WHITE: Thank you very much, Mr. Hokama. As you were speaking, all I could do was sit here and recall so many wonderful memories of my father, and I really appreciate that perspective. So, thank you for that.

Will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you. And would you all please turn your phones to silent mode before we proceed.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on ceremonial resolutions. We have received one request from an individual who has signed up to testify in the Council chamber.

First person to testify in the chamber is Debi Loeffler. Ms. Loeffler is the only individual who has signed up to testify in the District Offices or the chamber.

CHAIR WHITE: Thank you, Mr. Clerk.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. DEBI LOEFFLER:

Aloha. I'm Debi Loeffler. I'm May Fujiwara's daughter. And as we're all aware, my mother was one exceptional lady, and who's accomplishments and accolades are many. And I wanted to express something a bit different about mom and what says it best for me are parts of a short note that I sent to Senator Baker in which I wrote:

> "Mom's laughter, wisdom, her thoughtfulness, are the gifts of aloha that she left with all who knew her. Somethings never end, such as her love, her memory, and the legacy of a life that was

> lived to the fullest, and that truly had meaning. Mom lovingly touched everyone in various ways, and for that, she'll continue to live in each of us. I'm so very proud to be her daughter. And I'm so very proud that I got to share her with you".

Mahalo.

CHAIR WHITE: Thank you very much, Ms. Loeffler.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber or at the District Offices who wish to provide testimony on the ceremonial resolutions. And we have received written testimony on the ceremonial resolution.

CHAIR WHITE: Members, without objection, we'll receive the written testimony into the record.

MEMBERS VOICED NO OBJECTION.

> THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM JOSEPH PLUTA WAS MADE A PART OF THE RECORD OF THIS MEETING:

CHAIR WHITE: Thank you, so ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, shall we close testimony on ceremonial resolutions?

CHAIR WHITE: Members, any objections to closing testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Thank you, Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 17-100

EXTENDING CONDOLENCES TO THE FAMILY
OF THE LATE MAY FUJIWARA

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you very much, Chair.

AND, MR. CHAIR, MAY I MOVE, I WOULD, I WANT TO MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED, "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE MAY FUJIWARA".

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, and a second from Mr. Carroll.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you very much. Thank you, Mr. Carroll.

And at this time, Chair, may I request that the Clerk read the resolution in its entirety?

CHAIR WHITE: Certainly.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you very much, Chair, and Mr. Nishita. So, I mean there's hardly any words that can express, I guess the, just the grand, you know, just everything that she has done for West Maui, and I think for our kupuna as a whole, countywide. She definitely was a mover and a shaker in this community, and was a huge part, as stated in this resolution, with boards and commissions. And just getting, every time we went to any events and the pink shirts turned out, you know May had a hand in gathering our kupuna together. And she was never, ever afraid to speak up and stand up for what she was a strong voice and advocate for our kupuna community. And so, I think that part will be sorely missed.

But I did have someone just now ask me, is it going to be the same without her? And I think May did her due diligence, and May has trained or, you know, mentored others to follow in her footsteps. There's some really strong, also, kupuna in our West Maui area that are, are definitely I can see following in her footsteps. So, she will be missed, but I think she has left a really long lasting legacy of aloha and giving back to the community, which I'm so happy to see will continue to live on, you know, in her name.

So, with that, I just hopefully can get support of this resolution this morning. And mahalo to the family who are also here in attendance. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion?

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. May is someone that I knew and many of us knew for many, many years; long before I was on the Council. And the work she did, it was amazing. Her organizational abilities and her true love and care, for not only the people of Lahaina and the seniors, but everybody that she had contact with that, and anything that she saw that was necessary, she was right there. And you could always depend on her to be there. And we miss her terribly. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion?

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Ms. Crivello, followed by Ms. Sugimura.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I first met May Fujiwara when I had the opportunity to serve on the County Fire and Public Safety Commission several years ago. And, I met, my first impression of her was she was a listener, and, and she was not one to just, you know, want to always have to say something. But when she did, it's like you're going to listen to her. And she exuberates such professionalism through her participation.

And then I further, I got to know her further when I mentioned that I was going to run for office. And she unselfishly offered her sincere support, and I will always appreciate that from her.

I, I'd like to thank the family for sharing this wonderful woman, all of Maui County. And, from the West, she extended herself to the East and, and the South, because everybody knew May, whether she was wearing her beautiful holomuu, or she was wearing her pink shirts. And, it was always with calmness and, and you just knew everything that came out of her was with sincerity from her na`au. So, I can appreciate that.

I, I saw her as the woman that was fully engaged. And I know now that she's one of the many treasures that we have. She left us as a polished gem that will continue to shine before us in the universe, and from the celestial kingdom that she will be. So, I, I appreciate her, and I know that all of, all of us, whether you're a senior, member of our community, or the youth, because she also was a teacher. And we were so blessed to have, I am personally blessed that I had the opportunity to be, to receive the engagement from such a beautiful person. So, mahalo. And mahalo for bringing up this testimony. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I too would like to extend my condolences for a loss of a amazing person. And I always say you can tell the quality of a person by those that surround them. And just Lahaina-Honolua senior, I think Arleen Gerbig, is try, is, is picking up, you know, where, where May has left off, but I think she was in training. So, like Member Cochran said, she's, you know, kind of left the organization in good hands. That was kind of huge loss for all of us there. But, I'm sure we'll be seeing, still be seeing them in Council meetings, and they'll be expressing, you know, their political will in ways that will be very meaningful and deep to the community.

But, I would also like to add that I believe that a person's greatest value, as Member Hokama talked about in his opening statement, about the family that you are and you surround yourself with. And I've had the greatest pleasure of working with, for years, her grandson Daryl Fujiwara who's, who stood behind May's daughter when she was speaking earlier. And Daryl has been able to capture the spirit of May in terms of his, his wit and his depth in the community, and put it into, and lay the foundation for many things to happen within the community, especially the west side. And we always said we didn't know that Daryl's last name is Fujiwara because he did a lot of things cultural and Hawaiian, but that's because of his background also by graduating from Lahainaluna, you know, like his grandmother was.

But, truly, May is, is a person that when she was passing, all of us, it kind of rippled through the community, and we were saddened and we were hoping that she would, you know, still be here. But in her memory, we will, you know, live her words. We will do the best for her kupuna, and the community. And I agree, since she was a teacher, she touched many, many lives.

So, thank you, Chair. I also will support this resolution.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I will give a very short comment, please. Thank you. Excuse me. I see, I saw May Fujiwara as someone more than just a West Maui or Lahaina senior. May, for me, was someone that extended graciousness. She provided a grace for people's walk through lives in a very humbled way. And I say this because her extension of who she was reached many families on Lanai, the seniors on Lanai.

Historically, Lanai and Lahaina has tremendous old ties, family ties, historical ties, cultural ties. But, May was one that always extended hospitality to Lanai. And I appreciate that. I'm sure our seniors that participated with the West Maui groups have fond memories because of that graciousness and hospitality. And that's who she was. That was part of her na`au. That was who the lady was.

And so I just, again, appreciate May. But for her to do what she needed to do, her late husband, her family, had to have the willingness to share. And because of the sharing that she infused in many of us, we're a better community today. So, to her family and

to May, who's up there watching over this and saying stop making a big fuss and get back to work, I say thank you May; we miss you and we love you. Aloha.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members?

Seeing none, I've known the family and May for many, many years. And it's a wonderful family. And May was a class act. As you mentioned, she had a grace about her and a poise, and that radiant smile, and the warmth, and yet she wasn't just a spark plug, she was an engine. And she was able to move things forward, like very few people can. And I think it's because she did her work in a very methodical classy way, representing herself, representing her family, representing her community, in, in ways that she developed a sense of credibility and a level of credibility that few achieved.

So for me, it was April 18, her passing was a very sad day for me, because she is such a huge part of the West Maui community. And as all of you had said, her reach extended far beyond West Maui.

So, to the family, we join you in our condolences. But boy, she led a very, very full life that all of us can be proud of. And we thank you for sharing her with us. We thank her for sharing all of her with us. So, today as a, a day that we rejoice in her accomplishments, and try to get over the fact that she's not here anymore. So, thank you family for all that you've done to help her support all of Maui. We certainly appreciate it.

With that, Members, we'll call for the vote. All those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Mr. Guzman.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And with your permission, may I ask the family to approach the podium?

CHAIR WHITE: Certainly.

COUNCILMEMBER COCHRAN: And, we can give their, their certificate and leis. Thank you, Members.

CHAIR WHITE: Thank you.

Please join us.

COUNCILMEMBER COCHRAN: Thank you, Chair. This is the family of the late May Fujiwara. We have the Loeffler family and Fujiwara family.

And, Chair, at this, I guess Ms. Loeffler had already shared her words with us earlier, and the rest of the family just share their thanks and gratitude for this day and this moment. So, thank you very much to all the ohana. And again, as everyone else stated, thank you for sharing Ms. Fujiwara with us all and the community. So, thank you all for being here today. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-100.

Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Lanai and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from Lanai and Molokai should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth-floor lobby just outside of the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

When testifying, please state your name and the name of any organization you represent.

Currently, we have no testifiers in our District Offices.

We have 18 individuals signed up to testify in the Council chamber. First person to testify in the Council chamber is Hana Valle, testifying on Committee Report 17-84. She will be followed by James Westerkamp.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. HANA VALLE (testifying on Committee Report 17-84):

Hello. My name is Hana Valle. I'm here in support of the Makila Kai Workforce Housing Project. I grew up on Maui, in Kihei, and have recently moved to the west side after returning home from college.

I want one day to have my own family and raise my children on the island. But as I look around, all I see are expensive homes for wealthy transient mainlanders, and none for working-class families. I think that this housing project will be very good for the community.

I understand that there have been some concerns about the water and traffic. But it seems that Brown Development has done the research and worked hard to make sure that good solutions were found. They aren't using the ag water, and the bypass will help with traffic by Launiupoko Beach Park and Kai Hele Ku Street.

For years, my mom worked in Lahaina, and lived in Kihei because it was more affordable. Bringing affordable homes to the west side's workforce can only help to alleviate traffic coming in and out of Lahaina.

I don't want to see Maui overrun by wealthy part-time mainlanders and their mansions, while working-class local families are pushed into smaller homes in closer quarters. I am not under any illusions that this project will solve all the affordable housing problems on island, but it will hopefully set the precedent needed to create more widespread and permanent affordable housing on island at this quality.

Launiupoko is exactly the type of place that would be wonderful to raise a family, but it is currently unavailable to the average local family. I believe that this is a very important project, and needs to be approved to support the working-class families that are struggling to find a good home on Maui. Thank you.

CHAIR WHITE: Thank you for your testimony.

Members, any need for clarification? Seeing none, thank you very much for coming this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is James Westerkamp, testifying on Committee Report 17-84. He will be followed by Cindy Lester.

MR. JAMES WESTERKAMP (testifying on Committee Report 17-84):

Good morning.

CHAIR WHITE: You can pull the microphone up a little.

MR. WESTERKAMP: Oh, okay, I've never done this before.

CHAIR WHITE: Thank you.

MR. WESTERKAMP: How about now? Can everyone hear me? Thank you.

Council Chair Mike White and Councilmembers. I ask and strongly encourage the Maui Council to support the Makila Kai for the following reasons. There is a shortage of affordable housing on Maui, especially the west side. The Makila Kai Project is offering half-acre lots, thus allowing homeowners the ability to start gardens for self-sufficiency and sustainability. The $50,000 gift offered by the Brown developer truly makes this project affordable for people like me.

Councilmembers, my name is James Westerkamp, and I've been living in Maui, on the west side for almost 26 years. Maui is my home. Escalating home prices have made it virtually impossible for me to afford a house despite working two to four jobs for 20 plus years. Rents now also have skyrocketed to the point where my future on this island is in doubt. Most of my friends have already left this island, and I do not wish to join them. I wish to spend the rest of my life on this beautiful island.

This project is my only hope to afford a home, start a bountiful garden, and be a productive member of this community. Please pass this project to give hope to everyone who wants a future in Maui. Thank you.

CHAIR WHITE: Thank you, Mr. Westerkamp.

Members, any need for clarification? Thank you for coming this morning.

MR. WESTERKAMP: Okay, thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Cindy Lester, testifying on Committee Report 17-84. She will be followed by Crystal Lester.

MS. CINDY LESTER (testifying on Committee Report 17-84):

Aloha and good morning, Council Chair Mike White and Councilmembers. My name is Cindy Lester. I am a 40-year resident of Maui, and I'm writing to you in support of the Makila Kai Subdivision Workforce Housing Project, mainly because I believe that affordable housing is one of the most pressing issues facing the people of Maui today.

Sixteen years ago, I was blessed to be part of the affordable housing project known as "Self-Help Hawaii". This particular program was targeted towards low-income families and offered the opportunity to be a part of an affordable housing program that allowed us to own a home on island, excuse me, as long as we put the work in and gave at least 32 hours in building our homes.

The Makila Kai Project is a different type of affordable housing, and is just as necessary. The middle class is often forgotten about or pushed to the side. There are programs for the lower income folks, but there aren't many safety nets designed to help the middle-class family succeed.

The workforce population of this island is in urgent need of housing. Rentals are either way too expensive or are being used for short-term rentals, and are unavailable to those who live here.

This project is one of the projects designed to give homeownership to the middle class on Maui. I would imagine deserves to be approved by this Council. I have lived in the home that I helped to build for 16 years. My children and now my grandchild grows up in the same house, on the same block, where we all became a neighborhood at the same time. This allowed us to have a much closer and longer lasting relationship with our neighbors than most people of this generation are able to have.

It is not enough to approve affordable housing projects that only push for cheaper apartments or condo rentals. Maui County should, Maui County should be supporting families who want to own a home, and add to the community and economy of the west side. The workforce is what enables this island to become a vacation haven for both tourists and snowbirds who come here for months at a time. Workforce persons are the ones that will be serving these visitors. They need to know that they have a place to come home to, and not a rental or a homeless situation due to the lack of housing on the island.

I recently had a girlfriend that applied for a rental unit; she's a single mom; $1600 one bedroom apartment in Kihei. There were over a hundred applicants.

These homes will be on large lots. They will give families a space to have gardens, and more self-sufficient, and they will live closer to their jobs, cutting down the traffic on the Pali.

There is a bypass that will be going through Launiupoko, giving additional means to leave. More people would be able to move back to Lahaina, therefore, cutting down on the traffic.

Also, the west side schools would get a huge influx of much needed funds via the building process, building permit process, and the school impact fees. The subdivision stands to give over $144,000 in permit fees to the local area schools. I don't see how that is a bad thing, that our teachers are part of this workforce, and most have shortfalls of housing. Not only will their schools benefit, but they would also.

I was also PTA President at Kihei School for over eight years, and saw the need for the housing with these kids that lived with grandmas, grandpas, aunties, uncles. There's just no place for the workforce here. So, I sincerely support the workforce program for Makila Kai. Mahalo for listening.

CHAIR WHITE: Thank you, Ms. Lester.

Members, any need for clarification?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Ms. Lester, thank you for testifying. Where is the project that you mentioned, that you live?

MS. LESTER: I, we did the Self-Help Housing Program, which had three phases. They've actually done several, one in Waiehu, three in Kihei, and then my hanai daughter, who lives up in Kula, did the Hawaiian Homes, up on Pueo Road up there. Again, it's another type of affordable thing, where 13 families built 13 homes, and its homeownership, and it's proud.

People in the workforce and the lower, when we have a home, we take care of that. I am very proud of my home. None of us have sold our homes. If you put the stipulations that you can't sell these homes for 20 years, people stay. People need to have a home, not an apartment. I have a grandson that's, was running the halls here. He needs room to run. Condos, unfortunately, don't do it. We all need homes, even if we have little scrap lands, and we still built it, and used it, and we're still all here. My sister lived up in Napilihau. She's been up there 30-something years. Like I said, the Hawaiian Homes Upcountry, just affordable home programs are desperately needed. We're not saying take over the whole island, but just certain areas.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Thank you very much for being here this morning.

MS. LESTER: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Crystal Lester, testifying on Committee Report 17-84. She will be followed by Pam English.

MS. CRYSTAL LESTER (testifying on Committee Report 17-84):

Good morning, Councilmembers. I'm just here to show my support today for this Makila Kai Project. I myself grew up in a self-help housing home. And I moved away to go to California, and I ended up having a baby. And I moved back here and I'm now realizing that there's just no place for us to go. So me and my, my partner, we live with my mother who was just up here. But, we're just, we are in desperate need of this.

And I believe this type of housing project, with the, what do they have? They have a park and a walkway planned in. In my community, we also have a park and it's just, I think it's very important to have these places and features in, intact.

Sorry, I'm nervous. It's very hard to get up and speak in front of you guys.

CHAIR WHITE: You're doing just fine.

MS. LESTER: Anyways, I'm just here to show my support for them, especially as a young person getting into the workforce, trying to get a college degree, trying to show, lead the path for my fellow classmates and also who just graduated. So, that's all I'm here to show my support for.

CHAIR WHITE: Thank you very much, Ms. Lester.

MS. LESTER: Alright.

CHAIR WHITE: Members, any need for clarification?

MS. LESTER: Thank you guys.

CHAIR WHITE: Thank you for coming this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Pam English, testifying on Committee Report 17-84. She will be followed by Charles Camara.

MS. PAM ENGLISH (testifying on Committee Report 17-84):

Aloha.

CHAIR WHITE: Aloha.

MS. ENGLISH: Nice to see you all. My name is Pam English. I live at 206 Awaiku Street in Launiupoko. And I'd like to speak today in support of the Makila Kai Development.

I'm one of the original owners in the Launiupoko subdivision from 1999. I purchased raw land, expecting to live in a diverse farming community. Over the years, the development has progressed away from this original intention, lending itself to off-island estate owners and rampant illegal short-term rental.

The Makila Kai Development will begin to add the diversity to the neighborhood that was originally intended, bringing local families the opportunity to thrive with the intention to provide affordable homes.

We're seeing a national crisis with lack of affordable options for our workforce. Each and every small affordable home community that we can provide will help our workforce with permanent housing solutions. Our society offers no other choice for our workforce, but to strive for homeownership, so they can take control of their financial future.

I ask you to support the approval of the Makila Kai Affordable Housing Development, understanding that market-rate homes are also included. Combining market-rate with affordable is one way our developers might be able to subsidize affordable workforce housing. Not much has occurred in the nearly 20 years I've been here to help this housing crisis that continues to escalate. This small development is a start to help West Maui as we continue to look for solutions to permanent, to permanently house our workforce. Mahalo.

CHAIR WHITE: Thank you, Ms. English.

Members, any need for clarification?

Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Charles Camara, testifying on Committee Report 17-84. He will be followed by Mark Gilmore.

MR. CHARLES CAMARA (testifying on Committee Report 17-84):

Good morning, everybody. My name is Charles Camara. I was raised in Lahaina. I'm 49-years old. I've watched Lahaina grow. I'm a plumber by trade, and I build million dollar homes in Lahaina. I build everybody else's dream.

You know, I stand here in support of this housing. Our kids not going have nothing. They going have to move away to raise families. You know, I speak for the masons, the electricians, the plumbers, the carpenters, the operators, the laborers, the front desk clerks, the hotel concierge, the waiters, the waitresses, yea, the valets, the landscapers, the County workers, State workers. I speak for all us that fall in this class of people that just cannot afford $900,000 for one bed, one house; 700,000, that's outrageous, that's outrageous. This man is giving us one chance for finally own one house.

You know, I not much of one public speaker. I'm a very passionate man. I love kids. We need to think about them. Nothing against the culture. I know the Hawaiian people might be against part of this deal. But I am Hawaiian, I am 50 percent Hawaiian.

I also support all the taxpaying citizens that contributing to Maui's economy, yea. I go shopping every day in West Maui. I support all the small local businesses. I ask you guys to please vote yes on this. It'll give us a chance to own our own homes, and keep our kids home. Thank you.

CHAIR WHITE: Thank you very much, Mr. Camara. You did just fine.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Mark Gilmore, testifying on Committee Report 17-84. He will be followed by Bob Fischer.

MR. MARK GILMORE (testifying on Committee Report 17-84):

Good morning, everybody.

CHAIR WHITE: Good morning.

MR. GILMORE: My name is Mark Gilmore. I've been a public school teacher in Lahaina for the past going on 22 years now. And I've seen many, over the years, many developments being built, specifically timeshare and homes that nobody in my position can afford. They're quite expensive.

And I've also seen many teachers come to my school to only stay within one year or two years, because they're either right out of college and they can't afford to rent. It's just out of reach, you know, with their college debts, and loans they have to pay back. It's just, and many good teachers are even, you know, seasoned. You know, they come, they stay for a little while, and then they just go because it's really hard to afford to live here.

I've managed for some reason to stay all these years. And the main reason I've stayed all these years, and I was thinking about this before I came here. Is why would I stay? I had, I came here and I had been renting the whole time. And many places that I've rented, I either got, the rent got raised so much that I had to move away, or they were going to be converted into, you know vacation rentals, so I had to move out. And, it occurred to me that I stayed because of the students. I really enjoyed working with the

kids here on the island. And so, I felt that that was something that I could contribute to this island.

So, I've been here all this time, and I now have my own daughter. She's 12-years old and she lives with me. I'm a single parent. And you know, every day we worry about okay when's the rent going to be raised again. And when are they going to decide they can make more money by renting this out to vacationers.

And this project, Makila Kai, it's not the answer for, for the whole community. It's just one step, and we need some steps to give everybody a chance. And I would like to give my daughter a real home, not, not something that it's, it's not ours, her memories are going to be of all the different rentals that we've stayed in. I would like for her to go away from college, to college and come back, and have a home.

And, I feel like I'm a member of the community, that I've contributed all these years. And I've seen students go away to college and come back. And I've talked to them, and they're struggling to find homes. And, you know, they were born and raised here. And it's really sad that people working and dedicated their lives on the west side of Maui can't get their own home. And I'm hoping that today, maybe you guys can help out and contribute to improving the situation. Thank you very much.

CHAIR WHITE: Thank you, Mr. Gilmore.

Members, any need for clarification? Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Bob Fischer, testifying on Committee Report 17-84. To be followed by Diana Rodbourn.

MR. BOB FISCHER (testifying on Committee Report 17-84):

Thank you. My name is Bob Fischer, and I'm representing myself. I'm also nervous public speaking, but I believe this is a worthwhile topic, and so I'm going to do so.

I believe that affordable housing is needed on the west side. I am in support of this application. I have been to all of the hearings that they've held on this. I've seen people speak who are maintenance workers, teachers, drivers, and others who provide vital services to the community. I myself work as an addiction counselor. At times, I also supplement that with construction, and consulting, and anything else I can do to afford to live here. I believe these needed, people that provide needed services in our

community need a place to live and homeownership. What an awesome opportunity for these people to be able to purchase affordable homes.

I've heard opposition testimony state that these homes are not affordable. I don't understand this. These will be beautiful brand new homes, a large, on huge lots in a beautiful neighborhood, starting at under $200,000.

Many people have described, are pre-qualified for these homes, to purchase these homes. Yes, many of these families are both husband and wife working, but nonetheless, have qualified to buy these homes and have an opportunity to do so. From speaking with my friends who have, who have applied for these homes, and seen the public testimony, I understand that my chances, myself of getting one are pretty slim. But nonetheless, there's a chance. And I appreciate that, and I appreciate the developer for doing that.

I've heard testimony, and it's disheartening to be told by others that I can't afford to live in their neighborhoods when I indeed can, and have an opportunity to do so. And I've indeed been prequalified.

The last thing I want to test to, testify to is in response that there are only 25 affordable homes available. This is one half of the houses being built in this project. These houses will be sold at a loss to the developer. I don't know how you would expect any individual to give more. Again, thank you to the developer.

Also, if this is passed, I hope it will encourage other developers to offer affordable housing. I believe that if half of all the new homes offered in Maui are affordable, maybe I will be able to get a house someday. Thank you.

CHAIR WHITE: Thank you, Mr. Fischer.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Diana Rodbourn, testifying on Committee Report 17-84. To be followed by Patrick Laband.

MS. DIANA RODBOURN (testifying on Committee Report 17-84):

Good morning.

CHAIR WHITE: Good morning.

MS. RODBOURN: My name is Diana Rodbourn. I am here in support of Makila Kai. And I am going to be speaking in a little bit different capacity than the others so far today. I am not an applicant, however, I strongly, strongly support this project.

I live on the south side. I make the commute to the west side. I see daily how many people are affected by the lack of affordable housing everywhere but, but for the most part on the west side. I have met and seen families that have had to move, that have lived here their whole lives that just, just as everyone else had said, that their children have had to move. They can't come back to home after they've gone and earned a college education. Or had to leave for other reasons.

And it's, it's really heartbreaking to hear that there's even any opposition on this. It's, it's an island where the aloha is supposed to be shared, and instead we've got people who aren't here full time and are trying to make something that, that we need more of the island not happen. And the fact that Mr. Brown is willing to do this for 25 families, it's only 25 families, but it's 25 families and it's a start.

And the, I, I also support if there is a 30-year restriction on the resale of the home. I, I feel that there's too many situations like I was just in myself, as a renter, where a home was sold for a significant profit to be turned into a vacation rental, where I had to move. And it's something that I hear every day here, and it's again, it's a heartbreaking situation.

And I don't understand the opposition personally and just wanted to come and speak on a, on a different side of it in support of Makila Kai.

CHAIR WHITE: Thank you very much, Ms. Rodbourn.

Members, any need for clarification? Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Patrick Laband, testifying on Committee Report 17-84. To be followed by Thomas Landrigan.

MR. PATRICK LABAND (testifying on Committee Report 17-84):

I am in support. Excuse my voice, I have no voice today. But, I am in support of this project.

I live approximately 1500 feet above this project, and I see a need for this project on the west side. Over the years that I've lived here, I've gotten, been fortunate to meet many of these people who would qualify for these homes. In regards to the construction workers, the hotel workers, plumbers, and these people, they're very good people and they need to be a part of the community. They bring things to the table, and we should have, had make it accessible for them to do this.

We also will see additional benefits in the city of Lahaina by more shops, stores, and goods and services being allocated over in that area if we start to see people coming back and staying in Lahaina that live there, and not having to make the commute. So, therefore, as a resident and only 1500 feet away from the proposed project, I would recommend that you pass this project, sincerely. Thank you very much for your time.

CHAIR WHITE: Thank you, Mr. Laband.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Thomas Landrigan, testifying on Committee Report 17-84. To be followed by Ryan Monico.

MR. THOMAS LANDRIGAN (testifying on Committee Report 17-84):

Greetings, sir. Greeting, everyone. I guess I'm the first person to be against it.

I live there. I come from workforce housing. My father was a laborer, fought in the Second World War here in the Pacific. My mother was a secretary for a housing authority. I live in Launiupoko. I live in a cottage. I was in law enforcement for 37 and a half years. I learned the value of a dollar when I was young. I saved my money, I didn't go on extravagant vacations, I didn't buy expensive cars. We have one car; Ford Fiesta. My wife teaches at Lahaina Intermediate School.

There's no guarantee that a teacher is going to secure one of these places in the workforce housing, just concerning the workforce side of this. If they do, they could be teaching at Baldwin, they could be teaching at Maui High, they could be teaching at the new high school that's going to be in Kihei. They will contribute to the traffic on the Pali. It'll be nice that they have a house. We respect teachers. We respect police. We respect fire.

But this is an ill-conceived idea at a wrong time in Maui's history at the wrong place. This has to be rethought. There are other projects that are on both sides of this. To look at this in its own place which was mentioned in other Council hearings is wrong;

traffic, the water, all the other concerns that we have. And like I said, there's no guarantee that the people that secure this housing, and you can make up to $114,100 and be in this lottery. I consider that a lot of money. So, that's the workforce housing side.

I stopped at the store on the way over. Temptation, temptation is an awful thing. Don't be tempted by the apple. That's the, that's the workforce housing, that's 25 homes. See the bigger apple? Keep your eye on this one. This is the 24 homes that are going to be multi-million dollar homes that are going to supplement these. If you want to do workforce housing, combine these, make two streets of workforce housing; put 50 homes there. But when these homes have to, 24, you're only allowed. When you buy these three lots, you're only allowed six homes at max, currently; main house and a cottage. Six homes and the guy wants to get 24 homes, multi-million dollar homes. I would think about it. I'm against it. Thank you very much.

CHAIR WHITE: Thank you for being here, Mr. Landrigan.

Members, any need for clarification?

Thank you for sharing your thoughts.

MR. LANDRIGAN: Thank you, sir. Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Ryan Monico, testifying on Committee Report 17-84. To be followed by Dr. David Nutter.

MR. RYAN MONICO (testifying on Committee Report 17-84):

Aloha, Maui County Council. My name is Ryan Monico. I was born and raised here in Hawaii. I'm originally from Oahu, and moved to Maui four years ago when my wife got a job helping children with special needs at IMUA Family Services.

I am so glad that we made the move because I fell in love with the island right away. My wife always jokes with our friends and family back on Oahu that I became a Maui boy instantly. And it's for good reason. Living here on Maui reminds me of what living in Hawaii used to feel like when I was growing up. There was hardly any traffic on the roads. I can go to the beach and easily find parking. People still have the aloha spirit, and I see people flashing the shaka sign all the time.

When we moved here four years ago, rent was much more affordable than Oahu. In fact, we thought we could actually afford to buy a home here. But, in four years, a lot has changed. Rent and housing prices are through the roof. There is a lot of development, but it feels like a lot of that is catered to tourists.

But the biggest change for us in those four years is the fact that we are now at a point in our lives when we are ready to grow our family. My wife and I are now both teachers. I have been teaching at Maui High for the past three years, and my wife for two. We do our very best to guide and help our students make choices that'll have, help them make a positive impact on the community.

One day I was having a conversation with one of my students about possible career choices. I told my student how much I loved my job because it is so rewarding to see them mature and grow as young people. The student replied that it sounded nice being a teacher, but didn't want to have to work two jobs to make ends meet. My student's comment was, unfortunately, very true.

My wife and I are constantly having conversations about being able to afford living here. We love living in paradise and we make it a point not to take it for granted. But I, it can get depressing looking for a home here because the prices seem so out of reach.

Then, by chance while my wife and I were looking for a, how are we ever going to afford that home to buy on Maui, we came across the Makila Kai Project. I was so surprised to see that the website stated that we could find single-family homes starting at $251,000. We had never thought about living in Launiupoko because we never thought we could afford to live there. And as we began to read more about the project, we began to get more and more excited.

The project was workforce ready and catered to people like my wife, like my wife and I who worked and served the community. It offered 25 half-acre lots, which we were so excited for because we wanted to, a property big enough for us to grow our own organic fruits and vegetables. It also offered ocean views, walking trails, a park, and $50,000, a $50,000 gift. And I had to read that twice because I couldn't believe my eyes. And most importantly, it was affordable.

Makila Kai was a project.

CHAIR WHITE: Could you please provide a concluding thought.

MR. MONICO: Okay. Maui County Council, I speak from the, my wife and I when I say this, and we humbly ask from the bottom of our hearts that you approve this project. Makila Kai is the only project out there that working-class families like us can truly afford. Makila Kai is the only project out there where working-class families like us can have enough space to sustainably grow and produce.

CHAIR WHITE: Thank you very much for your testimony.

MR. MONICO: Alright. Mahalo.

CHAIR WHITE: Any need for clarification, Members?

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Dr. David Nutter, testifying on Committee Report 17-84. To be followed by Ulrich Kirkegaard.

DR. DAVID NUTTER (testifying on Committee Report 17-84):

Good morning, Chair.

CHAIR WHITE: Good morning.

DR. NUTTER: I speak only from my personal background of health and safety. And I just am speaking cautionary to the Council in regard to the passage of variances and rezoning questions.

This is a very serious, my experience is concern for health and safety. And I expect that your concern is health and safety. Presently, we have, we are looking at this process more than, I think we all agree it would be nice to have workforce housing. But, if we look at this whole operation, this is, whenever we see an, a fast-track, this is an excuse for development and developers. And I'm just looking at this as either you're not looking carefully. I put in a five-page statement on various aspects of water, traffic, health, safety, and I just would refer you back to my written statement on that. Either you're not looking at it or you don't care about some of my statements on, in that regard as far as the overall infrastructure.

(Councilmember Hokama was excused from the meeting at 10:00 a.m.)

DR. NUTTER: It was interesting to note in the paper that the problem of health and safety as far as transportation, ambulance service, etc., was proposed to our Mayor. And he

said that our only, perhaps, solution was to call the Governor. I find this not an appropriate response to, from the Council and this governmental agency as far as looking at the problem of health and safety for all of the citizens here. And, thank you very much for your time, sir.

CHAIR WHITE: Thank you, Dr. Nutter.

Members, any need for clarification?

Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Ulrich Kirkegaard, testifying on Committee Report 17-84. To be followed by Van Fischer.

MR. ULRICH KIRKEGAARD (testifying on Committee Report 17-84):

Aloha, good morning, Council Chair--

CHAIR WHITE: Good morning.

MR. KIRKEGAARD: --Councilmembers. Thanks for having me here this morning. Oh, somebody's glasses.

I'm Ulrich Kirkegaard, I called "Uli", because it's much easier to say. I've been a Maui resident for 20 years. And I represent myself, but I do believe I speak for all Maui workforce families, many of which can't take the time off to be here today. I support Makila Kai Affordable Workforce Housing Project. It's a unique opportunity to own a home in Lahaina.

(Councilmember Hokama returned to the meeting at 10:02 a.m.)

MR. KIRKEGAARD: I've seen Launiupoko area change. It used to be a pristine hill, and just bare lands. Now, big houses are everywhere, development still ongoing. Owners are dividing parcels, building more houses, selling to highest bidders. But we, the local workforce can't afford any of this. Even a house on Lahainaluna Road, that's a 30-year old plantation house is selling for $750,000. We can't afford this. So, Makila Kai is a great opportunity.

The opposition typically have the houses already, hence, no further development in that area. But remember, time ago, they too needed to get the subdivisions approved, and they were. There's still plenty of room for more houses over there. Makila Kai won't spoil views or create a huge traffic issue.

