

# **AFFORDABLE HOUSING COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**June 25, 2019**

**Council Chamber, 8<sup>th</sup> Floor**

**RECONVENE:** 9:05 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Tasha Kama, Chair  
Councilmember Michael J. Molina, Vice-Chair  
Councilmember Riki Hokama (left at around 10:00 a.m.)  
Councilmember Alice Lee (left at 12:51 p.m.)  
Councilmember Keani N. W. Rawlins-Fernandez  
Councilmember Shane M. Sinenci  
Councilmember Yuki Lei K. Sugimura

NON-VOTING MEMBER:

Councilmember Tamara Paltin

**STAFF:**

Alison Stewart, Legislative Analyst  
Leslee Matthews, Legislative Analyst  
John Rapacz, Legislative Attorney  
Stacey Vinoray, Committee Secretary

Kate Griffiths, Executive Assistant to Councilmember Kelly T. King  
Don Atay, Executive Assistant to Councilmember Shane M. Sinenci

**ADMIN.:**

Linda R. Munsell, Deputy Director, Department of Housing and Human Concerns  
Michele C. McLean, Planning Director, Department of Planning  
Rowena Dagdag-Andaya, Director, Department of Public Works  
Corey Tom, Police Officer III, Maui Police Department  
Shane Yoshida, Police Officer III, Maui Police Department  
Michael Du Pont, Deputy Director, Department of Transportation  
Eric Nakagawa, Director, Department of Environmental Management  
Herman Andaya, Emergency Management Administrator, Emergency Management Agency  
Eva Blumenstein, Planning Program Manager, Department of Water Supply  
Pamela Eaton, Planning Program Administrator, Department of Planning

Seated in gallery:

Clyde "Buddy" Almeida, Housing Administrator, Department of Housing and Human Concerns

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Representatives of Kipa Centennial, LLC

Tom Witten, Community Planner/Landscape Architect, PBR Hawaii & Associates, Inc/Polanui Gardens

Tom Welch, Attorney

Glenn Tremble, Launiupoko Irrigation Company, Launiupoko Water Company

Tom Nance, Hydrologist/Engineer, Tom Nance Water Resource Engineering, Inc.

Tyler Fujiwara, Traffic Engineer, Austin Tsutsumi & Associates

Kyle Ginoza, Owner Representative

David Minami, Distribution Manager for Water Company

Stacy Otomo, Civil Engineer, Otomo Engineering, Inc.

Richard Chiodini, Wastewater Treatment Systems

Tom Holliday, Hallstrom/CBRE. Housing Demand

Cathy Dagher, Archaeologist/Cultural Impact Assessment

Representatives of Hope Builders, LLC

Vince Bagoyo, Bagoyo Development Consultation Group

**OTHERS:** Additional attendees (42)

**PRESS:** *Akaku--Maui County Community Television, Inc.*  
Colleen Uechi, Assistant City Editor, *The Maui News*

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**ITEM AH-1(1) AFFORDABLE HOUSING PROJECTS CHAPTER 201H, HAWAII REVISED STATUTES – INDEPENDENT DEVELOPMENT OF POLANUI GARDENS WORKFORCE HOUSING PROJECT (LAHAINA)**

**ITEM AH-27 DISTRICT BOUNDARY AMENDMENT FOR POLANUI GARDENS WORKFORCE HOUSING PROJECT (LAHAINA)**

**ITEM AH-1(2) AFFORDABLE HOUSING PROJECTS CHAPTER 201H, HAWAII REVISED STATUTES – INDEPENDENT DEVELOPMENT OF MAKILA RURAL EAST WORKFORCE HOUSING PROJECT (LAHAINA)**

**ITEM AH-28 DISTRICT BOUNDARY AMENDMENT FOR MAKILA RURAL EAST WORKFORCE HOUSING PROJECT (LAHAINA)**

CHAIR KAMA: . . .(*gavel*). . . The Affordable Housing Committee will be reconvening from the June 19, 2019 meeting, today, on Tuesday, June 25, 2019, at 9:05 a.m. I'd like to be able to call this meeting to order and ask each and every one of you to please silence your noisemakers, whatever that might be. I'd like to introduce myself, I'm Tasha Kama, I'm the Committee Chair for the Affordable Housing. My Vice-Chair is Mr. Mike Molina.

VICE-CHAIR MOLINA: Good morning, Madam Chair.

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CHAIR KAMA: Aloha, Mike. Also we have on the Committee is Mr. Shane Sinenci. Good morning, Shane.

COUNCILMEMBER SINENCI: Aloha and good morning, Chair.

CHAIR KAMA: Also with us we have Alice Lee, good morning.

COUNCILMEMBER LEE: Oh, Madam Chair, I'm just going to test you all. Last week I taught you the greeting for, from Norway. Does anybody remember that?

UNIDENTIFIED SPEAKER: *Hei-hei.*

COUNCILMEMBER LEE: Very good. She was listening, the only person.

CHAIR KAMA: She gets A.

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: *Hei-hei.*

COUNCILMEMBER LEE: *Hei-hei.*

CHAIR KAMA: *Hei-hei.*

COUNCILMEMBER LEE: *Hei-hei.*

CHAIR KAMA: Also with us is Member Keani Rawlins-Fernandez, good morning.

COUNCILMEMBER RAWLINS-FERNANDEZ: *Hei hei* and aloha kakahiaka.

CHAIR KAMA: Aloha kakahiaka. *Hei-hei.* Also with us is Member Riki Hokama. Good morning.

COUNCILMEMBER HOKAMA: Chair, bye-bye.

CHAIR KAMA: He'd like to do that but not so soon, I'm sorry, 12:30. And also we have Member Yuki Lei Sugimura with us. Aloha.

COUNCILMEMBER SUGIMURA: Good morning.

CHAIR KAMA: And we have with us our non-voting Member, Ms. Tamara Paltin. Good morning, Ms. Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka.

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CHAIR KAMA: Aloha. So, we also have and may appear later on during the day is our Chair Kelly King who is not a voting Member of the Committee but is also welcome to attend and participate. With us from the Administration we have Ms. Linda Munsell who's the Deputy Director of the Department of Housing and Human Concerns.

MS. MUNSELL: Good morning, Chair.

CHAIR KAMA: Good morning. Also with us we have from the Planning Department Michelle McLean, the Director. Good morning.

MS. McLEAN: Good morning, Chair.

CHAIR KAMA: Later on we're hoping to have Pam Eaton with us later on hopefully. Oh, there you are. Okay. Good morning.

MS. EATON: Good morning.

CHAIR KAMA: And she's from the Long Range Planning Division. We also have with us the Department of Public Works, Ms. Rowena Dagdag-Andaya in the gallery. Aloha, good morning. Thank you for coming. We also have with us the Department of Environmental Management, Eric Nakagawa with, who's the Director. Hopefully he'll be here soon. From the Fire Department, we're expecting someone to show up because we have some questions for them. Also from the Police Department, Officer Corey Tom. Are you here? Good morning, thank you for showing up. Also from the Department of Parks and Recreation, a representative. Also we're going to have with us the Department of Transportation. I thought I saw Mike Du Pont earlier this morning. Oh, there you are sitting right in front of my aide. Also with us we have from the Department of Water Supply, Eva Blumenstein who's the Program Plan Director for the Department of Water Supply. Good morning. We also have with us our Committee Staff, Leslee Mathews--good morning, Leslee--who is Legislative Attorney. We have Alison Stewart, our Legislative Analyst, Stacey Vinoray, our Committee Secretary. Mr. John Rapacz on the phone. Good morning, John. Good morning, everyone. And we have our project developers representing Polanui or Kipa Centennial, LLC, Tom Witten with PBR, and later on we'll hear from the other developer. So, this Committee is reconvening from our June 19<sup>th</sup> meeting where we received and continue to receive information and testimony from the community. I hope all of you, Members, have had an opportunity to review the comments as well as the 201H project materials that have been delivered to us. Given that this is the last Committee meeting scheduled for this agenda items, it is my intention to entertain motions on the resolution and ordinances at the end of the meeting hopefully by 12:30 today. And the items on the agenda are as follows: AH-1(1), Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Polanui Gardens Workforce Housing Project (Lahaina)); AH-27, the District Boundary Amendment for Polanui Gardens Workforce Housing Project in Lahaina; AH-1(2), Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Rural-East Workforce Housing Project (Lahaina)); and AH-28, District Boundary Amendment for Makila Rural-East Workforce Housing Project in

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Lahaina. So, so that we can discuss these projects in a productive, efficient, and holistic manner, here's how I'd like to structure today's meeting. I would like to be...us to consider the 201H applications and the boundary, district boundary amendments concurrently for both projects. And to begin, I'd like to be able to ask the developer or the representative to provide a brief overview of both projects, Polanui Gardens first and then Makila Rural-East. We are giving the developers seven-and-a-half minutes each to present each project which gives them a total of 15 minutes to present. I will limit this to the 50 minutes total to allow for questions from the Members at which time further information and clarification may be provided. So, if there are no objections from the Members, may we proceed?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR KAMA: Thank you. So, Mr. Witten, if you would just go ahead and present and --

MR. WITTEN: Yes.

CHAIR KAMA: --you are on the clock.

**. . .BEGIN PRESENTATION. . .**

MR. WITTEN: Yes, thank you, Chair and Councilmembers. I'd like to give a quick overview of Polanui Gardens that is proposed. You have the handout of the Polanui Gardens PowerPoint so in brevity I'll try to get through it in the seven, allowed seven minutes and provide for ample time for questions and answers. We have today besides myself as the planner and landscape architect for Polanui Gardens, we have Tom Welch, attorney for the applicant; Glenn Tremble, Launiupoko Irrigation Company and Water Company with a focus on the PUC regulations; Tom Nance, hydrologist and engineer regarding water resources; Tyler Fujiwara, our traffic engineer will join me for a few slides in the presentation; Kyle Ginoza, the owner's representative; Stacy Otomo, civil engineer; Richard Chiodini, our Wastewater Treatment Systems; Tom Holliday, Hallstrom Group, CBRE regarding the housing demand; Cathy Dagher, archaeologist, Cultural Impact Assessment; and other professional advisors as needed over the course of the discussion. Quickly, my presentation and the PowerPoint that you have before you covers the, in brevity, the summary of the 201H. I'll give a property location and context, community engagement summary, Maui Island Plan, project summary, infrastructure, time and cost, and I'll probably jump to the key issues and community concerns that we heard last week to make sure I hit all those items. Quickly, as everybody was stating last week, there's a dire need, a critical need for housing in West Maui. These are some of the projections that were done in 2010 to 2030, showing the overall demand, housing supply, projected entitled projects, and then what they had planned for in the Maui Island Plan, the 10,845 units. In total, there's currently a projected demand of 3,700 to 5,800 units. Again, the, this is just a quick legislative summary of the 201H process. The applicant has completed the technical studies, the agency consultation. Draft application was circulated with agency reviews at the County and State level. The final application was completed and

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reviewed with the Housing Department and then recently submitted on June 12 to start the 45-day clock under the 201H process. Concurrently, the district boundary amendment has also been submitted. Polanui Gardens is about 48.8 acres. Lahaina Bypass, it defines the makai boundary of it. This is an aerial of the area and you could see the bypass and Puamana is kind of immediately makai of it. It's currently comprised of two 20-plus acre parcels. Quick photo survey looking down towards to the south of the Puu Mahanalua Nui. This is from the middle of the property, you could see the bypass was under construction when this photo was taken. Looking makai towards Puamana, overlooking Puamana Beach Park, and Lanai in the background. Looking mauka, the beautiful West Maui Mountains. Community engagement started back in...regarding the Maui Island Plan back in 2007, it continued through the General Plan Advisory Committee, Planning Commission, and Maui County Council ultimately adopted in 2012. Other interest groups, ongoing interest groups and efforts were made to...with community outreach on the specifics of the proposal in 2016 and '17. Again, this is more detailed summary that you'll have...you have in your packet just identifying the extent of the outreach and engagement with the community primarily through the Maui Island Plan process. This is the result of the Maui Island Plan with the directed growth map that identified a 270-acre highlighted in the light-blue with Polanui Gardens identified on the northern sector of that project area. This specifically speaks to the rural growth boundaries and the intent that these provide for a mixture of agricultural activities, low density, residential areas, and small villages, including limited amounts of State and urban County-designated lands as is proposed for both of the projects. This is the specifics out of the directed growth plan, out of the Maui Island Plan, and highlighted there is the rural growth area boundary and the, both the characteristics, purpose, and implementation strategies for that. Specifically, for Makila, the Makila rural growth area, these are...this is the specifics out of the Maui County General Plan for 2030. In summary, implement conservation subdivision design elements, preserve open space, provide a 500-foot buffer from the bypass, and utilize low-impact development techniques. The planning guideline provided for 270 acres, up to 200 units. There was a footnote about increasing that if there's greater than the required 25 percent affordable housing would be required. Under the General Plan this would have provided for 50 affordable workforce housing units. The park in open space required was greater than 50 percent and the agricultural greenbelt along Lahaina Bypass. The Makila rural growth area, again with both projects summarized for your reference, Maui Island Plan again specifically these are the plans of in context with Polanui on your left and Makila Rural-East on your right. Within the heavy boundary of the Makila plan growth area, the Maui Island Plan adopted in 2012. Project summary, you have that. Low-impact design, I touched on that. This is the specifics of the project area with the workforce housing units, 10,000-square-foot lots, 50 of those, and then 16 farm lots surrounding it. And a community park, a landscape master plan, a low-impact design street sections with bioswales and drainage mitigation plans in place. The types of units, provisions for buyback, the market lots, again, the developer is wanting to provide a preference to West Maui community as to the extent it's allowable by law. Infrastructure, we have the experts here to cover that. The plans, and the wastewater system that we have the expert here to address any

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questions on that. And the traffic impact, if we...if I could have Tyler Fujiwara quickly give a quick summary of the impacts on the traffic.

MR. FUJIWARA: Good morning, Councilmembers. Tyler Fujiwara, traffic engineer with Austin Tsutsumi & Associates. So, we completed a traffic study. We included six intersections, various intersections along Lahaina Bypass road and Honoapiilani Highway at intersections with Kai Hele Ku Street and Hokiokio Place. So, one thing to note is existing traffic counts were conducted on May 23, 2018. So, this was after the opening of the Lahaina Bypass, 1B2 was constructed. So, it includes current traffic counts and traffic routes.

CHAIR KAMA: So, Tom, I'm sorry, so you're out of time, the seven-and-a-half minutes clock has run out, but can we have him come back during questions and answers should the Members have questions? Is that okay, Members?

COUNCILMEMBER SUGIMURA: So, Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER SUGIMURA: Point of information. So, I really would like to hear their presentation.

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: And yet I understand what you're trying to do and I think seven minutes is good, but at the same time, I think this is so comprehensive that I would really like to hear what they have to present. And I appreciate you trying to go through it very quickly, and I know we can read, but there's kind of important information that I think is relevant for us as well as the community.

CHAIR KAMA: Okay. Yes, Member...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, I agree --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --with Member Sugimura. I don't agree --

CHAIR KAMA: If you...

COUNCILMEMBER RAWLINS-FERNANDEZ: --actually with the seven-and-a-half minutes. I think this is such a huge plan and there's major feedback coming back from the mic. So, maybe if people can turn their mics off, it would help.

CHAIR KAMA: Next door.

COUNCILMEMBER SUGIMURA: Next door? Oh.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Seven-and-a-half minutes is completely insufficient I feel. I felt like that seven minutes was already rushed. I mean he just started going through slides, and I mean I don't think we should do it this way.

CHAIR KAMA: Comments from any other...thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So, I agree and I would --

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: --like to hear what Mr. Fujiwara has to say as well. Mahalo, Chair.

CHAIR KAMA: Okay. Is all the Members in agreement to continue --

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KAMA: --the presentation? Thank you. All right, thank you so very much. You may continue.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

MR. FUJIWARA: Okay, thank you. So, this is an aerial map of the various fire emergency routes. You can see them located in red. So, at the south end you have an existing route at Lau Nui Way and Pua nui...Pua Niu Way. On the mauka side you have fire emergency route connecting Kumu Niu Place and Punakea Loop. On the north end you have a paved bikeway connecting Punakea Loop to Wili Okai Place. And on the makai side, so this is within our projects, Punakea Loop extends down to Punakea Street further makai and connects up to Hokiokio Place. As part of the project, we're putting in the future Makila Rural fire emergency route. So, this would be connecting from Polanui Gardens through the Makila farms, Makila Rural-East developments, and connecting up to Kai Hele Ku Street. So, based on our traffic study, we found that the project will generate 53 a.m. peak hour trips and 70 p.m. peak hour trips. This will add about 15 to 25 vehicles per direction per peak hour along Lahaina Bypass so this would be on the north end of Kai Hele Ku Street. This translates to about an increase of two to eight seconds for each movement at the more critical Lahaina Bypass/Kai Hele Ku Street intersection. Regionally, when we were looking at the commuter traffic, this is traffic generally from Lahaina to Central Maui, Upcountry, Kihei area, we're looking at an increase of about 10 to 20 commuter vehicles. Overall, with the critical Lahaina Bypass/Kai Hele Ku Street intersection, we're finding that it's operating overall at level of service D or better, and all vehicular movements will operate below capacity. So, this is generally acceptable for County and State standards. So, Polanui Gardens is not expected to have a significant impact and as a result we're not recommending any additional roadway improvements. And I'll turn it back to Tom.

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COUNCILMEMBER PALTIN: Chair, is it okay to ask questions of the traffic guy?

UNIDENTIFIED SPEAKER: He'll be here.

CHAIR KAMA: He'll be here so you can ask --

COUNCILMEMBER SUGIMURA: Let's finish the presentation.

CHAIR KAMA: --questions after the presentation.

MR. WITTEN: Thank you, Tyler. A proud Lahainaluna grad. Timeframe and cost, again these are in your handouts that the home building projected is the target completion if everything goes as planned would be 2024 to deliver the 50 workforce homes. The key, I want to focus on some of the key issues and community concerns we heard from last year and just quickly summarize those to conclude the presentation and then the Makila Rural-East can, Vince can complete his presentation. Location, as I noted it's consistent with the Maui Island General Plan, plan for 200 units, even though these two projects and the other third project that we're aware of, the result is 195 units below that planned target. Wildfire hazards, Kyle Ginoza has had discussions with the Fire Department, and they have implemented over the years since the recent fires, an emergency plan for fire mitigation, maintaining fire breaks, having available water, and vegetative buffers. Water, we have the experts as I noted available to address any concerns. Wastewater, again we have...we feel that the ATUs is a very proven worldwide system and is the better solution than a standard septic system. Although a little more expensive for installation, the maintenance costs are about the same as if you were paying your County sewer fees. Stormwater runoff, I mentioned that, we're implementing an LID design approach and BMPs, best management practices. The request for a Council Urban designation again is consistent with the rural...the Maui Island Plan, the rural growth area. The West Maui Community Plan update process is underway but within the framework of the General Plan so it should ultimately be consistent with the Maui General Plan as noted there. Cumulative impacts, to the extent we're aware of the three projects, our technical studies have looked at cumulative impacts such as traffic as Tyler had noted. We covered traffic. The fast track, again 201H is, the purpose of 201H is to deliver affordable workforce housing, and we're doing our best to achieve that objective for West Maui. Farming, there is a component of farming, both the buffer areas of both projects provide for a large agricultural farm area plus on-lot agriculture. Affordability, we plan to meet the County Housing and Human Concerns requirements, and pricing will follow those requirements. Mahalo.

CHAIR KAMA: So, Members, we can have questions now if you prefer, or hear the other project and hear all of that, and then have questions for both projects all at the same time. What is your desire?

VICE-CHAIR MOLINA: Madam Chair?

CHAIR KAMA: Yes, Mr. Molina?

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VICE-CHAIR MOLINA: I prefer to hear both projects. Get the project presentations out of the way and then we can go with the question-and-answer --

CHAIR KAMA: Okay.

VICE-CHAIR MOLINA: --session.

CHAIR KAMA: Yes, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I would actually like for him to go back to the slides that he just was like flipping through because the timer was going off. I feel like we didn't get the full presentation.

