

**MAUI PLANNING COMMISSION  
SPECIAL MEETING MINUTES – WEST MAUI COMMUNITY PLAN  
AUGUST 11, 2020**

**A. CALL TO ORDER**

The special meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 1:06 p.m., Tuesday, August 11, 2020, online via BlueJeans; Meeting ID: 206 680 827

**B. UNFINISHED BUSINESS**

- 1. MS. MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR, transmitting the West Maui Community Plan Advisory Committee’s recommended revisions to the West Maui Community Plan pursuant to the provisions of Chapter 2.80B of the Maui County Code. (J. Maydan)**

- a. Section 2 Policy Framework**

- i. Goal 2.3 Responsible stewardship of resources, culture and character.**
- ii. Goal 2.4 Economic opportunity through innovation and collaboration.**
- iii. Goal 2.5 Safe, healthy, livable, communities for all.**

Mr. Lawrence Carnicelli: Good afternoon everyone. It is August 11<sup>th</sup>, 2020. It is 1:06 p.m. and we are holding the special meeting of the Maui Planning Commission to order. The first order of business is for everyone to please mute yourselves. Thank you. Everybody could please mute yourself. Thank you very much. My name is Lawrence Carnicelli. I am the Chair. Also in attendance with us is Vice-Chair Christian Tackett. Good afternoon.

Mr. Christian Tackett: Good afternoon.

Mr. Carnicelli: Commissioner Kellie Pali. Commissioner Dale Thompson.

Mr. Dale Thompson: Good afternoon all.

Mr. Carnicelli: Good afternoon. Commissioner Kawika Freitas.

Mr. Kawika Freitas: I'm here. Aloha.

Mr. Carnicelli: Aloha. Commissioner P Denise La Costa.

Ms. P Denise La Costa: . . . (inaudible) . . .

Mr. Carnicelli: Good afternoon. And Commissioner Stephen Castro.

Mr. Stephen Castro: Good afternoon.

Mr. Carnicelli: Yeah, you got to unmute yourself.

Mr. Casto: Yeah, I just did.

Mr. Carnicelli: Quorum is established. Also in attendance with us is Deputy Director Jordan Hart.

Mr. Jordan Hart: Aloha Chair.

Mr. Carnicelli: Aloha. From Long Range Planning is Jennifer Maydan.

Ms. Jennifer Maydan: Aloha chair and commissioners.

Mr. Carnicelli: Aloha. And Pam Eaton. You unmuted your video, but not your audio, okay, just for future reference.

Ms. Pam Eaton: I just wanted to see if you're paying attention.

Mr. Carnicelli: Is Mr. Hopp -- is Mr. Hopper going to be on call again? I think that's what he did last time. And so anyways he's not in attendance, but he is just a quick text away should we need him.

So anyways, first of all, I appreciate everybody being on the call and joining us for this special meeting to address the West Maui Community Plan. Just there's always new people on, so just to let everybody know, what we will be doing is we will be taking public testimony first, on Item B.1.. If you please notice, in the agenda is goal number 2.3, 2.4 and 2.5. That is what is agendized by Sunshine Law. That is all we are able to discuss. That's all we will be making decisions on today. So we would like for people to please keep your testimony to those three sections of the plan.

The way the Planning Commission works is everyone will get three minutes. You get you don't get three minutes and ten seconds. You don't get three minutes and 30 seconds. You get three minutes, and that's just to be fair to everyone. You go over, it's just not fair to the other people that showed up to testify that were following the rules. So at three minutes, Carolyn will say three minutes in here and I'll just say thank you. Hopefully you wrap up. So that being said, if you would like to testify, please direct chat Jordan Hart, Deputy Director Jordan Hart, and let him know that you will be, if you would like to testify. We will call you in order. When you're called you can unmute your audio, and if you so choose, you can also mute your video to testify.

Also, the chat function is not meant to be a dialogue. It's not meant to contact commissioners. It's, it's there basically so you can --. As I said at the beginning of the meeting, please keep your audio and your video muted unless you're called upon to testify. And Deputy Director and or Jen, or Pam, did I miss anything?

Ms. Eaton: I think you got it all.

Mr. Carnicelli: Okay, so that being said, Deputy Director, if you would call our first --. Oh, I guess, the agenda item and then a --- maybe call, bring up our first agenda item and then call for testimony.

Mr. Hart: Thank you very much, Chair Jordan Hart, Deputy Director. This is Item B.1., unfinished business from Ms. Michele Chouteau McLean, Planning Director, transmitting the West Maui Community Plan Advisory Committee's recommended revisions to them West Maui Community Plan pursuant to the provisions of Chapter 2.80B of the Maui County Code. Staff planner with us here today is Jen Maydan. I want to point out that the Commission received seven pieces of written testimony that were transmitted by commission staff to the members. Today, I have signed up so far Ravi Buga, Chad Fukunaga, Brad Paulson, Karen Compowich and Yvette Celiz. And I'll start with the first one that I had, Ravi Buga.

Mr. Carnicelli: Aloha Mr. Buga, if you would please unmute your audio and your video. There you are. Good to see you, my friend.

Mr. Ravi Buga: Good. Good to see you. Aloha Commission members.

Mr. Carnicelli: Go ahead and say your name for the record, then you have up to three minutes.

Mr. Buga: Yes. Thank you. I will. Aloha Commission Members. My name is Ravi Buga. I'm on the West Maui CPAC. I'd just like to address some of the points in Mr. Pluta's written testimony because I'm the one who originally proposed that the CPAC agreed to the department's recommendation to change the designation of two properties in Kapalua and Napili to Hotel. I proposed that, and that was passed. I then thought after the meeting I said, wait a minute, I shouldn't be supporting this for three reasons. Number one, why is 65 percent threshold instead of 58 or 85 or 72? People can argue that it's arbitrary, it's discriminatory, and it can lead to legal issues. Secondly, if we do convert to hotel for these two properties, they could potentially be torn down and replaced with new, even larger hotels and the broader West Maui community is not looking for more hotels here on the west side, okay. And number three, I know the Council is looking at ways to provide lower cost, long term rentals and housing, which is something the community does want, right. And so this would go against that.

So I therefore proposed at a subsequent meeting that we should reverse this vote. And I don't recall any major controversy or argument about this. This was done. This was accepted by

clear majority, not by a one person margin, to my recollection. So the only stakeholders, I think, who might want this are the owners, the rental agencies, etc. of these two properties, certainly not the broader West Maui community.

And finally, on the one million dollar prize Mr. Pluta mentioned, take a look at what's happening with San Francisco and New York properties right now with the pandemic. As vacation rentals go down, long term rentals and condo prices have reduced dramatically. In fact, one of my kids can rent 20 percent cheaper there than he could previously. It's much more affordable, okay. That's what the community wants. Thank you very much.

Mr. Carnicelli: Thank you Mr. Buga. Just for clarification. I know you're referencing somebody else's testimony, written testimony we got. If you would reference the policy number just for clarification on the record.

Mr. Buga: You know, I'm so sorry, Mr. Chairman, I don't have that policy number in front of it, in front me.

Mr. Carnicelli: That's fine.

Mr. Buga: I'll have to call it up on my iPhone. It's mentioned in his letter. I'm so sorry. It's Mr. Pluta's letter, written testimony to the Commission. Sorry.

Mr. Carnicelli: It's not a problem. Okay, does anybody else have any questions for the testifier? Good to see you.

Mr. Buga: Mr. Chairman, I had just one quick request if I may. I had a statement for, for your last meeting, which I unfortunately couldn't attend because my son had just come in from San Francisco and we were putting him in isolation, etc. And, and so if you don't mind, it was for the last meeting, but as I said I couldn't come, if you don't mind, may I just make that last statement very quickly? I know it's I know I only get three minutes, so it's up to you.

Mr. Carnicelli: Sure, go ahead.

Mr. Buga: Thank you very much. So again, my name is Ravi Buga, for the record. And I'm on the West Maui CPAC, but I'm here in my personal capacity. I don't speak as a CPAC member, okay. I've been surprised as I've attended many meetings in public meetings in West Maui, but there's a feeling of cynicism and lack of confidence, loss of confidence in our process and our various agencies. People feel, yeah, we had these meetings, we express our views, we kind of reach consensus when it goes up the chain, somehow a special interests take over and different decisions come down. So a lot of people said this is just a charade, that's for show, right. And that that's not good. So in that context, you know, Lawrence, you know, that I was quite stunned to see you wearing two hats, right. And thank you for your comments at

the last meeting. I did look at the videotape and I appreciate your, your comments very much. But I just have a couple of points.

First of all, broadly, the Board of Ethics ruling to pass the gavel and not vote, I have to say my initial reaction was, you know, are you kidding me? Is this a joke? I mean, I'm, I'm struggling to be polite here, okay, so all I will say is this is very, very far from best practice, all right. Boards of Ethics are for gray areas. In my view, this is not a gray area. This is black and white, and just shouldn't happen, okay. Period.

Secondly, again, Lawrence, it's way beyond your company, in my view, Olowalu Elua. You also going to recuse yourself from all --

Ms. Takayama-Corden: Three minutes.

Mr. Buga: -- and, and the conflicts much broader. What about other areas that come for reclassifications?

Mr. Carnicelli: Thank you, Ravi.

Mr. Buga: Last, last statement. Last statement. Everyone in all our positions need to be bullet proof. And I'm sorry, you're not bullet proof. Thank you.

Mr. Carnicelli: Thank you, Mr. Buga. Any questions for the testifier? Thank you.

Mr. Buga: Thank you.

Mr. Hart: And the next testifying that I have is Chad Fukunaga.

Mr. Carnicelli: Mr. Fukunaga, another please unmute yourself, and if you wish to unmute your video as well. There you are.

Mr. Chad Fukunaga: Good afternoon Commission members. Can you all hear me? Can you hear me?

Mr. Carnicelli: Yes.

Mr. Fukunaga: Yes. My name is Chad Fukunaga. I'm with Kaanapali Land Management Corp and I have a couple of comments today. First off, referring to Section 2.5.8. So this section says during land use designation change refer to the West Maui trails map in Figure 2.4. And I'd like, I'd just like to point out that we could not find the trails map. It wasn't in the draft version that I -- I don't know if it's in yours. We would like to have a chance to review the trails map and reserve comment to that point later on.

My second comment is somewhat of a broad range comment. The CPAC did a very good job of putting a lot of thought and ideas into their policies, and get their intent on this. There's lots of good stuff in there. However, there's a lot of language that use, gets used over and over again that could be, could have some potential issues later on. We do have concerns. And so there's a lot of language such as a wording such as "protect". Or I'm sorry, wording such as "require", . . . (inaudible) . . and "prohibit." And uses of that type of language is very, I guess, specific and could have unintended consequences in the future. Because there's other languages that are used that I feel is better suited, such as "protect, preserve, support, encourage and promote." And I'll give you an example. In Section 2.5.11 it says require affordable housing projects. Again, so the word require. To require affordable housing projects including projects using Chapter 201H, Hawaii Revised Statutes, or Chapter 2.97 Maui County Code process to be near jobs, schools, transit and services. And include sidewalks, parks, bus stops and other infrastructure and pedestrian oriented design elements that create walkable and livable communities for all. Now the intent is very good. But, you know, we have concern with the word require because not all affordable housing projects may be able to support all of these so-called requirements.. And you may not be able to choose your location. You may not be near school or other transit. You may be more rural located. Or maybe a small subdivision --

Ms. Takayama-Corden: Three minutes.

Mr. Fukunaga: -- where you can't support parks. Thank you.

Mr. Carnicelli: Thank you. Thank you, Mr. Fukunaga. Any questions for the testifier? Commissioner Freitas.

Mr. Freitas: Thank you, Chair. Aloha, Mr. Fukunaga. Thank you for your testimony. I too had some questions on that one. But let's start off with it says require. And I also don't agree it should be the word require. Do you have a suggestion for what word we could use?

Mr. Fukunaga: Encourage...or promote.

Mr. Freitas: Okay, Thank you.

Mr. Carnicelli: Any other questions for the testifier? So just for your edification and say for other testifiers, especially moving forward, I understand your concern about, like, you know, these words. But if you can go to action, because the way we're going to walk through the plan is, you know, kind of line by line and we've already done that several times, each one of us, right. We've read it through. We're going through it again. And so if you just say, you know, oh, these are nebulous words, it's actually better for us to do what you did and say, okay, 2.5.11, you know. 2.8.16, whatever, you know, I mean, whatever number it is. So that's just for everybody, right, is if you could come up with suggested changes, if you would like changes or suggested modifications if you like modifications, or if you want to testify, hey,

leave that alone. You know, whatever it is your testimony is, the more specific you can get is the more helpful it is for us. So just so everybody knows that. But I appreciate your testimony. Everybody good with Mr. Fukunaga? Thank you very much. Appreciate it. Deputy Director?

Mr. Hart: Chair, the next testifier is Brad Paulson.

Mr. Carnicelli: Mr. Paulson, please unmute yourself and if you wish, unmute your video as well.

Mr. Brad Paulson: Can you see me?

Mr. Carnicelli: I can hear you.

Mr. Paulson: There we go.

Mr. Carnicelli: I can hear you, but I don't know if I can see you.

Mr. Paulson: Okay. Well, I, I can see myself. Maybe I'll pop in. Aloha, Mr. Chairman and members of the commission. My name is Brad Paulson. I grew up partly on Oahu and have extended family there today. . . . (inaudible) . . . years ago, and I have been a full time West Maui resident since then. I live in Plantation Estates, the neighborhood in the Kapalua Resorts surrounding the plantation course, and I am a volunteer board member of our neighborhood association. First, I'd --

Mr. Carnicelli: Have we lost Mr. Paulson? Mr. Paulson, are you there? It might be bad reception up in Kapalua. Deputy Director, let's go, we'll go to the next person, I think. Is he still -- I guess, is he still on? Is he still in the room? Mr. Paulson is he --?

Mr. Hart: He's still there.

Mr. Carnicelli: Okay. Mr. Paulson?

Mr. Hart: Okay, I think that now, now I think he's gone.

Mr. Carnicelli: Okay. And I just want to remind everybody again, because some people come late to the chat that what we're here discussing today is goals number 2.3, 2.4, and 2.5. I believe Mr. Paulson was actually . . . (inaudible) . . . testifiers and two people have testified on . . . (inaudible) . . . I can everybody to please keep to what's on the . . . (inaudible) . . . Director. Deputy Director.

Mr. Hart: Chair, the next testifier is Karen Compowich.

Mr. Carnicelli: Ms. Compowich, if you would unmute your audio, and if you wish you wish your video as well.

Ms. Karen Compowich: Aloha.

Mr. Carnicelli: Aloha.

Ms. Compowich: Okay. Karen Compowich. I'm . . . (inaudible) . . . I'm going to --. I have, I submitted written testimony but I'm going to skip a little bit of it. So the primary reason member stated for volunteering to be on the West Maui CPAC was the need for more affordable housing. Between 2008 and 2015, 71.1 percent of homebuyers on Maui were not residents. When locals are competing with people who don't live in the local economy, property becomes unaffordable. If we are serious about solving the affordable housing crisis, we need goals and policies that encourage local ownership and comfortable long term rentals. When I moved to Maui 15 years ago, most of my friends lived in the cane houses and older apartments in Lahaina and Honokawai. These were great places to live. Every one of my friends could walk or bike to work and to exercise. Rent was high, but we could actually afford it. My, you know, my more professional friends lived in nicer places like Kapalua and Kaanapali Hillside. Since Air BnB and VRBO have become popular, most of these properties have been turned into short term vacation rentals. I have a list of some of them written there. All of these are places my friends actually lived 15 years ago. I understand that this change may not be the best for realtors or off island owners, but it is in the best interests of West Maui community. And that's who this plan is actually for.

And then my next support is for policy 2.5.11 where I would like to keep the word require. It's really important because when we're considering the language of a policy, it is important to consider who the developments will serve. Affordable and workforce housing is for people who work and live in Maui full-time. Two examples are young families and older people.

Young families often save money by having one car. That's one way to get, you know, one way, you know, one gas tank, one insurance bill. I have two friends who are in this situation. One was my friend Janelle. She had two boys. She could walk everywhere with them. She put them in a stroller. She walked on the sidewalk to Safeway, to the doctor, to the store, everywhere she needed to go. My other friend, Holly, lived in Kahana where there's no sidewalks. She loaded her two big boys up in a stroller, got yelled at by people for walking on the side of the road with a stroller, got yelled out for people for not taking her kids to other places. It was really uncomfortable not to have access to be able to walk or bike when she needed to. So she was called a bad, irresponsible mother what I have in my testimony.

On the other hand, and you have older people like my mother, who recently had her knee replaced. If she were locked in her house because she couldn't walk anywhere because she can't drive with a knee replacement, she would be horribly depressed by the time she was

healed. So it's very important that on both ends of the spectrum, low income housing require to be developed in a walkable --

Ms. Takayama-Corden: Three minutes.

Ms. Compowich: -- drivable, bikeable commutable way and with parks.

Mr. Carnicelli: Thank you, Ms. Compowich. Any questions for the testifier? Commissioner Pali and then Commissioner La Costa.

Ms. Pali: Hi Karen. And thank you for your testimony, both written and verbal. I think my struggle and I hear you and I think in a perfect world we would want to put it exactly where it what would be right in the center, a very easy access. I think the problem that we've faced for the last 20 years and we face looking forward is -- and this is a question to you -- if we cannot meet that need, then are you saying you're okay with not having the affordable housing built at all? Because I think people are forgetting the trade-off. The problem that we're having with trying to get other affordable housing properties passed, they don't meet the three hundred requirements. So then guess what? We get no affordable housing build, built for the people who actually have the cars or can make the walk. So, Karen, help us find a balance because we want what you want. But we also don't want to say no to the other people who could maybe live with that, that one missing piece. You know what I mean?

Ms. Compowich: Okay, I can. I actually did propose language during the CPAC to say instead of to be near jobs, schools and transit, to be near transit, to jobs, schools and services. However, it, yeah, developing low income housing that uncomfortable to live in doesn't actually serve anybody very well. And some of the low income developments that don't have these requirements in them are uncomfortable to live in. I don't know how many of you have friends who actually live in low income developments, but it shouldn't feel like a prison sentence. It should feel like a home. And when you don't have these requirements, you're not building a home, you're building a place for people to barely exist or to exist while they go to work, and until they go to school. But that's not a home, is it? What are we -- what is a community plan for? Is it for the community or for the developers to make it easier?

Ms. Pali: So if I may, Karen, to be fair because that is one perspective. But I have a cousin who has five kids and they don't have a home at all. They live in the living room, someone's living room on a couch. The kids for four years have never had beds because their room isn't big enough to put six beds. So if you ask her, would you like to keep living in the living room because you don't have affordable rentals or would you not mind a seven minute drive out of town? I promise you, Karen, she's going to pick the seven minute uncomfortable ride so her kids can have beds. And so all I'm saying is we want to serve your perspective, people in your group, but please understand that there's other people that don't even have homes. So going to being saying I want to a comfortable home, these people are like girlfriend, I just want a home, you know. And then and it can kind of go from there. So that's, that's what I'm,

I'm seeing. It's a struggle. It's this challenge of, you know, who are we trying to help serve? And are we excluding other types of groups that would be willing for the uncomfortableness. And so I'm with you. I'm totally on your side, but I don't want to exclude those other people who have yet to even have their own place yet. So just thinking of, thinking through that.

Ms. Compowich: Okay, on that, if you really want people to have homes, support the phasing out of, of vacation rentals. Because there are, I believe, it's 1,930 vacation rentals on the west side. If, if those are phased out, yes, some, some of them are too expensive for the poorer people. But the thing is, is I also have friends who could afford the more expensive ones, but they, they're not available. So they're taking up the less expensive ones. So when we open rentals, it does as, as Ravi said, it will help prices come down. And that's why people don't have homes. The prices are out of control. And so you have to share with other families.

Ms. Pali: Thank you, Karen. So without jumping from one subject to another and keeping back on this one particular --

Ms. Compowich: It is a round subject. That's why it's an exclusive plans.

Ms. Pali: Yes, yes. But, but, but, I think the only way we can kind of -- we have to chip away at little bites. So can you help me specifically in the 2.5.11, I think, as the other testifier I believe that's what you were mentioning is you, you want to keep in the word require. Do you have a recommendation that would serve the other people who currently don't have homes and a project doesn't meet all of those items, but maybe one piece is missing? What kind of leeway can we give so that the affordable housing project can go through so it doesn't result in no affordable housing project? Do you have any recommendations for please?

Ms. Compowich: The leeway of saying transit to be near school, jobs, and services is the leeway. It's, it's really not a solution to have people in essentially homeless shelters instead. And that's what you're creating if you're not actually making a community. And I understand that you want to compromise. This is a place where I am unwilling to compromise because compromising is giving more from the people who have less. Yeah, I think developers should be willing to give sidewalks. I do. I think the developers should be willing to make places livable. I don't think people should live in ghettos because they're poor.

Ms. Pali: I think you and I are on the same page. I think my -- I want to bring you back to my focus here. My point is that I don't want to exclude people from getting an affordable housing project so what flexibility. So thank you. You answered it. I appreciate it, Karen. No further questions.

Mr. Carnicelli: Thank you Commissioner Pali. Commissioner La Costa, did you have any clarifying . . . (inaudible) . . . testimony?

Ms. La Costa: Thank you, Chair. Thank you, Karen, for her being here today and for being on CPAC. You put in a lot of hours and I compliment you for that. So my question is, and this has been brought up several times, when you talk about taking VRBO, Air BnB, Flip Key, whomever off the table and you have someone who has paid half a million dollars for a property and they have a mortgage of \$3,500 a month, it sounds like you're expecting people to have low rents. Then how did the owners who have paid that money, irrespective of whether they live on Maui or whether they live in Timbuctoo, how do you expect them to be able to cover their expenses so that they can house local people? Because I'm, I'm all about affordable housing. And I think that we have needed it for years -- I've lived for 30 years -- affordable rentals and affordable homeownership. But I need some clarification please from you and others. How is that done? How do we reach that that medium? Thanks.

Ms. Compowich: I think for one, it does say phase out vacation rentals. It doesn't say stop them instantly. So one way to do that would be when vacation, when these properties are sold, when the apartments are sold or transferred to a new owner, it's no longer able to be vacation rental. Another thing is the reason they are selling for so much to start with, and I, and I understand some people with a lot of money might not come away glowing for this, glowing with this. It's not great for off island owners. It's not great for people who don't live here. But this plan is for people who live here. And I do understand the, the problem there, like we have a lot of conflicts between people who don't live here and people who do. And our main focus should be the people who live here. So maybe the County can come up with something to help them with it. But that's not -- our focus is helping to take care of the people who actually are here, not the people who just own and rent. And so phasing it out slowly would be my recommendation and doing it by when people transfer ownership.

