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**MAUI PLANNING COMMISSION  
WEST MAUI COMMUNITY PLAN  
SPECIAL MEETING MINUTES  
OCTOBER 13, 2020**

**A. CALL TO ORDER**

The special meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 1:32 p.m., Tuesday, October 13, 2020, online via BlueJeans; **Meeting ID: 670 767 165**

**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. **It is intended that discussion be limited to the following subsections of Section 3 Growth Framework, to the extent possible:**

- i. 3.1 Background**
- ii. 3.4 Community Plan Map**
- iii. 3.5 Subarea Descriptions (Subarea 3 only)**
- iv. 3.6 Areas of Change**
- v. 3.7 Areas of Stability**

Mr. Lawrence Carnicelli: Good afternoon everyone. Welcome to the special meeting of the Maui Planning Commission, October 13<sup>th</sup>, 2020. It is 1:32 p.m., and this meeting is now called to order. My name is Lawrence Carnicelli. I am the Chair. Also in attendance with us today is Vice-Chair Christian Tackett. Good afternoon. Commissioner Stephen Castro.

Mr. Stephen Castro: Good afternoon, Chair.

Mr. Carnicelli: Afternoon. Commissioner Kellie Pali.

Ms. Kellie Pali: Good afternoon Chair and everyone else.

Mr. Carnicelli: Commissioner Kawika Freitas.

Mr. Kawika Freitas: Good afternoon Chair? Did you not hear me?

Ms. P. Denise La Costa: Yeah, I think we lost him again.

Mr. Carnicelli: I'm here.

Mr. Dale Thompson: Where's Casper?

Mr. Castro: Is that the LC, Little Casper?

1 Mr. Thompson: Yeah, that's it.

2  
3 Mr. Carnicelli: My apologizes everyone. I got a phone call and it just blew my phone up, I guess.  
4 So I believe -- did we acknowledge --?

5  
6 Mr. Thompson: I like the in person better.

7  
8 (*. . . Inaudible. Technical difficulties with Mr. Carnicelli's connection . . .*)

9  
10 Mr. Castro: Dale, I think he heard you call him Casper.

11  
12 Mr. Thompson: Yeah, now he ghosted us, huh? Like a bad date.

13  
14 Mr. Carnicelli: Can you hear me now? Am I on? I apologize everyone. Bumpy rest of the day. So  
15 anyways, who have we not acknowledge that's on the call, even though I wasn't on the call. Okay  
16 Commissioner Hipolito.

17  
18 Mr. Mel Hipolito, Jr.: Good afternoon Chair, Director, everyone out there.

19  
20 Mr. Carnicelli: And Commissioner Edlao.

21  
22 Mr. Jerry Edlao: I'm back. Hello everyone.

23  
24 Mr. Carnicelli: All right. You're back too. Okay, so welcome everyone. Also on the call is Director  
25 Michele McLean.

26  
27 Ms. Michele McLean: Aloha Chair. Nice to see you again.

28  
29 Mr. Carnicelli: Nice to see you. And from Long Range Planning we have Jen Maydan and Pam  
30 Eaton.

31  
32 Ms. Pam Eaton: Aloha Chair. Aloha Committee.

33  
34 Ms. Jennifer Maydan: Aloha Chair. Aloha members.

35  
36 Mr. Carnicelli: And Michael Hopper is not in attendance. However, he is on call should we need  
37 Corporation Counsel. So members and people on the call today, the agenda item calls for, we're  
38 going to be discussing sub area three of the maps. And so what we'll do is I believe that there are  
39 a couple of, of the large landowners in that area that will be doing a brief presentation to tell us  
40 what it is that their vision is, what it is that they think their land would best be used for, for the  
41 community, what's community benefits are, and, and then in relationship to what is been  
42 transmitted to us from, from CPAC. So after that, I mean, we're going through those two  
43 presentations, those two brief presentations first. After that, we're going go ahead and do public  
44 testimony so people can kind of see what it is that they have to say before they give present,  
45 testimony, so you can speak more directly to what was presented. And then after that, we'll go  
46 ahead and close public testimony, we'll deliberate, and then we're going to go from the top of the

1 map, and the north side of the map down, and, and just make decisions. That's kind of how we're  
2 going to do that.

3  
4 Also, just so everybody knows, I mean, we've talked about this multiple times, I do work for  
5 Olowalu Elua Associates. That is in subarea four. The next meeting, I will not be participating.  
6 I'm not -- as a matter of fact, I believe I'm not going to come on the call. What I'll do is, Christian,  
7 you're going to go ahead and you'll be able to run the meeting on the 27<sup>th</sup>. I believe it'll be a 5:00  
8 or 5:30 meeting or something like that. Vice Chair Tackett will be running that meeting.

9  
10 However, out of an abundance of caution, there is an area on this map today in sub area three  
11 that's owned in part by one of the partners in the company that I work for. So when that comes  
12 up, we're going to kind of what we did before is Christian will go ahead and take over the meeting.  
13 Anytime that comes up, and he can run the meeting and I'm just going to step away and let you  
14 guys deliberate and do whatever it is that you're going to do any time something like that comes  
15 up. So just out of an abundance of caution just so everybody know that that's what we're going to  
16 do kind of moving forward.

17  
18 So with that being said, if you would like to testify, please sign up in the chat function on the  
19 BlueJeans. Tell the Director that you would like to testify. We'll go ahead and line everybody up.  
20 Please keep your audio and video muted until you're asked to testify. Once you're asked to testify,  
21 you can unmute your audio, and if you wish, your video was well, and come forward and give your  
22 presentation. Please do not use the chat function to talk to each other. Please do not use the  
23 chat function to talk to any --. And with that being said, Jen, I guess I'll let you sort of start off with  
24 who it is that is going to come forward and where we're going to go from there. Or if you've got  
25 something else that you want to add.

26  
27 Ms. Maydan: All right. Thank you, Chair. I'll just give a super brief overview of subarea three. So  
28 as Chair said, you all are focusing on subarea three today, which basically spans from about the  
29 Civic Center down to about Puamana. There are about three undeveloped, larger projects within  
30 this subarea. You have DHHL's Villages of Leialii. And then there's also Lahaina town north which  
31 is HHFDC Villages of Leialii, which also encompasses the Keawe Street Apartments project. And  
32 then you have Lahaina Town south, which encompasses the Wainee project. So there's three  
33 large undeveloped projects. There is also within Lahaina town, in the heart of Lahaina town, in the  
34 red color, the urban center corridor designation, there are two areas that are highlighted within  
35 the areas of change as potential redevelopment areas. So I would encourage your Commission  
36 to focus on those areas today. And as far as representatives that you have available to you, for  
37 the Lahaina town south project, you have Kyle Ginoza and Kamuela Goo are available for  
38 presentation. And then I know that Chad Fukunaga, I believe, is also on as well, representing  
39 Sugar Mill Company and Kaanapali Development Corporation, owning one of the potential  
40 redevelopment sites within Lahaina town. So up to you, Chair, where you want to start, I guess.

41  
42 Mr. Carnicelli: I guess we've been going north to south the whole time, so why don't we go ahead  
43 and start with Chad. Chad, if you can go ahead and unmute your audio and if you wish your video  
44 as well. And I don't you've got share screen that you'd like to do or not, but welcome back.

45

1 Mr. Chad Fukunaga: Hello Planning Commission members. Good afternoon. So I'm here today  
2 to talk about our Pioneer Mill site and the adjacent Lahaina train station. The Pioneer Mill site is,  
3 is one large TMK, and the Lahaina train station are three smaller TMKs. The Pioneer Mill site is  
4 currently an industrial site. It's designations are primarily heavy industrial with some smaller area  
5 as light industrial. And the Lahaina train station properties are light industrial.

6  
7 We have existing uses and tenants, businesses consistent with the heavy and light industrial  
8 uses, and so we'd like to maintain those uses. The proposed urban center corridor designation  
9 does not seem to include for any industrial uses, so we're not in favor of the change to an urban  
10 center corridor. We would like to propose that the Pioneer Mill site be designated as industrial,  
11 which should be consistent with heavy industrial uses. And that the Lahaina train station  
12 properties be designated employment center, which we believe allows for the light industrial uses.  
13 I'm available, available for any questions.

14  
15 Mr. Carnicelli: Okay. Thank you very much, Mr. Fukunaga. So why don't we do this, is why don't  
16 we reserve -- unless you guys have questions for him now -- if you want to reserve your questions  
17 until after testimony, because testimony might spur additional questions? So if you guys are okay  
18 what we'll do is I appreciate your, your presentation, and your desire and, your, your wish for what  
19 you'd like to see in the plan. But maybe what we'll do is, are you guys okay with asking questions  
20 to him after we take testimony? You guys are okay with that? Okay. Okay. Great. Thank you, Mr.  
21 Fukunaga. And so at this point time, Vice-Chair Tackett, I'm going to go ahead and recuse myself  
22 from the meeting. You can go out and take over. And I believe Mr. Ginoza will come forward. So  
23 at this point in time, let the record show that the meeting's now being run by Vice-Chair Tackett.

24  
25 Mr. Kyle Ginoza: Mr. Tackett, can we start? I'm assuming we can start. My name is Kyle Ginoza,  
26 and I have with me Kamuela Goo who will go over the portion, a portion of the Waivee area that  
27 we proposed for the CPAC consideration. And so let me turn it over to Kamuela Goo please

28  
29 Mr. Kamuela Goo: Hi. My name is Kamuela Goo. I'm representing Waivee Land and Homes and  
30 . . . (inaudible) . . . Builders. The parcel that we're talking about today is Waivee or Waivee Village.

31  
32 Mr. Ginoza: Can we share the screen?

33  
34 Mr. Goo: We proposed to the CPAC, a 64-acre parcel that we own that is located within the  
35 County's urban growth boundary, and currently vacant and undeveloped as designated almost  
36 entirely for residential use. We envision a mix of multi-family and single-family residences with the  
37 composition of roughly 800 units. 50 to 75 percent of those will be workforce units. In addition to  
38 residential units, we proposed to the CPAC two small neighborhood centers, approximately two  
39 acres each to serve the residents and neighboring areas. Our vision for this parcel is reflected in  
40 the adopted CPAC map. We have been in communication with the County of Maui regarding  
41 infrastructure availability for the project. And the County has noted that there are both potable  
42 water and wastewater availability challenges in Lahaina, Lahaina currently. Consequently, while  
43 the County develops its water and wastewater infrastructure to accommodate growth in Lahaina,  
44 we are intending to propose an HRS 201H affordable housing project on 15 acres of the parcel  
45 next year to enable homes to be built. If the HRS 201H project is approved, home construction is  
46 anticipated to occur in 2025 and 2026. It is our hope that within the next five years or so the

1 County will solve its water and wastewater challenges and we could move forward with entitling  
2 and developing the balance of the parcel.

3  
4 Mr. Ginoza: So that that's for the area that is mauka on Shaw Street, mauka of Honoapiilani  
5 Highway. There are also a couple of areas that we, we did not agree with the designations of the  
6 CPAC. One of which is similar to Pioneer Mill or Chad Fukunaga and Kaanapali Land  
7 Management Pioneer Mill area, we have a heavy industrial area just to the south of Lahainaluna  
8 Road. Just to the south of the smokestack, which is currently zoned heavy industrial and is heavy  
9 industrial in the community plan. But the CPAC had designated it urban center. We have been in  
10 discussions to pursue heavy industrial uses and so we'd like to who have that designation  
11 changed. Instead of to urban center into the industrial designation. Because there really isn't any  
12 industrial lands in the, in the current CPAC proposal that has on the maps. So we'd like for that  
13 industrial area to remain industrial area, as well as right next to that industrial area the CPAC had  
14 recommended a swap of park land that I don't believe had ever been contemplated by the County  
15 to develop a park there. And we'd instead, rather like to keep the land in agriculture designation  
16 rather than park. And as we go down in a map, if you have further questions, we can elaborate.

17  
18 There is a project that is at the south end of the, this subarea three, which is our Puanoa project  
19 that was not recognized by the CPAC. But it's right at the borders. I believe that it will be better  
20 discussed when the subarea four discussion occurs in a couple of weeks. So I'll bring that over.  
21 I'll bring that up at the next meeting. But that's all we have for the Wainee sub area of the -- or  
22 Lahaina south area of subarea three. Thank you very much.

23  
24 Mr. Tackett: Can you hear me now?

25  
26 Mr. Ginoza: Yes.

27  
28 Mr. Tackett: Outstanding. Thank you, Kyle, for proceeding. I'm not I'm not sure exactly what the  
29 next process is. I believe, is it testimony? Is that where we're at?

30  
31 Ms. McLean: Vice Chair Tackett, this is Michelle. I think that the Chair was suggesting that we  
32 move from north to south on the map. So whichever property would be next, Jen can let us know  
33 who else is lined up to present.

34  
35 Mr. Tackett: Okay. So we'll be going with whoever Jen has lined up for our next presenter. Thank  
36 you Kyle.

37  
38 Ms. Pali: Chair, may I interrupt for a quick? Sorry, before we move on. The last testifier mentioned  
39 they might share a screen, but they didn't share the screen. And I just don't want to move past  
40 this testimony without really making sure I identified the parcels he was speaking in. I'm sure a lot  
41 of other Commissioners might have that same question. Could, could he go back and just share  
42 that screen so I can make sure that I'm earmarking his section?

43  
44 Mr. Tackett: Absolutely, and thank you so much. Please, please proceed with your share screen  
45 so that we all can, can have a good idea of what you're what you're talking about? Is Kyle still  
46 there? Thanks Kyle.

1  
2 Mr. Ginoza: Is there something you do on your side to share the screen? Because we have it.

3  
4 Ms. McLean: Kyle, you should have the application open that you want to share. And then when  
5 you click on share screen it should list whatever applications you have open. So whether that's  
6 Power Point, or Adobe, the PDF.

7  
8 Mr. Ginoza: I'm sorry. So I have the screen open on PDF. So what do I do next?

9  
10 Ms. McLean: Okay, maybe stop sharing your screen and then try again. And when you when you  
11 hit share screen, it should give you the option of what program to share. It should give you the --  
12 there we go.

13  
14 Mr. Ginoza: So do you see my screen?

15  
16 Ms. McLean: Yes.

17  
18 Mr. Ginoza: Okay, so this is, this is the one that I had mentioned as far as the industrial area,  
19 heavy industrial area currently that we'd like recognized as industrial rather than urban center.  
20 This is the area of park that was -- it's currently agriculture that we'd like it to remain agriculture  
21 rather than park. So for reference, this Lahainaluna Road. This is Honoapiilani Highway. And this  
22 is that Pioneer Mill land that Mr. Fukunaga had, had described prior. And the smokestack would  
23 be in this location. In addition, let me show you --. Can you see this?