CHAIR KAMA: Members, what do you think?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR KAMA: Okay. Okay, we can have him do that, Member Rawlins-Fernandez, but after the --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: --presentation then we'll go right into the other presentation. Is that okay?

COUNCILMEMBER RAWLINS-FERNANDEZ: That's okay.

CHAIR KAMA: And then we'll take the questions all at once at the end of both presentations. Okay. Mr. Witten, are you...we're going back. Thank you. Ms. Rawlins-Fernandez, did you have a page number you wanted him to go back to begin or to continue with?

COUNCILMEMBER RAWLINS-FERNANDEZ: No, I didn't but it was right around here where he started just...

CHAIR KAMA: Around here? Go before.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(inaudible)*. . .

MR. WITTEN: Is this okay to start from here?

COUNCILMEMBER SUGIMURA: The beginning.

MR. WITTEN: This was again focusing on the need for workforce housing and I think both in the Maui Island Plan was one of their primary objective was or noted the lack of affordable resident housing in West Maui, and what's provided here is a quick

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summary of those projections made back for 2010 to 2030. And also our more recent market studies that confirm the demand. I might note that the, in the calculations it shows entitled housing of 18,744 that the County had assumed were entitled and would be delivered within that time. As far as I'm aware and my familiarity with West Maui, not many of those units have been delivered in the last ten-plus years. So, the demand is really probably quite a bit higher than that. The 201H process, I think I covered this pretty well as far as our process. It does require a high, you know, a long frontend commitment to provide the technical studies, coordinate with agencies, have reviews and comments in the draft application, to make sure we have responded to all of their concerns and then submit the final application with the County. The location photos. Again, the community engagement, I've touched on the Maui Island Plan which was probably the most robust planning effort that any county has gone through when they revamped their General Plan and community planning process in the mid-2000s. They had a General Plan Advisory Committee representing the regions, they went and had hearings in each of the communities, and that process resulted in the General Plan that both projects are consistent with. Again, more details on that process. The result and plan that the general...the characteristics proposed within the Makila rural growth area, the specifics of that are provided here. The 200 units, 270 acres, some of that 270 acres was...had already been subdivided and sold so the resultant development area is less. The available resultant development area is less with the three known proposed projects, the two presented today. Conservation, these are just the specifics from the Maui Island community plan [sic]. The neighborhood plan, this shows the percentage for Polanui Gardens with the 50 affordable and 16 farm lots, we're at over 75 percent affordable, and the...this shows also the combined two projects for Makila Rural-East which ultimately ends up with over 62 percent affordable when you combine the two. Open Space and Ag, we're well over the 50 percent requirement. To achieve a similar project, to achieve 100 workforce housing units under the conventional planning, you would require a 400-unit project to achieve the same number of units with the 25 percent requirement. Contributions to the broader Makila rural growth planning area, we're consistent with the Maui Island Plan and meets the substantially...supports the goals and objectives of economic development and housing for the region. Again, the two projects in context with the planned connector road through Makila, the proposed Makila farms, as noted these are two independent projects by different ownership groups, and there is one typo on Makila Rural-East, it should be Hope Builders, not home builders on that, for the actual home builder for Makila Rural-East. Current land use, these are just the facts about the current land use designations and then the two approvals being sought, both the 201H and the district boundary amendment to facilitate the workforce housing. LIDs, the specific plan, the landscape master plan, and the home plans. There's a variety of home plans, it's primarily illustrated on these various slides. They're three bedroom, two-bath configurations, one with garage in the back, one with garage in the front, and various floor plans. But very nice, you know, kamaaina, hip roof, lanais, and very efficient layouts to provide for workforce housing. The legal requirements, there's a buyback provision and consistent with the County and State requirements. And the market lots as I mentioned the developer would like to give first preference to West Maui community residents for those market lots. Infrastructure, we have the experts here to address the potable water and irrigation

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water, but both systems as planned and with some improvements can meet the needs of the additional demands of the proposed, two proposed projects. These are exhibits showing the systems, if there's any specific references needed, similarly for the water, the potable water. The ATUs, the individual aerobic treatment units are, have only come to Hawaii probably in the last five years is a, as a company that...as...has developed them, but there's...they've been used worldwide for many years and Fuji Clean is the manufacturer of the units. But it provides a higher level of treatment than a standard septic system. It still has a leach field and requires maintenance which we feel is a good component, because many septic systems they're put in the ground and, you know, they don't get maintained until they fail. So, this does have backup features to it and provides a higher level of water that ultimately goes in the ground. Our site elevation is at an...averages about 130 feet above sea level so we are quite a bit up from the aquifer. The State requirement is three feet between the infiltration surface and the groundwater table so we're significantly above that. We covered...Tyler covered the traffic emergency routes. The timeframe and costs I think are pretty self-explanatory, and I think I covered the community...the key concerns and community concerns. Thank you.

**. . .END PRESENTATION. . .**

CHAIR KAMA: Thank you, Mr. Witten. So, Members, without objection, may we go into the second presentation?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR KAMA: Thank you. So, Mr. Vince Bagoyo will now do a presentation on Makila Rural-East workforce housing project pursuant to 201H-38, HRS. Are you ready, Mr. Bagoyo?

MR. BAGOYO: Yes.

CHAIR KAMA: Well, play please.

**. . .BEGIN PRESENTATION. . .**

MR. BAGOYO: Chair Kama, thank you so much and Member of County Council. My name is Vince Bagoyo and I'm one of the key consultants for Makila Rural-East. The project name is Makila Rural-East Workforce Housing Project pursuant to 201H-38, Hawaii Revised Statutes. The project consists of four parcels, TMK 4-7-013, Parcel 006, 007, 008, and 010, and it's located at Launiupoko, Lahaina, island of Maui.

CHAIR KAMA: Mr. Bagoyo, could you speak into the mic please?

MR. BAGOYO: I'm sorry.

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CHAIR KAMA: Thank you.

MR. BAGOYO: The project applicant and the owner of project is Hope Builders, LLC. Again, it's located in Launiupoko. And the total acreage for this project is about 97 acres. Just to give you a brief summary of the project, the proposed project consists of 50 workforce housing units and 45 market-priced ag lots. The project is being processed pursuant to 201H-38, HRS. The proposed workforce, affordable workforce housing units will be developed with the following sales price guidelines in compliance with 2.96.060 of the Maui County Code. Thirty percent of the homes will be priced to families earning 80 to 100 percent of the Maui's median income. And 50 percent of the homes will be priced to families earning 101 to 120 of AMI. And the remaining 20 percent will be priced to families earning 121 to 140 of AMI. The 40...there's 46 single-family units, workforce units, and will be sold in fee as house-and-lot package, and four of the workforce units will be what we call the live-work units, and also the neighborhood store. And the 45 market-priced ag lots and a community park will also be developed in that area. The minimum lot size for the workforce unit is 10,000 square feet. For the market-priced ag lots would be a minimum of one acre. Again, community park is approximately two acres, and the neighborhood country store, the total area will be approximately 20,000 square feet. The existing land use designation, State land use district Ag, community plan Ag, the County zoning Ag, and as noted by the previous presenter, Maui Island Plan is within the growth area currently under Rural and it's also outside of the protected area. The approval required would be the Maui County Council project's 201H and also the district boundary amendment for this project which approximately 14.6 acres that we are asking to be urbanized within this project. Some of the key considerations and the project vision is approximately 56 percent of the project site will remain open space and ag. And there's a 500-foot greenbelt buffer area, and building setback is provided consistent with the Maui Island Plan as noted by the previous presenter. Ohana unit will not be permitted within the project. All homes will be, within the project will be limited to a single story to protect the views. The ag lots, CPR will not be permitted. Again, all the homes will be served by individual advanced treatment units, ATUs. As noted previously, this is resulting a higher quality of treated wastewater compared to regular septic system. The potable water will be serviced by the PUC-regulated Launiupoko Water Company. And the non-potable water will be serviced by the Launiupoko Irrigation Company from groundwater wells LC-1 [sic] and skimming wells that is also currently being planned for. Just to give you some idea where the area is, that's the location map. It's immediately makai of the Lahaina Bypass. As you could see, the dark green is the buffer, the 500-foot buffer zone that is being planned for consistent with the Maui Island Plan. The red portion of that map is the proposed neighborhood country store. And all of the workforce housing project, the 50 units will be located right just makai of that greenbelt buffer zone. This is the conceptual landscape plan for the proposed project. This is some of the house modules, will be one story. And just to...one of the idea is to preserve the rural character of the area so I think the house modules are being considered kind of a plantation-style units. We have as noted earlier, we have several community and government agency meetings to discuss the proposed workforce housing project. The discussions way back in 2007, when the general...when the Maui Island Plan was being discussed and being

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considered. We have also several meetings with the different government agents for the year...for the last year and a half about the project. And just to close the presentation, Chair, our consultants and our technical experts are similar to the Polanui. So, we have all the experts are here to respond to any questions that you may have. So, I just wanted to give you an ample time to, for the Q&A, and thank you so much for your time.

**. . .END PRESENTATION. . .**

CHAIR KAMA: Thank you, Mr. Bagoyo. Okay, so, Members, it is my intent that we finish our meeting today by 12:30. Is that okay with all of you? So then, so your questions are probably going to have to be minimal, because what I'd like to do is also invite our non-voting Members to participate in the questions and the answering part of our discussion today. Without objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR KAMA: Thank you. So, at some time I'm sure Chair King will be down so we want to be able to make sure everybody is allocated the same amount of time. So, Chair's looking really for recommendation from the body as to how much time you all think you might be allocated fairly so that you all can have a good discussion. Mr. Molina?

VICE-CHAIR MOLINA: Madam Chair, for the sake of moving things along, I mean we just go and we'll see where we're at by 12:30. And if everybody can keep their questions concise, hold off on commentary prior to leading up to the question then I think we can move a little bit more expeditiously. And if necessary, if it goes longer than maybe we might have to look at another recess date potentially, so --

CHAIR KAMA: Okay.

VICE-CHAIR MOLINA: --anyway --

CHAIR KAMA: So, let's...

VICE-CHAIR MOLINA: --I'll leave that you.

CHAIR KAMA: Okay. Ms. Lee?

COUNCILMEMBER LEE: I'm ready to start with questions. Are you going to...which order are you going to take or follow?

CHAIR KAMA: Probably from...

COUNCILMEMBER LEE: From there to...

CHAIR KAMA: Yes, from Mr. Sinenci --

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COUNCILMEMBER LEE: Oh, okay.

CHAIR KAMA: --and then to Ms. Sugimura --

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR KAMA: --and then again...so, yes, Ms. Rawlins-Fernandez, you had a question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think...I'm not going to deny, there's a lot like the energy right now, there's a lot of pressure and I just want to remind the Council that we don't have to feel rushed. That --

CHAIR KAMA: You...

COUNCILMEMBER RAWLINS-FERNANDEZ: --you know, we have the 45 days but we also have the power to stop the clock --

CHAIR KAMA: Yes, you do.

COUNCILMEMBER RAWLINS-FERNANDEZ: --at any time. And so, I feel, you know, adjourning or recessing or, you know, ending today's meeting at 12:30 is fine, but I don't want to made...to be made to feel rushed right now to make a decision one way or the other. So, I'm with the mindset of Member Molina that I'm open to recessing again. And I'm also, you know, I heard the testifiers and Member Paltin the day that we discussed which committee this project should be in, Land Use or Affordable Housing, and there's a great need and a call for this discussion to be had in the community that's going to be directly impacted. And, you know, before making any kind of decision, I feel it's the responsible thing for us to do is to go to that community. So, I would not like to make a decision today. I feel that, you know, in what, two hours, three...less than three hours to have to go through, rushing through all my questions, I don't feel like that's appropriate for us to do with such a huge project. So, I agree, I support the Chair's decision to end today's meeting at 12:30, but either to recess or more preferably to adjourn and have a meeting on the west side.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

***(Note: Councilmember Hokama left at an unknown specific time, it was noticed after Mr. Bagoyo's presentation and after Councilmember Rawlins-Fernandez spoke)***

CHAIR KAMA: Ms. Lee?

COUNCILMEMBER LEE: I would like to get clarification from Corp. Counsel about the clock.  
I --

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CHAIR KAMA: Okay.

COUNCILMEMBER LEE: --don't know that we --

CHAIR KAMA: Mister...

COUNCILMEMBER LEE: --can stop the clock. I know we can have multiple meetings but, Mister...Corp. Counsel, can you let us know? Exactly what the timeline is.

MR. UEOKA: Thank you, Chair. You guys have 45 days from the date it was submitted. I don't know the exact dates. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: I have the exact dates, Chair.

CHAIR KAMA: Yes, go ahead, Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, the 45-day clock ends on August 14<sup>th</sup>. I looked at the calendar and the, in order to have two Council readings, it would be scheduled on--without a special meeting--on August [sic] 9 and August [sic] 26<sup>th</sup>. And so, we have July 19<sup>th</sup> would be the deadline to post for July 26<sup>th</sup> Council meeting. So, that's the timeline that we're working on under the existing 45-day clock. What I referenced to stopping the clock is that we can vote, you know, against the project now and we have the, you know, all the information now and then that way effectively stopping the clock. And then if OCS would like...I mean sorry, Corp. Counsel would like to weigh in on, I don't know, what I just said as far as stopping the clock in that manner.

CHAIR KAMA: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Yes, a vote one way up, down with modifications would stop the clock. Thank you.

CHAIR KAMA: So, we would have to take a vote, Mr. Ueoka?

MR. UEOKA: Thank you, Chair. If nothing...if no action is taken within 45 days, the project is automatically approved as submitted. Thank you.

CHAIR KAMA: Inclusive of the DBA?

MR. UEOKA: Thank you, Chair. No, the DBA is a separate document so only the 201H application is automatically approved if nothing happens in 45 days.

CHAIR KAMA: Okay. Ms. Lee?

COUNCILMEMBER LEE: Madam Chair, I think we ought to start the questions.

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CHAIR KAMA: Okay. So, I just got a tab from our OCS that says the stop...the clock stops July 26<sup>th</sup>. That's their clock and that's the clock that they submitted to, the project to OCS. So, it's July 26<sup>th</sup>.

MS. STEWART: Yes, Madam Chair. The application was submitted on June 12<sup>th</sup> --

COUNCILMEMBER SUGIMURA: June 12<sup>th</sup>.

MS. STEWART: --and 45 days thereafter would be July 26.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, clarification.

CHAIR KAMA: Yes, Ms. Rawlins-Fernandez, yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: The 45 days was not working days, it's calendar days?

COUNCILMEMBER SUGIMURA: Calendar days.

COUNCILMEMBER RAWLINS-FERNANDEZ: Calendar days.

COUNCILMEMBER SUGIMURA: Chair?

MS. STEWART: It's every day.

CHAIR KAMA: Calendar. Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, my...

COUNCILMEMBER SUGIMURA: Chair, so...

CHAIR KAMA: Thank you. Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Point of information, so if I do a Google question, 45 days is July 27, 2019 from June 12<sup>th</sup>, right, is the day that --

CHAIR KAMA: June 12<sup>th</sup> to...

COUNCILMEMBER SUGIMURA: --it was submitted to us? That's the day that Planning gave it to us.

MS. STEWART: Yes, we factored in the...it's technically July 27<sup>th</sup> but there's a Council meeting on the 26<sup>th</sup> so that was the date that we were using to work backwards from in terms of the action that could be taken.

COUNCILMEMBER SUGIMURA: Okay. I see, you're going by...

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CHAIR KAMA: Council meetings.

COUNCILMEMBER SUGIMURA: Actual --

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: --days are July 27<sup>th</sup> though. Thanks.

CHAIR KAMA: Okay, thank you. Members, are you ready?

COUNCILMEMBER SUGIMURA: Let's start.

CHAIR KAMA: Okay, let's begin. Mr. Sinenci, you're on.

COUNCILMEMBER SINENCI: Just for clarification, you want us to ask a couple questions and we'll do a couple rounds, Chair?

CHAIR KAMA: Yes, that's what my intent is that everybody has an opportunity to ask whatever they need. So, how about we take maybe two, three questions maybe --

COUNCILMEMBER SINENCI: Or three questions.

CHAIR KAMA: --without a lot of comments prior to your question. So, go for it.

COUNCILMEMBER SINENCI: Okay. My first question was for Corporation Counsel. You mentioned a positive and negative vote would stop the clock, can you expound?

MR. UEOKA: Thank you, Chair. Mr. Sinenci, the Statute 201H-38 basically says the Council will take an action, if it doesn't take any action within 45 days the project is automatically approved. So, if you guys approve it, if you approve it with modifications, or you disapprove it, 45 days won't come without you making a decision, therefore you have taken action and theoretically the clock stops.

COUNCILMEMBER SINENCI: Okay, thank you for that clarification. Thank you, Chair. I did have some questions about fire, you know, at the last meeting there was a lot of testimony that, some emotional testimony about living through the Lahaina fire. So, I mean I thought that was an important issue and I just wanted to direct some questions toward fire mitigation.

CHAIR KAMA: Department? You wanted to talk, do you want the Fire Department --

COUNCILMEMBER SINENCI: Or fire prevention.

CHAIR KAMA: --or the fire...

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COUNCILMEMBER SINENCI: I see that we have a gentleman. So, my first question was about, you know, to fight a fire in the area. I mean what types of water, either water storage or water capacity do you need in case of fire in this area?

CHAIR KAMA: Chief, could you please identify yourself?

MR. HAAKE: Thank you, Chair. My name is Paul Haake, I'm the Captain of the Fire Prevention Bureau. The question is how much water do we need?

COUNCILMEMBER SINENCI: Yeah, if there is, storage is required to fight a fire and if, you know, if the fire goes for, you know, whether it be an hour or two hours, eight hours, what types of water capacity do you need to fight a fire of that magnitude?

MR. HAAKE: Well, we're going to need a lot of water, but the development, the water required for the development is going to be based upon the land use. So, just thinking about the development, we're going to be...we're going to have to some water that's required for the land use. If you're not developing the land, there's probably not going to be any water available like Kahikinui, so.

COUNCILMEMBER SINENCI: Is there a number of, you know, a certain...about thousand gallons per hour to, that you need to...or are you saying it's just the expense, I guess the, how big the fire would you need like those numbers to fight fire?

MR. HAAKE: So, I'm just going to go based on the project --

COUNCILMEMBER SINENCI: Okay.

MR. HAAKE: --and land use designations. So, if you subdivide land and it's an agricultural subdivision, the requirements are 500 gallons a minute for two hours.

COUNCILMEMBER SINENCI: Okay, thank you. My second question, Chair, you know, part of the 201H process asked for some fire exemptions. I don't know if it meant Fire Code exemptions and to the buildings. Would that be an issue if these developments didn't have any...I'm taking that they're waiving any fire inspection, and I don't know if maybe some of the housing people may help with that. But I noticed that there was part of the exemptions were listed Fire Code exemptions. Maybe Ms. Munsell.

CHAIR KAMA: Yes, Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I believe the exemption and the developer is probably more or best suited to answer that question, but I believe the exemption is from Fire Code inspection fees.

COUNCILMEMBER SINENCI: Just the fees?

MR. UEOKA: Yeah, typically we won't even send an exemption down that gets in the way of public health, safety, welfare. So, I believe it's --

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COUNCILMEMBER SINENCI: Okay.

MR. UEOKA: --a fee issue and there might be something relating to the cul-de-sac length and road width or something for fire, and Captain Haake typically looks at those. But as far as they will comply with the Fire Code though for the, you know --

COUNCILMEMBER SINENCI: Oh, okay. Thank you for --

MR. UEOKA: --primarily.

COUNCILMEMBER SINENCI: --the qualification. And since we have the Fire Chief here, it looks like on the plans there's some cul-de-sacs and so for turnaround ratio of the fire engines. Is there a specific number for these cul-de-sacs? Can people be parking in the cul-de-sacs in case of a fire that you can get the fire trucks through the project?