Ms. La Costa: So what about the people who live here who have saved their money and gotten a second home so they can have additional income so that when they get older they don't have to work and rely on Social Security? Again, I'm trying to reach a balance here. So how do we, how do we do all of this, you know, for the people who live here and then that's why we're in this conundrum? So thank you.

Ms. Compowich: In this conversation, I'd like you to recognize I actually worked at a bed and breakfast until Covid started. It did get shut down. I currently don't have a job. I've also had the fortune of staying at the place where I worked. I have seen how the fabric of this community has changed during Covid because there's not the constant influx of people who aren't from here, aren't being extra loud, don't have their air-conditioner on 24/7, aren't coming and going constantly. It is about more than just affordable rentals. It's about the fabric of our community. And I do, I feel bad for a lot of us. The business plans I had started before Covid kind of fell apart because our community is shifting. It's time to take that opportunity and shift with it to a more balanced lifestyle. And I don't have a great answer for you. It's, it's just not the time to be all for the people with money. We need to take care of the people who are actually here. And if you can afford a second home, you can also sell that second home and

invest it in something new. Yes, tourism was the way to make money. It might not be in the future. Thank you.

Mr. Carnicelli: Thanks Karen. Any other questions for the testifier? I actually have. I have a question that I'm, I'm just curious about, and it's not about the word require. My question is about why would you want this requirement just on to 201H's and 2.97's? I mean, I'm someone that . . . (inaudible) . . . housing projects using the Chapter 201H, Hawaii Revised Statutes or Chapter 2.97 of the Maui County Code process. I mean, there's lots of different ways doing development. That's two. . . . (inaudible) . . . Hang on. Let me ask, let me ask my question.

Ms. Compowich: Okay, I can answer that.

Mr. Carnicelli: Because I --. Okay, then go.

Ms. Compowich: It's, it is, it was required for all of the developments, including affordable housing products, projects. It is supposed to be required for all of them. The other thing is why you have it required for affordable housing and not the others is because affordable housing is where people try to get away without doing it. The other ones, people aren't going to buy a home if it doesn't have a sidewalk. For poor people are because they don't have an option.

Mr. Carnicelli: I understand that in theory. I really do. And I get if you're saying that, you know, so thank you for your answer. Okay, I get where you're coming from. I understand. I understand where you're coming from. Thank you. Any other questions for the testifier? Okay, thank you, Ms. Compowich. Oh wait, Mr. Thompson.

Mr. Thompson: Yeah, I have a question. Where do you come up with the stats for the 71 percent non-residents?

Ms. Compowich: That is from the CPAC binder that had all the information that was pulled by the Planning Department. So that stat goes from 2008 to 2015. I would say it's probably higher now.

Mr. Thompson: Okay, and you know, short term rentals, they don't transfer with ownership. We changed them. And Air BnB's, you have to live for five years. Those kind of those rules funnel to people that . . . (inaudible) . . .

Ms. Compowich: I understand that. This policy is actually meant to also encourage the County to phase out those on the Minatoya list, which do not actually have to have any sort of approval through the Planning Department. They're basically kind of grandfathered. It's the same with things that are in the Maui Historic District, which on my, I list the Lahaina Historic Villa. That one used to be the Mango House that I had a number of friends who lived there

throughout the years. It was a little place right in the middle of town. It had, I think, three or four bedrooms. It was a perfect place to bike and walk to work from. All the cane houses in Lahaina are under, are grandfathered in because of they're in the historic district. So this is to encourage that kind of zoning to be taken out.

Mr. Thompson: Thank you.

Ms. Compowich: And that's why we have 1,930 vacation, 1,930 apartments that are vacation rentals because it's anything built before 1989. That the Mina --. That was the math that was given by, to us from the Planning Department as far as apartment buildings built before 1989.

Mr. Carnicelli: Great. Commissioner La Costa, need to clarify her testimony?

Ms. La Costa: Thank you Chair. So 71 percent is that for just Minatoya properties or is that for every single property that is on West Maui, homes, apartments, everything?

Ms. Compowich: All of West Maui including apartments that could otherwise be affordable as well as luxury homes. That's all the property.

Ms. La Costa: Thank you.

Mr. Carnicelli: Commissioner Freitas.

Mr. Freitas: Thank you Chair. Ms. Compowich, you started off your presentation talking about phasing out the vacation rentals. I kind of like that idea. Since you were on the CPAC, then you know this document better than we do. Is that anywhere in 2.3 to 2.5 that we could pinpoint and say, let's make a change there to make your testimony fit what we're discussing? What is that one?

Ms. Compowich: 2.5.16 is actually the policy that I'm discussing.

Mr. Freitas: Okay.

Ms. Compowich: And so that does hit both the vaca -- the apartments and the ones that are owned, the houses.

Mr. Freitas: Okay. Thank you.

Mr. Carnicelli: Other questions for the testifier? Good job. Thank you very much. Deputy Director.

Mr. Hart: Chair, I do want to point out that Brad Paulson was able to get back on the call. No, I'm sorry, he left again. Okay, so anyway. . . no, no, he is back. I'm sorry. I'm sorry. He's back.

The note that he had left was from our, our direct chat. Anyway, he's here now if you wanted to recognize him to complete his testimony when he was cut off, so, at your discretion.

Mr. Carnicelli: Mr. Paulson . . . (inaudible) . . .

Mr. Paulson: . . . (inaudible) . . . what happened. Can you hear me and see me?

Mr. Carnicelli: We can. Please restate your name for the record.

Mr. Paulson: Great. My name is Brad Paulson. I'm going to jump right into the policies. First, I'd like to offer our support for policies 2.4.1 and 2.4.5, both promote agriculture, food self-sufficiency and diversification of Maui's economy. Personally, I look after 102 orchard trees myself. I plan on doing that before I retired and I continue to take pride in doing that. Many my neighbors in our neighborhood also have agricultural pursuits and our neighborhood has a commercial farm on the top.

As described in written testimony submitted by my neighbor, John Kindred, you might wish to consider adding a sentence at the end of policy 2.4.5 stating something like rural residential neighborhoods should not discourage small scale or self-sufficiency agriculture. This might be helpful because the rural residential category is relatively new. Rural land uses were created by Maui Ordinance in 1997. Rural growth boundaries are set in the Maui Island Plan in 2012. And with this draft of the community plan, the rural residential designation has finally made it into community plans. Adding language supporting small scale agriculture in rural residential areas seems like it would be helpful as we go around the island and designate new areas.

Under different policy number, I'd like to, I also like to weigh in and support John Kindred's written testimony on policy 2.4.2. In the March 3<sup>rd</sup> meeting, it appeared to us that that policy did not pass, yet it is in the draft plan. If it is retained, we suggest to carve out for existing neighborhoods. New developments on vacant land might be able to show that they accommodate population or employment projects. But how do existing neighborhoods converting to rural residential show that? For example, a small existing neighborhood near Kahana is designated as rural residential in this draft plan. How did that designation accommodate population or employment projections? If this policy is carried forward to future community plans without a carve out for existing neighborhoods, how could existing neighborhoods up-country, in Wailuku, Haiku, Kihei, or on the Hana side meet this requirement? Thank you for the opportunity to provide my testimony.

Mr. Carnicelli: Thank you, Mr. Paulson. Commissioner Pali.

Ms. Pali: Brad, can you just confirm that last item number that you just spoke on?

Mr. Paulson: Sure. It's a, it's actually a complicated policy. It's 2.4.2. But it basically requires

that redesignation of agricultural areas into other land use, land uses demonstrate that they accommodate population or employment projections. And while that may be useful in new developments because new developments, you know, already, we should accommodate population, employment, projections that . . . (inaudible) . . . upon. For an existing neighborhood to make that kind of a showing, we're, for example, trying to wonder what that, what that means. And in the world growth boundary across Maui, you're going to have, I mean, if this kind of policy continues, I mean, I just don't know how older existing neighborhoods can make that demonstration.

Mr. Carnicelli: Great. Thank you, Mr. Paulson. Any other questions for the testifier? Commissioner Freitas?

Mr. Freitas: Thank you, Chair. Hi Mr. Paulson. You, you mentioned in your testimony that this was voted out, but yet it got put in. Did I hear you, right? So why is it in?

Mr. Paulson: Yeah, that's a good question. What we observed and we went back through the video and written minutes that that policy -- we were at the meeting and we testified on this policy, and this particular point. In the March 3<sup>rd</sup> meeting which is one of the last meetings, there was not a seven vote majority to affirmatively put that in the plan. I don't know how it got in. And I, you know, honestly, a lot of it I don't really object to. It's just that this twist that affects our neighborhood now or in the future, or other neighborhoods that are within the world growth boundary, seems like an important one.

Mr. Paulson: So, so . . . (inaudible) . . .

Mr. Freitas: Would Jennifer be able to answer that, Chair?

Mr. Carnicelli: Yeah, yeah. Is, is -- right now -- we'll have that addressed. Yeah, we'll definitely address that when it comes. When we look at 2.4.2, we'll address that as the department is ready to address. So any more questions for the testifier? Great. Thank you Mr. Paulson. Deputy Director.

Mr. Hart: Thank you very much, Chair. The next testifier that I have on the list is Yvette Celiz.

Mr. Carnicelli: Unmute your audio. There you are, Ms. Celiz.

Ms. Yvette Celiz: Can you guys hear me okay?

Mr. Carnicelli: Yeah.

Ms. Celiz: My name is Yvette Celiz, and I'm testifying on goal 2.3. I know you . . . (inaudible) . . . reviewing the community plan, and I thank you all for your efforts. To provide a little background as served on the CPAC, and I'm the current Chair of the Cultural Resources

Commission (CRC). But this is something that is also personal to me, and very near and dear to my heart. I was born and raised in Lahaina, from Princess Nahienaena Elementary School, through Lahainaluna High School I was taught to respect and care for our community. Preserving the cultural resources of West Maui, along with the character of our historic Lahaina town is of utmost importance to me which is why I ask for your strong support on all of the policies and action items of goal 2.3. All of these policies are tremendously important to me, but for lack of time, I wanted to specifically draw attention to the design policies. One of the most effective ways we can accomplish responsible stewardship is by implementing the design policies for Lahaina listed on page 49 through 53 of the community plan. As part of our responsibilities on the CRC, we provide design reviews for properties within the Lahaina National Historic Landmark District. We utilize the current West Maui Community Plan to guide and inform us in performing our duties. These updated policies in the new community plan will help with clarifying design reviews in the historic district. Speaking from personal experience, we have reviewed plans that are hugely inappropriate and inconsistent with the scale, massing, and character of historic Lahaina town. I remember the design review we did of a proposed 5000 – 5000-plus square feet home on Front Street. The room was completely packed with community members voicing their disapproval and outrage of the design plans. The community wanted assurance that we would not allow this to happen. They wanted assurance that we would protect and preserve the historic character of old Lahaina town.

Commissioners, you can provide this assurance by implementing the design policies for Lahaina in this community plan. Including the design policies in the new plan ensures that we are taking the necessary steps to enforce responsible stewardship of the culture and character of historic Lahaina town which is the heart of West Maui. The Cultural Resources Commission will be utilizing these policies to inform their decisions for the next 10 to 20 years. It will provide clear design guidelines for rehabilitation, addition, new constructions and streetscapes in the landmark district. It provides clarification not only for the commissioners on the CRC, but also for the applicants which will hopefully prevent multiple back and forth revisions to their design plans. And thank you again, Commissioners, for your consideration of this. Mahalo.

Mr. Carnicelli: Thank you, Ms. Celiz. Is there any questions for the testifier? Commissioner La Costa and then Commissioner Pali.

Ms. La Costa: Thank you, Chair. Excuse me. Thank you, Ms. Celiz, again, for your time on CPAC as well. I noticed in the design policies there is nothing about signage, and Maui County does have laws about the size two by four, etc., but there is no consistency as you go down the street. And I wondered why that was not addressed specifically in your design policies for Lahaina. Thank you.

Ms. Celiz: Thank you. I do believe we do have -- I have to get my CRC binder. It's in the other room, but we do have guidelines on signage. It's really just a matter of enforcement. I

know we do have the cultural planner here as well that she might be able to address more questions in depth. But I know we do have Lahaina guidelines on the signage within the historic district. So we have a separate guideline and it's not in this community plan. But we do have a guideline that we work on when we're, when we're doing reviews on the CRC.

Ms. La Costa: Correct. I just wondered why it was not in the community plan so that everything is consistent versus hotchpotch.

Ms. Celiz: I think it was just, you know, a lot of information that we all wanted to include on the plan. And, you know, it was really about prioritizing and a lot of the issues that at least I've seen from being on the CRC in the past three years was the enforcement of the historic landmark district in terms of new additions and new constructions. Those are really the big issues. Ideally in a perfect world I would love to have everything included in the community plan. With this guideline, we had to prioritize.

Ms. La Costa: Thank you.

Ms. Celiz: Thank you.

Mr. Carnicelli: Thank you. Commissioner Pali.

Ms. Pali: Hi. Since it sounds like she might be the go to person, I just have a one little quick clarification, if you might. In page 49, you have under item one, rehabilitation, there's a (C) and a (D), and I'm feeling like they're just a little bit contradicting each other. If you can clarify; (C) states where repair is not possible, replacement features shall match the original component and design material color and texture. But then (D) says original building materials shall not be covered with new materials. So are they able to replace it as long as it matches the design material color and texture or they cannot replace it? I was just -- that's the only really thing that I had in this whole section, actually, if you have clarification on that.

Ms. Celiz: Well my personal interpretation of it is when it says original building materials shall be shall not be covered with new materials it's original building materials that don't need repairs. Like you already have the features and now you want to just put on something new. Whereas, (C) is specifically referring to repairs.

Ms. Pali: Thank you for that. Appreciate it.

Mr. Carnicelli: Any other questions for the testifier? I got a question for you. So, does the CRC get everything that comes along? What's the trigger? Like, you know, because we're talking about design policies for Lahaina town. What's the trigger that it goes to CRC?

Ms. Celiz: So usually when they submit the design plans to the Planning Department and then it goes through. So our cultural planner then reviews the materials and sees which one

needs to go in front of the CRC. So she puts that on the agenda for us to review. So all of the plans that gets submitted to the Planning Department.

Mr. Carnicelli: So all?

Ms. Celiz: I don't believe if we -- and I could get clarification from our cultural planner -- I don't know if we get all, but she does review all of the things that go to the Planning Department and then puts it on our agenda.

Mr. Carnicelli: Right. I mean, I'm big on process, right, like what's the process? Especially like that's part of the reason why our forefather said the plan has to come to the Planning Commission because we're practitioners. Like we have to look at this and go, how does this work?

Ms. Celiz: Yeah.

Mr. Carnicelli: And when I look at these design polices, I don't disagree with any of the policies. Well my question is why is this in a community . . . (inaudible) . . . ? Like if this is what you want the guidelines of CRC be, then just let's take you know, I mean, I think they're all great. Let's take, you know, 49 through 52, and let's have CRC adopt it. And then it's just cleaner, right, rather than okay, a planner then sends it to the CRC, and then the CRC has got to go back to the community plan. And if you're someone who is just, you know, a homeowner in Lahaina, you're suddenly going okay I got to go to the community plan to know where my garage goes and my remodel goes. Like, that doesn't make any sense to me. So, I'm, I'm just curious about the process, not about the content.

Ms. Celiz: Right.

Mr. Carnicelli: But about the process.

Ms. Celiz: Yeah, I mean, I know there's a lot of process that needs to be approved because I've had situations where the applicant would get frustrated because they feel that they are compliant with the Maui County code, but without realizing that there's extra things you have to comply with, with being in a historic district. So I know that's something that, you know, the County needs to . . . (inaudible) . . .

Mr. Carnicelli: Great, so we now have CRC . . . (inaudible) . . .

Ms. Celiz: But we do have . . . (inaudible) . . .

Mr. Carnicelli: . . . (inaudible) . . . and community plan.

Ms. Celiz: Yes. So we have it listed in the Maui County Code. It's 2.88.080. So it says these are the specific guidelines you use. So it lists the West Maui community plan and it lists the Secretary of the Interior Standard for Rehabilitation. So when we, when a design plan comes through, we use those tags and say, okay, the West Maui Community Plan says we have to maintain the scale, building and massing. So then we go down the line and see from it. So the code specifies the guidelines. So I know we have all these guidelines kind of all in different places, but the West Maui Community Plan and the Secretary Standards, I think, has been one of the main ones that we use. But I think the reason why we wanted it on the community plan is because it is, you know, the intentions of the committee. It's what the committee wants. So having that in there just further solidifies it and kind of gives it extra, extra strength.

Mr. Carnicelli: Okay, I mean, and I'm appreciating you being able to speak to this as an expert, and someone that sits on the CRC. But if I read three point -- I'm sorry, 2.3.17, there's no teeth. There's nothing that says that this has to go. I mean, it's just, like, they're design policies, but there's no enforcement to this, right? So it sounds great, but it's just going maintain the scale, da-da-da-da, add design policy. So it just says okay, maintain, but what does that mean, right? Words matter, and so that's more ongoing. Alright, this is just one of those things, okay, we can change everything in here, it still doesn't matter because the way that 2.3.17 is worded. So that's why I'm going -- I mean, I personally leaning towards it's going, okay, take it out and let's CRC just adopt this and then now it's got teeth. How it's, how it sits right now is just a nice thing to have in a community plan. So I'm about process.

Ms. Celiz: Right. Yeah, I still believe that it's important to have in community plan. It's, you know, the document that really solidifies what the community wants. So referring -- for having that in there and then referring to that, it really shows, okay, the community does want . . . (inaudible) . . . in the historic district. So having that there for me really strengthens that. And we try to say that, you know, it's policies that gets -- it's guidelines but we want to make them into policies that really gives it more teeth.

Mr. Carnicelli: And I think that that was the balance that you guys find in CPAC, right? You guys want to make policies, right?

Ms. Celiz: Yeah, it says --

Mr. Carnicelli: So I think that that's --. I get it. No, I get it. I appreciate, I appreciate your input. You know that's good. Thank you. Thank you. Any other questions for the testifier? Wait, wait, wait. Commissioner La Costa has another question for you.

Ms. La Costa: Thank you. And I don't know if this is for Ms. Celiz or if it's actually for the department. But in line with what you said, Chair, about taking these four pages and making them the, the, you know --

Mr. Carnicelli: CRC.

Ms. La Costa: Thank you. CRC. I have my acronyms also messed up. Could perhaps on 2.3.17 mention it that the following are also CRC guidelines? Just to incorporate everything so that the process is there, and, and this included?

Mr. Carnicelli: Yeah, but they're not.

Ms. Celiz: . . . (inaudible) . . . with the Maui County Code . . . (inaudible) . . . you utilize the West Maui guidelines to inform -- the West Maui Community Plan to inform your decision. So if it's no longer in West Maui Community Plan, the Council has referred to the plan to inform our decision. So if it's not in here, we can't use it anymore.

Ms. La Costa: Thank you.

Mr. Carnicelli: Thank you. Awesome. Good job. Thank you. Deputy Director.

Mr. Hart: Chair, Joe Pluta stated in that public chat that he has to leave the meeting for a prior appointment. So the next person who would have been on the list is Dawn Hedger Norboul who has also stated that she doesn't want to testify on the items that are on the agenda. So the final person that I have signed up to testify is Tom Croly. And I do want to say that anybody who's watching that if you did want to testify and I don't have you on your on the list please direct message me now.

Mr. Carnicelli: Great. Thank you, Deputy Director. Mr. Croly.

Mr. Tom Croly: Hello. No, I haven't got a life yet since, since this morning . . . (inaudible) . . . I, I, -- we've already had some good testimony and some good discussion, so I don't want to be repetitive with the things. But I am quite concerned when I read things that say require, because what that says to me is we're making new code here we're not making a community plan. We're bypassing the whole process that you have to go through to create County Code and we're saying, oh, well, we'll just require it here, which is the same as code. So, so the required things you have to, you know, take a consideration as to how you're going to encourage them more or say, ask the Council to change the Code to or something like that.

Specifically one that fits into that category is this idea of no, no -- require new development or redevelopment. I'm sorry that no -- no additional visitor units except bed and breakfast home shall be permitted unless an equal number of workforce housing units are concurrently developed. Well, there's already code that develop -- that says if you're going to build a hotel room, you have to have so many, you know, units that that fall into 2.97. So you can't just bypass that and, and rewrite it in this case.

But I also want to pick up on the word visitor, okay. Oftentimes people are putting visitors into the category of someone staying in a hotel or someone staying in an Air BnB or someone

staying in a condo under Minatoya. Let's keep in mind a large part of our visitors, maybe 25 percent of our visitors, are second homeowners. These are not short term rentals. Never been short term rentals. They don't advertise on Air BnB. They're just coming and using their own homes, okay. And West Maui has an awful lot of them. So when we start making policies here that say don't let us have accommodations that people can rent. All you're going to really do is you're going to have more people buy these second homes. So we -- the visitor, the growth in the visitor industry, is in large part these folks that own their own second homes, not short term rentals, not bed and breakfast, not, you know, Minatoya properties.

Now, let me jump to the Minatoya property thing. You -- I understood the testifier and the person who, who, who, who wrote this to say, hey, let's convert some of these ones that are allowed to be used for short term rental legally right now, and we could potentially get a bunch of homes. No, you're going to get more second homes out of them, number one. And number two, you can't just take away that land use right that that person has because you decided in the, in the community plan, you don't want to, you don't want them to have that land use right anymore. So, there's things that are here that are good ideas, and I'm actually supportive of in some ways. Like the idea that if you're going to give someone a, a permit, for example, to do a short term rental home, you have him use his cottage, just long term rental.

Ms. Takayama-Corden: Three minutes.

Mr. Croly: We all know, I've done that for, for people who have wanted to get permits. But you can't say in order to --

Mr. Carnicelli: Thank you Mr. Croly.

Mr. Croly: Okay, that's it. Okay, thank you.

Mr. Carnicelli: That was your three minutes. Any questions for testifier? Awesome. No questions. Oh, wait, wait, wait, wait, wait. Kawika . . . (inaudible) . . .

Mr. Freitas: . . . (inaudible) . . . a question real quick. Thank you, Chair. I had a question about that 2.4.3 and it says no additional visitor unit.

Mr. Croly: Units.

Mr. Freitas: Units. Now you went right away to hotels and all of that. But I think this may be talking about everything except bed and breakfast. So it could be a smaller development for visitor.

Mr. Croly: Correct.

Mr. Freitas: I don't know what that could be. I think it's a pretty good section but they need to clarify what is an additional visitor units, break that down a little bit more specific.

Mr. Croly: Right. What, what is a unit? Is a unit a short term rental home? Is a unit a condo that has decided to, you know, make that use? Is a unit a hotel room or a timeshare? Yeah, there's a whole lot of different things.