24  
25 Mr. Tackett: Yes, we can.

26  
27 Mr. Ginoza: Okay, so this is the one that Kamuela just described regarding the 64-acre parcel.  
28 The CPAC recognized it as being residential for, in the yellow, with two neighborhood center  
29 areas, roughly a couple of acres each. And for reference, Hoonapiilani, Mill Street, and Shaw  
30 Street, this is the homeless shelter right here. And the green areas are the, are the county parks  
31 with the aquatic center being right here.

32  
33 And then lastly, I describe the Puanoa project where at the bottom, at the bottom of the Lahaina  
34 south area, the urban growth boundary juts out into our Puanoa parcels, and it basically spans  
35 the four large parcels that we're looking at. Our previous proposal was to put 250 residential units,  
36 roughly between 4,000 square feet -- 4,000 square feet and one acre. And why this location was  
37 attractive to us is that we'd be able to serve it with private water if we have capacity, and wouldn't  
38 have the challenge that Kamuela had mentioned with the County system and the Lahaina system.  
39 And so there would be opportunity there to have more immediate developed of housing supply,  
40 or workforce housing supply. But as I mentioned, I'll get, I'll try to go into more detail in subarea  
41 four because it seems like maybe this is more like subarea four rather than subarea three. But it's  
42 up to you as we go south, whether or not you want to discuss this project as well. So those are  
43 the three visuals that we wanted to share as far as just give you an idea of where we're talking  
44 about. This is the, the one that Kamu explained about the 64 acres. Up here would have been on  
45 the map, the industrial area, and this area here is that Puanoa area that we're looking for as well.  
46 Thank you.

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Mr. Tackett: Thank you, Kyle. Jen, if we could move on to whoever is next.

Ms. Maydan: All right. Mahalo Commissioner Tackett. That is everyone that I know that is on the call. Regarding the DHHL's Village of Leialii, nobody responded to me and I don't see anybody, any representatives from DHHL on the call. And same with HHFDC's Villages of Leialii Lahaina town north, nobody responded and I do not see any representatives on the call. So as far as I know that is everyone you have that is here to provide presentations.

Mr. Tackett: Do you have, do you have any idea of, of what their concerns are? Or what their concerns were without them, without them being here?

Ms. Maydan: I do not feel comfortable representing them, but I will say that those are two very straight up projects especially DHHL's Villages of Leialii. These are a residential project and they were supportive of the recommendation in the CPAC. And the Lahaina town north, as is described in the areas of change, it is predominantly residential with there is a small commercial node, neighborhood center node. It is a small portion of the larger HHFDC's Villages of Leialii project. And what's in the yellow residential does encompass, the Keawe Street apartments. And from my thoughts, I do, I do not recall any concerns that the landowner had regarding the CPAC's designations on this land.

Mr. Tackett: Thank you, Jennifer, for your input. I appreciate that. Stephen, do you have a question?

Mr. Castro: Yes. I have one question for Mr. Fukunaga. Is he still on?

Mr. Tackett: I believe -- I believe we're going to call, yeah, Mr. Fukunaga, and we're going to start with questions for Mr. Fukunaga right now. So your timing is impeccable as always, Stephen. Go ahead.

Mr. Castro: Mr. Fukunaga, so what's your biggest concern about changing the designation?

Mr. Fukunaga: Thanks for asking. So we have existing businesses on the properties that as I mentioned they're, they're industrial type of businesses that would be categorized as industrial by County ordinance. And I'm concerned that a change to urban center corridor would categorize these businesses as nonconforming, which would make it so that if they pursue any types of permits or government approvals, you know, may be difficult. They may have to pursue variances. It may also affect their lending ability. So I think it'll be a hardship if, if the designation is changed that would not allow for the current uses.

Mr. Castro: So do you feel there is a need for the, the industrial and not maybe, like, an employment center?

Mr. Fukunaga: Well as I -- when I look at the CPAC draft map for West Maui, I don't see any areas designated industrial. Considering how, you know, isolated West Maui is from the rest of Maui, I think it's important to have some industrial uses. As an example, on our Pioneer Mill site, we have

1 the recycling, material recycling and redemption center. We have tow truck operators. We have  
2 all the, the, the waste bin companies. Waste Pro, Maui Disposal, Aloha Waste, they all store their  
3 bins here. We have the, the school buses, and then we have other uses. We also have our coffee  
4 mill. So I think it's important to have the ability to practice industrial in West Maui. And with this  
5 site has been in an industrial for over 100 years so it's, you know it's been this way for a long time.  
6 So I think it will be -- I don't think it's wise to, to say okay, you can no longer do this.

7  
8 Mr. Castro: I don't go back 100 years but I remember planting cane. Okay, thank you.

9  
10 Mr. Fukunaga: Thank you.

11  
12 Mr. Tackett: Okay, so who would be are next, our next question? Ms. Kellie Pali.

13  
14 Ms. Pali: Hi Chair. I think, I think we were going to take public testimony before we get a chance  
15 to question them. I think that was the direction to just allow them to speak up. If Michele, was that,  
16 just to help you out a little bit?

17  
18 Ms. McLean:. I think once the presentations are over, then the Chair was going to take the gavel  
19 again and we would, the Commission would take testimony.

20  
21 Mr. Tackett: Then that being said, sounds like the, sounds like all the presentations are over and  
22 I'd be more than happy to return the gavel to Chairman Carnicelli. Thanks you guys.

23  
24 Ms. McLean: Nice job, Vice Chair.

25  
26 Mr. Carnicelli: Christian, I'd be more than happy to let you proceed over testimony, too, if you'd  
27 like.

28  
29 Mr. Tackett: No, I'm good to go.

30  
31 Mr. Carnicelli: Okay. All right. Thank you very much. Excellent work. So I guess at this point in  
32 time, Director, I'm sure we've had --

33  
34 Ms. McLean: Chair, you froze there for a second. But I'll say that there are three people so far  
35 who have indicated they wish to testify. The first is Tom Blackburn Rodriguez. If you want to  
36 unmute your audio, and if you choose to unmute your video.

37  
38 Mr. Tom Blackburn Rodriguez: Hello. Am I on? Can we speak? Mr. Chairman may proceed? And  
39 Mr. Chairman may proceed?

40  
41 Ms. McLean: Perhaps, Mr. Vice-Chair, can he proceed?

42  
43 Mr. Tackett: Please proceed Mr. Blackburn. Thank you.

44  
45 Mr. Blackburn Rodriguez: Thank you very much, Mr. Vice Chair. Aloha, Chair Carnicelli and  
46 members of the Maui Planning Commission. My name is Tom Blackburn Rodriguez. And I want

1 to testify on behalf of Go Maui Inc., on Item B, Unfinished Business. I will summarize my remarks  
2 in terms of the urban corridor that Chad already spoken about. But Go Maui also believes that the  
3 action by the CPAC to change the designation of the Pioneer Mill site and Lahaina train station  
4 from industrial to urban center corridor was an error for all the reasons that the Mr. Fukunaga has  
5 outlined. Go Maui supports keeping the mill as industrial and designating Lahaina train station  
6 as an employment center for which allows for the historical and, I think we talked about 100 years,  
7 historical light-industrial uses and other industrial uses are there. And also I might add, a very  
8 good cup of coffee. Thank you very much. And we would ask that you remove that designation  
9 and change it to the requested designation by Kaanapali Land Management.

10  
11 Second, Go Maui has observed and the Planning Department has allowed the Planning  
12 Commission to vote on Kaanapali 2020 without the necessary guidance from the Department.  
13 Discussion has gone forward and votes taken, even though there is no clear consensus that the  
14 CPAC plan for Kaanapali 2020 is consistent with the urban growth characteristics of --

15  
16 Mr. Carnicelli: Excuse me. Excuse me, Mr. Blackburn Rodriguez?

17  
18 Mr. Blackburn Rodriguez: Yes sir.

19  
20 Mr. Carnicelli: Is, is subarea two is not on the agenda today. So as -- and as much as you would  
21 like to testify on Kaanapali 2020, it's not on the agenda and so I would, I would just ask that you  
22 stick to subarea three please.

23  
24 Mr. Blackburn Rodriguez: And can you please give me some guidance and say subarea three, I  
25 don't have an agenda in front of me?

26  
27 Mr. Carnicelli: Okay. Is, is, what's part of the agenda today is subarea three, which is basically  
28 the Villages of Leialii, south, to Puamana. Say, you know, Civic Center to Puamana is basically  
29 what subarea three is. And so although I know that you want to testify on what we did last meeting,  
30 that's last meeting. And so we're just keeping people into the bandwidth with which is what is, is  
31 agendized, and so that's what we need for people to testify is just on this agenda.

32  
33 Mr. Blackburn Rodriguez: Well Mr. Chairman, based on that, first of all, let me thank you for that  
34 correction. And so I'll step back from the testimony I was planning to deliver. I would like to say,  
35 however, in my concluding remarks that I do believe that the actions taken last week ought to  
36 come before the Planning Commission again with a motion to reconsider, and then full discussion  
37 and action. And with that, I will conclude my remarks, and thank you very much for chairing the  
38 meeting.

39  
40 Mr. Carnicelli: No worries. Thank you. Any questions for the testifier? Seeing none. Thank you  
41 very much. Always good to see you, Mr. --. Oh, Kellie, you raised your hand? Do you have a  
42 question? Oh, you're just waving. Okay.

43  
44 Mr. Blackburn Rodriguez: I'll wave back.

45  
46 Mr. Carnicelli: Thank you Mr. Blackburn Rodriguez.

1  
2 Mr. Blackburn Rodriguez: And thank you guys for all the hard work you're doing. This is really  
3 detailed work. Thank you. Aloha.

4  
5 Mr. Carnicelli: Aloha. Director?

6  
7 Mr. McLean: Chair, next to testify is Jennifer Vander Veur, and she will be followed by Karen  
8 Comcovich. Jen, if you want to unmute your audio and if you choose to, unmute your video.  
9 There she is.

10  
11 Ms. Jennifer Vander Veur: Thank you, Commissioner, and all the Chair, members, and community  
12 members for giving me the opportunity to talk. I want to testify in support of the park that is being  
13 proposed by the Civic Center. I represent the Coral Reef Alliance, which is a non-profit  
14 organization which is actually part of the West Maui Ridge to Reap initiative. And we are one of  
15 the local partners. They're actually implementing restoration projects in these areas. And we've  
16 been working on state land in this area restoring the dirt roads that run parallel to our stream  
17 gulches and bringing back our native forests to work at stabilizing the soil that's moving across  
18 the landscapes to our streams and out into our oceans causing ground water events and  
19 damaging our coral reefs. And this area is critically important as it was designated a priority  
20 watershed. And the Coral Reef Task Force for the United States has specifically said that these  
21 areas are really important for Maui Nui and that the reefs here helped feed Molokai, Lanai,  
22 Kahoolawe and as well as Maui. And this park would allow the community to have green spaces  
23 to utilize, would also help preserve this land, would allow us to expand these restoration  
24 opportunities, and engage more of the public and allowing them to help in the restoration of this  
25 land that was damaged by industrial agriculture and mono cropping. And we are still dealing with  
26 the legacy sediments from this, not only in our streambeds, but, like I said, moving across these  
27 fallow landscapes. And this is also important because this area already has very high nutrient  
28 nitrogen loads along the shoreline, which can cause algae blooms and move from a coral  
29 dominated ecosystem to algae one. And so if we allow industrial agriculture to continue in these  
30 areas, then we're going to keep inputting nutrients that are damaging our near shore reefs and  
31 making it so that these, these different stressors are causing declines to our coral reefs, which  
32 will ultimately impact our fish and food security for our local communities.

33  
34 And this land is -- the work that we've been done, been doing has been funded by NOA, HTA,  
35 and there's already a really large investment in restoring this watershed. And creating this large  
36 park would enable larger scale projects that can demonstrate that throughout the state that if we  
37 restore these degraded agricultural lands, we can dramatically improve the water quality along  
38 our coastal ecosystems and not only improve the coral health but our fisheries health as well.

39  
40 So I want to commend the commissioners and the CPAC for the forward thinking that they've  
41 shown in this plan, and the protection of gulches and those areas that are vital to restoring our  
42 waterways.

43  
44 Ms. Takayama-Corden: Three minutes.

45  
46 Ms. Vander Veur: So I just wanted --

1  
2 Mr. Carnicelli: Thank you Ms. Vander Veur.  
3  
4 Ms. Vander Veur: Thank you. Thank you.  
5  
6 Mr. Carnicelli: So, if I could just clarify, you're talking about the park across the Honoapiilani  
7 Highway from Honoko'o Beach Park, correct?  
8  
9 Ms. Vander Veur: Correct.  
10  
11 Mr. Carnicelli: Okay. And thank you for your --. No, no, no. She's, she's north, Kellie. She's up  
12 north by the Civic Center. So I appreciate all your work. It's awesome everything you're doing.  
13 And guess what? Last meeting, we put the parking in.  
14  
15 Ms. Vander Veur: Okay. Great.  
16  
17 Mr. Carnicelli: So, so, that was part of last meeting. I appreciate all your work.  
18  
19 Ms. Vander Veur: I just wanted to make sure because I heard the talk last meeting and I was  
20 scared. And I've heard a couple comments about it this time. So, thank you, guys, you've done  
21 excellent job.  
22  
23 Mr. Carnicelli: Okay. Yeah, that was. That was part a part of subsection two last, last week. So  
24 anyways, thank you for all of your work and everything you're doing for the environment. That's  
25 fantastic. And so, yes, you got your wish.  
26  
27 Ms. Vander Veur: Thank you.  
28  
29 Mr. Carnicelli: Okay. Any other further questions or clarification from the testifiers, or from the  
30 Commissioners to the testifier? Seeing none. I'll just remind everybody, is the section that we are  
31 working on here is from what Ms. Vander Veur just talked about. Actually, that that was last --.  
32 Yeah, that's north so that was actually technically part of Kaanapali. And then we're going all the  
33 way to Puamana basically, okay? So that's the section, that's subarea three and that's what we're  
34 working on today. So for testifiers, if you could go ahead and focus on that, that'd be fantastic. So  
35 anyways, thank you very much for your mana'o Ms. Vander Veur. And Director, who's next?  
36  
37 Ms. McLean: Next is Karen Comcovich, and she will be followed by Dylan Payne. Karen, you can  
38 unmute your audio, and also your video too if you'd like.  
39  
40 Ms. Karen Comcovich: Can you guys see me? Aloha, Karen Comcovich from the West Maui  
41 CPAC. When we discussed the industrial uses in Lahaina Town, the industrial versus the urban  
42 corridor, our discussion focused on current uses being included without expanding to heavy  
43 industrial. We were assured that the current uses, which are light industrial uses, would be  
44 included under the urban center corridor. We do not want to open the center of Lahaina up to  
45 heavy industrial uses which can emit noxious chemicals and noise. These areas are both in the  
46 middle of residential housing so we really want to avoid making residents uncomfortable.