MR. HAAKE: Thank you. There is a minimum diameter for the cul-de-sacs, and that's going to be based upon the largest fire apparatus that serves that community. There should be no parking in the cul-de-sacs, because usually the, what they provide is the minimum. So, definitely no parking in the cul-de-sacs and that should be something that is enforced within the association.

COUNCILMEMBER SINENCI: Okay.

CHAIR KAMA: Mr. Sinenci, if you'd allow me to ask the developer what their fire mitigation issues are?

COUNCILMEMBER SINENCI: Sure.

CHAIR KAMA: Mr. Bagoyo?

MR. BAGOYO: Thank you, Madam Chair and Councilmembers. I think the first question is whether or not the exemption request on the Fire Code, Building Code, and so forth, those only applies to the fees for the workforce housing, housing project yeah. We will comply whatever the Fire Code is going to be for this project. The other exemptions that we are requesting is the question of the cul-de-sac. Under the Code and I think Rowena probably may be able to answer that better than I, the cul-de-sac is...the current Code is about 800 feet long and this cul-de-sac is a little longer than that. So, we're asking for exemption from that Code, but we are providing an emergency access towards Ka Hele Ko [sic], so I think if you could see the map, there's actually a proposed access, emergency access on the south side of that cul-de-sac that will take you to Ka Hele Ko.

COUNCILMEMBER SINENCI: Kai Hele Ku.

MR. BAGOYO: Kai Hele Ku, yes. So, that the Fire Department can access that project.

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CHAIR KAMA: Thank you. Mr. Sinenci, did you have any other questions you had?

COUNCILMEMBER SINENCI: Well, it seems that some of the other ones and you're right, this one is...it looks like the southern exit is just for the workforce housing but not for the other farm dwellings.

MR. BAGOYO: Correct, yeah, they're shorter. Yeah.

COUNCILMEMBER SINENCI: Okay. Just follow up, Chair.

CHAIR KAMA: Yes, go ahead.

COUNCILMEMBER SINENCI: The, so the exemptions just apply to the workforce housing, not the market-priced or the farm units?

MR. BAGOYO: Yeah, I think it meets the 800-foot length of that cul-de-sac.

COUNCILMEMBER SINENCI: For...and the exemptions, just a general question for all the exemptions. The 201H exemptions are just applied to the workforce housing section?

MR. BAGOYO: For the fees.

COUNCILMEMBER SINENCI: For the fees.

MR. BAGOYO: Exemptions, yes, only applies to the workforce housing project.

COUNCILMEMBER SINENCI: Okay.

MR. BAGOYO: The exemptions under Title 19 will apply to the entire project. For example, Title 19 is the Zoning Ordinance, and under the Zoning Ordinance on the Ag, it requires two acres under the County Ag Zoning Ordinance, and we're asking that exemptions to be one acre Ag which is consistent with the State Land Use Commission district boundary for Ag, yeah.

COUNCILMEMBER SINENCI: Okay, thank you --

MR. BAGOYO: Minimum size.

COUNCILMEMBER SINENCI: --Chair. I'll yield to my fellow Councilmembers.

CHAIR KAMA: Thank you, Mr. Sinenci. Mr. Molina?

VICE-CHAIR MOLINA: Thank you very much, Madam Chair. Question for Mr. Haake, and good morning, Mr. Haake. And sorry, for the sake of formality, what is your rank? I know head Fire Prevention Bureau. Are you Captain or Assistant Chief?

MR. HAAKE: I am the Captain of --

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VICE-CHAIR MOLINA: Captain, okay.

MR. HAAKE: --the Prevention Bureau.

VICE-CHAIR MOLINA: Okay, thank you. Thank you. I'm going to go back to last year with the fires in that area. I take it you were a part of it. Can you share with us any potential challenges that you may see if this development is allowed to go through and from the, I guess the perspective of the Fire Department? What was it like that night, what kinds of challenges did you encounter?

MR. HAAKE: Well, first of all, there was hurricane winds so that was the biggest challenge, right? Then we had the overgrown brush with limited access to the areas and only limited water resources on the edges of the property.

VICE-CHAIR MOLINA: Okay, thank you. Madam Chair, I have questions --

CHAIR KAMA: Yes, go ahead.

VICE-CHAIR MOLINA: --I'll focus, well, first for Polanui, more water and if the applicant's representative.

CHAIR KAMA: Is the representative for Polanui here? Oh. I thought...where did Tom go? Oh, there you go.

MR. WITTEN: Thank you, Chair.

CHAIR KAMA: Go ahead, Mr. Molina.

VICE-CHAIR MOLINA: Thank you, Madam Chair, and good morning, sir. You know in the application document it noted that LIC or Launiupoko Irrigation Company provides the irrigation water to several communities in the area. Makila Kai was required to drill a well for irrigation. Now, this development, my understanding is it true that it's not required to drill for irrigation water as it relates to Polanui?

MR. WITTEN: The specifics as far as what's required, my understanding is with the additional 16 farm lots there is adequate source. But as they're upgrading their systems and with the recent CWRM regulations they have...since the application was submitted they are looking at a broader and expanded source development, including additional well.

VICE-CHAIR MOLINA: Okay. And any existing or ongoing legal disputes about the water transmission lines and as far as using these waters for, whether it be for fire protection or for the residents. Are you aware of any still in legal disputes?

MR. WITTEN: No, I think the CWRM's regulations on Kauaula Stream diversion, Launiupoko Irrigation is kind of looking at that and figuring that with the drier conditions that

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they are planning, to not depend on even the reduced amount of diversion that will be allowable and based on the seasonal variation. So, they are looking at ultimately developing a system that is more groundwater sourced.

VICE-CHAIR MOLINA: Okay. And at our first meeting we heard residents, existing residents there testifying about the water availability and lack of water pressure, any comments or thoughts on that?

MR. WITTEN: I think that it was mostly attributed to the sudden, you know, they weren't really prepared for the CWRM ruling on the diversion so the shortages as I understood were either not having backup wells or the lack of diverted water based on the CWRM regulations. But, you know, I could have Tom Nance or Glenn Tremble, the operator of the system answer the specifics if you need those.

VICE-CHAIR MOLINA: Madam Chair, if I could make that request?

CHAIR KAMA: Yes, Mr. Molina.

VICE-CHAIR MOLINA: Thank you.

MR. WITTEN: Tom or Glenn? Glenn Tremble is the, oversees the--here--this water systems.

MR. TREMBLE: Good morning, Councilmembers and Chair. My name is Glenn Tremble, I'm a partner in West Maui Land and overseer of the, two of the water companies, well three of them actually, Olowalu, Launiupoko Water, and Launiupoko Irrigation. The specific questions you're asking regarding...go ahead...

VICE-CHAIR MOLINA: Yeah, it was related to, you know, we heard in testimony from residents that live there they've been experiencing water pressure difficulties and the concerns from them that if we allow another hundred or so homes it may have an adverse effect in getting water or the reliability of water on a consistent basis. So, I just wanted to get your take on that and what's the cause of that.

MR. TREMBLE: Okay. Well, as Tom mentioned, a year ago in March, we...in a one-day process, the CWRM basically hearing turned what was 100 years of water flowing through a gravity-fed system into reservoirs and things that supported the agriculture and the community in the area, the...was asked to be turned into just stream flow going by. So, there is...we've been releasing up to 2 million gallons a day in the stream. The calculations that the CWRM folks believed was going to happen, that the excess water would leave enough for us hasn't happened. We objected to the hearing amounts that they suggested, but in effect we have to follow the law and have been releasing the water. So, since that time, we've been developing additional water sources that won't rely on this excess. So, we've...we had in the process prior to CWRM, a well that was drilled and being developed in the neighborhood, we call it LIC-1 Well. That well, it takes over a year generally to get a well online. We are operating that well currently with two booster pumps to get the water throughout the neighborhood. This is only a recent development that has taken us to put in new

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infrastructure, about 3,000 feet of new pipeline to feed the booster pumps to move the water up the hill. It...you can't change a gravity system that's worked one way in one day and expect to have adequate source to supply this community overnight. So, we are working very diligently on trying to come up with these additional sources. So, we've hired Tom Nance, he's working with us. He's...we have another well that we are, been offered to have available to us that has potentially a very good yield and an area over in Wainee, the A&B skimming wells which were plantation wells that irrigated this area have become available through Peter Martin's other project that will be new infrastructure put in and brought over to the project. These things take a little bit of time. We have to go through the --

VICE-CHAIR MOLINA: Okay, Mr. Tremble --

MR. TREMBLE: --Public Utilities Commission.

VICE-CHAIR MOLINA: --I think you've answered my question. Okay.

MR. TREMBLE: It's a challenge, yeah.

VICE-CHAIR MOLINA: Thank you. Yeah, so basically it's a work in progress --

MR. TREMBLE: Yes.

VICE-CHAIR MOLINA: --as it is with the existing residents as well --

MR. TREMBLE: Yes.

VICE-CHAIR MOLINA: --with this water pressure situation. My last question for this --

CHAIR KAMA: Yes, go ahead.

VICE-CHAIR MOLINA: --round, Madam Chair. So, the source of the water, is it coming from Kauaula Stream then?

MR. TREMBLE: Right now, we're getting almost zero water from Kauaula Stream. We get 100 percent, almost 100 percent of Launiupoko Stream's water into the upper reservoir, but the Kauaula water is going in the stream and we're pumping two wells right now into the reservoirs that used to be fed by Kauaula Stream.

VICE-CHAIR MOLINA: So, should this project go through then more water will come from Kauaula Stream, diverted from it?

MR. TREMBLE: The water will...that we rely on for the community will be all mostly pumped water, not stream water.

VICE-CHAIR MOLINA: All right. Okay, thank you. Thank you, Madam Chair.

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CHAIR KAMA: Thank you, Mr. Molina. Thank you. Ms. Lee?

COUNCILMEMBER LEE: Thank you. No, I have no questions for you.

MR. TREMBLE: Thank you.

COUNCILMEMBER LEE: Thank you. My questions first will be for Ms. Munsell. And on the affordable units let's take the first one, Polanui. So, 66 homes, right, and 75 percent affordable so what interest rate are you using to determine affordability?

MS. MUNSELL: The current interest rate that we're using is 4 percent.

COUNCILMEMBER LEE: Four percent. Okay. Okay, on the 4 percent 'cause I was using 5, at one time I think you were using 5. So, at 5 percent that would have been starting at 328,600, so in that area, yeah? Three hundred thousand.

MS. MUNSELL: I didn't bring my chart with me, I'm sorry.

COUNCILMEMBER LEE: Okay. Well, I don't want to waste time going over, because the difference between 4 and 5 is like 14,000 so at 5 percent it's 328,600 so maybe it's a little bit less than that. So, it goes all the way to 575,440, yeah? So, these are homes, these are not all lots, correct?

MS. MUNSELL: That's correct, these are actual homes.

COUNCILMEMBER LEE: Actual.

MS. MUNSELL: Homes and lots. They're built, they're constructed, yes.

COUNCILMEMBER LEE: Yeah, house and lot, right. Okay, on the market homes, I don't know if you know this, but there are 16 market 1-acre ag lots. Do they have to have ag activities on this lot which complies with the Ag Ordinance? I don't know, maybe the Planning Director could answer that.

CHAIR KAMA: Ms. Michelle? Yes.

MS. McLEAN: Thank you, Chair. The lots that are subject to the 201H approval could have an exemption from the zoning uses typically required in the Code. The lots that are not subject to the 201H approval would have to comply with agricultural land use requirements.

COUNCILMEMBER LEE: Okay. 'Cause I don't readily see a request for an exemption from the Ag Ordinance. Okay, so then they would have to comply and have some type of substantial ag activity on the property, right? So, I guess silence is yes.

MS. McLEAN: I'm sorry, I was conferring with Public Works. What was the question again?

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COUNCILMEMBER LEE: So, if there's no exemption for these ag lots, they then will have to comply with the Ag Ordinance and have some type of ag activity in compliance with the Ag Ordinance?

MS. McLEAN: That's correct.

COUNCILMEMBER LEE: Okay.

MS. McLEAN: The exemptions that I believe are attached to the proposed ordinances specify the lots that would be exempt from ag restrictions, and so it appears that those are for the affordable lots only, meaning that the other lots would have to continue with ag activity like any --

COUNCILMEMBER LEE: Okay.

MS. McLEAN: --other ag lot.

COUNCILMEMBER LEE: Okay. And then so that means then for the market units and the market lots, they would not be able to have an additional dwelling on that lot, is that correct?

MS. McLEAN: It doesn't appear to me that...and I would want to confer with Corp. Counsel on this, that the way that the exemptions are drafted, it does indicate the market-rate lots would comply with the Ag District except that only one farm dwelling would be allowed. So, the uses would have to be agricultural but there's the restriction that there be only one dwelling --

COUNCILMEMBER LEE: Okay. I just wanted to --

MS. McLEAN: --according to the exhibits.

COUNCILMEMBER LEE: --be real clear on that. So, no additional dwellings are allowed on the ag lots?

MS. McLEAN: According to the exhibits attached to the ordinances, that's correct.

COUNCILMEMBER LEE: Okay. And then I believe it was mentioned on this, 10,000-square-foot lots, no additional dwellings were allowed on those lots as well?

MS. McLEAN: That's correct.

COUNCILMEMBER LEE: Okay. That's all the questions I have for now. Thank you, Madam Chair.

CHAIR KAMA: Thank you, Ms. Lee. Ms. Rawlins-Fernandez?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. Okay, my question, I'll start with Fire. So, Mr. Witten, yeah, he talked about the exemptions, the roadway, the cul-de-sac. I was hoping to get some comments from the Fire Department, Planning Department, and Public Works on those exemptions that's being requested.

CHAIR KAMA: Do you want to start with Fire first and then go to Planning and then Public Works?

COUNCILMEMBER RAWLINS-FERNANDEZ: Perfect.

CHAIR KAMA: Okay, thank you. Captain Haake?

MR. HAAKE: Thank you, Chair. Thank you, Councilmember. In regards to the exemptions, I don't believe we'll have any problems with them. We'll be working with the developer to make sure that alternatives are in place to address the exemptions as far as the cul-de-sac and things like that. So, I don't see them being a problem for us. Fees, we like our fees but, you know, if it's for affordable housing and the Council sees that that's good then we're okay with that. Is there any other specific exemption you want me to address, Councilmember?

COUNCILMEMBER RAWLINS-FERNANDEZ: So, a follow-up on your response. What kind of assurances would we have that, you know, in working together with a developer that those mitigation methods would be implemented?

MR. HAAKE: We're involved in the subdivision process so the development of the land, the separation of the land into new parcels, we're part of that process so we have a sign-off in that process. And if we do not sign off on the subdivision itself, we will not sign off on building permits associated with the project.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that response. And I guess since we're on Fire, really quickly, so the...how much fire buffer zone cleared area would be needed in order to prevent a wildfire from reaching the houses on the market lots, knowing that the Kauaula winds are normally or can reach up to 50 or even 80 miles per hour?

MR. HAAKE: Well, if we have those strong winds then we'll need a lot of fire break. We'll need a lot of it. But with the development, I think you can...and the amount of property that these people have, they could be creating their own defensible space around their homes. And I think that's what I brought up to the developer's representative is that, you know, if this development goes into this area, there's already a concern about wildfire, fire hazards with the brush. And I would want those people to be responsible for providing their own defensible space. So, the minimum we start with is 30 feet and the Fire Code allows us to go up to 100 feet, but if you have hurricane winds or winds as strong as you said, we'll need a lot of area. And even the construction of the homes would have to incorporate something into, you know, how they're being built to make them withstand fire. So, you know, if you're building wooden fences or things like that, you probably want to do, use non-

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combustible materials for your fences and things like that. Your roofs would probably have to be the best-rated roofs. Under your homes would have to be protected so that if we do have wildfire, it's the embers that, you know, start fires other places. So, I would hope that the developer would incorporate fire-wise construction in their construction.

COUNCILMEMBER RAWLINS-FERNANDEZ: Follow-up with Fire. So, okay, the information I got from you is that we would need a lot of fire break and 30 to 100 feet. Is the 30 to 100 feet what you're saying is proposed to protect the homes or is the 30 to 100 feet what each property owner would have to build around their home?

MR. HAAKE: The 30 to 100 feet would be to protect the homes. So...

COUNCILMEMBER RAWLINS-FERNANDEZ: The subdivision, the entire subdivision?

MR. HAAKE: Well, just each individual home. So, wherever the home was adjacent to open, undeveloped land, they should have some type of defensible space in there. Thirty feet would be say enough for brush in your average winds. And so, what you're dealing with in wildfire is you'll have embers flying all over the place and so, you know, that's usually the thing that'll cause the fire. These embers will fly and reach the homes and, you know, if you do yard work at your house, you'll see the places where leaves and things gather with the winds around your home and that's the same place these embers will go. And these embers will go and get into this leaves and stuff around your home and that'll start the fire and then eventually start your home on fire. So, you know, the actual flame touching the home can be addressed with the fire break. And then after that, the construction and the maintenance of the property should address the issues with the embers flying all over the place. The development I believe, you know, it's...right now that land is open and undeveloped and covered with brush. So, right now it's a problem. I think if the development comes in, that's going to address some of the concerns that people have up there. You know a lot of that brush is going to go away, and then we're going to have people living there and maintaining their properties. So, you know, to...I think the development there addresses the concerns that the people have about brush. Leaving it undeveloped, you're going to have the brush.

CHAIR KAMA: Thank you. So, you want to continue your questions with the Planning and Public Works?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

MS. DAGDAG-ANDAYA: Chair, just for the record, Rowena Dagdag-Andaya, Department of Public Works.

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CHAIR KAMA: Thank you.

MS. DAGDAG-ANDAYA: So, I guess the questions that, Councilmember Rawlins-Fernandez, you had relates to the six or the exemption request for minimum right-of-way and pavement widths, is that what you had a question about? Okay, so I want to just kind of go back a little bit and just read from the Code. When we review projects, you know, we're reviewing it for Code compliance, and, you know, we need...we don't take a position for or against, we're just looking strictly at the Code. In 18.16.150 relating to private streets, our understanding is that all of the streets are to be kept private so they would not be dedicated to the County. I'll need to confirm that but generally that's my understanding according to the documents that we've looked at. I want to read part of the Code for you. In 18.16.150 it states that private streets shall not be a means for circumventing the need for a standard street. Okay. So, I just want to leave it at that. When you look at 18.16.050 relating to minimum right-of-way and pavement widths, agricultural standards specify a right-of-way width of 40 feet and a pavement width of 20 feet. So, that's consistent with what the applicant is requesting for the affordable or workforce housing units; however, this would be considered...this kind of development would be considered more of an urban development and the standard state 56-foot right-of-way and 28-foot pavement. Rural standards would be 40-foot right-of-way and 22-foot pavement. So, that is what we're comparing here. Generally in Ag districts it's less dense and so, you know, generally you'll see a smaller right-of-way and a smaller need for pavement width. However, if you were to look at this and go according to the Code, we would require it to be 56-foot right-of-way and 28-foot pavement. That's not to say that, you know, a wider right-of-way or a wider pavement is a safer alternative, because what we're looking at nowadays is trying to minimize pavement width so that we can accommodate more things like multimodal transportation, be able to have bike lanes and pedestrian spaces and et cetera. So, as it relates to that exemption for the minimum right-of-way and pavement width, you know, we generally would want to look or go according to the Code and require a wider right-of-way and a wider pavement, but that's one of the exemptions that the applicant is requesting for. So, both Polanui and Makila Rural-East are consistent in that request in both of their exemptions. When you're looking at cul-de-sacs, this is what 18.16.130 states in the Code, a cul-de-sac shall be as short as possible and shall not be more than 800 feet in agricultural areas and no more than 550 feet in other areas, nor serve more than 20 lots, provided that longer streets may be approved the Director when unusual topographical conditions exist. All cul-de-sacs shall terminate with a circular turnaround of a 43-foot radius except that T-turnaround or other suitable roundabout...or I'm sorry, roundabout...other suitable turnaround may be permitted if in the opinion of the Director this type of turnaround meets the requirements of the situation. So, when we're looking at cul-de-sacs, we are also having, you know, and subdivision, we get comments from Fire Department and we also get comments from Planning Department, because both are, you know, you're looking at a cul-de-sac and both are, you know, looking at things like connectivity and also safety, health and safety. So, with both projects I believe both are...let me just take a look. I think only one project is requiring the exemption from the 18.16...I'm sorry, 18...this section of the Code relating to cul-de-sacs. That's another one that, you know, we'll, generally we'll, you know, we want them to be as short as possible. And what we're looking at is

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block length and pedestrian connectivity and being able to access other areas in case of emergency, or in the future, you know, we'd like to see connectivity from one community to the next. There is a movement or complete streets, you know, what we've learned throughout the years with complete streets is cul-de-sacs do not allow for that connectivity in the neighborhoods. So, that's, you know, we generally don't like cul-de-sacs, but this is a request for an affordable housing subdivision and that's why it's coming before you today. Oh, I'm sorry. And you had a question regarding sidewalks as well? Is that true or do you want me to address that now or sometime later? Otherwise, we can just focus on minimum right-of-way and cul-de-sacs at this time with the three of us.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, we can do that, you know, considering the time.