Traffic in and out of Lahaina slowed up in Kai Hele Ku, a streetlight was put up. That's really when it started. Before then, traffic to Lahaina was really smooth. The traffic issue can and will be resolved, but it's sort of a civil issue, I think, because there is a bypass. There is a state, there's other roads being put in place, so before Makila Kai is even built, there will be alternative routes. The bypass promises are fixed.

Another thing, they already approved so many hotel timeshare expansions on the west side, adding thousands of rooms using water and sewage, thousands of cars, more on the road. Those expansion put lots of tax dollars in the County coffers. So, it might make financial sense to that; they're already approved.

So, adding just 25 workforce houses and 25 regular market-rate houses, doesn't really make a big difference then, and it shouldn't be an issue. So, as the community grows and traffic increases, you need to keep planning and . . . But don't stop Makila Kai just because of this traffic issue.

And for water, I am truly sorry that, you know, the upstream Hawaiians have lost their water, but they started by doing plantation time, and we need to fix it. But, I don't think that 50 houses at Makila Kai is going to make a big difference in that, because there are so many other houses up there.

So, I humbly ask the Council to approve Makila Kai Workforce Housing Project, and to allow these affordable homes to be built for us, the local workforce. Thank you.

CHAIR WHITE: Thank you, Mr. Kirkegaard.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Van Fischer, testifying on Committee Report 17-84. To be followed by Tom Schnell.

MR. VAN FISCHER (testifying on Committee Report 17-84):

Good morning. My name is Van Fischer, and I work with Moffett Properties; Buzz Moffett. And we are the firm that Greg Brown has retained to work with the prospective buyers for this workforce community.

I want to thank all of the workforce potential buyers and supporters that came out this morning to testify. It's a big thing to ask for somebody to drive all the way across the island, take time off from work, and come in here and stand up in front of this microphone. I'm nervous. I'm sure they are ten times more nervous than me, and I want to commend them. Every time they step up here and say I'm a horrible public speaker, they speak from their heart. And, and what they say is just so heartfelt that you just can't help but, but understand where they're coming from.

You know, over the last, I guess, eight or nine months or so that we've been working on this project with Greg, it's stunning the amount of interest there is in this project. When we first were approached by Greg, Buzz and I were apprehensive about getting involved with this. These projects always stir up controversy. And we're in real estate, we don't want to anger anybody. But, the more we talked to Greg, the more we came around to believing in what he was proposing. And that, that he really had come up with something that was beneficial to the community, would work for first-time buyers and, and really addressed all of the things that were negative in these other projects, you know, transient vacation rentals, rentals, you know, the length and time that you can, you know, sell the property. And just assure affordability factor that these homes are priced from $200,000 to $600,000 or $700,000. There's never been homes that, that in years and years priced in those low ranges.

The, the amount of people that I've talked to over the last six months is just astounding. When people call the telephone number or send an email, it comes to me. And I've, I've had literally hundreds of conversations with prospective buyers for this project. I get these emails of people, and the desperation in their emails sometimes will just bring you to tears. It's, it's, it's, they just feel hopeless that there's never a chance that they're going to get a house on the west side.

These houses, in this price range, if you have a $250,000 mortgage, your payment will be $1193 a month for your principle and interest. On top of that, you'll have probably mortgage insurance, because your low down. You'll have taxes and insurance. And then you'll have an HOA fee which Greg has agreed to limit at $75. That means that a family can live in this community for under 200, under $2,000 a month for a home that would probably rent for 3 or $4,000 a month in the west side.

The applicants that we've had come in, or, or potential applicants that we've had come in, I would say there's over well over 120 potential applicants for the project. Of those, it appears that about 80 percent of them are in the lowest bracket, the under moderate bracket.

So, I strongly encourage you to approve this project. And, and I commend you for adding the condition of, of increasing the time to 30 years, because you know, there's just no reason, people who get these houses, they should keep them.

CHAIR WHITE: If you could please provide a concluding--

MR. FISCHER: I'm done.

CHAIR WHITE: Okay. Thank you very much.

MR. FISCHER: Thank you.

COUNCILMEMBER KING: Chair, question please.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Mr. Fischer.

CHAIR WHITE: Oh, excuse me. Mr. Fischer.

COUNCILMEMBER KING: I just have a quick question for you. Thank you, Chair. So, you were talking about the, that you've had a lot of applicants and, and some people have already been, I think it was either you or someone else, that somebody, some of the folks have already been approved for loans. Has there been any pushback against the 30-year period from the lending agencies or concern?

MR. FISCHER: No, I guess would be the short answer. We, I mean, this just came up at the last, at the, I think it was just the last hearing that it came up at and so, the, we had talked about, we had, we had three or four lenders who, who have been working with most of these buyers here, and our potential buyers. And we asked them, we got them to, the verbiage that would be on the documents. And at least one of them came back so far and said that they could finance it with the 30-year restriction on there. And I expect the others to follow. They're, it's Fannie Mae, Freddie Mac, so they pretty much all follow suit.

COUNCILMEMBER KING: Okay, thank you. Thank you, Chair.

CHAIR WHITE: Ms. Sugimura, followed by Ms. Cochran.

COUNCILMEMBER SUGIMURA: Excuse me, could you--

CHAIR WHITE: Oh I'm sorry, Mr. Fischer. Mr. Fischer.

COUNCILMEMBER SUGIMURA: So, you're the realtor that is putting this together with Mr. Brown?

MR. FISCHER: Yes.

COUNCILMEMBER SUGIMURA: Thank you. And, could you repeat the numbers again? You said, so it would be a $200,000, you know, when you went through your math.

MR. FISCHER: Sure, sure. So, so a $250,000 mortgage at 4 percent, would be $1193 a month. Greg has agreed to cap the workforce HOA fee at $75 a month. The taxes and insurance, you know, will run a couple hundred dollars a month. And then most of these buyers, because they're low down, if you're less than 20 percent down, you have to have what's called mortgage insurance, private mortgage insurance, and that can run 2 to $400 a month. So, all in, they're probably in the 1700 to, you know, $2,000 a month bracket. And that's, and that's on the $250,000 mortgage. And, you know, that's assuming that they buy a, a 300,000 or $320,000 house, you know, they have the $50,000 credit, and then they have their own down payment of maybe, you know, 5 or 10 percent. That should get them down to that. So, that's not, I'm not taking the lowest number of the bracket. I'm taking something I feel, you know, given the, the large number of potential applicants that are in that bracket, that that's probably going to be a common loan amount at 250.

COUNCILMEMBER SUGIMURA: Thank you for the information.

MR. FISCHER: Sure.

COUNCILMEMBER COCHRAN: Wait, sorry.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry. Yea, thank you. Yea, I was trying to get at those figures you mentioned, cause I'm looking at your, the application. So, the lowest figure stated in this book is 283. So, the 250 you were tossing out there, and also a previous testifier, I think Mr. Monico mentioned a 251, where, where is that figure coming from?

MR. FISCHER: That's probably a better question for, for the developer than me. But I, but it came from the HUD, those prices came from the HUD guidelines for the, for the prices, for those brackets. And it's my understanding that they actually just went down. I think that the 251 was the number in the HUD bracket, and that Greg's, the developer's 50,000 comes off of that, which puts the first initial price down at 200,000. I also understand that a new HUD list just came out recently, that the brackets actually

dropped a little bit. So, that means that that lowest price house now, I think, is about $197,000, after Greg's credit of 50 grand.

COUNCILMEMBER COCHRAN: Okay, yea. Maybe it's better suited for developer. But, I'm looking at the figures that are given to us as we sit here. And it's 283, you minus the 50, that's 233. And there's only 8 homes in this bracket, and you just stated 80 percent of your applicants fall into that bracket. So, 80 percent out of 100 plus people all vying for 8 homes? Be a sad day at that lottery. Thank you, Chair.

MR. FISCHER: I'm not looking forward to it. But, that's why I feel that we need more communities like this that--

CHAIR WHITE: Okay.

MR. FISCHER: --and the other thing too to share is that Greg had--

CHAIR WHITE: I'm sorry. I'm sorry

MR. FISCHER: --had said that he would--

CHAIR WHITE: I'm sorry, we're, we're not here to--

MR. FISCHER: Sure.

CHAIR WHITE: --say much more. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Tom Schnell, testifying on Committee Report 17-84. To be followed by Tom Welch.

MR. TOM SCHNELL (testifying on Committee Report 17-84):

Good morning, Council Chair, Councilmembers. I'm Tom Schnell, I'm the planning consultant for Greg Brown, Makila Kai, LLC. And I will be here all day, so we, if you have more questions, we can clarify it.

My testimony today, I just wanted to focus on clarifying one exemption that we're requesting. And I did some written testimony, I'm not sure if you've all received it yet. But, I can read from portion of that. And I understand that there may have been some

misunderstanding about the exemption we're seeking from the West Maui Community Plan.

So, just to clarify, the exemption that we're talking about is, it's, it's in the resolution in the exemption section. And it, actually it, I'll read it to you, it says "An exemption from Chapter 2.80B, MCC, General and Community Plans, shall be granted to permit Makila Kai to proceed without obtaining an amendment to the West Maui Community Plan and Land Use Map".

So, a couple of points I wanted to clarify on that. When you first read the exemption, it says General Plan and Community Plan. I want to clarify that we're not seeking an exemption to the General Plan. It's just that that's the way the section statute is, is written. It says General and Community Plans. So, that's, we just cited the citation of that section of the Code.

The General Plan consists of the, the Countywide Policy Plan and the island, Maui Island Plan, and the Long-Range Implementation Program. Those three plans make up the General Plan. And we're not asking for many exemptions from those. And in fact, the Maui Island Plan designates the property as within the Rural Growth Boundary.

Now, as far as the, sorry, hold on. As far as the West Maui Community Plan, specifically what we're requesting is the West Maui Community Plan Land Use Map that's part of the whole community plan, does have a map that designates this property as agriculture. What we are seeking is a, an exemption to amending that map.

However, the community plan is much more than just a map. If you look at it, it's a long document with goals, policies, objectives. And if you look through the goals, policies, and objectives, Makila Kai actually implements many of these objectives and goals. For example, I've listed them in my letter. There's the land use goal, which says, "provide an attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents". If you looked at the housing goal, it says, "provide a sufficient supply and choice of attractive, sanitary, and affordable housing accommodations for a broad cross section of residents".

There's others I can enumerate on, but I just wanted to emphasize that the West Maui Community Plan is more than just a map, and we are meeting a lot of the goals of the West Maui Community Plan. I have more we can talk about, but we'll be here all day and we look forward to your questions. Thank you.

CHAIR WHITE: Thank you, Mr. Schnell.

Any need for clarification?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Chair, I do, but I, we'll be bringing these folks back up during the actual, when we address this issue so I can hold it until then.

CHAIR WHITE: Yea, I would prefer that we just take testimony now. And, Mr. Schnell will be here. I'll be happy to bring him up.

COUNCILMEMBER KING: Okay, thank you. Just wanted to make sure they're going to be back.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Tom Welch, testifying on Committee Report 17-84. To be followed by Fran Mitsumura.

MR. TOM WELCH (testifying on Committee Report 17-84):

Good morning, Mr. Chair, Members of the Council.

CHAIR WHITE: Good morning.

MR. WELCH: I'm Tom Welch, attorney for Greg Brown. Very quickly, I wanted to follow on what Tom Schnell was talking about. We are requesting a exemption to the Community Plan. However, we're not requesting exemptions to the General Plan.

The Maui Island Plan clearly designates this property for rural growth. The, the Maui Island Plan is an essential part of the General Plan, so we are consistent with the General Plan. It's always difficult though, when you're requesting an exemption to the Community Plan, because it goes, kind of goes against the grain of the planning process. However, the problem is the Community Plan that is already 11 or 12 years overdue for revision is still agricultural, and has not yet caught up with the General Plan.

And in the Maui Island Plan, it specifically mandates. I'm reading from section, from page 10-18, the Implementation Program and the Maui Island Plan. It says, "the six Community Plans on Maui will be updated to reflect the Countywide Policy Plan and Maui Island Plan goals and policies as they pertain to each specific region". So, even though we're asking for an exemption from the Community Plan, we're, we're really, we're not, we're consistent with the mandate in the General Plan.

Also, we're asking for exemption from the agricultural zoning. And that, that will also follow on the, follow the adoption of the Community Plan, because our, the Hawaii Revised Statues Section 46-4, that defines the County's powers to zone mandates that the zoning shall comply with long-term and comprehensive planning, which is referring to the Community Plans, and the General Plan, and then the Community Plan.

So, it's kind of a mish-mash. And, and it's too bad we have to ask for that exemption. But I think we're, we're asking for an exemption from the timing of it, the, of the evolution of the planning process than the plan itself. Thank you.

CHAIR WHITE: Thank you, Mr. Welch. Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Fran Mitsumura, testifying on Committee Report 17-84. To be followed by Tiare Lawrence.

MS. FRAN MITSUMURA (testifying on Committee Report 17-84):

Good morning, Chairman. Excuse me, my name is Fran Mitsumura. Good morning, Chairman White--

CHAIR WHITE: Good morning.

MS. MITSUMURA: --and County Councilmembers. Thank you for the opportunity to speak with you today. My name is Fran Peart Mitsumura. I'm the owner, branch manager, and mortgage loan officer First Hawaiian Mortgage in Lahaina. And I've been financing properties here on Maui for 36 years.

It was interesting when I moved here with my fiancé, who was, came back after going to college, our issues were that nobody would rent to us because we weren't married yet. Obviously, that doesn't happen now. But what does happen is you have young and not so young singles and couples that can't afford to buy a home because they

have to qualify for a median price house of 700,000, or a condo with a large monthly maintenance fee.

I've been fortunate to be one of the lenders that is pre-qualifying buyers for the workforce housing projects. And I am amazed at the volume of applicants that have applied with me. And the most amazing part is that over 80 percent of them qualify for the price range that the developers of Makila Kai is offering. I don't just mean the lower part, I mean the upper part as well. This price range the developers are offering is unprecedented and it is unheard of in this day in age.

So, using some of the questions that I've heard so far, if you took in the median, 381,000, you've got a $50,000 credit from the developer, that's a 331,000-purchase price. You put 10 percent down, that brings you down to a $300,000 mortgage, principle and interest is 1193; taxes, insurance, mortgage insurance; you're still under the $1500, and a that's a two-bedroom home. Think about what the rent is for a two-bedroom condo or cottage.

I've met with well over a 100 potential buyers who have been waiting for these opportunities. And keep in mind that I'm only one of the lenders that is doing this pre-qualification. There are many that have.

These buyers are hardworking folks who deserve to own a home to raise a family with space around them, and a neighborhood with their peers. And what's really fun is the excitement is contagious and refreshing, and reminds me of when I bought my first home at Hale Piilani in Kihei in 1985. Everyone should be able to purchase a home, but not everyone can qualify for a $700,000 house.

I ask you to please approve this project and others like it. It is a gift to these buyers, a gift to the community. As an, and as an employer in Lahaina, we ask that you keep these hardworking folks here on Maui. Thank you for listening and for your time.

CHAIR WHITE: Thank you, Ms. Mitsumura.

Members, any need for clarification?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Oh, I'm sorry. Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. And, thank you, Ms. Mitsumura, for being here. Long time no see. She helped me get my first home too. Thank you for that.

So, I was trying to follow your breakdown too, because the, the lowest price range I thought I heard 80 percent were, were falling into that bracket for affordability. And the numbers in our application and what the developer has proposed to us are different figures from what you're stating also. The, the median, the 13 homes you said start off at 381?

MS. MITSUMURA: No, they're not, I don't think there's 13. I don't have the exact numbers.

COUNCILMEMBER COCHRAN: There's, so eight at the lower.

MS. MITSUMURA: Okay.

COUNCILMEMBER COCHRAN: Thirteen at the mid.

MS. MITSUMURA: Okay.

COUNCILMEMBER COCHRAN: Four--

MS. MITSUMURA: Okay.

COUNCILMEMBER COCHRAN: --at the higher end of. So, I think you were, so--

MS. MITSUMURA: I just picked the middle.

COUNCILMEMBER COCHRAN: So, the middle. Okay, and that one, according, is saying it's 345 to 377, but you stated 381.

MS. MITSUMURA: I picked 381 as one of the items that I picked; $50,000 credit, 331 would be your purchase price. And say if someone put 10 percent down, that would bring your mortgage down to 300,000.

And I guess what, what I was trying to do is show that although it's higher than the 250,000 that was thrown out earlier, it's not that much higher. You figure the quick rule of thumb is for every 10,000 in loan, it's about $50 a month. That's your quick calculation. So, another 50,000 in mortgage is only going to be about $250 a month. These people are squeezing out a whole lot more than that to rent.

The debt ratios for, in at least in Hawaii, we could tend to push them more than the 28, 36 that you see Fannie Mae publish. So, usually about, oh I'd say 38 to 40 percent of their monthly gross income goes for their housing. So, if you've got two people going in, a couple, partners, whatever, they can afford these price ranges. And this is, this

is like the sweet spot. And it's unheard of. These, this is incredible to have these prices at this day and age.

COUNCILMEMBER COCHRAN: Thank you. Chair, I have one follow-up for Ms. Peart.

So, do you, are you pre-qualifying applicants that have to have a down or zero?

MS. MITSUMURA: No, I'm also looking at USDA, which is 100 percent financing. I'm looking at FHA, which is three and a half percent down. Conventional is 97 percent. So, there are, what's, what I'm also seeing is parents are stepping up again, and are being able to help their kids with the down payment, or co-signing. Or families are coming together and saying, okay, mom and dad are going to be retiring in 5 or 10 years, so let's do it together, so that you have a place and we have a place. And, that's where your four bedrooms are coming in, as then you're able to, to put everybody together and to be able to live and afford these homes.

COUNCILMEMBER COCHRAN: Okay. Thank you very much.

CHAIR WHITE: One, one more question. The item of the afford, or the placing a 30 year deed restriction on it, does that cause problems for you?

MS. MITSUMURA: I think it's going to be okay. I haven't been able to get total confirmation yet, because the documentation is still brand new and this is kind of the first time this has come out.

The 10-year, we've had no pushback at all. The 30-year, you know, it may have, I just don't know at this point. I don't have that final confirmation. But I would ask that you at least be able to reconsider if it's a problem, if it does become a problem, and that you be, you be open to changing that. If, because these, these loans are saleable loans. That's what we want, or that's what all lenders want is to be able to sell these loans out into the open market.

And if you put restrictions that Fannie Mae, Freddie Mac, FHA won't do, then you've got only portfolio money which is non-saleable money, which is where the local lenders are the only ones that can do these loans. And the local lenders have what are called overlays, which means they may or may not, their restrictions may be a little more, they may go with the 30-year buyback, but they may have other debt to income ratio restrictions or other issues that could cause problems. So, you want your, your lending to be broad is what I'm trying to say.

CHAIR WHITE: Thank you. Thank you.

MS. MITSUMURA: Thank you.

CHAIR WHITE: Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Tiare Lawrence, testifying on Committee Report 17-84. To be followed by Mark Deakos.

MS. TIARE LAWRENCE (testifying on Committee Report 17-84):

Aloha, Councilmembers. My name is Tiare Lawrence. I just want to say for the record that I believe their application is incomplete and will result in possible litigation. You're basically opening the County up for possible litigation if you accept the app in its current state. You as Councilmembers would be complacent in this incomplete application.

And I, you got a handout on page 2 of the HHFDC application, it states the "Submittal of an improved *[sic]* EA or an equivalent document is a threshold requirement for any of the following conditions: A project is equal to or greater than 15-acres, the project will rely on non-public sewer or water systems, or the project is a subdivision and requests subdivision exemptions." Therefore, this application, to me, and I believe it's incomplete.

I also want to state the current projects being built on West Maui. We have the Kahoma Residential which is 68 affordable homes. You have 102 homes being built in Kahoma Village. And you have 33 at the Kaioulu Development in Kaanapali. So, that's a total of 203 homes being built, currently, right now.

I also, for the record, want to state that Waikapu Gardens was a 201H project, and I just want to let you know that this is a prime example of the temporary band-aid. After 10 years, people sell their homes. And there's currently six listings online for homes that are, that are being sold from 565 to $699,000; not affordable for your average resident; temporary band-aid.

Secondly, that's just stating the flaws of, prime example of the flaws of 201H. And also with Pulelehua, Pulelehua is currently going through their EIS process, that project will be building out a lot of affordable rentals on West Maui, which is deeply needed. And then the affordability. I always like to go back to the affordability, because the homeowners are going to be having to pay for private refuse, private water, private septic maintenance, and road maintenance, and HOA fees. Waikapu Gardens, there's

currently a petition circulating by the homeowners asking the County to, to take on the refuse because it's too expensive. That's, that's another issue.

And then, you know, basically this is not an affordable in perpetuity project. And I just want to state that we really need to push for projects that affordable in perpetuity so we're not here dealing with the same issue. Like, I know it's hard, and I know it's hard to sometimes go against workforce housing. But, sprawl is not smart growth. Smart growth is putting housing near critical infrastructure of schools, jobs, shopping centers, and emergency services.

The reason why Kaanapali and Kahoma didn't get a lot of pushback is because you're building homes right across of work. You're building homes where, where students can literally walk to school. There wasn't a lot of pushback, but here, this is sprawl; this is not smart growth.

If we're going to start converting our ag lands to urban, rural zoning, do not do it in areas that create more sprawl. This is directly in conflict with our island-wide policy plans. And, five seconds, we have many fallow ag lands near our schools, emergency services, job, shopping areas. Restart the discussion with those landowners instead of creating a nightmare future for our island residents that goes against countywide policy plans.

I, I, I do, I do--

CHAIR WHITE: Please, please provide a concluding remark.

MS. LAWRENCE: You know, I, I give, I give props to the developer because he was in support of perpetuity. And I feel like as it stands now, I don't think that that we should be approving projects that are not in perpetuity. Let's really, really put our foot down, and really fight the good fight to make sure that these homes are set in perpetuity. I'd hate for us to be 10 years from now--

CHAIR WHITE: Thank you very much for your testimony.

MS. LAWRENCE: Yup, okay, mahalo.

CHAIR WHITE: Mr. Clerk.

COUNCILMEMBER SUGIMURA: I have a question.

MS. LAWRENCE: Sure.

CHAIR WHITE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, are you saying that based upon your testimony, that these homes that would be deeded for 30 years could not be resold?

MS. LAWRENCE: Well, yea, they'd be resold after, I mean, if, if the amendments that Elle Cochran had pushed in the last meeting for 30 years. But if the application is, is passed as it was originally submitted, then people would, people can sell their homes after 10 years. That's just how it is. And to, Waikapu Gardens is a perfect example of how 201H is just a temporary band-aid and doesn't really truly help our affordable housing crisis on Maui.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Okay. Thank you.

Any further clarification needed?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: So, so you handed out this Hawaii Housing Finance and Development Corporation 201 Application. And you highlighted this section under "Threshold Requirements for the Applications", of section "e".

MS. LAWRENCE: Yes.

COUNCILMEMBER ATAY: And so you're, you're mainly saying that this is a requirement--

MS. LAWRENCE: The application is incomplete.

COUNCILMEMBER ATAY: --of the application?

MS. LAWRENCE: Yep.

COUNCILMEMBER ATAY: And because the project will rely on a non-public sewer system and a non-public water system, it needs to go through--

MS. LAWRENCE: An EA.

COUNCILMEMBER ATAY: --an EA and provide us this, this study or this document before.

MS. LAWRENCE: Before it can be, yep. It's, it's, it's black and white. Launiupoko Water Company is not a public water company. They, there is no County infrastructure that goes to Launiupoko. It only goes to Launiupoko Beach Park, that's where that, that line ends.

So, yea, in their application that they submitted, they said that an EA was not required, but according to the rules of HHFDC, an EA is actually required. And so, you know, I, I just hate for us to, like, end up in lawsuits and whatever just because there was flaws. I, I mean, it's, it's in black and white.

COUNCILMEMBER ATAY: Thank you.

CHAIR WHITE: Thank you, Mr. Atay.

Thank you for being here this morning.

MS. LAWRENCE: Mahalo.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Mark Deakos, testifying on Committee Report 17-84. To be followed by Donna Brown.

CHAIR WHITE: And Members, after Mr. Deakos's testimony, we'll take a, our morning break.

Please proceed.

MR. MARK DEAKOS (testifying on Committee Report 17-84):

Thank you, Chair, Councilmembers. My name is Mark Deakos, a 20 year resident of West Maui.

When I watched this body deliberate over fast-tracking this project, despite strong reservations over the water rights and breaking the laws of subdividing and zoning, exempting from environmental review, waiving the fees, all the other exemptions under the 201H, most of you justified fast-tracking this on the basis of putting needy people in affordable homes.

But there was a lot of misunderstanding in the deliberation. I don't think everyone fully understood the process. And my fear is that as these 201H projects come in line,

there's two already in que, that they get fast-tracked on that same basis, that we're just helping solve the affordable housing crisis. So, it's complicated stuff. I wasn't too clear on it either.

I did a lot of research. I did talk with DHHC, HHFDC, FACE Maui, who actually said 201H is a scam; not a good endorsement, and others. And here's the four main things that I found.

So, we talked about in perpetuity. Of course, whenever you, whenever an affordable home reverts to market value, you basically take one affordable home out of the system. So, if you build 100 with 10-year leases, or 1,000 with 10-year leases, in 10 years, you take 1,000 affordable homes out of the system. If they're in perpetuity, then you keep those affordable homes all the time.

I also hear that lenders do not lend, you know, when there's deed restrictions in perpetuity. We heard that's not the case. We know about Freddie Mac and, and Fannie Mae, they both have those loan programs, they do. I also hear this a lot, that we need inventory, that's the only way to solve the crisis. Or, we've had a lot of inventory in the last 30 years. I don't think the problem's gotten better, it's gotten worse. So, that doesn't work unless there's affordable homes in perpetuity.

And lastly, I hear, well you can't deny an affordable homeowners opportunity to build equity and market value equity. Well, people that are living in someone's garage, or on the street, or facing eviction, okay, they don't care about home equity. They care about a roof over their head where they can afford the home, where they can raise their family in dignity. So, you know, we shouldn't be talking about subsidizing somebody so they can flip a home, and make a decent profit.

So, I'll conclude with this. We have State pushing DOH, sorry, 201H on the County to fast-track these projects under the guise of somehow developers are going to solve this affordable housing crisis. So, this body here has the power to do two things. One, you could perpetuate the myth, and clearly, since 201H was inception in pre-2006, it hasn't done anything for the affordable housing crisis. Or you could deny 201Hs and instill a program that has proven success.

So, just as you have the power to exempt zoning laws and environmental review, you also have the power to require 100 percent affordable homes in perpetuity, okay. This body has the power right here, right now, to implement a program that actually puts people in need of a home, in a home that they can afford in perpetuity.

So, please deny these projects, at least until the County and, and whoever is making decisions that affect affordable housing gets the knowledge that they need. A solid ground. Work on--

CHAIR WHITE: Thank, thank you very much, Mr. Deakos.

MR. DEAKOS: --on what causes and what solves affordable housing. Thank you.

CHAIR WHITE: Thank you for your testimony.

Members, we will now take our morning break. Please be back in your seats by 10:45.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:37 A.M., AND WAS RECONVENED AT 10:49 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS GUZMAN AND HOKAMA, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Mr. Clerk, let's proceed with the remaining testimony.

DEPUTY COUNTY CLERK: Next testifier is Donna Brown, testifying on Committee Report 17-84. To be followed by Katherine M. Larsen.

MS. DONNA BROWN (testifying on Committee Report 17-84):

Aloha kakou. My name is Donna Brown, and I'm testifying on my own behalf.

Environmental impact studies are mandated by law to address impacts on the aina. The developer is using the 201H process to avoid doing an EIS. Please do not fast-track this project, but require that they go through the full EIS process.

Makila Kai should not be evaluated on its own, but as a larger 230-acre development comprising 259 lots. I believe this is called segmentation.

There are many concerns these developments raise; loss of prime agricultural lands, kuleana land titles, septic systems, water supply, traffic, evacuation, and fire safety concerns.

I'm a marine biologist, and I've spent close to 30-years studying coral reef ecology on Maui. If I were to pick only one issue as the most important, I would pick the sewage

issue with all of the septic systems that will be put in, and its drastic effect on our reefs and ocean resources.

These lots will have many more septic tanks than with the three agricultural lots as this land is currently configured. The added effluent load into the water lens and ocean can be extremely detrimental to our reefs and nearshore ocean environment.

Launiupoko Park is right below this proposed development, and is one of our few nice family beach parks for locals. It is also a regular resting place for endangered Hawaiian monk seals. We've already lost so many of our beaches for locals on Maui. We can't afford to lose this place to polluted water.

I know we need affordable housing. I'm a teacher myself and I would probably not even be able to afford one of these workforce houses. But, we need workforce houses where they're in the right place. This location has no sewer lines, nearby schools, or grocery stores. Everyone will have to drive to get anywhere. Traffic is already horrendous, and this development will only make it worse. People are talking about the bypass solving everything. The bypass is going to only be two lanes, no more lanes than we already have, so it's not really going to solve anything.

We need to have our workforce housing close to schools, jobs, and stores. One of the goals of the community plan is to avoid urban sprawl. There's plenty of land on West Maui that's already been set aside for workforce housing in better places, as you've heard from other testifiers.

The developers are trying to appeal to emotions and the need for affordable housing to do a much larger development than the 25 workforce houses. If the development were only the 25 truly affordable houses, I would be all for it. But the workforce houses are only a fraction of the development. We need to use the precautionary principle here and require a full EIS to reveal the true impacts. That's all I'm asking. And I respectfully submit this to you. Thank you.

CHAIR WHITE: Thank you, Ms. Brown.

Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Katherine Larsen, testifying on Committee Report 17-84. To be followed by Albert Perez.

CHAIR WHITE: Members, I won't be asking if there's any need for clarification, so, please if you need clarification please just make your thoughts known to me. Thank you.

Please proceed.

MS. KATHERINE LARSEN (testifying on Committee Report 17-84):

Good morning. My name is Katherine Larsen. I'm here on behalf of myself. I am currently living in Launiupoko. My husband and I worked all our lives. I was a high school English teacher, and my husband was a nurse for his entire life until he passed away recently. So, I own a ohana cottage in Launiupoko, and we have to, we have a farm plan, and we have to have it fully irrigated, which is a monthly payment, and electricity. So, there are other monthly payments that have been spoken about that can be quite high on Maui.

I do support affordable housing on Maui. I would be happy if we could make 50 homes all affordable housing, where Makila is being thought about developing.

But, this development is, who's behind it, the Greg Brown Corporation, has already built many, many mansions on Launiupoko. But he's not, he's not done with building mansions. His goal is to build 25 more mansions below Launiupoko through this development, Makila Kai. He's sacrificing, you could call it that, building 24, 25 houses that are "affordable" in order to get his goals met.

And that would include, also, changing all that land from agricultural land where we have to have farm plans. We really have to have produce growth into rural land, which it can never go back to being ag land, and it would change a lot of protocols for the use of the land down below us.

So, his intention is not to help people with affordable housing. In fact, only eight are truly affordable. The middle, I don't, I don't think of as affordable. And there are four that are in the high range. So, he's going to make all his money back with those. And I know he's figured out that he can build the affordable houses and give 50,000 for some people, but it's all being, going to be take, given back to him when he builds the 25 mansions. I just looked yesterday, and a new half-built mansion in Launiupoko is listed for $5 million.

I think that we really have to think of the traffic flow. And we have no, we have no plan for who will take care of more traffic lights, more infrastructure in the roads to get everyone moving. Thank you very much.

CHAIR WHITE: Thank you very much, Ms. Larsen.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Albert Perez, testifying on Committee Report 17-84. To be followed by Vera Sredanovic.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION (testifying on Committee Report 17-84):

Good morning, Chair White--

CHAIR WHITE: Good morning.

MR. PEREZ: --Councilmembers. Albert Perez. I'm the Director of Maui Tomorrow Foundation.

I just wanted to start by following up on the testimony that Tiare Lawrence presented about the incomplete application. And what she was quoting was from the 201H application, the "Threshold Requirements for Applications to the Housing, Finance, and Development Corporation". And item "e" says that "Submittal of an approved EA (if an EA is required) or an equivalent document". If you have a non-public sewer, water, or it's a subdivision and requests subdivision exemptions.

So, my testimony today is to repeat why an environmental assessment is required on this project. So, Exhibit "A" of the proposed resolution or ordinance, I'm not sure which it's called. But anyway, Exhibit "A", condition 6, says, "The construction of accessory dwellings shall not be prohibited by any restrictive covenant". And "Accessory dwellings shall comply". So, you have the potential for accessory dwellings on these 49-lots. So, you're really looking at the potential for 98 dwellings.

The Department of Health says that you can have a maximum of 50 septic systems. Anything over that requires a wastewater treatment plant, which is a trigger for environmental assessment, under chapter, sorry, got it backwards, under Chapter 343. We're talking dwellings. And even though you can have two septic systems for one, one septic system for two dwellings, they still go by dwellings.

The other thing is last meeting you had on the Land Use Committee, there was a question for your Corp. Counsel. And he said that the, the power of the HFDC, that it's not HFDC because the power of the HFDC is delegated to the County, in this case the Department of Housing and Human Concerns. But, even if that's the case, then

that Department is still handling all three applications; Makila Kai, Polanui, and Makila Rural East. So, the segmentation still applies. You have not just, you don't have three separate owners. They are partners with the County. So, the actual applicant is the Department of Housing and Human Concerns.

And I would refer you to the second page of my testimony. The top paragraph where it says that "The corporation may develop on behalf of the State or with an eligible developer". So, then down below, it says, so HFDC can either develop projects directly or with an eligible developer. And either way, they are still the agency that's undertaking the action. So, this is subject to segmentation challenge.

CHAIR WHITE: Thank you.

MR. PEREZ: Finally, the, the last part.

CHAIR WHITE: Mr. Perez, if you could please--

MR. PEREZ: Yes, I'm going to conclude.

CHAIR WHITE: --provide a concluding a remark.

MR. PEREZ: Yes, thank you. The last part of 201H-38 says that you have to meet minimum requirements of health and safety. And since we're violating the requirements of the Department Health and also, you're putting the potential for 98 dwellings in a place with inadequate egress, subjecting them to danger from a fire. That to me is not a safe development.