1  
2 The next thing is West Maui has also seen our open space greatly decreased in the last 20 years.  
3 Our community would like to see community access to these areas maintained and expanded  
4 through parks and open space. The park area in Lahaina is envisioned to serve the Lahainaluna  
5 neighborhood, as well as adding beauty and open space to Lahaina. I live up Lahainaluna. We  
6 have a few small parks, but especially with the density of Lahainaluna we need more areas for  
7 the community to enjoy without getting out of our cars. Please support the, the open space  
8 designations, and park designations throughout the plan. They are vital to resident's health and  
9 also to the enjoyment and beauty that brings visitors to the islands. Thank you for your time. That's  
10 all I have to say.

11  
12 Mr. Carnicelli: Thank you Ms. Comcovich. We have a question from Commissioner Pali.

13  
14 Ms. Pali: Hi. Thank you for your testimony. So I was looking at the definition of the urban center  
15 corridor and the question I have for you to clarify. I think you mentioned in your testimony that  
16 light industrial is considered under urban center corridor. I just I didn't see the language light  
17 industrial so I just wanted you to clarify that, please.

18  
19 Ms. Comcovich: That was actually a question we directed toward the Planning Department  
20 because there were members that were unsure that as well on our panel. So if you could ask the  
21 Planning Department to clarify that, that would be helpful.

22  
23 Ms. Pali: Oh, okay, but, I mean, I was just going based on your testimony. So maybe --

24  
25 Ms. Comcovich: I was going based on their information.

26  
27 Ms. Pali: Okay. So you're, you're uncertain if you can validate that. Well, maybe we can look at  
28 that definition and clarify. Thank you.

29  
30 Mr. Carnicelli: Any further questions for Ms. Comcovich? Seeing none. Thank you very much.  
31 We appreciate it. Also if -- I don't know in all of my getting cut off and everything like that at the  
32 beginning, if I acknowledge the fact that Commissioner P. Denise La Costa is also on in the  
33 meeting. So there's all nine of us here present. So just let the record state that that all nine  
34 Commissioners are here. If I missed someone in being cut off and coming back and forth. So  
35 anyways, Director, who is next?

36  
37 Ms. McLean: Chair, the next testifier is Dylan Payne. And after Dylan, no one else has indicated  
38 they wish to testify so far. Dylan, you can unmute your audio, and if you wish, unmute your video.

39  
40 Mr. Dylan Payne: Hello. Can everybody hear me? Hi, my name is Dylan Payne. Aloha Chair,  
41 Commission Members, Commissioners, thank you for being here. I appreciate your service. I  
42 served as a member of CPAC so I can relate to the work that you do. Although you folks are on  
43 for years and years, so thank you for your selfless service to the community.

44  
45 I just wanted to share some thoughts as you're going through subarea three. There was a lot of  
46 discussion about what should happen here, and I feel that overall we, as a, as a Commission or

1 a community planning advisory committee, excuse me, did our best to reach compromised in  
2 certain things. I would just encourage and maybe, maybe it's just something that requires more  
3 discussion at your level with the Planning Commission. But two things. One, there's a, there's a  
4 major lack of housing in West Maui. And we went through a bunch of exercises and we said, okay,  
5 there's -- I don't have the numbers in front of me -- but roughly, let's call it, 6,000 homes needed  
6 in West Maui in the next several years, during the next, the time horizon of this plan. And as a  
7 CPAC we created the opportunity for 6,200 homes. So we said, oh, there's a surplus of housing.  
8 I don't think that that analysis is accurate. When you look at the 1996 community plan and what  
9 was, what was planned for, versus what actually got built, I would, I don't know the exact numbers.  
10 I asked the Department to provide those, but they said that that was too difficult a task to do. But  
11 I would guess it's maybe 10 percent of what actually gets included in the plan actually gets built.  
12 And that's, that's an important thing to understand, is that this is just one step in a very long  
13 marathon of entitlements and approvals. So just because something goes in the plan doesn't  
14 mean that it actually ever happens. And I think the only evidence you need of that is to look at the  
15 96 plan and see what was approved and put in that plan that has not ever happened. So I would  
16 encourage you to take a look at those areas specifically in the urban growth boundaries and say,  
17 okay, where do we want to allow for housing to potentially happen. It doesn't mean that it's going  
18 to.

19  
20 And then second, kind of in addition to that is the areas of stability which does encompass this  
21 subarea three at the southern portion. That was something that we as a committee never really  
22 got to discuss or fully flesh out. It kind of got inserted mostly by the Department. And it wasn't  
23 something that got discussed in depth by our Committee. So I would just encourage the Planning  
24 Commission to take a look at that, because I feel like that, again, is something that the community  
25 plan is a really good place to stop things from happening. Just because it's in there doesn't mean  
26 anything actually happens.

27  
28 Ms. Takayama-Corden: Three minutes.

29  
30 Mr. Payne: But it is a very good way to, to kind of just . . . (inaudible) . . .

31  
32 Mr. Carnicelli: Thank you for your testimony. Any questions for the testifier? Commissioner La  
33 Costa?

34  
35 Ms. La Costa: Thank you, Dylan, for testifying. So when you say 6,200 homes, are you talking  
36 about 6,200 housing units, i.e. affordable rentals, or are you talking about 6,200 individual homes?  
37 Thanks.

38  
39 Mr. Payne: I don't know that there is a distinction made between single family homes, affordable  
40 housing units, condo units, I think it was just housing units provided by the community plan. And  
41 I think if you look at the housing studies that were done, it kind of gave us a number of saying by  
42 20, whatever, 2030, 2040, West Maui needs this many homes. And again, I do not believe that.  
43 And again, the 1996 is, I think, is a good barometer of that. But I think if we plan for 6,200 homes,  
44 I would be surprised if we ever saw 2,000 in that time period. Moving forward over the next 20  
45 years, there's infrastructure constraints, there's financing constraints, there's timing issues, there's  
46 developers that get cold feet, and, and aren't from here and decide to pull up stakes because it

1 just doesn't, doesn't pencil out anymore. And if you look at the 1996 plan, from 1996 to today,  
2 there's been some pretty, it's been pretty ripe for development in terms of the demand has been  
3 there, the economy has been strong, and homes still are not getting built. So you have to take a  
4 step back and ask the question, well why is that happening? And I think that's why I'm, I'm a  
5 proponent of using the community plan as a tool to direct growth to where we want it to be instead  
6 of limiting the opportunity for it to happen.

7  
8 Mr. Carnicelli: Any other questions for the testifier? Seeing none, thank you, Mr. Payne.

9  
10 Mr. Payne: Thank you.

11  
12 Mr. Carnicelli: Thank you for your service on the CPAC. And Director?

13  
14 Ms. McLean: Chair, we did have one more person indicating they wish to testify, and that is Keoka  
15 McClellan. Keoka, you can unmute your audio and if you choose, unmute your video.

16  
17 Mr. Keoka McClellan: Aloha. I just tried to unmute my -- to share my video. Can you folks see  
18 me?

19  
20 Mr. Carnicelli: I cannot.

21  
22 Mr. McClellan: Okay. Well you're not missing much, Chair, and I'll be brief.

23  
24 Mr. Carnicelli: Handsome bugga.

25  
26 Mr. McClellan: You're not missing much, Chair. Aloha . . . (inaudible) . . . Chair and honorable  
27 members of the Commission. Thank you to you, the Director and the team for the tremendous  
28 amount of work that you folks have already contributed and put it into the plan as we as we're  
29 reviewing it. I just want to introduce myself. I'm Keoka McClellan and I'm assisting our, our friends  
30 at Hosts Hotels who own a property on the northern cusps of subarea three on the southern cusps  
31 of subarea two. The folks who own and operate the, the Hyatt there. And we just wanted to make  
32 ourselves available to you and to the Commission as you folks think through some of the good  
33 ideas that we already see in the plan. Notably for our, our clients that Host Hotels are the, the  
34 generous components of the plan that relate to affordable housing. We don't have anything  
35 currently in the planning pipeline that's, that's been submitted. But we are looking to develop and  
36 further develop existing properties that under the current rules would allow for nearly 100 new  
37 affordable units. Obviously, as the current plan is written, that would dramatically change that  
38 landscape and our team's ability and thought process around how we resource that. But really,  
39 we wanted to just mahalo you folks today for continuing this conversation. We will make ourselves  
40 available for further comment on the plan as you move forward. So apologizes that my, my camera  
41 is not working for some reason. I must have exhausted it on Zoom before I got on today.

42  
43 Mr. Carnicelli: Thank you. Thank you very much, Mr. McClellan. Any questions for the testifier?  
44 Commissioner Tackett?

45  
46 Mr. Tackett: Keoka, do you see anything --

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Mr. McClellan: Aloha.

Mr. Tackett: Aloha my brother. Do you see anything in the plan going forward that would make it harder for you guys to produce the affordable units that you're talking about?

Mr. McClellan: Commissioner and thank you for that question. We have two potential development plans at the Hyatt. The first is the potential construction of a new tower on the ocean front located near where the spa building currently is. And the second is a room, a limited service room hotel in a surface parking lot area that we own located between the current Hyatt driveway and Honoapiilani Highway. Currently, there are no SMA approvals or any other land use approvals that we have in place for the construction of these hotels. We are thinking through how we grow our footprint and resource and kokua that community which has so good too to our, our, our client for so many years.

As we move through the development process for these potential projects, one of the provisions proposed in, in the plan is particularly challenging. We are big proponents of furthering affordable housing access and particularly in the West Maui area where we know there is a dearth of units. When you read the plan, and when you look at other plans, clearly we're not on track to meet the affordable housing unit needs that we need. And the plan that you folks have put together with tremendous input from, from the Planning Department does a really good job of moving us towards where we need to be. You know, particularly for hotel owners and operators, our employees, we want them to be able to live where they work. And so we've always been big advocates for that.

Having said that, we did notice some language in Section 2.43 of an original draft of the plan that indicated no additional visitor units except B&B homes shall be permanent in West Maui unless an equal number of workforce housing units are concurrently developed in the same subarea which are very operative terms particularly when you look at sort of where we are on the cusp of subarea two and subarea three. I guess it just depends on where the, the, the, the map cuts off when you're looking at it. So we wanted to make sure we didn't miss the opportunity to share this here today. And as you know, the current regulations require a number of affordable housing regulations that, that are designed to promote more affordable housing. And as it's written, the lack of flexibility and the specificity with which how a potential developer or hotel or, or operator of a, of an enterprise such as Host Hotels would, would need to, to engineer into their plan would be very, very challenging. And in many cases, particularly given the current environment, probably mean the project wouldn't go. That that's something that would have to be penciled out. Again, everything being specific to the project's economics. But the one for one in place specific to the subarea is a very aggressive requirement with, with no flexibility to support or promote affordable housing in other subareas of the particular community, or through, through Maui proper. That that's something that we saw as a sort of a bright line that we wanted to address with the Council, the Commission. I'm happy to provide some, some more formal written comments to you folks and to, to the Director, and to our team, for it for your review. Thank you for that question, Commissioner.

Mr. Carnicelli: Thank you. Any other questions? Commissioner Pali, and then the Commissioner La Costa.

1  
2 Ms. Pali: Keoka, thank you for your testimony.

3  
4 Mr. McClellan: Aloha.

5  
6 Ms. Pali: My question is did you guys attend any CPAC meetings? And if so, did you express this  
7 concern at that time?

8  
9 Mr. McClellan: That's a phenomenal question. I'm new to Host, so I appreciate that, and they  
10 reached out to my team, at the McClellan Group, when this came across their desks. So I cannot  
11 speak to the previous experience of Hosts. I do know that we employ a bunch of people on the  
12 ground that we care very much about. And so what we'd like to do is be a part of the conversation  
13 going forward. I can't speak to what happened before I was asked to kokua with the team. But  
14 thank you for that question, Commissioner. I really appreciate it.

15  
16 Mr. Carnicelli: Commissioner La Costa.

17  
18 Ms. La Costa: Thank you, Chair. Mr. McClellan, you just said you haven't been with Host very  
19 long. Didn't Hyatt do some remodeling and add some rooms over the last ten years?

20  
21 Mr. McClellan: That's a great question. And their properties have been redeveloped a number of  
22 times. I am not privy to all the details of their previous engagements. What we'd like to do is and  
23 again, that's a great question, Commissioner, and I appreciate that. And please, Keoka,  
24 Mr. McClellan makes me feel more important than I am. So, so, this is, this is our opportunity to  
25 share an open kimono, communicate with you and you and your team and your Commissioners  
26 about our thoughts regarding how we can create value moving forward. As it relates to previous  
27 developments and improvements on, on, our properties, specific to the host properties, I don't  
28 have enough experience to speak to that directly. But I'd be happy to take any questions back to  
29 the team and answer them for you in detail, if you'd like, Commissioner.

30  
31 Ms. La Costa: So my question started because I wanted to know you mentioned about how Host  
32 Hotels was interested in helping with being involved in workforce housing, et cetera, et cetera.  
33 But there hasn't been any kind of building or any kind of initiation of that kind of building from Host.  
34 And I just wondered what, you know, if it didn't it sounded like it was a circular conversation. And  
35 I just want to be sure that if that is something that is important to you, that you will get involved in  
36 it. Thank you very much.

37  
38 Mr. McClellan: I appreciate that comment.

39  
40 Mr. Carnicelli: Any other questions for the testifier? Thank you, Mr. McClellan. Appreciate it.

41  
42 Mr. McClellan: Mahalo.

43  
44 Mr. Carnicelli: Director, is anybody else signed up?  
45

1 Ms. McLean: No Chair. No one else has indicated they wish to testify. Oh, wait, we're getting  
2 some chats now. Kai Nishiki has just indicated she wishes to testify.

3  
4 Mr. Carnicelli: Ms. Nishiki, if you go ahead and unmute your audio, and if you so wish, your video.