Mr. Freitas: Because the bigger developments will be required to, to do the workforce housing. But maybe a smaller one may not, and I think it's good there. We shouldn't just assume that it's automatic that any kind of building has to unless I'm wrong. But just want to . . . (inaudible) . . .

Mr. Croly: But again, something like this would have to be code rather than an aspirational thing put into the plan. It could say have the Council create a law that says this, okay. But I don't think that the community plan in and of itself can create this as a requirement because essentially you're now rewriting code or creating code, if you will.

Mr. Freitas: Thank you, Mr. Croly.

Mr. Croly: Thank you.

Mr. Carnicelli: Any other questions for the testifier? Thank you, Mr. Croly. Deputy?

Mr. Hart: Chair, I received additional request to sign up during the, during break, in the interim. So the next name that I have is a Tammy Harp.

Mr. Carnicelli: Ms. Harp if you would unmute your audio, and if you wish, your video.

Ms. Tammy Harp: Hello? Can you hear me?

Mr. Carnicelli: Yes, we can.

Ms. Harp: Hello. Oh, all right. Mahalo. I just wanted to say mahalo to all who gave time and mana'o towards this 20 year community plan. And if I make anybody uncomfortable, don't worry because I'll be uncomfortable anyway, too. So I wanted to try to share my screen if it's possible. It's just a few slides and I want to be with in the three minutes, if possible. I'm not checking on this, but the screen broadcast . . . (inaudible) . . . broadcasts, I guess, is that it? Okay, and then I got to disappear and grab this. Can you, can you see?

Mr. Carnicelli: Yes. Deputy, are you . . . (inaudible) . . .

Ms. Harp: Are you able to see.

Mr. Hart: We can see.

Mr. Carnicelli: Yeah. There you go.

Ms. Harp: Didn't want to --. Yeah because I have to read. Anyway, I'll just do a quick one on this. Excuse me. Sorry.

Mr. Hart: It might be easier for you to do into the presentation mode.

Ms. Harp: Oh. Is it better you think?

Mr. Hart: It's okay. Just, just proceed.

Ms. Harp: Okay, thank you. Oh wait, is that this?

Mr. Carnicelli: There you go.

Ms. Harp: I don't know how to advance it. Sorry. Oh, okay, I got it. It's advancing on its own. Sorry. Okay. Oh, I guess I slide it. Okay, on policy framework, how will setting this goal affect our future? With this goal -- this is that paragraph in there, yeah. With this goal West Maui is committed to supporting improved infrastructure systems for an adaptive and resilient community that meets the needs of residents and fosters responsible stewardship of West Maui's infrastructure.

Okay, my name is Tammy Harp. I am a lifelong shoreline gatherer, born and raised in West Maui's . . . (inaudible) . . . district. I currently reside a Puukapu Waimea . . . (inaudible) . . . I am participating as a protected person as defined under Article 4 the 1949 Fourth Geneva Convention. On 2.3 Goal, responsible stewardship of resources, culture and character. Why is it important? The second paragraph where . . . (inaudible) . . . natural resources where cultural resources in Hawaii. Without natural resources, traditional cultural practices could not happen. Taro couldn't be grown. Plants couldn't be gathered. Fish couldn't be caught.

This is my input that I rather see, if possible, or, or wordsmithing. But anyway, this is my mana'o. Historically, the land, sea and sky had an integral part within a community throughout Puukapu, Waimea, the Hawaiian archipelago. Without ecological respect of for natural resources, then traditions and cultural practices could not happen. Plants and marine life could not be gathered to heal nor sustain a community. Fresh water irrigation knowledge with taro cultivation would be non-existent.

Oh, this is my after-the-fact, the one about the condos because, you know, 1.1 there was a - the destination's was Kaanapali and Kapalua, but yet the condos in between, you know, it wasn't included as a worldly visitors destination, and I was wondering about returning visitors exempted as homeowners for these condos. But we're not going to talk about that because

that has to go through the County Council. And this is part of the Au Au channel here. You can see Lanai, and then there's the border, and this is all Kihei side. This is Uncle Les Kalululoi. . . (inaudible) . . . side, you know, anyway. Okay, and then you know where hills are quiet and still, and we are witnessing right now on social media where stewardship is kind of getting messed up above . . . (inaudible) . . . And you know, as a landowner –

Ms. Takayama-Corden: Three minutes.

Ms. Harp: -- you should try to, you know, but anyway.

Mr. Carnicelli: Thank you Tammy.

Ms. Harp: No, no, I just have a couple more, just, just pictures. And I just want everybody --

Mr. Carnicelli: Hang on, Tammy. Hang on, hang on, Tammy. Hang on. Is there any questions for the testifier? I have a question. Would you please finish your slide presentation?

Ms. Harp: Oh, thank you. Thank you. I appreciate it. Mahalo. And as far as after-the-fact permits, your Board of Land, DLNR, I have notified them, verbally in front of them, oral. And I'm sure some of people here on this might have been in the room when I did it. But the Mala nearshore and offshore . . . (inaudible) . . . Is that? And phased out and also the trail craft will also be phased out within this 20 year period because without the ocean ahupuaa system not going to work, you know. And -- but I'll just stop there and I thank you for giving me that extended time. And I'd answer any questions you folks may have.

Mr. Carnicelli: Thank you. Thank you Tammy, if you would, please stop your screen share that would be helpful. Great. Thank you so much. Any questions for the testifier? Thank you, Mrs. Harp. We appreciate manao.

Ms. Harp: Mahalo. Mahalo.

Mr. Carnicelli: Deputy Director?

Mr. Hart: Chair, the next testifier sign up is Kai Nishiki.

Mr. Carnicelli: Aloha Ms. Nishiki.

Ms. Kai Nishiki: Good afternoon, Commissioners, Chair. Kai Nishiki testifying. I am a bit concerned by the comments and suggestions made by Department of Housing and Human Concerns on the draft plan. During presentations made by the Planning Department resource people and technical data provided, the issue of social equity which is when resources in a given society are distribute unevenly was discussed. And the CPAC put forth recommendations in the draft plan to address this issue in West Maui to include requiring

charging stations for all multi-family residential developments, Policy 2.2.4. And requiring affordable housing projects, including projects using the 201H process to be near jobs, schools, transit, and services, and includes sidewalks, parks, bus stops and other infrastructure and pedestrian oriented design elements that create walkable and livable communities for all.

Policy 2.5.11 and accompanying action 2.18. Transportation is in the midst of a rapid transformation. We have a chance to improve mobility for those who have been traditionally left out and systemically discriminated against. Adopting policies to ensure the new age of transportation is equitable and environmentally sustainable would improve the economy, improve social welfare, and overall quality of life. From the Journal of Science, Policy and Governance, Tech Assessment, Social Equity and Transportation, Social Equity considerations in the New Age of Transportation, Electric, Automated and Shared Mobility. Quote, access to transportation is essential for people to succeed in our society as it provides access to employment, health care, goods and services. The current and historic transportation system has oftentimes been inequitable, especially for low income and undeserved populations. The many modes of transportation should be optimized and utilized so that it is accessible to the maximum amount of people in the most efficient way possible. This requires a deep understanding of the roots of systemic inequality in transportation and urban planning, and policies ahead of the evolving infrastructure required for advanced transportation technologies that ensure equitable access. Policymakers must not wait for the diffusion of this technology to implement policies, or it will leave the already underserved behind the same way other revolutionary technologies have in the past.

And from the Hawaii Public Health Institute, the built environment includes all the physical parts of where we live and work, and the built environment influences a person's level of physical activity. Inaccessible or non-existent sidewalks and bicycle or walking paths contribute to sedentary habits. These habits lead to poor health outcomes such as obesity, cardiovascular disease, diabetes and some types of cancers. I find it disconcerting that the department charged with the mission, quote, to support and enhance the social well-being of the citizens of Maui County, close quote, wouldn't advocate for social equity --

Ms. Takayama-Corden: Three minutes.

Ms. Nishiki: -- and support these policies and action items. In fact, they state just the opposite.

Mr. Carnicelli: Thank you Ms. Nishiki.

Ms. Nishiki: I'll wrap up with my final comment. I urge the commission to support these efforts --

Mr. Carnicelli: Any questions for the testifier? Great. Seeing none. Thank you, Ms. Nishiki. Oh, wait, wait, wait. Ms. Pali has a question for you.

Ms. Pali: Hi. Thanks for your testimony. Maybe you might be more suited to answer the question to just help us a little bit. I definitely understand. I have a 95-year old grandmother who is not mobile and she's isolated in her room. And without me seeing her, almost every other day, you know, she gets depressed and things, and so I totally understand why we need to have access. But what I think I was concerned about in regards to 2.5.11 is that for people who do have access to -- I mean, I know people who live in their cars actually because they can't afford rental places -- would we, would we make it so strong in regards to requiring all of these pieces? And if maybe an affordable housing project coming forward, if they were missing one item, are we saying that, that's okay? We're okay to not have the affordable housing project at all because it didn't meet one code? And that was sort of my question to Karen, I believe her name was. And so maybe you'd be better suited person. I'd like your opinion, please.

Ms. Nishiki: Thank you, Commissioner Pali. That question can be answered by thinking outside the box and being creative. And I think that the Department of Housing and Human Concerns can play a part in that. It seems like that department, instead of advocating for developer concerns, could come up with creative partnerships and look for ways to subsidize that critical infrastructure support that is necessary for the lower income challenged residents. And so I just think it's a matter of creativity, and instead of just saying, oh, well, it's either, it's either my way or the highway. As far as a developer in saying, well, if I if I can't, if I can't get away from, you know, health and safety concerns, like making sure that the roadways are wide enough so that fire department can go, go down it, that there's sidewalks, that there's bike paths, instead of just saying, oh, that's too expensive. Let's be creative. I'm sure that there are charging station companies and electric car manufacturers that would be happy to partner with the County to subsidize the costs so that it would, it would be cheaper for an affordable housing project by, by subsidizing the cost, either through the County or just as a goodwill effort now. I just think it does take some creativity.

Ms. Pali: Okay, thank you. I appreciate it. I was thinking more the lines on just available land areas. In my opinion that might be the hardest one is just available land area near these things. And so would you be in agreement with Karen that if the land is not available exactly where we want it, as long as they put infrastructure for transit system going to the new development, would that be satisfactory, in your opinion?

Ms. Nishiki: Hmm. Well, I think during our, our work in CPAC we really got to see that there is a lot of land that is available close to transit hubs, close to infrastructure, close, close to all of, all of the things that we're talking about. It's incentivizing the landowners to actually put in the kind of housing that our community needs instead of feeding the greed of developers who just want to develop expensive housing and sell it for the highest price. But there is, there is property and I can give an example. Within Lahaina, people are always saying, oh, we need we need housing, we need housing. And then they want to go and build housing out in Olowalu and Launiupoko where, you know, there's fire hazards and we're putting people in

danger and it's far from infrastructure. But there's lots of lands owned by the same developer, say, like in the Wainee area, near the Aquatic Center which is perfect for the development of affordable housing. And so we want to incentivize the development of affordable housing within these, these areas that are close to infrastructure and jobs. So I just I think it's, like I said, being creative.

Ms. Pal: Yeah. And I am looking at page 91 of this book, and I see the map and the different colors. Am I assuming it's the yellow areas that are, is labeled residential, those are the areas you're talking about? I think so, yeah. Okay, great, Kai.

Ms. Nishiki: Sorry, I have to have a look at what you're looking at.

Mr. Carnicelli: Commissioner Freitas.

Mr. Freitas: Thank you Chair. Aloha Ms. Nishiki. Point 2.5.11 must have been a very long discussion in CPAC because everyone seems to be talking about it. My question is, why is that paragraph singled out affordable housing projects? And why didn't it say all development, housing development? Was it because lux, luxury homes, which should also be providing this, is it already included in their rules for development? It seems like this was singled out intentionally. And again, I heard you say that these things are important or those that are unaffordable homes and low income housing to get exercise and, and all that. Why is it singled out for affordable homes? And why isn't there anywhere else that talks about the luxury homes requirement?

Ms. Nishiki: Thank you. Thank you for that question. And yes, I think that a previous testifier had kind of elaborated on that a little bit. And it, and it's that in luxury home developments, usually the developers aren't trying to cut costs as far as making sure that there's nice parks and sidewalks and wide enough roads for the fire department. Whereas in affordable housing developments, so often those things that that we're that we're talking about aren't included because they're trying to cut costs. And that's why we had such a large discussion about social equity and that people who are economically challenged, they're the ones who, who might not have a car and need to be close to a bus line or, you know, have children that they want to safely take, walk to a park on the sidewalk. And also, you know, in regards to charging stations, they need, I think there's a statistic that, like almost half of someone who is economically challenged, almost half of their cost, of their income is sometimes going to transportation. And so if we're if we're trying to provide equity and, and help economically challenged folks, then having access to a charging station that would help them save money on gas. And also having access to sidewalks and parks, and, and bus lines, and not having the development two hours away from their job. These things all, all help. And so we had wanted to make sure to, to support equity in our community that, hey, everybody needs to save money and everyone needs access to a walkable community. And that was kind of the intent behind that policy, and the including action items.

Mr. Freitas: Thank you, Ms. Nishiki. One more question. When you say bus routes and bus transportation, isn't that a County decision on where the routes go? And so you're saying that the developer now has to coordinate with County for route, bus routing? Is that fair?

Ms. Nishiki: Usually they do, they do consult, and there are discussions about where the bus shelters will be placed. And I can give you like a quick example. I lived in Wahikuli and when we had discussions in CPAC with, with the Department of Transportation, we were, we were saying, you know, Wahikuli really needs to have more covered bus stops and more bus stops that kind of work for that community. . . (inaudible) . . . economically challenged --

Mr. Carnicelli: Carolyn, Carolyn, can you please mute that person?

Mr. Hart: Peter. It's Peter.

Mr. Carnicelli: Thank you.

Ms. Takayama-Corden: Yes, I got it.

Mr. Carnicelli: Thank you. Go ahead. If you can summarize Kai.

Mr. Freitas: Thank you, Ms. Nishiki. I know you were trying to give an example, but that example is a little different because the development was already there and people were already living whereas you requiring something prior to without knowing what the real needs are. So that's why I had that question. Thank you.

Mr. Carnicelli: Commissioner La Costa.

Ms. La Costa: Thank you, Chair. Ms. Nishiki, thank you for being the Chair of CPAC. I know it was an arduous process, and you were there like a trooper, so thank you so much and I appreciate the opportunity to ask this question. So let's go back to 2.5.11, would you -- and because you were the Chair -- do you think there would be an issue if that word affordable were gone and it said require all housing projects irrespective of value? So that there is equity across the board and not just saying affordable to have it and we won't give any rules to the more expensive homes? If you've ever been to Kapalua Pineapple Hill Phase One, they don't have sidewalks. So I'm just saying, if you're looking, if you're looking at equity, would you be okay if that, if that were affordable, were gone and said all instead?

Ms. Nishiki: Yeah.

Mr. Carnicelli: Alright. Any other questions for the testifier? Commissioner Freitas.

Mr. Freitas: Ms. Nishiki, I personally think that that section is a little backwards and it really

should be all but affordable housing and low income shouldn't have to require through that. But every other housing development needs to.

Mr. Carnicelli: Kawika, we can save that for our discussion. I mean, right now is, is clarification of the testimony of the testifier. So you guys we're an hour and a half into this -- yeah, an hour and a half into this three and a half hour. Do you have any more clarifying questions for the testifier on her testimony? Awesome. Thank you, Ms. Nishiki. Well done.

Ms. Nishiki: Thank you.

Mr. Carnicelli: Deputy Director?

Mr. Hart: Chair, the final name that I have on the testimony list is Albert Perez.

Mr. Carnicelli: Mr. Perez, you're back. Please unmute yourself and if you wish, your video as well.

Mr. Albert Perez: Aloha. Can you hear me?

Mr. Carnicelli: We can.

Mr. Perez: Alright. I'm Albert Perez, Maui Tomorrow Foundation. And . . . (inaudible) . . . general, it's, it's our feeling that the Planning Commission should respect the hard work of the Community Plan Advisory Committee and the wider community that put so much time and effort into this plan. The current draft is the result of intensive and thorough discussion as well as compromise. This should not be considered an opportunity for a do over that will override the very clear will of the West Maui community. We strongly support policies regarding climate change and sea level rise. The reality is that the sea level rise will occur and if we ignore it and keep developing in areas that we know will be inundated, there will be huge private and public costs to deal with, deal with in the future. As well as demands for shoreline protection that will put the public trust shorelines against private interests. We can avoid this situation by adopting the policies under Goal 2.1.

I would also like to ask that you support the clear effort of --

Mr. Carnicelli: . . . (inaudible) . . . out Albert. Did we lose him, Jordan?

Mr. Hart: He's shown as being on.

Mr. Carnicelli: He disappeared though. Albert, are you there?

Mr. Hart: Chair, I do have an additional sign up if you want to give Albert an opportunity if he reconnects?

Mr. Carnicelli: Great. Yeah, let's go ahead and move on to the next testifier, and we'll come back to Albert.

Mr. Hart: The next testifier I have is Angela Larico. Lucero, I apologize.

Ms. Angela Lucero: Hello Commission, can you hear me? I'm sorry I'm . . . (inaudible) . . . Okay.

Mr. Carnicelli: Good morning. I almost said good evening, whatever it is.

Ms. Lucero: Good afternoon, Chairman and Commission. My name is Angela Lucero, and I was a part of the CPAC. And just to disclose, I do work for a Council Member Paltin, but I'm testifying on my own behalf as a member of the CPAC. I wanted first of all, thank you guys for all your hard work. I know this is not easy. And so I just appreciate your dedication and effort that you're putting in to reviewing the plan. I just wanted to speak really quickly. I've been listening to the testimony and I just wanted to provide just a little bit of context I think might be helpful. As you discussed, I think you might spend some time discussing 2.4.3, the no additional visitor units. And I'd like to say I think it's a little disingenuous to say that we're trying to bypass the code or add to the code. You know, the part of the community plan is to address issues specific to West Maui. And for us, I think, this is actually a good example of a policy where we started off really far as a group of 13 and kind of came together. And I won't say that nearly all 13 of us. But I think it was more than the seven needed to pass this policy that we ended up with concurrently building units. And I think the reason why we had so many people, so many of the CPAC members buy into this was because we all recognize that that there's an imbalance of visitor units to units for our residents. And so there was discussion at first of, well, the work force units need to be built first and then the visiting units can be built. And that's -- and we kind of talked and discussed and debated until we came to a place where most people could agree.

And I think the other thing to consider was something that an element of our conversation was that, yes, when that when, you know, you're developing more -- let's say a hotel is developing more units or adding more units, yes, they, they do have to provide these units or credits. But it ended up being this nebulous where, where, where are these units going? You know, when the new projects coming in where -- we don't see it. Is it on the other side? Is it, you know, where did they go? We wanted to see tangible units in our, in our area. And so that's how we arrived at that policy.

And I know -- I just also wanted to add for the last discussion with taking out the word affordable and just requiring all housing units to be near transportation and connectivity. I support that. I live in Napili and I would really love to be able to walk places, but I can't because I'm scared I get hit by a car on the lower road. So anyways, I appreciate all your hard work,

and I just thought I'd try to provide some context, maybe help your conversation later. Thank you.

Mr. Carnicelli: Thank you, Angela. Yeah, the lower road is brutal for pedestrians. Any questions for the testifier? Thank you very much and thank you for your dedication. Is Mr. Perez back?

Mr. Perez: I am back. And I actually went through my whole testimony. I'm not sure how much of that you heard.

Mr. Carnicelli: Well, I think you started 2.1 and today we're talking about 2.3, 2.4 and 2.5. So if you've got those lined up and teed up, then go to those.

Mr. Perez: Well, I was --. Did you hear the part about the climate change and sea level rise?

Mr. Carnicelli: We did.

Mr. Perez: Okay. I'll just start in the paragraph before that. I want to ask you to support the clear effort of the CPAC who used very specific and strong language that cannot be ignored. Shall and require they give the community plans teeth and enforceability that they need. I was speaking of -- did you hear all that about the . . . (inaudible) . . .

Mr. Carnicelli: Yes.

Mr. Perez: Okay. So I was actually addressing 2.5.11 about the requiring affordable housing projects to have sidewalks, etc. So if the developer --. Can you hear me?

Mr. Carnicelli: Yep.

Mr. Perez: Okay. So if a developer claims that they cannot make a pencil out, then the County has the option of kicking in to help provide the sidewalks, the parks and other requirements so that quality of life is maintained even in affordable communities. And there are developers who specialize in quality affordable housing, and there's one before the Council today. So these developers know how to provide nice, affordable housing and they specialize in it. We need to encourage these types of developers instead of allowing 201H exemption projects that provide the minimum of affordable housing while maximizing profit from the market portion of their development, in the meantime, overriding the will of the people as expressed in the community plans. Thank you

Mr. Carnicelli: Thank you, Mr. Perez. Any questions for the testifiers? Okay none. Thank you, Mr. Perez. Jordan, do we have anybody left that wants to testify? And if so --

Mr. Hart: Chair, I received one final request from a Peter with no last name so please state first and last name when you're . . . (inaudible) . . . your testimony.

Mr. Carnicelli: Okay.

Mr. Peter Martin: Can you hear me? Hello?

Mr. Carnicelli: Yes, we can hear you. Please state your name for the record.

Mr. Martin: Yeah. My name is Peter Martin.

Mr. Carnicelli: Hang on. Hang on a sec. Hang on a sec. Is just guys, full disclosure, Peter Martin is one of the members of the LLC I work for. So just for the sake of this testimony, Christian, I'm going to have you go ahead and take over the chair of the meeting and I'm going to step off and you can take his testimony, and you guys can ask him whatever questions you want. So I'm going to go ahead and step away because he is a member of the LLC that I work for.

Mr. Tackett: Good afternoon, Peter. You can go ahead and proceed with your testimony.

Mr. Martin: Thank you. You know, I've attended -- my name's Peter Martin -- I've attended many of the CPAC meetings. I have a few issues. One, my business and my, what I'm concerned about is affordable housing and a lot of other things. But that's what I've been focusing on. And I came to Maui, everybody, a lot of people heard my story -- bore us to death -- but I came to Maui to pick pineapple in '71. And by the way, I lived in a \$15 a month rent up in on Office Road, and we didn't have any sidewalks. Then my next place, every place I lived, never had a sidewalk. I have to say in our developments, I believe I'm the number one affordable home builder right now on Maui, which is not very much competition to me. And I got a number of projects I'd like to do. I keep getting turned down by the Council for a number of reasons. And one of them we've --

Mr. Tackett: Peter, Peter you're going to have to go closer to your mic. I'm losing you.