MS. DAGDAG-ANDAYA: Okay. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

MS. McLEAN: Were there specific questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: I just wanted Planning Department's comments on those exemptions.

MS. McLEAN: Okay. The ones that relate directly to the Planning Department zoning exemptions and so forth are relatively straightforward as we typically see for 201H projects. So, the 201H process is a way of not having to do a traditional Change in Zoning, community plan amendment. Those are pretty straightforward and spelled out clearly what uses would be allowed, what structures would be allowed, so in terms of administering those, I don't think we'll have any problem with administering it. I would comment though that we have heard that short-term rental homes and B&Bs would be prohibited, but that's not listed in the exemptions. So, if that is the Council's desire, that should be added as another Chapter 19.30A specification that those would be prohibited. We did have some concerns along with Public Works on the roadway design so just from broader planning concepts. The Polanui Gardens project does have a connected roadway system whereas the Makila Rural-East and we've made these comments throughout the process, with that long cul-de-sac and even the cul-de-sacs for the ag lots, that's not a desirable subdivision layout. It doesn't provide connectivity or a network. We do appreciate though that the Makila Rural-East project did allow for future connection at the south end of that long, you know, at the end of that long cul-de-sac to the property to the south should that be developed someday to allow for that connectivity. So, they were...that does show on the latest site plan I believe, so that was a positive change that they made. But nonetheless the length of that cul-de-sac and the other cul-de-sacs, just the overall subdivision and roadway design are not the things that we look for in today's development scenarios. Also the, both projects asked for flexibility for providing trees and it's...the landscaping plans seem to show a number of trees, but typically the requirement is one tree per lot and it would just be a shame for these communities

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that typically don't get all the amenities that higher-end projects do, may not get the trees that would otherwise be required. And lastly, I understand the reasons for not allowing those ohanas on the market lots or the second farm dwelling on the ag lots because of Department of Health restrictions on the wastewater systems, but that's just truly a lost opportunity where the number of lots in these areas could essentially be double what's being proposed and that's not able to happen because of the wastewater requirements. So, it is just again a lost opportunity to have these lots of this size in this area, but for them each to only have one home is just unfortunate. But again, understanding the reasons behind that, you know, that...201Hs are always a balance, it's always compromise so that's just food for thought. Thank you, Chair.

CHAIR KAMA: Thank you, Ms. Mclean.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, a quick --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --follow-up and then --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --I'll yield the floor. Mahalo. For the 201H projects, don't they...doesn't 201H projects prohibit renting of houses?

MR. UEOKA: Chair, if I may?

CHAIR KAMA: Yes, Mr. Ueoka.

MR. UEOKA: Thank you. So, for the market stuff not really, for the residential workforce or the lower-cost housing portions, those are, usually need to be owner occupied for the deed-restricted period, so sort of, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Thank you. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. You know listening to the two projects, you think that they're actually one but they're two I guess. And I just want to make that statement, you know, that this is a lot to take in. And I know that there are similar but different owners, but to me that says a lot also. I just wonder if...so from what Fire said, I'm really glad you clarified what your needs are and the challenges of the area, and I think since none of us are God we cannot control the winds or hurricanes or things like that that may be come, but I want to thank the Fire Department for

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doing the best job you can under the circumstances. And I liked your statement that you said when you have undeveloped land, it creates more of a problem in case of emergencies, because that's so true and that's what we see in my area too where I come from, Upcountry, so appreciate your honesty in that as we all try to, you know, figure out how to work this out. My department that I have, I'm going to leave Fire but I just wanted to thank you and acknowledge your honesty. I'm going to leave that and I want to know on the streets, thank you very much for making a clarification on the minimum right-of-way, and I'm gathering that the reason why you said agriculture, all the different agriculture, urban, and rural, and because of the DBA the developer is asking for Agriculture to Rural, that's why the right-of-way for pavement is, the new width is 56 for width or I see, or roads, and then pavement which is sidewalks I guess, is that what it means? For 28 feet?

MS. DAGDAG-ANDAYA: So, just to clarify --

COUNCILMEMBER SUGIMURA: Okay.

MS. DAGDAG-ANDAYA: --according to the exemptions being requested, both projects are asking for a minimum right-of-way width of 40 feet and pavement width of 20 feet. So, the pavement feet is the blacktop --

COUNCILMEMBER SUGIMURA: Oh, blacktop.

MS. DAGDAG-ANDAYA: --which includes the travel way for the vehicles from edge to edge.

COUNCILMEMBER SUGIMURA: Okay.

MS. DAGDAG-ANDAYA: And then the right-of-way width would include things like the shoulder, any sidewalks or landscape planting required by Code.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KAMA: Excuse me, Ms. Sugimura, but, Ms. Dagdag, so the designation is from Ag to Urban, correct?

COUNCILMEMBER SUGIMURA: The DBA.

MS. DAGDAG-ANDAYA: There's no designation under the 201H requiring from...or requesting from Ag to Urban; however, the development like this size, the density would likely, you know, come under urban, you know, be an urban-type development which is why, you know, you're coming in for a 201H. So, there's no actual designation for urban.

CHAIR KAMA: Thank you. I'm sorry, Ms. Sugimura, go ahead.

COUNCILMEMBER SUGIMURA: Oh, I thought the DBA was asking for us to go from Ag to Urban.

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MS. McLEAN: Yes, just for the market units or excuse me, for the workforce housing units, there's a waiver from the typical process for a district boundary amendment to Urban, but there is before you ordinances to change the district boundary from Ag to Urban.

COUNCILMEMBER SUGIMURA: Okay. The...and I guess why I'm talking about this is I'm concerned about buses. So, the accessibility of the area, I guess it wouldn't be...maybe it's the Department of Transportation, Chair, if they have a comment regarding the project and will it be accessible to public transportation. And then...

MR. DU PONT: Thank you, Member Sugimura. Thank you, Chair.

CHAIR KAMA: Yes, Mr. Du Pont.

MR. DU PONT: So, in looking at the two developments starting with Makila Rural-East it does not give easy access for public transportation so it wouldn't be desirable for us. It doesn't give us easy access into the area or any through streets for us to access. We do not want to go into cul-de-sacs at all. When looking at the Polanui Gardens, there is some access but with the current routes that we have right now, we wouldn't be able to access or even add on to that route. We would need to come in for a budget amendment to get additional routes.

CHAIR KAMA: Thank you.

COUNCILMEMBER SUGIMURA: Continue on.

CHAIR KAMA: Go ahead.

COUNCILMEMBER SUGIMURA: So, what is the road width you need in order to have public transportation?

MR. DU PONT: It would be the same as Fire.

COUNCILMEMBER SUGIMURA: Twenty feet?

MR. DU PONT: So, the 20 feet, the normal width that we would make roadways is 20 feet.

COUNCILMEMBER SUGIMURA: So, it meets the standard then? It should not...

MR. DU PONT: It would; however, the turnaround area, especially the cul-de-sacs that it's proposing, with our larger buses that we use on those routes, it wouldn't be able to turn around.

COUNCILMEMBER SUGIMURA: Okay, so I guess you're saying from what I heard you say earlier is that right now we don't have the funding to --

MR. DU PONT: Yeah.

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COUNCILMEMBER SUGIMURA: --increase our bus service to that area. And if we were, Chair, we would also have to be concerned about paratransit, right? Whenever we do public transportation we have to...

MR. DU PONT: It expands the area for paratransit also.

COUNCILMEMBER SUGIMURA: Yeah. But you're saying right now the road widths are okay but just the cul-de-sacs are a problem?

MR. DU PONT: The cul-de-sacs are a problem and there's no through streets. So, we don't want to be in the neighborhood, we just want to be able to pick up and go, not go and have to turn around and worry about cars being in the cul-de-sacs and on the side of the roads.

COUNCILMEMBER SUGIMURA: Okay. And then just in general, I'm sorry I didn't find it but it may be here, the developer was very gracious to give us these thick, our booklets and I was wondering all the fee exemptions that are being asked, what is the dollar amount for it? And I wonder if there...if this was presented to us? Because there's...the 201H process allows that and I'm just wondering what is the impact to the departments based upon...and I think Fire like said you would love to have the fees. But I don't know what it is, I just wonder what that might be, Chair. Maybe you could ask the developers what is the impact is to the departments not receiving the fees.

CHAIR KAMA: Ms. Munsell, do you know what that is? Okay, Mr. Bagoyo?

MR. BAGOYO: Thank you. The, for Makila Rural-East and I'm only speaking for Makila Rural-East, with the exemptions that we're asking for, the amount per unit on the workforce would be 5,985 is the cost value of these proposed exemptions per unit.

COUNCILMEMBER SUGIMURA: Okay.

MR. BAGOYO: It's close to about \$300,000 for the entire project.

COUNCILMEMBER SUGIMURA: Okay.

MR. BAGOYO: And I'll be more than happy, I have prepared the --

CHAIR KAMA: You can hand that to Staff.

MR. BAGOYO: --cost value exemptions.

CHAIR KAMA: Okay, thank you.

MR. BAGOYO: Thank you.

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CHAIR KAMA: So, you want to hear from the Polanui?

COUNCILMEMBER SUGIMURA: Yeah, yeah.

CHAIR KAMA: Okay. So, Mr. Witten?

COUNCILMEMBER SUGIMURA: Is there a breakdown that Mr. Bagoyo has that we can get the...

CHAIR KAMA: They're passing it out now.

COUNCILMEMBER SUGIMURA: Oh, he has it? Well prepared, thank you.

MR. WITTEN: Thank you, Chair. Yeah, we, similarly we have a handout here that summarizes the Polanui Gardens proposed exemptions and estimated values. On Polanui the estimated value per unit is 300...\$3,654 and change, for the total of the 50 units that comes out to \$220,050. And we have a handout here that summarizes that for the Council.

CHAIR KAMA: Thank you.

COUNCILMEMBER SUGIMURA: Okay, thank you.

CHAIR KAMA: So, you have no more questions, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, I'm fine. Thank you, Chair.

CHAIR KAMA: Thank you. Ms. Tamara Paltin, you had questions?

COUNCILMEMBER PALTIN: Thank you, Chair. Yes. If I can get the developer's representatives?

CHAIR KAMA: Okay, Mr. Bagoyo and Mr. Witten.

COUNCILMEMBER PALTIN: So, I'm referencing Page 21 and 22 on Polanui book and given the extreme fire hazard environment, I'm wondering why there hasn't been any formal consultation with the Maui Fire Department? You got letters back and forth from the Police, Public Works, and so forth, but why no formal consultation with the Fire Department given that you know it's an extreme fire hazard environment?

MR. WITTEN: I wasn't involved in the formal consultation but others on the project team were. I could have them...I don't know if Kyle is available.

CHAIR KAMA: Go ahead, Mister...

MR. BAGOYO: Yeah, for Makila, Councilman Paltin, we did consult with the Fire Department. I think the letter and our response is on your binder.

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COUNCILMEMBER PALTIN: Okay. Can...

MR. BAGYOYO: For Makila.

COUNCILMEMBER PALTIN: Okay.

MR. BAGYOYO: And then I think for Polanui, Kyle Ginoza will probably be more --

COUNCILMEMBER PALTIN: Okay.

MR. BAGYOYO: --the person to ask.

CHAIR KAMA: Mr. Ginoza?

MR. GINOZA: Good morning, Chair and Councilmembers. My name is Kyle Ginoza and I work for Hope Builders representing the developer. Just for your information, I'm also Vice-Chair of the Fire Commission but I'm not speaking on their behalf. But that's kind of the context of how I'm involved in fire-related issues. And ever since the Lahaina fire, you know, it's been a hot button for the Commission and with my involvement with the landowner, it's been a point of discussion amongst the Commission members as well as myself as a member with the administration.

COUNCILMEMBER PALTIN: I kind of feel like you're not answering the question. The question was why hasn't there been a formal consultation with the Fire Department when you explicitly state that this a extreme fire hazard area? That's...it's pretty simple, why no formal consultation?

MR. GINOZA: I believe we did consult on Polanui and it should be in the application itself. But I was just mentioning that I followed up with the Department in more recent times.

COUNCILMEMBER PALTIN: Okay. What I read was that there was informal consultation with Paul Haake. The formal consultations have letters back and forth. There's none for Fire. So, moving on, can you please tell me what is the source of the water for the fire hydrants? Will it be potable or non-potable?

MR. GINOZA: I don't speak on the, sorry, I don't speak on the water. I believe we can get our water representative up here.

COUNCILMEMBER PALTIN: You don't know what the source for the fire hydrant water is?

MR. GINOZA: It's potable.

COUNCILMEMBER PALTIN: Okay.

MR. GINOZA: But where specifically, I don't know.

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COUNCILMEMBER PALTIN: So, you're using...who's responsible for the upkeep, maintenance, and testing of the fire hydrants on these projects?

MR. GINOZA: That's the PUC-regulated utilities that Glenn Tremble had represented earlier.

COUNCILMEMBER PALTIN: The PUC comes and tests the fire hydrants?

MR. GINOZA: No, sorry. I meant that the company, the private companies that are regulated by PUC maintain the water system.

COUNCILMEMBER PALTIN: So, Lahaina Water...Launiupoko Water Company and...Launiupoko Water Company is going to be upkeep, maintain, and testing the fire hydrants?

MR. GINOZA: Yes.

COUNCILMEMBER PALTIN: And do you know how often they will be doing that?

MR. GINOZA: I do not. Oh, if you want we have our operations person that could answer the question.

COUNCILMEMBER PALTIN: Sure.

MR. GINOZA: Chair, may I?

CHAIR KAMA: Yes, go ahead. Thank you.

MR. GINOZA: This is Dave Minami, he can introduce himself.

MR. MINAMI: Good morning, Council [sic] Chair. Dave Minami, I'm the distribution system operator for the water companies. The fire hydrants are all potable water and they're tested annually.

COUNCILMEMBER PALTIN: And I see that in the urban areas that you require the fire hydrants to be spaced every 300 feet, 50 feet, and provide 1,000 gallons per minute of pressure.

MR. MINAMI: We're going to need an engineer to answer that. That's correct.

COUNCILMEMBER PALTIN: And so, what is the capacity if multiple fire hydrants need to be used to meet that kind of demand? Is...

MR. MINAMI: Engineer. The system is designed according to the engineered specs. So, if we have an engineer that designed it. But I do know that it's tested and it's tested for fire flow upon completion with the Fire Department.

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COUNCILMEMBER PALTIN: Any comment to the fire hydrant that wasn't working during the Lane fire?

MR. MINAMI: There was none, fire hydrants that didn't work to my knowledge. I was there. There was one fire hydrant that got run over by a tanker and we were there to shut it off.

COUNCILMEMBER PALTIN: Can you repeat that last?

MR. MINAMI: There was a fire hydrant that got run over by a tanker because of the smoke, but we're on 24/7 so we were there to deal with it.

COUNCILMEMBER PALTIN: Okay. And can you speak to what the elevation of the LIC-1 Well is?

MR. MINAMI: LIC-1, I forget.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MR. MINAMI: Five hundred, four hundred?

UNIDENTIFIED SPEAKER: Three seven five.

MR. MINAMI: Three seventy-five? Three hundred seventy-five feet.

COUNCILMEMBER PALTIN: And are you aware of wells at the 450-foot level having saltwater intrusion already?

MR. MINAMI: No, I'm not aware of that but the wells are tested and we test conductivity every week basically and it's all within the EPA standards.

COUNCILMEMBER PALTIN: Can you speak at all to the large amounts of sedimentation that residents are getting in their irrigation lines?

MR. MINAMI: Well, the irrigation lines, if there is sediment, you know, it's kind of...it's stream water, it's reservoir water so you will get sediment in your irrigation lines. You will get, I mean it's raw water. So...

COUNCILMEMBER PALTIN: So, you're going to be in the future using non-potable well water?

MR. MINAMI: Yeah, that should be a benefit to them. If we use non-potable well water, it comes from the ground, that's groundwater, it's a lot cleaner.

COUNCILMEMBER PALTIN: And it's non-potable because it's not cleaned or it's non-potable because it's brackish?

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MR. MINAMI: It's non-potable because that's...well, the engineers decided where to drill it. I don't know if it's a matter of...you know part of the reason why from what I understand the irrigation well is where it's at and actually the water quality, when you look at the reports is very good water. But it's within a subdivision that usually requires a 1,000-foot radius around it from homes. So, right now it's great water but because of the way the septic systems around that area, we don't...it's not declared as a potable well. Is that correct?

COUNCILMEMBER PALTIN: And so, what is the reason that two...as of yesterday the existing residents are having trouble getting the non-potable water? It's not a constant source.

MR. MINAMI: Well, I stated earlier, you know, we've been using this system for 100 years and at a snap of a finger it changed. So, in order for us to cope with that change, it's going to require us to have additional sources. Now, these sources while we are working on it takes a lot of time, energy, money, infrastructure, everything. But in the big picture you're going to have plenty of water with all the wells coming online. So, to answer your question more specifically, it takes time for us to run pumps in the morning. Since we're not getting any water from the stream whatsoever and the system at night runs low, so every morning we run the pumps, run the well, we start filling everything up. When other wells come online I'm sure it'll be more consistent.

COUNCILMEMBER PALTIN: I hope so.

MR. MINAMI: Me too.

COUNCILMEMBER PALTIN: Okay, next questions. In the book for the Polanui...it might not be you the one.

MR. MINAMI: Okay, thank you.

COUNCILMEMBER PALTIN: The SCS consultation responses indicate Keeaumoku Kapu and Sybel Lopez as none on concerns and yet both individuals testified in opposition of this project. So, I'm wondering when the concern is listed as none what that actually means.

CHAIR KAMA: Is someone coming down to respond? Anyone who's going to respond to questions, the microphone is to my left or to your right, just so that we don't waste time.

MS. DAGHER: Hello, Chair. Hello, Council. I'm Cathy Dagher and I'm the senior archaeologist at Scientific Consultant Services, and could you please just restate your question so I know where to start?

COUNCILMEMBER PALTIN: Thank you. The consultation responses indicate Keeaumoku Kapu and Sybel Lopez as none on the concerns yet both individuals testified in

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opposition of this project. So, I'm wondering when you list none under concerns what that actually means.

MS. DAGHER: Okay, so when I start the consultation process, I identify individuals and Native Hawaiian organizations that would have knowledge about traditional and cultural practices in a particular area. So, I did contact Mr. Kapu as part of Aha Moku O Maui and I did have several e-mail conversations with him beginning in January 2017. And initially we set up...well, actually Mr. Kapu was kind enough, he set up two meetings. The first one I wasn't prepared for, we have a process, my work...you know I have to prepare my consultation materials, draft materials, the maps that show the project area before I got out into the community to present. So, anyway those materials weren't ready so I couldn't...we had to reschedule the first one. He was kind enough to reschedule the...made a second one. That time I had a personal issue, I had a health issue I had to take care of so that also was...we had to cancel that. So, when I...when that was done, in February, between February 10, 2017 and May 9, I think, 2017 I sent Mr. Kapu five e-mails requesting he reschedule those, that meeting so that I could interview the families. He never responded. I tried different e-mail addresses. I tried contacting him...