5  
6 Ms. Kai Nishiki: Thank you. Aloha Chair and members. While all aspects of the community plan  
7 are important, the areas of change and areas of stability really layout in detail the community's  
8 desires and intentions. Everything mentioned in these sections was discussed extensively and  
9 we all voted to adopt. Perhaps Member Payne was absent from those meetings. I can't really  
10 explain his comment. Please support these sections and approve as presented. Our residents  
11 and visitors alike overwhelmingly asked for the expansion of beach parks and our CPAC listened.  
12 Realizing that funding is a challenge, we stated it on page 98 that parks are a vital part of the  
13 County's infrastructure, and shall be funded at levels that are consistent with demands for  
14 maintenance, staffing, operations, planning and development.

15  
16 I'd like to move on to talk about the housing units. The estimated number of housing units needed  
17 in West Maui by 2040 was 6,923. The estimated housing units possible with the scenario  
18 presented by CPAC for your review is 7,950, which actually provides a surplus of over 1,000 units.  
19 We understand that the CPAC has no -- we're not involved in whether a developer actually builds  
20 the units. It was our job to make sure that within the growth boundaries there was adequate  
21 housing that they could build if they so choose, if they so choose. The challenges in getting  
22 housing built to possibly be pushed off on developers. And maybe this body could consider putting  
23 in sunset clauses on entitlements, which would put pressure on developers to either use the  
24 entitlements or lose the entitlements, and let somebody else move forward on building housing  
25 for our people.

26  
27 There are quite a few projects that will provide housing and affordable housing in the very near  
28 future. One is Pulelehua, and two is Wahee. In the areas of stability, these largely undeveloped  
29 areas are highly valued by the community, and provide a sense of stability and assurance for  
30 residents who desire to protect these areas from change. These places protect watersheds,  
31 coastal areas, cultural resources and farming. To protect these areas our draft plan says that  
32 gentlemen estates, and State or County fast track affordable projects should not be approved in  
33 these areas. The reason that we put this in is that we've seen the proliferation of gentlemen  
34 estates in places like Launiupoko and Kapalua. And our community has been very vocal about  
35 the importance of protecting West Maui from further sprawl and placing future smart growth  
36 developments near existing infrastructure, jobs, schools and services. West Maui has seen the  
37 201H process used to circumvent community plans and abuse by developers. Regarding the  
38 legality of restrictions on gentlemen estates perhaps the County Council may need to look at  
39 amending the County Code to accomplish some of the draft plan's directives. The CPAC's goal  
40 was to have people listen to the community's voice and protect these special areas. So we ask  
41 you to please make very minimal changes and pass these. These two areas are really important  
42 to us. So if you would please just pass them through. Our community spoken loud and clear.

43  
44 And finally, I believe because of Chair Carnicelli's position as managing director of Olowalu ELua

45 --

46

1 Ms. Takayama-Corden: Three minutes.

2  
3 Ms. Nishiki: -- which owns large portions of land in Olowalu that it is inappropriate for him to  
4 participate in the discussions of the Olowalu area in general. Thank you so much.

5  
6 Mr. Carnicelli: And I've said multiple times on the record while you're here that I will not do that.  
7 So thank you very much. Any, any questions for the testifier? Seeing none, thank you.

8  
9 Ms. Nishiki: Thank you.

10  
11 Mr. Carnicelli: Director?

12  
13 Ms. McLean: Chair, there is no one else who has indicated they wish to testify.

14  
15 Mr. Carnicelli: So if there's anybody else that would like to testify please unmute yourselves and  
16 identify yourself for the record please. And unmute your audio, and if you also wish, your video  
17 as well.

18  
19 Mr. Peter Martin: Yes, Chair, Peter Martin.

20  
21 Mr. Carnicelli: Yes, sir.

22  
23 Mr. Martin: I raised my hand. I guess I didn't do it right.

24  
25 Mr. Carnicelli: Okay. But hey, hang on, hang on a second, Peter. Christian, is I'm going to go  
26 ahead and recuse myself again. The floor is yours.

27  
28 Mr. Tackett: Thank you Chair. I got it. Hello, Peter.

29  
30 Mr. Martin: Hi.

31  
32 Mr. Tackett: Go ahead.

33  
34 Mr. Martin: Thank you. Good afternoon Commissioners. Yeah, the big picture is --. Yeah, I looked  
35 up --. I am going to stay, I am going to be on topic, which is Waiee. I guess I should start with  
36 the most important thing. I don't know how we're going to get water there. I -- we don't -- we have  
37 a sewer problem and a water problem there. So to think homes are going to get built there, it's, it  
38 will depend on County water. They have to drill wells. They have get EISs. Many times the wells  
39 it's not a great area for potable wells. I think we're looking at possibly many, many years or for  
40 forever. So we have some ideas, but I don't think we should hang our hat on development there  
41 because the County water and private water possibly but that's not an easy road either. And sewer  
42 is they're at capacity now as far as transmission goes.

43  
44 So I look up and down the coast, I see hotels, hotels, hotels. I think they've built how many units  
45 in North Beach? 2,000 . . . (inaudible) . . . recently and the Hyatt's 800 hotels and no housing.  
46 And these calculations, where there's Pulelehua which, you know, Maui Land and Pine is not

1 stupid. They wouldn't have sold Pulelehua if it's going to pencil out. I wish Mr. Cheng the best.  
2 He hasn't developed much here. We'll see. I'm very supportive of that. It's going to be 10 or 12  
3 years with nothing so far. Pukulii, 25 years, nothing so far. The only where, are places I see where  
4 we're going to get some housing, it's not much, is on a couple of things I proposed and maybe  
5 Villages of Leialii. So I would like to see way more than the potential to be zoned. And once we  
6 get out of this housing shortage, maybe close it down. But not, not, not, even give us a chance to  
7 solve this. Thank you.

8  
9 Mr. Tackett: Thank you, Peter. If, if -- does anybody have any questions for Peter? I have a  
10 question for Peter. What do you, what do you see as the, the biggest, the biggest hardship  
11 imposed by, by the verbiage that we have in front of us right now as far as building affordable?  
12

13 Mr. Martin: Well, thank you Commissioner -- I've got to put my glasses on -- Christian. Good  
14 question. We we've built, you know, Vineyard, what I have told you we for 50 years. I've been  
15 affordable homebuilder and we built a couple of hundred or a hundred something lately. I've been  
16 involved in over 1,000 homes. And the question you said was, what's the biggest? I would say  
17 the County voting, the Council keep voting no on these affordable housing projects. Especially,  
18 you know, it was very disheartening on Olowalu because there were 10,000 square foot lots,  
19 which really is a nice and the demand is huge and there is only 60 units. But some of the Council  
20 members and testifiers said, oh, it would ruin the reef. And you know, we had studies that said  
21 that's not true. So I would say it's the political will. If they just let these 201Hs get through. And  
22 it's for 100 percent owner occupant homes. And if they just start voting yes. So you didn't risk  
23 three or four hundred thousand dollars to get a no, and then you got to go, you know, we're going,  
24 we're not giving up, I'm not selling the land, eventually my children will hopefully get to build  
25 homes for other people there. So it's split. There's politics. Everybody, like I was talking to Steve  
26 Goodfellow when I was on the mainland, he goes, everybody runs for on affordable housing then.  
27 But he says and everybody runs away from it. So anyway, it's a good question. I'm glad you're --  
28 I can tell you're concerned.

29  
30 Mr. Tackett: So I have one other question, Peter. So in this document that we have in front of us.  
31 do you see anything that makes it harder for affordable housing to take place? Because really, I  
32 think that's what everybody, the people including the ones that go against you, the ones that go  
33 against each other, you know, everybody's kind of trying to get to the same place, I think.

34  
35 Mr. Martin: Great question. Absolutely. And I think the idea that we can't do 201H projects and  
36 discouraging those projects, that's the only path you can get housing. The idea, in Olowalu we  
37 tried to get a mixed community. We took us 12 years and four million dollars, and we didn't, we  
38 couldn't get it through the -- we couldn't get the Environmental Impact Statement. Now there was  
39 four volumes thick. So I think the 201H process with is the best opportunity. They called fast track.  
40 It still takes five years. It's still very risky. We're doing it on lands that are designated in the urban  
41 district on the Island Plan. We're reaching out to, to see how we can accommodate housing for  
42 our local families.

43  
44 Mr. Tackett: That's all the questions I have. Does, does anyone else have any other questions?  
45 Thank you, Kellie. Go ahead.

46

1 Ms. Pali: Yeah, I have one. And I just, I don't mean to offend anybody by this question, but I think  
2 it's important that you get to address the question. And I like just hearing it directly from the  
3 person's mouth. And so there's a lot of talk and -- well directly about developers utilizing the 201H  
4 process as a way to circumvent the system. And as a developer, I would like just you to directly  
5 answer that question. Is that something that you see other developers do or that you do yourself?  
6 And I would just like to see if you could be as honest as you can with the reply.

7  
8 Mr. Martin: Thanks. Mrs. Pali, Ms. Pali. I don't know if I mentioned Harry Pali. But to your question,  
9 yes, the 201H process is absolutely intention and, and it was created so that you wouldn't have  
10 to go through all the steps. I mean, I'm 73. I know you're going to say I only look 50, but don't let's  
11 not get into that. In the meantime, I don't, I cannot go through a normal process at 73. I already  
12 tried it once and it was twelve years, four million dollars, and you have to have so much higher  
13 end product. The 201H is beautiful because it's relatively faster. It's still five years and I couldn't  
14 do that. But we have land. We have the . . . (inaudible) . . . The beauty is we have the land, we  
15 have the water, we have the sewage capacity, you know, and we have the skill. And it's beautiful  
16 land for local families or any family to live. And yes, that's why you use the 201H. It was designed  
17 as a law so you wouldn't have to go through all this stuff, all the, the, all the change in zoning,  
18 GBA district, you know, that the State of Hawaii go there and beg them, and beg. You just got to  
19 beg the Council to build housing. It's absolutely designed to get around all that stuff. Because all  
20 that stuff, it's -- you have 12 years and then you get turned down. Why would anybody --? You  
21 could never find an investor who wants to get, to something like that again.

22  
23 Mr. Tackett: Thank you. Did that answer your question Pali? Kellie, good? Okay. I believe Dale  
24 had a question.

25  
26 Mr. Thompson: Question answered. Thanks.

27  
28 Mr. Tackett: Question answered.

29  
30 Mr. Thompson: Except, Mr. Martin, will you be joining us when we're going through Olowalu, next,  
31 next week then or two weeks?

32  
33 Mr. Martin: Absolutely. In fact, I'm driving over there and have my anniversary tonight, right now.  
34 I mean, in about 20 minutes I will be. Oh, at the end of this, yes, I'll be available.

35  
36 Mr. Thompson: Okay, thanks.

37  
38 Mr. Tackett: Thank you Dale. Do we have any other questions for Mr. Martin? Okay, hearing  
39 none, I'm going to go ahead and turn the meeting back over to Chairman Carnicelli. Thanks you  
40 guys.

41  
42 Mr. Carnicelli: Thank you Christian, Vice-Chair. And so I've said this in the past, but I guess I didn't  
43 say today is Mr. Martin is a member of the corporation I work for. And so then therefore, out of an  
44 abundance of caution, I go and recuse myself when he's on the floor. I do see that Albert Perez  
45 would --. Oh, Commissioner Tackett, you have a question?

1 Mr. Tackett: I have a statement.

2

3 Mr. Carnicelli: Sure.

4

5 Mr. Tackett: And my statement is I appreciate you're recusing yourself and being in the situation  
6 you're in, but I believe that we all have some sort of biased one way or another. And, and, I believe  
7 that a lot of the input that you have is very valuable. So on it -- I'm sad to see that you will not be  
8 participating because I think no matter how much people think that people like, like, Mr. Martin  
9 are a bad guy, and that they're trying to get away with things. If you take out all the 201H  
10 processes that went through, and you take out the people like him that did put forth effort and lots  
11 of money to make these things happen, we wouldn't have any affordable housing. Zero, nothing,  
12 none. So in my opinion, I'm going miss you, you know. And I'm going to, I'm going, I'm going to  
13 chair the meeting. But I do not believe that, that you negatively or positively impact things in the  
14 manner in which that they're, they're alluding to. So anyways, that's my personal opinion on that  
15 matter and thank you for indulging me.

16

17 Mr. Carnicelli: Thank you for the kind words, Christian. I appreciate that. Mr. Perez, if you would  
18 go ahead and unmute your audio, and if you so wish, your video as well.

19

20 Mr. Albert Perez: Aloha Chair. Two words; Mike Atherton and the other thing that I'd like to say is  
21 Waikapu Country Town. This is a project that went through the process. Mr. Atherton worked with  
22 the community. And I would say just responding to Mr. Martin, if you work with the community  
23 instead of trying to sidestep the community, you're going to have a lot less problems and a lot  
24 less challenges. So that's all I have to say. Maui Tomorrow supported the Waikapu Country Town,  
25 and we also supported the Hale Kaiola 201H project in Kihei. So it's not the process, it's the  
26 approach. Thank you very much.

27

28 Mr. Carnicelli: Thank you. Mr. Perez. Any questions for the testifier? I like the new haircut.

29

30 Mr. Perez: It's the same one.

31

32 Mr. Carnicelli: No, it's longer, isn't? Aren't, aren't you longer now?

33

34 Mr. Perez: Same one.

35

36 Mr. Carnicelli: Okay. Maybe I'm just . . . (inaudible) . . . Anyways, thank you very much Mr. Perez.

37

38 Mr. Perez: Thank you. Aloha.

39

40 Mr. Carnicelli: Would any, would anybody else like to come forward and testify? Please unmute  
41 your audio, and if you so wish, your video. Going once, going twice. Okay, so if there are no  
42 objections, we're going to go ahead and close public testimony at this time. Commissioner  
43 Freitas?

44

45 Mr. Freitas: Thank you Chair. Before we close public testimony I had a question for one of the  
46 testifiers. And I raised my hand but maybe I was off the screen.

1  
2 Mr. Carnicelli: Okay.

3  
4 Mr. Freitas: It was for Ms. Comcovich. It was actually something that she said that was quite valid.  
5 And it was when she said that the question was bounced back to the Department whether those  
6 light-industrial properties were really a part of urban or not. I think it would help us with our vote if  
7 someone could answer that.

8  
9 Mr. Carnicelli: Yeah, I mean, the I mean, I think that when we get there, we'll definitely have to  
10 have, you know, the Department get clear on what urban center corridor includes and not. I mean,  
11 that's -- we're going to definitely have to do that. But did you want to ask that of Ms. Comcovich?  
12 Because I believe -- and I do not want to speak for her -- is, is -- and I don't want to speak for her,  
13 but it's like if you want her to answer, then we can bring her back. That's not a problem.