CHAIR WHITE: Thank you very much. We have, we have your written testimony. Thank you very much.

MR. PEREZ: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Vera Srednovic, testifying on Committee Report 17-84. To be followed by Yolanda Dizon.

MS. VERA SREDNOVIC (testifying on Committee Report 17-84):

Dear Councilmembers. First of all, I'd like to thank to the ones who didn't ignore what was said prior and voted against this, and for, truly for considering all the aspects. This

kind of makes me feel of our President Donald Trump, getting out of the Paris agreement, ignoring the whole global warming. And just for the name of providing jobs right now and right here. Let's dig the coal, let's do all of this stuff that's going to destroy the environment.

So, it's really important as a, you know, as a community that we focus on what's feasible and where it's feasible. Not just approve it because somebody has a piece of land that's prime ag land, and in lack of water for the current ag land too. And let's just add more development to it, and just ignore everything; ag, traffic, you know.

And considering the fact that County is the applicant for this. It's not the developer. He's going to build these homes. He's going to make a lot of money on these other multi-million dollar homes. Instead of 3, it's going to be 24. He's going to leave. He's not going to live there. He's not going to be sitting in the traffic. When the next fire happens, and it will, it is a fire-prone area. And there's no water like Elle Cochran said. When they plug in their hoses, they won't be able to even to stop that fire, and then it spreads, and then more people die. What happens there? Who's going to be sued? Is it going to be a developer or County?

Infrastructure has to be in place prior to anything being approved. And it's not against affordable housing. It's against building that's not planned appropriately. Like your own plan for the, for the County says, let's look for affordable housing in the areas that are zoned commercial and residential. It doesn't even say rural. So, developers are using this rural excuse, oh looks it's in the plan, let's put it there. But even rural is not an appropriate place for something like this. It doesn't have all the, everything we need to make sure current resident and those future residents, we're putting them at risk in putting them in these areas.

And I have personal experience. I wasn't going to say this, but my father died in a fire. And it took him seven days to die. It's the worst horrific death you could live, I mean you, of course you don't live through it, you die, and it's horrible. And you know, I don't want that happening to anybody. And I can see it here, it will happen. Why are we not requiring developers to put the roads in? Why are not requiring them to put the septic tanks? Why we not saying, hey, do the EPA, do the right things? Do everything that needs to be done to make sure everything is going to be safe. And we, as a community, and you as a County, have all the powers to do that and ask for that.

Don't just approve something because they're dangling something that's going to endanger those other people as well. So, please think about this very careful. You know, there are much better places. Thank you so much.

CHAIR WHITE: Thank you, Ms. Srednovic. Sorry.

Mr. Clerk, move on.

DEPUTY COUNTY CLERK: Next testifier is Yolanda Dizon, testifying on Committee Report 17-84. To be followed by Samantha Calhau-Dizon.

MS. YOLANDA DIZON (testifying on Committee Report 17-84):

Aloha, Council. My name is Yolanda Dizon, again, once again, back here. It just amazes me of what I've been hearing today, you know.

Born and raised, traced my family back more than seven generations, and still my children don't have affordable housing. They're still waiting. But they won't buy a home when they know their families are going to be put to danger. Smart growth.

I remember back in 1999 or 2000 when Peter Martin and his directors wanted to build Launiupoko. Yes, they put stipulations on that. But then the excuse came, well, because right now there's a lot of rentals up there; illegal things happening, businesses. But the County doesn't have anybody to go out and check on all the broken rules that's happening.

So, how can they check on any stipulation that you put on this development with Makila Kai? You don't have the resources. You don't have the money. Maui is broke. But then, there is the palu. When you go fishing you put out that palu. And what is the palu? Workforce homes will take care of you; $200,000, baby, you can have it, yea. And then I'll just slide in the rest of mine. So many broken promises, so many lies.

And all of you are very, very smart and bright people, and can see under all that bologna. So, please. It just amazes me how you continuously pit community against community, family against family, because of that palu of affordable homes or workforce homes. It just pisses me off when developers use this strategy, and make their money and whatever; whatever happens, happens to the rest that live here. You have the facts. It's your call. Safety first. Thank you.

CHAIR WHITE: Thank you, Ms. Dizon.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Samantha Calhau-Dizon, testifying on Committee Report 17-84. To be followed by Robert "Bo" Petty.

MS. SAMANTHA CALHAU-DIZON (testifying on Committee Report 17-84):

Good morning, County Councilmembers, Mr. Chairman White.

CHAIR WHITE: Good morning.

MS. CALHAU-DIZON: Thank you for allowing me to testify this morning. My name is Samantha Calhau-Dizon. I'm from Upcountry, but currently residing in Lahaina. I'm here representing myself, my family, and I'm here to oppose the Makila Workforce Housing Project.

Now, I'm for affordable housing, but not the Makila. And again, you hear this again and again why. I'm not going to repeat, because you heard experts and professionals from the environmental studies about what's going to happen to your children's children, to my children's children. I'm not going to be here in the future if anything happens.

On May 31, well, let me go back. I'm usually the one that is sitting in the back listening to all the testimonies. And I am the one who is at home watching Facebook Live. But this time, I'm here voicing my, voicing out my concerns. On May 31 hearing, I heard a lot of compelling testimonies, not just from our kanaka maolis who from the beginning has told you from the beginning about the water issues. But then, you also heard from the malahinis who have built their homes in that area, and what they are going through with their water. And lastly, like I said, the experts and professionals who deals with environmental studies. So, why are we here?

As a pillar to our community, I have voted for you all to represent me, my family, my friends, and the County of Maui. You sit here today to listen and review everyone's testimony. And so, I ask to prove me right that I have voted for the right people to make the right decisions. Mahalo.

CHAIR WHITE: Thank you for your testimony this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Robert "Bo" Petty, testifying on Committee Report 17-84. To be followed by Nameaaea Hoshino.

MR. ROBERT "BO" PETTY (testifying on Committee Report 17-84):

Good morning, Mr. Chair and Council. My name is Bo Petty, and I'm speaking for myself. I am a Launiupoko resident. I am a wage earner, working hourly wages. I had to save to buy what I have. I'm glad I have a home. I worked my way up to get homes. Started in a little condo, and just over the years, worked hard to get what I have. So, I appreciate those that want to do the same. And I'm not against workforce or affordable housing.

But, I am concerned about where it's happening, and the shortcuts that are proposed, and the impact on the environment, the issues of sprawl. And when I'm out on the water looking up at the island I can see what other people see when they come here. There's a economic benefit in aesthetics, looking at a beautiful island from a wonderful channel, the Auau Channel. You can see the sprawl of Kaanapali into Lahaina. You see big green area from south of Lahaina on down to the Pali. And that's something to be cherished. And they're going to go tell their friends to come here; that's going to bring money into the economy to still have a place like that without sprawl.

And there's plenty of places around, as we've heard, for people to infill, developers to infill and use local infrastructure where people can walk and bicycle to stores and schools, and hopefully a hospital in the future over on this side. But, we, that's all up to the north of Launiupoko, and that's where we should be building and completing things in a long-term way. Understanding the environment and the fragile reef right off shore. The compact use of septic systems very close to the shoreline, and all of that going into that reef, which is also a wonderful recreational area for local families as well as tourism.

I think we need to go slow on this one, not fast-track it, look closely at every issue in addition to all those that were mentioned today. And, I ask that you do not approve this fast-track approach. Thank you.

CHAIR WHITE: Thank you, Mr. Petty. Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Nameaaea Hoshino, testifying on Committee Report 17-84. To be followed by Robert Applegate.

MR. NAMEAAEA HOSHINO (testifying on Committee Report 17-84):

Aloha mai kakou.

(Spoke in Hawaiian.)

My name is Nameaaea Hoshino. Aloha, County Councilmembers. We're back here again, yea, and you know, same, same thing that's you know. I'm still in opposition of this project in a lot of reasons.

You know, right now I'm to the point of frustration because it's coming down to a point that certain things that, you know, the ideas of affordable housing, yes we need it, yea. But not compromising to certain things that this project is going to benefit us. My family is, yea, my family has been in Lahaina for a long time, for generations, yea. And I have kuleana families that live in Kaua`ula that's suffering. It's not only about the development, it's about the water.

That's, that's the problem, yea; where this water is coming from. If they're tapping into that water, yea, whatever affects that, that aquifer, yea, our place is done. That's the, that's the thing that people don't realize, yea. I mean, you build multi-million dollar homes, affordable housing in that area, yea. We already have water diversions already in Lahaina, yea. Ninety percent of our water from Kanaha is getting diverted from the County. So, where this water coming from? That's the thing that I am upset about, that this fast, fast-track is going to cause more concerns and more problems in Lahaina.

And the people who's applying for this affordable housing, they not from Lahaina. They not from here. That place, yea, is my home, yea. And, I see the changes that's happening now in Lahaina. Because one person wants to make the money, yea. We see Launiupoko is already having that problems, that people building on mountains. And, the County is not, they not being strict. For me, I'm upset, yea. Because, the decisions that you guys make here, yea, is going to affect not only me, but the next generations, yea. So no think, yea, that this is not going to be one problem; it is going to be one problem for us, yea. Mahalo.

CHAIR WHITE: Thank you for coming today, Mr. Hoshino.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Robert Applegate, testifying on Committee Report 17-84. To be followed by Blossom Feiteira.

MR. ROBERT APPLEGATE (testifying on Committee Report 17-84):

Hi. My name is Robert Applegate, and I sat here in the first meeting and listened to 47 speakers before I spoke. And I found something really unique sitting here. I live in Launiupoko and I live in a million-dollar house. I live in a house I bought from Greg Brown, who built most of the million dollar houses in Launiupoko. I bought Greg's personal home, and I want to get back to that in just a few minutes.

But, I think one of the things being forgotten in this room, the over-development of West Maui is, like, out of control. And I don't mean just Launiupoko. I'm talking about Kaanapali. If you've driven up, let's say by the lower road or anything lately, my God, there's parking structures on the road. There's so many timeshares being approved by Maui County, that you guys worry about workforce housing, and what you ought to worrying about is tourists. Because as we continue to concrete over paradise, it isn't paradise anymore, and tourists will stop coming here.

I've sat, had dinner, having a beer and listening to tourists talk about, hey, I got a ticket on the Maui, or on the Hana Highway. I've never had a ticket in my life. There's six motorcycle, rabid motorcycle cops out there writing tickets to almost every tourist they can. Hey, let's promote goodwill here on the island, okay, and more people will continue to come. If we lose tourism, then what happens? Do we need workforce housing?

Greg's idea of workforce housing, and Greg and I don't get along, and we've fought for five and a half years. But what I'll say is, if he wants to build workforce housing, I commend him, but build 250. Don't build a little enclave of 25 homes that's circled by all the houses that's going to pay you back for everything that you bought and make you money besides that.

Greg has his own plane. He lives on the Big Island. So, none of this is going to affect Greg. It's not going to take him an hour and a half to get from Costco back to west to Lahaina, as it does on many days right now.

I have one last concern. I have been working on my house now ever since Greg and I settled our dispute. There were so many things wrong with the house that Greg built for himself. And they're all created by one major issue. And one major issue that I've had engineers, I've had structural engineers, I've had geologists at my house, and that main feature is, is that no house has compacted soil. Greg takes bulldozers, bulldoze up a berm, builds the house, leaves all the rocks and the soil, and that isn't the way a

house is supposed to be built. It's supposed to have compacted soil, so your foundations don't start cracking and whatever.

So, what if all these workforce houses start falling apart like mine? Then what, what is everyone going to do? Are they going to have the money to deal with that? That's going to, I barely did. So, how are they going to do that? If you approve this fast-track, or whatever you approve, you have to hold this particular builder to a higher standard.

CHAIR WHITE: Thank you very much, Mr. Applegate.

MR. APPLEGATE: And by the way, I'd like to just leave one last question. How does the building department here in Maui approve this kind of thing? I thought there's rules and regulations to building a house.

CHAIR WHITE: Thank you very much, Mr. Applegate.

MR. APPLEGATE: You're welcome. Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Blossom Feiteira, testifying on Committee Report 17-84. To be followed by Junya Nakoa.

MS. BLOSSOM FEITEIRA (testifying on Committee Report 17-84):

Aloha, and I think it's afternoon, oh yea, it's still morning. Good morning, Members of the County Council, Mr. Chair. Mahalo for the opportunity to speak before you on item number 17-34 *[sic]*. And I would like to address item number 3 under that heading. For the record, my name is Blossom Feiteira, born and raised girl from Lahaina, lifelong Maui resident.

And I have to tell you that as a, you know, I spent most of my adult life in the affordable housing arena. And so, to stand in front of this body and ask you to deny this application that includes an affordable housing component pains me deeply, it really does. We understand the housing crisis on the island, and we know that we have many, many families that are in dire need of something that they can afford to pay for.

I myself, am a renter. My children actually are up for a lot award for Hawaiian Homelands on Saturday. But, as I'm looking through the newspaper and Craigslist, and all of these listings for rentals, I'm appalled at the amount of money these houses are asking for. You know, a three-bedroom house at 2,024, who can afford that stuff,

right? So, affordable housing is a necessary, is necessary for the County to address in some way or form.

The reason why I'm asking you to deny this application is that while the application meets the minimum standard requirements under 201H, if you look at the entire project area, 50, more than 50 percent of those homes are deemed affordable or workforce housing. But yet, when you look at the bigger picture and take the entire project area in, what we're looking at is less than 20 percent of that land base and that project area is actually dedicated to affordable housing. The rest of it is to market. So, when I, when I look at that, it, I got to tell you, it drives me crazy, okay.

Makila, in traditional times was a very small but vibrant community. And I think that we're going to see some serious issues once development of the market-priced area begins. And so, without them taking that extra step to ensure that no environmental harm comes to the area and the community, I think it's going to be a lesson in futility because we're going to see some major issues popping up as a result of this project.

The other thing too, and I just wanted to mention real quickly is that, you know, there's been a lot of talk about perpetual affordability, right. And I have to tell you, if you're talking about homeownership, that is an absolute myth. There is no such thing as perpetual affordability for a homeowner. Because if you do that, you now impact their ability to take advantage of the assets that they themselves have built in that property.

The only way you can guarantee perpetual affordability is you, government body, must own the property, must construct and own the buildings, and regulate the rent. That is the only way you can guarantee that. Thank you.

CHAIR WHITE: Thank you very much, Ms. Feiteira.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Junya Nakoa, testifying on Committee Report 17-84. To be followed by Tiara Ueki.

MR. JUNYA NAKOA (testifying on Committee Report 17-84):

How's it. Junya Nakoa, Lahaina. My daughters . . . You know, 20H1, whatever, 210H, whatever. Napilihau, that's where I live. I lived there for 42 years. . . . went through this 201H program. So, not all of us, you know, here for one profit. And I no plan on moving anytime soon, you know. My daughters was raised at this house, still get um.

You guys can come Napilihau. Still get choke of us that original owners. We call ourselves Napili boys for a reason; cause we badass.

What you call, we, we, we regulate. We watch everybody. We watch everybody's house. I no lock my house. You like go my house, get plenty spam like that. But, that's how we are. Get couple guys from Napili stay inside here; I stoked for see her.

201H, you get the flaws. I've been saying that for many years. I been coming over here testifying about em for change the thing. You know, it's the State and the County's fault, it's not the developer's fault. It's something that the developer using to help get this thing done, something that the County not doing.

One of these Councilmembers when mention . . . someplace up by the Civic. Brah, we've been hearing that thing for long time. Told you guys about the hotels owe us 2,000 homes, and still nobody doing crap about um. Get land allocated up there by Pu`ukoli for, for the thing and nobody doing nothing.

The three affordable projects that's happening in Lahaina, the one people brought up, yea, everybody say close to the schools and all that kind stuff. You tell me if your kid going walk from Kahoma all the way up to Lahainaluna, Princess Nahienaena, and Na Kai. I know that hill, the buggah is hard. My daughters live at Kahikolu, that's only halfway up the hill. And you know, what I mean, that's still hard. I used to do um, cause if I wanted for go down McDonald's, I had to walk myself down there. Never have, my mother them was working two jobs.

But, I just saying, Greg Brown, mahalo, braddah. You trying your best. The County and the State, you know, this can be one eye-opener how we can fix this thing. And you know that perpetuity or whatever that damn word is, make um forever. Make um the thing stay affordable. That's my goal. I like somebody stay inside that house for 42-years like I am. And I plan to stay there one other 42-years. Oh, I hope I live that long. But, I hope my babies get their house, you know, and all that kind stuff.

Yea, we could talk story. Let's make this thing happen. Hold all the other developers accountable for building their affordable housing first. And, just, just make something happen in Lahaina. And let me know where get land for build um, cause I'll be right there knocking on their doors.

CHAIR WHITE: Thank you, Mr. Nakoa.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Tiara Ueki, testifying on Committee Report 17-84. Last call, oh.

CHAIR WHITE: Yea, she's coming.

CHAIR WHITE: To be followed by Corey Brown *[sic]*.

MS. TIARA UEKI (testifying on Committee Report 17-84):

Aloha. My name is Tiara Ueki, and I'm speaking on behalf of myself and my ohana in Kaua`ula Valley. I am not in support of this 201H fast-track project. And, I'm sorry, I'm so nervous. I believe that they should be required and held accountable, and go through an EA and an EIS.

I'm mainly here, again, to talk about the safety conditions regarding Launiupoko area, Kaua`ula Valley area. I have lived up Launiupoko when fires have ravished through our homes. It literally burnt down my aunty home right below us. And doesn't help that Kaua`ula has one of the strongest wind conditions on Maui.

Also, if you guys have gone up to Launiupoko and realize where the evacuation routes are, it's very inadequate. They, and one, where there's a sign that there's evacuation routes, there's a pole there. I mean, how can vehicles go through a pole? That's just, my concern is just safety.

Also, one of the biggest concerns I have is due to traffic. I believe that until such time that the bypass extends to Launiupoko, traffic is a huge issue. And this development should not come before that needed infrastructure. Do not put the desperation of 25 people above the thousands of commuters who traverse Highway 30 every single day.

I am for affordable housing. We all need it. My families need it. Everyone that I grew up is in need of it. But not in this location, and without the proper assessment. So, I'm hoping that as the elected officials, we hope that you all look at the bigger picture, and make the tough decisions that benefit our entire County. And that does include growth, but smart growth. And that it doesn't negatively impact all of us. Thank you.

CHAIR WHITE: Thank you, Ms. Ueki.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Corey Brown *[sic]*, testifying on Committee Report 17-84. To be followed by Doug Wright.

MR. GREG BROWN (testifying on Committee Report 17-84):

I'm pretty sure they got that wrong, and it's Greg Brown. You guys okay with me proceeding?

CHAIR WHITE: It sure looks like Corey. Is there a Corey Brown here?

MR. BROWN: I think it's my bad handwriting.

CHAIR WHITE: Your handwriting is really bad.

MR. BROWN: Okay, sorry.

CHAIR WHITE: Please proceed.

MR. BROWN: I'm Greg Brown, the developer of Makila Kai. And, I want to testify to the affordability of my project, and why it's different than other projects. And I first want to clarify the point why some of the numbers are different in the application. We first submitted our application it had the 2016 numbers in it. And after we submitted and came in, the 2017 numbers came out, which are lower, approximately 20-some thousand dollars per home. So, that's the discrepancy that we were seeing later. And of course, we are selling them at the lower rates.

When I first started this, you know, I talked to folks in the workforce community. And they said, you know, these projects are great but no one ever builds one and two bedroom homes. So, if I'm in the higher bracket, cause as we all know this is combined income; husband and wife higher bracket. Most of developers say I'm building all four bedroom homes, and then the higher bracket, they're all $657,000 period. I'm not doing that.

What I've testified to and what I'm doing is I'm building to the community. So we're going to take our qualified applicants, put them in each category, and this is why the middle bracket of 13 and the high one of 4 is so important. Because, if we pull, and many of these folks who have never applied before, applying now, because if there's three people, husband, wife, and grown child who each make 31,000, combined that's 96,000. In these other projects, they'd only have an option for a $657,000 home. And my project, if they pull it and they want a one-bedroom home, I'll build it for them. So,

they can get in the highest price bracket, a $400,000 home minus my $50,000 gift for $350,000; and that's the most expensive bracket that we have.

And it gets better from there. If you go down lower, the prices go from the lower bracket, somebody can get a home, and again, I'm not saying what home I'm going to draw, once they draw, I will build the size home that there's a need for. So, the prices go all the way up the bracket; 178,000, 207,000, 230, 265, 321, or 350,000 with my gift. And that's as if somebody wants a price in any bracket, what they can get a home for. So, this is a different project than that's been proposed before.

And I think as you also know, I'm waiving my right to sell the houses in the higher bracket. What many developers have done is say they're all four bedroom homes, they're all 700 grand. Nobody buys them. They go to the higher bracket. They're all sold at market. That can't happen here. What can happen is two teachers, that's who've, who have testified, who have a combined income, who only make 90,000 can get a one-bedroom home from me for $350,000 and expand their family, and expand under their home in the future on a half-acre. And it hasn't done, been done before. And there's so much opposition thinking these middle and higher brackets aren't affordable. I wanted to testify why my project is different. So, thank you for letting me clarify that.

CHAIR WHITE: Thank you, Mr. Brown.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Doug Wright, testifying on Committee Report 17-84. Mr. Wright is the last individual who has signed up to testify in the Council chamber.

MR. DOUG WRIGHT (testifying on Committee Report 17-84):

Good morning, Councilmembers. My name is Doug Wright. I'm an attorney here in town. And it's tough following the developer, especially when they get multiple cracks at the apple to, to spend your time and testify here today.

As an attorney, I wanted to be mindful of your responsibility and the burden upon the developer. The law states that as a body you need to exercise your reasonable judgement that this project is primarily designed for lower income housing. That means that the developer has a burden that it is more likely than not in your determination that this project is primarily designed for lower income housing.

As far as evidence is concerned, the only evidence you have in front of you are numbers. 25 versus 24; that's the only evidence the developer has put in front of you. And it is the bare minimum with respect to those numbers. Those are not the only numbers though. There are other numbers. How much of this acreage is going to be, remain dedicated for agricultural use? Zero percent. What are the profits that we're talking about for the exceptions this, this Council could make for the developer? It's going to be a large number of profits we, we're anticipating with the multimillion dollar homes. The primary goal there is to earn a profit.

In your exercise of reasonable judgement, is it reasonable to have an expedited process that seeks to mute the public? Is it reasonable to bypass environmental review? Is it reasonable to fracture good agricultural land? Is it reasonable to squander precious resources for valuable water for nice market-rate homes at the expense of others and the future generations? Is it reasonable to subsidize the developer who's making a minimal effort?

This project is not primarily designed for lower income housing. And to be honest, didn't take a lawyer to figure that out. Blossom testified earlier, and she kind of stole my thunder. That was the essence of her testimony, her intuition, her natural review of the project. She saw exactly the same thing. We're not the only ones.

This is an opportunity to either stretch the parameters of what it means for a project to be primarily designed to the point of breaking them altogether, or to set the parameters and give meaning, and hold developers accountable for this.

Secondly, with respect to the size of the project. An 80-acre parcel. Most of the lots are going to be used for something outside of the agricultural zoning. But, he's not seeking agricultural zoning. He just wants you to give him forgiveness for that. And he's asking you to do that even though the project is an 80-acre parcel, not just a limited 14.6-acre parcel. This body doesn't have the authority to do that. That's the land commission's authority. Thank you very much.

CHAIR WHITE: Thank you very much, Mr. Wright.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we have received written testimony. Without, without objection, we'll enter it into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Hana Valle;
2. James Westerkamp;
3. Cindy Lester;
4. Crystal Lester;
5. Mark Gilmore;
6. Ryan Monico;
7. Ulrich 'Uli' Kirkegaard;
8. C. Van Fischer;
9. Tom Schnell, PBR Hawaii;
10. Tiare Lawrence;
11. Mark Deakos;
12. Donna Brown;
13. Albert Perez, Maui Tomorrow Foundation;
14. Vera Srednovic;
15. Leslie Jaramillo;
16. Jim and Margaret Sweeney;
17. Dave, Jo, Bret, and Denise Neary;
18. Graham;
19. John R. Greenhalgh;
20. Gordon Firestein;
21. Stacey Kenney;
22. Doris Lang;
23. Tiffany Pitts;
24. Steve Bayes;
25. Brandt Bennett;
26. Ed and Mary Jane Brown;
27. Carl Ryan Gadson;
28. Owen Langer;
29. Shantelle Morgan;
30. Conrad Oandasan;

31. Stephanie Shoemaker;
32. Rebecca Winkie;
33. Jordan Ruidas;
34. Mark Marolf;
35. Kelly Jean Sullivan;
36. Ann Williams;
37. David Jenkins;
38. Holly Irimata;
39. Teresa Jacques; and
40. P. Denise La Costa.

CHAIR WHITE: Thank you.

And without objection, we'll close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk, let's proceed with the agenda.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's public hearing of April 26, 2017, and special meeting of May 1, 2017, were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE PUBLIC HEARING OF APRIL 26, 2017, AND THE SPECIAL MEETING OF MAY 1, 2017, BE APPROVED.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, with a second from Ms. Crivello.

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

CHAIR WHITE: Members, any discussion on the approval of the minutes? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Mr. Guzman.

Mr. Clerk

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 17-232 - DANILO F. AGSALOG, DIRECTOR OF FINANCE, (dated May 24, 2017)

Transmitting 56 contracts/grants for April 2017.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COUNTY COMMUNICATION 17-232 BE FILED WITH THE EXEMPTIONS OF CONTRACT C5822-2, GRANICUS; C5434-4, GARTNER; TO BUDGET AND FINANCE FOR FINANCE REVIEW.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: Members, any other requests for referral?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

YES, IF I MAY REQUEST CONTRACT NO. C5381, IS THERE A DASH THREE ON THAT, THIS IS IN REGARDS TO LAHAINA WATERSHED PROJECT DIVERSION CHANNEL; SO, TO STANDING APPROPRIATE COMMITTEE; ALSO CONTRACT C6204, THIS IS LAHAINA WATER RECLAMATION FACILITY UPGRADE FOR DIRECT POTABLE USE; AND ALSO CONTRACT 6212, WHICH IS COUNTYWIDE SATELLITE RECYCLED WATER FACILITIES; WITHOUT OBJECTIONS IF IT CAN BE REFERRED.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: We'll refer those to the appropriate Committee.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Members, any other requests for referral? Any objection to the, I'm sorry, we have a motion on the floor. Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Motion, those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Motion passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, just for the record, just wanted to note that Councilmember Crivello was the second for that.

CHAIR WHITE: Thank you.

NO. 17-233 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated May 22, 2017)

Transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Services Incentive Program in the amount of $61,076.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, request the Clerk to bring up Communication 234, 235, please, with no objections.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

Mr. Clerk.

NO. 17-234 - TIVOLI S. FAAUMU, CHIEF OF POLICE, (dated May 23, 2017)

Transmitting a copy of a grant agreement with the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the FY17 Domestic Cannabis Eradication/Suppression Program in the amount of $45,000.

NO. 17-235 - TIVOLI S. FAAUMU, CHIEF OF POLICE, (dated May 31, 2017)

Informing of the receipt of $152,837.95 from the U.S. Marshals Service.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE TO FILE COMMUNICATION 17-233, 234, 235.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No discussion.

CHAIR WHITE: Any discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted:

NO. 17-236 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated May 24, 2017)

Reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of April 30, 2017.

The recommended action is that County Communication No. 17-236 be referred to the Budget and Finance Committee.

NO. 17-237 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated May 25, 2017)

Transmitting a notice of transfer of appropriations from Countywide Terminal Pay/Salary Adjustments to Department of Fire and Public Safety's Ocean Safety Division and to various Departments.

The recommended action is that County Communication No. 17-237 be referred to the Budget and Finance Committee.

NO. 17-238 - ALAN M. ARAKAWA, MAYOR,
(dated May 29, 2017)

Transmitting a proposed resolution entitled "APPROVING EMPLOYER UNION TRUST FUND COST ITEMS FOR ALL COUNTY OF MAUI EMPLOYEES".

The recommended action is that County Communication No. 17-238 be referred to the Budget and Finance Committee.

NO. 17-239 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated June 1, 2017)

Transmitting a copy of a Memorandum of Agreement from the State of Hawaii, Department of Health for the Phase 1 portion of work for the GIS Storm Water Infrastructure Mapping of West Maui, Job No. 17-36.

The recommended action is that County Communication No. 17-239 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-240 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated June 7, 2017)

Transmitting a Conditional Permit Application submitted by Jeana Iwalani Naluai, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING JEANA IWALANI NALUAI, A CONDITIONAL PERMIT TO CONDUCT CLASSES IN HAWAIIAN CULTURAL AND MEDICINAL PRACTICES, AND OPERATE THE HO`OMANA SPA AND BATHHOUSE, FOR PROPERTY IDENTIFIED AS TMK (2) 2-4-013:142, MAKAWAO, MAUI, HAWAII".

The recommended action is that County Communication No. 17-240 be referred to the Land Use Committee.

NO. 17-241 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated June 9, 2017)

Relating to the Economic Development Revolving Fund.

The recommended action is that County Communication No. 17-241 be Policy, Economic Development, and Agriculture Committee.

NO. 17-242 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated June 9, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.05.050, MAUI COUNTY CODE, RELATING TO REIMBURSEMENT FOR SUBDIVISION WATER MAIN EXTENSION".

The recommended action is that County Communication No. 17-242 be referred to the Water Resources Committee.

NO. 17-243 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated June 9, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.06A, MAUI COUNTY CODE, RELATING TO WATER SHORTAGE DECLARATIONS".

The recommended action is that County Communication No. 17-243 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with general communications.

GENERAL COMMUNICATIONS

NO. 17-4 - GRANT Y. M. CHUN, A&B PROPERTIES HAWAII, LLC,
(dated May 22, 2017)

Submitting the 2017 annual report in accordance with Condition No. 19 of Ordinance No. 3559, relating to Maui Business Park Phase II – Change in Zoning.

CHAIR WHITE: Members, any objections to, oh I'm sorry, Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO FILE GENERAL COMMUNICATION 17-4.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Crivello.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Pursuant to Ordinance 3559 (2008), Condition No. 19 requires A&B Property, Inc., to provide an annual compliance report to the Maui County Council, and the status of the project and progress in complying with the conditions imposed commencing within one-year of the effective date of the ordinance.

Since April 2008, when the Council approved the Change in Zoning application, the developer has complied with Condition 19. The report views each of the 19 conditions opposed by the, imposed by the Council for the development of the project, and the status of activities relating to each of the conditions. Your report satisfies A&B's obligation to report for this year.

Mr. Chair, since the compliance report is an informational document requiring no legislative action by the Council, I ask that the General Communication item 17-4 be filed.

CHAIR WHITE: Thank you, Mr. Carroll

Any further discussion on this item, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: As long as I've been here, I mean, I understand they're complying with that condition, support, but you know, their Condition 7 continues to sit there not addressed or figured out; "a. the 40-acres for affordable housing".

Before I got here, they had given land at the end of where, what is that Pomaikai School is, and it, iwi was all over the place. So, it was never utilized to say the least. And since then, they still have yet to come up with these 40-acres for these affordable units.

So, I mean, I understand we keep receiving this and we keep pushing it through, but when's the day arrive that we really, you know, hold them accountable for these conditions they, they agreed to back in 2010? So, anyways, just a comment on that. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion, Members? I think most of us agree with your sentiment, Ms. Cochran.

I believe I heard something last week that they are in discussions, but it doesn't, I don't have anything solid on that.

Any further discussion on this item? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 17-80 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Resolution 17-101, entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 2, SUPERVISORY BLUE COLLAR EMPLOYEES," be ADOPTED;

2. That Resolution 17-102, entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 3, NON-SUPERVISORY WHITE COLLAR EMPLOYEES, AND BARGAINING UNIT 4, SUPERVISORY WHITE COLLAR EMPLOYEES," be ADOPTED;

3. That Resolution 17-103, entitled "APPROVING COST ITEMS FOR NON-SUPERVISORY WHITE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 3, AND SUPERVISORY WHITE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 4," be ADOPTED;

4. That Resolution 17-104, entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 13, PROFESSIONAL AND SCIENTIFIC EMPLOYEES," be ADOPTED;

5. That Resolution 17-105, entitled "APPROVING COST ITEMS FOR PROFESSIONAL AND SCIENTIFIC EMPLOYEES EXCLUDED FROM BARGAINING UNIT 13," be ADOPTED;

6. That County Communication 17-206, from the Mayor, be FILED;

7. That County Communication 17-207, from the Mayor, be FILED;

8. That County Communication 17-208, from the Mayor, be FILED;

9. That County Communication 17-209, from the Mayor, be FILED; and

10. That County Communication 17-210, from the Mayor, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would have the Clerk bring up 17-82.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

COMMITTEE REPORT
NO. 17-82 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 17-106 entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FINANCE, FISCAL YEAR 2017 BUDGET," be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE COMMITTEE REPORTS 17-80 AND 17-82, ALONG WITH ITS RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the key component is 17-80. Action by Council this morning will provide from the employees' side ratification of the collective bargaining contracts as the arbitrator has proposed to employers. Your Committee reviewed this. We have made appropriate budgetary adjustments in the Fiscal Year 2018 Budget to address the increases for our employees.

Other than that, Chairman, there was no representation from the employees' side of any disagreements or not to support the arbitrator's proposal before the Council this morning. So, I would recommend adoption of the arbitrator's proposal. I want to thank Director Underwood for representing the County's position much more effectively in this year's contract talks.

And with 17-82, it's a housekeeping matter to assist the Finance Department with some of our obligations regarding employee benefits. Thank you.

CHAIR WHITE: Thank you. Any further discussion, Members, on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 17-80, that's for the record, RESOLUTION 17-101 through 17-105. Relative to Committee Report 17-82, RESOLUTION 17-106.

COMMITTEE REPORT
NO. 17-81 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution _____, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, FISCAL YEAR 2017 BUDGET," be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would ask, ask you and the Members to place 17-81 on end of calendar. I just want to ensure that final adjustments to the grand totals after adoption of appropriate committee reports is accurately depicted on the worksheets. Thank you.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so we'll move that item to the end of calendar. Thank you.