COUNCILMEMBER PALTIN: So, basically no response equates no concerns to you?

MS. DAGHER: No, but because I did have several e-mail conversations with him where he didn't state any concerns and then when he didn't respond...usually when people don't respond, that means that they don't have any concerns. We reach out to the community all the time, people that have something to say, I interview them or they send me something in writing but I have that information. He initially had, you know, was going to schedule a hearing or schedule an interview, I'm sorry, it didn't happen. He never indicated that he had concerns. And neither did the other lady, she...I did contact her, I think we had some e-mail correspondence and then again they don't get back to me. If they don't get back to me and tell me that they have concerns, I can't say that they have concerns because they didn't express them.

COUNCILMEMBER PALTIN: I think it might be a little bit better if you just say they didn't get back to you rather than none on the concerns, because from their testimony it does seem like they have concerns. My other question is many times Handy (1940:103) is referenced that the Hawaiian planters at Olowalu say that loi has never existed in Launiupoko, but Page 12 of the Archaeological Inventory Survey of 2006 prepared by C. Kalani Paraso and Michael Dega note 66 acres of kuleana parcels, 23 claimed within the Polanui Ahupuaa and that 6.12 acres awarded to Kaino Kane is documented to have had 37 loi. And Page 17 talks about 520 acres located within Launiupoko Ahupuaa with traditional wetland taro cultivation features recorded. So, wondering why the Handy reference is used so many times including in the CIA report?

MS. DAGHER: I don't think I understand your question. I...that's one of our main sources. Handy 1940 and Handy & Handy 1972 are one of our primary sources.

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COUNCILMEMBER PALTIN: There is Land Commission awards stating that there were loi in the area. So, I mean you have one piece of information used multiple times, but it's conflicted by records that were kept of the area. So, it kind of makes things muddled is what I'm saying.

MS. DAGHER: Well, the...yeah, the information is kind of muddled. In regards to the LCAs and kuleana lands, there were numerous kuleana lands. The only thing I can tell you is that according to the Aha...I'm sorry, the OHA Kipuka interactive...well, website with their interactive maps, my information showed that none of those kuleanas were in the Polanui or the Launiupoko project area.

COUNCILMEMBER PALTIN: Okay. Regarding your community consultations, how much notice was given, how was it advertised, and whatnot?

MS. DAGHER: Okay. For Polanui...okay, so I have a list, part of that list I inherited from my predecessor, and then that list grows as I do more projects and am introduced to different and more and more individuals, and as the individuals that I contact suggest other individuals that they would think would be knowledgeable, that list grows. So, for Polanui I contacted 24 individuals beginning in January 2017 and...

COUNCILMEMBER PALTIN: You never put out a broad call for...

MS. DAGHER: Well, okay, so first I reach out to individuals that I'm already aware of and organizations that I'm already aware of. For Polanui we ran newspaper ads in the *Honolulu Star Advertiser* and also in *The Maui News*, and I believe the dates were January 11<sup>th</sup> and 12<sup>th</sup> and the 15<sup>th</sup> in 2017. So, they ran in both newspapers on the same dates which were two consecutive weekdays and then that Sunday. And...

COUNCILMEMBER PALTIN: And nothing since that project was shut down and this one was redone?

MS. DAGHER: I'm sorry. This is my consultation ...I don't know what you're talking about. This is my consultation. I wasn't aware that...of anything being shut down.

COUNCILMEMBER PALTIN: Okay. This is the second time this project is coming up.

MS. DAGHER: Oh, I wasn't involved with the first time then.

UNIDENTIFIED SPEAKER: . . .(inaudible). . .

COUNCILMEMBER PALTIN: Oh, the Greg Brown one.

MS. DAGHER: Okay, so...

CHAIR KAMA: Let's keep conversation between...

UNIDENTIFIED SPEAKER: . . .(inaudible). . .

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CHAIR KAMA: Just...okay, please everyone, please. Let the speaker speak...

COUNCILMEMBER PALTIN: Okay, moving on. Maybe I can talk to the traffic guy if possible.

CHAIR KAMA: Thank you.

MS. DAGHER: Oh, thank you.

CHAIR KAMA: Thank you. Okay. So, we're looking for...okay, Mr. Traffic Man.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR KAMA: Yeah, right after she's done.

MR. FUJIWARA: Tyler Fujiwara.

COUNCILMEMBER PALTIN: Sorry, Mr. Fujiwara, oh, I forgot your name.

MR. FUJIWARA: No problem.

COUNCILMEMBER PALTIN: I was wondering if you could tell me why there was no study on the intersection that comes off the bypass and turns left, being that there's been several accidents at that location of folks going to school?

MR. FUJIWARA: Would this be the bypass near to Lahainaluna Road?

COUNCILMEMBER PALTIN: That's correct.

MR. FUJIWARA: Okay. You know initially we came up with an intersection list and study scope. It was pretty much geared to Hokiokio and Kai Hele Ku Street. We did get comments back from Public Works, asking that we analyze the intersection of Lahainaluna Road and that bypass ramp intersection. So, we did add that intersection to the traffic study, but there wasn't a request to include the bypass intersection with the Lahainaluna road on-ramp.

COUNCILMEMBER PALTIN: So, you don't have the information of the amounts of car accidents we've had at that particular location? I mean were you sure when they said the bypass and Lahainaluna Road that they meant that intersection versus the one where you actually turn off the bypass onto Lahainaluna, turn off the bypass?

MR. FUJIWARA: Yeah, that was the intersection that I think they requested.

COUNCILMEMBER PALTIN: When you turn off the bypass?

MR. FUJIWARA: Yeah. The one with, the intersection with Lahainaluna Road.

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COUNCILMEMBER PALTIN: So, that's when turn on to Lahainaluna Road?

MR. FUJIWARA: Correct, yeah.

COUNCILMEMBER PALTIN: I feel like it was a big missed opportunity in not analyzing the intersection where you turn left off the bypass since we've had many accidents there already.

MR. FUJIWARA: Well, we did receive comment letter from State DOT. They didn't request that we increase the study scope so we pretty much just kept the intersection list the same.

COUNCILMEMBER PALTIN: Thank you. Public Works, do you have any comment on this?

MS. DAGDAG-ANDAYA: Yes, Chair. Thank you. When we requested the information expanding the study, we were looking at it as intersections that the County would, has jurisdiction over which is why we included Lahainaluna. The reason for that too being that if there's an affordable housing subdivision, it is anticipated that there's families and further anticipate that there's students who are going to need to be transported to the school. So, we wanted to know what the effect was on those intersections. As it relates to where the project intersects with the bypass, generally that would be...that would fall under State Department of Transportation because they have jurisdiction over the bypass. So, and further, you know, we don't have any other roads that the County maintains in the upper subdivisions or in the areas close by. So, that's, you know, we were looking at the areas that we had jurisdiction over. But we would defer to the State for any information or any request that they make where, you know, if you needed information regarding the...where it intersects with the bypass.

COUNCILMEMBER PALTIN: So, you guys are not able to ask for State intersections, only County intersections?

MS. DAGDAG-ANDAYA: You know that, we could ask but then generally that's a State facility so we would leave it up to them, we would defer to them to request information and how it would impact their ability to operate or be able to request for any traffic mitigation in the area. But again, we're looking at our, the facilities that we have jurisdiction over.

COUNCILMEMBER PALTIN: Okay. I noticed also that DLNR had drainage concerns prior to the September 2018 flooding incident, and I was wondering has there been any mitigation done to address that, being that Kai Hele Ku is to be the main entrance and exit for all of these homes, not only the three planned 201Hs but the existing 280?

MR. FUJIWARA: Okay. Drainage would be another person.

VICE-CHAIR MOLINA: Madam Chair?

CHAIR KAMA: Yes?

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VICE-CHAIR MOLINA: Madam Chair? Here.

CHAIR KAMA: Oh there, yes?

VICE-CHAIR MOLINA: I'm sorry to interrupt. Prior to hearing from our next resource person, what is your intention for a break?

CHAIR KAMA: My intent is after Ms. Paltin is finished with her questions, I call for a morning break.

VICE-CHAIR MOLINA: Thank you.

MR. OTOMO: Good morning. My name is Stacy Otomo from Otomo Engineering. We are the civil engineering consultants. Thank you for that question, Councilmember. The drainage scheme is again to use low-impact development, and the whole justification behind that is that wherever runoff is going right now, we're not going to change the course of the runoff; however, by the drainage improvements that we're proposing, the quantity of the runoff as well as the quality of the runoff at specific areas will not be changed. In fact, the intent is to lessen the impacts meaning that the release of the waters would have better quality as well as the volume would be less than what's going there now.

COUNCILMEMBER PALTIN: So, at this time nothing's been done to mitigate the effects?

MR. OTOMO: We haven't got into that particular design phase yet but the design would incorporate those features.

COUNCILMEMBER PALTIN: Okay, thanks. My last one is for Planning.

CHAIR KAMA: Ms. McLean?

COUNCILMEMBER PALTIN: Thank you. So, I was wondering if you could comment on the State Office of Planning statement that this seems to be an end run around State district boundary amendment necessary procedures. District boundary amendment cannot be acted upon by the County Council without any proceedings which normally characterize the filing and processing of district boundary amendments. Two oh one H housing project may be provided an expedited 45-day DBA process but cannot be fully exempted from this process. And also that the Office of Planning does not support use of 201H process to enable lots smaller than the County current...current County two-acre minimum lot size, and this is for the market-priced homes.

MS. McLEAN: The comment about needing a district boundary amendment I believe is being addressed by the documents before you. There is among the exemptions, exemptions from the processes required for a district boundary amendment, the 19.68 Chapter requirements where the way that a DBA is typically processed. So, there's an exemption relating to the procedural part. There is in front of you bills to...bills for

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ordinances to amend the district boundary, to formally amend it. The procedure is being...a request for exemptions from the procedures, but what's in front of the Council is a bill for an ordinance to actually amend the district boundary. So, that should address the Office of Planning's comments related to DBA because the DBA would actually be amended.

COUNCILMEMBER PALTIN: True. It seems to me they have great concerns with the parceling of it that the project itself is much greater than 15 acres on both sides and yet they're only kind of cherry-picking which rules to follow in that amount. So, I mean if the State is giving us this 201H tool and then their comments on it is that they feel the applicant is using this tool to circumvent the process, is that not something we should take seriously?

MS. McLEAN: I do believe you should take it seriously. Two oh one H's are inherently a circumvention of the typical land use entitlement process. That's what they're all about. Because the land use entitlement process can take so long and be so expensive to do it the traditional way. The 201H process is fast track, is to get exemptions from those requirements so that affordable housing can be approved and developed more quickly. So, again, it's really a balance. You have an affordable...the affordable housing thrust behind it, but then from a planning perspective, of course this isn't how things should be done but those are competing objectives and that's why it becomes a policy call for the Council.

COUNCILMEMBER PALTIN: Can you speak a little bit to the hierarchy of the Maui Island Plan versus the community plan?

MS. McLEAN: In this particular area the Maui Island Plan designates it as within the rural growth boundaries, and there is a story in the Maui Island plan for how this area would be developed within the rural growth boundaries. The Maui Island Plan came after the West Maui Community Plan was last adopted. We're working on the update of the West Maui Community Plan now, but the community plan that's in place now today designates the property as Agriculture. So, you have...

COUNCILMEMBER PALTIN: My understanding is from the open house workshops that there wasn't a strong desire amongst the participants to see expansion, they wanted infill. And, you know, being that we're not sure about their capacity to deliver water and non-potable at this time and the community, West Maui Community Plan process being ongoing, would it be satisfactory to you to just hold off until they prove that they're able to provide the non-potable water they say they are and give the community time to complete the West Maui Community Plan process?

MS. McLEAN: That would be a policy call for the Council to make.

COUNCILMEMBER PALTIN: Okay, thank you. I'll yield the floor at this time.

CHAIR KAMA: Thank you. So, Members, at this time I'm going to call for a recess and we will reconvene back in Chambers at 11:25. Recess. . . .(gavel). . .

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**RECESS: 11:15 a.m.**

**RECONVENE: 11:30 a.m.**

CHAIR KAMA: . . .(*gavel*). . . The Affordable Housing Committee, the recessed Affordable Housing Committee of June 25 is now coming to order. But before we begin, I want to take the temperature of the Council. It seems that our questions are running quite long and that we are probably most likely going to have to do a recess date. And so, I'm looking at--Member Tamara Paltin, that's who I'm looking at--that you do have a meeting tomorrow. Will you be using all your time tomorrow?

**(EXCUSED: RH, KRF)**

COUNCILMEMBER PALTIN: Chair, I just spoke with the Staff and I really would like to take a vote on Waikapu tomorrow and if I need the full amount of time, but I would be willing to give up the following week Wednesday afternoon so you can have the full day on the meeting week.

CHAIR KAMA: July 3<sup>rd</sup>?

COUNCILMEMBER PALTIN: Yeah.

CHAIR KAMA: Are you sure?

COUNCILMEMBER PALTIN: Uh-huh.

CHAIR KAMA: Okay, Members, are you open to that meeting on July 3<sup>rd</sup> and taking up the PSLU time that begins at 9:00 in the morning?

COUNCILMEMBER PALTIN: Yeah. I'm 9:00 to 12:00 on Wednesday, July 3<sup>rd</sup> but I'm hoping we can complete all of Waikapu tomorrow and then, you know, I think this is important enough that we should have a full day at least.

CHAIR KAMA: Is that okay with the Members? Yes, Mr. Molina?

VICE-CHAIR MOLINA: Madam Chair, again, just for clarification, this would be a recessed meeting, not a reposting of a new meeting...

CHAIR KAMA: Right, it's a recessed meeting today for all of next week --

VICE-CHAIR MOLINA: Next week Wednesday.

CHAIR KAMA: --which is...

VICE-CHAIR MOLINA: Yeah.

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CHAIR KAMA: Right, next week Wednesday, July 3<sup>rd</sup> beginning at 9:00 a.m. in the morning.

VICE-CHAIR MOLINA: Okay. All right, thank you.

CHAIR KAMA: Okay, thank you. Yes?

COUNCILMEMBER SINENCI: Chair, there was some discussion about possibly having some meetings out in Lahaina at the project site. Is that something that you'd consider?

CHAIR KAMA: I would consider it if we're going to be talking to the people out there, but because we're only going to be making decisions at that next meeting and so today, my preference is that today we ask all the questions we need to ask before 12:30. And then if you have any considerations, modifications, amendments, take the week to write them all down, and then when we meet on July 3<sup>rd</sup>, let's bring them all up and before all of us so we can actually deliberate and do what we have to do with the DBAs and the 201H.

COUNCILMEMBER SINENCI: Okay, thank you, Chair.

CHAIR KAMA: You're welcome. Good? Okay. Now, where were we? Questions. Okay, so for round two of questions, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I did forget to ask of the Captain in the first round, do you know anything about the placement of sirens at the project? It was a concern from the Department of Emergency I believe that there be sirens on this project or on both projects. Can you speak to that?

MR. HAAKE: Sorry, Councilmember, I don't know anything about the sirens.

COUNCILMEMBER SINENCI: Is that a State issue? Maybe the developers...

MR. HAAKE: Maybe Civil Defense.

CHAIR KAMA: Who would know about sirens?

COUNCILMEMBER SINENCI: That was one of the concerns.

CHAIR KAMA: Emergency preparedness right?

UNIDENTIFIED SPEAKER: Emergency Management.

CHAIR KAMA: Emergency Management, they're not here. Okay, Mr. Sinenci, would you like us to call him?

COUNCILMEMBER SINENCI: Sure.

CHAIR KAMA: Okay.

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COUNCILMEMBER SINENCI: Yeah.

CHAIR KAMA: So, can we put a call in to him?

COUNCILMEMBER SINENCI: In the meantime I'll...

CHAIR KAMA: In the meantime do you have any other questions?

COUNCILMEMBER SINENCI: Yeah, I did have some other issues about the ag lots, so it looks like a total, Polanui has 16 one-acre ag lots, Makila Rural has about 45 one-acre ag lots, so added together it's about 61 acres. And looking through some of the responses about agriculture, it looks like for ag lots, Department of Water suggested that a use rate of 3,000 gallons per day per acre for agricultural irrigation has been used. This rate is based on the actual ongoing agriculture use on the LIC system. So, my question is does that mean that this would be in addition to the 61 acres that is zoned as Ag lots? Is there anybody that can answer?

MS. BLUMENSTEIN: Thank you. Eva Blumenstein, Planning Program Manager. We had some comments on, based on system standards if this is a private water system now. Based on our system standards, 5,000 gallons per acre is for potable and non-potable demand for an ag lot; however, in this, for this development they're proposing two separate systems, non-potable, so therefore, you know, it's fine to divvy it up so that you have a non-potable and potable component. So, 3,000 gallons per acre is very adequate.

COUNCILMEMBER SINENCI: Okay, thank you. My second question, Chair, was for I believe Public Works. So, about the roads and pertaining to agriculture I think there was some comment from Public Works that in addition to ensure that all roadway pavement is appropriately designed to accommodate the weight of anticipated trucks or equipment for the ag production. Ms. Dagdag-Andaya, can you respond to some of the concerns about, we talked about some of the roadway pavement and will the pavement be designed to accommodate additional weight of trucks --

MS. DAGDAG-ANDAYA: Chair, yes they would --

COUNCILMEMBER SINENCI: --and equipment?

MS. DAGDAG-ANDAYA: --have...they would need to comply with those standards for weight. And, you know, whether it's ag, rural, or urban, you know, we do have these different standards. And if the roads are intended for ag use then we have requirements for ag-type roads and they would have to comply with that.

COUNCILMEMBER SINENCI: You know if these, the roads will just be toward the ag sections of the project or throughout? I mean they would have to go through the...well, not necessarily the work house...housing streets but through the entire project.

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MS. DAGDAG-ANDAYA: The standards would apply to all the roads in the subdivision.

COUNCILMEMBER SINENCI: Okay, thank you. And just following along the lines of agriculture, the Department of Agriculture had some comments for the, I believe it's the Makila Rural-East project. And some of their concerns were that the lots smaller than the current County two-acre minimum lot size as it further exacerbates the problem of gentleman estate lots that inflate agriculture land value benefits to the owner via property tax exemption and lower water rates while providing no viable agriculture production on agriculture lots...agriculture land, and generally reducing land available for farming and making it more expensive for farmers. Also, they continue to say that once fragmentation begins in the Agricultural-zoned lands, it leads to...the way to further development of agricultural lands. And they wanted...they recommended that the applicant discuss whether this project constitute a move towards more urbanization of the area. And so, I don't know if the developers have, had addressed some of these concerns from the Department of Agriculture?

CHAIR KAMA: So, who would be able to respond, would Planning be able to do that?

MS. McLEAN: Thank you, Chair. I'm trying to see Councilmember Sinenci over there on the end. The developer would have to be the one to respond to whether they've addressed those comments, but this does bring up an issue that we're grappling with Countywide which is how agricultural lands are being used for non-agricultural purposes which isn't the intent of the State or County zoning districts, but the uses and standards in them, in those districts allow this type of use. And we have discussed on more of a casual level with the Council how we can further protect our agricultural lands and increase the use of the Rural designation for developments that truly are rural in nature and not agricultural. I would point out that this area is designated within the rural growth boundaries of the Maui Island Plan. So, as far as County-level planning goes, the idea was for this to be more rural in nature rather than agricultural. And the district boundary amendment bills that are in front of you for the market, or excuse me, I keep saying that, for the affordable components would change it to Urban. And so, they are on point that it would change from Ag to Urban for the smaller affordable lots. And in terms of the other lots, the market lots that would remain Agricultural, we continue with that challenge of seeing that the use is actually agricultural and not the gentleman's estates and pseudo ag. But that's a challenge that we're facing Countywide really.