14  
15 Mr. Freitas: No, I don't think she had the answer. She was asking the Department and if I did have  
16 an answer for that then I would have had a question for her. Because she, she had said that they  
17 can leave it as urban and those businesses that are light-industrial they won't be affected, which  
18 is contrary to what Mr. Fukunaga said. Mr. Fukunaga came on from the very first meeting that we  
19 had and he started talking about that change, and every meeting he brings it up. And I want to  
20 give him that opportunity to make sure all of us commissioners fully understand and vote  
21 accordingly. Remember, in our other meeting, a duck is a what, it's a duck and a quack or  
22 whatever.

23  
24 Mr. Carnicelli: We got to find that the ducks. We've got to find the ducks. So I don't know if this is  
25 then the question --. Before close public testimony then because we may have to bring Ms.  
26 Comcovich back up is I don't know if this is for Jen, Pam, or Michele, is urban center corridor  
27 include light-industrial, not include light-industrial. I see the Director is unmuted her video so  
28 Director.

29  
30 Ms. McLean: Thank you Chair. It is intended to include industrial, but that word is not listed in the  
31 description. And in fact, the Department had issued a memo a few meetings ago recommending  
32 that industrial be added. Unfortunately, in that memo we said added to employment center, but  
33 meant to say add it to urban center corridor to make it explicit for exactly the reason that  
34 Commissioner Freitas is raising and that the testifier raised.

35  
36 There was one other amendment to one of the designation descriptions that the Department is  
37 also recommending to make it explicit. But, yes, we agree that urban center corridor is intended  
38 to include light-industrial uses and that it should be amended to make that clear. I don't know if  
39 Jen wants to add anything to that. Her input would certainly be valuable.

40  
41 Ms. Maydan: Thank you, Michele. Thank you Chair. Yes, from the very beginning, urban center  
42 corridor as well as employment center are intended to allow for light-industrial type uses. Through  
43 the discussions, the CPAC, we made that clear. But through continued discussions, it became  
44 apparent that it needed to be more clear. So hence the recommendation in our September 8th  
45 memo, which recommends to add, explicitly add light-industrial uses to the employment center  
46 designation. And as Michele clarified, we intend to do that for urban center corridor as well.

1  
2 Mr. Carnicelli: So both then.

3  
4 Ms. Maydan: If you're -- it would just make it clearer because that seems to be a point of  
5 confusion. So that would make it clearer. Chair, I just also want to point out that your agenda  
6 today is 3.1 background. And the reason for that being on the agenda is because they're in, again,  
7 in that September 8th memo from the Department, there is a recommendation made regarding  
8 clarifying some language on page 68 based on some questions and clarification that you're asking  
9 for a Chair. So I just wanted to remind you of that maybe before you all jump in to the maps really  
10 heavy.

11  
12 Mr. Carnicelli: Okay. Commissioner Castro. Or no, let's let Kawika finish up, so Commissioner  
13 Freitas and then we'll to you, Stephen after.

14  
15 Mr. Freitas: Thank you. Thank you, Director and Jennifer, Ms. Maydan, for clarifying. And thank  
16 you to Karen, or Ms. Comcovich, for bringing up that very important issue. I guess the question  
17 would be for the other testifier, back to Mr. Fukunaga, with that clarification, clarification, are you  
18 still opposed to the designation that the CPAC came up with or you still want that changed to  
19 industrial?

20  
21 Mr. Fukunaga: Thank you for asking that question. You know, I think it'd be fair if we could see  
22 the language in front of us. It's really hard to say you know what, to fully vet, you know, how we  
23 feel about it. But to that point, also, I still have not heard the Department address heavy industrial,  
24 which is, which is an existing use for the Pioneer Mill Site. So even putting some of our heavy  
25 industrial uses into nonconforming, we feel would be a negative impact on us. Or adversely impact  
26 not only for us, but a community. I don't know of any other areas in West Maui that would allow  
27 heavy industrial. I still feel they're shortsighted to, to not allow that. Again, consider the isolation  
28 of the, of the area. I feel like we should be able to preserve the heavy industrial uses. But again,  
29 it'd be much better if we could actually see the language.

30  
31 Also speaking to that point, you know, I haven't really seen or heard how all these, how of these  
32 descriptions would be reviewed. Like who would make the decision as to what use, you know,  
33 would be allowed by each category. The description --

34  
35 Mr. Carnicelli: So, so hang, hang on a second Mr. Fukunaga. Is let's -- we're getting a little bit  
36 down the rabbit hole here, and I know what you're talking about. And we've actually requested  
37 that language from the Department as far as like, okay, what's what you know, what fits where.  
38 Where we're at currently right now is still public testimony. You're a resource person, so we can  
39 bring you back, right? You're not necessarily a testifier so we can bring you back. I want to hear  
40 what you have to say. But for right now, what I want to do is I want to kind of finish up public  
41 testimony and then take a break and we can come back and dig into this. But for the sake of just  
42 kind of where we are in the scope of this, I want to hold up on that. I mean, if, if Commissioner  
43 Freitas has other questions for you I want to finish that up. But you can come back as resources  
44 as well.

45  
46 Mr. Fukunaga: Thank you Chair.

1  
2 Mr. Carnicelli: Okay, so then Commissioner Castro, you had your hand up?

3  
4 Mr. Castro: Yes Chair. I have a question for Jennifer.

5  
6 Mr. Carnicelli: Well, okay, is this regarding testimony or is this regarding the maps and kind of  
7 what we're doing right now?

8  
9 Mr. Castro: Yeah, basically what we're doing right now.

10  
11 Mr. Carnicelli: Okay. So let's do this. Are there any objections to closing public testimony? Okay,  
12 I see no, no objections to closing public testimony. So, so, let the record show that seeing no  
13 objections, public testimony is not closed. Let's do this as we're now, it's three o'clock, we've been  
14 at this an hour and a half. Let's just go ahead and take a 15 minute break. We'll come back. I'll  
15 start with Kawika and then we'll go to, to Stephen, and we'll kind of ferret some of this stuff out.  
16 We'll get Chad to say what he needs to say, but -- and then we'll get into the --. I think Jen also  
17 she's got a couple of other things she wants to touch on. And then we'll finish up with the maps  
18 and see if we can do this as expeditiously, so this meeting is now in recess until 3:15 p.m. Thank  
19 you everyone.

20  
21 *(The Maui Planning Commission recessed at 3:02 p.m. and reconvened at 3:16 p.m.)*

22  
23 Mr. Carnicelli: Thank you. Welcome back, everybody. The Maui Planning Commission meeting,  
24 special meeting of October 13, 2020, is now back in session. So, Jen, I wanted to just start with  
25 you. If we just go to the agenda, you said that you put in 3.1 and I think specifically I can't  
26 remember which page number you said -- I think it was 68 -- you wanted to cover. And I can't  
27 remember, I think we shrunk this, and then we put something as an appendix, correct?

28  
29 Ms. Maydan: Yes. Yes. So thank you Chair. Yeah, page 68, section 3.1 background, most of, I  
30 think there was the second to --. Sorry. The third and the fourth paragraph on this page has been  
31 moved, and the following pages were moved to an appendix, but the first two paragraphs remain.  
32 And when your Commission discussed this, Chair, you made a comment about the 20-year  
33 planning period.

34  
35 Mr. Carnicelli: Right.

36  
37 Ms. Maydan: And commented on the plans being out-of-date. That they're supposed to be  
38 updated every 10 years. So in a memo from the Department . . . (inaudible) . . . transmitted a  
39 recommendation to add some clarification after those two paragraphs. And the clarifying language  
40 would be, in the past few decades, the County has not kept pace with the community plan  
41 updates, which are supposed to be adopted every 10 years, with each plan having a 20-year  
42 vision. However, there is a renewed commitment to this effort and it is expected that this plan will  
43 be updated 10 years after its adoption.

44

1 Mr. Carnicelli: Is that really expected? I mean, honestly, is that really expected?

2

3 Ms. Maydan: We're doing our darn on this.

4

5 Mr. Carnicelli: No, no, it's not for --

6

7 Ms. Maydan: We are asking for . . . (inaudible) . . . We are asking for staff. We are provide -- we  
8 are implementing efficiencies in our process. We have a lot of hurdles, but we are doing everything  
9 we can that's within our power to do that. I think it's a statement of productivity I think we should  
10 put something out there like that and let the Council see that intention. They play a big role in this  
11 process. I think it's good to put it out there and to put it out there for the community to get behind  
12 it as well.

13

14 Mr. Carnicelli: Yeah, I know, I, I want to hear with the other members have to say because again  
15 if we just look at the way it goes, it's a -- if everything goes as planned, it's three and a half year  
16 process. We got seven plans plus three community island plans, so we're looking at, you know,  
17 just mathematically, if we don't overlap any of them, it's 30 years. And Jen, this is has literally  
18 nothing to do with Long Range Planning, it has nothing to do with you personally or Pam, or Katie,  
19 or your wonderful staff. You guys are great. It's just like, okay, you can't go to a gunfight with a  
20 knife. And, and so I agree. I mean, I get what you're saying. It's just say, like, hey, this is a 10  
21 year plan and it goes to Council, and it's going okay Council, if you want to do that, that's what  
22 this is.

23

24 The other part of that that's kind of hard to precede is I think it's also going to affect is, you know,  
25 we have a Charter Commission next year and I would imagine that the Charter Commission is  
26 going to change this process. They're going to have to change this process, in my opinion. So it  
27 could, it could be that as well. So I don't know, you know, I'm just laying that foundation for my  
28 fellow members to discuss. If you guys are really okay with, with, you know, the proposed  
29 language from the Department, that's fine. Or is there a way with which we can say this to, you  
30 know, essentially we're still try to call a duck a duck, I guess, is that what it is? Anyways Director,  
31 I'll defer to you.

32

33 Ms. McLean: Thanks Chair. In addition to what Jen said, I would also add that because the  
34 existing community plans are so old that the round that we're undertaking right now is essentially  
35 a rewrite rather than an update. And so once we get these adopted, then the next round really  
36 should be an update if we are somewhat timely with it. And so we really don't foresee it's such an  
37 undertaking next time West Maui comes along. We're, we're a lot of the way through West Maui's  
38 review with you folks. We've already started South Maui so we are overlapping. And in our next  
39 year's budget, we will be putting in funds for a consultant to start Central Maui. So we are getting  
40 aggressive with having them staggered more. Of course, we do need the staff as Jen mentioned  
41 to be able to support that.

42

1 In addition, the County Council gave money for the Council to hire a consultant to review the  
2 process and make recommendations on expediting. So we, we hope that there will be some  
3 positive change from that effort. So all those things coming together as Jen said we think that  
4 could help us get much more on track than it has been in many recent years.

5  
6 Mr. Carnicelli: And I get it, you know, I mean, I really do. It's and when it comes to, again, you  
7 know, full circle back to what is it that we do and the plan itself, it doesn't affect the plan, right,  
8 and how it's implemented or anything like that. This is just it's, you know, commentary is more  
9 than anything else, and it's just trying to just acknowledge where we're at in the process. So that's  
10 fine. Are you guys okay with the language proposed by the Department or any thoughts,  
11 discussion, changes? Okay, Commissioner Pali, and then I'll go to Commissioner Tackett.

12  
13 Ms. Pali: Can we just dial in on exactly what language you're talking about?

14  
15 Mr. Carnicelli: Sure. Jen, would you come back and reread it then? I believe it's the first.

16  
17 Ms. Pali: Oh, what she just read?

18  
19 Mr. Carnicelli: Yeah.

20  
21 Ms. Pali: Okay.

22  
23 Mr. Carnicelli: Yeah. Yeah. It's just the first. It's part of the first couple of paragraphs of page 68,  
24 3.1, background.

25  
26 Ms. Maydan: Yes. So it would follow, on page 68, it would follow the second paragraph. And the  
27 additional language reads, "In the past few decades, the County has not kept pace plan updates,  
28 which are supposed to be adopted every ten years, with each plan having a 20 year vision.  
29 However, there is a renewed commitment to this effort and it is expected that this plan will be  
30 updated 10 years after its adoption."

31  
32 Mr. Carnicelli: Commissioner Tackett. I'll come back to you, Kellie. I'm sorry.

33  
34 Mr. Tackett; Go, go ahead, Kellie. I'm sorry. Sorry Chair. Go ahead.

35  
36 Ms. Pali: So you're just basically inserting that? It's not a reword. You're just kind of adding that  
37 to what we have already?

38  
39 Mr. Carnicelli: Right. Is right now, what we did, what we did before was we put paragraph one and  
40 two, and everything else became an appendix. And so she's -- this language is after the second  
41 paragraph that starts this growth framework. Got it?

42

1 Ms. Pali: Yeah. I just, um, if I can just comment if that's okay.

2

3 Mr. Carnicelli: Of course.

4

5 Ms. Pali: My understanding is that the plan is a guide. The plan is an idea. And I just feel like I  
6 keep seeing language that reflects opposite of a guide. I see language as or even hear words like  
7 pressure, or in the, in this beautifully organized book, require, shall, must and those just aren't  
8 words of guidance. They seem like words of control. And so I'm starting to get lost with what is  
9 the purpose of the plan now. I'm sort of a little confused. And this is my first plan I'm walking  
10 through where I'm being tasked with transparency and protecting the public. And so I'm just trying  
11 to find the balance here. And so relating back to that guide, adding the third paragraph, I think ten  
12 years is a good goal. But if we don't make the ten years, I think that's okay too because we are  
13 doing such heavy work now. And yeah, that's just all my comments for now.

14

15 I also would have recommendation if we're getting really good at making sure we don't make the  
16 mistakes of the past, you know, because we keep using the word community. And I'm finding that  
17 we have a stake, the same groups of people who really invest in community voicing, but maybe  
18 90 percent of the real community is working three jobs, they can't get involved, they don't even  
19 know that this is going on, and so I don't know that that's a true representation. It would definitely  
20 be a representation of people who could get involved, but it may not really represent the true  
21 communities so I want to just address that that's something I recognize. So maybe going forward  
22 as volunteers come and give their time and voice their opinion about their community that we're  
23 cycling the people that are on the committees so that way we don't open ourselves up to a people  
24 group that's controlling the community. Because, again, if it's a guide for all of us to live in that it  
25 should be something that all of us are contributing. Even the ones that don't have the time  
26 availability to contribute. So I'll just leave it at that.