Mr. Martin: I'm sorry. Is this better?

Mr. Tackett: Much better. Thank you.

Mr. Martin: Okay. I'm sorry. I'm learning this game or this . . . (inaudible) . . .so might get cut off because of three minutes. But, I am one of the few people that have built houses on West Maui, and I've been building them a long time and I'd like to build some more. I think the idea of saying that they should be near transportation, you know, I came here in '71. I was out in Honokawai, out in Napili, different places, and we didn't even have a car. We got around. I know it's a little illegal to hitchhike, but that's what we did. I think we need housing. To have

the idea that we can't build houses in Olowalu, I'm sitting in Olowalu right now. It's a great place to live. My daughter lives here. Her children live here. CPAC members live here. The . . . (inaudible) . . . live here. People love live in here. Can we let them live here? That's my testimony.

Mr. Tackett: Thank you for your testimony, Peter. Does anybody have questions for Peter? Thank you. I'm going to I'm going to turn the chairmanship back over to Chair Carnicelli.

Mr. Carnicelli: Can you hear me? I got, I got muted.

Mr. Tackett: Yes.

Mr. Carnicelli: Thank you Vice-Chair Tackett. Jordan, do we have anybody else? If not, we need a potty break.

Mr. Hart: Chair, that's the last testifier that's reached out to me on the chat director and notification.

Mr. Carnicelli: Okay. So if there's anybody else that would like to testify, please speak up now or forever hold your peace. Going once, going twice. Okay, so if there are no objections, I'm going to go ahead and close public testimony.

Mr. Hart: Chair, somebody saying -- Faye McFarlane, your opportunity to, to do public testimony is now. She just sent me a direct message on whether or not there can be testimony after the break. I don't think that's the case. So if you're intending to testify, please come forward. Okay, that was the last one that I had.

Mr. Carnicelli: Okay, great. So if there are no objections, we're going to go ahead and close public testimony. Seeing no objections, public testimony for today is now closed. And we need a break. We've been doing this since nine o'clock this morning. So tell you what, ten minutes, guys? Is that good?. Okay, let's come back at 2:56 p.m. So right now Maui Planning Commission, special meeting of August 11<sup>th</sup>, 2020 --

***(The Maui Planning Commission recessed at 2:46 p.m., and reconvened at 2:56 p.m.)***

Mr. Carnicelli: Good afternoon, everyone. Maui Planning Commission Special Meeting of August 11<sup>th</sup>, 2020 is now back in session. We finished public testimony. So now I guess we'll just go ahead and start with Goal 2.3, and move forward. And we'll do it the same fashion with which we did two weeks ago. But, guys, just to let you know, we just took two hours of public testimony in our three and a half hour meeting, so we've got an hour and a half left to cover 19 different items. So we're looking at, like, three minutes per or something like that. I'm not saying that we have to do that, but I think it's going to be imperative that we're efficient. I'm just as guilty of getting lost down the rabbit hole. So there's something that, you know,

we're all in agreement on, we can just take it and move on. If there's something we want to turn on, we can. Kind of like last time we get stuck too much on something, I think what we'll do is we'll bounce out of it and move on. With that being said, Ms. Maydan, you're, you have the floor.

Ms. Maydan: Thank you, Chair. Aloha Commissioners. So Chair, just some clarification from you. You had asked me a question regarding Policy 2.4.2 and had asked me for some information and my Director gave some guidance on how to respond to it. Do you want me to do that now or do you want to just jump into the policies in 2.3?

Mr. Carnicelli: Let's just, let's just jump in. And when we get to 2.4.2, we'll, we'll deal with it then.

Ms. Maydan: Okay, great. And I have come -- so for today, I've received recommendations from the Department of Parks and Recreation, Housing, and from you, yourself, Chair, as well as Commissioner Freitas and Pali. And I've combined those into one table and I can share that if that is most convenient for your Commission's review. I can share that table with the recommendations, and if you think that's helpful.

Mr. Carnicelli: When you guys -- you want to go to just go to the actual item and then --? I mean, I know I put recommendations in, like changes, but I don't know if other people did. So if it's helpful, great. If not, then we can just do something. I mean, we've all got it open in front of us. So maybe we can try it if we need --

Ms. Maydan: Okay.

Mr. Carnicelli: -- to ensure that we can do this.

Ms. Maydan: And just one last thing I want to note is also on the call today is Kate Blystone, who is a planner that went through CPAC with us, as well as Annalise Kehler, who is our cultural resources planner and can ask any . . . (inaudible) . . . to answer any questions regarding the CRC and their process and authority.

Mr. Carnicelli: Did anyone find her water bottle?

Ms. Maydan: No, I don't think so.

Ms. Kate Blystone: No, I did not. Mr. Carnicelli.

Mr. Carnicelli: Okay, I'm just curious. Alright, sorry, go ahead.

Ms. Maydan: Okay. In my list, the first comment we have is on page-46 regarding Policy 2.3.2. This comment comes from the Department of Parks and Recreation. And their -- well, the

policy is gulches as identified in the map in Figure 2.3 of this plan shall remain in open space and no new permanent structures shall be developed in or within 100-feet of the top of the bank of identified gulches unless low impact development strategies are implemented to prevent storm water runoff. And the Department's comment is that gulches should not be used for parks credits when development is required to comply with Maui County Code 18.16.320. I contacted Parks because this didn't quite make sense to me. I wasn't sure if they were asking for an additional policy. And when they responded, they said disregard their comments. That their comment is covered -- is already addressed in Code. So they said disregard their comment.

Mr. Carnicelli: Boom, one down.

Ms. Maydan: There you go. Nice and easy. Okay, moving on, same page, page-46, Policy 2.3.3. This is your comment Chair. You say define wetlands as per question mark. Is there a map, study, agency, etcetera that defines wetlands? Please reference that. The policy is protect ocean stream water quality by requiring that wetlands be preserved with vegetative buffer areas that are adequate to protect them from pollutants. So...through --

Mr. Carnicelli: Is it, is it --. I'm sorry, go ahead. Go ahead.

Ms. Maydan: Through our work, we were not able to find an adequate or accurate wetlands layer, so a map would not be advisable. We could reference, as defined by Section 404 of the Clean Water Act as that is where wetlands are created.

Mr. Carnicelli: Easy. There you go, I'm good with that. You guys good with that? Any objections to defining it? I just think it has to be a definition. I mean, you just can't just say wetlands, right? Because it's like, well, what does that? Somebody could just point to say that is or isn't? We don't want somebody saying it's not when it is, and we don't want somebody saying it is, if it's not. So if it's, if it's defined somewhere, then great. Let's just say as per . . . (inaudible) . . . Commissioner La Costa?

Ms. La Costa: I was just going to ask Ms. Maydan to please repeat the section of the Federal Code where wetlands is defined. Thank you.

Ms. Maydan: Section 404 the Clean Water Act.

Ms. La Costa: Thank you.

**Policy 2.3.3 – To define as Section 404 of the Clean Water Act approved by consensus**

Ms. Maydan: Next comment is on page-47 regarding Policy 2.3.6. The policy reads required development of pools within the SMA to use best management practices for cleaning and maintaining the pool, specifically prohibiting draining the pool water directly to the ocean and

encouraging utilizing pool water for irrigation on site. Your comment Chair is to insert new development and encourage existing developments after require so that it would read ...require new and encourage existing developments to abide by this policy.

Mr. Carnicelli: And again, this is kind of where, I mean and maybe I'm splitting hairs and you guys can tell me . . . (inaudible) . . . But this is sort of where I go back to who is the enforcement agency of this, right? Who is going to enforce this new requirement in a community plan? When it comes to, again, how we practice, and it's new development, we can set requirements. But if you've got a development that's already in existence, this is a great thing to do. I get it. But how are we going to require something that already exists to now adhere to a community plan? Like that's the part where I'm just saying, okay, that's -- existing is encouraged, requires anybody that's new. If you guys are good with it, then great. And if not, then I mean, I don't, I'm not married to. This might change at all. Commissioner Pali.

Ms. Pali: So just for clarification, it reads require new developments and encourage existing developments with pool within special management area? Is that what you're saying?

Mr. Carnicelli: Right.

Ms. Pali: Yeah, I'm okay with that and --

Mr. Carnicelli: Commissioner La Costa. Okay.

Ms. La Costa: Go ahead Kellie. I'm sorry. I thought you were pau.

Ms. Pali: No, I am. I think it's great that the intent is to let everyone know that this is what the County's -- the community's wishes are. But as far as utilizing this to try to create code is different. And so I think the idea is, is reflected in that change. And then we'll let the Planning Department and the other people and the County Council who create Code they can kind of work on what they're going to do with the existing. So I'm okay with that.

Mr. Carnicelli: P. D.?

Ms. La Costa: Thank you, Chair. So as far as the pools and the evacuation of water, is there any delineation between chlorine and saline?

Mr. Carnicelli: I don't see it in the words. Just read it. It doesn't say -- I mean, there's no difference.

Ms. La Costa: Is, is there, is that something that should be looked at for new developments?

Mr. Carnicelli: I mean, if you want to go down that rabbit hole right now, we can. But I think for the sake of what the policy means, the intent of the policy is I don't care if it's saline or chlorine. You know, we don't want -- you know, we want BMP's in place, right?

Ms. La Costa: Yeah, I get it. I just know what chlorine does to ground water if you use it as grey water, so that's all.

Mr. Carnicelli: Good point. Are we okay with this change then? Any objections to the change? Okay, seeing none, consensus. Jen.

**Policy 2.3.6 – Insert required “new” development and encourage “existing” development approved by consensus**

Ms. Maydan: Okay, next comment is on page-47 again, Policy 2.3.7. It reads ensure Malu'uluolele Park is cared for in an ecologically and culturally appropriate way. The comment here is from Commissioner Freitas. His comment is to add restore Moku'ula and Loko Moku'honia. Our response here, if I may Chair, is that there is a lot of community passion, sensitivity, and disagreement on what should be done at Moku'ula. In working with many in the community, we learned that it would be most appropriate for the community plan to really support for caring for the area without specifically noting what should be done there.

Mr. Freitas: Thank you. Thank you, Jennifer. I, I attended one of the early CPAC meetings and I wrote that on the board as something I would like to have seen. But I didn't go to all and didn't hear the discussion. I understand what you're saying. That's good for me. Thank you.

Mr. Carnicelli: So then is there, is there a change? Is there fewer words then, Jen, or are we just going to leave it as is? There was, there was, like modifying --

Mr. Freitas: I'm retracting -- I'm retracting what I put in. Leave as is. Thank you.

Mr. Carnicelli: Okay. Okay, great.

Ms. Maydan: Okay. Next is again, page-47, Policy 2.3.11, Commissioner Pali noted that she wanted to discuss this policy.

Ms. Pali: I'll make it brief, and it wasn't really necessarily a requirement for -- I mean, a discussion for change. I just wanted to ask maybe it would be the Chair, but when we did our kind of training on Planning Commission, I guess we were just kind of hard core trained about views, not being something that we can take into consideration. So I just want to clarify. Obviously, I agree with protect view corridors and scenic vistas so I want to make that clear. But I guess I just want some foundation on, on that because it's also noted in another section in the design policy, on page-50 on Section F, minimize visibility from public right-of-way. And so I just want to, just clarification on that, please.

Mr. Carnicelli: You know, Jen, you want to read her my change on 2.3.12?

Ms. Maydan: Sure. So, yes, the next policy on the next page, 48, Chair suggests to change it to design landscape barriers along major roadways in such a manner to preserve all existing views of the mountains and ocean.

Mr. Carnicelli: And where I come from with that is like we do the SMA, right, a SMA that's what we're trying to do, right. We're trying to protect all views and typically landscape is what you know, like you miss, right? You go like, oh, they're just going to put up trees or, I don't know, a bamboo hedge or something like that. And the next thing you know, they're gone, so especially along the major barriers. But if it's not in the SMA, then at least it is covered here and in the community plan. So, you know, it's 2.3.11, protect the views and corridors of scenic vista is there. And then as far as designing landscaping barriers, so the landscaping along these same places have to preserve all of them. I mean I know what the CPAC did was, was to provide periodic views, but I'm saying all, all existing views. Why would we want to, you know, say periodic.

Mr. Hart: Chair?

Mr. Carnicelli: Yeah. Deputy Director.

Mr. Hart: Okay. Just one thing I want to point out, I'm wondering if Commissioner Pali is talking about private views don't, don't require consideration from the commission. It's a very critical point. And I'm wondering if potentially something like public -- protect public view corridors and scenic vistas could assist.

Ms. Pali: Thank you, Jordan. That's exactly what I'm talking about. Thank you.

Mr. Carnicelli: Jordan said it in a word. I said it in five sentences.

Ms. Maydan: So maybe the recommendation then Chair would be protect public view corridors and scenic vistas might be recommended.

Mr. Carnicelli: Any objections to that change? Seeing none. Consensus? Good job Kellie.

**Policy 2.3.11 – Insert “public” view corridors approved by consensus**

Ms. Maydan: Great. Okay, then moving on to the one on page-48, Chair, that you were addressing.

Mr. Carnicelli: . . . (Inaudible) . . . Jordan, should we put public in there too? I mean I guess, Jen, would have to -- design landscape areas along major roadways in such a manner as to  
—

Mr. Hart: That's -- that would be the discretion to the Commission. Because the difference would be whether or not every single roadway that comes before the Commission or, or is dealt with by the Department that requires consistency with the community plan is going to become a public roadway or a private roadway. And whether or not you want that to stand. I was just trying to point out that in the context of the Special Management Area, the private views or public views is not a consideration for you.

Mr. Carnicelli: Got it. So I guess the change of 2.3.12 is protecting all view versus periodic. Just say all public views?

Ms. Pali: Chair, I like periodic because there might be a situation where they can't block a certain area. Does that mean the road then will be built? You know what I mean? So I don't know. I like, I like the opening there.

Mr. Carnicelli: Okay. Yeah. Then suddenly they got to, just to do one thing they got to get a Community Plan Amendment. So, okay, I retract, withdraw my --.

Ms. Maydan: Okay, moving --. Sorry.

Ms. La Costa: I'm sorry. Back to 2.3.12, is there a way that we could say a manner to, to protect --. Never mind, I forgot what I was going to say. It was something about periodic and all. I was -- I had them in my head, but I'm all done. I forgot. Sorry.

Mr. Carnicelli: You got to go to a different color. You got to go to a different color. Go ahead Jen.

Ms. Maydan: Okay. Next is on the same page-48, Policy 2.3.13, which reads the marine and near shore environment in open space areas are important aspects of the region and should be protected and preserved. Habitat connectivity, watersheds, undeveloped shoreline areas and other environmentally sensitive land shall be preserved.

Mr. Carnicelli: I think that was me, yeah? I just want to know, define habitat connectivity. Because if we're saying it shall be preserved, right, so do we have to preserve it. What is habitat connectivity mean? Right because again if something comes before us, and we've got to say yes or no, did the habitat connectivity happen? What does it mean? Watersheds I get because there's going to be definition of that. Undeveloped shoreline areas, there's going to be a definition of that. Environmentally sensitive lands, okay, that's a little bit grey. But habitat, you know, I mean, that would be gray as well, but habitat connectivity, I don't know.

Ms. Maydan: Chair, I would say that for a major project that has to go through Chapter 343 review, has an EA, probably has a biological assessment if they are developing a large parcel of land. They are going to assess if there is critical habitat for any endangered species. So it would be -- it would be clear through that process. One thing we could do is we do have a list of -- we have a list of definitions of terms at the end of the plan. Perhaps your Commission would like us to add a definition of habitat connectivity in the list of definitions. It might be unwieldy to do it within the policy.

Mr. Carnicelli: I would agree. I would agree. I mean, I'm, I'm good with just a definition. Is, you know, or even if it's as per 343. Jordan, you got anything to add?

Mr. Hart: Thank you, Chair. First of all, I would not limit to HRS 343. And then the second thing that I would point out is that it doesn't necessarily state the difference between endangered species and any sort of species that has habitat. And so, you know, there is a definition of, of habitat connectivity just, just looking for it in Google. Potentially that could be worded, provide additional detail to that or --

Mr. Carnicelli: So, I mean, what's a wild pack of dogs?

Mr. Hart: Yeah. I, I understand what you're saying, and that was why I pointed out that the, the policy doesn't necessarily state that this is endangered species. However, you know, you could propose any amendments that you want or the Department could work on recommended language for you. Recognizing that we're taking on pretty serious issues of approximately three minutes an item.

Mr. Carnicelli: Right. No, I get it. I mean, if there's not the shall, then it changes, right? And I don't necessarily say like, okay, I want to remove the shall. But if the shall is not there, then it becomes grey and you go, okay, it's --. Let's skip it and come back. Just mark it. Tab . . . (inaudible) . . .

Ms. Maydan: Ok, same page, 48, Policy 2.3.16, Commissioner Freitas had a question about the requirement to consult with the Aha moku.

Mr. Freitas: Yes, thank you. This could be pretty fast. The Aha Moku Council website that I went on showed the old moku districts, both moku in West Maui are labeled here as Lahaina or Kaanapali, which is correct. But if there's a development in a town or area or auhupua'a within that one, is that the one that they have to go to? Because the way it's worded it looks like they can go to either one. And the, and that, that aha can, can talk to or make decision for the other moku. Could it be a little bit more specific and say the auhupua'a within Kaanapali Moku will be the ones to go to. They can always use the resources of the other members to help them, but leaving it open like that it's not very clear. What was a discussion on that? Were they okay with either one?

Ms. Maydan: Honestly, I don't believe there was discussion that was that specific. But I do believe that the intent was for it to be to the appropriate Moku. Absolutely, to defer to the appropriate Moku.

Mr. Freitas: Okay, if that's understood and that's how it was written and understood that's fine. I hope it's like that. That's all. Thank you.

Ms. Maydan: Okay, next one, we're on the same page, 48, Policy 2.3.17, Chair Carnicelli --

Mr. Hart: Chair, I apologize. Jen, I just want to back up, just for the record, is there going to be a clarifying language to, to specify that, or is it just re-established in this conversation, in this meeting that that's what it was understood to be?

Mr. Carnicelli: Pam?

Ms. Eaton: Yeah, it says right here. Maybe this isn't clear enough, but it says outgoing projects shall engage in consultation with the Ahu Moku o Maui representative associated with the project area. Is that not clear enough?

Mr. Freitas: Okay, that's fine.

Mr. Carnicelli: Are you okay with it Jordan?

Mr. Hart: If the Commission is okay with it, I'm okay with it.

Mr. Carnicelli: Thank you Pam. Thank you, Jordan. So 2.3.17, I kind of voice my concerns when Yvette who was testifying, right, when she brought up the CRC. Because my whole thing was this, this whole design policy thing, it fits nowhere. Like where --. You know, Jordan, is there a Department within Planning, is there a process within the Planning Department with which somebody went --- or even Public Works -- with which somebody wants to go get a remodeling permit and they've got to figure out whether or not they adhere to these four pages full of --.

Mr. Hart: Let me say a few things and then Annalise is here that can kind of speak more directly to the process that an applicant experiences. The first thing I do want to say is I completely recognize your concerns about whether or not this is the best place in the world to put this information. But I also recognize that where we are at this point and at this opportunity that we have with this document, this would be a very good and effective place to also have this material. And basically, like there can be a longer conversation about funding cycles and how the Department does projects where we might take on the best, most comprehensive report to put an analysis like this in. But I think that for the interim time period, it would be good for us to have it. But with that, I want to have Annalise --.

Mr. Carnicelli: But if you've, but if you're saying interim --. But if you're saying interim, this is going to exist 30 years from now. So we're throwing something that's like a band-aid that's going to be here 30 years from now, we're going, all right, well we've still got this thing here.

Mr. Hart: So let me first clarify this that they are not supposed to last for 30 years. And I'm really interested in seeing the Department be on schedule as indicated by County ordinance. That's number one. But number two, you would be surprised how much development can occur in the time period before the Department gets to the top of the queue with any kind of funding request that we might want for new design guidelines for West Maui or Lahaina Town, or the Lahaina National Historic Landmark District. And having this in the community plan for an area that is almost entirely within the special management area really helps guide development that would be consistent with preserving the integrity of the Lahaina National Historic Landmark District and various other goals that we have in the County. So recognizing your considerations, I do want to just basically say that I would encourage you to consider it. But, but, Annalise can get you more feedback.

Mr. Carnicelli: Well, before we go to Annalise then. The other part because, again, I just, I'm going down a process. And I look at what would trigger -- what is the trigger for this, for someone to have to adhere to this? Because I don't see it. Like, I mean, I get all the things you're saying is like, okay, we'll leave it in the community plan because it's a good place to put it, even if it's a place holder right now. But what's the trigger? Because I look at this, there's no shall, there's no must, there's no, you know, . . . (inaudible) . . .

Mr. Hart: An obvious trigger would be a special management area use permit, and that could be a major or a minor. There needs to be consistency with land use regulation like all the existing governmental plans. And so that would you know, this would be part of the analysis and it would be in the community plan as opposed to, let's say, an un-adopted design guidelines or generally trying to interpret the Secretary of Interior's getting the full name of the document, but it's guidelines for renovation of historic facilities or structures.

Mr. Carnicelli: Okay, thank you Jordan. Annalise?

Ms. Annalise Kehler: Sorry, it won't let me unmute my video. Can you hear me?

Mr. Carnicelli: We can.

Ms. Kehler: Okay, great. Thank you. Okay, so I just want to point to Action 3.16 on page-146, which recognizes that the design policies contained in this plan will be taken and then developed into a formal design guideline document. But like Jordan said, this is an interim step. And it will be a very hopeful interim step, especially because like Commissioner Celiz explained the community plans and the general plan are set up in a manner in the county code to be used by the Cultural Resources Commission in their design review work. So when they review projects in a national historic landmark district, which encompasses a special

management area as well, using this community plan until we can get the document, a formal design guideline document updated and adopted would be incredibly helpful.

Mr. Carnicelli: Okay. I'm good then. Anybody else wanting changes to 2.3.17? Commissioner La Costa?

Ms. La Costa: Thank you, Chair. I would like to see something in here about signage. You talked about just as we just looked at the chart on page-146, that has nothing about signage. And I know the County has signage requirements and I know the historic signage requirements. But when you go down Front Street, if you want it to be historical, you see buildings that have neon lights and you have the things that are not historical. And I think that that definitely needs to be something in here. And I'd also like under 1F, I'd like to know did says previous additions or changes to buildings it should be evaluated for historic significance. Changes that have gained historic significance should be retained and preserved. There is nothing in here about what happens if they are not historical significant - - significant historic -- excuse me. Do we need to add something in there about that?

Ms. Kehler: Would you like me to respond?

Mr. Carnicelli: Yes please.