***(Councilmember Rawlins-Fernandez returns at 11:39 a.m.)***

COUNCILMEMBER SINENCI: Would...a follow-up, Chair, for the Director. Would this, I guess bring added, you know, as far as enforcing these agriculture lots, would that bear additional burden for the County? You know we've always talked about Launiupoko, I mean I know from our endpoint that a lot of them...I mean granted that there are farmers up above in Launiupoko but, you know, kind of the idea of enforcement of gentleman's estates that happen up in Launiupoko. And this is not to put down any of the farmers that are actually using their land designation for the

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usage. I think the irony was when we looked at some of the pictures during the testimony, you had fires all around and that you also saw swimming pools up in Launiupoko, and the irony is that okay, we've, you know, we're trying to get water, we're trying to fight fires and then there's also, you know, homesteads up there that have swimming pools. So, that might be kind of continuation is, is this reservoir or swimming pool?

MS. McLEAN: When we talk about regulations in the Ag District and the uses that are allowed, the structures that are allowed, we've had this tendency to go back and forth between trying to curb abuse and have really strict regulations and then on the other hand being permissive so that we can support local farmers and small farms because it's one-size-fits-all. If you're going to be permissive to support farmers and have things be easier for farmers to build the structures that they need and change their ag activity when conditions warrant, you have to understand that non-ag users will benefit from that leniency. So, you make it easier for farmers but you open it up to abuse. And if you want to be restrictive, that's going to make it tougher for farmers in a lot of ways. So, it really is a challenge. And we also...there is a restriction on the size of dwellings in the Ag District although it's very, very generous, because farmers have said I should be entitled to have a nice big home if I'm successful and who says a farmer can't have a swimming pool. So, it really is a challenge. I think from a common sense perspective you should be able to tell a real farm from a gentleman's estate and certainly I would agree with that. But when it comes down to pointing to violations of the County Code, that's very difficult to say what is ag. You know is one tree ag? Is a dozen trees ag? Is a hundred trees ag? You know we don't have a solid enough definition of agriculture to verify like that. It's very challenging.

COUNCILMEMBER SINENCI: Thank you for that response. One more, Chair?

CHAIR KAMA: Sure, but maybe you can...really should consider taking up that definition.

COUNCILMEMBER SINENCI: Okay. Yes, thank you, Chair, for that recommendation. Last question, you know, if we've got...if the project has private water, private streets to maintain, private sewers, and we're thinking about extra costs for fire-wise construction. Does the developer take on these added costs as far as maintaining the project since it won't be coming off of a County maintenance or...

MS. McLEAN: That's a question that the developer can probably answer. My understanding is that some of those things are routine expenses of the water company for example, but there will likely be monthly fees for the homeowners from the market and the affordable lots. But the developer should be able to answer that.

COUNCILMEMBER SINENCI: Okay.

CHAIR KAMA: So, can we have the developers answer that --

COUNCILMEMBER SINENCI: Sure.

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CHAIR KAMA: --Mr. Sinenci? Okay. So, Polanui and Makila or do you have...okay.

COUNCILMEMBER SINENCI: Yeah, anybody.

MR. WITTEN: Thank you, Council Chair. Yeah, I think in general all the private roads and infrastructure would be the responsibility of the homeowners association. It would be set up for each of those neighborhoods, and those get funded on a typically monthly basis to account for the anticipated replacement and repaving and maintenance of the common areas.

COUNCILMEMBER SINENCI: What kind of added cost would that accrue?

MR. WITTEN: It all depends on the neighborhood. These are relatively small so we have...I'm not aware of having calculated what the association dues would be anticipated. But as we spoke about earlier, we're trying to downscale the roads and put in green infrastructure to minimize the cost and make it easily maintainable. So, I don't have the numbers specifically but that will typically get worked out. But it shouldn't be anything abnormal from, you know, the only problem is that you're paying real property taxes to the County but not getting any services, and but you also have to pay into the homeowners association to ensure that when the infrastructure needs to be upgraded or replaced that you have that funds available. So, there is a whole management, property management regime that would take care of that.

COUNCILMEMBER SINENCI: Okay, thank you. Same?

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER SINENCI: All right. Thank you, Chair. I'll yield to my fellow Councilmembers.

CHAIR KAMA: Thank you. Mr. Molina?

VICE-CHAIR MOLINA: Thank you very much, Madam Chair. I have more questions about water as it relates to Makila Rural-East, but before I ask for the resources for the water component, can I ask a quick question of the Planning Director, Ms. McLean?

CHAIR KAMA: Sure.

VICE-CHAIR MOLINA: Director McLean, thank you for being here. Just following up on an issue that was brought up by Member Paltin as it relates to West Maui CPAC, now, I believe they have started meeting already. What is the deadline that they're supposed to complete their findings or recommendations? Is it still I guess they have like roughly 180 days and when did they first begin, start the process?

MS. McLEAN: That's correct. The CPAC does have 6 months, 180 days to complete their review. Their first meeting is scheduled for July 25<sup>th</sup>. And so...

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VICE-CHAIR MOLINA: Oh, so they haven't even started yet?

MS. McLEAN: Correct.

VICE-CHAIR MOLINA: Oh.

MS. McLEAN: We've been working out scheduling and the venue and a number of details, getting their administrative rules put together. There's a lot that has to be organized on our side before that first meeting, because once that first meeting takes place, that's when the clock starts ticking so we want to make sure that we have everything in place before they start.

VICE-CHAIR MOLINA: Okay, assuming July so they're supposed to complete it by the end of the year I guess, maybe January or so. Of course you could come in for extensions if need be to the Council right?

MS. McLEAN: We have only had to do that for Lanai for, because of the accident and then for Molokai because of bad weather we weren't able to travel. But the extensions that we've requested have been very small.

VICE-CHAIR MOLINA: Okay. All right, thank you for that information. Madam Chair, could I call upon I guess Mr. Nance or Mr. Tremble --

CHAIR KAMA: Mr. Tremble?

VICE-CHAIR MOLINA: --regarding the water?

CHAIR KAMA: Sure.

MR. NANCE: Hi, I'm Tom Nance, water resource consultant for the projects.

VICE-CHAIR MOLINA: Okay, thank you very much, Mr. Nance, for being here. And, Madam Chair, sorry to be such a pest about water, the only reasons as it relates to this project, the area is agriculture and for...I mean the concerns from the Chief [sic] as well because there's so much brush and people are going to need additional water for the agricultural component of their homes and also to, you know, keep their grass green. So, which is why I think water is certainly a very important topic --

CHAIR KAMA: Go ahead.

VICE-CHAIR MOLINA: --here.

CHAIR KAMA: Ask the question.

VICE-CHAIR MOLINA: I see, Mr. Nance, first of all, the report noted that the full buildout of the lots will draw approximately 336,000 gallons per day of potable water, and the full

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buildout for non-potable is about 1.5 million. The source for this water will come from where?

MR. NANCE: For the potable system it will be groundwater wells and as has been testified previously, the irrigation system is in the process of converting from almost exclusively surface water from two streams, Kauaula and Launiupoko to primarily groundwater. So, let's step back a little bit because we're talking about the use of groundwater going forward. All the wells that are existing and planned are in the area delineated by the Water Commission as the Launiupoko Aquifer. They established sustainable yields of that aquifer and monitor the amount of pumpage relative to that sustainable yield. They've set the sustainable of the Launiupoko Aquifer at 7 million gallons a day. Since the closing of the plantation in late 1999, average pumpage of all wells which are those in this project and the County has averaged only 1 million gallons a day of the 7. So, there's plenty of water in the Launiupoko Aquifer for the projected requirements.

VICE-CHAIR MOLINA: Okay.

MR. NANCE: Let's focus first on the potable system 'cause it's simpler, easier. The potable system has three wells. Their present capacity is sufficient, obviously, for existing uses and for all three of the 201H projects with some capacity left over. I've recommended to them however because it's a potable system, you need to have adequate backup capacity. When a well pump goes down, it's not an overnight fix, it's weeks to months. So, monitoring that usage as we go forward, there'll be a time--my opinion--where a fourth well needs to be added to the potable system as to provide that needed backup capacity. The three wells that exist now would have that capacity but wouldn't provide that backup capacity themselves. So...

VICE-CHAIR MOLINA: Okay. Just --

MR. NANCE: Sure.

VICE-CHAIR MOLINA: --thank you for that. Just a quick question with regards to you mentioned Launiupoko Stream. Now, Kauaula Stream, how much would that affect Kauaula Stream?

MR. NANCE: The pumpage of the groundwater wells?

VICE-CHAIR MOLINA: Yeah.

MR. NANCE: Not at all. If you picture the invert of the stream starting where they actually divert it up at 1,540 foot elevation, come down, go to the shoreline, the groundwater is residing four or five feet above sea level which is well below the invert of the stream. So, pumping the wells will have no effect on the stream. However, seepage from the stream will recharge the groundwater being pumped by the wells. So, there's no impact on the stream.

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VICE-CHAIR MOLINA: Okay, thank you. And finally, with regard to Exhibit A of the warranty deed, the agreement with Kauaula water, the system that was, you know, I guess put together back in, well roughly 20 years ago, is this agreement to secure water from this water system, Kauaula or is it to allow easements on the property, the subject property for providing water to other properties for subdivisions?

MR. NANCE: I can't speak to that particular...I don't know what you're referring to.

VICE-CHAIR MOLINA: Yeah.

MR. NANCE: I can tell you about the resources, the irrigation system --

VICE-CHAIR MOLINA: Okay, yeah.

MR. NANCE: --but I can't tell you about...

VICE-CHAIR MOLINA: Madam Chair, that's okay, I can get that...maybe we can ask at a later point.

CHAIR KAMA: Okay, thank you.

VICE-CHAIR MOLINA: So, just maybe one last question. I don't know if this is for you but any potential conflicts with residents about the water source for this project? And has the transmission of water to the project been resolved with the neighboring property owners? 'Cause I...for me just I'd like to see all these issues kind of cleared up or get an update on what's going on.

MR. NANCE: You jumped ahead but I hadn't described the situation for the irrigation system so maybe before Glenn tackles that. It's been discussed that there were periods of when there wasn't adequate flow or pressure, and as both Glenn and Dave Minami said, the decision by the Water Commission in March 2018, essentially, effectively, particularly in peak season is going to eliminate the use of Kauaula Stream as an irrigation source of supply. There's two points in the stream where they have required that a certain amount be left in the stream, and meeting those requirements basically will, down the road Kauaula Stream will not be part of the supply. Launiupoko Stream will continue to be because no restrictions on its use have been applied, but it's a very small source, 300,000 gallons a day, as a year on average, and less than that, maybe 200,000 in the peak season when irrigation use is up and the stream flow is down. So, the evolution of the sources of supply for the irrigation system are going to be three wells. One of them has already been drill cased, pump tested, and is in service. It's actually called the LIC-1 Well. It is non-potable but it's actually drinking water fresh. It's not potable because there are a bunch of other requirements having to do with setbacks from wastewater disposal and so forth. A second well has been constructed, it's called the McDonald Well only about 400 feet away from LIC-1. And they're in the process of negotiating with Dr. McDonald. That will be added to the system. And the third well is what we call the Wainee Shaft A&B. It's a 1,300 foot long horizontal skimming tunnel. In the plantation period was sometimes pumped at

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12 or 14 million gallons a day. Maybe over the last six or seven years of the plantation's use, it averaged 6 million gallons a day. We're going to put in two 700-gallon-a-minute pumps with a total supply capacity of 2 million gallons a day. So, those three wells plus the modest contribution of the Launiupoko Stream will provide more than sufficient supply for the irrigation requirements.

VICE-CHAIR MOLINA: Thank you.

MR. TREMBLE: Mr. Molina, I believe your question was is there any litigation or...

VICE-CHAIR MOLINA: Yeah, any concerns between the neighboring property owners as it relates to the distribution of water?

MR. TREMBLE: The path that we've chosen has no action on it at all, and we...it's 100 percent owned either by, outright by one of the partners or are within our company development's partnerships. There's been several, so we believe we have a clear access to supply the A&B wells to our system.

VICE-CHAIR MOLINA: Okay, thank you. Thank you, Madam Chair.

CHAIR KAMA: You're welcome. Ms. Lee?

COUNCILMEMBER LEE: Madam Chair, how long are we going to go?

CHAIR KAMA: Till about 12:30-ish or so.

COUNCILMEMBER LEE: Okay.

CHAIR KAMA: Definitely before the afternoon meeting for sure, for sure, but it's up to you, Members.

COUNCILMEMBER LEE: Okay, no, just checking if had four minutes or half an hour. You know big difference yeah? Okay, so first question is to Corp. Counsel, Jeff, what kinds of modifications can we make to this application resolution, if any?

MR. UEOKA: I don't really know how to tell you what kind you can, it's more throw it out there and...

COUNCILMEMBER LEE: Okay, I'll give you an example.

MR. UEOKA: Thank you.

COUNCILMEMBER LEE: Okay, so usually it would be related to the exemption page where there's requests for exemptions and also if there were another page for conditions.

MR. UEOKA: Thank you, Chair. Member Lee, yeah, you can modify the exemption list. You can...on the modification section you can add in conditions, that's acceptable.

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COUNCILMEMBER LEE: Okay, all right. 'Cause before, you know, we didn't have that opportunity, so...that option. Okay, so now we can make modifications. And so, one modification could be let's say no TVRs and no B&Bs. Is that an example of a legitimate modification?

MR. UEOKA: Thank you, Chair. Yeah, it probably would be 'cause you are technically changing the zoning or modifying the existing zoning condition so you could add that as a modification for zoning. Probably we could speak more with the Planning Department on enforcement of that, and I'm assuming you would want it to be County enforceable and CC&R enforceable. Is that my...is that a correct understanding?

COUNCILMEMBER LEE: Yes, well, it will run with the land so the CCRs shouldn't have, take precedence over, you know, the conditions for the 201H approval right?

MR. UEOKA: Well, I guess I will be technical. Running with the land is just a recordation on the property, but do you want the County to enforce this no TVR thing, no short-term rental or --

COUNCILMEMBER LEE: Yes, yes.

MR. UEOKA: --do you want...

COUNCILMEMBER LEE: Yes.

MR. UEOKA: Okay, then you should probably include it in the, more under zoning so it would be a condition. We can work with the Planning Department to make sure they understand and are able to enforce.

COUNCILMEMBER LEE: Okay. So, when the time comes we can talk about that particular condition as well as a few others that I might offer?

MR. UEOKA: Chair, if I may?

CHAIR KAMA: Go ahead, Mr. Ueoka.

MR. UEOKA: I'd appreciate that if you could get it to us before the time comes so we can take a look at it and have some good, smart answers for you before July 3<sup>rd</sup>.

COUNCILMEMBER LEE: Okay, so on the exemption page, Jeff, there is a standard column and an exemption column. Okay. I don't know if you have this piece of paper. Okay. I'll keep talking 'cause time is running out. So, under max dwelling height it says 30 feet and then that's standard. Exemption not mentioned. So, if the exemption is not mentioned, the thinking is that they will follow the standard requirement, is that correct? If so, I don't know why they put this on the exemption page, but anyway, it's here. So, the standard is 30 feet but I just want to make sure that the dwelling, they're not...I mean two stories would be the maximum height. So, that's what I'm,

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that's where I'm going but this is what I have in front of me. Maximum dwelling height is 30 feet, yeah, that's the standard in the Code and the exemption is not mentioned. So, I'm assuming they're not asking for a blank check on this right? I don't know why it says not mentioned.

MR. UEOKA: Sorry, I guess generally speaking the property is zoned a certain type of zoning, and what they do here is they ask for certain exemptions from the zoning. So, it will keep the underlying zoning provisions unless it's exempt from it. And I think...or sometimes they ask to be subject to a different type of zoning. For the residential workforce housing units. I think they're looking for...are residential of some type zoning, so I believe in the residential-type zoning, it is a 30-foot max height restriction. And if it'd make you feel better you can add that in.

COUNCILMEMBER LEE: And the part about the two stories?

MR. UEOKA: You could add that in if you desire. I believe...I thought I heard the developer saying they want a maximum of one story.

COUNCILMEMBER LEE: Well, that's great but, you know, we need clarification 'cause it's kind of vague on this page, and I think the Planning Director has a comment. Ms. McLean?

MS. McLEAN: Thank you, Chair. Yes, we're getting...when it comes to building height, we don't use stories anymore, we just use a measurement of height, because then we get into arguments of oh well, this is a loft or this is a mezzanine, it's not a story and it gets silly when really you're concerned about the height. So, 30 feet is easy, no dispute, so we'd like to just keep it at height and not include stories. Thank you, Chair.

COUNCILMEMBER LEE: Okay, so, Ms. McLean, you have no idea then why under exemption it says not mentioned?

MS. McLEAN: On this handout it shouldn't say not mentioned because in the exhibits that are attached to the resolution that list out the exemptions, it specifies as Corporation Counsel said that for the workforce lots in both projects that they would comply with the R-3 Residential District standards and specify that no building shall exceed 30 feet in height. So, it is specified in the exemptions.

COUNCILMEMBER LEE: Okay. Are sidewalks specified in the exemptions?

MS. McLEAN: Only in Polanui I believe they ask for an exemption to have sidewalks on only one side of the street rather than two sides of the street. Two sides of the street would be the typical requirement.

COUNCILMEMBER LEE: Okay, I think that covers most of my questions, Madam Chair. Thank you.

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CHAIR KAMA: Thank you. Mr. Sinenci?

COUNCILMEMBER SINENCI: I just wanted --

CHAIR KAMA: Mister...

COUNCILMEMBER SINENCI: --to point out that Mr. Andaya --

CHAIR KAMA: Yes.

COUNCILMEMBER SINENCI: --is here.

CHAIR KAMA: Thank you. So, Mr. Andaya, is here to address your issue. So --

COUNCILMEMBER SINENCI: Sorry, he might --

CHAIR KAMA: --Mister...

COUNCILMEMBER SINENCI: --have an upcoming event.

CHAIR KAMA: Yeah, this is the siren issue. So, Mr. Andaya, could you...do you want to repeat your question 'cause he wasn't here, Mr. Sinenci?

COUNCILMEMBER SINENCI: If there's any sirens and/or a need for sirens at this, these projects as far as Emergency Management?

MR. ANDAYA: Madam Chair?

CHAIR KAMA: Yes, go ahead.

MR. ANDAYA: So, typically we have sirens in coastal areas, you know, and the reason why we have that is because when people are on the beach for instance, you know, and there's a, say a locally-generated tsunami that we want to get them, you know, we want to alert them that they need to get off the beach as quickly as possible or anyone in the coastal areas as quickly as possible. So, primarily that's where we have sirens along the coast. In this case here, there is a siren that's going to be built and it's at Puamana and that should reach the development in question.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR KAMA: Thank you. Thank you, Mr. Andaya. Okay, Ms. Rawlins-Fernandez, it's your turn.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to ask you a quick clarifying question.

CHAIR KAMA: Sure.

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COUNCILMEMBER RAWLINS-FERNANDEZ: So, you said that there is a meeting this afternoon, which...that would...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, okay. I just...that was the clarification. Okay, the training.

CHAIR KAMA: The training.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it. Okay.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR KAMA: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, my first question will be for Planning. Given that these projects were previously under Makila Rural district boundary amendment before the State Land Use Commission, is this segmentation under the LUC or under 343 or under Department of Health which requires the wastewater treatment facility be built for 50 units or more?

CHAIR KAMA: Go ahead, Ms. McLean.

MS. McLEAN: Thank you, Chair. I'd like to ask for Corp. Counsel's assistance in answering that question. The...there was a time when all three projects were looked at together and that didn't go forward, and now they've been separated into three. And each one is being proposed in a way that enables it to have just this process with the Council. I don't know if there's a legal definition of segmentation. Clearly, the design at this point is to enable the project to move forward just with this Council approval and not any other discretionary approvals and no further environmental review. And actually the developer has been straightforward about that approach. Whether that reaches some sort of legal threshold of segmentation though, I don't feel like I would be the one to answer that question. I think it's a fair question and the Council should understand the overall scope of this before making a decision. But whether there's, you know, whether a legal line is being crossed, I would defer that to Corp. Counsel.

CHAIR KAMA: Mr. Ueoka?