27

28 Mr. Carnicelli: Thank you, Kellie. So this is one of these, you know, you bring up at the beginning,  
29 you know, it's a guide. But this is one of the things I think that's confusing about the community  
30 plan and we've had the discussion kind of a couple of times. I've gone around and round with Jen,  
31 and Pam, and Michele a couple of times about this is it's a guide, and it's a vision, but it also has  
32 the force and effect of law, it's both, right? And that's the part that gets confusing. And so I guess  
33 at this point let's talk about that again. You know, I don't know if Michele or Jen which one of you  
34 guys want to talk about that. But it holds both. And the force and effective law part is kind of where  
35 it falls back on us again, right? And that's where, you know, Kawika is saying, well, is this industrial  
36 or not? Because if something comes to us and it doesn't say industrial we have to make a  
37 decision, then we need clarity like that. So that's the part where it's both, it's visionary and it's  
38 force and effect of law together. So, it can be confusing. And it has shall, and must, and also  
39 vision. So, Jen, why don't you kind of just maybe go down that rabbit hole again. And I think this  
40 is beneficial for everybody on the call, not just the nine of us, but, you know, moving forward as  
41 the community wants to testify in front of Council and everything of that as well.

42

1 Ms. Maydan: Thank you, Chair. Yeah, thank you, Commissioner Pali, for your question. Yes,  
2 Community Plans are absolutely a guide for the future, and they are also adopted by the County  
3 Council by ordinance and they are law. They -- Community Plans play many roles in our County.  
4 They provide guidance to the community, landowners, developers of how the County wants to  
5 grow over the next few decades. They are law when other ordinances point to them and say you  
6 shall comply with the community plan. Some examples are Change in Zoning, Special Use  
7 Permits when you're in the SMA, those laws point to the community plan and say you shall be in  
8 compliance with the community plan.

9  
10 There are times where the community plan is more of a guide. It's a vision. It's aspirational. It's a,  
11 it's a guiding light of how our communities and our county want to grow. So it does become a little  
12 confusing. They -- the community plans come into play with many of the Departments  
13 discretionary permits like Change in Zoning. So when the Current Division receives a Change in  
14 Zoning, when they're reviewing the application, they use the community plan. And they say does  
15 this change in zoning comply with the community plan? Is this change in zoning, is this project  
16 going where the community plan wants to lead us? So the Department makes a recommendation  
17 to your commission, and that's absolutely where the Department would analyze the project, and  
18 say this complies with the urban center corridor designation for this property or that it doesn't. And  
19 yes, we are undergoing a significant change with these community plan designations with our  
20 small town center, with our urban center corridor. We were departing from the past where we had  
21 very narrow community plan designations. They were virtually one or two words with one  
22 sentence. You really didn't gain a picture of what the vision was for that future development.

23  
24 With these new community plan designations, you get a whole lot more. You get, you get more  
25 of what goes in to building a community. It's not just about uses. It's about uses and how they go  
26 together and how they can serve community need. How do you bring in transportation. How you  
27 bring in mobility. You bring schools next to houses. So this is a shift for our community, but it's a  
28 very positive shift. And it's aligned with the shift that we're making in the zoning code with updating  
29 our zoning code, which is willfully in need of that. So these two projects are going along together.  
30 And the West Maui Community Plan gets to be the first community plan to kind of go through this.  
31 So it's, it's, it's a community plan update, and it's an update of our community plan designation.  
32 So your questions are great because this is, this is big. And thank you for your Commission for  
33 taking this on.

34  
35 Mr. Carnicelli: No offense to the other communities, but I think the West Maui Community Plan is  
36 the most complicated and we started with it. So...here we go. Christian, I believe you had a  
37 question as well.

38  
39 Mr. Tackett: I just felt that the language was acceptable to me.

40  
41 Mr. Carnicelli: Got it. Any objections to the language that the Department proposed to insert into  
42 Section 3.1 of the plan? Seeing none, we'll go and take that as a consensus and add that  
43 language.

44

1 **Page 68 – Section 3.1 – Background – To insert, “In the past few decades the County has**  
2 **not kept pace with the community plan updates which are supposed to be adopted every**  
3 **ten years with each plan having a 20-year vision. However, there is a renewed commitment**  
4 **to this effort and it is expected that this plan will be updated ten years after its adoption,”**  
5 **after the second paragraph which was accepted by consensus of the Commission.**  
6

7 Mr. Carnicelli: It's, it's not on the agenda, but it's kind of been brought up with a question about,  
8 you know, what's in urban center corridor. And I know that the designations got moved to an  
9 appendix at the end so we'll kind of address those at the end of our process here. And, Jen, you  
10 don't have the resources to, I mean literally you're up to your eyeballs in alligators, is what we  
11 talked about actually saying, okay, what belongs in each designation and not. And I believe  
12 Director, you said that you would willfully take that on. Are we still headed that way with, like,  
13 okay, what's in it or not? Oh, all right. Jen? Michele?  
14

15 Ms. Maydan: Yes. So the community plan designation is all moved to an appendix based on our  
16 recommendation. So you will have an opportunity to talk about them, tweak them, and consider  
17 our recommendations to those at your last meeting, which hopefully is November 10th. But  
18 absolutely today, I can provide, I would be very happy to provide some clarification on community  
19 plan designations relation to zoning, and context for the UCC designation on the Pioneer Mill site,  
20 if you'd like to do that now.  
21

22 Mr. Carnicelli: Yeah, I think that we, we need to do that, I mean, so let's, let's, let's just go there.  
23

24 Ms. Maydan: Great.  
25

26 Mr. Carnicelli: Let's --. And, and get whatever questions we can out of the way now.  
27

28 Ms. Maydan: Sounds good. All right. So, yes, the UCC, Urban Center Corridor, light-industrial  
29 uses I mentioned earlier, it does not include heavy industrial uses. So that being said uses on the  
30 properties -- uses on properties entitled are, are governed by their zoning. And so the heavy  
31 industrial parcels that operate under the M3 Heavy Industrial zoning. However, current uses,  
32 current uses as described in --. Sorry. The UCC designation does not interfere with the uses, the  
33 current uses or future heavy industrial uses. Again, the UCC designation would not interfere with  
34 this because it's governed by the zoning. So unless an SMA or a special use permit or a  
35 subdivision required for a project.  
36

37 Where UCC comes into play is when there's consideration of a change in zoning on the property  
38 or redevelopment outside of the scope of the current entitlements, outside of the scope of the  
39 current heavy industrial entitlements if we're talking specifically of the heavy industrial. So the  
40 community plan provides a vision for the future of this site. And during our community engagement  
41 process with the West Maui community and during the CPAC process, there, they put forth the  
42 idea of redeveloping a couple of areas within Lahaina town, the Pioneer Mill site, as well as the  
43 Lahaina Gateway Center site. That's the other urban center corridor designation within Lahaina  
44 town. So those were looked at as potential opportunities for the community; opportunities for  
45 redevelopment to really address the community's needs for housing, for walkable developments,

1 for shopping and services close together, as well as it is on a major corridor along the highway.  
2 There's opportunities for development . . . (inaudible) . . .

3  
4 Mr. Carnicelli: You froze up on us Jen. Haiku Wi-Fi.

5  
6 Mr. Thompson: I think we approved that cell tower. Apparently it's not installed yet.

7  
8 Mr. Carnicelli: We'll wait for her to come back.

9  
10 Ms. Maydan: Sorry about that. Am I back?

11  
12 Mr. Carnicelli: Yeah. You are back.

13  
14 Ms. Maydan: My County issued hotspot shut down on me so now I'm on my home Wi-Fi. Hopefully  
15 it works. So I'm not sure where I cut out. But basically through our community --

16  
17 Mr. Carnicelli: You were talking about, you're talking about along the highway.

18  
19 Ms. Maydan: Okay. Yeah. So, this site that's designated UCC within the CPAC plan is really  
20 looked at as an opportunity for the community. And with it being along the highway, it provides  
21 great opportunity for development that is of higher density. You could have housing there where  
22 people can get on transit, can get on the bus to go to jobs, to services. So when you look at this  
23 designation, it really is looking towards a future opportunity for the community. The UCC does not  
24 hamper or prevent the current uses that are on the site, whether they're light industrial. And from  
25 what we've heard from Kaanapali Land Management Corporation, all the uses that they've listed,  
26 they are light industrial. They are not heavy industrial uses. But the zoning controls the  
27 development and the uses on the property right now. It's a change in zoning. It's a change for the  
28 future where UCC would guide that change. UCC would say the community is looking at this as  
29 an opportunity to really provide a kind of a center, a heart of Lahaina town. Of course, you have  
30 a historic Lahaina town but maybe this is a heart where you can provide denser housing, where  
31 you can provide services and opportunities.

32  
33 And just one last thing. There's been a question of if there are other heavy industrial areas within  
34 the community plan areas. The only other area is a four-acre site near the wastewater treatment  
35 plant in Kaanapali, which was discussed at the last meeting. That is the only other site. The  
36 potential need for heavy industrial land was discussed quite a bit through the CPAC process. But  
37 they never quite came to a resolution or a recommendation for a heavy industrial site because of  
38 the, the noxious uses, because of the incompatibility that the heavy industrial uses can bring.  
39 There were a couple of sites that were discussed, but nothing was recommended from CPAC. So  
40 perhaps your Commission has a recommendation for a site if you so desire. But I hope that  
41 context and a little bit of history of the process helps in your discussion.

42  
43 Mr. Carnicelli: Commissioner Freitas, does that answer your question about urban center corridor  
44 designation? Yeah. Any other questions for Jen based on what it is that she just said?  
45 Commissioner Castro.

46

1 Mr. Castro: Hi Jen. I guess my question is, and you probably already answered it, but do --. Let  
2 me see. Are heavy and light industrial uses allowed in the UCC designation?

3  
4 Ms. Maydan: Light industrial uses are definitely allowed. Heavy industrial uses are not. The only  
5 place heavy industrial uses are allowed are within the industrial designation.

6  
7 Mr. Castro: So, have you, have you folks reached out to any of the tenants or landowners for any  
8 feedback on the proposed change?

9  
10 Ms. Maydan: So we --. With all -- of as far as Chad and all of the larger landowners, we have  
11 been, throughout the process, they have been very much involved on in developing these maps.  
12 We have had many meetings. They've been involved in the public process. As far as contacting  
13 individual lot owners all throughout West Maui, no, that is not a, that is not a process that the  
14 County goes through in a community plan update.

15  
16 A community plan update is a public process. We do extensive community engagement. We  
17 reach out to the community in many ways. To Commissioner Pali's comment regarding who is  
18 the community, how do they get involved? That is always the hardest thing about doing community  
19 planning is really getting people involved for whatever reason. People are busy, don't want to be  
20 involved, don't understand the process, whatever the reason is, we completely understand that  
21 we have not reached everyone. We make a tremendous effort to do that. We've, we had a very  
22 long community engagement process for West Maui. It was virtually two plus years. We've made  
23 a lot of changes in the way that we engage the community being involved on social media, really  
24 meeting the community where they are, as far as going to community meetings that are already  
25 happening and such. But it is hard to reach everyone. But we do our best. But no, we do not do  
26 mail outs to every single address in West Maui, you know, if there's a change. But it's a community  
27 process and we can encourage everyone to be involved.

28  
29 Mr. Castro: Do you folks put it in the newspaper, you know, upcoming changes, you know, are  
30 they notified?

31  
32 Ms. Maydan: We don't put the changes. But all of the meetings, all of our meetings are public. As  
33 far as doing our community engagements, everything was published in the Maui News, as well  
34 as the Lahaina News. We used social media to publicize all of the meetings. And this is for our  
35 community engagements, as well as CPAC, as well as your meetings.

36  
37 Mr. Castro: So nothing is putting the paper, in the paper as far as what's in the agenda, you know,  
38 describing what the changes are going to be?

39  
40 Ms. Maydan: The agendas specify what topics are going be discussed. So, but not to the extent  
41 of listing, like listing the individual TMKs. But yes, the topics are discussed as far as community  
42 plan maps, changes to what sub area, that is all listed in the agendas for CPAC meetings, for  
43 your meetings, and when we had committee engagements, these topics were publicized.

44  
45 Mr. Castro: Thank you.  
46

1 Mr. Carnicelli: Commissioner Pali, I thought I saw you reaching for the mouse there. No? Okay.

2  
3 Ms. Pali: No, I think --

4  
5 Mr. Carnicelli: Yeah, I mean, it was interesting --. Oh, go ahead.

6  
7 Ms. Pali: No, I think that's, I think, I think that what Jennifer is saying, like this is just a really big  
8 undertaking. They're adding so much more to this plan than ever before. And you just have to do  
9 layers, right. And I'm sure Jennifer, and the team, Pamela, you guys have probably have a list of  
10 what worked, what didn't work, and I'm sure in ten years you probably have a lot of learning and  
11 it can even be better in ten years. I would only want to just encourage, like, it's a small community.  
12 And if, if these candidates that get six months to get people's vote can canvass neighborhoods  
13 three times in a six month period, I would almost want to encourage, like, let's get teams and let's  
14 canvass and go door to door because if you really want the community involved, then let's go  
15 knock on their door. And so I think that we can just grow in that, and let's send mail outs. Like why  
16 aren't we sending out mail outs? That goes direct. And, so, I would just want to encourage you  
17 guys. You've done a great job, and I think that there's always room for improvement. But I'd like  
18 to see 75 percent of the people have a voice. That really reflects the community. And it's not that  
19 they don't want to. I think they don't know how to. And I think that everybody cares about what's  
20 going to happen next door to them. And so that those would just be my words of not, I'm not  
21 chastising in any way, I'm encouraging to just grow the process because that's the goal is that  
22 more people get involved.

23  
24 Mr. Carnicelli: Thank you, Kellie. Commissioner La Costa.

25  
26 Ms. La Costa: Thank you Chair. I live West Maui as you all know, and I received mailings, I  
27 received information and newspaper in the Lahaina News. It was everywhere. And people choose  
28 to go to meetings because they choose to go to meetings and be informed. We'd like to have a  
29 75 percent voter turnout, but that doesn't happen because people don't want to get involved. It  
30 should happen this year, but it doesn't happen. So anyway, so I have to say that you can, you  
31 can give people all the information you can, but if they don't want to take the time to go, they're  
32 not going to go. I mean, I was at most of the meetings. Lawrence was at a lot of the meetings.  
33 Kawika was at some of them. People just don't show up because they don't have an interest.  
34 And then when something happens, they all jump up and down and say I didn't know and why  
35 would you do that? So I think that the Long Range Planning and the Planning Department has  
36 done a great job. So you did what you could, I think. Thanks.