(See pages 124 and 125 for discussion and action.)

CHAIR WHITE: Mr. Clerk.

COMMITTEE REPORT
NO. 17-83 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending that Resolution 17-107, entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO HALE MAKUA HEALTH SERVICES," be ADOPTED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 17-83.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello, with a second from Ms. Sugimura.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Housing, and Human Services, and Transportation Committee met on May 18, 2017, to consider a proposed resolution authorizing a grant of a 30-year lease to Hale Makua Health Services for the continued occupancy of two parcels located at Wailuku, Maui, Hawaii, commencing November 1, 2018, for the purposes of providing a home for the aged and disabled, and an office for Medicare Certified Home Health Agency. The fair market rental value of the parcels is $547,326 per year and the proposed lease would provide for a nominal rental fee of $100 per year.

The first of the two parcels is owned by the State but under the control and management of the County pursuant to Executive Order 4489. And, is identified for real property tax purposes as tax map key (2) 3-4-019:022 *[sic]*, comprising approximately 0.71 acres.

The second parcel is owned by the County and identified for real property tax purposes as tax map key (2) 3-4-019:006, comprising approximately 2.68 acres.

There are no changes to the original lease other than the extension to October 31, 2048.

Hale Makua provides more than 70 percent of the beds for skilled nursing home and long-term care needs of our community. And, the extension of the current lease will enable the Wailuku facility to continue to meet those needs.

Your Committee voted 5-0 to recommend adoption of the proposed resolution incorporating a nonsubstantive resolution, revision noted in Committee; and additional nonsubstantive revisions for clarity and consistency.

I respectfully ask for the Council's report. Thank you, Chair. Support, thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, without objection, we will add the, add to the motion allowing staff to make nonsubstantive adjustments to the, to the bill. We have one clerical adjustment to make. So, any objections?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion Members?

COUNCILMEMBER SUGIMURA: Chair.

CHAIR WHITE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I'd like to speak in support of the resolution. Many years ago, by reading the history of this and hearing my mother speak, my father was a physician for the Wailuku Sugar Mill, or Wailuku Sugar Company, and was part of the medical group that along with my Uncle Izumi, who helped with putting in, fundraising and doing different things to start Hale Makua in those days. And to help build this, this industry, I guess, or this need for the community.

So, I proudly stand in support of what, the work that my dad did in the 60's to do this. And, I would like to see the continuation of the good work of Hale Makua. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Members, we're very close to our noon break. The Chair's intention would be to break now for lunch. Is it okay if we come back at 1:00 instead of 1:30?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections to 1:00?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, we'll be back here at 1:00 to continue with the agenda. Thank you very much. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:54 A.M., AND WAS RECONVENED AT 1:07 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS GUZMAN, HOKAMA, AND KING EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: For the record, relative to Committee Report 17-83, RESOLUTION 17-107.

COMMITTEE REPORT
NO. 17-84 - LAND USE COMMITTEE:

Recommending the following:

1. That Resolution 17-108, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF MAKILA KAI, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be ADOPTED;

2. That the proposed resolution entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF MAKILA KAI, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED; and

3. That the proposed resolution entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF MAKILA KAI, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE COMMITTEE REPORT 17-84.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, with a second from Ms. Sugimura.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. On May 17, May 31, and June 2, 2017, your Committee met to consider a proposed resolution to approve, approve with modifications, or disapprove an application transmitted by the Director of Housing and Human Concerns for the development of the proposed Makila Kai Project on approximately 14.6 acres in Launiupoko, Lahaina, Maui, pursuant to Section 201H-38, Hawaii Revised Statutes.

The project would provide 25 residential workforce housing units on lots of approximately one-half acre in size for individuals and families with annual income from 80 percent to 140 percent of Maui's median income, and 24 market-rate agricultural lots ranging from approximately 1.5 acres to slightly less than 2 acres in size, on approximately 79.5 acres of land owned by Makila Kai LLC.

Pursuant to Section 201H-38, the Council has until June 22, 2017, to act on application, or it will deemed approved as submitted.

The proposed bill requested that a State Land Use District Boundary Amendment was transmitted separately by the County Communication 17-218, from the Director of Housing and Human Concerns. The developer sought to certain exemptions from the application process and procedural requirements of the proposed District Boundary Amendment.

Your Committee notes that the proposed exemptions attached to the revised resolution apply to the residential workforce housing units only.

Your Committee received considerable testimony concerning the potential traffic congestion, water availability and diversion, wastewater impacts on the coastal environment, the need for additional evacuation routes, requiring the workforce housing units to be maintained as affordable in perpetuity, and impacts of future development in the area.

Your Committee heard from DLNR Division, a Water Resources Management representatives, and water experts on the availability of water in the Launiupoko and Kaua'ula Valley area.

Your Committee supported the modifications to the projects such as: timing requirements for start and completion of construction for the residential workforce housing units; a requirement that the affordable units be developed before the, or concurrently with the market-rate lots; building height limitations; development of non-potable water source for irrigation; deed restrictions relating to use and maintenance of the 49 lots and initial marketing period for "first-time home buyers" for the market-rate lots; allowing the construction of accessory dwellings; applying Rural District development and roadway standards; and requiring installation of traffic-calming measures.

(Councilmember King returned to the meeting at 1:10 p.m.)

VICE-CHAIR CARROLL: Your Committee voted 5-3 to recommend adoption of the revised proposed resolution approving the project with modifications and the filing of the resolutions.

Also, one of the concerns that we had during the Committee and afterwards, some Members and myself were concerned with was the 30-year provision for the buyback.

> I WOULD LIKE TO PROPOSE A MODIFICATION RELATING TO EXHIBIT B, ITEM 6 (A). I WOULD LIKE IT TO READ, "PROVIDED HOWEVER THAT DEVELOPER MAY REQUEST OF THE COUNCIL OF THE COUNTY OF MAUI, VIA RESOLUTION, AN ADJUSTMENT OF THE DEED RESTRICTION PERIOD". AND, THAT, THAT WOULD BE A MOTION.

(Councilmember Hokama returned to the meeting at 1:11 p.m.)

VICE-CHAIR CARROLL: Do you want me to make that after we make the main motion?

CHAIR WHITE: I would prefer that you, well, you've made the main.

VICE-CHAIR CARROLL: I'd like to ask for approval of the Councilmembers of the motion, main motion.

CHAIR WHITE: Wait. Hold on just a second.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:12 P.M., AND WAS RECONVENED AT 1:13 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER GUZMAN, EXCUSED.)

CHAIR WHITE: Meeting will please come back to order.

Mr. Carroll, would you like to make that as a motion?

VICE-CHAIR CARROLL: Yes, Chair.

CHAIR WHITE: Okay. Do we have a second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Sugimura.

Discussion on the amendment?

Mr. Carroll?

VICE-CHAIR CARROLL: I think this is appropriate. It doesn't change anything in the original text. But, it does give the opportunity, if problems arise, which many people weren't certain if it would or not, because nobody's done it before. So, if there are problems, it does allow them to come back to the Council, and we can take some corrective action, whatever might be appropriate. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, additional discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Wait, sorry. Can I hear that wording once again?

CHAIR WHITE: Sure. Can you read the motion again?

VICE-CHAIR CARROLL: Provided however, or excuse me, the, and it is for a, the motion is modification relating to Exhibit "B", Item 6 (a). "Provided however that the developer may request of the Council of the County of Maui, via resolution, an adjustment of the deed restriction period."

CHAIR WHITE: Thank you. The purpose of that was, I believe, driven by the, by Ms. Mitsumura who mentioned that she had not gotten clarification that the Fannie Mae and other entities would purchase the mortgages, would be willing to do so if there was that long of a period. Is that correct?

VICE-CHAIR CARROLL: That is correct. This is a safety valve, because we've never done this before. If there are problems, it gives us a chance to correct them. But, it does no way affects what we passed out of Committee.

CHAIR WHITE: Okay, thank you.

VICE-CHAIR CARROLL: Thank you, Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, well, because it doesn't really state, you know, in the event there is negative unintended consequences or in the event there's hardship or something to that effect. It just says they're allowed to come back to, to adjust this 30-year timeframe. So, to me, I mean, just, they wake up one day and go no we change our mind. I mean, I know it's going to have to vet through this body to show hardship, to show. But, I just wasn't sure if it'd be better to sort of state that in the event of a hardship, in the event of the developer is, you know, given the opportunity to come back to this body via resolution to something something. I, I don't know.

CHAIR WHITE: Something along the lines of in the event that the.

COUNCILMEMBER COCHRAN: Yea, I mean, it's--

CHAIR WHITE: That the, not the developer, but the applicants have difficulty getting financing because of.

COUNCILMEMBER COCHRAN: Yea.

COUNCILMEMBER KING: Chair.

COUNCILMEMBER COCHRAN: Yea, I mean, I just feel like it's real open and general to the, perhaps, we all aren't here and we don't really know the history or background on why this condition has been inserted, and it was due to this fact. And it really doesn't even say it in the actual, you know, this motion. So, I don't, that's just kind of my, my thought pattern and sort of difficulty right now.

CHAIR WHITE: Corp. Counsel, you look like you were wanting to say something.

DEPUTY CORPORATION COUNSEL JEFFREY UEOKA: Thank you, Chair. Would this body be open to, if the Director of Housing and Human Concerns concurs with the hardship, whatever it may be? I'm, just throwing out options here. Cause, if you just use subjective language, it's also difficult to prove.

COUNCILMEMBER KING: Right.

DEPUTY CORPORATION COUNSEL UEOKA: That's just my comment. Thank you, Chair.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Yea, Ms. King, followed by Ms. Sugimura.

COUNCILMEMBER KING: Yea, I am real uncomfortable with this amendment because of that. Because I think there's arbitrary reasons that could come up because we've already heard that some people had their loans approved based on the 30-years. That's, I asked that question of a testifier who was with one of the real estate agencies. He said, yes, some people had their, I asked that of the developer in the last couple of days. He said, yes, loans have been approved based on the 30-years. So, we know it's working, and we could bring the developer up and ask again.

I, I think if we stick this in, and we allow it to come back to us because some banks don't want to do the loans, then we're, we're making exceptions for certain banks to allow more banks to come in. I think, I think what we have right now is something that's working based on the 30-years. It's, it is the first time. I think it's a great thing that we can see people getting loans based on the 30-years. And I wouldn't want to open the door to creating problems just so we can change the, the stipulation of the, the length of affordability.

So, I mean, can we bring the developer back up? And, and is this an appropriate time to ask for that?

CHAIR WHITE: Yes. I'm, I'm open to that.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I was wondering if maybe Corp. Counsel could come up with language that may be more agreeable? But, I would love to hear from the developer too, if, if you allow us, Chair.

CHAIR WHITE: Without objection, Members, we'll bring Mr. Brown down.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: And, you know, before Mr. Brown makes his comments, the Chair's concern is that the, the 30-year is more of a challenge for the buyers than it is for the developer. And, because they're, they're going to, they're going to be living with it. And if, if they can't get it financed because only a, because those loans are not saleable to Fannie Mae or Freddie Mac, then I think, I think we've got a problem. So, I don't know whether we can state it that way.

But, Mr. Brown--

MR. BROWN: So, after the last hearing, we got some language that the deed would have if it was a 30-year restriction from our attorney who will draft the deed. And the brokerage company who was up here, Van and Buz sent it out to lenders. There's multiple lenders as you know that would be with the project. We got emails back from two of them saying that they thought it would be okay. I don't think they've actually had the time since then to approve the loan with that. But these people were already approved, and they did say that they thought the deed was okay.

Fran, that was here, is one of the biggest lenders, definitely on West Maui. And we hadn't heard back from her. I definitely want to keep it 30-years without any way for anyone to wiggle out. But, I certainly like the safety valve that Councilmember Carroll is proposing in case we do have a problem.

You know, I think what may come up is, maybe the people who have zero down would have a harder time than the people who have a little bit down. And I'd hate to see something like that happen and, and disqualify some people, but.

CHAIR WHITE: Yea, the, the challenge that I see is that we have no second reading. Like, if this was first reading for a bill, then we would have the two weeks or whatever time

we need to, to make adjustments; find out whether or not the banks are going to be able to accommodate the resale of the loans at 30, at 30-years.

I think everybody's, everybody's comfortable with the 30-years, but we don't have second reading by which time we could get clarification, so.

MR. BROWN: Could we possibly say only in the event that they're not all sold in the first lottery, that, or something to that language? Cause I think they probably will be all sold, but, cause there's 150 applicants, but worst case, what if they can't get qualified and all these applicants go away? We don't want to sell them. We're waiving our right of the higher rate, of higher price. But, to get them sold, possibly some language that could allow, no; shaking his head.

COUNCILMEMBER KING: Well, Chair, can I just comment on that? Because I think--

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: --the problem is that you can't let some, you can't, you know, say you get 15 of them sold in that 30 years, and now you're going to let the other 15 have a 10 year. I think there's an inequity there. And that was my concern with how it's worded too. We're saying if it's a problem for some people, we're going to adjust it for everybody.

But, you know, I mean, it, it's a bold step, but I think that this Council should take that bold step. We, we need to do something. We need to do something important, and we need to do something that's going to be meaningful.

CHAIR WHITE: Yea, the, the only, the challenge that we have is it, if, if 30-years is a non-starter for the majority of the banks, we have no way to readdress it. Because, once the 201H process is complete here, it goes forward as is. And we have no, there is no ability for us to address it or for them unless they can start the process over. At least that's my understanding.

Is that correct, Mr., Corp. Counsel?

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. 201H alone does not discuss amendments to the Council's actions. So, by putting in language like that, it would facilitate what you were speaking of. Thank you, Chair.

CHAIR WHITE: So, it gives us the option of allowing them to come back if there's a problem. I'm, I'm--

COUNCILMEMBER KING: But, Chair, the, my problem with that is that if you have two people who have a problem with it because they go to certain lenders, they're not going to the lenders who are approving the 30-year affordability period. And they say, well we can't, because we can't get the loan from the bank that we want to get the loan from, now there's a problem. And so, we're setting ourselves up to create problems for people who are adamant about only using this lender or that lender that may have already said they have a problem with the 30-years.

CHAIR WHITE: No, I, I understand your point. I, and I would be comfortable narrowing the scope so that if no one can get a loan at 30-years, they can come back.

COUNCILMEMBER KING: Well, that would--

MR. BROWN: Yea, and it was pointed out to me too that the way Councilmember Carroll was proposing it as that we wouldn't have the authority to give loans, or to approve anybody. It would come back and then you all would make a decision at that time how it would proceed; not the developer or the lender, I believe, is how he was proposing it that it would come back here to your decision making.

COUNCILMEMBER KING: Chair, I would be more comfortable with that language that you just said; that if no one can get a loan with the 30-year stipulation. But, to just say that there might be a problem with, with one or two, I think is, is setting ourselves up for--

CHAIR WHITE: No, and I don't think that was the, the intent of Mr. Carroll's amendment.

COUNCILMEMBER CRIVELLO: I have a question for the developer.

CHAIR WHITE: Yea, Ms. Crivello.

COUNCILMEMBER CRIVELLO: It, it was mentioned that there have been loans approved. And is that approved with this deed restriction of 30-years? And if so, how many applications have gone forward?

MR. BROWN: So, I don't think any of them were actually approved with the 30-year, cause they were all approved before we decided that. But the, when the lenders did look at the deed and the deed restriction, it, it still allows them to foreclose. So, they said they thought they were okay with it; two of the lenders, and there's over five. So, it was a positive thought from a couple of them. But, they did not use that information originally to qualify them.

Right, and they've been prequalified, not approved for a loan, yea.

COUNCILMEMBER CRIVELLO: Right.

MR. BROWN: Tom Welch was pointing out that it would, it, the deeds would change for everybody, so that it would all be consistent if it did have to change, not just one or two buyers.

COUNCILMEMBER CRIVELLO: So, in a, in a normal development world that you're doing, so you have these affordables, and if you have no buyers, what's your next step? Is it to raise it up to market? How will you deal with the actual, if you have lenders that say, oh 30-years, no. Then what's your, what would be your next step if you didn't even have this provision, or amendment?

MR. BROWN: Yea, so I've been willing from the beginning to waive my right, cause for, to sell them at a higher price, cause I think there is such the need. What I had proposed one of the previous meetings is that would be a decision up to the Department of Housing and Human Concern, how to sell the houses and what next step to take if they would, if they actually couldn't sell because of something like that. But, I'm open to anything that would work. And, I mean, I'm fairly comfortable with the 30-years. I would just hate to see it, there be a problem that we're all unaware of as well, and, and you know, so.

CHAIR WHITE: Would you be comfortable with wording such as, if, "if no buyers are able to establish a mortgage due to the 30-year deed restriction, then you would have the ability to come back"?

MR. BROWN: I wonder if we couldn't use the word majority, cause I think some people will get gifts from their family to help with the down payment, and that may allow them to qualify a lot easier than your typical affordable buyer. So, it would be a shame to see one or two people have a bigger down payment, and be able to get a mortgage and then not the majority of the people. But that language would be better than no language, so.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Mr. Carroll, followed by Ms. King.

VICE-CHAIR CARROLL: Thank you, Chair. What he proposes would not work. It either has to be right across something for everyone. It will not work splitting it like that, because that would put us in a bad position. It would put some people at a disadvantage and some people at an advantage. That would, that would definitely not work. It has to be something that if there are none, they can come back and we can consider an action.

This promises nothing. This is before us, promises nothing. It just gives them the ability, because it's so tied up with the 201H that they have the opportunity to come back. But it does not promise any action. And that's why it was written up like that. It does not promise any action. It does not say we will reduce it, take it away, make it another number, raise it. It just says that they can come back if there are problems to the Council.

And, since we are the ones that put the 30-year on there, I think that we, it is responsible for us to go over there and make sure that we don't put the people that we're trying to serve in a position where they can get their product. Thank you, Chair.

CHAIR WHITE: Thank you.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, I, I think I agree with Mr. Carroll. It has to say none. You can't, you can't say the majority.

And, the, the issue is not how much money people have. The issue is will the banks lend with this deed restriction. So, the deed restriction doesn't change based on what people have to put down. So, that's really the big issue.

And, if, if everybody, if there's only one bank that will do it, and everybody has to get their loan from that bank, I'm good with that. I mean, more power to them if they're going to open themselves up to, to helping fund affordable housing. But, I don't think we can, we can start using degrees of how many people can afford this, because then you start getting into subjective decision making. So, thank you, Chair.

CHAIR WHITE: You know, one of the reasons I think that this is a reasonable thing for us to do is that Mr. Brown is already committed not to selling these at market rate. And, if, you know, if this was a normal, a normal project, you would have the right to sell things at market rate after a certain amount of time on, on, on the, on the market. So, I think it's a reasonable thing to do.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, Chair, I have a question. Based upon the discussion, I, I think if I hear the developer, he's saying, with this amendment, he would have to wait to see if all 25 affordable homes would qualify before he could move on the first person that got accepted. He has to know if all 25 are going to get financed through mortgage before he'll know if there's a problem. Whereas, I think, I'm not too sure what, how the language can be, but I hear what everybody is saying. But, it would

delay, I think, them continuing with the project or starting until he knows if all 25 are sold at the 30-year rate deed restriction.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: The, for me, the only challenge is that we don't have time to allow the, the bankers to come and talk to us because there's no second reading. Once we take action today, it's, it's off to the races.

COUNCILMEMBER SUGIMURA: It's done. Right.

CHAIR WHITE: And, so that's, that's the only reason I think, this is a responsible thing to do. Because we're simply opening the door if there are problems, they can come back to us and request an adjustment. If there aren't problems, they're going to stick by the 30-years.

Ms. King.

COUNCILMEMBER KING: Thank you.

CHAIR WHITE: Followed by Mr. Hokama.

COUNCILMEMBER KING: Yea, I just wanted to respond to the earlier comment. Because, with the language that we're talking about, as soon as one person gets a loan, we're done. We don't, we're, you know, if we say only in the event that no loans are being able to be given out, as soon as one person gets a loan and we're, we, they can move ahead. I mean, it's, it's, it's moving.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: So, Chairman, if I, I'm trying to understand what your ruling is going to be. So, if this amendment moves forward, does the Council need to waive its Rules, because now it's a change in the final format? So we're going to need to waive Rules to take action today, because it's been amended in, and the final form has not been posted for agendized. So, we're going to waive the Rules?

CHAIR WHITE: I would assume we would need to.

DEPUTY COUNTY CLERK: Mr. Chair, if I may.

COUNCILMEMBER HOKAMA: I need the Chair's ruling, not the Clerk's.

CHAIR WHITE: No, I'd like his advice.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, I would defer to Corporation Counsel on the understanding of this Rule. But, my opinion on the Rule 19C, which is what Councilmember Hokama is stating about amendments at final reading. The Rule does state that "This requirement of a delay shall not apply to: (1) any bill or resolution that requires final action at the meeting to ensure compliance with a deadline established pursuant to Federal law, State law, or the Charter."

State law sets a deadline on the Council's decision making on this item, within 45 days, which is, I believe my understanding is June 22, which would not give us enough time to post for an additional meeting.

CHAIR WHITE: So, my, my ruling would be that we can pass it, we can amend it and pass it today based on the fact that we are under a time deadline.

COUNCILMEMBER HOKAMA: Okay, Chairman. I would like to see this amendment in written form.

CHAIR WHITE: Do we have that in written form? Mr., Mr. Carroll, do you have the amendment in written form?

VICE-CHAIR CARROLL: Yes, I do Chair. But I didn't have time to make copies.

CHAIR WHITE: Okay. Let's take a, a--

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: --recess at the call of the Chair--

COUNCILMEMBER COCHRAN: Oh, sorry.

CHAIR WHITE: --and make copies.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:33 P.M., AND WAS RECONVENED AT 1:35 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER GUZMAN EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Mr. Hokama, we have distributed the comments in writing.

COUNCILMEMBER HOKAMA: Yea. So, Chairman, I thank you very much for providing this to the Members. And I appreciate Mr. Carroll for making the amendment possible.

So, Chairman, you know, I, I understand your ruling, why you feel that we need to move forward on this, hearing the comments from the County Clerk. But, if you look at the agenda, Chairman, this cannot go forward unless the next item moves forward too. And it's a bill for an ordinance with two readings. This project cannot go unless the District Boundary is also approved. So, I don't get the posting. Cause we're going to post second reading on the District Boundary Amendment. Or do, have I missed something with this application that we don't need the District Boundary final approval to make this project go forward?

CHAIR WHITE: I think we need a, the approval. I'm not sure that it needs to happen at exactly the same time.

Corp. Counsel.

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. This was a strange one. It is a 201H, which is a resolution, so that would pass, you need to pass that before the 40 or by the 45th day. On the 46th day if Council doesn't do anything, the application goes into effect as presented by the developer. So, I believe June 22 is 45 days.

And the second half is the District Boundary Amendment.

COUNCILMEMBER HOKAMA: Correct.

DEPUTY CORPORATION COUNSEL UEOKA: Which is a little different in a sense that I don't think we can, well not, I shouldn't say we cannot, but it's, I believe that this language does belong more in the modification list than in the District Boundary Amendment area. And, that does need two readings, cause it is an ordinance. So, you are correct, Mr. Hokama. But, today, the 201H would need something in--

COUNCILMEMBER HOKAMA: So, there's no clock on the District Boundary?

CHAIR WHITE: I believe it's separate.

COUNCILMEMBER HOKAMA: Okay. So, we can choose not to even adopt it then today, and not going to make a difference on the resolution's impact, right? That's what you telling us? We don't need the District Boundary to make the 201 go forward?

CHAIR WHITE: Go ahead.

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. Yes, they are separate. I do believe they are linked in the sense that if one of them doesn't happen within "x" amount of time of the other, it will automatically terminate also.

COUNCILMEMBER HOKAMA: But there's no clock on the ordinance, so Council can take whatever time it's feels is appropriate; one year, two years, whatever.

DEPUTY CORPORATION COUNSEL UEOKA: If I may, Chair.

CHAIR WHITE: Corp. Counsel.

DEPUTY CORPORATION COUNSEL UEOKA: I believe the 201H, they have so much time. I think it's two years to begin construction from the date of the passage of the resolution. And in the District Boundary Amendment, there's also something that says, if they don't start then the 201H goes away; even if you give them the District Boundary Amendment, it goes away, the 201H goes away too.

COUNCILMEMBER HOKAMA: That's the condition on the ordinance?

DEPUTY CORPORATION COUNSEL UEOKA: Yes. There, it's, they're conditioned to each other, I believe.

CHAIR WHITE: Okay. So, Corp. Counsel, is it correct to state that the, while they are conditioned on each other, they don't have the same time restriction? The resolution for a 201H has the time constraint, but the, the bill for the District Boundary Amendment does not require to be passed at the same, in the same 45-day period?

DEPUTY CORPORATION COUNSEL UEOKA: Yes, Chair, you're correct. There's no automatic approval on the District Boundary Amendment like the 201H application. Thank you, Chair.

CHAIR WHITE: Thank you.

COUNCILMEMBER HOKAMA: Thank you. I am very clear on the status. Thank you.

CHAIR WHITE: Okay. Thank you.

Any further discussion on the amendment?

COUNCILMEMBER COCHRAN: Yea.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Well actually, oh, Mr. Brown is still here. I had a question in regards, because this has to do with the applicants, and lenders, and why we're trying to, you know, be sort of protective.

So, Mr. Brown, you mentioned these five lenders. Is this, so, obviously, the applicants can only go to these five that you have chosen?

MR. BROWN: No, no. Of course, they can go to any lender they want.

COUNCILMEMBER COCHRAN: Okay.

MR. BROWN: Yea. We just had about five in mind to send it out to see what they would say. But, it's absolutely open to everybody and we've made that really clear.

COUNCILMEMBER COCHRAN: Okay, good.

And then, Chair, a question for Corporation Counsel in reference to this amendment. When you, Mr. Ueoka, this is, we passed this out today, and then you said what gets passed out sort of is what it is. So, it cannot come back for any amendments or any, after the decision has been made. But, I guess this is, this, this amendment is looking to make adjustments in the future if need be. So, isn't that going against what you stated about once this passes out, it passes out, and it's, and it is as is?

CHAIR WHITE: Mr. Ueoka.

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. Sorry if I wasn't clear. But, all I said was 201H doesn't allow for an amendment process. However, if this body wants to allow it, it's, as the legislative body, you guys have pretty free reign over your actions. I just said it would be a lot cleaner if you did have clear language that allowed the developer to come back in for an amendment.

Similarly to the Kaiwahine 201H, the body allowed for an extension if the developer came in in time, and I believe that was heard also. It's just cleaner for everyone. We're not questioning what the process would be, how it would work, if you guys put it in now. Thank you, Chair.

CHAIR WHITE: Okay, just to follow up on her question. Are you stating that we can, if there are, if we pass it as is without this amendment, then we can amend it later if we choose to do so? Is that correct?

DEPUTY CORPORATION COUNSEL UEOKA: What I'm saying is 201H doesn't prohibit it anywhere. It also doesn't say to do it either. It's silent on it. So, it's a lot cleaner if you put it in, if you intend to allow something like that. Thank you, Chair.

CHAIR WHITE: Thank you.

Ms. Cochran.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I thought I was clear. Now I'm not clear anymore. Yea, I'm looking at the amendment, but there's no, you know, we discussed putting the reason in here, and there's no reason in here. So, this just allows the developer, it just says, "Provided however that the developer may request the Council of the County of Maui, via resolution, an adjustment of the deed restriction period."

BUT, WE JUST DISCUSSED PUTTING IN THERE SOMETHING TO THE EFFECT OF, IF NO LOANS ARE APPROVED DUE TO THE 30-YEAR DEED RESTRICTION, THEN WE WOULD ALLOW THIS TO COME BACK. SO, IS THERE A WAY TO GET THAT INTO THIS AMENDMENT?

CHAIR WHITE: If--

COUNCILMEMBER KING: Amend the amendment.

CHAIR WHITE: If the maker of the motion, Mr. Carroll.

VICE-CHAIR CARROLL:

I HAVE NO PROBLEM WITH IT.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: Okay, so, who was the seconder? Ms. Sugimura, do you have a problem with that? Okay.

Okay, so the motion has been amended to include the words Ms. King just stated.

COUNCILMEMBER KING: Thank you. Thank you, Chair. Thank you, Member Carroll.

CHAIR WHITE: Mr. Brown, do you have any comment?

MR. BROWN: No, I'm--

COUNCILMEMBER COCHRAN: Sorry, we need that repeated.

COUNCILMEMBER KING: Okay, so.

MR. BROWN: I'm, I'm completely fine with it after all these points were clarified for us. And I just want to say we're completely committed to the 30-year and making it work. So, if the amendment is a problem, we could remove it. But, if you're all happy with it, with this, we can keep it.

COUNCILMEMBER KING: Would you like me to read that again?

COUNCILMEMBER COCHRAN: Yea.

COUNCILMEMBER KING: Okay.

> PROVIDED, HOWEVER THAT IF NO LOANS ARE APPROVED DUE TO THE 30-YEAR DEED RESTRICTION, THE DEVELOPER MAY REQUEST OF THE COUNCIL OF THE COUNTY OF MAUI, VIA RESOLUTION, AN ADJUSTMENT OF THE DEED RESTRICTED PERIOD.

CHAIR WHITE: Correct.

COUNCILMEMBER SUGIMURA: Sounds good.

CHAIR WHITE: Okay. Any further discussion, Members? Seeing none, all those in favor of the amendment please signify by saying "aye".

AYES: COUNCILMEMBERS COCHRAN, CRIVELLO, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS ATAY AND HOKAMA.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: I think I heard two; Mr. Atay and Mr. Hokama. Anyone else, a "no"? Okay, thank you. The measure passes with six "ayes" and two "noes"; Mr. Atay and Mr. Hokama.

Thank you, Members. We're back to the main motion.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, just wanted to put this out there. It was, I'm looking for possibly an amendment also in reference to the lottery process. And it had been discussed during Committee, and Ms. Reimann was here from Housing and Human, also Mr. Brown. And, there's been, I guess, maybe there are rumors, or things that have been occurring in other projects where the lottery people have doubts on how the, that it's a very open and fair process that has been occurring.

And so, I had asked Ms. Reimann at the time if somehow Housing and Human could oversee the process and, and be involved and make sure that things are on the up and up. And, also Mr. Brown, I had run it by him, and he is in agreement. And he is nodding his head currently.

But I, let me just state what it is that I'm trying to do here. The Department of Housing, Human Concerns, shall oversee the distribution of all affordable units via lottery. No affordable units shall be promised or pledged to applicants prior to such lottery.

Cause that pledging and promising supposedly has been occurring elsewhere, not here. And would like to sort of allay people's fears and doubts in the, in the community currently by placing this within this reso, if the body feels appropriate. And it's, to me, very, very fair and open. And as I stated, Ms. Reimann was open to it. And we can ask the, the applicant too if, how he feels about this.

CHAIR WHITE: Mr. Brown.

MR. BROWN: Yea, I'd prefer not to be involved in the lottery. So, I did hire that outside broker, but I'm completely fine with anyway that you all want it administered.

CHAIR WHITE: Okay. You want to restate it as a, as a motion.

COUNCILMEMBER COCHRAN: Yea so, Chair, my, yea so, however you want to do.

> I MOVE TO INSERT A, WOULD THIS BE A CONDITION I GUESS, "THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS SHALL OVERSEE THE DISTRIBUTION OF ALL AFFORDABLE UNITS VIA LOTTERY. NO AFFORDABLE UNITS SHALL BE PROMISED OR PLEDGED TO APPLICANTS PRIOR TO SUCH LOTTERY."

COUNCILMEMBER KING:

> SECOND THE MOTION.

CHAIR WHITE: Okay. Where exactly are you placing that in the bill, or in the reso?

COUNCILMEMBER COCHRAN: This would be exhibit--

CHAIR WHITE: Exhibit "B"?

COUNCILMEMBER COCHRAN: --"B", is that right? Yea.

CHAIR WHITE: Yea.

COUNCILMEMBER COCHRAN: Yes.

CHAIR WHITE: So, you'll just add it to the end of the modifications? So, it would be number 10?

COUNCILMEMBER COCHRAN: Is that the number? Yea, it would be on Exhibit "B". Yea, if that would be the appropriate numerical order, then.

CHAIR WHITE: Staff, would that be the place that it would go? Or Corp. Counsel?

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. Yea, it would probably fit best in the modifications, Exhibit "B", item 10.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: Okay. So, we're adding an item 10 to the modifications, as outlined by Ms. Cochran. And, she had the motion, which Ms. King seconded.

Any further discussion, Ms. Cochran?

COUNCILMEMBER COCHRAN: No, not at this time. Just looking for support of this body. Thank you.

CHAIR WHITE: Okay. Any other discussion, Members, on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

We're back to the main motion.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Further discussion?

COUNCILMEMBER KING: Yes.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you. While we have the developer here, I want to address an item that came up in testimony earlier regarding the EA. The language, it says, submittal of an approved EA or an equivalent document. And I wonder if the developer could address what you've done that would qualify under this provision.

MR. BROWN: Yea, I'll let Tom Welch address that. It's a legal question.

MR. WELCH: Yes, the, the EA language that was cited before by the representative from Maui Tomorrow is in the instructions for the HHFDC instructions for the, of how to fill out the 201H application. And what it says is, it's a reminder, it says submittal of an approve EA (if an EA is required). That's the qualifying language. And, and so it's directing the applicant to go to Chapter 343, the statute that regulates EA's and EIS's to make sure that that the project does not contain any triggers that would, that would

require an EA. This, the, the whether or not a trigger on this project was, was addressed and analyzed in the application.

There's a letter from the consultant Tom Schnell to the Director of the Department of Housing and Human Concerns, and the Planning Director, and so forth, addressing the EA requirement in detail. And pointing out that there is no trigger in this project that would require an EA to be provided. That was all reviewed and discussed, and, and, and I believe accepted by everybody in dealing with the application.

The, also, the application itself addresses pretty much every category of inquiry that an EA requires. So, the language in the, in the instructions goes on to say "or an equivalent document if an EA is required", and, and or an equivalent document. So, the application itself is pretty much of an equivalent document.