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MR. UEOKA: Thank you, Chair. I'm not aware of this being a problem segmentation-wise. It is three different landowners so we are looking at it as three different projects from our perspective. I don't want to speak for the Department of Health, I don't want to speak for the, I think you said the State Land Use Commission. But again, those are not County agencies, but as far as our office is concerned, when we got involved in it on the 201H level, it was three, always three separate projects or for the 201H side. So, thank you, Chair.

CHAIR KAMA: Thank you. Miss...

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Okay, so Section 11.62.1B reads the total development of an area shall not exceed 50 single-family residential lots or exceed 50 dwellings except for developments consisting of one dwelling per acre or greater. We can clearly see from the cumulative effects section of the application of the total development of the area is exceeding 50 dwellings. So, shouldn't this project be required to build a wastewater facility? Whoever.

CHAIR KAMA: You're on.

MR. NAKAGAWA: Aloha, Chair. Eric Nakagawa, Director of Environmental Management. So, what you're reading is the HAR 11-62, and it's pretty clear that a development with 50 lots, 50 units can be done with IWS which is individual wastewater systems and will not trigger a wastewater treatment plant. As far as...once again this is ran by the Department of Health so I mean you can get it specifically from them. And how you're trying to link that to your HRS Chapter 343, it's also clear that anything over the 50 lots would trigger either an EA or EIS type of document required. But my understanding once again as Mr. Ueoka said, these are all separate applications, they are...so they are...they would comply with that DOH standard. So, once again I'm...it's a total different agency who's regulating and approving it, but our interpretation of it would be that they would comply.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Nakagawa. So, Corp. Counsel, would you speak to the case that was, I guess the . . . *(inaudible)*. . . O Makila that was brought forward...okay, you're making furrowed brows. You don't know which case I'm referring to?

MR. UEOKA: Chair, I'm not aware of that case. I'm familiar with the 201H process for right now, Chair. Was the County a part to that case?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, we were being sued because of the previous project. Twenty seventeen.

MR. UEOKA: I'm not familiar with it. Thank you.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, I'll move on to my next question, Chair. And this is regarding Water and Fire. Okay, so do we have adequate water for multiple fire trucks to fill up from the hydrants at the same time? Without draining --

CHAIR KAMA: Do the Fire person --

COUNCILMEMBER RAWLINS-FERNANDEZ: --the system?

CHAIR KAMA: --and then Water after.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

MR. HAAKE: Thank you, Councilmember. Their design should be capable to do that. Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: After more wells come online or now?

MR. HAAKE: According to what I heard about, you know, how much water is going to be supplied and then the design standard that it's supposed to meet, there should be adequate water to fill up multiple fire trucks at one time. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR KAMA: Water?

MS. BLUMENSTEIN: Thank you, Chair. Yeah, I don't want to comment on the infrastructure for fire protection since this is a private system. But I can just answer to on any resource questions in terms of available groundwater, that type of thing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. Okay. I think maybe Corp. Counsel or whoever can answer this question. Okay. How would we require or ask the developers to show us the water before this project is built? So, County Code, Title 14, the "Show Me the Water" requires developer to show availability.

CHAIR KAMA: Mr. Ueoka?

MR. UEOKA: You could put that in as a modification if it's not already applicable to the project through the County Code.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. Okay, and my next question is regarding the process. Is HHFDC involved in either or both of these projects in such a way as to validate these projects' applications under 201H-38 as opposed to applying under 201H-41 that seems to address their proposals as independent projects with input from HHFDC?

CHAIR KAMA: Mr. Ueoka?

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MR. UEOKA: Thank you, Chair. What happens is under 46-15.1 I believe, the State granted the counties all the powers of HHFDC in reviewing these 201H projects. The reference to 201H-41, independent development of projects, is just to make clear that isn't the County constructing this project, it's working with a developer for these approvals and getting...moving it forward. That's why it's in front of the County Council right now. And 38 is the section of 201H that authorizes the exemptions from the various things affecting construction I believe is the loose language in 201H-38. So, they are separate but they all do go hand in hand for the references. Thank you, Chair.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, and then last, I just wanted to put on record for Section 19-65-030T [sic], any dwelling unit developed pursuant to Chapter 201H, HRS, or Chapter 2.96 of this Code shall not be used as a short-term rental home. Would we still need to put that into the project if it's something that's in our Code as far as prohibiting any of the houses to be used as a STR?

CHAIR KAMA: Mr. Ueoka? Or is that...it's you.

MR. UEOKA: Thank you, Chair. I think that would suffice. It wouldn't hurt to have it recorded also though on the property via modification.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay, mahalo. Mahalo, Chair.

CHAIR KAMA: Thank you, Ms. Rawlins-Fernandez. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, talking about the West Maui Community Plan which I guess the process is, will be starting soon, I wonder...I think I saw Pam Eaton in the house and I wonder if she might have a comment as to how that process affects this project.

CHAIR KAMA: Before she begins, I just want to thank all the departments for being here and for spending so much of your time with us today that I'm hoping that today that we would have asked all of our questions so that when the Council meets again we won't need to call on you at all. Thank you. Go ahead, Ms. Eaton.

MS. EATON: Hi.

COUNCILMEMBER SUGIMURA: Thank you.

MS. EATON: So, your question about...

COUNCILMEMBER SUGIMURA: Oh, I know that we're...I know you've been having community meetings in regard...and excellent work by the way --

MS. EATON: Thank you.

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COUNCILMEMBER SUGIMURA: --for the West Maui Community Plan, and that you will be starting with CPAC soon. So, how does that process affect this today that we're, what we're talking about? 'Cause I'm...this is going to get approved before your CPAC gets done just because of the process so I'm --

MS. EATON: Right.

COUNCILMEMBER SUGIMURA: --just curious.

MS. EATON: So, I can say that it relates in a couple of different ways. I know that one of the Councilmembers asked the question about how the Maui Island Plan and community plan relate to one another and therefore relates to this project. So, what the community plan will do is update the existing 1996 community plan and it's looking at as was defined by the Maui Island Plan future growth developed...further growth directed areas. So, with regard, specific regard to the community planning process, for the last year and a half, we provided speakers, panels, information, polls. I mean if you've gone to the wearemaui website you have a pretty good idea of what we've done, but really asking the community about the key issues and critical issues in the community. Much of that's been covered today, by today's development and that is there is a great need for housing. There is a huge concern about transportation, Honoapiilani Highway and so forth and the bypass. And there's also a huge concern about natural hazards, a lot of in the coastal areas but quite frankly in mauka areas with regard to fire and fire mitigation. So, what we ended on with community engagement was we developed through the process of the last year and a half and a lot of the polling we did the communities, in speaking with the communities, and we brought in a lot of information about smart growth principles and so forth is we developed four different growth scenarios. And I think one of your testifiers sort of on his own took a look at 'cause it's all on the website. We had two open houses, and the purpose of these growth areas was to sort of try to work with the community in terms of what do you want your community to look like and where do you want it to grow. In no way was there any reflection of anti-growth, that's not the issue here, but a lot of what we discussed over the past year and a half was how can we bring more housing, affordable housing in light of the fact that we've got risks such as sea level rise, fire, and we've got traffic and transportation and congestion issues and of course concerns about water. So, we looked to principles such as infill growth and development. So, some of the scenarios had for example the focus being on infill, because another great concern by the folks in West Maui rightfully so is infrastructure and the state of our infrastructure. And so, we tried to capitalize on those areas where we have existing infrastructure that would make sense, where there's jobs, where there's transportation, where there's sidewalks, bike paths, so you have those compact complete communities. And then we sort of went to the extreme and that is with one of the growth scenarios is said okay, per the Maui Island Plan as it was approved by the Maui County Council in 2012, full buildout. And we invited...so we mapped that four different areas and explained that you're not picking one, but there could be hybrid of the four. I will say that of the comments and they're on the website that were received, we had the community say what do you like, what do you not like, what would you like to see, what would you not like to see. As it relates to this particular

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area, I'd say by and large the community...the...one of the few things they definitely agreed upon is they did not want to see growth in this area. They want housing, they want growth, but they really wanted it focused in areas like Waiehee or in areas where there's infill, existing infrastructure, but they didn't want to see as they called this sprawl. So, that's kind of how it relates to...that's coming from the community.

COUNCILMEMBER SUGIMURA: Interesting. Thank you. And I just had a question regarding...everybody is talking about water so...and apologize if this has already been addressed with the potable and non-potable sources, but what is the developer's proposed plan on addressing potable or non-potable sources to accommodate current and potentially future use?

CHAIR KAMA: So, can we have the water people from the developer's side down here please?

MR. NANCE: Could you repeat your question? I thought I actually covered it when I was here last time but go...

COUNCILMEMBER SUGIMURA: Oh, did you? Okay, that's what I wasn't sure and if you did just let me know. What is the developer's proposed plan on addressing potable and non-potable sources to accommodate current and potentially future use? I know you're going through a conversion.

MR. NANCE: On the potable side, the three existing wells which will have capacity in among themselves to handle the three 201H projects as well as current development. I have recommended to them that in order to provide adequate backup capacity if one of these three wells goes down, that a fourth well will be added. So, that's the plan for the potable system. For the non-potable system, with the Water Commission's effective elimination of the use of Kauaula Stream, sources going forward will be Launiupoko Stream which its use is not restricted, and three wells: one of them already in service called LIC-1, one of them Dr. McDonald's well which will be added to the system, and the third the former plantation Waiehee Shafts A&B. So, going forward those will be the sources for the non-potable system.

COUNCILMEMBER SUGIMURA: So, you're fine that...or this project will be fine then with the water sources?

MR. NANCE: There will be enough water, yes.

COUNCILMEMBER SUGIMURA: Okay. I think also remember hearing Keeaumoku Kapu saying that one of the water...according to the map...and I just...if you could clarify this since you're the expert is that one of the wells were ending on his property. I don't know if you heard that but...

MR. NANCE: My...I think...

COUNCILMEMBER SUGIMURA: And it's not listed here.

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MR. NANCE: I think that may have come about because previous maps had shown this well to be above the hydro plant, and that's not where it's going, it's going --

COUNCILMEMBER SUGIMURA: Oh, I see.

MR. NANCE: --below the hydro plant and my understanding is that location is not in dispute.

COUNCILMEMBER SUGIMURA: Okay, so I guess he had...the information's been updated so...

MR. NANCE: Well, the map got updated.

COUNCILMEMBER SUGIMURA: The map got --

MR. NANCE: Yeah.

COUNCILMEMBER SUGIMURA: --updated. Okay, great. I just wanted to be sure of that. And then the other thing I just want to make a general statement is that the Department of Transportation for buses, and I don't know if the developer at the next meeting can address this, it will need 28 feet minimal for the buses which are eight-and-a-half feet wide. So, right now the roads will not be able to accommodate buses, yeah, to...and of course we, we're concerned about paratransit if need be once we start the public. So, maybe at the right time the developer, you know, can talk to me or talk to us about that. That's kind of a big concern if we're talking about...

CHAIR KAMA: This is the right time. Do you want to talk them now?

COUNCILMEMBER SUGIMURA: Oh and fire engine. I think the Fire said they were fine. Okay, I don't...

CHAIR KAMA: Talk to them now.

COUNCILMEMBER SUGIMURA: If the developers could.

CHAIR KAMA: Okay, so we need to talk...have someone from the developer side to come down and talk about the road width, right? That's what you want to --

COUNCILMEMBER SUGIMURA: Right.

CHAIR KAMA: --make sure that the buses are --

COUNCILMEMBER SUGIMURA: They would need 28.

CHAIR KAMA: --able to get in there and turn around.

UNIDENTIFIED SPEAKER: And Fire . . . *(inaudible)* . . .

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COUNCILMEMBER SUGIMURA: And Fire, yeah, right.

CHAIR KAMA: And fire.

COUNCILMEMBER SUGIMURA: So they would need 28 foot minimal.

CHAIR KAMA: Twenty-eight feet.

COUNCILMEMBER SUGIMURA: Yeah. And I think, right, it's 20?

MR. WITTEN: Tom Witten again for Polanui Gardens. My understanding of the earlier testimony was the 20 feet proposed was adequate for fire and transit.

COUNCILMEMBER SUGIMURA: So, they...

MR. WITTEN: I'm not aware of the 28.

COUNCILMEMBER SUGIMURA: I'm sorry 'cause what DOT for the buses during recess they made a correction. So, here's the Deputy.

MR. DU PONT: Thank you, Chair. Sorry.

CHAIR KAMA: Thank you for being here, Mr. Du Pont.

MR. DU PONT: While looking and conferring with Public Works, our vehicles are ten-and-a-half feet wide, so if we have a 20-foot roadway, we'd be hitting cars or we need the extra space around the vehicles.

MR. WITTEN: Yeah. I mean as currently planned and then we're showing all the roads at a rural standard of 20 feet for width so the transit would not fit within that...with that typical section.

CHAIR KAMA: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. What about Fire? Chief...Captain.

MR. HAAKE: Thank you. For Fire we require 20 feet clear width.

COUNCILMEMBER SUGIMURA: Twenty? Twenty?

MR. HAAKE: Yes.

COUNCILMEMBER SUGIMURA: So, you would be fine?

MR. HAAKE: We would be fine but no parking allowed on the road.

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COUNCILMEMBER SUGIMURA: Do you...would you allow parking on the road?

MR. WITTEN: No, it's planned without parking on the road.

COUNCILMEMBER SUGIMURA: Would you be able to...well I...right now there's no bus transportation planned for that area, but if you're going to have affordable or workforce housing, I would imagine that we would want buses to transport our, you know, our residents. So, could you accommodate that or is that something completely out of the question?

MR. WITTEN: Yes, it could be considered. If there was a route, you know, planned. I don't think it's necessary throughout the whole community from an energy conservation and rural standard standpoint. But if there was a desired route through the community, you know, Haniu down through Makila Rural-East through the connector road back up to Punakea and out, you know, that loop could be handled. I'm not sure of the existing roadway right-of-way of Haniu Street, if that would meet the standard or Kai Hele Ku, if that meets the standards for the buses, the existing roads that currently serve this area. I would have to, well I would have to verify that.

COUNCILMEMBER SUGIMURA: If you could look for our next meeting, as well...because right now there's no bus route planned but if --

MR. WITTEN: Correct.

COUNCILMEMBER SUGIMURA: --there will be in the future, it would be really hard to change it.

MR. WITTEN: Correct.

COUNCILMEMBER SUGIMURA: From 20 to 28 feet is quite a big difference even with no parking on the street. So, if you could. Chair, if that could be like a, if they could look at their plans. It might be a little premature just to ask them on the spot. If they could look for could they accommodate in the future wider, you know, road widths to accommodate...oh here's...

CHAIR KAMA: Yes, Mr. Du Pont?

MR. DU PONT: I just wanted to add one more thing. So, when you're thinking about transit routes, you also gotta think about our paratransit users and our wheelchair users that need to get on the bus. So, when you have a bus, you extend the wheelchair ramp out, that gives it another three feet away from the curb that the bus would need to be. So, when building these neighborhoods, we need to make sure that infrastructure is okay for the wheelchair passengers.

MR. WITTEN: Okay, thank you.

COUNCILMEMBER SUGIMURA: Thank you.

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CHAIR KAMA: Okay? Thank you. So, sorry, Ms. Paltin. Do we still need to do that? I'm calling a brief recess. Thank you. Two twenty...12:29. . . .(gavel). . .

**RECESS: 12:29 p.m.**

**RECONVENE: 12:32 p.m.**

CHAIR KAMA: . . .(gavel). . . The Affordable Housing Committee will now convene our June 19<sup>th</sup> meeting back into June 25<sup>th</sup>. So, sorry for the interruption, Ms. Tamara Paltin, you have questions?

COUNCILMEMBER PALTIN: Thank you. I just wanted to try make the best use of my time if the water guys can be on deck, and I'll ask the Planning --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: --a question --

CHAIR KAMA: Water guys on deck.

COUNCILMEMBER PALTIN: --right now. So, my question for Ms. Eaton is in your pre-meetings, what was the community feedback of pushing these types of projects through and not going through the community process? I mean for me I kind of got the feeling that, you know, a lot of people are reluctant to even participate in the community plan process, because a lot of the decisions get made before the community plan gets done, if you could briefly speak to that.

MS. EATON: Well, I can tell you that yes, there's a certain amount of cynicism, a lot of cynicism actually with regard to the community being left out which is why we sort of did community engagement on steroids. I mean that's seriously why we spent so much time and made it just transparent.

COUNCILMEMBER PALTIN: So, do you think the fast tracking of this will negate some of your efforts of community engagement on steroids?

MS. EATON: That's my concern.

COUNCILMEMBER PALTIN: Okay, thank you.

MS. EATON: That's just coming from our particular area.

COUNCILMEMBER PALTIN: Thank you. And then for the water guys, my question is I believe when Launiupoko Irrigation Company petitioned the PUC, they said that they would need 1.3 million gallons a day for a fully developed 6,000-acre service area. but somehow this 88-acre area of agriculture is exceeding that estimate by 500,000 gallons per day to 1.8 million gallons per day. So, I'm wondering how confident we

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can be in your estimates of water need going forward by looking at what's happened already in the past?

MR. TREMBLE: I'm just going to briefly address the initial PUC statement of the quantities needed. That was I believe around 2003 on the initial developments and it was the initial rate case for the Launiupoko Irrigation Company to determine their rates. The demands at that point in time were unknown and it was forecast. We haven't been in for a rate case to the PUC since that time for the irrigation company whereby all the residents up there have received the lowest water rates for ag use in the County until this time now. We, we'll require pumping and we will go back into the PUC for updates of all those documents and revised uses...estimates.

COUNCILMEMBER PALTIN: So, that...

MR. TREMBLE: And that's where Tom, his estimates of the, in his report are more current and accurate to our knowledge. Thank you.

COUNCILMEMBER PALTIN: So, how did you arrive at that 1.3 million gallon a day figure? It was just...

MR. TREMBLE: It was a number that I guess was initially forecast for one part of a project at the time. I wasn't really involved with that initial offering.

COUNCILMEMBER PALTIN: So, the information on record was that it was for full buildout was 1.3 million gallons a day with the CWRM.

MR. TREMBLE: It's a hard question to answer --

COUNCILMEMBER PALTIN: Okay.

MR. TREMBLE: --because there was a lot of things involved back then.

COUNCILMEMBER PALTIN: So then, seeing that how you were folks were not prepared at all despite numerous talks with the off-stream users, Kauaula off-stream users, you're not prepared at all for the CWRM ruling on interim instream flow standards, I was wondering are you at all prepared if Mr. Keeaumoku Kapu removes the irrigation line from his property?

MR. TREMBLE: Well, that would be up to Mr. Kapu if he wanted to get into a civil or a criminal matter.

COUNCILMEMBER PALTIN: I'm not asking that. I'm asking are you prepared...

MR. TREMBLE: I'm not an attorney.

COUNCILMEMBER PALTIN: You're not prepared?

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MR. TREMBLE: We...

COUNCILMEMBER PALTIN: Are you prepared or not prepared?

MR. TREMBLE: We believe we have the rights to what we have, and we go by the laws of this country and this County to operate our systems.

COUNCILMEMBER PALTIN: So, it's you're not prepared. And then my next question would be in the statement on Page 27, it says Launiupoko Irrigation Company intends to upgrade its infrastructure and water resource system. Can you give more specifics about how the water will get to those that need it?

MR. TREMBLE: The newly revised plan is to pump water into the same reservoirs that are currently being fed from stream water will now be pumped water so they will be delivered to all the customers through the same transmission lines.

COUNCILMEMBER PALTIN: And you need how many pumps to do that?

MR. TREMBLE: Well, we will have two irrigation wells in the service immediate area and then the A&B Shaft wells which will have two pumps in them so a total of four pumps and three wells situations I think. That's...

COUNCILMEMBER PALTIN: Are you referring to the Makila Reservoir or the Launiupoko Reservoir?

MR. TREMBLE: There's three reservoirs on the property. The Makila Reservoir is the lowest at 376 feet above sea level. There's booster pumps that are currently pumping that up to 750 feet at the Kauaula Reservoir, and then there's a booster pump that transmits that excess water to the Launiupoko Reservoir at 900 feet.