37  
38 Mr. Carnicelli: No, I think that they did a fantastic job. And so as we move forward, and as we take  
39 testimony, and as we're trying to give our input into this, I think that, you know, I mean, we're kind  
40 of waxing philosophical right now, you know? I mean, and that's, that's okay because I think it  
41 adds context. Because one of the things I find fascinating through this two plus, almost three  
42 years now that we've been doing this, is who is the community, right? People claim, oh, well we're  
43 the community, or the community did this. It's like, okay, well who is the community? And then the  
44 other part of like who is the community is are we willing to hear dissenting voice? Are we willing  
45 to hear differing opinions? Are we willing to have something like for the next six years, or six  
46 months that I'm left here, I'm going to try to just promote as much I can because I still call it civil

1 discourse. As a country, as a community, we've lost the ability to have civil discourse. Let's all  
2 share our opinions. And guess what? In this arena, five votes fore, four votes against, we're still  
3 all friends, you know. So, but who is the community, and who do we listen to, and how do we  
4 ferret that out as we make these decisions? That's going to be for each one of us to, to, to address  
5 individually. So now that we've traveled, traveled that rabbit hole for a while, is we've adopted the  
6 changes to 3.1. We can go back to the map, and maybe we go ahead and start at the northern  
7 end unless you guys have other questions that you'd like them to address about the designations  
8 or the presentations that were done. If not, maybe what we'll do is we'll just start up north and  
9 start with DHHs, Villages of Leialii, and roll down. So Commissioner Tackett and then to  
10 Commissioner La Costa.

11  
12 Mr. Tackett: Wasn't there, wasn't there going to be a question period for, for the two people that  
13 came in and, and offered their testimony? It seemed like that whole thing got skipped to me.

14  
15 Mr. Carnicelli: Well, my intent on, Christian, on that one was, is instead of asking is when we get  
16 to that area on the map then we'll bring them back and we can, you know, tease it all out and  
17 make the decision while we're doing that. Unless you guys would rather just have the questions  
18 answered now before we even go to the map. I mean, I'm, I'm okay either way. But my intent was  
19 to do it when we got to that actual piece of the map that they were talking about.

20  
21 Mr. Tackett: No, I'm fine with that. As long as, as long as they're still around.

22  
23 Mr. Carnicelli: Oh, yeah. They're not going anywhere I don't think. Commissioner La Costa?

24  
25 Ms. La Costa: Thank you Chair. So I don't mean to beat a dead dog, but the light industrial, heavy  
26 industrial aspect, if what is happening now is considered light industrial, I don't know what  
27 activities that would be heavy industrial would impede any of the growth. I mean, it's, I guess, I'm,  
28 I'm kind of at a loss as far as when, when Chad said we need to keep it heavy industrial. The mill  
29 is gone, and what is happening there, now, is in the light industrial area. I guess I don't know what  
30 he -- why he wants to keep it as heavy industrial if there's nothing heavy going on right now. That's  
31 my question.

32  
33 Mr. Carnicelli: So Jen, I'm going to let you answer that again.

34  
35 Ms. Maydan: Chair, that's not a question for me to answer.

36  
37 Mr. Carnicelli: Okay, so then Director.

38  
39 Ms. Maydan: That's a question for Chad.

40  
41 Mr. Carnicelli: Oh, no, no, no.

42  
43 Ms. Maydan: I'm sorry. If I misunderstood.

44  
45 Mr. Carnicelli: Here's the question. Is that they had --. Here's my question if I could try to  
46 paraphrase the question. Because Chad's saying, hey, listen, we don't want nonconforming used,

1 right? And you're saying zoning dictate use, community plan is effective if they want to change.  
2 That's what I heard you say before. Correct? Like, if they want to change in zoning, if they want  
3 to do that, you know, it's like okay, if they to change, then the community plan is going to affect  
4 them. But right now, currently, the use is light industrial and that's what the zoning is so they can  
5 keep going, correct?  
6

7 Ms. Maydan: On part, a part of their land the zoning is heavy industrial. Part of their land the  
8 zoning is light industrial. From what we've heard and seen, it looks like the uses predominantly  
9 on all of the land is more in the character of light industrial. They can continue. And the zoning  
10 code, whether they're in the light industrial or the heavy industrial districts, will govern what they're  
11 doing on the property right now. They're entitled for a heavy industrial uses on the heavy industrial  
12 land. They're entitled for light industrial uses on the light industrial land. I'm sorry, I think I  
13 misunderstood. I thought Commissioner La Costa's question was why does Kaanapali Land  
14 Management want to retain heavy industrial designation? What sort of uses are of a heavy  
15 industrial nature that would require that that UCC would not accommodate?  
16

17 Mr. Carnicelli: I misunderstood then. So it's the why question which then let's answer that question  
18 of Chad when we get to that spot, and we'll bring Chad back and we'll ask him the why question.  
19 So Jen if you're still here, members if I go to the top of the map here and we've got the DHHL  
20 Villages of Leialii land, I believe that's the first spot where we're headed Jen as far as on the map?  
21

22 Ms. Maydan: Correct Chair. So, yeah, in you're, in the areas of change that this area is described  
23 on page 109. It, because it described in the context of the DHHL project, as well as the HHSDC  
24 projects, both having the same name. So there is a summary of the intended growth of those  
25 areas, predominantly residential growth with the opportunity of some commercial nodes. The  
26 areas of change notes that it will be important to tie these areas into the existing community to  
27 provide connection as far as roadways, to provide pedestrian connections. This is basically  
28 residential expansion of, of the northern Lahaina area.  
29

30 Mr. Carnicelli: Questions commissioners?  
31

32 Mr. Castro: Excuse me Chair?  
33

34 Mr. Carnicelli: Yeah?  
35

36 Mr. Castro: I need to be away for a few minutes. So my solar guy is here and I got be with him.  
37 This will only take a few minutes.  
38

39 Mr. Carnicelli: Commissioner La Costa's happy. You're going to meet a solar guy. All right. Any  
40 questions or comments from the, on this particular area. I guess that also includes the areas of  
41 change on page 109. Jen, this is my only question, I guess seeing nobody else has a question,  
42 is it just seems as though we're just -- I mean, it's not a bad thing but it just seems like we've got  
43 one little neighborhood center thing there and just a whole lot of residential. It seems like all we're  
44 doing is adding the streets, and sewer lines, and water lines. You know, we're not -- there's, you  
45 know, the mixed use components or, you know, the quote on quote, smart growth element just  
46 doesn't seem to be kind of very mixed in. It's just more neighborhood.

1  
2 Ms. Maydan: So thank you for asking that. So certainly with the DHHL project, I believe their  
3 intention is to provide housing there.

4  
5 Mr. Carnicelli: Right.

6  
7 Ms. Maydan: For the HHFDC, this is a small component of their much larger Villages of Leialii  
8 project. There's actually quite a bit of their project that is outside of the urban growth boundary.  
9 Not all of their project was included within the growth urban growth boundary during the Maui  
10 Island Plan. But this component takes into account their Keawe Street apartments plus a bit more  
11 area to the north. So there is a small neighborhood center node which could provide neighborhood  
12 services for the new community and the existing community.

13  
14 Also, I want to make a note that in the residential designation, if you read the language, it does  
15 allow for small commercial operations. I should just grab the exact language. But it does allow for  
16 very small neighborhood center, neighborhood level, neighborhood serving commercial uses. It  
17 does allow for that opportunity so that they're not big centers but there -- you can have maybe at  
18 an intersection, you can have a couple of commercial uses that service that neighborhood. So  
19 while it is all painted yellow and it looks like all residential, when you read that designation, you'll  
20 see that there is that opportunity. But yes, thank you for pointing out the, the intention for providing  
21 as much mixed use, mixed use as possible. These two projects are very much based upon what  
22 is proposed by these developments. Kiawe Street is, you know, a good amount along in their  
23 process. And DHHL is, to certain extent as well. So we basically followed what their plans are.

24  
25 Mr. Carnicelli: Got it. And I guess, then, in following up with that, if you're saying that that's what  
26 their plan is now -- because I just find it interesting that when I'm looking at the urban growth  
27 boundary, I'm sorry, yeah, the urban growth boundary, we're still leaving a big swath of that in Ag.  
28 Like why? I mean, especially if they've got a plan, and we're trying to be visionary and we want  
29 housing, why are we not saying, all right guys, let's make, you know, let's add more here especially  
30 if they're going to grow beyond the boundary itself. So why are we leaving all that in ag?

31  
32 Ms. Maydan: Yeah, great question. During discussions with representatives from HHFDC, they  
33 indicated that they had no indication of developing beyond what's indicated here in the residential  
34 during the life of this community plan. So we just realistically took that into consideration.

35  
36 Mr. Carnicelli: Okay. That's fair enough. I mean, it's, yeah, although 15, 20 year process you'll  
37 never know. Any other questions for Jen? Commissioner La Costa?

38  
39 Ms. La Costa: Thank you Chair. To, to go along with what you were asking, there is no designation  
40 in all of this residential for parks. And we haven't seen the plan like we have with other developers  
41 where it shows multi-family, single-family, recreation area, etc. And on this is is one big swath  
42 when you have an actual designation in other areas for parks. So where might those be?

43  
44 Ms. Maydan: Thank you Commissioner La Costa, for a great question. So this is where we have  
45 to remember that we're at the level of the community plan. We're really more at the 30,000 foot  
46 level. We aren't site planning. I mean it does vary where the different projects are in their process.

1 So the most important thing to know is that with the residential designation, parks are actually  
2 have been included as a use within the residential. When you read the, when you read the  
3 description of residential, it says related and compatible uses include but are not limited to parks,  
4 schools, churches, and other public quasi/public uses. So those types of uses are absolutely  
5 encouraged within residential to be mixed within. But we're not at the scale to be identifying the  
6 particular location for the parks that might go within these projects.

7  
8 Ms. La Costa: Thank you.

9  
10 Ms. Maydan: Whereas Pulelehua is an example of a project that they had specifically identified  
11 where they were having their parks, so we could identify. But with something like this we leave  
12 more flexibility.

13  
14 Ms. La Costa: Thanks, Jen.

15  
16 Mr. Carnicelli: So Commissioners, any other questions on the DHHL or HHFDC lands in north  
17 Lahaina? Is there any objections to keeping what the CPAC has presented? All right, seeing no  
18 objections, we'll go ahead slate that is consensus, unanimous, unanimously adapted, adopted.

19  
20 **Page 109 - DHHL and HHFDC lands -- to as recommended was accepted by consensus of**  
21 **the Commission.**

22  
23 We go to page 110 and 111, in your plan, is going to be central Lahaina. This is where we have  
24 our, the UCC designation. And let's just start north of the stream. Well, we got the Gateway Center  
25 and the Cannery Mall. Any questions about that piece first? Questions, concerns? Any objections  
26 to keeping that as is as presented I guess? Seeing no objections, we'll go ahead and take that as  
27 consensus and adopted.

28  
29 **Page 110-111 - Central Lahaina – Gateway Center and Cannery Mall area – to keep as**  
30 **recommended was accepted by consensus of the Commission.**

31  
32 So now we get to go, bring Chad back and have a fun conversation about what we're going to do  
33 over here at the Mill. Chad, if you go ahead and unmute yourself and your video as well, please.  
34 Thank you for hanging in there with us. So Commissioner La Costa, I'll go ahead and have you  
35 ask your question first and then we'll, we'll go forward from there.

36  
37 Ms. La Costa: Thank you, Chair. Chad, thank you very much for still being with us. So you were  
38 talking about the need for heavy industrial. The uses that are currently being used there, to be  
39 redundant, are light industrial. What need do you see that would have to make that stay in heavy  
40 industrial? What use? What need? Thank you.

41  
42 Mr. Fukunaga: All right. So I have the, the county ordinance in front of me and it's the M2 Heavy  
43 Industrial District allows permitted uses. And so we have a couple uses that I, that I think are  
44 defined as, as heavy industrial and not light industrial. The first thing we have is our -- not our --  
45 but we have a, a recycling center and a redemption, redemption and material recycling center.  
46 So under the M2 Heavy Industrial Uses it say -- and allowed uses is material, recycling and

1 recovery facilities. And there is no other listed uses in the light industrial that was seemingly  
2 allowed that, that type of use. So I, I believe that falls into heavy industrial.

3  
4 The other is the waste bin storage yard. So we have again, the Aloha Waste, Maui Disposal and  
5 Waste Pro, they store their bins on our site. And I believe that would fall under into M2 Heavy  
6 Industrial as junk establishment used for storing, depositing, or keeping junk or similar goods for  
7 business purposes. So again, looking in the light industrial, I don't see any allowed uses, you  
8 know, that would, that would allow that type of storage.

9  
10 So those are two examples that I believe are categorized heavy industrial.

11  
12 Ms. La Costa: So you don't see building anything. I mean, my interpretation and certainly Director  
13 McLean is to one who can give us a better outlook on this, but you don't see building anything on  
14 that property, such as the mill, which truly was heavy industrial so that you need to keep that  
15 designation that way. You're just talking about possible uses in the future?

16  
17 Mr. Fukunaga: I guess I'm referring to existing uses. They're outdoor uses. They're not in the  
18 building. But we're not, we're not looking to build anything new that that would be categorized has  
19 heavy industrial, if that's what you're asking.

20  
21 Ms. La Costa: Yeah, that's what I was asking. And certainly probably Director McLean could, if  
22 she could please step in and, and give her interpretation of the two examples that you gave  
23 whether or not they were actual heavy industrial or if they would fall under light industrial. Thank  
24 you Chair.

25  
26 Ms. McLean: Thank you Commissioner La Costa. Recycling centers and redemption centers are  
27 also permitted uses in the B2 Community Business District, and the B3 Central Business District.  
28 And in the industrial districts they're considered stacked zoning. So uses allowed in the business  
29 districts are also allowed in the industrial districts. So because those uses are allowed in the  
30 business districts, they are also allowed in the industrial districts. None of this is really relevant to  
31 the discussion because the property has its existing heavy industrial zoning and this community  
32 plan will not change that. That's an existing entitlement. The only way that can be changed is by  
33 Council action to change it and I'm not aware of any effort at this point to change that. What we're  
34 doing here is to try to figure out the most appropriate community plan designation, and certainly  
35 the designation to reflect and allow those existing uses. The designation that we're talking about,  
36 urban center corridor, does need to be amended. That's important. We can't forget to do that  
37 when we get to the appendices to specify that light industrial uses are allowed. But for urban  
38 center corridor for that whole local area needs, believe it's a more appropriate designation than  
39 calling that entire area industrial. Because the urban center corridor is much more of a mixed use,  
40 and we do see that here. We see some light industrial uses, some commercial uses. So I, I don't  
41 know how else to convey that the uses that they're doing right now and any use in the future that's  
42 allowed by heavy industrial zoning would continue to be allowed on that site because the zoning  
43 allows it.

44  
45 Ms. La Costa: Thank you for your wisdom.

1 Mr. Carnicelli: So if they wanted to rebuild the mill, they could,

2  
3 Ms. McLean: If they wanted to rebuild the mill --. So this is when we get into the community plan  
4 being regulatory.