COUNCILMEMBER KING: Okay.

MR. WELCH: So, we've gone through this, and I think--

COUNCILMEMBER KING: That, well, that was my question to you; what do you have that's equivalent? Because, I do believe, according to this 201H document, this is, this is pulled directly out of the 201H requirements, it says in here "Submittal of an approved EA or an equivalent document is a threshold requirement for any one of the following conditions". And then it lists the project will rely on non-public sewer or water systems, or the project is a subdivision, requests subdivision exemptions. So, that's, you know, that's probably not in the EA document that you're looking at. But, it's in the 201H requirements. So, that's what, I think, was brought forward to us.

And maybe we, so that's why I'm asking you, do you have an equivalent, an EA equivalent that would qualify for this section of the 201H requirements?

MR. WELCH: Yes, the application, all the detailed analysis and category, categories and presentations in the, in the, in the application itself and its exhibits are the equivalent of the EA. That's the way it's been done with other projects. And it's customary to address it that way. And, so--

COUNCILMEMBER KING: I just want to make sure there aren't any legal issues.

MR. WELCH: Yea. Yea.

COUNCILMEMBER KING: So, you know, I mean there may be other documents that talk about EA requirements in other instances, but this is a 201H project, so we have to look at that document.

MR. WELCH: And, and again, that requirement is only kind of in the instructions to kind of warn you. It isn't, it isn't, it is not in the regulations of HHFDC; the detailed regulations that detail the contents of the application. It's not in their, an EA, there's no reference to an EA in there. This is like a reminder.

COUNCILMEMBER KING: Okay. But it does say, it doesn't say may be required. It says is required if these conditions are met, if one of the following conditions. So, that's where I'm get, you know, I want to make sure that all the ducks are in a row.

MR. WELCH: Thank you. Good.

CHAIR WHITE: So, what you're stating, Mr. Welch, is that the, the document that has been provided is the equivalent document or--

MR. WELCH: Yes.

CHAIR WHITE: --or similar document to an EA.

MR. WELCH: That's correct, Mr. Chair. And that's the way I think it's usually viewed.

CHAIR WHITE: Thank you.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran, followed by Mr. Atay.

COUNCILMEMBER COCHRAN: Thank you, yea. And, thank you. And, so the, that, this application that you're deeming equivalent to an EA, who, is that just via your analysis? That's your opinion, or is that HHFDC's equivalent opinion that what you've submitted is equal to a EA, an EA? Who determines that?

MR. WELCH: The Departments that process the appli, all the County Departments that process the application and, and I think Corporation Counsel was in, was involved in the discussion as well.

COUNCILMEMBER COCHRAN: Okay. And then a follow-up, Chair. So, also, this is saying your application will be accepted for this 201H expedited processing if you, the developer can provide an explanation as to why the request is not being processed through the County process. What, what is your reasoning for not going through the normal County process, EA, public commenting, all this other stuff? Why are you doing it this way?

MR. WELCH: I'm not sure I understand the, the question.

COUNCILMEMBER COCHRAN: So, "Threshold Requirements for Application to HHFDC", item "b. Developer provides an explanation as to why the request is not being processed through the County process." Were you not, you were not asked that?

MR. WELCH: Yea, you better answer that one.

MR. SCHNELL: So, let me, so the, the rules are HHFDC rules. And basically, what the rules are deferring to is you can process it through HHFDC or you can process it to through the County.

COUNCILMEMBER COCHRAN: Right.

MR. SCHNELL: We are processing through the County, that's why we're before you, and we went through the Department of Housing and Human Concerns.

COUNCILMEMBER COCHRAN: Right. Sorry, Chair, a follow-up. But, HHFDC wants to know why you're going through them? And that's my question. What is your answer to them; why? Not just, I'm not doing County cause I'm going through you. They want to know why you want to go through them.

MR. SCHNELL: Right. Well, HHFDC has different requirements as far as the affordability of homes. For example, HHFDC, you can sell all of the homes at 140 percent of the median income. The County has different requirements which we follow that has the tiered approach. So, HHFDC, in my experience, defers to the County and would prefer to have the County process it rather than them process it.

COUNCILMEMBER COCHRAN: So, what, Chair, can I get, it looks like Corporation Counsel has something to say right now.

CHAIR WHITE: Mr. Ueoka.

DEPUTY CORPORATION COUNSEL UEOKA: Let me take a shot at this. Ms. Cochran, I believe what these instructions are saying is why are you trying to process the 201H application through HHFDC instead of processing the 201H application through the County of Maui. They are processing it through the County of Maui. That's the, you can, you can, HHFDC does have the ability to process 201H applications, similarly to how the County does it through, you know, the Departments.

That's what that point is. They want to know, in their threshold requirement, why us, why not the County? Why aren't you doing 201H with the County of Maui? Why are you asking us to work with you?

COUNCILMEMBER COCHRAN: Okay. And I guess for, back to Corporation Counsel, Chair. The initial, I guess question that was posed out there, and people using the word litigation today in their testimony, is there a potential? I mean, do you see currently with this item "e"? And I, and Ms. King pointed it out, the thresholds and this and that, I mean, is there a potential, are we at risk, I guess, for litigation that we are not following, you know, the actual application process and what have you? Or, are the documents appropriate and are, are we, you know, covering ourselves in processing this through?

CHAIR WHITE: Mr. Ueoka.

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. I won't say there's no risk of litigation ever, cause anyone can sue of course. However, we do feel comfortable with this application the way it is presented right now. Thank you.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Yea, I don't know who to ask, whether developer or what. I'm trying to understand environmental assessment. One was saying equivalent to, but the presentation is this is not your guys' presentation, it is not an environmental assessment.

MR. SCHNELL: It's a 201H application, correct.

COUNCILMEMBER ATAY: And, in the 201H application process, under chapter, HRS Chapter 343, where it talks about the applicability and requirements, except as otherwise provided, an environmental assessment shall be required for actions that propose any: a wastewater treatment unit, except an individual wastewater system or wastewater treatment unit serving fewer than 50 single family dwellings, or the equivalent. My understanding is that your proposed subdivision creates the opportunity of switching from 3 multi-millionaire homes with 3 affordable dwellings, accessory dwellings, to now a request to 24 multi-millionaire homes with 24 accessory dwellings, and 25 affordable homes with 25 potential ohana units; giving a total of 98 dwellings.

So, for me, if we following this environmental assessment requirement, wouldn't that be a trigger for an environmental assessment? So, the question is I don't know, to the developer or to Corp. Counsel.

CHAIR WHITE: We'll have both address it, starting with the developer.

MR. SCHNELL: So, we're, we're proposing 49 homes; 25 affordable and 24 market. If sometime in the future a homeowner individually would like to go forward and build an ohana, it would be their responsibility to require all the required, acquire all of the required permits.

Now, whether every home is going to do that, I don't, I don't know and I don't think so. And it would take a period of time, just as anybody that has a large enough lot now could apply to the Planning Department for an accessory dwelling. So, the purpose in that is we, we don't want to prohibit somebody from doing that, but we're not going to build that, and we're.

CHAIR WHITE: Corp. Counsel.

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. We felt comfortable being that this application was for 49 units. And there is language saying that any additional units will be required to follow all laws. Thank you.

COUNCILMEMBER ATAY: Chair, if I may ask--

CHAIR WHITE: Yes.

COUNCILMEMBER ATAY: --approach Corp. Counsel. So, then once again, I'm, I'm being asked to, to make a decision. And I want to be sure that we are 100 percent, as a County, legally covered in giving these potential, I consider this potential breaches just under the threshold, potential breaches of environmental assessment. Are we 100 percent going to be legally covered? And, could the County be legally vulnerable for approving any of this, I consider it's an incomplete application?

CHAIR WHITE: Corp. Counsel.

DEPUTY CORPORATION COUNSEL UEOKA: If I may, Chair.

COUNCILMEMBER HOKAMA: Chairman, point of order.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: I'm coming very uncomfortable discussing the liabilities of this body in an open session meeting.

CHAIR WHITE: I would agree and, and Corp. Counsel you can temper your response--

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair.

CHAIR WHITE: --appropriately. And, go ahead.

DEPUTY CORPORATION COUNSEL UEOKA: Thank you. Well, Mr. Atay, I don't, or Councilmember Atay, I don't believe I can sit here and say we're 100 percent legally covered. We do feel the position we have moved forward in is defensible in a court of law. And there are certain protections afforded to the County under the 201H process as the decision making goes. Thank you.

CHAIR WHITE: Thank you.

COUNCILMEMBER ATAY: No further questions.

CHAIR WHITE: Okay. Any further discussion, Members?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, I actually have one more very short amendment. And if I can get a second, I'll explain it. But on, in the exemption that talks about Maui County Code, the Chapter 2.80B, Maui County Code, General Plan and Community Plans. And the last part of that, that sentence, I think is erroneous, because it asks for an exemption, and I had a discussion with developer about this because I am very uncomfortable as you know, exempting, waiving the Community Plans. But, it was worded as an, as an exemption from the west, to the West Maui Community Plan and Land Use Map.

AND I BELIEVE WHAT THEY MEANT TO SAY WAS IT'S AN EXEMPTION FROM THE WEST MAUI COMMUNITY PLAN LAND USE MAP, SO, IT'S AN EXEMPTION FROM THE MAP, BUT NOT THE REST OF THE PLAN; SO, ANYWAY, THAT'S MY, MY AMENDMENT.

I can, I'll go into further detail if I get a second on that.

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER KING: Thank you. Thank you, Chair. So--

CHAIR WHITE: I'm sorry. Wait, could you restate that? I didn't realize you were making a motion.

COUNCILMEMBER KING: Okay. I was making a motion to amend the Exemption from Title 2, Maui County Code, Administration Personnel, to read at the end of it, to read.

CHAIR WHITE: Could you give us the page?

COUNCILMEMBER KING: You want me to read the whole thing?

CHAIR WHITE: No. Just give us, are you in the modifications?

COUNCILMEMBER KING: This is exhibit, I'm sorry, Exhibit "A", exemptions, Exemption "A". I'm sorry, is that Exhibit "A"? Yea, Exhibit "A", Exemption "A".

CHAIR WHITE: Okay, which starts by saying exemption from Title 2?

COUNCILMEMBER KING: Right. From Chapter 2.80B.

CHAIR WHITE: Right.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: Okay, so state your motion again, please.

COUNCILMEMBER KING:

> SO, MY MOTION IS TO AMEND IT BY REMOVING THE WORD "AND", IN THE LAST PART OF THE SENTENCE; SO THAT IT READS, "AMENDMENT TO THE WEST MAUI COMMUNITY PLAN LAND USE MAP", RATHER THAN AMENDMENT TO THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP.

So, the, the point of that is that there's, there's a, there's a little bit of a debate about this, Chair, in, in the Community Plan reviews as to what, you know, what constitutes a community plan. Because, in the past, there's been most of a focus on land use. But, going forward, there's been a very rich discussion about the other parts of the Community Plan which were, were actually listed in the developer's testimony regarding things like the environment, economic activity, housing, urban design, social

infrastructure, and things like that. And so, my, my discussion with the developer is that they're not trying to exempt themselves from any of this. It just is specifically on the land use map.

And because there's been testimony at various presentations of the Planning Department by the public about what constitutes a community plan, and that it's beyond just land use. It also has to do with things like sustainability. There's agriculture, environment. There's social well-being. There's all these other, there's economic activity that exempting, exempting some, somebody, something, exempting from the actual community plan exempts you from everything in there. And that, that the intent of this was to just make an exemption from the land use map in that plan, which, which makes me a, you know, takes away a great part of that discomfort I had in trying to exempt from the complete community plan. So, I don't, is that clear, I mean?

CHAIR WHITE: The question in my mind is, my understanding is we, that there are different, in the West Maui Community Plan has a map, and then we also have land use maps. Maybe, Mr. Carroll can--

COUNCILMEMBER KING: So, this would be the West Maui Community Plan Land Use Map. It just takes that word "and" out.

CHAIR WHITE: Yea, but I, I think the two items are, are separate.

Mr. Carroll, can you, or I mean, maybe Mr. Schnell can address that.

MR. SCHNELL: So, I'd defer to Jeff, but I think it's, it's, it's correct to say we're requesting an exemption from the West Maui Community Plan Land Use Map. There is a map at the back of the Community Plan that has designations of different land use areas like single-family, or ag, or other, you know, designations.

This property is designated as ag, but we're requesting a, an exemption to that map. That's my, that's my understanding of it.

CHAIR WHITE: Okay, so you're, you're comfortable with taking out the word "and"?

MR. SCHNELL: Well, I would defer to, to Mr. Ueoka, but--

CHAIR WHITE: Mr. Ueoka.

MR. SCHNELL: My understanding is yes, we're comfortable with that.

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. I'm not their legal advisor. I'm, I'm not sure if they need a west, amendment to the West Maui Community Plan also, if it's community planned ag. And I'm not sure. Thank you, Chair. But, if they're fine with it.

MR. SCHNELL: So, the, the clarification would be that, you know, without obtaining an amendment to the West Maui Community Plan Land Use Map. So, my understanding is typically if you were going to do something in the ag district, you would go through a community plan amendment process to, to amend the map on the Community Plan. And we're, we're asking for an exemption to not amend the map, but allow this development on land that's designated ag on the Community Plan Land Use Map.

COUNCILMEMBER KING: Mr. Ueoka looks confused.

CHAIR WHITE: Okay. Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, it can get confusing at times for, for myself. So, hearing Mr. Ueoka, knowing that West Maui's the next community plan we are going to work on after Molokai, and we are going to work on land use maps, are we being told this afternoon to screw that updated West Maui maps, because we're going to make decisions like this that ignore zoning, ignore community plan, ignore maps? Is that what I'm hearing this afternoon, counselor? Cause if it is, then I just want to know up front before I vote, if that's what we're doing to our Community Plan?

CHAIR WHITE: Well, Community Plans have been amended--

COUNCILMEMBER HOKAMA: And, that's one of my problems--

CHAIR WHITE: --I'm guessing--

COUNCILMEMBER HOKAMA: --with 201H. Cause we don't change land use, it still stays the way it is. Even if we grant a different use, then what the hell is the map for?

CHAIR WHITE: Mr. Ueoka.

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. I wouldn't state it as boldly as Mr. Hokama, but the developer is requesting an exemption from obtaining an amendment to the West Maui Community Plan Land Use Map to proceed without obtaining one. So, it would be setting aside what's currently there. Thank you, Chair.

COUNCILMEMBER HOKAMA: Can we assume too that that's the Housing Department's position, since they're representing the Housing Department?

CHAIR WHITE: Mr. Ueoka.

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. I think the Housing Department is in support of the project, however, this is a private independent development of a project, which the Housing Department is not necessarily involved in, but was the pass through agency and reviewed it on behalf of the Administration. Thank you, Chair.

COUNCILMEMBER HOKAMA: Which is recommending this, right, the action?

CHAIR WHITE: Correct.

DEPUTY CORPORATION COUNSEL UEOKA: Thank you, Chair. Yes, correct, they are recommending this action. Thank you.

COUNCILMEMBER HOKAMA: And they're not here this afternoon? Okay. Thank, thank you.

MR. SCHNELL: Chair, if I could offer a clarification.

CHAIR WHITE: Certainly.

MR. SCHNELL: So, Chapter--

COUNCILMEMBER HOKAMA: I didn't ask, I didn't ask for his response, Chairman.

CHAIR WHITE: No, I'm, I'm happy to give you the opportunity if you are interested in the definition.

MR. SCHNELL: I'll just clarify that, you know, the section of the County Code that sets up the General Plan and the Community Plan process, that Section 2.80B.070, Maui County Code, provides that there should be a General Plan and there shall be a Community Plan. The County has gone through a General Plan update process with the Maui Island Plan and the Policy Framework Plan. And those two documents constitute the General Plan plus the Implementing Plan.

(Councilmember Crivello was excused from the meeting at 2:11 p.m.)

MR. SCHNELL: But, importantly, what, what this section of the Code says is that community plans shall implement the General Plan's vision, principles, goals, and policies. And it goes on to say urban and rural growth boundaries, and a map delineating rural growth

areas, which the Maui Island Plan does, shall be consistent with the General Plan. So, community, let me restate that, it says, community plans shall contain urban and rural growth boundaries and a map delineating urban and rural growth areas consistent with the General Plan, which is the Maui Island Plan. So--

CHAIR WHITE: Right. So, what you're, what you're suggesting is that the reason the Department is accepting of this is that the current Community Plan, which is not yet up for renewal is not compatible, or is inconsistent with the current Maui Island Plan, and the Maui Island Plan does in fact identify this area as rural?

MR. SCHNELL: That's correct.

CHAIR WHITE: Yea, okay, thank you. I think I get it now.

Pardon. Mr. Atay.

COUNCILMEMBER ATAY: The current plan is now ag?

CHAIR WHITE: The current Community Plan--

COUNCILMEMBER HOKAMA: Correct.

CHAIR WHITE: --has it as ag. The Maui Island Plan has it as rural.

COUNCILMEMBER ATAY: Okay.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: And, Chairman, part of this discussion, cause I sat on those Councils, I'm not somebody from Oahu, I can tell you, Chairman, that is generally correct. But, because we enact the Community Plan, we can change it and make it what the Community Plan wants, and then make the Island Plan reflect what the Community Plan wants. The Island Plan itself is not the driver only; it's not the only driver. It gives, basically, consensus of island-wide, countywide, priorities that traverse multiple districts, okay?

But for Lahaina itself, the Island Plan is just one component. But, the Community Plan is the key driver for West Maui; not the Island Plan, not the Island Plan. And that is what Council went with; not what you just heard from the consultant.

CHAIR WHITE: Okay. Any further discussion, Members? I'll take a, we'll take a--

COUNCILMEMBER HOKAMA: Oh, Chairman, are we still on the main motion?

COUNCILMEMBER KING: We have a, we have an amendment.

COUNCILMEMBER HOKAMA: Oh, on the amendment. Thank you for that clarification.

(Councilmember Crivello returned to the meeting at 2:14 p.m.).

CHAIR WHITE: Which amendment are we on?

COUNCILMEMBER KING: We moved--

CHAIR WHITE: No, that's right. You're removing the, the "and".

COUNCILMEMBER KING: Yea, the Exhibit "A".

CHAIR WHITE: Any further discussion on the amendment?

COUNCILMEMBER SUGIMURA: What was the amendment?

CHAIR WHITE: It was removing the word "and" between the words, well I should go back. On page one of Exhibit "A", item "A", which is entitled "Exemption from Title 2, Maui County Code". The last part, or the fourth line in that paragraph says, "amendment to the West Maui Community Plan and Land Use Map". What the amendment is, is to remove the word "and".

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Okay, we're back to the main motion. Any further discussion, Members?

COUNCILMEMBER KING: Chair, oh.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. One of the areas that I have a difficulty with this application, Chairman, is the request to exempt fees. You know, people make it like the fees are so exorbitant, the fees are going to break the pricing, okay. And originally the estimated $4,000 a unit, or $100,000 for the 25 affordables. So, I appreciate we have a June 12 communication from PBR saying that they reviewed it, they have revised numbers where now it's down to less than $40,000 for that whole component.

They ask us to waive this, and have the tax base look at this as nothing important. And yet, at the same time, they can offer $50,000 per lot, per affordable unit, but, ask us to waive less than $40,000 worth of fees for grading, plumbing, electrical. They want to piss me off . . . me more . . . hold down this kind of project every single time unless it's 100 percent. Don't offer somebody 50,000, and yet you're going to make it like we're the bad guys for not exempting $40,000. Give me a break, Chairman. I'm not a happy camper this afternoon, Chairman. Thank you.

CHAIR WHITE: Mr. Hokama, what was your calculation for the 40?

COUNCILMEMBER HOKAMA: In their June 12 response, they came up with 39,674, or per unit $1,587 for the, their dollar amounts for the exemptions they're requesting us to provide for this project under the affordables.

CHAIR WHITE: Under the affordables, right.

COUNCILMEMBER HOKAMA: Only the affordables, Chairman. They're very clear. This does not impact or have anything to do with the market component. This is just for the 25 affordables, and the exemptions they are requesting. And so, I just find it interesting, again, between the 50,000 per lot and the 40,000 for the whole subdivision, choices people make.

Because, I would say, I don't know why they're not paying the fees out of that 1.25 they're willing to put up for the 50,000 per lot and make the balance, use this balance to take care of your additional needs, per lot, per buyer. But we'll honor the County's component under the fee structure. They've proven to me we are not excessive in our fees. Maybe I need to consider increasing it if they want exemptions. Thank you, Chairman.

CHAIR WHITE: Was that a, a motion?

COUNCILMEMBER HOKAMA: No. It's my objection to this.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, Chair, I just wonder based upon what Member Hokama said, and once I saw this, I wondered also, just because the developer has been very generous in his gift and other things that he's trying to push this project forward. So, I don't know if it would be appropriate to ask if he, he would pay for this instead of asking for an exemption. I'm, I know you've done a lot already.

MR. BROWN: Chair, may I?

CHAIR WHITE: Mr. Brown.

MR. BROWN: You know, Mr. Hokama, this is definitely the first time I've ever done this. And I've, I've really just been being advised and following what was done with previous developments. So, I, I've got no problem at all waiving the $40,000. And I thought the fees were much more to begin with, and then the recalculations surprised me as well.

So, it's, it's from the beginning I've been saying, I don't care if I, I certainly didn't want to do anything to upset anybody asking for fee exemptions. So, if it's a, a consideration at all, I have no problem waiving the fees. Or, excuse me, waiving the exemption for the fees.

COUNCILMEMBER HOKAMA: I thank you for your consideration, Mr. Brown. If you would like to do that, you know, please, please do. Either that or get better consultants.

CHAIR WHITE: So, do we have a motion?

COUNCILMEMBER SUGIMURA: I'll make a motion.

CHAIR WHITE: Okay. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I'll make a motion to, I don't know how you say that, so would the developer then waive his request for the exemption of these fees for the affordables? Or, or Corp. Counsel, how do you best--

COUNCILMEMBER KING: Chair, Chair.

CHAIR WHITE: Let's take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:20 P.M., AND WAS RECONVENED AT 2:22 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I'd like to make a motion to--

CHAIR WHITE: Could you, before you make the motion--

COUNCILMEMBER SUGIMURA: Yes.

CHAIR WHITE: --could you go through the list and identify which, which items are involved in your motion.

COUNCILMEMBER SUGIMURA: Okay. So, I'm going to take you the page, Exhibit "A".

CHAIR WHITE: Page one.

COUNCILMEMBER SUGIMURA:

> PAGE, PAGE, ONE. IT WOULD BE TO ELIMINATE "B", WHICH IS "EXEMPTION FROM TITLE 1, MAUI COUNTY CODE, STREETS, SIDEWALKS, AND PUBLIC PLACES".

COUNCILMEMBER KING: Title 12?

COUNCILMEMBER SUGIMURA:

> TITLE 12, SORRY, YES, EXEMPT D.1, "EXEMPTIONS FROM TITLE 16, MAUI COUNTY CODE, BUILDINGS AND CONSTRUCTION", THE FIRST EXEMPTION ONLY FROM, "FROM MAUI COUNTY CODE'S CHAPTER 16.04C, FIRE CODE; 16.18B, ELECTRICAL CODE; 16.20B, PLUMBING CODE; AND 16.26B, BUILDING CODE; AS THEY RELATE TO PERMIT FEES, INSPECTION FEES ONLY, SHALL BE GRANTED TO THE EXEMPT FOR 25 RESIDENTIAL WORKFORCE HOUSING UNITS FROM FIRE, ELECTRICAL,

BUILDING, BUILDING PERMITS, AND INSPECTION FEES", THAT WILL BE DELETED. AS WELL AS ON PAGE 3, "G", AS IN GEORGE, "EXEMPTION FROM TITLE 20, MAUI COUNTY CODE, ENVIRONMENTAL PROTECTION".

COUNCILMEMBER KING:

SECOND THE MOTION.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Okay, you guys comfortable accepting that as the motion? I'm okay with it.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: We have a motion.

COUNCILMEMBER COCHRAN: I'm sorry.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. King.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I, I, from, the June 12 handout that the, the developer submitted, they indicated that they would be willing to take care of these fees and not waive it. So, this would take care of, by removing this, would take care of this discussion.

So, I would like the Members to support this. And I think the developer did say that he would be agreeable, agreeable to this also, to support the affordable housing and workforce housing project.

CHAIR WHITE: Okay. Thank you. Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: What's the dollar amount this all totals up to right now?

COUNCILMEMBER SUGIMURA: $39,000.

CHAIR WHITE: I think approximately $40,000.

COUNCILMEMBER HOKAMA: 39,674.

COUNCILMEMBER COCHRAN: Okay, and.

CHAIR WHITE: Okay?

COUNCILMEMBER COCHRAN: Yea, no.

CHAIR WHITE: Any further discussion? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR WHITE: Okay. We're back to the main motion.

COUNCILMEMBER COCHRAN: So, oh.

CHAIR WHITE: Any further discussion, Members?

COUNCILMEMBER COCHRAN: So, do, is there any way to, and I, you know, I thank Mr. Hokama for shedding light on the gifting that this developer was looking, is looking to give applicants. And so, when I totaled up the amounts, it comes out to, from the low end to the high end as stated in the application, 50,000 on up to 65,000 is what's stated, written in here. But, he, everyone's just talking about 50,000. So, it can range anywhere's from 1.2, $1,250,000 up to $1,625,000.

So, my question is if there were no gifting, how many more affordables could he have built for the people? Because that's a nice chunk of change he's willing to gift out there to try and get people in these homes. That's great. That's an honorable thing to do.

But, I think the more honorable thing is to put this money to actual dwellings for people. But, that was just when you tallied it up.

And also, I'm told that he had spoken to the Kaua'ula families about the water issue, and was willing to give them $10,000 per unit. So, now you're taxing on another 40, you know $49,000. So, not like lacking any money here, so. That would've been.

CHAIR WHITE: Well, it is a, it is a wonderful opportunity for those who win the lottery. No question there.

COUNCILMEMBER COCHRAN: It's done up and up.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Seeing there's no further--

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, I have a question. Could you outline what the options are, because I have a little bit of a concern that if somehow that we don't pass this and it comes to a standstill, it passes anyway, is that not correct? So, on June 22, if it, if we don't have a decision one way or the other today, then on June 22, it goes into effect with the original proposal?

CHAIR WHITE: Correct.

COUNCILMEMBER KING: That's, that was my understanding. So, all of these changes we made would mean nothing if we don't--

CHAIR WHITE: Correct.

COUNCILMEMBER KING: Right. Okay. I just wanted to clarify that.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER ATAY: Excuse me, what we voting on?

CHAIR WHITE: The main motion.

COUNCILMEMBER ATAY: Okay.

CHAIR WHITE: I didn't hear any "noes". Were there? Oh, I'm sorry, those opposed say no.

NOES: COUNCILMEMBERS ATAY AND COCHRAN.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Okay. I believe I heard two "noes"; Mr. Atay and Ms. Cochran. Anymore? Measure passes with six "ayes", and two "noes"; Mr. Atay and Ms. Cochran. Thank you, Members.

Mr. Clerk, on to the next item.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-108.

COMMITTEE REPORT
NO. 17-85 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 67 (2017), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT POLANUI, LAUNIUPOKO, LAHAINA, MAUI, HAWAII, TAX MAP KEY NOS. (2) 4-7-013:004 (POR.) AND (2) 4-7-013:005 (POR.), CONTAINING A TOTAL OF 14.594 ACRES," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That the County Clerk RECORD the unilateral agreement; and

3. That County Communication 17-218, from the Director of Housing and Human Concerns, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE COMMITTEE REPORT 17-85.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Sugimura.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee met on May 31, and June 2, 2017, to consider a request from Makila Kai LLC for a State Land Use District Boundary Amendment from Agricultural District to Rural District for approximately 14.594 acres located along Haniu Street, Polanui, Launiupoko, Lahaina, Maui, Hawaii, identified for real property tax purposes as portions of Tax Map Keys (2) 4-7-013:004, and (2) 4-7-013:005, to facilitate the development of a Chapter 201H, Hawaii Revised Statutes ("HRS"), affordable housing project.

The proposed District Boundary Amendment applies to the 14.594 acre portion of the project site that will be used only for affordable housing. The overall project site is comprised of 79.5 acres.

Your Committee recommended several conditions of approval including: the ordinance condition on Council passage of the resolution approving the 201H; the workforce housing project developed in accordance with 201H; the strict compliance with representations made by the Council for the District Boundary Amendment project to commence within two years of approval; and good faith attempt to complete the project within five years; and conditions related to the Hawaii Right to Farm Act required by State law.

Your Committee voted 8-0 to recommend passage of the revised proposed bill on first reading, recordation of the unilateral agreement, and filing of the communication. I ask for the Council's support of these recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, further discussion on this item? I'm sorry, did I?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR WHITE: No, any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: I'm sorry, Ms. Cochran.

COUNCILMEMBER COCHRAN: So, yea, I recall drawing the blue lines here on this, in this area, and was completely dead set against rural designation at the time. And you know, I think this is, was one of the triggers or opening the floodgates so to speak as to why I was dead set against that rural designation in this area. And so, here we are, and exactly what I thought. And things are now falling into place just how I pictured it. And it started out with some blue section on a map, and now here we are facing all of this. But, yea, it triggered my memory about that, the discussion back when it was created. So, just wanted to comment on that, and my, my take on all this. Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Just clarification. So, we're saying just the acreage where they will be building the affordable units is where they're requesting this land use boundary change? Is that my understanding? It's just that that 14--

CHAIR WHITE: Mr. Carroll is that your understanding?

VICE-CHAIR CARROLL: Yes, Chair.

CHAIR WHITE: Mr. Carroll says that's correct.

COUNCILMEMBER CRIVELLO: Okay. Thank you.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: I heard just one "no". Measure passes with seven "ayes", and one "no"; Ms. Cochran. Thank you, Members.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 67 (2017).

COMMITTEE REPORT
NO. 17-86 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending that Resolution 17-109, entitled "AUTHORIZING SETTLEMENT OF RANA KAIAMA, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 16-1-0048(2)," be ADOPTED.

CHAIR WHITE: I believe that's Ms. King, right?

COUNCILMEMBER KING: Thank you, Chair. Yes. I'm happy to sit in for Chair Guzman who's out today, as I'm Vice-Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 17-86.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Ms. King, and a second from Ms. Cochran.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Your Committee met on June 6, 2017, to consider a proposed resolution to authorize the Department of the Corporation Counsel to settle the case read by the Clerk. The Complaint alleges emotional distress, mental anguish, loss of enjoyment of life, and other special and general

damages from a drowning incident that occurred at a County pool in Kihei, Maui, Hawaii, on February 16, 2014.

A Deputy Corporation Counsel said the incident involving the drowning of a two-and-a-half-year-old child, the lawsuit was brought by the child's mother, father, 13-year-old brother, and the estate of the deceased child. The Deputy said the Department had received a settlement demand from the plaintiffs' attorney.

Following an executive meeting, your Committee voted 6-0 to recommend adoption of the proposed resolution. I respectfully ask for the Council's support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. King.

COUNCILMEMBER KING: And, I just want to add this, it's a really hard thing to even read, because it's a very sad incident. But, I hope we can bring closure with this resolution. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-109.

COMMITTEE REPORT
NO. 17-87 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 17-110, entitled "RELATING TO THE APPOINTMENT OF SHAREN SYLVA TO THE POLICE COMMISSION," be ADOPTED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 17-87.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Sugimura, with a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on June 5, 2017, to consider the Mayor's nomination of Sharen Sylva to the Police Commission, for a term expiring March 31, 2021.

The Council must approve Ms. Sylva's nomination by July 9, 2017, or the nomination will be deemed approved.

The Committee did not request to interview the nominee.

And a representative for the Mayor's Office said Ms. Sylva's interest in serving on the Police Commission is to curb underage drinking. And she is a resident of the West Maui area, and provided a balanced geographical representation on the board.

Your Committee voted 5-0 to recommend approval of her nomination. I respectfully request for the Council's support. Thank you, Chair.

CHAIR WHITE: Thank you. If you don't mind, we need to amend the motion to include the ability for staff to make nonsubstantive changes, because we've got a clerical error on one of the pages.

So, without objection, we'll amend the motion. Any objection from the second?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-110.

COMMITTEE REPORT
NO. 17-88 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. That Bill 68 (2017), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.56.060, MAUI COUNTY CODE, RELATING TO FINANCIAL DISCLOSURE STATEMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 17-220, from the Mayor, be FILED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 17-88.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on June 5, 2017, to consider a proposed bill amending the information required on financial disclosure statements to include either a tax map key number or a street address, rather than both, as currently required.

The request for the amendment did come from the Board of Ethics, which is responsible for reviewing the financial disclosure statements filed by candidates for public office, elected or appointed officials, and board or commission members of the County.

According to a Deputy Corp. Counsel, the Board of Ethics is balancing the burden of disclosure by allowing flexibility and providing a street address or a tax map key number on the disclosure statement rather than both.

Your Committee voted 5-0 to recommend passage of the proposed bill on first reading, and filing of the communication. I respectfully ask for the Council's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 68 (2017).

Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO._____
BILL NO.___66___(2017)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
WASTEWATER OPERATIONS PROGRAM – SEWER FUND,
ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM – SOLID
WASTE MANAGEMENT FUND;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE THAT BILL 66 PASS SECOND AND FINAL READING.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

CHAIR WHITE: Members, any discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with unfinished business.

DISCUSSION AND ACTION RELATING TO COMMITTEE REPORT NO. 17-81

COMMITTEE REPORT NO. 17-81 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 17-111, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, FISCAL YEAR 2017 BUDGET," be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

MOVE THAT COMMITTEE REPORT 17-81, ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is to take care Department of Fire and Public Safety's requirements for the Fiscal Year 2017. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-111.

Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. Thank you, Members. Thank you for making yourselves available this afternoon. And with that, we are adjourned.