Ms. Kehler: Okay. So about the signage, we did not address signage because the Commission adopted brand new design guidelines for the signs for County Historic Districts One and Two in 2015. And so we feel that signs are very much already covered. Whereas design policies are not as well covered in other documents. And enforcement is a challenge in Lahaina so what you're seeing there is because it's there's a lot of activity, and it's constant. And, you know, before Covid especially, it's just, it's more of an enforcement issue than a guidance issue, I think.

Going on to the discussion about addition. So your question was about why happens if, again, an addition is not significant? Then then it can be removed, basically. But if you're a building in addition, then it should comply with the rest of the design guidelines here for additions, if that makes sense.

Ms. La Costa: It does. Thank you. I didn't see any remedy. That's why I asked. Thank you.

Mr. Carnicelli: Awesome. Jen?

Ms. Maydan: Okay Chair, just to confirm, no changes here, correct?

Mr. Carnicelli: Correct.

Ms. Maydan: Okay. Thank you. Okay, we are now moving on to Goal 2.4.

Mr. Carnicelli: Yay.

Ms. Maydan: Congrats.

Mr. Carnicelli: Not bad guys. Not bad.

Ms. Maydan: Okay. First comment is on page-56, Policy 2.4.2.

Mr. Carnicelli: Alright. So why don't, why don't you go ahead and address what two testifiers have addressed . . . (inaudible) . . . when I asked you.

Ms. Maydan: Yes.

Mr. Carnicelli: . . . (inaudible) . . .

Ms. Maydan: Okay. So the question from a few testifiers, written and verbal, and a question from Chair Carnicelli was why is 2.4.2 included when, when people have noticed that it was perhaps not adopted by CPAC. And the explanation here is that the Department develops a draft plan, and the draft plan evolves through the review process, through CPAC, through Commission, through Council. And so the CPAC makes changes by way of just like your body, by way of consensus or majority vote. And if the CPAC didn't discuss an item, whether it was a paragraph, a policy, an action, if they didn't discuss an item or it didn't get a majority vote to make a change or to delete it, it was kept as written by the Department in the draft plan.

So that is the case with 2.4.2. The CPAC discussed it. One of the members made a vote to delete it. That vote did not pass. A member made a motion to amend it. That did not pass. And a member made a motion to adopt it, which wasn't necessarily necessary, and that didn't pass. So the language stays as it was in the draft as written by the Department. And another explanation is also at the final meeting of CPAC, they didn't take a final vote to transmit the draft plan with all of their recommendations to your Commission to review. And that concluded their review process, and they were handing off the draft to you.

Mr. Carnicelli: So Commissioner, fellow Commissioners, this is just so we're I had an issue with this. Get that if something comes to us and we vote to remove it and that fails, it stays. Makes sense. We vote to amend, it fails, it stays. But we vote to affirm something like we want it and it fails, that I don't agree with it that it stays. I mean, I'm just disagreeing with the Department right now in their assessment of that, which is fine. But that's just where we are now. That's how I got here. So that's just addressing what has kind of come up from different testifiers. And I want to be sensitive to testifiers and what it is their concerns are. Whether it should be there or not, it is. Here it is. And so it's for us to deal with.

My first comment on this is it's in the wrong place. It should actually be in Goal 3.6, not 2.4 because it's not a -- it's not dealing with economic opportunity and innovation through collaboration. It's just in the wrong place. Anyways, but that being said, I think that a couple of you also had questions, comments or concerns about 2.4.2. Testimony, does anybody have comments, questions, concerns? Commissioner La Costa?

Ms. La Costa: Thank you, Chair. When it talks about the, the Maui Island Plan growth boundaries and limit conversion of ag lands within the growth boundaries to urban and rural designations in West Maui unless it can be demonstrated that the conversion is required to accommodate population and employment projections for the region. Couldn't that be used by any person to say this is absolutely necessary, so therefore we have to take ag lands out of ag and change them to rural and urban?

Mr. Carnicelli: Jordan, Jennifer?

Mr. Hart: Jen, maybe, why don't you go ahead and --

Ms. Maydan: Sure. I would say that a project could put forth an argument that their development is necessary to accommodate projected population and employment projections. But they would really have to have the data to support that. They would have to be shown that the lands within the urban growth boundaries are not sufficient to accommodate the population growth, and it really would be a matter of numbers. And what we have within our growth boundaries really is more than sufficient to accommodate population growth. So it really, it wouldn't just be a statement and a project will be able to go forward because they say my project is needed. It would have to be supported by evidence as it goes to the . . . (inaudible) . . . with the Department, Commission, etcetera, Council.

Ms. La Costa: Okay, thank you Jen.

Mr. Hart: Chair or Jen, one, one thing that is not really clear to me is that I'm not seeing how it's procedurally possible to do land use designation changes. Like let's say you want to do a community plan amendment outside of ag without doing a Maui Island Plan Amendment. I'm not following that theory on the way this thing is worded. Like I don't see that there's a procedural possibility.

Ms. Maydan: I'm sorry. I don't think I'm understanding your question.

Mr. Hart: Okay. Prohibit conversion of agricultural lands outside of the Maui Island Plan's growth boundaries. So how, how would you go about converting ag land, something that zoned ag, community plan ag, state ag, without having Maui Island Plan amendment first. Like how do you, how do you change the community plan first?

Ms. Maydan: I mean you wouldn't, right.

Mr. Hart: Right.

Ms. Maydan: You would need MIP amendment or concurrent amendment. This is really --

Mr. Hart: So it really reads to me like if you, if you, if you don't get a MIP amendment then you can't get a community plan amendment. It seems. Is am I --? It's completely possible that I'm not understanding this because I read it a couple of times, and I saw the comments that were coming back and forth, and I wasn't really understanding what the, what the concern about the language was. And so I just wanted to clarify is there is something missing in there.

Ms. Maydan: I'm honestly trying to remember the, the origins of this policy. And if Pam or Kate have a better way to explain it than me, please pop in and chime up. But I think this was really meant to support the Maui Island Plan and really speak towards the desire to direct growth within the growth boundaries, and not to have growth outside of the growth boundaries, the whole point of the growth boundaries in the Maui Island Plan. I do see what your question is. I see Pam just popped on.

Ms. Eaton: Yeah, that, that's exactly it. And I think what this is doing and the attempt of this policy and therefore objective was to sort of narrow down. So we're not talking about an MIP growth amendment, we're talking about what happens in terms of community plan land use designation. So it drills down further than what the MIP can do, and further support of a lot of the testimony that was going on at the time.

Mr. Carnicelli: So is --. I'd like to talk about this in two different parts because of the first sentence, it's two parts, right? We go like, okay, prohibit conversion of ag lands outside the MIP growth boundaries. Okay, so that's outside the growth boundaries and then it addresses inside the growth outside boundaries. Outside the growth boundaries, Jordan, what is outside the growth boundaries as far --? There's only two things.

Mr. Hart: Yeah.

Mr. Carnicelli: Ag and conservation. And so the fact that they're talking about this is it's a redundancy, right? It's, it's, it's, it's, like it's a non sequitur, right? This is go like, okay, well, oh, we can convert conservation lands but we can't convert ag lands. I mean, that's what this is saying. So I mean, I just remember the conversation that was being had and this is nothing disparaging, but it's just like when CPAC was talking about this, it's, you know, it's people that don't understand the process. Like, you know, you picked up on it right away, Jordan, right. You just go like, okay, how does the ball bounce here? I get what the intent is, right? The intent is to say, hey, listen the growth boundaries of there, build inside the growth boundaries. But again, I'm, I'm talking about process. So to say that, okay, the only thing outside the growth boundaries, literally on the whole island, is ag and conservation. We're only addressing ag to show us a lack of understanding. So then we go to, okay, limit conversion

of ag lands within the growth boundaries to urban and rural designations in the West Maui, unless it can be demonstrated that. Well, we have 14 different designations and now we're saying, okay, the conversion inside can only be two of those 14. Again, it just shows a lack of understanding of the process, you know, to go like, okay, if it's inside, it can only be two of these designations. We've got 14 when it's out. It can be conservation, but not ag which is the whole thing. This whole thing is goofy.

Mr. Hart: Can we clarify, though, Chair or Long Range? When it's talking about urban and rural, is that talking about Maui Island Plan growth boundaries, or is that talking about State Land Use District?

Mr. Carnicelli: . . . (inaudible) . . .

Mr. Hart: Wait, one second. What was that?

Ms. Maydan: You're asking about within the second -- the first sentence after the comma, and limit conversion of ag lands within the growth boundaries to urban and rural designations in West Maui?

Mr. Hart: Yeah.

Ms. Maydan: Referring to, to community plan designations that are urban and rural type. So it's basically all of the committee plan designations besides ag and state conservation.

Mr. Hart: So okay. So to --. I guess let me look at the list of uses again. Okay.

Ms. Maydan: So the first part, prohibit conversion of ag lands outside of the MIP growth boundaries, that's really speaking towards saying that the community doesn't want growth outside of the growth boundaries. I mean, that is the point to the growth boundaries. That was the Maui Island Plan, and it's just kind of reaffirming and saying we don't want growth outside of the growth boundaries. Within the growth boundaries conversion of ag lands to any other designation, any other sort of urban or rural type designation, should only happen if that project, if that conversion is absolutely required to accommodate population growth, job growth, or if it's necessary to retreat uses from the shoreline.

Mr. Hart: Okay. One follow up question. Is there a place that delineates the community plan use designations between like bi-rural and urban specifically? Like in a scenario where this comes with this condition comes into play or this policy comes into play?

Ms. Maydan: I don't believe that is mapped out in the plan. That is mapped out in our presentations that we have given to stakeholders when we have introduced the new land use designations. But I don't believe we have that mapped out in the plan. I would say . . . (inaudible) . . . intuitive when you read the designations that there are ones that specify that

they are, there's ag. And there's ones that have rural in their title, and I would say basically the other ones besides conservation are urban type.

Mr. Hart: Okay. So, so one, one follow question that I would have, if the condition, if the policy was, was being pursued as it is, would it clarify to specify what those would be. Like rather - - and the reason like implied or intuitive is, is challenging is because you'll have a development project come in and they'll basically there will be a potential debate on what's implied or intuitive.

Mr. Carnicelli: Exactly. And so, and here, here's, here's, I guess I'm just going to kind to reel us back in a little bit is we're now having a conversation with a long range planner who has an MBA. I believe -- don't have you have a Masters, Jen?

Ms. Maydan: Yes, Chair.

Mr. Carnicelli: Okay, and Jordan Hart who grew up doing this, used to own a business, is the Deputy Director, does this for a living for a living for 20 years; myself who does this for a living, and we can't figure this out. And we're asking the Maui Planning Commission to say, oh, should we adopt this or not. So I think at this point we're going kick out because we're having a conversation at 50,000 or actually maybe one foot, not 50,000 feet, that doesn't include conditions that are supposed to make the decision on it. Can't come to a consensus. So I think what we need to do is just move on and revisit. So, anyways, is because this conversation is not going to be memorialized when somebody comes, you know, to, to implement this at some point in time where we might come to some sort of an understanding between us. But it's not going to --. Anyways, so let's just move on then.

Ms. Maydan: Okay Chair. Moving on, we are on the same page, 56, Policy 2.4.3. And Commissioner Pali noted that she would like to discuss this policy.

Ms. Pali: I think, as it was already brought up in discussions with some of the testifiers, I just wanted a definition on visitors, no additional visitor units.

Ms. Maydan: So in this, visitor units do apply to any units that are not resident. So it would include and it excludes B&Bs. That it -- it includes short term rentals, hotels.

Ms. Pali: So as an example, I think in the last 12 months the Maui Planning Commission approved the project in South Kihei and they were not partaking in any kind of vacation rentals. But I suspect they would either then be primary or second home. And so just as an example, then that would not fall under the 2.4.3?

Ms. Maydan: So if they were not looking to develop visitor units and their project did not trigger compliance with the community plan, then no, this policy would not apply.

Ms. Pali: So if it --

Mr. Carnicelli: Commissioner Thompson. Oh, go ahead Kellie.

Ms. Pali: If it's -- if it's the vacation rentals that you're targeting, would it just -- was it the CPAC, was it just their consensus to put the word visitor versus -- and target a person versus the use?

Ms. Maydan: The policy, the intent was definitely not to target a person. And I definitely wouldn't say that the target was more so visitor or vacation rentals over hotels. I think this conversation, if I remember correctly, this conversation much more started from and -- that the community really sees an imbalance in their, in the development of West Maui. That there is a lot of development --

Ms. Pali: Yeah, sorry, I'll go ahead and cut you off to save time. I totally, wholeheartedly support that concurrently developed for the workforce housing. So I just, I just wanted to question mark the visitor, but I think we're fine, we'll move on. Thank you.

Mr. Carnicelli: Commissioner Thompson. Then Commissioner La Costa, and Commissioner Freitas.

Mr. Thompson: I've got them all. So it's about the equal amount of work house units, which is really great in conception and idea. It's very lofty and all that. And years ago here on Maui, our Council, because they went to committees and they did all their . . . (inaudible) . . . outtakes, and so they wanted we need to do 50 percent affordable housing with anything they built. And then it shut down building because there was no money in it. So that's why I got reverted to 25 percent. And then -- but it made an adverse effects because nobody built so that made our supply and demand is going to control our prices, our availability. So with no more units, then it made prices go even more up. So that's why I got reduced to 25 percent. It wasn't because they want to cut everybody out. But like I say, it's great, we can put in there, sure, you know, you'll have a million workforce housing, but realistically for a developer, they'll never touch it.

Mr. Carnicelli: Commissioner La Costa.

Ms. La Costa: Thank you Chair. In --. This is a really tough one for me because I didn't get the definition of visitor. If I go someplace and I go to my home for two weeks on another, in another state, I'm a visitor because I'm not there full-time. So to me, there should be no additional visitor related units instead of visitor units. Because if you don't live here full-time, you're a visitor, even if you have a second or third home, right? Because we don't really have a definition of the word visitor. I didn't hear that from Jen and maybe I, I didn't listen well enough, but I didn't ever hear that. So I don't want this to be have people who come for their second or third homes, you know, to, to have some -- to have this restriction. Because a lot

of people buy homes for second homes. They buy them now. They paid them off by the time they retire and then they move over here full-time. But in the meantime, they either have long term rental or they're left vacant.

Mr. Carnicelli: . . . (inaudible) . . .

Ms. La Costa: Visitor dash related units. No additional visitor dash related units except bed and breakfast.

Mr. Carnicelli: What does that mean?

Ms. La Costa: Well --

Mr. Carnicelli: How about this P. D., what we change the visitor to transit accommodations?

Ms. La Costa: That works. Yeah, that's the same thing. Yeah. I'm good with that.

Mr. Carnicelli: Anything or anything less than 180 days, right, that's on Maui. Anything that rents less than 180.

Ms. La Costa: Yep. That works. Just as long as there's a separation.

Mr. Carnicelli: Commissioner Freitas.

Mr. Freitas: Thank you Chair. As that first line it says shall be permitted, and I'm not sure if we're covering everything by that portion of the sentence. Can it be shall be built or permitted? In some instance if there's a house there that is going to be permitted to be a short-term rental, the house is already there or the structure is there. But when it says no additional units, are we talking about building? Because the word later on permitted can also mean if it's already existing. So --

Mr. Carnicelli: You bring up a great point because is it permitted as in getting a permit or permitted as in allowed? That's actually funny. I didn't think about that. That's a good point.

Mr. Freitas: I'm kind of gun shy trying to change things, but that one kind of stands out to me. Jennifer, can you respond?

Ms. Maydan: Yes. Thank you. I believe that the intent here was permitted as an allowed, not permitted as in permit process, because this, again, you have to keep in mind when these policies are applied, not every single development is required to comply with a community plan. It's only if they are triggered to comply with the community plan, like a change in zoning, subdivision, special permit, et cetera. So -- and Kate, please correct me if I'm wrong -- but I believe it said shall be allowed, would be the same intent as what's here.

Ms. Blystone: That's correct Jen.

Ms. Maydan: Thank you, Kate.

Mr. Carnicelli: You okay with that Kawika?

Mr. Hart: I'll just say that I think that permitting would be good because there's basically a permit that's issued. Whether or not there is an authorization to initiate a use --

Mr. Freitas: Or built.

Mr. Hart: Or built. Now the only exception to that would be existing nonconforming things which are existing and they're being addressed in an ordinance now. That would be allowed. Yeah, I can see where you're coming with what allowed.

Mr. Carnicelli: Okay, so right now, we have two, two different potential amendments. And that would be saying visitor . . . (inaudible) . . . shall be permitted to be shall allowed. Any other, other? P. D.?

Ms. La Costa: Thank you, Chair. When it talks about the equal number of workforce housing units are concurrently developed in the same sub area, what if there is no place for any kind of workforce housing to be built, or there is no conversion possibility in that sub area? It's like the hotels, you know, they, they buy credits instead of building houses. And I might be building a hotel in Wailuku, but I buy my credits from Lahaina because there's some land available there, so if this doesn't work. So I'm just -- I'll kick that one around the can for a while.

Mr. Carnicelli: So any other changes to this that anybody would like? Okay, does anybody have any objections --? Go ahead Stephen.

Mr. Castro: Yeah, what if the verbiage, in instead of the word shall, you know, may, maybe be permitted. Because shall means that that you can go ahead and do it. But if you inserted the word may, it's maybe and maybe not permitted.

Mr. Carnicelli: Well, we've got to know at the beginning, right? So the sentence starts with no, and then we go to shall. So I mean, we could -- okay, if you want to wordsmith it, we could change the no, and then put . . . (inaudible) . . . or something like that.

Mr. Castro: Okay, that's fine.

Mr. Carnicelli: Okay. Any other changes? Is there any objections to changing visitor units to transit accommodation units and that will be permitted to shall be allowed? Any objections. Seeing none, adopted by consensus.

**Policy 2.4.3 – Change to “transient accommodation units” approved by consensus**

Mr. Thompson: Just one question, Lawrence.

Mr. Carnicelli: Sure.

Mr. Thompson: That means no more hotels. That's it for West Maui?

Mr. Carnicelli: No.

Mr. Thompson: No. Okay.

Mr. Carnicelli: It just, it just means if there is a hotel, they have to build, they want to build a 100 units, you know, then they got to build 100 affordable homes. That's what it means.

Mr. Thompson: Okay, thanks.

Mr. Carnicelli: Which might effectively kill it. It might effectively kill it. That's the intent. The one for one. I'm not so crazy about concurrently because anybody that's, you know, worked the project and done project management is going to be almost next to impossible but --. Jen, what's next?

Ms. Maydan: All right. There we are finished with Goal 2.4, moving on to 2.5. So we are going to page-61, Policy 2.5.7. And this recommendation is from the Parks Department. Let's see...they would like to add...include proper infrastructure in the first sentence. They would like 2.5.7 to read promote the acquisition and development of parks that are consistent with department, the Department of Parks and Recreation guidelines, include proper infrastructure capable of meeting a variety of recreational needs designed to meet crime prevention through environmental design guidelines, promote health and so on and so forth. They just want to add in include proper infrastructure. And their explanation is that when a park site is acquired without reasonable access to infrastructure, development costs increased substantially. This makes it more difficult to secure funding, which could delay the initiation of park improvements.

Mr. Carnicelli: Any objections to the Department of Park's request for change? All right, seeing no objections, adopted by consensus. Oh wait, Kellie just turned her video on. We good? Okay we're good. Do you have 2.5.8? Because the testifier brought up that there's no Figure 2.4.

**Policy 2.5.7 – Park's Department comment to add “include proper infrastructure” to first sentence adopted by consensus**

Ms. Maydan: No, that is not on the list. But I can explain, Chair, that it is not a mistake that that is not included. Yeah, you're correct, on page-65, Figure 2.4, West Maui trails map as it indicates there, to be completed, to be added when completed. This is going -- this is an ongoing project that multiple people in the Department are working with the Department of Land and Natural Resources to develop this. We really hope that we are able to get this done. We were hoping we were going to get it done to transmit to your Commission, but that did not happen. There is a lot of research that goes into it. I see you holding up something. Is that your drawing?

Mr. Carnicelli: Yeah, I drew in mine. Mine has a figure now, so we're good.

Ms. Maydan: Nice. Nice. All right. Or was it your daughter's?

Mr. Carnicelli: Thanks. She actually draws better than I do. But yeah, we did it. All right, to be continued.

Ms. Maydaon: We're working on it.

**Policy 2.5.8 – Ongoing project with DLNR to develop maps.**

Mr. Carnicelli: All right. We're working on it, Figure 2.4, TBD, TBD. Got it.

Ms. Maydan: Yeah. Okay. Next on the list is on page-62, Policy 2.5.11. All right, the policy with lots of discussion. Commissioner Pali noted she wanted to talk about it. Commissioner Freitas had questions. Department of Housing has notes. You had question or comment, Chair.

Mr. Carnicelli: You know what, let's go ahead and start with, we'll go to Kellie and Kawika. Or, do you want to say -- what was...

Ms. Maydan: Housing?

Mr. Carnicelli: Yeah. Do they have any specific recommendations or more was it like kind of a comment?

Ms. Maydan: No. They did not, Chair. They just had concerns about requiring projects, 201H projects, and 2.97 projects requiring them to include sidewalks, et cetera. They just had concerns basically that additional requirements equal additional costs. And I'll just note that this was discussed quite a bit at the CPAC. This was, this has been discussed in many different projects between Planning and the Department of Housing. We generally push for more inclusive, more complete communities. I think the testifiers, including CPAC Chair and Karen spoke to it very eloquently. This is really a matter of equity and really providing opportunities for those most vulnerable in our community that need sidewalks, that need

access to transit, that need to be able to walk to schools and possibly to stores and jobs. This, just one thing I want to say is this is not mutually exclusive. Providing sidewalks does not equal a non-affordable project. We can provide good projects with these elements, with sidewalks, parks, etcetera, we can provide these for people in affordable housing projects. I completely agree with Kai that there are creative ways to do this, but that's all I will say. Thank you, Chair.

Mr. Carnicelli: Thank you. I think it might be helpful if we attack this in a way that's not, you know, okay, maybe what we do is just say, hey, this is the, this is the change I want and then we can discuss the change because I think this is a philosophical disagreement. I think that everybody agrees with the intent, right? Everybody wants affordable housing projects to be cool, near stuff. You know, you can't see the difference between an affordable projects and a market rate project. You wanted to have all the stuff, right? So then this is basically just how do we get there? Do we require it or then do we just say, hey, listen, this is going to kill it? You know, so this is a philosophical question, I think. You know, I don't know how you guys feel about it, but let's go ahead and I'll start with Kellie and --

Ms. Maydan: Chair, may I make --? Can I make one more comment of clarification? It was brought up shouldn't this be for all projects? And I will just point out that on the previous page, 2.5.10 speaks to supporting development of pedestrian oriented complete communities for all projects. So that speaks towards all projects. And I will also just point out that the wording in 2.5.11 does provide some flexibility with words like near, and with words like include. It's not saying sidewalks on every single road. It's just saying that these elements need to be considered, and to the extent possible, included in these projects. Thank you.