COUNCILMEMBER PALTIN: So, you want to pump it to the Launiupoko Reservoir to...

MR. TREMBLE: Just what's need for that higher elevation lots.

COUNCILMEMBER PALTIN: The existing lots?

MR. TREMBLE: The existing lots.

COUNCILMEMBER PALTIN: Okay. And what is the issue with the noise going on?

MR. TREMBLE: In order to produce water right away, we had to run generators and booster pumps that are diesel operated. In order to get permanent pumps, this is temporary pumping right now, permanent pumps installed, we have to get a design done by engineers, approved...go through the PUC, get Maui Electric, get new power brought into the system. It's a longer process and that's what we're planning to do and we're in the works with it, but it takes, you know, at least a year to get a couple of these

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things online in a permanent situation. So that the noise is temporary and we're operating in daytime hours and not pumping at night with the generators.

COUNCILMEMBER PALTIN: And regardless of this project passing or not, you're committed to doing those things to assist the existing residences?

MR. TREMBLE: Absolutely, yes.

COUNCILMEMBER PALTIN: Okay. I guess my next one would be for MFD followed by DEM. Is there a documented acceptable distance from a fire station when building developments in an extreme fire hazard environment?

MR. HAAKE: Thank you, Councilmember. I'm not aware of any. I think that would be something for the, maybe the insurance company to answer.

COUNCILMEMBER PALTIN: Thank you. And then on Page 22, it says fire prevention, suppression, and protection services are offered by the County's Department of Fire and Public Safety, 14 fire stations serve Maui County. So, can you elaborate on what the fire prevention services are that you folks offer and if the 14 stations that serve Maui County are all located on Maui island.

MR. HAAKE: Thank you, Councilmember. Start with the stations. They are not all on Maui.

COUNCILMEMBER PALTIN: How many are on Maui?

VICE-CHAIR MOLINA: Madam Chair, point of order. Can I ask --

CHAIR KAMA: Yes?

VICE-CHAIR MOLINA: --how this tie into the project itself? Just because we seem to be going in a direction of what the Fire Department consists of as far as stations, and just out of concern for Sunshine Law and not sure if Mister...Captain Haake has the full responses that will be needed. But just would like to keep it compared to the project.

COUNCILMEMBER PALTIN: Yeah, I was wondering too how come the Chief isn't here. I'm just going off of the book --

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: --that we were given, asking questions --

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: --off the Polanui book.

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CHAIR KAMA: So, regarding the stations, how many stations we have on Maui, I think that's what Mr. Molina's alluding to this, the relationship of the stations to the project itself. Do we want a station in the project, is that what you're leading to?

COUNCILMEMBER PALTIN: My question is in relation to during Hurricane Lane, are you able to provide how many of the stations, I believe all but two came over to Lahaina side to fight those fires. And so, that's not 12 stations, how many stations...

CHAIR KAMA: How many stations do we have, Chief? How many fire stations --

MR. HAAKE: Captain.

CHAIR KAMA: --on Maui do we have?

MR. HAAKE: We...on Lanai we have one, on Molokai we have two --

COUNCILMEMBER PALTIN: So, nine stations --

MR. HAAKE: --with Pukoo.

COUNCILMEMBER PALTIN: --would have been here in Lahaina to fight the Hurricane Lane fire?

MR. HAAKE: And the rest are on Maui.

COUNCILMEMBER PALTIN: Okay.

MR. HAAKE: Yes.

COUNCILMEMBER PALTIN: And then what type of fire prevention services do you offer in hindsight of that Hurricane Lane fire that, you know, is there bush abatement, is there...

MR. HAAKE: Yes. So, as far as fire prevention, our duties are plan review. We do inspections for Fire Code compliance, and the inspections involve the brush inspections. And we also do fire investigation. And we provide public education as far as safety tips for fire prevention --

COUNCILMEMBER PALTIN: Do you have standards --

MR. HAAKE: --fire extinguisher training.

COUNCILMEMBER PALTIN: --as to how many exits from a subdivision based on how many houses there are in terms of one way in, one way out? If the fire is coming from south to north blocking off the exits, any standards of the number of entrances and exits per number of dwellings?

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MR. HAAKE: Currently, we just have one and it involves cul-de-sacs, and I believe a cul-de-sac that serves more than 20 parcels needs to have a second way out.

COUNCILMEMBER PALTIN: So, no standards, like 1,000 homes one way in, one way out, no problem?

MR. HAAKE: No standards right now.

COUNCILMEMBER PALTIN: Okay, thank you. And then just regarding your earlier statement about development cutting down on the brush area, the proposed project is one small part of a much larger fallow area. So, I don't understand, is there not able to be embers from the surrounding brush area that...I mean there's a lot of the area that's already developed now and that didn't save them from the fire that we had during the hurricane.

MR. HAAKE: My response was that people are concerned about brush and the brush is on the undeveloped land and if you develop this portion of land, there won't be that brush anymore.

COUNCILMEMBER PALTIN: But we're not --

MR. HAAKE: That was my statement.

COUNCILMEMBER PALTIN: --developing the entire area so there's brush surrounding the part that you're developing.

MR. HAAKE: That's correct but there'll be less brush there now.

COUNCILMEMBER PALTIN: Less brush. Okay, thank you. And then finally for Department of Environmental Management, just on some basic preliminary research against...about aerobic treatment units. Off of Texas A&M University Guide to Living with ATU and Spray Field system, some common causes of system malfunction listed are too much water, too many showers, Jacuzzi, rainwater, too little water, water savings devices or extended vacations, improper laundry detergents, use of bleach, too large a load, garbage disposal, drain cleaners, anti-bacterial soap, excessive toilet paper. Are you familiar at all with ATUs?

CHAIR KAMA: Yes, Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Yeah, thank you, Member Paltin. We don't regulate them so I just know them because I'm part of the Cesspool Working Group. And so, I can answer whatever questions that I know of, if you have a question.

COUNCILMEMBER PALTIN: So, my question is one of the agencies suggested using EPA WaterSense labeled plumbing fixtures, low-flow faucet aerators and dual-flush toilets, laundry facilities with Energy Smart. And, you know, is there an adverse effect on the

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ATUs with water-saving devices, laundry detergents, bleaches, anti-bacterial, excessive soap in your experience or research or are you qualified to answer that?

MR. NAKAGAWA: Yes, Chair.

CHAIR KAMA: Mr. Nakagawa?

MR. NAKAGAWA: I can just tell you from a wastewater standpoint that less water it doesn't really hurt our treatment system. So, ATU is no different functionality, the principle of it than a wastewater treatment plant, it's just a condensed version. That's all it is. Serving a small household, right? Versus ours is serving thousands of households together. And so, I don't...from our standpoint on that, I don't think lower water fixture counts will...or demand will hurt their system at all. But it looks like maybe the developer has a representative that might want to share something.

CHAIR KAMA: Go ahead, Mr. Witten, if it's okay with Ms. Paltin?

MR. WITTEN: Yes, Councilmember Paltin, we have Richard Chiodini who distributes and designs and installs these ATU systems. I'd like to have him address any of your concerns.

CHAIR KAMA: Mr. Chiodini?

COUNCILMEMBER PALTIN: So, I was wondering if you're familiar with the Texas A&M University Guide to Living With an ATU and Spray-Field System, and if you can comment on to their concerns including if one decides to do maintenance themselves to save cost, the guide warns to vaccinate against diphtheria, hepatitis B, tetanus, and protect against hepatitis A, paratyphoid, polio, typhoid fever, electric shock, poisonous and explosive gases, and exposure to sewage through cuts that can lead to sickness or even death?

MR. CHIODINI: I'm Richard Chiodini and I represent Fuji Clean which I am the distributor for in the State of Hawaii. It is an ATU system; however, I'll speak generally on the technology. Specifically I'm not familiar with that specific study you mention; however, it is a concern that we deal with all the time and I have dealt with it for many years on the mainland. When you have an ATU system, you have a mini treatment plant. That's exactly what it is. It has electricity and it requires maintenance and the maintenance is performed by qualified personnel twice a year. The homeowners are given a owner's manual and they are instructed on its proper use. And you are correct, they should be very concerned about the quantity of detergents that they use, specifically bleach for laundry as it can upset the bacteria in the treatment system. Now, it...in time the bacteria will regrow and develop again, but there will a dormant period if there was too much of that bleach and it upset the environment. The systems are designed so that they basically accept a large flow of water in and it equalizes it. For example, you have a big party and there's a lot of people there, well these systems are designed to accept that large amount of water and pass it through the system on a time-based program so it doesn't have an upset to it. They are also

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designed, and again when I speak of the industry, many manufacturers handle the problems in different ways. So, I could speak specifically how Fuji Clean does it, but they can be shut down for a period of a couple of weeks should someone go on vacation and you have that condition of no flow coming in. And as soon as they return, the bacteria start up again and the system regains its functionality.

COUNCILMEMBER PALTIN: Have you ever had a system fail on you?

MR. CHIODINI: No. No, because they have maintenance which is provided twice per year. We also have alarm systems on the units which will alarm you if a mechanical component fails and in our particular case, an air blower, or if the water level rises above the normal level. So, there are precautions and built-in safety features to enable the homeowner to know when something is not right. But no, we haven't had a system fail.

COUNCILMEMBER PALTIN: And then this information states that the ATU system capacity should be large enough to handle the number of members in the household. What happens if the developer builds one-bedroom units with a compatible ATU system and the homeowner wishes to add more rooms, do they need to go in and alter their septic ATU?

MR. CHIODINI: The systems are designed and sold based on a bedroom count. So, if the installed unit is either let's say a two-bedroom, it's sized for two bedrooms, and should the homeowner decide that they're putting in a third bedroom, that unit would be undersized and it would not be...no longer permitted to accommodate that wastewater.

COUNCILMEMBER PALTIN: So, no adding on of units without increasing the size of the septic ATU?

MR. CHIODINI: That is correct. And in fact, I'm from the Big Island and I can speak what typically is happening on the Big Island is regardless of how many rooms...

CHAIR KAMA: Member Paltin, did he answer your question about the ATU, about its use? 'Cause I thought --

COUNCILMEMBER PALTIN: Yes.

CHAIR KAMA: --he answered it already.

COUNCILMEMBER PALTIN: Yes.

CHAIR KAMA: Thank you. Any other questions, Member Paltin?

COUNCILMEMBER PALTIN: Who will be responsible for the upkeep of the 500-yard buffer from the highway, and what are the consequences if that's allowed to become brush?

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MR. WITTEN: Yes, speaking to the 500-foot setback area, most of that is designated for agricultural use so we...the hope is that a farmer would be actively farming that area so that would provide an excellent buffer, both...irrigated crop cultivation.

COUNCILMEMBER PALTIN: The hope is that the workforce units would be actively farming it or who specifically?

MR. WITTEN: Well, in Polanui it's the nine-plus acres, agriculture easement is part of one of the market lots so hopefully a farmer would acquire that and then either farm it or have a farmer come in and farm it.

COUNCILMEMBER PALTIN: Is there any consequence if the area is left to brush?

MR. WITTEN: Our hope is that'll be put to active agriculture use.

COUNCILMEMBER PALTIN: So, no consequence if it's left to be brush?

MR. WITTEN: Well, I mean from the fire standpoint, yeah, we want to manage...we're going to manage...the intent is that the community would have a fire management plan that would suppress any fuel loads and, you know, as the larger community does now with fire breaks and the like. So, as it's planned it's provided for as an agriculture use with irrigation.

COUNCILMEMBER PALTIN: Can the applicants prequalify for a loan from any lender?

MR. WITTEN: I have no idea.

COUNCILMEMBER PALTIN: Who will monitor adverse impacts on water quality during construction?

MR. WITTEN: Typically I think that's the State and County through the best management practices.

COUNCILMEMBER PALTIN: And do you know of any consequences for noncompliance?

MR. WITTEN: Well, the civil engineer could probably speak to the requirements of site work construction and implementation of those best management practices.

COUNCILMEMBER PALTIN: On Page 17 of Makila, how many evening visits were made to the area to record endangered species?

CHAIR KAMA: While Mr. Bagoyo is getting up, did you have a concern, Ms. Lee?

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

CHAIR KAMA: Yeah, you did and you can retrieve it.

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COUNCILMEMBER LEE: Oh, thank you.

CHAIR KAMA: Go ahead, Mr. Bagoyo.

MR. BAGOYO: Yeah. Unfortunately Bob Hobdy is our consultant for the flora and fauna survey and he's not here this morning so...or this afternoon. But there's, I think there's some recommendations in terms of mitigating the potential impact on the species. I think one of the things that he suggested is to make sure and also from the US Department of Interior is to make sure that the lightings are consistent with some recommendations. The lighting should be low lighting to make sure that the endangered birds that may fly over, to make sure that they not be affected or impacted.

***(Note: Councilmember Lee leaves at 12:51 p.m.)***

COUNCILMEMBER PALTIN: So, both developments are going to provide lighting throughout their projects for walkable at night safety, and I don't know if lighting might have been a reason for the tanker to run over the hydrant if there was no lighting.

MR. BAGOYO: Yeah, I think one of the exemption requests that we need to work with the Public Works as where those lightings going to be situated. And I think what being requested is to be placed in certain corners of the streets I believe.

COUNCILMEMBER PALTIN: So, there is going to be lighting --

MR. BAGOYO: Yeah.

COUNCILMEMBER PALTIN: --throughout the developments?

MR. BAGOYO: On certain areas, yeah. Certain...it's really going to be working closely with the Department of Public Works. There's no specific code in terms of where, you gotta work closely with Public Works. But in terms of the endangered species potentially, one of the suggestions by the US Fish and Wildlife is to make sure the light is consistent with their suggestions which we said we will comply.

COUNCILMEMBER PALTIN: And does that meet the standards for urban areas?

MR. BAGOYO: I believe so. I think maybe Rowena would...

CHAIR KAMA: Ms. Andaya?

MS. DAGDAG-ANDAYA: Chair, I don't have the information in front of me --

CHAIR KAMA: Okay.

MS. DAGDAG-ANDAYA: --with respect to the actual requirements for lighting, but as Mr. Bagoyo mentioned that was one of the exemptions that I thought it was just for

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Polanui that they were requesting or they were requesting exemptions from the street light standards. Our Department is concerned about safety and making...and we're always, we always want things to be consistent with the Code. So, that's another item that the Council will need to decide on, whether or not they would be granted an exception to the Street Light Ordinance and any requirements from it.

COUNCILMEMBER PALTIN: Okay. I think that's all my questions for the departments. I might have more questions for the developer side in the future but they'll be here on Wednesday, right?

CHAIR KAMA: I'm not sure if they will be, only because they've been here this morning and I'm not sure. I mean --

COUNCILMEMBER PALTIN: No, I mean the developers.

CHAIR KAMA: --to tie up all their time. The developers? Definitely developers will be here.

COUNCILMEMBER PALTIN: Okay, yeah.

CHAIR KAMA: But I don't know about our Administration, if I can invoke our time on them again.

COUNCILMEMBER PALTIN: I'm done --

CHAIR KAMA: So, you're done?

COUNCILMEMBER PALTIN: --I think with the department --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: --side --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: --but not --

CHAIR KAMA: For the developers \_\_\_\_.

COUNCILMEMBER PALTIN: --so much the developers.

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: Yeah.

CHAIR KAMA: Okay, thank you. So, Members, without objection...

VICE-CHAIR MOLINA: Madam Chair?

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CHAIR KAMA: Yes, Mr. Molina?

VICE-CHAIR MOLINA: Can I be granted the privilege of asking the developer one question related to fire? 'Cause I know we went over and, you know, non-Committee Member was given the privilege of asking a number of questions which is fine. I just have one question related to fire. I'd like to ask Mr. Bagoyo.

CHAIR KAMA: Yes, Mr. Bagoyo --

VICE-CHAIR MOLINA: I'll make it quick.

CHAIR KAMA: --could you please come back real quick? So, the...my intent is after the discussion with Mr. Bagoyo, I would like to recess out until July 3<sup>rd</sup>, so that was my intent. So, Mr. Bagoyo?

VICE-CHAIR MOLINA: Thank you, Mr. Bagoyo. Sorry yeah, Members, I get a little grouchy when my lunch is cut. So, anyway, fire prevention, Captain Haake mentioned about a recommendation of adding I guess flame, more flame-retardant materials to the houses. Do you have any preliminary costs how much more the homes would cost if you do all, you know, go with the recommendations of the Fire Department?

MR. BAGOYO: I don't have that cost. I did have a meeting with Mr. Haake yesterday to kind of see what we could do to mitigate some of the concerns on fire, and I think some of the suggestions that he had made I think it's...makes a lot of sense. I think it's providing buffer within those --

VICE-CHAIR MOLINA: Yeah.

MR. BAGOYO: --individual lots. But in terms of the cost for --

VICE-CHAIR MOLINA: The materials, yeah.

MR. BAGOYO: --the materials I don't, we don't.

VICE-CHAIR MOLINA: Yeah, if for our next meeting if you could that information to see how much more cost it would be to, per unit, flame-retardant materials. And I think, you know, it's a good point that the Captain brings up, so.

MR. BAGOYO: Okay, thank you so much.

VICE-CHAIR MOLINA: Thank you. Thank you, Madam Chair.

CHAIR KAMA: Thank you, Councilmembers. So, without objection I would like to recess this meeting to July 3<sup>rd</sup> at 9:00 a.m. in the Council Chambers.

COUNCILMEMBERS: No objections.

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CHAIR KAMA: And thanks to Councilmember Tamara Paltin for swapping out her PSLU time with the Affordable Housing Committee. So, thank you, Chair. And thank you to all the departments who are here. We really do appreciate your time and I know we took a lot of it but know that it's very well appreciated --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: --and for all of you. Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Before you adjourn or --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --recess. What's the purpose for swapping the time? 'Cause then Affordable Housing would then be at nine o'clock --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --instead of 1:30?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I was just wondering what the purpose of swapping is.

CHAIR KAMA: Well, we're...Tamara, do you want to explain that?

COUNCILMEMBER PALTIN: Yeah, if there's additional time needed I would yield. I'll gavel in, gavel out.

CHAIR KAMA: You're good?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: Okay. So...

COUNCILMEMBER RAWLINS-FERNANDEZ: And one last question.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Are there any plans to have a meeting on the west side, on...in West Maui for the community?

CHAIR KAMA: Okay, so this is my instruction from our Chair, that each subject Committee matter gets to get two meetings outside of Council Chambers. Okay. So, we all should know that, right? We all get two meetings outside of the Chambers within a

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year's time. So, I had already scheduled the Greg Brown's hearing...Affordable Housing Committee meeting in that community so that's one. And I'm also thinking of scheduling my second meeting in the Kihei community when they come up with their projects too. But other than that, then there's my two meetings, but it doesn't preclude any one of you wanting to hold any one of your meetings out in that community also. So, to respond to Ms. Rawlins-Fernandez's question, we're limited to two. At least I am, we all are, so that's my response. So, may I please recess this meeting to July 3<sup>rd</sup>?

COUNCILMEMBER RAWLINS-FERNANDEZ: One last question.

CHAIR KAMA: Yes, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: What will the Members or how would the Members feel about a three-Member hearing out on that side to give that community an opportunity afterhours in their community after this presentation to provide feedback on this project?

COUNCILMEMBER PALTIN: Support it.

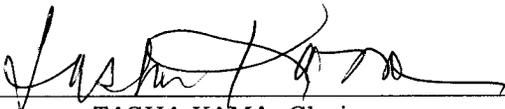
CHAIR KAMA: Okay, wait a minute, hold on. So...let me recess this.

COUNCILMEMBER SUGIMURA: Recess.

CHAIR KAMA: This July...June 25<sup>th</sup> meeting is now in recess. . . .(gavel). . .

**RECESS: 1:05 p.m.**

APPROVED:



TASHA KAMA, Chair  
Affordable Housing Committee

ah:min:190625r:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATE

I, Daniel Schoenbeck, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 5<sup>th</sup> day of July, 2019, in Kula, Hawaii

  
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Daniel Schoenbeck