ADJOURNMENT

The regular meeting of June 16, 2017 was adjourned by the Chair at 2:40 p.m.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

170616/lks:jm

Testimony in Support of Ceremonial Resolution Honoring May Fujiwara

Joseph Pluta <pluta@maui.net>

Mon 6/12/2017 3:11 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Cc:'Mike White' <mwhite@KBHMAUI.com>; Riki Hokama <Riki.Hokama@mauicounty.us>; robert.carrroll@mauicounty.us <robert.carrroll@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>;

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Joseph D. Pluta,
RE Broker, Maui Island Specialist
181 Lahainaluna Road, Suite I, P.O. Box 12278, Lahaina, HI 96761
E-mail: Pluta@maui.net Toll Free: 1-800-367-5637
FAX: (808) 661-7992 Local: (808) 661-7990
www.mauidestination.com

June 12, 2017

BY EMAIL TO: county.clerk@mauicounty.us

REGULAR MEETING OF COUNTY COUNCIL-FRIDAY, JUNE 16-2017

RE: Testimony in Support of Ceremonial Resolution "Extending Condolences to the family of the late May Fujiwara."

Aloha Council Chairman Mike White and Council Members:

Please accept my sincere appreciation for the Maui County Council recognizing one of Maui's most treasured citizens by Ceremonial Resolution for the Late May Fujiwara. My Condolences to her family and friends.

There are simply no adequate words to describe the treasured significance and meaningfulness which May Fujiwara contributed to all people, places and things that she involved herself with.

As a member of the West Maui Community, I had the honor and privilege to witness May's contributions to Maui's Evolving needs and challenges in many ways. Kaanapali 2020 Community Planning Group, Lahaina Honolua Senior Citizen's Club, Maui Police Commission, and more. Her selfless devotion and tireless dedication in service were

simply remarkable and certainly contributed towards making Maui's "No Ka Oi" a true reality.

It's my hope that someday we will have some way to Honor her Legacy by naming one of our West Maui Facilities in her Honor. Her contribution to our West Maui Community must be Memorialized in some permanent way and to start that process, I hereby propose the Re-naming of the West Maui Senior Center to be "The May Fujiwara West Maui Senior Center" accordingly.

Warmest Regards,

Joe Pluta

Subject: Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Dear Council Chair Mike White and Councilmembers,

I am here in support of the Makila Kai workforce housing project. I grew up on Maui, in Kihei, and have recently moved to the west side after returning home from college.

I want one day to have my own family and raise my children on the island, but as I look around all I see are expensive homes for wealthy transient mainlanders and none for working class families. I think that this housing project will be very good for the community.

I understand that there have been some concerns about the water and traffic, but it seems that Brown Development has done the research and worked hard to make sure good solutions were found. They aren't using the Ag. water and the bypass will help with traffic by Launiupoko Beach park and Kai Hele Ku St. For years my mom worked in Lahaina and lived in Kihei because it was more affordable. Bringing affordable homes to the west side's workforce can only help to alleviate traffic coming in and out of Lahaina.

I don't want to see Maui overrun by wealthy mainlanders in their mansions while working class local families are pushed into smaller houses in closer quarters. I am not under any illusions that this project will solve all the affordable housing problems on island, but it will hopefully set the precedent needed to create more widespread and permanent affordable housing on island at this quality.

Launiupoko is exactly the type of place that would be wonderful to raise a family, but it is currently unavailable to the average local family. I believe this is a very important project that needs to be approved to support the working class families that are struggling to find a good home on Maui.

Thank you,

Hana Valle

Community Member

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Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Jim Westerkamp <jimmygreen101@yahoo.com>

Wed 6/14/2017 8:59 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Council Chair Mike White and Council Members,

I ask and strongly encourage the Maui Council to support Makila Kai for the following reasons....

There is a shortage of affordable housing in Maui, especially the Westside.

The Makila Kai project is offering half acre lots, thus allowing homeowners the ability to start gardens for self sufficiency and sustainability.

The $50,000 gift offered by the developer truly makes this project affordable for people like me.

Council members....my name is James Westerkamp and I have been living in Maui and the Westside for almost 26 years. Maui is my home. Escalating home prices have made it impossible for me to afford a house despite working 2-4 jobs for 20+ years. Rents now have skyrocketed to the point that my future on this island is in doubt. Most of my friends have already left and I do not want to join them....I wish to spend the rest of my life on this beautiful island. This project is my only hope to afford a home, start a bountiful garden, and be a productive member of the community. Please pass this project to give hope to everyone who wants a future on Maui.

Mahalo,

James Westerkamp

Sent from my iPhone

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Makila Kai Affordable Housing Project Item No. 17-84 and 17-85

cndylst@aol.com

Wed 6/14/2017 8:59 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha Council Chair Mike White and Council members:

My name is Cindy Lester and I am a 40 year resident of Maui and am writing to you in support the Makila Kai subdivision workforce housing project mainly because I believe that affordable housing is one of the most pressing issues facing the people of Maui today. 16 years ago, I was blessed to be a part of the affordable housing project known as "Self-Help Hawaii". This particular program was targeted towards low income families and offered the opportunity to be a part of an affordable housing program that allowed us to own a home on island as long as we put the work in and gave at least 32 hours a week to building our homes. The Makila Kai project is a different type of affordable housing, and is just as necessary. The middle class is often forgotten about or pushed to the side. There are programs for the lower income folks, but there aren't many safety nets designed to help middle class families succeed. The "Workforce" population of this island is in urgent need of housing. Rentals are either way too expensive or being used for Short Term rentals and unavailable to those who live here.

This project is one of those projects designed to give home ownership to the middle class on Maui and I would imagine, deserves to be approved by this council. I have lived in the home that I helped to build for 16 years now. My children grew up with the other kids on the block because we all came into the neighborhood at the same time. This allowed us to have a much closer and longer lasting relationship with our neighbors than most people of this generation are able to have. It is not enough to approve affordable housing projects that only push for cheaper apartment or condo rentals. Maui County should be supporting families who want to own a home and add to the community and economy of the West Side. The "workforce" is what enables this island to become a vacation haven for both tourists and "snowbirds" who come here for months at a time. Workforce persons are the ones that will be serving these visitors. They need to know that they have a place to come home to and not a rental or homeless situation due to the lack of housing on the island.

These homes will be on large lots that will give these families the space to have a garden and be more self-sufficient and they will allow people to live closer to their jobs cutting down on traffic along the Pali. There is a By-pass highway that will be going thru Launiupoko subdivision which allows for additional means of leaving the area. More people will be able to move back to Lahaina therefore cutting down on traffic, not increasing it.

Also the Westside school system would get a huge influx of much needed funds via the building permit process and the School Impact Fees. The subdivision stands to give over $144,000 in permit fees to the Lahaina area schools. I don't see how that is a bad thing considering that our teachers are part of this "workforce" and most have shortfall of housing. Not only would their schools benefit, but they could also.

Mahalo,

Cindy Lester

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Makila Kai Affordable Housing Project Item No. 17-84 and 17-85

Crystal Lester <cryssi.xoxo@gmail.com>

Thu 6/15/2017 7:11 AM

To:County Clerk <County.Clerk@mauicounty.us>;

1 attachments (12 KB)

Crystal Lester Testimony.docx;

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COUNTY CLERK

Subject: Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Dear Council Chair Mike White and Councilmembers,

I support this housing project. I grew up on Maui in a lower income affordable housing project in Kihei. My parents spent 32 hours a week building their home and we have lived in it for 13 years now. I grew up with the kids in my neighborhood because our families built our homes together. I understand that the process with this proposed project will be different, but I believe that the resulting sense of community will be the same. I believe that this type of housing project with the planned community features like the park and walking trail will help to create a neighborhood that is more like a family where you can let your kids play outside if you are inside making dinner because you know someone will be looking out for them. I have a young son and I want him to have the same feeling of community while he grows up and these types of housing developments are what will allow our children to have that. Housing prices are forcing working families to rent apartments or condos without yards, far from the shoreline, without a safe outdoor space for kids to play and grow. Affordable housing should always be a priority for those whose job it is to make sure Maui County prospers. I think that by approving this project you will be helping Maui and its middle class families to do so.

June 14, 2017

Dear Council Chair Mike White and Council members,

I ask and strongly encourage the Maui County Council to support Makila Kai Item No. 17-84 and 17-85 for the following reasons:

My support for the workforce homes comes from the simple fact that there is not enough affordable homes for residents who work and live on the west side of the island of Maui. Makila Kai will provide at least 25 Maui families with a single-family home. There are many single family homes that are too expensive and exclusive. The developer of Makila Kai has a commitment towards offering truly affordable housing for Maui families and by staying within the Rural Growth Boundaries within the Maui Island Plan.

I have been a public school teacher at Lahaina Intermediate School for 21 and going on for 22 years. I have been renting since I came here. I have always looked at the single family housing market hoping to buy but have given up my search because of the cost. Over my years living in west Maui I have seen tremendous growth in housing. Most of it has been in the way of timeshares and luxury homes. What about homes for the workers who live here? Up to date I have lived at six different rentals. Two of those rentals eventually priced me out by raising the rent so high that I had to move. Where I am currently renting the rent was just raised by $150 more each month.

I am a single parent with a twelve year old daughter that lives with me. As a public school teacher it has always been sad to see so many new teachers come to my school only to leave within 5 years. Mainly because of the housing market, rental costs and basic lack of housing period. I have stayed committed to the community and our students regardless even though I cannot afford a home that I can raise my own child in and give her a sense of "home". We constantly live in fear of the rent being raised or that we will have to move because the unit will be used as a vacation rental.

At lease the Makila Kai Affordable Housing Project could give my family a chance to own our own home.

I encourage you to please support the project for the people.

Mark Gilmore
PO Box 12976
Lahaina, HI 96761
gilmorem001@hawaii.rr.com
808-268-8361

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June 15, 2017

Aloha Maui County Council,

My name is Ryan Monico. I was born and raised here in Hawaii. I am originally from Oahu and moved to Maui four years ago when my wife got a job helping children with special needs at Imua Family Services. I am so glad that we made the move because I fell in love with the island right away. My wife always jokes with our friends and family back on Oahu that I became a Maui Boy instantly. It's for good reason. Living here on Maui reminds me of what living in Hawaii used to feel like when I was growing up. There's hardly any traffic on the roads. I can go to the beach and easily find parking. People still have the aloha spirit, and I see people flashing the shaka sign all the time.

When we moved here four years ago rent here was much more affordable than Oahu. In fact we thought that we could actually afford to buy a home here. But, in four years a lot has changed. Rent and housing prices are through the roof. There is a lot of development, but it feels like a lot of that is catered to tourists. The biggest change for us in those four years is the fact that we are now at a point in our lives where we are ready to grow our family.

My wife and I are now both teachers. I have been teaching at Maui High for the past three years and my wife has been there for two. We do our best everyday to guide and help our students make choices that will help them to have a positive impact on their community. One day I was having a conversation with one of my students about possible career choices. I told my student how much I loved my job because it is so rewarding to see them mature and grow as young people. The student replied that it sounded nice being a teacher, but didn't want to have to work two jobs to make ends meet.

My student's comment was, unfortunately, very true. My wife and I are constantly having conversations about being able to afford living here. We love living in paradise and we make a point not to take it for granted, but it can get depressing looking for a home here because the prices seem so out of reach.

Then, by chance while my wife and I were looking for a "how-are-we-ever-going-to-afford-that" home to buy on Maui, we came across the Makila Kai Project. I was so surprised to see that the website stated that I could find, "***Single family homes starting as low as $251,580* in Launiupoko.***" We had never thought about looking on that side of the island because we never thought that we could afford to live there. As we began to read more about the project we began to get more and more excited. The project was workforce ready and catered to people like my wife and I who worked and served in the community. It offered 25, ½ acre lots, which we were so excited for because we wanted a property big enough for us to grow our own organic fruits and vegetables. It also offered ocean views, walking trails and a park, a $50,000 gift (I had to read that twice because I couldn't believe my eyes), and most importantly it was affordable. Makila Kai was the project that we dreamed of finding.

Maui County Council, I know that I speak for my wife as well when I say this, we humbly ask from the bottom our hearts that you approve this project. Makila Kai is the only project out there

that working class families like us can truly afford. Makila Kai is the only project out there where working class families like us can have enough space to sustainably grow our own produce. Makila Kai is the only project out there where working class families like us will have enough room to grow our family. Makila Kai is the only project out there that my family would like to call home.

Mahalo for your time and consideration,

Ryan Monico

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Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Ulrich 'Uli' Okura Kirkegaard <uli@mauitechguru.com>

Wed 6/14/2017 2:35 PM

To:Mike White <Mike.White@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; Alika A. Atay <Alika.Atay@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Donald S. Guzman <Donald.Guzman@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>;

Cc:County Clerk <County.Clerk@mauicounty.us>;

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2017 JUN 15 AM 8:53
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COUNTY CLERK

Aloha Council Chair Mike White and Councilmembers,

I write to ask for support of Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85.

While I represent myself I do believe I unofficially speak for all Maui workforce families;

My family supports Makila Kai affordable workforce housing project – it's a unique opportunity to own a new home in Lahaina. I've seen Launiopoko area change – it used to be only pristine hills. Now big houses are everywhere - development still ongoing, owners dividing parcels building more houses; selling to highest bidder. The local workforce cannot afford it.

Increasing rents & housing prices in Lahaina; a Lahainaluna Rd house is $750,000. We can't afford this. So Makila Kai is a great opportunity.

The opposition typically have their houses already hence want no further development. But remember time ago they too needed sub-divisions approved - and they were. There is still plenty room for more houses; Makila Kai won't spoil views or create a huge traffic issue.

Traffic in/out of Lahaina slowed up when the Kai Hele Ku St. traffic light was added – traffic was much smoother before. The traffic issue can and will be solved separately; the new bypass promises a fix.

We already approved many hotel/timeshare expansions on the west side adding thousands or rooms using water and sewage, thousands of cars on the roads – those expansions put lots of tax $$ in the county coffers; it makes $ sense. So adding 25 workforce houses and 25 regular houses shouldn't be an issue.

As the community grows and traffic increases we need to keep planning for that – and will. But please don't stop our Makila Kai workforce houses because of traffic concerns.

Water; I am truly sorry that Hawaiians upstream lost water access during the plantation era and that these families are still struggling to resolve this. We need to resolve this – allocate resources to mend

this - perhaps even use some of the new timeshare/hotel tax revenue to fix the problem. But please don't stop Makila Kai affordable houses because of water concerns.

I hope that the council approves the Makila Kai workforce housing project – to allow these affordable houses be built for us the local workforce.

Mahalo for your kokua,

Have an awesome time ☺

Yours Truly Online,

Ulrich 'Uli' Okura Kirkegaard
Principal Guru, MCP - Maui Tech Gurus
Biz Tech Partners & Small Biz Specialist
'Helping businesses tie IT all together'
Ph. (808) 661-1000 or Cell (808) 281-1169
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Past President (2012-13)
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Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Van Fischer <vanfischer@gmail.com>

Wed 6/14/2017 2:29 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Dear Council Members,

I work for Moffett Properties and am one of the real estate agents that will perform the lottery and work with the future home buyers of Makila Kai once the community is approved. I want to share with you that the preliminary response to Makila Kai has been overwhelming and that there are over 100 families that have qualified with various lenders and will be entered in the lottery for these homes. Once the project is granted formal approval, the project will be marketed in accordance with the HUD guidelines which will result in the number of qualified applicants increasing even more. It is very clear that this is the kind of community home buyers want and is in the area they want to live.

My background is in land development and it is clear to me that Greg Brown has required his team to go above and beyond the minimum requirements in dealing with the various concerns of a project of this type to protect the environment and the community as a whole. This area of Launiupoko was designated for rural density on the Island Plan and blends well with the bulk of Launiupoko which mostly consists of CPR'd 1/2 to 1.5 acre lots.

The hundreds of potential homeowners I have personally spoke with have made one thing very clear in that they do not want to be shoved into high density tiny neighborhoods with no privacy or room to have a garden. They want to have the Maui dream home. A house on the hill with a view of the ocean and room for their kids to run free and play. Sadly, other approved workforce housing projects will no longer offer affordable home ownership and will offer only affordable rental units.

Please support this community and help make these peoples dream come true.

Mahalo for your support of Makila Kai.

G. Van Fischer
Moffett Properties
Lahaina, HI
808-419-2766
vanfischer@gmail.com

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Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

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2017 JUN 16 AM 7:45
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COUNTY CLERK

Tom Schnell <tschnell@pbrhawaii.com>

Fri 6/16/2017 7:30 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Cc:Mike White <Mike.White@mauicounty.us>;

1 attachments (191 KB)

PBR - Council WMCP Testimony 6-2-17.pdf;

Council Chair Mike White and Councilmembers,

Thank you for the opportunity to provide testimony in support of the Makila Kai workforce (affordable) housing project. I am Tom Schnell, the planning consultant for the applicant, Makila Kai, LLC. With the attached letter I wanted to clarify the exemption we are seeking regarding the West Maui Plan.

I will be at the Council hearing to testify and will bring 15 copies of the attached letter.

Tom Schnell, AICP
Principal

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Environmental Planning | Land Use Entitlements
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Project Director

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SCOTT MURAKAMI, ASLA, LEED® AP
Associate

DACHENG DONG, LEED® AP
Associate

MARC SHIMATSU, ASLA
Associate

June 16, 2017

Councilmember Mike White, Chair
Maui County Council
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

SUBJECT: MAKILA KAI AFFORDABLE HOUSING PROJECT
ITEM NO. 17-84 AND 17-85

Dear Chair White and Councilmembers:

Thank you for the opportunity to provide testimony in support of the Makila Kai workforce (affordable) housing project. I am Tom Schnell, the planning consultant for the applicant, Makila Kai, LLC.

With this letter, I wanted to clarify the exemption we are seeking regarding the *West Maui Plan*:

> ***A. Exemption from Title 2, Maui County Code ("MCC"), Administration and Personnel***
>
> *1. An exemption from Chapter 2.80B, MCC, General Plan and Community Plans, shall be granted to permit the Makila Kai Affordable Housing Project ("Project") to proceed without obtaining an amendment to the West Maui Community Plan and Land Use Map.*

In clarification, we are not seeking an exemption from the General Plan—the reference to the general plan above is only in citation of Chapter 2.80B, MCC, which is titled "General Plan and Community Plans."

The General Plan is comprised of the *Countywide Policy Plan*, the *Maui Island Plan*, and the *Long-Range Implementation Program*. Makila Kai implements many of the objectives and policies of the *Countywide Policy Plan*. Further, the *Maui Island Plan* designates the Makila Kai property as within the Rural Growth Boundary. Thus, Makila Kai is not seeking exemptions from the General Plan.

We are seeking an exemption from amending the *West Maui Community Plan* Land Use Map, which designates the Makila Kai property as "Agricultural." While we are seeking an exemption to this designation, Makila Kai is consistent with and implements many goals of the *West Maui Community Plan*, such as the goals listed below:

> ***LAND USE***
>
> ***Goal***
>
> *An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the stable social and economic well-being of residents and the preservation and enhancement of the region's open space areas and natural environmental resources.*

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ENVIRONMENT

Goal

A clean and attractive physical, natural and marine environment in which man-made development on or alterations to the natural and marine environment are based on sound environmental and ecological practices, and important scenic and open space resources are preserved and protected for public use and enjoyment.

ECONOMIC ACTIVITY

Goal

A diversified economy that provides a range of stable employment opportunities for residents, allows for desired commercial services for the community, and supports the existing visitor and agricultural industries, all in a manner that will enhance both the community's quality of life and the environment.

HOUSING

Goal

A sufficient supply and choice of attractive, sanitary and affordable housing accommodations for a broad cross section of residents.

URBAN DESIGN

Goal

An attractive and functionally integrated urban environment that enhances neighborhood character, promotes quality design at the resort destinations of Kaanapali and Kapalua, defines a unified landscape planting and beautification theme along major public roads and highways, watercourses, and at major public facilities, and recognizes the historic importance and traditions of the region.

SOCIAL INFRASTRUCTURE

Goal

Develop and maintain an efficient and responsive system of services which promotes a safe, healthy, and enjoyable lifestyle, and offers opportunities for self-improvement and community well-being.

The *West Maui Community Plan* was last updated in 1996. While the *West Maui Community Plan* has not been updated in over 20 years, the *Maui Island Plan* (adopted in 2012) specifies that:

> *"The Directed Growth Plan[1] will provide the framework for future community plan and zoning changes..."*

In addition, Section 2.80B.070, Maui County Code (MCC), provides that community plans shall:

> "*...implement the general plan's vision, principles, goals, and policies;*"
>
> and shall contain:

[1] Within the *Maui Island Plan*, the Directed Growth Plan: "establishes the location and general character of future development."

> "*....urban and rural growth boundaries and a map delineating urban and rural growth areas, consistent with the general plan*" [underlining added]
>
> and
>
> "*...a designation of specific land uses within the urban and rural growth areas.*"

Thus, with the directives provided under Section 2.80B.070, MCC, and the guidance provided in the *Maui Island Plan* for the Makila Planned Rural Growth Area, it is expected that when the *West Maui Community Plan* is next updated, the update should substantially reflect the vision for the Makila area expressed in the *Maui Island Plan.*

To implement the vision for the Makila area expressed in the *Maui Island Plan*, and allow the creation of Makila Kai, we are seeking an exemption[2] from the 1996 *West Maui Community Plan* Land Use Map, in accordance with Section 201H-38, HRS to permit Makila Kai to proceed without obtaining an amendment to the *West Maui Community Plan* Land Use Map. As this exemption would be consistent with *Maui Island Plan*, it would, in effect, be a proactive measure in advancing the anticipated *West Maui Community Plan* update.

Sincerely,
PBR HAWAII

Tom Schnell, AICP
Principal

cc: Makila Kai LLC

[2] The actual exemption would be an exemption to Chapter 2.80B, MCC, General Plan and Community Plans.

T. Lawrence

Hawaii Housing Finance and Development Corporation
201H Application

Table of Contents

1. Explanation of Process
2. Instructions
3. 201H Application Forms
   A. Summary Sheet
   B. Application Checklist
   C. General Information Form
   D. Certifications and Assurances
   E. Index of Application Exhibits
   F. Environmental Questionnaire
4. Application Worksheets (excel file)
   Exhibit A. Project Cost Breakdown Worksheet
   Exhibit B. Estimated Project Revenues *(for-sale projects only)*
   Exhibit C. Operating Income
   Exhibit D. Operating Expenses
   Exhibit E. Operating Proforma

Explanation of 201H Process

Chapter 201H, HRS, authorizes the Hawaii Housing Finance and Development Corporation to develop or assist in the development of housing projects which are exempt from certain statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of units thereon provided that:

- The project primarily or exclusively includes affordable housing units;
- The Corporation finds that the project meets minimum requirements of health and safety; and
- The development of the project does not contravene any safety standards, tariffs, or rates and fees approved by the public utilities commission for public utilities or various Boards of Water Supply.

The 201H expedited processing tool provides for greater design flexibility and cost savings for affordable housing projects. The HHFDC establishes its affordability threshold for projects as those projects that primarily are affordable to households with incomes at or below 140% of area median income. County governments have similar powers, and county governments establish their own affordability threshold criteria, which differ from the state's affordability level of serving households with incomes at or below 140%.

The particular exemptions requested through the 201H process are generally processed through the appropriate county agencies. For most developments, the county agencies will accept and process 201H applications. Developers are encouraged to begin the 201H process by first contacting the appropriate county:

- County of Hawaii, Office of Housing and Community Development;
- City and County of Honolulu, Department of Planning and Permitting;
- Kauai County, Office of Community Assistance, Housing Agency; or
- Maui County, Department of Housing and Human Concerns.

Occasionally, a county denies a 201H expedited processing request. If the project meets the state's eligibility criteria, the developer may apply to HHFDC for 201H expedited processing. HHFDC requires that the developer conduct at least one public meeting to solicit community input on the proposed project.

Threshold Requirements for Applications to HHFDC

These are the threshold requirements for HHFDC acceptance of an application for review for 201H expedited processing:

a. Developer has site control.
b. Developer provides an explanation as to why the request is not being processed through the county process.
c. Developer provides description of the project and percent of affordable units. The state currently requires that a 201H expedited processing project primarily or exclusively include housing units affordable to households with incomes at or below one hundred forty per cent of the median family income. The current income limits are available on the HHFDC website, http://www.hawaii.gov/dbedt/hhfdc

d. Developer acknowledgement that affordable units will be subject to HHFDC buyback and shared appreciation.

e. Submittal of an approved EA (if an EA is required) or an equivalent document is a threshold requirement for any one of the following conditions:

- A project is equal to or greater than 15 acres,
- The project will rely on non-public sewer or water systems, OR
- The project is a subdivision and requests subdivision exemptions.

Launiupoko Water Co.

Application to HHFDC

1. Before submitting an application for the 201H expedited process to HHFDC, the developer is encouraged to discuss the proposed project with HHFDC staff.

2. The developer must conduct or participate in at least one public meeting to solicit community input on the proposed project.

3. The project must meet federal, state and county health and safety standards as determined by the appropriate governmental agency.

4. Once the developer completes and submits the HHFDC 201H application, documentation, and $2,000 fee to HHFDC, HHFDC staff will review the application.

5. HHFDC may request additional information, if necessary, to determine that the developer is an "eligible developer" and qualified by experience and financial responsibility and support to construct housing of the type described and of the magnitude encompassed by the given project. This information may include but is not limited to credit worthiness, additional years of financial statements, etc.

6. HHFDC may request additional information, if necessary to determine eligibility and feasibility of the project. This additional information may include, but is not limited to, information to determine credit worthiness, detailed information on operating costs for private sewer and or water systems, traffic studies, etc.

Line Agencies' Review

7. The staff will prepare a cover letter for use by the developer to distribute plans and exemptions to all appropriate county, state, and/or federal agencies.

8. The cover letter will request that the agencies complete their review within the county's standard 201H review time.

9. Agencies will review the plans and exemptions requested to ensure that the projects and exemptions requested do not negatively affect public health and safety.

10. The developer and/or the project's architect/engineer/consultant works directly with agencies to address their concerns. The developer's architect/engineer may have to modify plans to address agency comments.

HHFDC Approval

11. After all agency concerns are addressed and after HHFDC makes a determination on the developer's qualification to develop the project, HHFDC shall render its decision on the applicant's qualification and the proposed housing project at a Board meeting held in the county in which the proposed project is located. Board approval may be contingent, such as on completion of an EA or EIS

12. Upon approval by the HHFDC of the proposed housing project and the satisfaction of any contingent requirements, HHFDC will submit the Chapter 201H Exemption Request package for review and approval of the requested exemptions to the appropriate City or County Council or the State Land Use Commission. The package will typically include preliminary plans, outline specifications, a draft agreement between the HHFDC and developer ensuring the project is built and operated as presented by the developer, and a draft resolution that itemizes each proposed exemption. The developer must provide sets of plans which reflect all amendments agreed upon during the agencies' review of the project for inclusion in the 201H Exemption Request package.

Review by City/County Council

13. The Council has 45 days from receipt of the 201H Exemption Request package to act on the resolution The Council may require modifications to the project during the course of its deliberations.

14. The 201H Exemptions Request Package may first be reviewed in a Committee hearing. The developer or representative shall be present at all committee meetings to make a presentation on the project and respond to any questions or concerns regarding the proposed project.

15. If approved at the Committee level, a Committee Report recommending adoption of the 201H resolution is referred to the full Council for formal adoption. The developer or representative shall be present at the full Council meeting to respond to any questions or concerns regarding the proposed project.

16. Council action on the exemption request may take one of the following forms:
    a. The Council may vote to approve the exemption request.
    b. The Council may vote to approve the exemption request with conditions, including a time limit on development.
    c. The Council may vote to deny the exemption requests.
    d. The Council may choose not to act upon the exemption requests. If no action is taken, the exemption requests are deemed to be approved after the 45-day Council review period lapses.

Review by State Land Use Commission

17. If LUC approval is required, the developer must follow the process as specifically described in the Hawaii Administrative Rules (HAR) for the Land Use Commission, HAR

Please Defer the Makila Kai Development 201H Decision

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deakos@hawaii.edu

Thu 6/15/2017 4:04 PM

To:Mike White <Mike.White@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; Donald S. Guzman <Donald.Guzman@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Alika A. Atay <Alika.Atay@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>;

Cc:Autumn R. Ness <Autumn.Ness@mauicounty.us>; tiare4maui@gmail.com <tiare4maui@gmail.com>; Albert Perez <director.mauitomorrow@gmail.com>; Mark Deakos <deakos@hawaii.edu>;

3 attachments (5 MB)

fannie mae lending guidelines.pdf; Housing Project Summary.pdf; Housing Project Summary 2.pdf;

Honorable Maui County Councilmembers,

I am deeply concerned about this Council rushing the decision to fastrack the Makila Kai Development based on possibly a misunderstanding of what is the cause of an affordable housing shortage and what can fix it. It was clear during deliberations that members did not have a good understanding of these affordable housing concepts:

1. Perpetuity: What to do with restricted deeds in perpetuity
2. Lenders: Lenders providing loans to those with deeds in perpetuity
3. Inventory: The false premise of "flooding the market with homes creates more affordable homes"
4. Equity: Denying a home owner the ability to build market value equity in their property

But, after dozens of hours doing research online, talking with DHHC, HHFDC, FACE Maui, and many experts on these issues, I can address these issues with some factual information:

1. In Perpetuity: Whenever a home reverts to market value, no matter how long the deed term (5, 10, 30 years), we no longer have an affordable home on the market. Deed restrictions in perpetuity are essential to give Maui residents affordable housing in perpetuity. If we build 1000 affordable homes with restricted deeds in perpetuity, that means in 50, 100, 150 years, we will still have 1000 affordable homes. If we build 1000 homes with 10 year deeds, in 10 years we eliminate 1000 affordable homes.
2. Lenders: After some research I learned that both Freddy Mac and Fanny Mae have loan programs for restricted deeds in perpetuity (see attached). If banks decide they don't want to offer those loan programs, and the County truly wants to fix the affordable housing crisis, then maybe the County should do more business with those banks that do support deeds in perpetuity; incentivize the banks.
3. Inventory: No matter how quickly or how many homes we build, they will transition to market value and the price of homes will always grow much faster than the median income. Just look at the past 30 years, we have greatly increased "inventory" and yet the affordable housing crisis has not gotten better, it has only gotten worse.

4. Equity: People living in someone's garage, on the street, or just trying to avoid foreclosure or eviction don't care about home equity. We are trying to put these people in a home so they can raise their family in dignity and in perpetuity. If we want to provide people with better retirement strategies, that can be discussed in a different forum.

Currently the State is pushing the County to fastrack these developments under their 201H program, under the guise that "developers" will solve the affordable housing crisis. But the nine members of this Maui County Council have the power to reject 201H. If 201H was working, since it's inception in 2006, we should not have an affordable housing shortage. YOU have the power to come up with a system that works, a system that follows a model already proven to work in other counties, a model that ensures 100% affordable homes in perpetuity.

Please, at the very least, defer this project until all members of the County Council, County Planning and other County departments have a good, solid understanding of how an affordable housing crisis develops and what mechanisms have been proven to fix the problem.

Thank you for your kokua,

Mark

****
****

Mark Deakos, *Ph.D.*
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****

FannieMae

Resale Restrictions

June 2015

To help address the high cost of homeownership in some markets, many governmental and nonprofit entities support the development of properties subject to resale restrictions. Those strategies help to create and preserve affordable housing stock in communities over the long term. Resale Restrictions are a right in perpetuity or for a certain number of years, stated in the form of a restriction, easement, covenant, or condition in any deed, mortgage, ground lease, agreement, or other instrument executed by or on behalf of the owner of the land.

Resale Restrictions may limit the use of all or part of the land to occupancy by persons or families of low- or moderate-income or on the basis of age. (Senior communities must comply with applicable laws.)

Resale Restrictions may also restrict the resale price of the property to ensure it is available to future low- and moderate-income borrowers. The restricted resale price provides a subsidy to the homeowner, in an amount equal to the difference between the sales price and the market value of the property without resale restrictions.

Resale Restrictions are binding on current and subsequent property owners, and remain in effect until they are formally removed or modified, or terminate in accordance with their terms, such as at a foreclosure sale or upon acceptance of a deed-in-lieu of foreclosure.

Lender Responsibilities

The lender must review the terms and conditions of the affordable housing program, including any documents that describe the resale restrictions.

When Resale Restrictions are documented by a second mortgage or deed of trust, the lender must ensure that the second mortgage or deed of trust complies with Fannie Mae's Community Seconds® guidelines. If the Resale Restrictions are included in a separate covenant or agreement instead of a second mortgage or deed of trust, they must comply, if applicable, with Fannie Mae's requirements related to shared appreciation in property value.

Underwriting Loans for Properties with Resale Restrictions

Loans with resale restrictions may be delivered to Fannie Mae as provided by the *Selling Guide*. Fannie Mae allows the LTV ratio determination to be based solely on the appraised value for a purchase transaction.

An update to Desktop Underwriter® (DU®) Version 9.2 to be implemented the weekend of August 15, 2015, will add an "affordable LTV ratio determination" to make it easier for lenders to underwrite transactions for resale-restricted properties.

Following the update, lenders will be able to inform DU that the loan casefile will be underwritten using the resale-restricted feature by entering "Affordable LTV" in the Product Description field in the Additional Data section of the online loan application. When this indication is made, DU will determine the LTV, CLTV, and HCLTV ratios solely on the appraised value for purchase transactions, and not the lesser of the sales price or the appraised value. DU will then issue a message that specifies what lenders need to confirm when indicating the use of the resale-restricted feature.

Resale Restrictions Resources

For more information:

- See the Fannie Mae *Selling Guide* Section B5-5.3: Loans with Resale Restrictions
- Contact your Fannie Mae Customer Account Team

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Selling Guide

Published June 28, 2016

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B5-5.3-07: Massachusetts Resale Restriction Loan Eligibility Requirements (04/01/2009)

This topic contains information on Massachusetts resale restriction loan eligibility requirements, including:

- Lender Eligibility
- Loan Eligibility Requirements
- Legal Considerations

Lender Eligibility

Lenders may deliver mortgage loans in Massachusetts that are subject to the *Affordable Housing Restriction* document without further approval from Fannie Mae. This includes any federal, state, or local subsidy program for properties located in Massachusetts.