Mr. Carnicelli: And that was -- that was that was going to be my thing because it says require. Then it says near and include, which means, but you're nebulous. So it's like so what does it mean required that it's near? Anyways, Kellie and then Kawika.

Ms. Pali: Chair, I'm still making notes, so if you can circle back and get me, please. Thank you.

Mr. Carnicelli: Okay. Kawika?

Mr. Freitas: Thank you Chair. Gosh, I don't know where to start. And one of it is the, the wording on 2.5.10 and 2.5.11, the first word one is support and one is require. In a 2.5.10, it uses vague words and language like recreation, and convenient, and safe mobile. Yet the one in 2.5.11, very specific. We want sidewalks, bus stops, parks. If you put a park into a affordable housing area, what's the description of the park? How much square feet do you need? What kind of park? Dog park, a walking park, running? What's a park? This one needs a lot of work. I'm sorry. It's a mess. Just, just on those things. And I go back to I still think it should be for all because you did share the one before and maybe 2.5.10 and 2.5.11 should be broken down and be a little bit more specific. One is vague. One is very specific. If -- I

agree with the Housing Department, it's kind of punishing us trying to get affordable housing projects off of the ground. That's what, that's what I would like to share. So first of all, why is one support, and one is require? And why is one vague and one is very specific?

Ms. Maydan: Chair, if you'd like, I could respond and provide some clarity.

Mr. Freitas: Okay, go ahead.

Ms. Maydan: This is because as it notes in 2.5.11, it references Chapter 201H, and it references Chapter 2.97 of the Maui County code. And those of course, those projects ask for exemptions to these type of elements -- sidewalks, bus stops, cetera -- in order, of course, to reduce costs of the project. But there is so much more that goes into affordable housing than just the cost of the home. Cost of transportation is a very significant cost to families. That is not factored in. We always look at the cost of the home, but cost of transportation is very significant for families who are struggling. So the point of this policy was to really call out that our affordable housing projects oftentimes result in communities that are not friendly to the people who live there. And I absolutely hear what Commissioner Pali was saying, that, you know, people just want a home and that I totally get that. But we also want to provide them with a community, with a safe place, with where kids can walk to their school, and they're not many miles from the school. I think this is, this is great discussion that's going on because this is not an easy issue. But this was very important to the West Maui community, and this was very important to the CPAC to call out that they wanted their affordable housing projects to have the amenities that other projects have. That they deserve to have parks. They deserve to have sidewalks. And the, the other, Commissioner Freitas that pointed out that 2.5.10 does not sound as strong. And that's because there are requirements for market rate projects to provide sidewalks, to provide other things at different extents. But that's kind of the difference with the two languages in these policies.

Mr. Freitas: Thank you.

Mr. Carnicelli: Kellie, you ready?

Ms. Pali: Yes. Thank you. So I want to just say that in regards to 2.5.11, I would disagree with the all, and I would take it as is, keeping the affordable housing projects. Because as Jen just shared these are already required anyway of regular developments. And these particular type of projects would ask for exemptions to not. And so this is basically saying that they don't get to have the exemptions, they get to have these amenities like everyone else. I love, love, love that.

What I'm still struggling with is we can't act like it's a one size fits all. We can't act like this one thing is good for everybody. It is good for maybe many, but it's not going to be the answer for everybody. And so I still feel strongly that we have to diversify on what we're offering. And I want to say that I didn't think it through until we had other testimony today. But if we were to

keep the 2.5.11 and not consider meeting all people that need affordable housing and considering there's different needs to each one and we create this, then we're saying that there's other beautiful areas of our island that people may want to live in. And we're going to then be excluding those areas because we've gotta kind of squish everybody in to sort of central, like another Kahului. I don't know if Lahaina is thinking forward and wanting another Kahului where they just kept building in the middle and it kept sprawling and it's tight with all those houses just kind of just crammed, you know. I don't know that that was the consensus. Jen, do you know that that was what they were thinking, that they would want to do to Lahaina Town?

Ms. Maydan: So thank you, Commissioner Pali, that's a great question. So in the next section, which you'll be begin reviewing at your next meeting, the growth framework, Section three, it really does speak towards concentrating growth towards already developed areas. So the plan really focuses growth more in the Lahaina and Kaanapali area, really not extending south and not extending really far north. They wanted to keep growth more central. So, yes, densifying some areas, being very cognizant of existing neighborhoods, historic areas, but much more building denser. But in that fashion, you need to provide amenities, you need to make -- you can have a very livable urban environment that is appropriate for Hawaii, that is appropriate for Maui, designed and built the right way, but yes, it definitely was. And it's always tricky saying that's what the community wanted or that's what CPAC wanted because, of course, there are different minds and different statements from each. So when I make these comments, it is from my years working with the community and my time with the CPAC and you have to take this as it's, it's filtered through me. But what came out in the plan is that, yes, they don't want to extend far out, they don't want to sprawl, and they want to concentrate growth exist -- concentrate growth closer to existing communities, and create livable neighborhoods.

Ms. Pali: Okay, thank you for that clarification. So I just would end with, again, I would remove the all and just keep it as is, require affordable housing projects to have those items. And then I would just want to leave a comment that that we continue to meet the needs of all, all the groups that would truly benefit from the affordable housing. I don't like being in a position where we're stealing from Peter to pay Paul, you know, because then we start to devalue well who, who should be more of a priority than others? And anybody needing affordable housing obviously should be our first, our first goal to support. But there are so many groups within that and I just don't want to discount others. And so that's just my two cents.

Mr. Carnicelli: Commissioner Thompson.

Mr. Thompson: Jen, hey, how many families do you think won't have a house because of 2.5.11? Will lose that opportunity per year? You know, how many projects we'll get -- how many how many projects do we have now lined up for portable housing, workforce housing?

Ms. Maydan: Thank you, Commissioner Thompson for your question. I cannot answer your question specifically, but what I can say is that we do have lands that are close to our existing communities that could be developed with affordable housing. This is not shutting the door on affordable housing. This is directing affordable housing projects towards our schools, towards our jobs, towards our infrastructure. And there are lands that are in that area, as you can see in Section Three in the Growth Framework, there are a lot of undeveloped lands that are near our existing services.

Mr. Carnicelli: Commissioner Freitas.

Ms. Pali: I'm sorry if I can jump in. But what if those landowners don't want that for their land, then does mean affordable housing is then killed in the west side?

Mr. Carnicelli: Well, I think that, that --. We're going to have --. I mean, I know you won't be here next, next time, Kellie, but that's going to be a conversation we get into the Growth Framework starting two weeks from now. And that is going to be part of it, right? It's projections. It's saying, okay, we could designate a project, but we've, we've got one project that's fully entitled that's been fully entitled to 20 years and not built out. We've got another project from West Maui that's fully entitled for 10 years and hasn't been built out, you know so --. Then we've also got other lands where we're saying, okay, we're going to give them the opportunity, we're gonna put them in the plan, but they never pursue it, then it doesn't matter. Anyways, I mean, that's all for the Growth Framework, right? I mean, that's what we're going to . . . (inaudible) . . . all through. So anyways, Commissioner Freitas, I think you had your hand up.

Mr. Freitas: Thank you Chair. Ms. Maydan, oh man, you threw me off. Okay, when it says affordable housing, does that lump in Section H, low income?

Ms. Maydan: You're referring to Chapter 201H? I saw Jordan nod his head yes.

Mr. Hart: Let me clarify. Did you say Section 8?

Mr. Freitas: Yes.

Mr. Hart: Yeah. So, so I would I would think that potentially, yes, depending on their income category.

Mr. Freitas: The reason I ask is the most recent affordable housing development in Kaanapali I visited and chatted with owners. They have sidewalks. They don't have a park. They don't hear anybody grumbling about them needing a park. Everyone had almost two cars in their garage. Again, affordable housing are professionals as well. But it sounds like some of the feedback we're getting as to why these requirements are added was more for the low income

Section 8 development. Should we be – am I saying it right, Section 8 or H, low income? Is that -- shouldn't that we be separated then?

Mr. Hart: I think that's complicated. And I, and I think that's beyond the rules that I understand. Basically, our affordable housing or workforce housing goes up 140 percent of the area median income. So basically everybody that's making over 100 percent of the area median income is kind of like the workforce. And everybody below is kind of requiring the affordable housing. And there is a breakdown that's provided for that by the Department of Housing and Human Concerns. So whether or not somebody who would be occupying an affordable project qualifies for Section 8, you know, potentially, yes. But that that's more into the weeds with, with Housing and Human Concerns about what programs they're making use of to get funding for their, their housing.

Mr. Freitas: Okay, all I'm saying is I'm using an example of a very recent affordable home development that I see a lot of people that are happy with the way it is. And it did not include the requirements that was put in. And it's sad that if that was required, those 30 people that are in that Kaanapali Hillside, I'm not sure what the development is called, probably wouldn't be able to live there if this was the rule back then. So, again, this one needs a lot of work. I'm sorry.

Mr. Hart: Chair, can I say a few things on this item?

Mr. Carnicelli: Yes. Yes, go ahead.

Mr. Hart: Number one, number one, the Commission has its own discretion about which direction it wants to go. You know, you're looking at the, the, the CPAC's draft. The number two, don't, don't, you know, keep in context, the 201H can request exemption from community plan designation including text. It's important to keep that in context. Number three, it seems like the, the, the critical piece that this thing is trying to achieve is whether or not a project is developed with an exemption for these features if those features exist. So can there be a consideration of whether or not the Council decide to fund those items? Are they going to exempt the developer for them or from them? Are they willing to fund them, to pick them up? Because there is a real issue of, of the breaking the point about whether or not a developer is going to do a project if it doesn't pencil out. If it doesn't pencil out, nobody's coming to the table to build the project and that's the end of it. But if there's a situation where the community wants these transportation and walkability resources, and the Council's willing to pony up and the developer is willing to do the development excluding those items, you know, is it an option or not? But for -- to go back and forth at the department to, you know, kind of debate your preference and direction, I think there's been a lot of conversation about that. And you guys need to decide which direction you want to go on.

Mr. Carnicelli: No, I would agree with you Jordan. Kellie?

Ms. Pali: Yeah. If, if, if the intent of this is what I'm hearing, which I do believe what the intent is that when we're helping people we shouldn't give them the shaft because they're getting help. They don't get the junk piece of the steak. They don't get the, the, the, you know, when you buy concert tickets, you get the one way in the corner you can't even see the guy, you know, singing. And so I get that we want to care properly for the, our vulnerable. So that, if that that's the true intent, I'm all aboard. What I'm struggling with is we are all remembering, you know, just less than a decade ago when people had great ideas to create more affordable housing and they created unrealistic codes, 50 percent affordable or nothing at all. It produced nothing. So it didn't really affect change the way we wanted it to. And so now I'm super sensitive as we write these things to make sure that our great intent doesn't translate into nothing. We want affordable housing. We want them to have the amenities, but we don't want to exclude other opportunities. So. So what does that look like? I don't know. For argument's sake, could we get rid of the word require affordable housing and say strongly recommend so we've got just a teeny window that we can still build affordable housing if for some reason --? And I liked Karen's testimony, if I remember her name, Karen, she said maybe include something like instead of near jobs, schools, services, you know, definitely including, you know, near transit. Like the, maybe if it's not close to town, then at least then maybe work with the County and put a transit. Make sure the Maui County bus goes there so then we're connecting them to community. Maybe something like that could we wordsmith? Just, just ideas here.

Mr. Carnicelli: Commissioner La Costa, before I call on you is I just also want to recognize guys that were about 40 minutes into this conversation, and we're talking about affordable housing and it's a worthy conversation. And we need to have this conversation. And we're going to continue to have this conversation for a long time in our community. But I also say we have a policy right now in front of us that we've got to, we've got to try to figure out what we're going to do with and not --. So whether it's changing a word or two or something like that. If somebody wants to draft something up as you make a motion that would be totally fine with me. So Commissioner La Costa.

Ms. La Costa: Thank you, Chair. I was at most of the CPAC meetings, and the reason that this was so heated, because it was -- there was a lot of conversation about that -- is because of transportation costs being far away from things, kids not being able to walk to school or walk home from school and if their parents weren't able to go pick them up, what would they do? They didn't want their urban sprawl to be, to go from Kapalua to Olowalu. They wanted to have green space in between the, the density so that it wasn't like Honolulu or Kihei. So that's why they talked about having it close to infill and having, you know, having the schools and everything being right there and making it more accessible, and therefore more affordable. So that I was, you know I was at, like I said, most of the CPAC meetings and that's why this is worded as it is. Thank you.

Mr. Carnicelli: So I guess I'll just weigh in as someone that's, you know, helped write ordinances, been a practitioner of this and stuff like that, I'll go back to what we originally

talked about, Jen, and just saying, what does it mean, right? I mean, and I'm not -- if that's a rhetorical question because it says near jobs, near schools, transit and services. Include sidewalks, parks, bus stops and other infrastructure and pedestrian oriented design. Design elements that create walkable, livable properties for all. I mean it's, it's great. It sounds wonderful, but I don't know exactly if I was putting together 2.97 package to say, okay, what's new? What is elements? You know, is this percentage, that percentage. Kind of like what Jordan alluded to. Ultimately this is going to come down to a decision of the County Council. Because if you've got a 2.97 or a 201H, you need Council approval, right? So it's still going to come down to Council making a decision. So whether it says require, or recommend, or highly suggest, or whatever it is, it's still going to come down to whether or not, you know, the Council likes you or likes your project or whatever it is. So -- but the philosophical, just as a person, like just having a person, the, the only thing that, that sticks with me here is we're putting in a requirement on the low end, on stuff that we want the most, right? A development is math. Might get that we don't want them to have the ticket up in the corner where they can't see the guy. I get that. But it's also just it's fifth grade math. And I was talking to a friend of mine a couple of weeks ago who, who is an affordable housing developer on here. And he was talking about like, okay, if they want me to put in additional sidewalks then guess what? Everybody doesn't get a washer and dryer. And I get, Jen, you're talking about transportation costs, right? So you're saying like, okay, you're going to have me put in, you know, bus stops, then now people don't get sprinklers in their lawn. You know, you're going to put in this. So it's, it's -- I get that everybody thinks the developers they just want to squeeze, squeeze, squeeze, squeeze, squeeze. But there's some folks on this island that are doing some stuff that are really as cool as our laws will allow, that are really trying to do good things for people. And we're putting requirements on, on that, and what it is that we want. That's what we want. We want stuff that's 50 percent affordable, 100 percent affordable. Actually, we want everything to be a 100 affordable, right? We'd like for everything to be 100 percent affordable because that would be cool. 100 percent, local. Christian?

Mr. Tackett: Well, I've, I've been pretty, pretty quiet on it. But before, before it's over I would just like to, to say that I share the feelings of Dale, and Lawrence, and Jordan, and Kawika, and Kellie, and, and P Denise, and Stephen Castro. Like when you talk about affordable, you, I know we want to require all those best. But you cannot require those best things for everybody unless you're willing to charge them for it. Because in the end, the wealthy people that own the house . . . (inaudible) . . . that are going to develop the land, they're not going to take -- well, some will -- but most of them aren't going to take a pay cut or end up in the red at the end of a project to build affordable. Some people are willing to do it, but not very many. So what you need to do is you need to make it as easy as possible for those things to be built. And, and, and I agree with everything that the people are saying that they want and why they want those things. But if you require all those things, the price will just go up, and up, and up because none of those things the developer is going to get for free. And all of those things he's going to have to pass on to somebody. And you're going to be clipping the poorest person that could afford something every single time. That poorest person that could have afforded something, that's the guy that's going to fall out every single time, Guy, girl, family,

whatever. But that's the person that's going to get cut out by the sidewalk. He's going to get cut out by, by the park. You know what I mean? So what they said about the 50 percent affordable back then if it's history. Just look at the history. Nobody developed any of it when that happened. And then if you implement it again, it's going to take a long time for that stuff to, to show itself. And once it shows itself, it's going to take a long time to fix it, just like it did last time. So know, I'm going to get out of it and let you guys go on with it, but the show, it's a movie that we're watching is a movie that we've seen before. So that's what I got to say about it.

Mr. Carnicelli: So Jen, how many more items do we have after this? Because we're three minutes from our time being up.

Ms. Maydan: So Chair, there are three items that Commissioner Pali noted that she wanted to discuss. And then there, on top of that, there are two more items that have recommendations.

Mr. Carnicelli: Let's, let's just kick this one for now. Let's circle back, because, I mean, we haven't even talked about a change. We just talked around, and around, and around, but we haven't actually even said, oh, let's make this change or that change. So let's, let's move on from 2.5.11 because I think that's now the third one that we've now booted. Let's see if we can run the gauntlet here to finish some stuff up and then circle back to the three we got stuck on.

Ms. Maydan: Okay, still on the same page, 62, Policy 2.5.13, Commissioner Pali noted that she'd like to discuss that.

Ms. Pali: Yeah. In light of all the discussion, I think it wasn't really a big deal. I just, again, I was just --. It's, it's --. I mean, it's not a big fish, if you know what I mean. Yeah. So it looks like we're just, just prioritizing a certain group, I see, and below. And then support . . . (inaudible) . . . I feel like I can live with that. Let's, let's move on.

Ms. Maydan: Okay, then next identified is 2.5.15. Again, Commissioner Pali wanted to discuss.

Ms. Pali: This is going to be real easy. I just want a clarification on what less desirable commercial would be defined as.

Ms. Maydan: Great question. I would say that that is, that is very flexible as has been noted, that some of the language is not precise, and the point of that is to provide flexibility. Just noting that there are some older commercial developments that are run down that perhaps are not utilized very much and they are great opportunities for redevelopment. It's noted in the growth framework in Chapter 3 that there really are some areas within Lahaina Town that this applies to. But, yeah, it's not a precise definition. You're absolutely right.

Mr. Carnicelli: You see, this is the part for me is it says support and then it gives an imprecise thing. So it's like, okay, that's fine. So if it were to say require infill development, and then it had the nebulous thing that's when I start going . . . (inaudible) . . . But, so anyways, I don't know if you feel the same way Kellie. Next.

Ms. Maydan: Okay, next page 63, Policy 2.5.16. Commissioner Pali noted that she'd like to discuss.

Ms. Pali: Okay, was I like the only person that had a question about this? Jen, can you just explain to me the thought process here? I'm still kind of learning even though I'm almost two years in on the Commission, and I'm, you know, the difference between the plans and code and lawmaking. And obviously, as stated earlier, I own a mortgage business. And so I'm, I'm used to seeing property rights. We look at condo association documents. I'm constantly ordering what's called RR105C, which is the document that legally tells you in a, in a condo project how many are vacation rentals, how many are long-term rentals, how many are primary, how many are second homes. And by the way, if you didn't already know for data purposes to get your, your hands on the pulse, you know, doing that collectively for more information might give you more statistics than sort of just guessing on how they're using it. But how does 2.16 impact all of that? And how does it even translate into something that could even be enforced? That that was my question.

Ms. Maydan: Thank you. Good question. So Commissioners I would say that this policy really just speaks to the community and the CPAC's desire to have more, more housing that is geared towards residents. It's identified that there is quite an imbalance of -- or there is a lot of units for visitors and there is a very severe shortage of housing for residents. And this is just identifying an opportunity over time, as it says, it mentions phasing out and converting, that there is an opportunity within some of the vacation rentals for them to transfer over to long-term rental units or ownership. So it really speaks to -- this kind of gives direct -- this gives information towards the Council who could initiate ordinances to do this or if projects are being reviewed, this just really speaks towards the desire to provide more long term housing. And I will note that in the implementation in section five, there is an action, 5.08, that gives a way to implement this. It reads, proposed legislation to amortize the short term occupancy lists and phase out short-term rental use to make more housing units available for long-term occupancy. I know you're not talking about actions today, but I just want to point out that this conversation does continue when you get to the actions. But hope I addressed your question, Commissioner Pali?

Ms. Pali: Yeah, it does. And then and so this is just kind of like, hey, this is kind of what we're thinking and --. I mean, because you definitely don't have the words require, and must, and shall so that's good news. And this is just kind of giving the, the state of where the community sort of sees themselves, and then leave it up to County Council to kind of take it from there.

Mr. Carnicelli: Commissioner La Costa?

Ms. La Costa: Thank you Chair. I, I have a problem with this. I didn't send anything in because I got to be too verbose. So you're basically trying to dictate people's property rights. What I do with my property, if it's legal, should not be up to anybody but me. The fact that the County and the State have not stepped up and built affordable rentals and affordable housing is not the kuleana of the people who buy second homes and either put them into long-term or short-term rentals. So you're dictating -- this is dictating what I do with my property. If I have five apartment rentals that I use for short-term or long-term telling me that they want to phase out the income that I get for short-term, then because the County hasn't stepped up and done their job for the last 20 years, shouldn't be on me. And I don't -- I think that that's, that's a huge invasion of property rights and I think that's going to be challengeable. So that's my two cents.

Mr. Carnicelli: So are you recommending a change or --?

Ms. La Costa: I think that that should be discarded altogether. You're infringing on people's personal property rights telling them that this is what we're going to make you do. You're going to make me buy a Chevrolet because everybody should drive Chevrolets instead of the Ford that I'm driving. It's, it's -- you're going to get a lot of pushback on this. I've already had three of my clients tell me they will not rent their property long-term. Regardless, they'll let it sit vacant rather than lose money which they would do if they took it out of short-term rental. So that's something else that you have to consider, and it's not being considered by the, by the people who say we need affordable rentals. Yes, we do, and the County should have been doing something a long time ago. Not, not grabbing the low hanging fruit of people who have worked hard, bought additional property, get an income from it, and now they're saying, no, no, no, you can't have that additional income. You'd have to take whatever the market will bear for long term. So if this stays where it is, there's going to be a lot of fight and lawsuits about it.

Mr. Carnicelli: Go ahead Jen.

Ms. Maydan: Thank you. Just to provide a point of clarification, please. Commissioners, just keep in mind where the community plan does apply. It's not -- I would say it is not infringing upon property rights because it is not telling a landowner you have this use that's okay today, and it's not saying, no, you may not do that anymore. That would take the Council to initiate a change in Code or something to make that happen. This is really just speaking to the Council. And there has been talk about previously in testimony somebody mentioned the Minatoya list where there are apartment properties that have been grandfathered in that are used for vacation rental yet they do not have permits under the current process. There has been talk to maybe phase those out and encourage those to go towards long-term rentals. That's where this policy was formulated, was within that conversation. So you really have to keep in mind where the community plan does apply. It does not apply all the time to all

properties. But it does give the Council some insight to community concerns within this area when they are drafting legislation.

Ms. Pali: I have a quick question, Jen. So when you say community desires and you know your work on the CPAC and with the groups, I guess I'm just a little unclear when you say community. Because I suspect that anyone that owns property on Maui at some point become a part of the community. And I suspect if all 10,000 of these condo owners kind of knew what was going on or was part of the discussion, I'm pretty sure they would not agree that they, as members of the community, would want to see something like this. So is it just the community members that showed up? I did see some letters of opposition. Can you kind of tell me a little bit, just to be fair, a little bit more about when you say community input, I suspect these aren't condo owners that were part of the input?

Ms. Maydan: Yeah, that's a great question. So, of course, always with a large project like the community plan getting the most diverse input that we can get from the broadest range of the community is our goal. And we make very diligent efforts. But we do not touch every single person. And at the end of the day when the Council adopts the plan, everybody will not be happy. I mean, that is the nature of planning. That is the nature of what we do, that we are not going to please everyone. There are so many voices and we have to find some consensus. And that's where we have to look towards these larger issues and just figure out how can we make the most people happy? But you're absolutely right, defining the community is very difficult. But as far as condo owners and stuffs, you know, we did have input from some here and there. This is an open process. We tried to reach as many people as we can. Perhaps some of the condo owners are not residents. Maybe they have residency in other states, and this is their, their second residence. So are there are many people that make up the community. You are absolutely right.

Ms. Pali: Thanks for that clarification. I think just in this time, as we've all watched the culture of our really precious Maui island change, it seems like it's someone, some group against another group. And I'm sure one of the bigger goals is to sort of unite everyone. And so we continue to have this language of, you know, my island. I believe this is good for just everybody. And I think until we can kind of get to a point where we agree that every one individual is just as . . . (inaudible) . . . as any other one individual, I think, you know, we can use plans like this in the way we write them to bring people together instead of divide people. And so I just wanted to put on record that I get the goal. If you say that this is the goal of the community, then as a commissioner, I'm hearing that in general, the people who live and or own in West Maui, that in general this was their desire. And so if, if that is their desire, then I'm okay with leaving it. But for clarification, if it wasn't the general community's desire, if it was just a few people or a few voices and maybe the, the owners of these condos weren't considered members of the community at the time this was created, then I would be concerned about the language. But either way, again, as I mentioned earlier, like you said as well, confirmed, it's not an action item sitting here at 2.5.16. And so I guess there would be no action on my end because of that. But I did want to put on record about when you guys

continue to present this community plan as the community works so hard, I'm always cautious of identify this community. Is it just a small group of people or was it a very large? I do love the numbers in the front of the book, but there seems to be some testimony that have come up that says the group didn't want it, but yet it's still there. And so we're just trying to proceed and do our best we can. So I just thank you for your flexibility and taking our questions.

Mr. Carnicelli: Thank you, Commissioner Pali. So is there any -- I think, guys, we owe it to ourselves who've been at this since nine o'clock this morning and we owe it to the 41 people that are still with us to, to, to kind of maybe try to expedite some decision making. So I think maybe what we need to do is, is, is, I don't want to limit anybody's discussion, right. I want you guys to say what you want to say. This is your commission. But maybe what we could do is, is try to stay on point with item, change, yay, nay, and we just motor. So let's see if we can get through the rest of it. So 2.5.16, does anybody want any changes? Is, is, no -- okay Commissioner Thompson.

Mr. Thompson: Can it read increase the inventory of long-term housing units whether owner occupied or long-term rental, or whether single-family or multi-family. And then that's it. That's the end of it. Eliminate the rest of it.

Mr. Carnicelli: Any objections to that change? Okay, so then here's what we do. Since we don't have consensus I'm going to make it a motion. Is there a second to Commissioner Thompson's motion? Okay, so moved by Commissioner Thompson, seconded by Commissioner La Costa to put a period after multi-family and delete the rest of the sentence. Commissioner Thompson, I'll let you speak to it first. And then, Commissioner Freitas.

Mr. Thompson: I'll hold off now. I'll let Commissioner Freitas go.

Mr. Carnicelli: Go ahead Kawika.

Mr. Freitas: Thank you. Chair. I originally thought the exact same thing that you just recommended. However, after listening to Ms. Maydan's reason I believe the intent of that was actually that last sentence that you're deleting. The other stuff in the front, I think, is just a build up to the intent of phasing out vacation rentals. And I think that's the intent, and that's what the group, the larger group had wanted. I -- she changed my mind on it. Originally, I would have recommended the same thing.

Mr. Carnicelli: Okay, great. Any other --? Commissioner Pali.

Ms. Pali: So looking at it like that, I would almost say then if we're going to give an example of how to do it, then we should put other examples of how we can do it, right? Because I do like the testimony of P Denise, Commissioner P Denise La Costa that says there's other ways we can create the inventory. It doesn't boil down to the backs of the people, you know, owning.

And so I don't mind that it's in there as long as then we're saying, well, here are some other ways, which I'm sure the plan kind of does. But I don't know. I'm ,I'm, I'm, I'm a toss-up.

Mr. Carnicelli: Okay, anybody else --

Mr. Thompson: Well, they're two different things. One is increasing it. I'm sorry. It's two different things. One is increasing the inventory. We should have been doing that all along way along . . . (inaudible) . . . now. The other one is punishing people that already own rental units. And they're talking about checking them all out. Obviously, the only ones that weighed in on this on the community plan was people, well, that don't own real estate, or share a rental unit. And I did hear some consenting, many consenting views within the board. So they went through a lot. And I guess, Jennifer, did you -- how many consenting views do you think there was in there? How did the vote go? Was it unanimous?

Ms. Maydan: Thank you for asking that. I did do a review of the policies and looked back at our meeting minutes. It was very fun to relive that. And actually, this is, this is a specific policy that I listed under items with strong support from the CPAC. So, yes. I, I don't know if it was unanimous, but I, I believe when I read it, yes, it was a unanimous vote from the CPAC to have this policy as written.

Mr. Carnicelli: Commissioner La Costa.

Ms. La Costa: Thank you, Chair. I was --. Yeah, I'm sorry. And I, I, I beg your pardon, Jennifer, but it was not unanimous because as I said, I was at that meeting. I echo Commissioner Thompson's comments, and as I mentioned in my, my earlier diatribe, you can't punish people who have saved to buy a property because the County hasn't worked and hasn't done what they were supposed to do. You can't expect people to say, okay, fine, I'll give up my income so that somebody can have a home, and I will take a loss because they can't afford to pay what it costs to keep this up for insurance and mortgage. So I think that, that stopping at multi-family is where it needs to be, and the County needs to step up and start building some affordable rentals and affordable homes instead of punishing people who already own property.

Mr. Carnicelli: Commissioner Pali?

Ms. Pali: I'm looking back at this testimony dated August 3rd, 2020 by Joe Pluta who was on the phone, I guess, is gone. And he references language in 2.6.16, but there is no 2.6.16. There is a 2.5.16 and so I don't know if he can testify that that was a typo, but there is no 2.6.16. But it's all about this very topic. And his testimony just says that the CPAC went, instead went against staff planner's recommendation on this item and had language inserted instead. And so it sounds like this whole -- in his testimony, he says this wholeheartedly disagrees or disregards the real input from the community stakeholders who desires were recognized by staff and who had previously included that as such in their draft to the CPAC.

And so I did just want to -- I was kind of looking at this going, I think this is the topic we're talking about. So it sounds like it's not, it was not a general consensus concessions, and there were many people who had previously testified against it. And so I just wanted to read that into the record.

Mr. Carnicelli: Any other -- would anybody else like to speak to the motion? Okay, seeing none. So the motion on the floor is to change our Policy 2.5.16 to put a period after multi-family family and delete the balance of the sentence. All those in favor of that please raise your hand. Five. Christian, is your hand, was your hand up on that one? Oh, you've got to unmute yourself.

Mr. Tackett: Please repeat. Can you please repeat the part that will be deleted?

Mr. Carnicelli: Sure. Is, is -- the paragraph will read increase the inventory of long-term housing units whether owner occupied or long-term rental, and whether single-family or multi-family period. Being deleted is the balance of the sentence which says by phasing out and converting existing vacation rentals to long-term occupancy. Are you in favor of that change or not?

Mr. Tackett: And that was strictly for vacation rentals, or was it for long-term rentals as well?

Mr. Carnicelli: No, it says phasing out and converting existing vacation rentals to long-term occupancy.

Mr. Tackett: I'm going to let that stand where it is. I'm not for taking things away from people. I am for not giving those things going forward.

Mr. Carnicelli: So you're in favor of the motion? Wait, let me look -- let's go ahead and do this again. Let's go ahead and do this again because I even forgot how everybody voted. So it's increased the inventory of long-term housing units whether owner occupied or long-term rental and whether single-family or multi-family period. Deleting by phasing out and converting the existing vacation rental, existing vacation rentals to long-term occupancy. That's what's being deleted. By phasing out and converting existing vacation rentals; that's what's being deleted. So all those in favor of that change, please raise your hand. One, two, three. All those opposed to that change please raise your hand. So, okay, so that makes it three in favor, which would be Thompson, Pali, and La Costa. Opposed is Freitas and Castro. Abstaining is Tackett, which makes it an affirmative which is four. Four in favor, two against. So then I guess it comes to me. I'm going to, I'm going to actually, I'm actually going to vote against this change. And the reason why I haven't really weighed in or thing is I just believe that it's just an intent. It doesn't do anything, right? It's just the community saying, hey, listen, we'd like this, but it doesn't actually do things. It doesn't have -- like, you know, it's, it's not like suddenly like anybody's going to lose their rights. It's not like the County can do anything. It's not like the community plan removes anything. It just shows the intent of this community to

say, hey, listen, if can, can. If no can, no can. But it's saying but we'd like it to be can. And so I'm going to vote against the motion. So the motion fails and we're back to the original language, which is 2.5.16. Is there any other discussion? I mean, I don't want any more discussion. Is there another change anybody wants to suggest at this point? Commissioner Pali?

Ms. La Costa: I'm . . . (inaudible) . . . Go ahead.

Ms. Pali: I was just going to recommend because I kind of like the direction Commissioner Tackett's taking and so maybe --. I mean, in the beginning, I was where you are Commissioner Carnicelli, is that it was just the idea. They've put their idea into this plan. What happens happens, and so this is not a dictation. I do want to be careful, though, because when people try to take a next step and they give you an idea especially that it's already there, it would have teeth moving forward to support it if there were a large majority that's against it. But then they have an opportunity to public testify at that time. But maybe with Christian Tackett's idea, you know, or multi-family, you know, and then just focus on building long-term condo rentals and just not building any future vacation rentals, maybe. But I think, I think, it's lists other places so, just, I withdraw my even my comment.

Mr. Carnicelli: So guys, I think where we're at right now is the intent of this as Kawika said, the intent of this is the backside of this. That's the intent, right, is this is about Minatoya. Let's call a duck a duck. This is about Minatoya, and it's basically saying, hey, listen, we want to undo Minatoya. That's what this is. So it's the community saying that. You know, I mean, that that's really what this is. So the back end of this. So if we start wordsmithing whatever it is, I really, I mean, especially just for expeditiousness, if that's even a word, is delete or not. It's almost like if we try to start picking away at and say, okay, it's for this or that. It's just like the intent to saying, you know, we want to we want to get rid of Minatoya. So that's just sort of my recommendation, like, let's either keep it or not because, again, we've now wasted, not wasted. So Kawika.

Mr. Freitas: Chair, I move to leave 2.5.16 as is. I'd like to make a motion.

Mr. Carnicelli: Thank you. Moved by Commissioner Freitas to leave it as is. Is there a second? Seconded by Commissioner Castro. Discussion on the motion.

Mr. Freitas: Chair, I think I've said enough. One thing that really hit home to me was something that Commissioner Pali had said. Maybe a lot of these vacation rental owners were not present or did not come and testify. And when I think about that is why wouldn't they? Because many of them don't live here. I don't know. If they cared so much, they would have been more involved and would have swayed in whatever they had to say to make that part of it deleted. But they just weren't there. . . (Inaudible) . . . for understanding that I listened to Albert Perez say, let's not redo what these guys spent months and months doing, and this one went back and forth. I trust Ms. Maydan's comment that it was heavily favored to put this

in as is. And for that reason, I think we should leave it as is for the hard work that was put in. Thank you.

Mr. Carnicelli: Did anybody else like to speak to the motion? Commissioner La Costa then Commissioner Pali.

Ms. La Costa: Chair, I would like to read into the record an additional paragraph from Mr. Pluta's letter. He said this was not the wishes of the community stakeholders, nor the state, staff planners, but passed by one vote in CPAC instead which I believe needs to be corrected. These properties, averaging close to a million dollars or more, will never be logically converted to long-term rentals for the community. So I, I, I just have a real problem with taking away people's rights and that's what you're forcing them to do. And I just think that it's wrong. A lot of people weren't there because they don't live here. They're on the east coast, they're in Japan, they're in California, they're in Timbuctoo. Maybe some of them did not know about it. I just, I just have a real thing about people's property rights, irrespective of what I do for a living. I just I wouldn't want someone telling me, sorry, you're going to have to phase out your, your short-term rental and only do long term. I just think it's wrong.

Mr. Carnicelli: Commissioner Pali.

Ms. Pali: Yeah, well, I was just going to clarify something just in case I misrepresented because Kawika is saying his opinion is based on something I said. But I want to make sure that he -- that it was correct. Based they a Joe Pluto's testimony he's stating that there were many people who weighed in on this. So I just want to make sure that you didn't misunderstand that or have access to the testimony. But either way, I'm okay to support the motion, as is, because, again, it's not a law. It's just someone -- it's just a group saying that's their desire, and I don't think there's anything. I get with Commissioner La Costa is stating and I'm going to leave that up to the big guns and the attorneys. But in regards to just expressing a desire, I'm okay with that.

Mr. Carnicelli: Okay, all those in favor of the motion, which is to leave 2.5.16 as is please raise your hands. So that's Commissioner Freitas, Pali, Castro. Opposed? Commissioner La Costa and Thompson; two opposed. Commissioner Tackett abstaining so that is four-two. I will vote in favor of the motion so the motion passes five-two. It shall remain as transmitted from CPAC.

**Policy 2.5.16 – After discussion:**

**It was moved by Mr. Freitas, seconded by Mr. Castro, then**

**VOTED: To Keep the Language as Stated.  
(Assenting – K. Freitas, S. Castro, K. Pali, L. Carnicelli,  
C. Tackett – Abstained)**

**(Dissenting – P. D. La Costa, D. Thompson)**

Ms. La Costa: Excuse me Chair, I have a question about the prior motion. There were four, four because an abstention is a yes. Is that correct?

Mr. Carnicelli: Correct.

Ms. La Costa: And three against. So how did that pass with a four-three vote? Did I miss something?

Mr. Carnicelli: The motion to change it failed, four-three. It failed.

Ms. La Costa: How did it fail when the majority said they were for it?

Mr. Carnicelli: No, no, no. That's the, the second motion. The first motion failed because you failed to get five, right? We need five to pass anything because technically, technically, we're a body of nine, right? We just had two commissioners missing. Technically, we have to have five to pass anything. So we just had a four-two. I only break a tie or if --. I only vote if it matters, I guess, like four and four, or to break it. Technically to break a tie since we don't have nine, I have to weigh in. So the first motion failed because we didn't get five. The second motion passed because we have.

Ms. La Costa: Thank you.

Mr. Carnicelli: Yeah. Okay, Jen, let's move on then to page 64.

Ms. Maydan: Sorry, we're still on 63. Page 63, Policy 2.5.22. Oh no, I'm sorry, 2.5.21. Chair, this is your comment to change the second sentence to read actively pursue shoreline access to currently privatized shoreline areas with land, with landowners. So to keep this, the first sentence, but to change the second sentence to your recommendation.

Mr. Carnicelli: Again, guys, this was one of those --

Ms. Maydan: Sorry, and, and to make it an action. Sorry. And you said to make that -- to put that in the implementation schedule.

Mr. Carnicelli: Right because again it was one of those requiring something of, you know, of current people, right? It's like, okay, require shoreline access to currently privatized shoreline areas by da, da, da. You know, I -- it's suddenly going okay, it's going to require. And Jen.

Ms. Maydan: So this is where I keep in mind, require when the community plan is triggered. So if there is something within the SMA, a Change in Zoning, a subdivision, not to require it instantly to all project or to all properties within this area. But it's when --

Mr. Carnicelli: I'm sorry Jen I'm going to disagree with you because it says such as and it needs three complexes. So it's such as.

Ms. Maydan: It's, it's -- it's naming areas. I'm sorry. It's not naming complexes. It's naming areas. It is -- it's giving --

Mr. Carnicelli: Condo complexes.

Ms. Maydan: That is because -- that is because our culture resources planner, Annalise, is very precise and Puamana is not a place name. So she wanted to specify that it's the Puamana complex. But I think that that leads to it being maybe perhaps not clear. But it was giving three areas as examples that are privatized base. So it is not calling out properties. If it was clearer to just take off condo complex and just say Puamana and not be precise as far as place names, I think if that provides clarity to your thought, that could be appropriate. I'll just make a statement that there's kind of two ways of approaching providing shoreline access to currently provide privatized shoreline areas. One is as a policy, as written, saying that, you know, when a project comes in, you need to provide access. Or, as an action as you proposed, Chair. So you could do one, both, either.

Mr. Carnicelli: I get what you're saying. It's just the one. I mean, this is again one of those ones that I get the intent. But I don't know if the words match the intention because it says currently privatized shoreline. It requires shoreline access to currently privately shoreline by gates and walls. So that's like saying not then --. You know, anyway, if it's currently privatized by gates and walls, there's not development coming forward.

Ms. Maydan: Well, if they, if those properties come forward and those properties are within the SMA, they would be required to provide shoreline access.

Mr. Carnicelli: Jordan.

Ms. Maydan: There's something -- maybe there's a permit that they need within the SMA. Even though they're already developed property, they may have some sort of SMA permit that they need . . . (inaudible) . . .

Mr. Carnicelli: Okay. I'm getting it now. Okay, go ahead Jordan.

Mr. Hart: So two things to add. First of all, you know, Jen's initial comments about when they trigger, the application of the community plan is very relevant. And the other -- so the -- there is a place name for Puamana. Whether or not Puamana is a correct place name. Like would, would the replacement of the traditional place name, rather than referring to Puamana condominium complex resolve the concern of calling out an individual property. And then this happens all the time. Let's say a hotel redevelops and there's a requirement for beach parking

stalls that didn't exist there before. Then you get beach parking stalls. And then the other thing, the final thing I would say is that when the department recommends or the commission decides to require conditions for mitigation, it's supposed to be proportional to the action that's taking place. So I think that that's a way of maintaining fairness about what may be proposed in the future in response to a supplemental development that any properties may be coming in with. And then the final-final is that a lot of these developments happened, you know, well, the SMA requirements didn't exist or were in a fledgling state where, you know, maybe some of these issues that are important -- well, always were important but weren't sufficiently being looked out for in the past, then redevelopment is the time to address those.

Mr. Carnicelli: Got it. Got it. Okay, I understand now, so okay. Yeah, I just was misreading it. Kawika.

Mr. Freitas: Thank you Chair. I was gonna recommend before Mr. Hart started speaking that maybe that Puamana condo complex should be changed to Lele which is the designated ahupua'a there, as in Malu'ulu o Lele, the coconut grove of Lele. It's that area. So if we put that in, it'll be consistent with Alaeloa, Napili and Lele as, as areas or ahupua'a verses specific complex.

Mr. Carnicelli: Any objections to Commissioner Freitas's recommendation? Okay, seeing no objections then we're going to go ahead and adopt that by consensus, Jen.

Ms. La Costa: Excuse me, Chair.

Mr. Carnicelli: Yes, Ms. La Costa.

Ms. La Costa: Thank you. I just wanted to, to talk about this real, real quickly. The reason those gates were put in is because of all the theft that was happening. Peoples' homes were being broken into, surfboards stolen, cars stolen. They had had enough because where they were located, and that's why the gates went up. It had nothing to do with their being high maka-maka. So that's you know, when I see that, I'm just concerned about people getting their stuff stolen like -- that's why they put the gates in.

Mr. Carnicelli: Great. Thank you, Commissioner. So I withdraw my recommendations whatever they were because I just pull those out. Commissioner Freitas.

Mr. Freitas: Sorry Chair. Commissioner La Costa, what property were you talking about?

Ms. La Costa: Mainly Puamana. I've had several friends who lived there and they've had surfboards stolen, their cars stolen, and the house broken into. And they put the gate up and then stopped surfers from going in there and they can go via shark pit. But people drive in, used to break in there all the time, and it's cut down dramatically since the gates gone in.

Mr. Freitas: So Chair, would we want to just eliminate Lele, and just put our Alaeloa and Napili, period?

Mr. Carnicelli: Well, I mean, we could just take out such as, right? I mean, because those are just giving reference to, like, different areas, right? So it could just be like, okay. And it would still have the same intent without specifically naming anything. I'm okay either way. Whatever you guys want to do. If you want to take the place names out, or take such as out, because it's almost like, okay, we're targeting. Because it's quite honestly, it's not just those three areas, right? I mean, if this is the intent, that I now understand the intent, then it's not just those three areas, right? It's across the board, as Jordan said. You know, I mean, it would be, you know, I mean, if the Kaanapali Beach Hotel comes in, we have a chance to add more beach to access maybe we can, right? So it doesn't have to be. So do you want to remove the three place names? You want to remove the such as? Do you want to leave the such as? Remove the such as.

Mr. Freitas: Yes.

Mr. Carnicelli: Okay, is there --. Okay, so is there any objections to removing the such as from such as from the balance of the --? Are there any objections to that? Okay, we modified it then we deleted it. We're very efficient. So no objections, so we did that by consensus, Jen.

**Policy 2. 5. 21 – Remove “such as Alaeloa, Napili, and Puamana condo complex”, approved by consensus.**

Ms. Maydan: Beautiful. All right, last one. Policy 2.5.22, Chair, you had the recommendation to replace to require with encourage.

Mr. Carnicelli: Well, and again, this is one of those, okay, the community plans are going to require the County to support something, right? A requirement for the County to support this thing. This is something I personally advocated for, right? We need, you know, an inventory list, right. Like, I mean, this is a good thing. But I just find it odd to say that community plan is going to require the County to support something. How can, how can the community plan require the County to . . . (inaudible) . . . So that was just where I'm coming from. But I've obviously to the course of nine hours that we've been here, I've been wrong. Commissioner Pali.

Ms. Pali: I would at least take the lead that what was done at 2.5.16 and say that we increase, Maui County increase the inventory of affordable homes and rentals that are bought and sold among Maui's workforce. So it's kind of in line with the idea of 2.5.16.