Use of the *Affordable Housing Restriction* document (copies of which can be obtained from the Massachusetts Housing Finance Agency) without modification, alteration or update, other than filling in the blanks or checking boxes contained in the form, eliminates the need for the lender to review the terms and conditions of the particular subsidy program with respect to mortgage loans delivered to Fannie Mae secured by properties in Massachusetts that are subject to resale restriction.

Loan Eligibility Requirements

The Massachusetts Housing Finance Agency requires the use of an *Affordable Housing Restriction* document in connection with mortgage loans secured by properties in Massachusetts that are subject to resale restrictions that survive foreclosure or deed-in-lieu of foreclosure in which it will serve as lender or project administrator

Legal Considerations

The *Affordable Housing Restriction* document provides for third-party notification by the foreclosing servicer and provides for a 120-day time period between notification of foreclosure to the municipality by the foreclosing servicer and the completion of the repurchase of the property by the municipality.

While Fannie Mae's standard guidelines require a 90-day time period for notification, use of this instrument for mortgage loans subject to a resale restriction secured by property in Massachusetts is acceptable without further approval from Fannie Mae.

All other applicable requirements for resale restrictions continue to apply.

Selling Guide

Published June 28, 2016

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B5-5.3-04: Loans with Resale Restrictions: Legal Considerations (04/01/2009)

This topic contains information on loans with resale restrictions: legal considerations, including:

Resale Restriction Title and Insurance Requirements
Default Remedies
Rights to Insurance Settlements and Condemnation Proceeds
Default or Refinancing of Resale Restriction Loans

Resale Restriction Title and Insurance Requirements

The source and terms of the resale restrictions must be included in the public land records so that they are readily identifiable in a routine title search.

Default Remedies

The presence of resale restrictions must not impair Fannie Mae's legal rights to cure a default under the mortgage terms, to foreclose on the mortgage, or to otherwise protect Fannie Mae's interests under the mortgage.

The subsidy provider also may have rights to remedy a borrower default.

Rights to Insurance Settlements and Condemnation Proceeds

Fannie Mae must have first claim to insurance settlements and condemnation proceeds.

Default or Refinancing of Resale Restriction Loans

The subsidy provider may retain the right of first refusal or option to purchase a resale restricted property when the borrower is in default or the property is in foreclosure.

The terms of the right of first refusal or option to purchase must be specified in the terms of the resale restrictions.

The subsidy provider must exercise its right of first refusal or option to purchase within 90 days of receiving notification of the borrower default or the property foreclosure.

The subsidy provider may permit borrowers to refinance their mortgage and take cash out of the transaction. However, the resale restrictions may limit the cash-out amount in order to protect the subsidy invested in the property. Lenders must document that the subsidy provider has approved the refinance transaction and should ensure that the cash-out amount complies with the provisions of the specific resale restrictions.

Maui County
Affordable Housing Projects - Status Update (March 9, 2017)

PROJECT NAME	DISTRICT STATUS	PROCESS	COUNTY Ordinance/ Reso No.	EFFECTIVE Date Resolution Adopted or Ordinance	RENTAL OR FOR SALE	TOTAL UNITS	AFFORDABLE HOUSING UNITS			MARKET UNITS			FUNDING Affordable Housing fund?
							Units Required	Units Completed	Units Remaining	Approved	Built To-Date	Units Remaining	
Current Projects													
Hale Mahaolu Ewalu *Developer: Hale Mahaolu* *Roy Katsuda*	Upcountry/Pukalani Anticipated start Spring 2017	201H-038	14-108	10/3/2014	Senior Rental	60	60	0	60	0	0	0	Yes
Honua'ula Gardens (Wailea 670) *Developer: Honua'ula Partners, LLC* *Charlie Jencks*	South Maui/Wailea Pending	Project District	3554	4/8/2008	For Sale	1400	700	0	700	700	0	700	No
Hoonani Subdivision *Developer: Maui Waiohuli Partner*	South Maui/Kihei Pending	2.96, MCC	n/a	12/9/2015	[illegible]	[illegible]	27	0	27	0	0	0	No
Kahoma Residential Subdivision *Developer: West Maui Land Company, Inc.*	West Maui/Lahaina Anticipated start Spring 2017	201H-038	11-126	12/2/2011	[illegible]	[illegible]	68 total - 10 lots for HfH Maui, Inc.and 12 sold to Na Hale	0	68 total - 10 lots for HfH Maui, Inc.and 12 to Na H.	0	0	0	Yes
Kahoma Village *Developer: Stanford Carr Development Corp.* *Kaloa Robinson*	West Maui/Lahaina Anticipated start Spring 2017	201H-038	14-14	2/7/2014	[illegible]	203	102	0	102	101	0	101	No
Kaiaulu 100% Affordable *Developer: Aina Pacific, LLC* *Howard Kihune Jr*	West Maui/Kaanapali Anticipated start Spring 2017	2.96, MCC	n/a	5/11/2015	For Sale	33	33	0	33	0	0	0	No
Kaiwahine Subdivision *Developer: Ikaika Ohana* *Doug Bigley*	South Maui/Kihei Anticipated Start to Phase I Fall 2017	201H-038	11-23	3/18/2011 201H Deadline 2018	For Sale	120	120	0	120	0	0	0	No
Kalama Kai *Developer: Armstrong Development Wayne Muraoka*	South Maui/Kihei Securing buyers & construction funding	2.96, MCC	n/a	4/15/2015	For Sale	40	40	0	40	0	0	0	No

Maui County
Affordable Housing Projects - Status Update (March 9, 2017)

PROJECT NAME	DISTRICT STATUS	PROCESS	COUNTY Ordinance/ Reso No.	EFFECTIVE Date Resolution Adopted or Ordinance	RENTAL OR FOR SALE	TOTAL UNITS	AFFORDABLE HOUSING UNITS			MARKET UNITS			FUNDING Affordable Housing fund?
							Units Required	Units Completed	Units Remaining	Approved	Built To-Date	Units Remaining	
Kamalani *Developer: Kamalani Ventures, LLC* *A&B Properties*	South Maui/Kihei Constrution ongoing	2.96, MCC	n/a	6/23/2015	For Sale	633	173	0	173	460	0	460	No
Kamaole Point *Developer: Kamaole Point Development, LP*	South Maui/Kihei Pending	2.96, MCC	n/a	11/4/2015	For Sale	129	129	0	129	0	0	0	No
Keala O Wailea *Developer: Keala O Wailea, LLC*	South Maui/Wailea Pending	2.96, MCC	n/a	3/9/2016	For Sale	70	18	0	18	52	0	52	No
Kenolio Apartments *Developer: Pacfic West, Inc.* *Jordan Hart*	South Maui/Kihei Pending funding	201H-038	15-129	10/16/2015	Rental	184	184	0	184	0	0	0	No
Kulamalu (COM) *Developer: County of Maui* Hale Mahaolu managing	Upcountry/Pukalani Construction ongoing	2.96, MCC	11-57	6/7/2011	Rental	56	56	0	56	0	0	0	Yes
Kula Ridge *Developer: Kula Ridge, LLC* *Clayton Nishikawa*	Upcountry/Kula 10 yrs to begin constr. from 10/19/2010	201H-038	10-57	10/19/2010	For Sale	116	59	0	59	57	0	57	No
Lanai Affordable Housing Project *Developer: County of Maui*	Lanai Pending	201H-038	96-31	3/5/2010	Both	[illegible]	372	0	372	0	0	0	Yes
Maui Lani *Developer: Maui Lani Partners*	Central Maui/Kahului-Wailuku- Construction on-going Units completed to-date: 1,068	CIZ	1872	1/22/1990	For Sale	3200	640	224	416	2560	844	1716	No
Maui Lani VMX *Developer: Maui Lani 100, LLC*	Central Maui/Kahului Pending	CIZ	3365		For Sale	500	255	0	255	245	0	245	No

Maui County
Affordable Housing Projects - Status Update (March 9, 2017)

PROJECT NAME	DISTRICT STATUS	PROCESS	COUNTY Ordinance/ Reso No.	EFFECTIVE Date Resolution Adopted or Ordinance	RENTAL OR FOR SALE	TOTAL UNITS	AFFORDABLE HOUSING UNITS			MARKET UNITS			FUNDING Affordable Housing fund?
							Units Required	Units Completed	Units Remaining	Approved	Built To-Date	Units Remaining	
Mokuhau *Developer: Lokahi Pacific* *Susie Thieman*	Central Maui/Happy Valley, Wailuku Construction ongoing	2.96, MCC	n/a	8/17/2015	For Sale	16	16	0	16	0	0	0	Yes
Pauwela Homes *Developer: Kauhikoa Land LLC* *David Ward*	Haiku Anticipate start Spring 2017	2.96, MCC	n/a	10/25/2016	For Sale	33	33	0	33	0	0	0	No
Wai'ale Elua 100% Affordable *Developer: Wai'ale Road 201 LLC* *Vince Bagoyo*	Central Maui/Wailuku Anticipate start Spring 2017	201H-038	16-81	6/3/2016	For Sale	70	70	0	70	0	0	0	No
Wailuku Project District *Developer: RCRF Kehalani LLC*	Central Maui/Wailuku Construction ongoing	Project District	2053	11/15/1991	For Sale	3600	1200	730	470	2400	1151	1249	No
West Maui Project District 2 (Mahana Estates/Kapalua Mauka) *Developer: Nan Inc.*	West Maui/Kapalua Construction ongoing	CIZ	3358	2/21/2006	For Sale	51	26	Satisfied via credits	0	25	0	25	No
West Maui Villages - Wailele *Developer: Bach Corporation*	West Maui Pending	CIZ	2070	1991 Amended in 2014	For Sale	158	12	0	12	146	0	146	No

Housing Projects Approved By Council

Project Name	Process	Developer	Community Plan Area	Ordinance/ Reso No.	# of Affordable Housing (AH) Units Required	# of AH Units Completed	# of AH Units Owed	Number of Approved Market Units	Number of Market Units Built To Date	Date Resolution Adopted or Ordinance Effective
Hale Mahaolu Ewalu	201H-038	Hale Mahaolu	Mak/Haiku/Puk	14-108	60	0	60	0	0	10/3/2014
Hale Mua	201G-118	Sterling Kim (orig)	Wailuku/Waihee/ Waikapu	05-123	238	0	238	228	0	8/23/2005
Kahoma Residential	201H-038	West Maui Land	West Maui	11-126	68 (INCL 10 lots for HfH Maui and 12 lots for Na Hale	0	68	0	0	12/2/2011
Kahoma Villages	201H-038	Stanford Carr	West Maui	14-14	102	0	102	101	0	2/7/2014
Kaiwahine Subdivision	201H-038	Royal Main Prop.	South Maui	11-23	120	0	120	0	0	3/18/2011
Kenolio Apartments	201H-038	Pacific West, Inc.	South Maui	15-129	184	0	184	0	0	10/16/2015
Kula Ridge	201H-038	Kula Ridge, LLC.	Upcountry	10-57	59	0	59	57	0	10/19/2010
Lanai Affordable Housing Project	201H-038	County of Maui	Lanai	10-12	372	0	372	0	0	3/5/2010
Waikapu Gardens Ph II	201H-038	JES Corp.	Wailuku/Waihee /Waikapu	13-112	56	36	20	0	0	10/7/2013

HOUSING PROJECTS APPROVED BY COUNCIL

STATUS OF UNFINISHED PROJECTS:

Hale Mahaolu Ewalu, Hale Mahaolu

Developer is now moving forward with developing the project in Phases. Developer is currently working to secure financing sources. Project has been recommended for $2.5M in funding by DHHC from the FY 2016 Affordable Housing Fund RFP (The proposed FY 2016 Affordable Housing Fund allocations have been submitted to Council for consideration).

Hale Mua, Hale Mua Properties, LLC (Sterling Kim original owner)

Due to the high infrastructure costs and the cost of building a bridge to the property, the original developer (Sterling Kim) lost the property to bankruptcy. Several developers have expressed interest in purchasing the project however, none have been able to solve the financial issues to develop.

Kahoma Residential (West Maui Land)

lawsuit pau.

An intervener (Michele Lincoln) at the State Land Use Commission hearings has had the project tied up in the legal system for approximately three years. The Intermediate Court of Appeals determined that Michele Lincoln's challenge on the Kahoma Residential Project was without merit on all counts in early November. However, it is possible Ms. Lincoln will appeal the case to the Supreme Court.

Kahoma Villages (Stanford Carr)

Developer is presently working to secure financing on the project. Developer is currently working with the DHHC and Corporation Counsel to finalize the Residential Workforce Housing Agreement. Developer hopes to break ground in 2016.

Kaiwahine Subdivision (Royal Main Properties, INC)

Developer (John Sindoni) ran into financing issues during the great recession. Mr. Sindoni has met with the DHHC regarding obtaining an extension to the start of construction clause in the 201H approval. Under the 201H approval, the project was to begin construction within 5 years of 201H approval. The 5 year period expires March of 2016. Mr. Sindoni has expressed his commitment to the project and is requesting an extension. The extension request has been submitted to Councilmember Bob Carroll's committee for consideration.

Kenolio Apartments (Pacific West, INC)

Project just recently received 201H approval. Developer is working to obtain necessary financing.

RECEIVED AT WR MEETING ON 1/6/2016
(Councilmember Cochran)

Kula Ridge (Kula Ridge, LLC)

Developer was unable to financially move the project forward. 201H approval that construction commence within 5 years of approval expired in October of 2015.

Lanai Affordable Housing Project (County of Maui)

Presently, the DHHC is conducting a procurement to hire a consultant to conduct an RFP to find a developer to develop the project. Deadline for bidding is 12/31/2015. Consultant will be identified at that time and be given 45 days to complete the RFP process.

Waikapu Gardens Phase II (JES Corp)

Project is moving forward nicely. 36 of the 56 homes have been sold to date. The remaining 20 homes will be build and sold by mid-2016.

To the Maui County Council,

Please do not fast track this project. Environmental impact studies are mandated by law to address impacts on the 'āina. The developer is using the 201H process to avoid doing an EIS.

Makila Kai should not be evaluated on its own, but as a larger 230 acre development comprising 259 lots. (Makila Kai, Pola Nui and Makila Ekolu, all owned by Brown or Martin). I believe this is called segmentation.

There are many concerns these developments raise: loss of prime agricultural lands, Kuleana land titles, septic systems, water supply, traffic, evacuation and fire safety concerns.

I am a marine biologist and have spent close to 30 years studying coral reef ecology on Maui. If I were to pick only one issue as the most important I would choose the sewage issue with its drastic effect on our reefs and ocean resources.

If this development goes through, these lots will have many more septic tanks than would the 3 agricultural lots as this land is configured currently. The added effluent load into the water lens and ocean can be extremely detrimental to our reefs and near shore ocean environment. Launiupoko Park is right below this proposed development and is one of our few nice family beach parks for locals. It is also a regular resting place for endangered Hawaiian monk seals. We have already lost so many beaches for locals on Maui. We can't afford to lose this place to polluted water.

I know we need affordable housing, I am a teacher myself and I would probably not even be able to afford one of these workforce houses. We need workforce houses but we need them to be in the right place. This location has no sewer lines, nearby schools or grocery stores. Everyone will have to drive to get anywhere. Traffic is already horrendous and this development will only make it worse. We need workforce housing close to schools, jobs and stores. One of the goals of our community plan is to avoid urban sprawl. There is plenty of land on West Maui already set aside for workforce housing in better places.

With tourism our biggest resource, we really need to look at what we are doing. Many visitors are already choosing not to come to Maui and sit in traffic. In addition, year by year we are losing the places families can go to the beach. We need to preserve what we still have; ag lands and beaches with clean water for recreation.

The developers are trying to appeal to emotions and the need for affordable housing to do a much larger development than the 25 workforce houses. This should not be fast tracked. This development will have big impact on our West side and set precedence for other developers. We need to use the Precautionary Principle and require a full EIS to reveal the true impacts.

Mahalo, Donna Brown

Donna Brown

283-3423

To: Maui County Council

From: Albert Perez, Executive Director
Maui Tomorrow Foundation

Date: June 16, 2017

Re: ADOPTION of resolution approving with modifications the Makila Kai Affordable Housing Project, pursuant to Section 201H-38, Hawaii Revised Statutes, in the area of Launiupoko in West Maui, TMK (2) 4-7-013:003, 004, and 005 (CR 17-84)

Aloha Chair White and Members of the Maui County Council:

It is of great concern that the proposed Makila Kai project has gotten to this point, despite two clear violations of Hawaii state law.

1. Environmental Assessment Required
Exhibit A of the proposed ordinance says

> 6. The construction of accessory dwellings shall not be prohibited by any restrictive covenant. Accessory dwellings shall comply with all applicable laws.

Therefore, we are talking about the potential for 98 dwelling units on 49 lots. The Planning Department agrees with this buildout potential. That's 98 dwelling units with septic systems, even though DOH only allows a maximum of 50 septic systems. Anything over that number requires a wastewater treatment plant, which is a trigger for an environmental assessment under HRS Chapter 343:

> **§343-5 Applicability and requirements.** (a) Except as otherwise provided, an environmental assessment shall be required for actions that:
>
> (9) Propose any: (A) Wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family ***dwellings*** or the equivalent; [emphasis added]

2. Segmentation
An "eligible developer" under 201H-38 is not the "applicant" under HRS 343. The HFDC is the official primary entity in fast-track projects, and the "eligible developer" merely partners with the housing corporation. Therefore, we do not have three separate applicants here – we have just one, the HFDC.

> **§201H-1 Definitions**
> "Corporation" means the Hawaii housing finance and development corporation (HFDC).

§201H-38 Housing development; exemption from statutes, ordinances, charter provisions, and rules. (a) ***The corporation may develop on behalf of the State or WITH an eligible developer***, or may assist under a government assistance program in the development of, housing projects that shall be exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; ***provided that***:

(1) The corporation finds ***the housing project*** is consistent with the purpose and intent of this chapter, and ***meets minimum requirements of health and safety***;

So HFDC can either:

a) Develop projects directly on behalf of the State, or
b) Develop projects WITH an eligible developer.

The Makila Kai project is being proposed under the latter scenario, but HFDC is still the "agency" undertaking the "action."

The former Makila project, which was undergoing Land Use Commission review and then withdrawn, has now been segmented into three separate 201H projects - Polanui Gardens, Makila Kai, and Makila Rural East.

Since HFDC is the "agency" that would be undertaking the "action" under HRS Chapter 343, allowing these three clearly related projects to proceed separately would be a clear violation of HAR 11-200-7, which says that a group of actions proposed by an agency or an applicant shall be treated as a single action when the component actions are phases or increments of a larger total undertaking. Splitting up the former Makila project into 3 segments does not reduce the environmental impacts of the whole.

In addition, 201H-38 also requires that the housing project meet **minimum requirements of health and safety.**

Health

Since the proposed ordinance would allow accessory dwellings, the 49 lots could support 98 dwellings, which exceeds the maximum number that DOH allows to be served by individual wastewater systems. Thus, even Makila Kai by itself does not meet minimum requirements of the Department of Health. Adding the other Polanui and Makila Rural East developments would only compound the problem.

Safety

This project would add 98 dwellings to a community that is only 30 percent built out - all served by a single, inadequate roadway that provides egress from Launiupoko in the event of a fire or

other emergency. The existing situation is already unsafe; adding 98 dwellings would make it even worse.

*****

Even without these clear violations of Chapter 343, citizens of Maui County rely on the Council to take a global view of these related developments, and not look at just the one in the middle with blinders on.

State law requires that the environmental impact of these three projects be assessed together. The Council should not be allowing segmentation. To do so would set a precedent that would invite other developers to try the same thing.

You don't have to approve this today. Under 201H, the Council has the option to modify the project or to disapprove. I urge you to discourage segmentation by disapproving this project until they all come before you, and then make a decision on all three.

The bottom line is that Makila Kai would only provide 8 "affordable" homes that <u>will not truly be affordable after homeowner association fees, trash collection and water fees are added in</u>. Instead, I would encourage you to start looking at other ideas that will provide thousands of perpetually affordable homes in nice, livable communities, close to infrastructure and services, and which do not compromise our valuable resources or put people's lives at risk. That is what Maui County really needs. Suitable land is available, but it may require asking major landowners to step up to the plate for the good of the community that they work in and derive profit from.

County meeting 6-16-17 agenda item 17-85 Opposition

vera sreda <verasreda@gmail.com>

Tue 6/13/2017 5:00 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Please don't allow DBA for Makila Kai.

Makila Kai is surrounded by agriculturaly zoned lands, and they should be kept that way. Notice how you are asked to rezone lass that 15 acres of total of 79 acres for this project. Is that because anything bellow 15 acres doesn't require state involvement? This entire project is 79 acres and county of Maui Ag land zoning states that Ag lands should be no less than 2 acres. How is it possible than to allow market rate 24 lots to still be considered as Ag (they are less than 2 acres)? If Ag zoning is to be kept on other market rate lots than they should be allowed to be 2 acres or more, than # of market rate houses should be 12 instead of 24.
I am in opposition to this idea as well, but just pointing out inconsistencies.

These original 3 lots are completely subdivided and according to current zoning can no longer be divided any more. There should be only 3 Ag lots allowed for development for Makila Kai.

Mahalo and Aloha
Vera Srednovic MBA

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2017 JUN 14 AM 7:43
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County meeting 6-16-17 agenda item 17-84 and 17-85 Opposition

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vera sreda <verasreda@gmail.com>

Tue 6/13/2017 4:50 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Please e-mail me back confirming that you received this e-mailm.

I am writing as Launiupoko resident, and my position is shared by overwhelming majority of Launiupoko, including local Hawaiian's living in The Valley. Many people are on summer vacations and not able to show up and testify or write to you. This fast track process doesn't allow for community to voice it's concerns. In few of our meetings where Makila Kai was presented, Launiupoko community opposed it. We oppose Makila Kai and any other high density developments for many reasons, which you already heard about during testimonies for LUC.

It seems that 201h process allows for complete disregard of all zoning, building, EPA, traffic, water standards. If you let this happen on Ag lands what is the next place it can happen on? County purchased for 9,9 Million dollars nearby pice of land to protect it from development, and now, right next to it, we are allowing even higher density than what was supposed to be on that land that we paid so much for? This makes no sense? There should be co-ordination of efforts to make sure we are not spending tax funds $, and than turning around and approving something completely in opposition where we spent those $? County has a complete power in making its judgment call on 201h projects, and in turn -County is an applicant and responsible for any consequences if wrong conclusion is reached. Launiupoko has private utilities and you have no control over them, if you have no control how can you be sure they will be adequate (they are not adequate even now) are you willing to take that risk? How can you approve something that you have no control over?

It is clear that you are presented with segmentation of prior high density development. This one is just under 49 lots-so planned to avoid septic processing facility requirement, which in turn requires extensive EPA. Please remember that the proposed homes can build additional farm structures, which would require additional septic tanks-thus the way this is being allowed to proceed already violates this law.

As you are now aware as well, these homes will not be affordable, as they require $600 plus /month in recurring fees ($350 as per consultant plus $250 for electricity on top of that). Since these homes would be in highly desirable tourist area they will be VRBO-ed for hundreds of dollars per day-some even thousands, and residents will live elswhere (thus you did not solve any problems of work housing this way).

Ultimately it is so concerning that some county members who voted yes on this, are not looking out for the safety of its citizens. THERE IS ONLY ONE ROAD TO LAUNIUPOKO. THERE IS LACK OF WATER. Even if firefighters by some miracle, can get in to Launiupoko-while 2,000 people are trying to get out on one road, when they connect their hoses there may be no water to stop the fire. Now new areas will be exposed to even bigger fire as fire department could not stop it where it started. WHEN THIS HAPPENS PEOPLE WILL DIE, AS THEY WILL BE TRAPPED. By approving this development and other developments to follow you are risking the lives of Launiupoko current and future residents. Why are you not requiring developers to build additional roads before they propose any other building here. Why are all of them not considered as one project for purposes of Environmental impact? Why are local Hawaiian's water rights threatened even further? Why are we taking away from high quality Ag lands? It is understandable that developers wish to avoid all of this, as they will keep more profits, but it is not understandable that government would not make them do it, to ensure safety of its citizens and sustainability of the island.

Launiupoko reef is already at the edge of extinction, did anybody notice that? Septic tanks clearly contribute for bacteria levels in the oceans, what happenes when tourists find out they are getting sick from swimming in Maui waters and don't want to come back? Workforce housing is not an issue at that point, as there will be no jobs.

Please be reasonable and don't approve projects that are rushed and avoid necessary due diligence. We are not helping anybody if we let this happen. We are creating a precedent and opening doors for so many violations. County, as an applicant for this project, is taking on huge risk. Risk reward ratio is heavily tilted towards RISK.

Thank you for considering everything
Mahalo and Aloha
Vera Srednovic MBA

Makila Kai

Leslie Jaramillo <leslieuj@hawaii.edu>

Sat 6/10/2017 10:35 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Regarding the development that is planned for Makila Kai... As a born and raised wahine of Lahaina, I have witnessed many and many of developments for the rich and it seems like there's none for the poor or the less fortunate. All those prime lands should be used to house the long time residents of this island not to help the rich get richer. Many long time residents aren't able to afford housing at this development. We cant get ahead even with low income housing because of the fact that the rent keeps going up according to your raise in pay. I'm thousands of numbers on the Hawaiian Homes list and pray that in my lifetime I will secure a house for my children before I pass. Lahaina is overdeveloped for the tourist and us kanakas has been forgotten. Give us our land and let us live sustainable as we did back in the days. We no need the tourist, put a cap on them. As a matter in fact, boycott Hawaii please... Stop this development for many of reasons including the traffic that's already terrible at that stoplight. Mahalo for listening.

Leslie Jaramillo

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2017 JUN 13 AM 11:58
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COUNTY CLERK

Makila kai development

gritlee71@gmail.com

Mon 6/12/2017 9:19 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Again where is the water coming from and what are they going to do about the added traffic to an already gridlock situation. Crazy this has gone this far.
Water water traffic traffic.
Thank you so much for taking these into consideration when voting happens. We pray you vote against this.
Jim and Margaret Sweeney

Sent from my iPhone

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2017 JUN 13 AM 11:58
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Makila Kai Proposed Project

RECEIVED

2017 JUN 13 PM 3:47

OFFICE OF THE
COUNTY CLERK

nearymail@yahoo.com

Tue 6/13/2017 11:52 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Attn: County Council Members

We are writing to strongly object to the fast-tracking of the above referenced Greg Brown project.

We have lived in Mahanalua Nui for almost 14 years. When we purchased our land we were assured the land below us would remain zoned agricultural and not be divided into smaller properties. In our years here there has been a significant increase in traffic on the highway, causing great delays just to get in and out of our neighborhood. That will only increase terribly if more houses are added. TRAFFIC and WATER are the main concerns for our area.

In addition, you should consider the effect on tourists trying to come to the west side. If things continue to get worse with the traffic, it could have a great impact on the number of tourists, and therefore revenues, to our island.

Please consider the concerns and welfare of all residents on the west side....not just the greedy desires of a developer. He'll walk away with tons of money and not give our intolerable situation a second thought.

Respectfully,
Dave & Jo Neary
Bret & Denise Neary
34 Awaiku St.
Lahaina, HI 967671

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June 13, 2017

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2017 JUN 14 AM 9:36

OFFICE OF THE
COUNTY CLERK

Council Vice-Chair Robert Carroll,

Chair – Land Use Committee

Maui County Council

Kalana O Maui Building, Eight Floor

200 South High Street

Wailuku, Hawaii 96793

SUBJECT: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))

Dear Councilmembers,

I am sending this letter in support of the proposed Makila Kai project. I would like you to know that I support Makila Kai for the following reasons.

Affordability – Although I have lived in Hawaii for most of my life (over 45 years) I have never owned a home here. Even growing up, we lived in rented low income housing because my mom was a single parent raising two kids. Owning a home did not seem like a possibility and as time passed, prices seemed to skyrocket beyond reach. When my husband and I learned of the Makila Kai project we were so excited because for the first time, it looked like we just might have the ability to buy in Hawaii which has been my home for over three generations. My grandparents were born in Hawaii when their parents came to work on the plantations looking for a better life. They made huge sacrifices for their families and we have been in the Islands ever since. It's the best place to call home, this side of Heaven.

Makila Kai will provide a rare opportunity for Maui residents to purchase an affordable first home on a large lot which is usually attainable only by buyers who can afford to purchase a home at market rates. I commend the developer for providing the opportunity for working families to purchase a workforce home in this desirable area of West Maui.

The fact that Makila Kai plans to offer a financial gift to each workforce home buyer further emphasizes the developer's commitment to the idea of truly "affordable" housing.

Community design – The design of the project is well thought out because it will protect the natural beauty and preserve the agricultural land. This is extremely important to me as I have always been a country girl at heart. My mom was raised on a dairy farm on the Big Island and I spent many summers there. That influenced me a lot and is why I feel very comfortable with open space, land, and animals. We currently live in Kula on my mom's two acre parcel and have large gardens and chickens so Makila Kai's design is a perfect fit for our life style.

Lastly, the location is also perfect as it will be a much, much closer commute for my husband to go to work. For the past three years, he has commuted from Kula to Lahaina which is a long drive and can be made even longer when there is heavy traffic or an accident which happens all too often. The location is ideal and would make an enormous difference in how much time he spends on the road and how much we spend on gas and wear and tear on our vehicles.

I ask and strongly encourage the Maui County Council to support Makila Kai.

Sincerely,

Rae Graber

Brown Development in Launiupoko.

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2017 JUN 14 AM 10: 02
OFFICE OF THE
COUNTY CLERK

John Greenhalgh <jgreenhalgh@twc.com>

Wed 6/14/2017 10:02 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Mr. White,

When we purchased our home in this community it was based on the assumption that it would always be an agricultural neighborhood and not be over developed.

I understand the need and support affordable housing for Maui residents. It was brought to my attention that there is 300 acres set aside for affordable housing by the state on the West side of Maui above Kaanapali. This is the area that should be focused on due to it's proximity to the Kaanapali hotel area. This would reduce traffic and allow for public transportion for the working families that are employed by the hotels and surrounding areas.

I am against the application for the development of the proposed Makila Kai LLC 79.5 acres of land, identified for real property tax purposes as tax map keys (2) 4-7-013:003, 004, and 005, in the area of Launiupoko in West Maui, mauka of the Honoapiilani Highway and the Lahaina Bypass Highway corridor.

Please be cautious of developers requesting the re-zoning of land promoting that they have the health and welfare of the community first, when in effect they are really are only concerned with their personal gain.

Keep the Launiupoko community the way it was intended to be when it was created. Please vote **NO** for the development of the proposed Makila Kai LLC 79.5 acres of land.

Sincerely,

John R. Greenhalgh
506 Kai Hele Ku St.
Lahaina, HI., 96761
808-868-6077

reject the Makila Kai proposal CR17-84

RECEIVED

2017 JUN 15 AM 8:53

OFFICE OF THE
COUNTY CLERK

Gordon Firestein <gfirestein@seapact.com>

Wed 6/14/2017 9:06 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha, County Council Members,

I am writing to express my opposition to the Makila Kai proposal and urge you to vote against it.

A simple pro versus con list:

Pro: 25 workforce housing units

Con: only 8 of those units are for families making 80% median income

significant monthly costs to homeowners for HOA dues, private water and refuse collection

allows the creation of 24 (and potentially 48, if CPR'ed) market rate lots, where currently only 3 to 6 lots are allowed

avoidance of an EIS in a sensitive area where the County has a duty to know the impacts before approving development

proposes a well for ag water that will be drawing brackish water and injecting it into the system that supplies the entire hillside

does not address long-standing rights of kuleana residents for adequate mauka-to-makai stream flow for kalo farming

does not comply with West Maui community plan

adds to an already intolerable traffic situation in West Maui

allows 50 septic units in a small area, just mauka of one of the most popular beach parks on the island and threatening the coral reef

allows re-zoning of prime ag land, a permanent loss of a limited and precious resource

exacerbates an already hazardous situation where there is only one evacuation route for all residents of the hillside

Why rush to approve a project that has so many obvious drawbacks? Is it worth it, when there are better places to develop workforce housing? Why not wait until the new digital interactive map tool being developed by the County IT staff is available?

Thank you for considering these points.

Sincerely,

Gordon Firestein

186 Paia Pohaku Place
Lahaina HI 96761

Support of Makila Kai

RECEIVED
2017 JUN 15 AM 8:53
OFFICE OF THE
COUNTY CLERK

Stacey Kenney <psmkenney@comcast.net>

Thu 6/15/2017 1:45 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Stacey Kenney
80 Paia Pohaku St.
Lahaina, HI 96761
(808) 269-0009
June 15, 2017

Council Vice-Chair Robert Carroll,
Chair – Land Use Committee
Maui County Council
Kalana O Maui Building, Eighth Floor
200 South High Street
Wailuku, Hawaii 96793

Dear Mr. Carroll:

I am writing in support of the Makila Kai development. My family has lived on and owned agricultural property in Launiupoko since 2001. We look down over the future Makila Kai development. I spend time there every year and jog on the path through the neighborhood.

Greg Brown has been very active in the community explaining what he is doing there. I am confident that he will build a neighborhood that will fit within the Launiupoko community. We need this for our working teachers, fireman and others in this income range. Thirty percent of the people that have been pre-approved are teachers who live on the other side and can't afford to live on the West side where they work.

I have been a teacher for twenty-five years and look forward to retiring at my family home in Launiupoko. I feel that it is important for people at my income range be given the opportunity to buy affordable homes in the community.

Please consider my support of the Makila Kai development.

Sincerely,
Stacey Kenney

Makila Kai FAST TRACK

RECEIVED
2017 JUN 15 AM 8:53
OFFICE OF THE
COUNTY CLERK

Doris Lang <doelang@yahoo.com>

Thu 6/15/2017 6:32 AM

To:County Clerk <County.Clerk@mauicounty.us>;

County Council Members,

Aloha

I have been attending and testifying against the Makila Kai project for this past month. For the sole purpose to NOT pass this project hastily. You have heard from many people testifying against the FAST TRACK, you have no doubt seen the petition on Change.org signed by 300+ people and many emails sent to your office, opposing the FAST TRACK.. By ignoring all of the voices who have been speaking out on important issues, like water, traffic and evacuation and not giving them considerable consideration is shortsighted..