Mr. Carnicelli: I believe what this is is a list, though, right? Is an inventory of, not increasing the inventory, right? I get what you're saying Kellie, where it's like increasing the inventory. But I think what this is, is, is to keep an inventory up. Again, we're getting into wordsmithing,

and what's the word mean is to say, like, okay, because right now we have no idea how many affordable homes are out there, right? Like if you went to DHHC right now said how many, you know, deed restricted homes are there. They don't know. At least that's how I read this. Jordan, you're smiling. How are you reading this? And then Kawika I'll go to you.

Mr. Hart: I just thought it was funny that --. I do understand what you're saying is it's not clear. I mean, it's not clear that, like, for instance, are they supposed to be perpetual? And then, and then the other thing that I would say is that, you know, for whatever words are worth, you know, County of Maui is pursuing affordable housing with mechanisms that we have.

Mr. Carnicelli: Not good enough. Kawika.

Mr. Freitas: Yes, thank you, Chair. You're right, support and inventory can mean support in building inventory or it could mean hold information about inventory. So what is the intent? I think maybe Ms. Maydan can answer what was the intent there? Was it to increase inventory or to just have a log of inventory?

Ms. Maydan: Thank you, Commissioner Freitas for asking that question but unfortunately, this is one where this was a CPAC member. This was Joe Pluta who put this forth so I really cannot speak to the intent of it. This was one that he put forth the recommendation and the CPAC adopted it. I think --. We didn't feel that it was completely necessary. It's a policy that doesn't -- it's a bit confusing. It doesn't seem like it does a whole bunch so I apologize that I cannot speak to the intent.

Mr. Carnicelli: Okay, then I'm going to, I'm going to make an additional modification. So I think I said encourage, right. That the County of Maui actively support an inventory list of affordable homes and rentals that are bought and sold amongst West Maui's workforce. So then it's germane to West Maui and we keep an inventory list of affordable homes and rentals. Commissioner La Costa.

Ms. La Costa: The issue that I have with that in principle is that places like Napua, once you've owned it for 10 years, you can sell it at market, so it's no longer affordable. And more and more developers do that. So how do you keep an inventory when it keeps going away? It should be in perpetuity like Na Hale O Maui.

Mr. Carnicelli: Well that's a different conversation. Perpetuity and deed restriction, that's a whole different. The reason for an inventory list is exactly what you're talking about, right. That's why, you know, that's why I personally have advocated for this, right, is because we do, okay, 10 years from now suddenly it's now market rate. It's no longer, quote on quote, under and, you know. But Department of Housing and Human Concerns, each one of those affordable homes that has a deed restriction, the reason why it has a deed restriction on it, whether it's five, 10, 20 years, 30 years, whatever it is, is because of an agreement that was signed with Department of Housing and Human Concerns. So at the front end, we've got that

information, right. So that's why, that's the intent for -- at least my intent to modify Joe's language here. So, Kellie, I'll go to you.

Ms. Pali: My girls are like hurry up mom. Hold on, girls, hold on. Okay, I am going to take this opportunity now that we're talking about listing things to insert something that I've been talking since I've been blue in the face. So 2.5.22 that's where we're on, right. And now we're understanding that it's a list. If that's what it is, I really like it. I really think . . . (inaudible) . . . which they might be already doing, I believe, you know. First time homebuyers have to go and make sure that their income qualified through the affordable housing guidelines that Housing and Human Concerns creates. And then the developers, when they do these affordable housing projects, they have to work through affordable housing, Housing and Human Concerns Department to get the agreement. So of Housing and Human Concerns Department is working with both the first time homebuyer and the developer. And I really feel that they should be matching and pairing these people together. And also, I think, I think a list would be okay. I think it'd be natural that if you track a project and then the 10 years falls off that you'd go to your list and, and remove it. So I would be in full support of that.

Mr. Carnicelli: Okay. So then I guess if there's no more discussion, essentially the changes to encourage that the County of Maui actively support an inventory list of affordable homes and rentals that are bought and sold amongst West Maui's workforce. Any objections to those changes? Kellie.

Ms. Pali: So I like require. That's it.

Mr. Carnicelli: You know what, we're doing it to the County. Let's require the County to do it.

Ms. La Costa: Yeah.

Ms. Pali: I mean, I think they desire to do it anyway, you know. I mean because people just talk and they just assume, oh, everyone buys at 250 a three-bedroom, two-bath house at Waikapu, and then they wait there 10 years and they ran off with the money. And it's all this, you know, it's all speculation. We don't have hard data. I want hard data. Require.

Mr. Carnicelli: All right, so modification to the modification. Commissioner La Costa.

Ms. La Costa: I concur, second, and approve what Kellie Pali has said.

Mr. Carnicelli: Okay, so any objections to leaving require but adding list after inventory, and adding West Maui to the workforce. Any objections to that, to those changes? Leaving require. All right. Seeing none, consensus. So Jen, what do we have to circle back to? We got three things.

**Policy 2.5.22 – Require that the County of Maui actively support an inventory “list” of affordable homes and rentals that are bought and sold amongst “West Maui’s” workforce, approved by consensus.**

Ms. Maydan: Yes, Chair, three things. Policy 2.3.13; that’s the one with habitat connectivity Policy 2.4.2; that's the growth boundaries. And 2.5.11; affordable housing requirements.

Mr. Carnicelli: Got it. So I believe if we go to 2.3.13, habitat connectivity, did we get any -- this clarification on that? Anymore? I don't know.

Ms. Maydan: One option could be that you could specify habitat connectivity for threatened endangered species so that it doesn't include dogs.

Mr. Carnicelli: Sure. I'm good with that. Any objections to, to Jen's suggestion? Brilliant. Well done. No objections. Consensus. See how easy this is. Maybe we should just skip everything and come back and it will --.

**Policy 2.3.13 – Replace habitat connectivity with “threatened, endangered species” approved by consensus**

Ms. Maydan: Okay. I think that was the easy one. Okay, page 56, Policy 2.4.2.

Mr. Carnicelli: Okay, this is the one that the big brains in the room, you and Jordan, are going round and round. I am going to make a suggestion to either put it in 3.1 or 3.6 and deal with it when we -- well the next time or just delete it. Because I just think that it's, it's cumbersome, redundant and . . . I just think it's super cumbersome. But I'm going to leave it to you guys because this is going to be something that we're going to have to deal with as, as Commissioners. Commissioner La Costa.

Ms. La Costa: Thank you Chair. Again, I think that the intent because I was there is that they wanted to keep everything together instead of having it go helter skelter and not having accessibility for people. Because they kept talking about the corridors and I can walk to school, bike to school, walk to work, yada, yada, yada. So that's, that's why this is in here in the first place. So if there is a place, is 3.6 a better place for it? Probably. So it would be my it would be my suggestion that we move it to 3.6 because it's, it's more in line with what's in 3.6.

Mr. Carnicelli: Maybe we move it to 3.6, and deal with it next meeting.

Ms. Maydan: Chair, just one comment.

Mr. Carnicelli: Yeah, go ahead Jen.

Ms. Maydan: Just one comment about moving it. I think Section 3.2 would be more appropriate than 3.6. Because 3.6 just talks about areas change, and this would also apply to areas of stability as far as outside the growth boundary. So it's just a technicality that within the growth framework, Section-3, but specify 3.2 rather than six, I think would be more appropriate.

Mr. Carnicelli: Okay. Commissioner La Costa.

Ms. La Costa: I amend my comments to move it to 3.2. Thank you very much Ms. Maydan.

**Policy 2.4.2 – Move to Section 3.2, approved by consensus**

Mr. Carnicelli: Are there any objections to moving? I guess what it would be is it would be moving 2.4.2, 2.3.2, and then renumbering the balance of 3.4 so they're, they're sequential.

Ms. Maydan: We'll take care of that. Any of those details we'll take care of it. Don't worry about it.

Ms. La Costa: That could be 3.2.1 too.

Mr. Carnicelli: Any, any objections to those changes?

Ms. La Costa: No.

Mr. Carnicelli: Okay. Go ahead and do that. So now I guess for --

Ms. La Costa: Excuse me?

Mr. Carnicelli: Go ahead, P. D.

Ms. La Costa: Thank you, Chair. There were – the gentlemen talked about 2.4.1 earlier today, adding shall not discourage small agriculture. And I don't know that we talked about that.

Mr. Carnicelli: I think we did. We finished 4.5. You're right. That testifier talked about 3.4.5 and adding rural residential should not be discourage agriculture.

Ms. La Costa: Yeah.

Mr. Carnicelli: I think . . . (inaudible) . . . P. D. mute us. Thank you. Is support agriculture is a small scale and self-sustaining farming?

Ms. La Costa: Sorry Chair, I thought you said mute you so I did what I was told for a change. So shall not, shall not discourage small agricultural...farms. That I put down shall not discourage small agricultural farms.

Mr. Carnicelli: Okay. . . . (inaudible) . . . add to 2.4.5 a second sentence that say rural residential should not discourage small residential ag. Is that what you said?

Ms. La Costa: Yes.

Mr. Carnicelli: Okay. Are there any objections to adding that language to 2.4.5? Good catch P. D.

**Policy 2.4.5 – Add a second sentence that says “rural residential should not discourage small residential ag.”**

Ms. La Costa: Thank you sir.

Mr. Carnicelli: I had it. I wrote it down, but I missed it. So good job. So okay, since there are no objections to adding that language we've adopted it by consensus. So workforce housing requirements, 2.5.11. I will take emotion from the floor.

Ms. La Costa: Can I just say something first? Because I --. I'm sorry.

Mr. Carnicelli: Go ahead.

Ms. La Costa: Maybe, maybe the 2.5.10 was a wish list versus you must, have to got to, because everyone knows that the more stuff you have, the more expensive it is. So maybe 2.5.10 was a wish list, and then it carried over to 2.5.11.

Mr. Carnicelli: But, I mean, I also remember is just --. Okay, Kellie, go ahead.

Ms. Pali: Yeah. So I like 2.5.11. I just want to leave room so we don't exclude many families that could still benefit from an affordable housing project that's not required to be right in the center of town. So I just want to leave a small window for those projects as well. And so I would just recommend for throwing the first one out; require affordable housing projects, including projects using Chapter 201H, Hawaii Revised Statutes, or Chapter 2.97 Maui County Code process to be near transit. That's like -- so the transit is a requirement. And suggest or it could be to be near transit and highly recommend projects to be near jobs, services, required sidewalks, parks, bus stops and other infrastructure. And you know, you're just leaving room that if it's not near the schools, the jobs, the parks, the sidewalks, then there has to be transit accessible to the families via bus stop or other transit options. That was the suggestion, I think, of one of the testifiers, Karen. And so I don't know how we can wordsmith it, but I do like that as an option.

Mr. Carnicelli: I think it was --. How about if you to be near transit to? I thought that that was kind of something that transit to these things.

Ms. Pali: Yeah. Well, if you can get to it, you got to -- you can go away from it, right? Back and forth.

Mr. Carnicelli: Commissioner La Costa.

Ms. La Costa: I think that that's in direct conflict with what the majority of the people wanted at CPAC. They don't want to have to have people catch buses. They don't want to have kids and parents to be separated because that was a lot of the, the conversation was, well, then the mom has to get off work early to go pick up her kid if there isn't a bus that goes there. And it was -- it went on for quite a long time saying that they wanted infill because it's much more convenient for folks rather than having a couple of cars so --.

Ms. Pali: I agree, and let's say 95 percent of the projects would meet that. What I'm saying is how can we word this to leave room for five percent of a project that cannot meet the location but can meet sidewalk, and parks, and other things, but they can't meet the location next to a school per say? That's what I'm saying. I'm saying let's not mess with the intent and let's, let's hope that the majority of the projects do. But what, what this is doing, the way it reads, is it would then eliminate future projects which might result to be no projects if for some reason there's one piece. But requiring the transit or bus stop, you know, that's something that Maui County could partner with families. And the other thing, if we leave the small window of opportunity open for those other, not the majority, just a small window, is what if there are families that want to raise their kids more away. You know, there's lots of benefits to being, like I have a friend who lives up Kula, and she definitely doesn't love the drive, but there is a lot of peace that she gets from being sort of away from all of the hustle and bustle. So I just don't want to leave that other group out because it's not a one size fits all. And that's just kind of been consistent with what, what, what my opinion has been on this topic.

Mr. Carnicelli: Interesting that you're reminding me of how many people now want to live up in the valleys. P Denise.

Ms. La Costa: Thank you. So I kind of wordsmith a little bit based on what Kellie said as well. So require affordable housing projects including projects for Chapter 201H, Hawaii Revised Statutes, or Chapter 2.97 Maui County Code process to be near jobs, schools, transit and services when possible. If this is not possible that they be close to a transit, and should include sidewalks, bus, da, da, da, da, da. So should doesn't mean they have to.

Mr. Carnicelli: Say it again. Is it schools, transit and services when possible?

Ms. La Costa: Correct. When because Kellie was talking about, you know, there may be --

Mr. Carnicelli: Okay, wait, wait, wait. No, no, I just want the language. Don't give me the --

Ms. La Costa: Okay. Okay.

Mr. Carnicelli: . . . (inaudible) . . .

Ms. La Costa: Oh yes sir. School --

Mr. Carnicelli: When possible --

Ms. La Costa: When possible, if not possible then it should be close to transit.

Mr. Carnicelli: Period?

Ms. La Costa: Period. Projects should include sidewalk, buses, et cetera, et cetera. Just because it says should, doesn't mean they have to.

Mr. Carnicelli: Do does everybody have that language? Okay, is there any objections to that language? Kawika?

Mr. Freitas: Should doesn't mean have to. Is that for sure?

Ms. La Costa: Well, you should go to church on Sunday, but sometimes people don't. Just saying. I go Saturday night, but, you know.

Mr. Freitas: I would like to also add that 2.5.13 first --

Mr. Carnicelli: Wait, wait. No, no, don't get us, don't get us off on that. We've got to, we've got to --

Mr. Freitas: Well, it, it --

Mr. Carnicelli: Okay, go ahead.

Mr. Freitas: It, it says prioritize projects for housing for residents, and yet --. I'm sorry, 2.1.14, prioritize infrastructure for affordable housing. And then in this 2.5.11, here's a whole list of things that kind of make it harder. So we kind of conflicting in those two. So if we all agreed on that one, 2.1.14, then this one here is just damaging. I kind of like the way Commissioner Pali worded it the best actually.

Mr. Carnicelli: Well, then I mean, if you guys really haven't --. I mean, I don't want to pull away from P Denise's thing, but you just removed a word. You change the word require, it changes,

you know. So anyways, we're on P Denise's change right now. So are there objections to her change? Kellie come back. You're objecting?

Ms. Pali: Yeah, I think that's a really great start, Commissioner La Costa, and I just really am grateful that you took the time to do that, because I wasn't really great at wordsmithing. I'm a math person. But I almost want to say that I don't want to mess with the integrity of it, and what if we just kept it all the same. At the very end, potential exceptions will be, you know, will be reviewed or something. Kind of thrown a little something, something at the end, you know. Because I, I like the strength of it. Like, this is where our heart is. This is what we want. This is --. Because we were just talking about intervening and how some people that used intervention the right way, we appreciate and it does its purpose. But there could be those that try to use it for the wrong purposes. And so I don't want people to take this because we wordsmith it and use it for the wrong purposes. So I'm almost saying, like, what if we leave everything the same, but then at the end, just add in something like, you know, cases would be reviewed on an exception based only or something like that. That's --.

Mr. Carnicelli: Well, they're going to be anyways, right? I mean, because this is specifically calling out 201H and 2.97, both of those processes go to Council for approval, right. Like, you know, Deputy Director . . . (inaudible) . . . So these are going to, these are automatically -- this will automatically be a part of the decision making process with which Council will consider. So this is now a requirement that the Council will have to consider and, or do a community plan amendment to -- if it doesn't meet this requirement.

Ms. Pali: But the same way the CPAC is presenting the plan to us that they had this discussion, they talked about with all the departments, they had all these people, there is a little bit of weight when the Council sees it. So I, I think just letting them know the intent is, was, is great and we get it, but we don't want to make it exclusive. We don't want an all or nothing situation.

Mr. Carnicelli: Okay, so I mean, so what is it that you would like to add or change to, to make it more better?

Ms. Pali: Well, I mean, let's vote on P Denise's one. I just want a discussion. And if everyone's okay with that wording, then --. If they're not, then we can --. But I just -- a discussion of why maybe just throwing it out there that there maybe there could have been a little bit of a different way to, to word it. But that's it.

Mr. Carnicelli: Any objections to Commissioner La Costa's changes? Kawika I can't see you so you're going to have to unmute yourself or talk or something like that so it will pop up on my screen.

Mr. Freitas: Can she repeat one more time?

Mr. Carnicelli: Yes, please.

Ms. La Costa: Can. Require affordable housing projects including projects using the Chapter 201H, Hawaii Revised Statutes, or Chapter 2.97, Maui County Code process, to be near jobs, schools, transit, and services when possible, period. If not possible, they need to be near other transit, period. Should these projects should include parks, bus stops, sidewalks and other infrastructure and pedestrian oriented design elements that create walkable and livable communities for all.

Mr. Carnicelli: . . . (inaudible) . . . those changes.

Ms. Pali: I'm okay with that.

Mr. Carnicelli: Okay so adopted by consensus. So I believe, Commissioner Pali, you said you had additional changes that you would like to make.

**Policy 2.5.11 – Require affordable housing projects including projects using the Chapter 201H, Hawaii Revised Statutes or Chapter 2.97, Maui County Code process, to be near jobs, schools, transit and services when possible. If this is not possible then it should be near other transit. These projects should include parks, bus stops, sidewalks and other infrastructure and pedestrian-oriented design elements that create walkable and livable communities for all, adopted by consensus.**

Ms. Pali: Withdraw.

Mr. Carnicelli: Okay. So, any other changes to this particular item that you guys would like to make? Okay. Is there anything else in 2.3, 2.4, 2.5? Commissioner Freitas?

Mr. Freitas: I would just like to ask Ms. Maydan if that last, 2.5.11, we pretty much touched on the intent....of the, those attending and those that participated over those months.

Ms. Maydan: Yeah. Thank you for asking that. I, I want to say yes, that I believe you guys kept the intent. I think this is, this is a really difficult one. I think there will some -- some people will probably not feel comfortable with the when possible. They'll feel like that's not strong enough. But I think as the ultimate intent I think you guys maintained that.

Mr. Freitas: Thank you.

Mr. Carnicelli: Good question Kawika. Is there anything else in 2.3, 2.4, 2.5 that guys want to address? Commissioner La Costa.

Ms. La Costa: Thank you, Chair. I just had a question in 2.3.5, it says require implementation of low impact development practices. Could you please further explain, Jennifer, what low impact development is? Thank you.

Ms. Maydan: Thank you, Commissioner. I'll flip to our list of definitions, and on page 164, low impact development, a resilient approach to managing storm water through planning, design and structural best management practices. Low impact development promotes use of natural systems to manage storm water as close to its source as possible, thereby reducing runoff and pollutants. Example techniques include preservation of undisturbed areas and buffers, roadways and parking reduction, and rain gardens and infiltration.

Mr. Carnicelli: Okay, anything else that anybody would like to address? Then I guess I will leave it to Jen, Pam and, or Jordan. Anything else you guys would like to address?

Mr. Hart: Just very briefly, I want to say thank you very much. And I do just briefly want to address some of the comments that were made about participation, and residency, and ownership and things like that, and just basically say that this is a very important process. This this is going to significantly change property values, of potential development for land in West Maui. And anybody who lives in West Maui, or owns, owns land in West Maui, or is on Maui to be paying attention and participating in the process. You're going to have a number of meetings yourself. The West Maui Community Plan Advisory Committee already had a number of meetings. There's been a whole lot of outreach by the Department to try and engage and stimulate the kind of comments and input that's necessary to shape this. And then it's go on the Council, and there's going to be a bunch of more opportunity for testimony and participation. And, you know, there are going to be winners and losers, and it's just critical, important decisions that we have to make to guide, you know, how the development of that region is going to occur. And so participation, and, and exerting your influence on our system, and our process is just extremely important. So thank you very much for, for all of your input and consideration about all these issues.

Mr. Carnicelli: Well said, Jordan. Thank you. Yeah, and I appreciate you stepping up to the plate. You not did well, but I appreciate the level of expertise that you it brought to our meeting today. Yeah, I believe the next thing on the agenda is our next meeting date, and I don't know if we've actually published an agenda yet.

Ms. Maydan: No Chair, the agenda has not been posted yet. I believe that Carolyn would do that. I believe that's at the end of the week. I had it on my to do to send it to her tomorrow.

Mr. Carnicelli: Okay.

Ms. Maydan: And your review, you're starting to review Section Three, growth framework. Not the full growth framework, but I believe maybe it was the first five sections.

Mr. Carnicelli: Right. I think the intent for those of you that are on the call is to go over 3.1, 3.2, 3.3, four and five, right. Basically 3.1 to 3.5. So we'll get through the description of the sub areas and the meeting after that is when we will get into the actual sub areas themselves. Get into the quote unquote, the maps, which if you talk to a lot of people, that's kind of the meat of the maps. I did ask Jen that just to kind of help us out to get us the Maui Island Plan, the current community plan . . . (inaudible) . . . is, is, is to just to kind -- if we can get a bigger one, it kind of helps us. These little ones . . . (inaudible) . . . while we're in the middle of process. Even if it's a tabloid size I think it would help us to be able to kind of match easily, kind of see the different.

Anything else, anybody? Okay, only an hour and 15 minutes over. Thank you very much Commissioners. Thank you very much, staff. Thank you very much the community that helped engage, and sat, and listened to us go on and on. But anyways, I appreciate everybody's time, effort and energy. Have a wonderful evening, and . . . (inaudible) . . .

Ms. La Costa: Aloha everybody.

Mr. Hart: Thanks Chair.

Mr. Carnicelli: Oh, the slower traffic, can you please keep to the right? This meeting is now adjourned.

**C. NEXT SPECIAL MEETING DATE: August 25, 2020**

**D. ADJOURNMENT**

**The meeting was adjourned at approximately 5:44 p.m.**

**Respectfully Submitted by,**

**LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II  
For CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II**

**RECORD OF ATTENDANCE**

**Present**

**Lawrence Carnicelli, Chair**

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**Stephen Castro**  
**Kawika Freitas**  
**Kellie Pali**  
**P Denise La Costa**  
**Christian Tackett, Vice Chair**  
**Dale Thompson**

**Others**

**Michele McLean, Director, Department of Planning**  
**Pam Eaton, Long Range Division Planning Program Administrator**  
**Jennifer Maydan, Supervising Planner**  
**Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel**  
**(on-call)**