I will not be coming to the hearing this Friday. I will be at one of Hawaii's most important events in the 21st century. I will be attending and honoring Hokule'a homecoming. She has been traveling the world for 3 years spreading the word of Aloha and Malama Honua - Taking Care of Earth Island. This incredible voyaging canoe sailed around the world spreading the message and yet for those of you who approving this project cannot practice it here on Maui. If you vote yes, allowing this project to go through without the proper channels, allowing this to go FAST TRACK, then when election time comes around, I will not cast a vote for you.

Mahalo
Doris Lang

Makila Kai affordable housing project, item 17-84 and 17-85

RECEIVED

2017 JUN 15 AM 8:53

OFFICE OF THE
COUNTY CLERK

Tiffany <cowantiffany@yahoo.com>

Thu 6/15/2017 1:17 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha council chair Mike White and council members,
My name is Tiffany Pitts, resident of Maui since 1994. I am a single mother living on the west side of Maui with 2 young children. Taj, 11 years old and Anella, 9 years old. My family absolutely loves living on Maui but the price of living is almost impossible.
I ask STRONGLY to encourage the Maui County Council to support Makila Kai for the following reasons.
Maui needs more workforce homes. The average family is being priced off the island! The large lots provide space for homeowners gardens for self sufficiency and sustainability!
Makila Kai will provide affordable homes in an area that is becoming expensive and exclusive! The fact that the developer will offer a 50,000$ gift to each workforce homebuyer emphasizes the developers commitment to the idea of truly "affordable housing". Makila Kai is consistent with the Maui Island plan which designates this area as within the rural growth boundary!!
I am so hopeful to be able to live in a home on Maui with my two beautiful children. I will always continue to work hard and put a rough over their heads and food on the table. The Makila Kai project gives me great hope that we can remain on Maui and live a happy content life!!
Please consider this project for the workforce homes on Maui! We truly need this to happen. The prices have sky rocketed in the last several years making it so hard. Thank you so much for your support!

Mahalo,
Tiffany Pitts

Sent from my iPhone

Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Steve Bayes <sbcmaui@gmail.com>

Wed 6/14/2017 5:28 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Dear Council Chair Mike White and Council members,

Unfortunately I am unable to attend the council meeting this Friday, but I still wish to voice my support for the Makila Kai workforce home project. I support this project because I have lived and worked on Maui for many years and have seen the opportunities for working class families to buy homes on Maui dwindle while the amount of luxury homes continue to rise. This project is a wonderful opportunity for Maui County to give the families of Maui's workforce a chance to own a home in a beautiful location. Without this project, and the dedication from this developer, homes of this caliber will continue to be out of reach for many working class families. The opportunity for this may not come again.

I understand that this developer has been talking about workforce homes for years and is dedicated to providing affordable homes on Maui. His devotion to this project is made obvious by his $50,000 price reduction "gift" for all of his workforce homes. I have never heard of any other developer offering this before. He has committed to not using agricultural water from the Launiupoko stream system or current area non-potable water infrastructure. The website also states that individual wastewater systems will be provided on each lot circumventing the need for a sewer/wastewater treatment plant. All of the homes are to be one story so even the views will be protected. It would appear that Brown Development has done the hard work of finding a way to build homes for those who need them while respecting the rights and concerns of those already living in the area.

I believe that this project will be invaluable to Maui's west side workforce and will impact the community for the better.

Thank you,
Steve Bayes
Community Member

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2017 JUN 15 AM 8:54
OFFICE OF THE
COUNTY CLERK

Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Brandt Bennett <brandt.bennett@gmail.com>

Wed 6/14/2017 4:46 PM

To:County Clerk <County.Clerk@mauicounty.us>;

RECEIVED
2017 JUN 15 AM 8: 54
OFFICE OF THE
COUNTY CLERK

Council Chair Mike White
Maui County Council
Kalana O Maui Building, Eighth Floor
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: **Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85**

Dear Council Chair Mike White & Councilmembers,

My name is Brandt Bennett, Maui Resident and Residential Manager at Montage Kapalua Bay. I am sending this letter in support of the proposed Makila Kai project. I would like you to know that I support Makila Kai for the following reasons:

Location - I support the creation of housing on Maui which is located near community facilities and important services (Civic Center, Aquatic Center, Fire Department & Police Station). Makila Kai residents would be able to commute to Lahaina Town, Kaanapali, & Kapalua easily from this location, and eventually take the bus, since the project is located along the future Lahaina Bypass Highway. This will be a great home base for many professionals serving the growing hospitality industry as well as the proposed west side hospital facility.

Community design - Makila Kai is located in an area designated for rural growth by the Maui Island plan. Given this designation and the existing agricultural (large) lots outside the Rural Growth
Boundary, Makila Kai's design (mauka agricultural lots, makai rural lots) provides a thoughtful compromise between what exists and what is allowed by the Maui Island Plan. The large lots provide space for homeowner gardens for self-sufficiency and sustainability.

In addition, I support this project because about 50% (41 acres) of Makila Kai will be open space, and buildings will be limited to a single story to protect views. Most of the open space will be occupied by a neighborhood park, pedestrian trails, and a large greenbelt along the future bypass. These features will directly benefit the neighborhood in terms of well-being and visual impacts.

Affordable homes - Makila Kai will be truly affordable for perpetuity with 30 year deed restrictions. Makila Kai will provide a rare opportunity for Maui residents to purchase an affordable first home on a large lot which is usually attainable only by buyers who can afford to purchase a home at market rates. I commend the developer for providing the opportunity for working families to purchase a workforce home in this desirable area of\Vest Maui.

The fact that Makila Kai plans to offer a financial gift to each workforce home buyer further emphasizes the developer's conunitment to the idea of truly "affordable" housing.

It is very evident that residents are being priced out of the island, with the average median home price being over $700,000. The west side of Maui faces some of the most high rental rates on the island, I pay $2400 for a two bedroom condo, which prevents me from truly saving any earnings and unfortunately causes me to be further and further away from my aspiration of owning a home.

I ask and strongly encourage the Maui County Council to support Makila Kai.

Sincerely,
Brandt Bennett
808-298-3818

Makila Kai Affordable and Housing Project,item No. 17-84 and 17-85

Mary Jane <mjed222@gmail.com>

Wed 6/14/2017 4:21 PM

To:County Clerk <County.Clerk@mauicounty.us>;

RECEIVED
2017 JUN 15 AM 8:54
OFFICE OF THE
COUNTY CLERK

Council Chair Mike White and Councilmembers,

We are writing in support of the Makila Kai Affordable Housing Project for the following reasons. We have lived in Mahana Lua Nui for fifteen years.

Lots are large half acre providing space for gardening and maintain the rural character of the area

This project is consistent with the Maui Island Plan designating this area as within the Rural Groth Boundry.

Makila Kai will provide open space such as a park greenbelt, and walking trails.

Makila Kai will drill its own well to provide non potable water, so it will not increase stream diversions from Kauaula or Launiupoko streams.

The fact that developer will offer a $50,000 gift to each workforce home buyer emphasizes his commitment to the idea of truely 'Affordable ' housing.

It is next to impossible to find affordable homes on the West Side so this should help traffic flowing in and out of Lahaina.

This's is a unique design that if built would be a good model for similar affordable home projects.

Thankyou for giving your sincere consideration to passing the Makila Kai Affordable Housing Project.

Sincerely,
Edwin and Mary Jane Brown

Sent from my iPhone
Ed and Mary Jane
808 268-0105

Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Ryan Gadson <rgadson527@gmail.com>

Wed 6/14/2017 8:22 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Dear Council Chair Mike White and Council Members,

I am writing you to ask you to please support Makila Kai for so many reasons. I have already testified in person during the first hearing so I won't go on and on in this email.

1.) Local families working normal jobs are being priced out of homes all over the island. I don't only mean homes for sale either, the rent has gone so high that the workforce community is struggling to even keep afloat. That is if you can find a place to go. Personally, My family and I have been looking for over 2 months for a different place to go (current landlord is selling the house we rent). We have heard back from 1 potential landlord only for them to choose someone else. Not only has rent and home prices gone so high, land lords are also looking to rent to single people or couples. Even 2 and 3 bedrooms- take a quick look at the listings on Craigslist. Where does that leave us local families?

2.) Makila Kai would solve this problem for 25 Local Families and fulfill a dream for many of us...to own our own home here in West Maui. I have worked steady for over ten years commuting to west Maui because I have never been able to afford to rent or buy anything in West Maui. The large 1/2 acre lots would add to the dream of home ownership. 1/2 acre would be so nice for kids to play, have gardens, etc.

3.) The Fact that Brown Development is also offering a $50,000 discount is another Huge help. Again, making this dream a little more reachable for working class families.

Maui really needs more affordable housing for local people. I strongly ask and encourage the Maui County Council to support Makila Kai.

Thank you so much for your time,

Carl Ryan Gadson

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2017 JUN 15 AM 8: 54
OFFICE OF THE
COUNTY CLERK

Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Owen <owenlanger@gmail.com>

Wed 6/14/2017 4:06 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha Council Chair Mike White and Councilmembers,

I wanted to let you know of my firm support for the Makila Kai Development in Launiupoko. I also humbly ask you to support this development as well - it is greatly needed for the working class families that live on this island and are in need of affordable housing.

According to the Realtors Association of Maui statistics, last month (May 2017), the median single family home on Maui was $700,000. The median single family home price year to date was $687,500. Compared to the same time frame last year, that is an 11% increase. Many people here on Maui do not realize that salary increase in a year, and it is increasing hard to keep up with home values.

While this this project will only provide for 25 families to secure a home, any amount of affordable development for the people that make our community and economy run is essential.

This project is consistent with the Maui Island Plan for Rural Growth Boundary, allows the owners to have lot space to support their own agricultural endeavors, and most importantly will allow 25 families to get out of the uncertainly of the ever increasing rental prices to build a future for themselves on this island.

I implore you as a former educator at Lahainaluna, who had to leave the profession because I loved the island and it's people, but could not afford to live here on a teacher's salary without great difficulty.

As a Realtor who works with many of your constituents trying to achieve the ever elusive goal of home ownership, pride, and most importantly security in their living situation, I strongly encourage the Maui County Council's support of Makila Kai.

Thank you,

--

Owen Langer, R (Broker) I RB-21853 I Hawaii Life Real Estate Brokers
40 Kupuohi Place Suite #304, Hawaii, 96761
(808) 419-1701 mobile
owenlanger@hawaiilife.com
HawaiiLife.com *Hawaii's most-trafficked real estate website*

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2017 JUN 15 AM 8:54
OFFICE OF THE
COUNTY CLERK

Makila Kai Project

RECEIVED
2017 JUN 15 AM 8:54
OFFICE OF THE
COUNTY CLERK

Shantelle Uyeda <kanakeli96761@yahoo.com>

Wed 6/14/2017 2:35 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha... to whom it may concern,

I in particular and soo many families who've applied and then some are in dire need of affordable housing... it is ridiculously sad as to how many had left due to the cost of living here. We have literally applied for every opportunity that has arose recently... our last resort will be moving from our home that has been our home for generations!!! I hope that will not be the outcome for us as it was for soo many of our friends. PLEASE consider this as a critical move to keep the people where they belong.. those who have invested their sweat blood and tears to sustain life here in the the one place that holds our hearts.

Mahalo,
Shantelle Morgan
Sent from my iPhone

Subject: Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Dear Council Chair Mike White and Councilmember

I have lived on Maui for ten years. I am a hard worker and I work in the area. I would like to also live in the area. Developments like these offer opportunities working class families just don't see on Maui. I respect the rights of the people in the valley and I understand their concerns, but I feel that they have been addressed by Brown Development. The agriculture water from the Launiupoko stream system is not going to be used. Each unit will have their own sewer system so they won't be building a wastewater plant. The bypass will help alleviate traffic problems. There is nowhere on the hill for a local family to raise their kids this would change that. Luxury homes are being built all over the island this small parcel of land can be set aside for Maui's workforce. I believe that our people need this so I support the workforce housing project.

Thank you,

Conrad Oandasan

Community Member

RECEIVED
2017 JUN 15 AM 8:54
OFFICE OF THE
COUNTY CLERK

June14, 2017

Via email to: lu.committee@mauicounty.us

Council Vice-Chair Robert Carroll,
Chair – Land Use Committee
Maui County Council
Kalana O Maui Building, Eight Floor
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: WE SUPPORT MAKILA KAI
Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))

Dear Vice-Chair Carroll,

I Stephanie Shoemaker have owned property at 80 Piaia Phokau Street in Launiupoko, above the proposed site of the affordable housing project, since 2001. I have taught and worked as a special education teacher and student services coordinator at the schools in Lahaina since 1991. I am fortunate to have this home, but many of my co-workers cannot afford a home in Lahaina and are forced to find homes that are more affordable on the other side. I have heard many of my colleagues are applying to buy a home at this affordable housing project. This will prevent them from driving from the other side of the island and could help to reduce traffic and to keep teachers employed in Lahaina. There is a shortage of homes on Maui priced for workforce buyers. Makila Kai will provide opportunities for people who work in West Maui to own a home there.

I have seen Brown Developments work in our neighborhood and it is of very high standards. I believe that BD has taken the area residents into consideration. This is a rural area and Greg Brown has done a rural concept and reached out to many of the owners to explain this. The large lots will maintain the rural character of the area. Brown Development is a qualified builder and I believe Greg Brown is ethical and of good character.

Sincerely,

Stephanie Shoemaker
Student Services Coordinator
Princess Nahienaena Elementary School
816 Niheu St.
Lahaina HI, 96761

RECEIVED
2017 JUN 15 AM 8: 54
OFFICE OF THE
COUNTY CLERK

May 15, 2017

RECEIVED

2017 JUN 15 AM 8: 54

OFFICE OF THE
COUNTY CLERK

Council Vice-Chair Robert Carroll
Chair—Land Use Committee
Maui County Council
Kalana O'Maui Building, Eighth Floor
200 South High Street
Wailuku, HI 96793

RE: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))

Dear Members of the Maui County Budget & Finance Committee:

I strongly support the proposed Makila Kai project, and I do so both professionally and personally.

As a public school administrator in West Maui, I see every day how much our community needs to have homes that local working families can afford. I see this from the perspective of our students' families and the tremendous workload parents must take on just to provide their children a home. I also see this from an employer perspective, in the number of teachers who commute from the other side of Maui because Lahaina is too expensive and maybe even more so in the number of teachers moving back to the mainland simply because they've lost hope of ever affording a single-family home on Maui, much less in the Lahaina area. Even with the maximum educational qualifications and tenure, educators simply cannot qualify for a mortgage based on their salaries alone.

Personally, I commuted from the other side of the island to work at an elementary school in Lahaina for two years. During that time, I aggressively pursued the purchase of a West Maui home and watched with dismay as out-of-state buyers outbid my offers and realtors snapped up moderately priced houses, often before those homes even appeared on market listings. Average working residents are left to pick between overpriced homes we can't afford or distressed properties that likely won't pass inspection.

The rental situation is not any better. During the same two-year time frame, I sought out every rental home opportunity on the Westside. Virtually all 3 bedroom/2 bath house rentals are listed at approximately $3,000 (or higher) per month, which is much more than the average working family can afford and much higher than the recommended ratio of housing costs to monthly income. It is very difficult to just survive economically in these market conditions, much less hold on to the dream of purchasing a home in Lahaina.

With family homes in this area starting at over $700,000, my only hope of home ownership on Maui is to pursue every affordable housing opportunity that comes along – and those are few and far between. The wait is much too long and emotionally exhausting. There are so many ups and downs just hoping the project will get approved. Then, after jumping through all the hoops to become qualified to purchase, it will still come down to the luck of the draw, with all the applicants just hoping they are lucky enough to be selected in the lottery. We need many more affordable homes to become available in our area.

The Makila Kai project has everyone in the community so excited. I personally know of 5 other employees just at my school who are hoping to be selected in the Makila Kai lottery. The Makila Kai developer is providing a rare opportunity for residents to purchase single-family homes on large lots in a very desirable area. The fact that the developer also plans to offer each workforce buyer a financial gift towards the purchase of a home is truly incredible and demonstrates the developer's commitment to making these homes truly affordable. Please recognize that the Lahaina community desperately needs this project to move forward!

Sincerely,

Rebecca Winkie, PhD

Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

RECEIVED
2017 JUN 15 AM 9: 57
OFFICE OF THE
COUNTY CLERK

Jordan Ruidas <jordan.ruidas@vacasa.com>

Thu 6/15/2017 9:48 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha Council Chair Mike White and Council members,

I am taking the time to write to you all today to show my support in the Makila Kai project. I strongly urge the Maui County Council to also support Makila Kai for the following reasons:

For one, Maui needs more workforce homes. Us hard working people of Maui deserve the chance to fulfill our dreams of being home owners. The average family is being priced off the island and it is heart breaking. I've been watching the market for awhile now and see the prices sky rocket higher and higher. I work two very steady jobs with good pay and also own a successful business and these $750k-$1.5m are so far out of reach it's honestly discouraging. Looking at renting a place on this island isn't any better. With 2 bedrooms ranging anywhere from $2500-$4500 a month is crazy! A lot of us could easily be paying mortgages with that amount instead of helping others pay theirs. I am born and raised on this island and it would truly be a blessing for this project to be approved and to get picked for this project. I would hate to be priced off this island like so much families I know.

Secondly, Makila Kai will give 25 Maui families a chance to stay on this beautiful island that we call home. Maui desperately needs more affordable/workforce housing projects and I think passing this project will help encourage and inspire other developers to participate in workforce homes as well. I also commend Greg Brown for stepping up and committing to build the workforce homes first. That tells me that he truly cares and I hope other developers see that and get inspired to do so if they have the chance.

Thirdly, I am especially interested in this specific project because of the generous lots of 1/2 acre. I have always dreamed of being more self sustainable and this project is my chance. I am planning to grow most of my own produce/herbs and also have a compost pile. Even with that I will still have extra room for my dogs to have yard space.

I appreciate that Greg Brown is giving us work force people a chance to be able to own especially in an area that is becoming more expensive and exclusive. The project site is in a very desirable area and it shows that all of our hard work is NOT going unseen. I also appreciate that he is offering $50,000 gift to each workforce home buyer. It emphasizes the developers commitment to the idea of truly "affordable" housing.

Lastly, I would like to say that I have been renting a room in my families house for almost 3 years now. Paying $800-$1000 which is pretty good but is still hard to live comfortably especially on Maui. I work at least 5 doubles a week and jam my Jumping castle business (Westside Jumperz LLC) on the weekends. For the past couple of months I have been looking at places to rent due to space and privacy and let me tell you.. it has been beyond hard! Most landlords are asking ridiculously high prices for units that aren't even worth that. Like I said previously, 2 bedrooms are going anywhere from $2500-$4500 on the westside! Sometimes in houses that are split up between 5 different renters. Imagine that.. 5 renters at approximately $2500 is is $12500!!! We are paying these land lords mortgage and way MORE! I would rather pay my hard earned money towards my own mortgage and this project will give me the chance to.

Thank you for your time. And I really hope that this project is approved!

Mahalo,

Jordan Ruidas

Subject: Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

Dear Council Chair Mike White and Councilmembers,

I would like to voice my support for the proposed Makila Kai workforce housing project. I am a contractor who relocated to Maui with a construction degree and 40 years or experience. As an outsider looking in I am surprised by the amount of development geared towards the extremely wealthy in comparison to working families. This project will help to counteract that problem. If something does not change, and soon, the island will only be for the rich and famous in no time at all.

This is a great opportunity for local families to raise their children in a safe and friendly community with a sense of security that renting and the quickly rising costs of home ownership do not currently allow for. This development is well thought out. The large lots ensure a rural community feel with the added benefits of a close knit community through the planned loop trail, playground, and sidewalks which we know are a problem in a lot of other neighborhoods on Maui. The homes will all be single story to protect the view and the 500 foot set back from the bypass adds to the safety of the community and is in accordance with the Maui Island Plan. Brown Development has also addressed the issues regarding water usage, sewer treatment plant concerns, and traffic.

These homes are for people who plan to be a part of the community long term and full time. They cannot be sold within 10 years and they can't be rented. I think it is clear that this development project will benefit the West Side Community in many ways. The West Side median cost of buying a home is higher than the island's average and it preventing those who work on this side from living on this side. These types of homes on such favorable land at these prices will not come again and it is imperative that Maui County take advantage of this opportunity while they can. The local working class families of Maui deserve the opportunity to live in good homes on good land on their own island. As of now those benefits are only being awarded to the wealthy part time vacationers who don't contribute to the day to day economy of Maui. Support Maui's workforce and approve this project.

Thank you,

Mark Marolf

Mark Marolf

RECEIVED
2017 JUN 15 PM 12: 08
OFFICE OF THE
COUNTY CLERK

RECEIVED

2017 JUN 15 PM 12: 11

OFFICE OF THE
COUNTY CLERK

Council Vice-Chair Robert Carroll,
Chair – Land Use Committee
Maui County Council
Kalana O Maui Building, Eight Floor
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))

Dear Councilmembers, I am sending this letter in support of the proposed Makila Kai project. I would like you to know that I support Makila Kai for the following reasons.

I am in the vacation rental management business on the west side of Maui. I grew up in Lahaina and the majority of my peers including myself are unable to afford homes or even rent due to the high cost of housing. Workforce housing has been a blessing for the families who received homes in the last two developments. I want to start a family of my own, raise my kids where I grew up and have them attend the same schools I attended. I work hard for my living, like many Maui residents do and think this workforce housing is a wonderful opportunity for the community.

Community design. Makila Kai is located in an area designated for rural growth by the Maui Island plan. Given this designation and the existing agricultural (large) lots outside the Rural Growth Boundary, Makila Kai's design (mauka agricultural lots, makai rural lots) provides a thoughtful compromise between what exists and what is allowed by the Maui Island Plan.

In addition, I support this project because about 50% (41 acres) of Makila Kai will be open space, and buildings will be limited to a single story to protect views. Most of the open space will be taken up by a neighborhood park, pedestrian trails, and a large greenbelt along the future bypass. These features will directly benefit the neighborhood in terms of well-being and visual impacts.

Affordable homes. Makila Kai will provide a rare opportunity for Maui residents to purchase an affordable first home on a large lot which is usually attainable only by buyers who can afford to purchase a home at market rates. I commend the developer for providing the opportunity for working families to purchase a workforce home in this desirable area of West Maui.

The fact that Makila Kai plans to offer a financial gift to each workforce home buyer further emphasizes the developer's commitment to the idea of truly "affordable" housing. I ask and strongly encourage the Maui County Council to support Makila Kai.

Sincerely,

Kelly Jean Sullivan, Realtor
Sullivan Properties Inc.
808.283.4695
kelly@mauiresorts.com

9Makila Kai Affordable Housing Project

RECEIVED

2017 JUN 15 PM 2:41

OFFICE OF THE
COUNTY CLERK

Ann Williams <williamskoa@gmail.com>

Thu 6/15/2017 2:41 PM

To:County Clerk <County.Clerk@mauicounty.us>;

To Whom It May Concern:

I ask and strongly encourage the Maui County Council to support Makila Kai and help the hard working community that This is a blessing to the community for many reasons listed below:

- Maui needs more workforce homes—the average family cannot afford to live here and is being priced off of the island.
- Makila Kai will provide 25 Maui families with a single-family home in West Maui on ½ acre lots, which is a blessing.
- The large spacious lots provide space for homeowner to grow their own food, fruits and vegetables, for self-sufficiency and sustainability.
- Makila Kai will provide affordable homes in an area that is becoming expensive and exclusive. The only people who can afford this area are non-Hawaii residents who are relocating to Maui from the Mainland.
- The developer will offer a generous $50,000 gift to each workforce home buyer emphasizes the developer's commitment to the idea of truly "affordable" housing.
- These large rural-sized lots will maintain the rural character of the area.
- Makila Kai is consistent with the Maui Island Plan, which designates this area as within the Rural Growth Boundary. It is a perfect fit for this neighborhood.

In addition to the points above, I want you to know that I have been trying to find an affordable homes on Maui specifically on the West Side for years and have not been able to find anything. I am a realtor, I work full time for KW Island Living

and I can attest that there is NO affordable housing in West Maui. My salary of $100,000 annually and good credit rating cannot afford me any single family home currently available for sale in West Maui.

This project at Makila Kai has been the only property I am qualified to purchase. I was not even qualified for the last affordable home sale project at Kaanapali, because those prices were higher.

I strongly support this subdivision and hope that Maui County supports it. At least 25 families will benefit with home ownership that is currently something that only the rich and famous from the Mainland seem to be able to do. Again, I know this for a faxt, as I am a realtor and I cannot even sell anything to a local Maui resident because they cannot afford it. Iit is so sad, all I sell to are Mainlanders, and most of them only live in the house part of the year as their second/vacation home. Our island homes are not going to the island local families. And as a result it is changing the entire way of life on the Maui.

It would be ashame if this project is not approved. This is a gift from the developer to many hard working families who need a place called home. This is truly a gift from the developer, he is not making a profit, he has offered this as a gift. It would really be a shame if Maui County threw this beautiful gift for 25 families out the door. Make the right decision, be akamai, please accept this gift and approve this subdivision.

Thank you for considering this important development for Maui's future.

--
Aloha,

Ann Williams, R (S)
Whalers Associates
KW Island Living

2435 Kaanapali Parkway Suite A-3
Lahaina, Hawaii 96761

Direct: (808) 385-1528
Fax: (808) 661-8358

Makila Kai Council Meeting Testimony

David Jenkins <jenkins2753@msn.com>

Thu 6/15/2017 3:17 PM

To:County Clerk <County.Clerk@mauicounty.us>;

RECEIVED
2017 JUN 15 PM 3:18
OFFICE OF THE
COUNTY CLERK

Makila Kai Council Meeting Testimony June 16th 2017

My name is David Jenkins, Launiupoko resident, testifying in opposition to 201 H fast tracking of this application.

1. On May 17th and 30th the County LUC received a wealth of testimony from residents, scientific experts, lawyers and Hawaiian residents of Kaua'ula valley opposing the use of 201 H procedures to evade appropriate environmental scrutiny of this development.
Correspondence from the State LUC and the State Office of Planning reinforced that this development is a clear misuse of 201 H procedures.

2.
i. The project is a clear segmentation of the larger Makila Rural project in contravention of State statutes intended to prevent this abuse.
ii. The provision of 49 lots on septic systems is a totally transparent ploy to avoid the expense to the developer in treating wastewater that would be triggered by 50 lots. An internationally re-known expert testified to the environmental risk of this density of septic systems close to the ocean and the breach of EPA recommendations.
iii. The proposal to drill a well for ag. water at low altitude and pump brackish (ie. salty) water in to the existing Launiupoko ag. water system (gathered from surface streams higher up the mountain) is scientifically untested and a potential danger to our crops.
iv. The traffic impact was misleadingly addressed since all three projects, Makila Kai and two from Peter Martin need to be looked at together.
v. The safety aspects of this large increase in population with Kai Hele Ku remaining the single ingress and egress was not addressed.
vi. The business and litigation history of Greg Brown has not been addressed as required for 201H applicants.
vii. These and other environmental impacts and breaches of State and the County's own development rules were made clear to the LUC by expert testimony.

2. Speakers in support were almost exclusively entrants in to the lottery for the affordable units or business associates of the developer.

3. Despite this very lopsided factual testimony five members of the LUC voted to pass the development. It was very notable that whereas the three members voting against were engaged, had clearly done their homework on the 700 page document and asked intelligent probing questions, there seemed a lack of engagement or questioning among the five voting 'yes' prior to their voting.

4. This project clearly does not have the provision of affordable housing as its primary objective....which it must do to qualify as a 201 H. 25 affordable versus 24 market price lots does not make it primary by a long way. It is crystal clear that the primary purpose is to gain entitlement to build 24 market price units on ag. land currently zoned as 3 lots. Pretty simple, pretty obvious.

5. Fast tracking with the intention to evade proper environmental review gives massive benefit to the developer for little benefit to the community.
The Council and the community deserve the time to address all the concerns that have been raised. It is entirely possible to be pro affordable housing and against fast tracking of this specific project. It should be treated as recommended by the State LUC and Office of Planning to give us all time to assess the long term impacts on the Westside that will be there long after the developer has made his killing and moved on.

Respectfully, the Council should not feel compelled to fast track this Makila Kai project prior to Greg Brown and Peter Martin laying out the full impact of their total plan for the area.

David Jenkins

Makila Kai Affordable Housing Project, Item No. 17-84 and 17-85

RECEIVED

2017 JUN 16 AM 7:45

OFFICE OF THE
COUNTY CLERK

Holly I. <hirimata@gmail.com>

Thu 6/15/2017 8:38 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Dear Council Chair Mike White and Council Members,

I am writing to request your support for the Makila Kai affordable housing project. There is a large need for more affordable homes on Maui because of the exceptionally high housing market prices on this island. It is difficult for a hard-working, moderate-income families to afford a decent home in a good neighborhood these days. This project is giving us a chance to make our dreams a reality.

My husband and I have one child, and hope to expand our family very soon. Like any parent, we want to provide our children with the stability of owning our own home. However, after searching for over a year, the reality of our situation has weighed heavily on our minds. How will we be able to afford buying a decent house on this island, along with being able to afford child care for more than one child? We are both college educated individuals, extremely frugal in our spending, and yet we are struggling to qualify for a decent home to purchase.

I'm sure you have heard the saying: "There is a price to pay for living in paradise". This is very true, however, the reason we want to live on Maui is not just because it is paradise or because we want to be near the beautiful beaches. Our main reason is that it is home for us. My husband was born and raised here, and we have many family and friends that live on this island. Being close to family is very important for us. I know there are so many families on Maui like ourselves that choose to live here because the most important thing that they value is their family. How do these families like ourselves get by living on an island with such high cost of living? We sacrifice whatever we can to be here because it means everything to us. We sacrifice time away from our kids to work several jobs, move into crammed quarters with other family, we rent homes that are too small for our needs, or we move to areas that are cheaper but not as safe. We do all this just so we can save enough for a down payment. Yet with all our sacrifices our options are still so limited.

Makila Kai is offering so much for those that may never be able to afford buying a home on Maui otherwise. Twenty-five lucky families will get a chance to purchase a brand new, beautiful home, in a location that typically exclusive for the higher income brackets. The half acre lot size would be perfect for our kid(s) and pets to play in, and for us to grow our garden vegetables that we enjoy. We love that the developers are also gifting $50,000 to each family selected to assist with the cost. Another requirement that I love is that these homes are reserved for moderate-income brackets, so we do not have to compete with wealthier families that have so many more options available to them than we have. This is truly a wonderful project for the community.

These are the reasons why affordable housing projects are so important to have on Maui. It provides the hope that so many hard-working families can cling on to. Even if it is a long shot with the lottery process, it is so wonderful that we can be given an opportunity to buy a home that meets all of our families needs, as well as be of good quality, and located in a respectable and

safe community. And even if we never get selected, we can rest assured knowing that the homes went to another well deserving local family that would have never been able to afford such a place otherwise.

Please support the Makila Kai housing project, and help make the dreams come true for so many deserving families in our community. Thank you so much for your time.

Warmest Regards,

Holly Irimata

Makila Kai-please vote no

RECEIVED

2017 JUN 16 AM 7:45

OFFICE OF THE
COUNTY CLERK

teresa jacques <terrijacques@icloud.com>

Thu 6/15/2017 8:15 PM

To:County Clerk <County.Clerk@mauicounty.us>;

> Aloha,
> Workforce housing is important. But what is even more important is making sure that this development goes through the necessary procedures in place to ensure that the aina, the buyers, the current residents and the community are protected. That is your responsibility to us. Not to the developer.
>
> We all need you to look past the 'shiny object' being dangled as a carrot and require the developer to assess the impact on traffic, water and emergency access of what could be 98 dwellings. You only get one chance to do this right. A fast track approval is not the right way to get this project done. Do not let the developer bully you in to a hasty decision with threats of building 3 more 'mansions' on what is really undesirable land between two highways. If it is truly in his heart to give back to the community as he says, he will offer this project as-is when you require him to ensure that it is done properly.
>
> No shortcuts. Please vote no.
>
> Mahalo,
> Teresa Jacques
> 202 Paia Pohaku Place
> Lahaina, HI 96761

Malika Kai project

RECEIVED

2017 JUN 16 AM 7:45

OFFICE OF THE
COUNTY CLERK

P. Denise PDL. La Costa <pdenise@lacostarealtyhawaii.com>

Thu 6/15/2017 11:49 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha Honorable Councilmembers,

Regarding the above-referenced project: I urge you to please NOT fast track this development. There needs to be thorough and complete EIS and other studies completed before any decision is made.

The CURRENT water and traffic issues will not go away at Launiupoko. Perhaps it could be a possible place for workforce housing, but it is not the optimum place.

TRAFFIC: Even with the bypass, the lights planned will still back up traffic (currently the light turning onto Highway 30 to go south is 4 1/2 minutes) and if another 50+ cars added vis-a-vis the three proposed projects going the same place - I dread thinking and being in the nightmare that will happen.

WATER: I have lived in Launiupoko for 7 years in a very modest, manufactured home, not in a 'McMansion'. My yard is getting browner and dryer as summer gets closer, even with a booster pump, there is little water to pump when the non-potable reservoir gets low; very often there is NO non-potable water. And, when the potable water pressure gets low, which is far too often ?? Well, imagine getting in the shower to get ready for work, or turning on the tap to wash your hands and the water pressure is so low you cannot shower or wash, resorting to using bottled water to wash, even with a second booster pump?
The 'show me the water' bill was passed because of the water issues and shortages on Maui. Launiupoko's water issues are no different from upcountry's or arid Makena's.

Having stated the above, I implore you to vote NO to fast track on this project. My suggestion is to require ALL NEW subdivisions, and even residential unit developers to prove that there are going to alleviate or substantially lessen traffic congestion and provide water enough for all existing and proposed projects without the existing owners in the area suffering [further] water pressure and loss. Water is the sustainer if all life!

My heartfelt mahalo for your time and consideration and for reading my words of information and concern.

Have a lovely weekend.

Sent from my iPhone with Aloha,

P. Denise La Costa RB#17578
(808) 280-2132. CALL OR TEXT
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