5  
6 Mr. Carnicelli: I, I -- when does it kick in? Right. That's what I'm saying is if all I got to do is get a  
7 building permit.

8  
9 Ms. McLean: If that property -- and I can look really quickly because I have the maps up -- if it's  
10 in the SMA, then you would need to have consistency with the use and the zoning and the  
11 community plan. This property is not in the SMA, so you don't need to have that consistency. So  
12 if they wanted to rebuild the mill, then their heavy industrial zoning could potentially allow that. I'd  
13 have to look and see because we did tweak the H2 Heavy Industrial District a little while ago when  
14 we created the M3 Super Heavy Industrial District. So, but whatever uses are allowed in H2 they  
15 can continue. The property is not in the SMA, we don't have that consistency requirement.

16  
17 Mr. Carnicelli: Chad. And then I'll go to you, Christian.

18  
19 Mr. Fukunaga: Well, we also have our coffee mill. It's an existing mill. So that's on site. I, I would,  
20 I'm thinking that's light industrial use. Is that something you can verify, Michele?

21  
22 Ms. McLean: I, I can look through the zoning code really quickly, but that's an existing use. I don't  
23 -- under your H2 zoning that would be allowed. So there is not a question about that being allowed,  
24 being able to continue. It's allowed what will continue to be.

25  
26 Mr. Fukunaga: . . . (inaudible) . . . if we could get a permit to fix or a building permit, an electrical  
27 permit or some kind of permit to repair or, or renovate, would we be allowed to do that?

28  
29 Ms. McLean: Yes, you would.

30  
31 Mr. Fukunaga: Okay, great.

32  
33 Mr. Carnicelli: Yeah, and that's the part where I kind of feel like this conversation is almost gone  
34 way off the rails, because if they've got a heavy industrial zoning, they can do heavy industrial. It  
35 doesn't matter what's on this map unless they want to go do something change or they're in the  
36 SMA, which they're not, they need a community plan amendment, I mean, you know, I mean, they  
37 need changing zoning, something like that, then this would matter. If not, they can do industrial  
38 tomorrow, but it seems a little bit redundant. Commissioner Tackett.

39  
40 Mr. Tackett: With, with all that being said, why is it not easier just you call the duck the duck? But  
41 if they've been industrial, it's always been industrial, then why don't we just let them keep their  
42 industrial because that's what they've owned all this time? So I don't see why we have to take it  
43 out of that and stick it into something else. It's, it's my idea that none of us know what direction  
44 we're going to go. None of us thought that we're going to be in a pandemic at this time. All the  
45 wheels stopped, all the directions change. And Lahaina got no heavy industrial. So why can't we  
46 just make heavy industrial? There's a little box with that color code on the map, but there's none

1 of that in Lahaina, and it already exists in Lahaina. Why can't they just let what's industrial or  
2 heavy industrial, why can't they just let it stay what it is and change the rest of this stuff to the  
3 urban corridor so that at least those opportunities still exist?  
4

5 Mr. Carnicelli: And Christian, if I could get just clarification. And so the portion of that lot that is  
6 zoned heavy industrial, I believe, because is I think it's got multiple zoning designations on that  
7 piece is, is what you're saying is the heavy industrial would be heavy industrial.  
8

9 Mr. Tackett: Correct. Why don't we let the heavy industrial stay heavy industrial, and the light stuff  
10 go light, and then that way you're not taking anything away from people. And, and, we're, we're  
11 moving forward to the end that we're all trying to get to.  
12

13 Mr. Carnicelli: Jen, is that possible for us to do that? Is it, I mean, is there or Chad, maybe I should  
14 ask you, Chad. Is that, is there a line on there as far as the zoning, the change? Is there multiple  
15 zoning in on that parcel?  
16

17 Mr. Fukunaga: There is. The majority of it is heavy industrial. There's a smaller question on makai  
18 side that's light industrial. And in fact, very little bit on the south side that's residential. Now, all  
19 that's being said there's a lot of new information that I think we're all just discovering today. So  
20 you know, all this information that we're taking in might, might change how we feel about, about  
21 what we've stated. Not sure how to, how to adjust this.  
22

23 Mr. Carnicelli: This is one of those ones I wished you would have had that conversation with Jen  
24 and Pam before we got here then. Commissioner Pali?  
25

26 Ms. Pali: So I'm -- this particular area is very familiar with me. My dad lives on Paunau and his -  
27 -. You know where that is.  
28

29 Mr. Carnicelli: Yeah.  
30

31 Ms. Pali: So we visit often. And he's lived there -- it's a family home -- and so for a very, very long  
32 time. And my only comments would be if we can find a happy medium between this and changing  
33 it to the urban corridor, that's great. But I personally feel like we do need to have some sort of  
34 industrial area on the west side. We don't know what the future holds in a sense that the needs  
35 of the community might be. And instead of trying to see where it would fit best, the people in this  
36 neighborhood, including my dad guys, they've already been living with it, they've already accepted  
37 it in their backyard, and so instead of maybe considering upsetting other neighbors that would not  
38 want that in their backyard or next to them, it's already an area and the community members  
39 already are used to this heavier industrial. Even the looks of it, the views, the dust. I mean it's  
40 kind of -- anyway, you know what it looks like. So maybe there's a way where you can keep a  
41 portion of it for future needs that we may not be able to see now as the heavy industrial and then  
42 change the rest to the urban corridor since the current uses are allowed under that. Just as a  
43 compromise would be my only remarks.  
44

45 Mr. Carnicelli: Commissioner Freitas.  
46

1 Mr. Freitas: Thank you, Chair. When I look at heavy industrial and some of the operations that fall  
2 under that, it's quite scary to put anything like that on the Lahaina, or the West Maui side. And  
3 now I see why the committee has asked for the urban designation. Some of the things that are  
4 here are manufacturing, plastic manufacturing, oil refining and those kinds of things that don't  
5 belong on that side. However, as we head toward diverse economy, I'm afraid that if there is  
6 something, let's say, agriculture really takes off, we have a lot of agricultural land out there. Now,  
7 if they need a packing facility, now, I can, I'm not keen to what these different usage. Can they do  
8 it on the light industrial or does that fall under the heavy industrial? If they can be on the light, then  
9 it's good, you know. I don't want to restrict us to how things used to be. You know, we've got to  
10 make some big changes to get our economy going. Right now I was going to vote to push for it to  
11 be industrial. But after all the great information we've had, I think the urban, I think, fits perfectly  
12 fine here. And leaving those that have the heavy as a heavy industrial as they are. Thank you.  
13

14 Mr. Carnicelli: Thank you Kawika. Yeah. I mean, I really get it. I mean, I get the part, it's like it's  
15 scary, you know, to say like, oh wow, you know, we can have a plastic plant there, you know,  
16 whatever it might be. But the part that's just weird and I think it's tweaking all of us is they can do  
17 that now. Right? Whether we could, we can make this residential on the map, and they can still  
18 do that because the underlying zoning. We can make it, you know, park and open space, and  
19 they can still do that. So, it's just if they want to change, then it kicks in. So that's the part that's  
20 weird. So anyways, Jen, if you would chime in. I'll get to you too Chad.  
21

22 Ms. Maydan: Thank you. I think this, I think this is just where you really need to keep in mind that  
23 this is a forward-thinking document. This is looking towards the community. This is looking  
24 towards West Maui's future. And it's really looking at these areas as this, this site as an opportunity  
25 for the community. Lahaina has evolved. Those heavy industrial uses are not currently going on  
26 there as they used to in Lahaina's history. This is an opportunity to provide a center that Lahaina  
27 could really benefit from. And it's really just not appropriate anymore for heavy, heavy industrial  
28 uses to be in that location. That location is surrounded for the most part by residences and by  
29 other urban type and community uses. Communities change and evolve over time, and this, from  
30 what we heard through our community engagement process and through CPAC for the most part,  
31 there was very positive support behind this as far as evolving this part of Lahaina Town.  
32

33 Mr. Carnicelli: So wait, before you go anywhere Jen, here's the part that is part of the conversation.  
34 And that is, and I understand what you're saying and that, and that's true, is if not here then where.  
35 I know that we put the four acres up by the you know, the wastewater treatment plant in  
36 Honokowai, right. And so if we're looking at a, you know, this size community, you know, with this  
37 level, you know, highway corridor, again, I'm going to say you're the professional planner, where  
38 are we, you know, where we put it then? If not here, then where?  
39

40 Ms. Maydan: So yes great question. And this is something that we've talked about and discussed  
41 a lot through this process is what really are the needs for heavy industrial into the future in West  
42 Maui? And to be completely honest with you, we haven't had anyone, we haven't had anyone  
43 come forth and say, I have this in heavy industrial need that I need to put on the land. We have  
44 not heard that. I'm not saying that that won't come just as Commissioner Freitas stated that  
45 perhaps with the resurgence of agriculture with which this plan very much promotes, perhaps  
46 there is some sort of need for a heavy industrial type use. Perhaps not. Perhaps what the

1 agriculture would need could happen under the ag designation. But if that time arose, there could  
2 be the opportunity for looking at that. This is tricky because noxious uses that are described within  
3 our heavy industrial designation, they come with a lot of conflict. So through this process, without  
4 having a real specific need before us or really spelled out, it's hard to plunk it on a map and not  
5 do something wrong as far as, you know, impacts neighbors or impact really important natural or  
6 cultural resources. The CPAC was considering the site more -- I don't know why I'm pointing --  
7 the CPAC was considering a site a more south. I think because the map is in front of me. The  
8 CPAC talked about a potential heavy industrial or industrial site more south towards the Olowalu.  
9 But ultimately they decided, no, they were concerned about impacts to the ocean. So it's a great  
10 question, Chair, and I don't have a specific answer for you.

11  
12 Mr. Carnicelli: I actually, I remember that now because it was where the old dump is . . . (inaudible)  
13 . . . I see you Commissioner La Costa and Commissioner Pali, but I'm going to go to the Director  
14 first and have her chime in.

15  
16 Ms. McLean: Thank you Chair. I've been sitting here trying to figure out why does this matter?  
17 Like you said, Chair, designate it . . . (inaudible) . . . and, like, okay what is the community plan  
18 regulatory? You know, it's not in the SMA. It's when we had discretionary permits. But it's not in  
19 the SMA. When else does that come into play? And it occurred to me with special uses. If  
20 someone wanted to apply for a special use permit in the heavy industrial district, we would look  
21 at what the community plan says. And so with the designation of urban center corridor, it's unlikely  
22 that the property owner would be able to get a special use permit for some of the special uses  
23 that are listed in heavy industrial. The properties designated industrial, then there wouldn't be that  
24 community plan restriction, if you will, on the review of a special use permit. So some of the special  
25 uses in heavy industrial district are acetylene gas manufacture, acid manufacturer, ammonia  
26 bleaching powder or chlorine manufacture, . . . (inaudible) . . . treatment plants, explosive  
27 manufacturer or storage, fish canneries, blue manufacturer, petroleum refinery. So if you think  
28 that those uses could be appropriate for that site, then industrial might be the appropriate  
29 designation. But if you think that those uses are too intensive for that location, then urban center  
30 corridor might be appropriate because as we discussed thoroughly all the existing permitted uses  
31 under heavy industrial zoning would still be allowed. Thank you Chair.

32  
33 Mr. Carnicelli: Thank you Director. I appreciate that insight. Commissioner Pali, then  
34 Commissioner La Costa.

35  
36 Ms. Pali: Yeah. I think all this is super helpful. We were talking about the duck, quack, quack, I  
37 mean, it doesn't sound like those are anything that we've had or wanted to have. And I don't know,  
38 I don't have the ability to understand minimum things a community would need if they were cut  
39 off from the larger community, and just kind of being raised on that side of the island. For instance,  
40 my brother who was born in Napilihau because they couldn't make it across the pali to town, to  
41 the hospital. And so, again, if we're thinking forwardly, I just don't know what would be needed in  
42 the future that we can't see now under those uses. But if, if the only things under those heavy  
43 industrial uses were what the Director just read, then again I think we're going to be okay. So  
44 anyway, that's it.

45  
46 Mr. Carnicelli: Thank you. Commissioner La Costa.

1  
2 Ms. La Costa: Thank you Chair. So what is the size of the two parcels that we're talking about?  
3 There is a heavy industrial and then there is a light industrial. So what is the size of that in this  
4 entire red portion? And maybe we're just kicking the can that we don't need to kick. If there is a  
5 small area that you could build an acetylene, or an explosive, or whatever, then you know, maybe  
6 it's just kind of a dead dog we're kicking here.

7  
8 Mr. Carnicelli: Chad, do you want to address that? Or, or go ahead Jen. Go ahead Jen.

9  
10 Ms. Maydan: No, I'm sorry. Go ahead.

11  
12 Mr. Carnicelli: No, no. I'm going to go to you Jen, and then we're going to go to Chad.

13  
14 Ms. Maydan: Okay. I was just going to point out that in Chad's written testimony that he submitted  
15 he has a table that shows the four parcels they're speaking to. And the one that is heavy industrial  
16 is just under 20 acres.

17  
18 Mr. Carnicelli: So Chad, I'll go to you, please.

19  
20 Mr. Fukunaga: I think Jen answered the question for me. Yes, so the Pioneer Mill site is just under  
21 -- well it's around 19 acres. Can I, can I just kind of give an update? Having taking in all this, this  
22 information, you know, we --. I agree, we should have had this conversation long ago. We had  
23 requested this information, and I guess it never got into the draft. But understanding now that that  
24 urban center corridor does allow for light industrial, and given Michele's explanation that our  
25 existing uses --. Well, given our underlying zoning because of that, our, our existing uses are not  
26 in jeopardy that I, I think we can agree to the UCC, the Urban Center Corridor.

27  
28 Mr. Carnicelli: Okay. So here's, here's what I'm going to do is I, I just realized that there's another  
29 piece goes on the other side of Lahainaluna Road that you're not a part of, isn't that correct,  
30 Chad?

31  
32 Mr. Fukunaga: That's correct. Yes.

33  
34 Mr. Carnicelli: Okay. And that's, and that's the piece that Mr. Ginoza is a part of which is going to  
35 be part of this whole mishigosh. So Christian, this is what I'm going to do is because I'm not going  
36 to participate on anything south of Lahainaluna, right. Like, once we get to the Lahainaluna, I'm,  
37 I'm going to back out and recuse myself. So I think I'm going to go ahead and do that now, and  
38 maybe you can bring Mr. Ginoza in to have a similar conversation as you did with Chad. And then  
39 you guys can make decisions going forward moving south. So I think at this point time let the  
40 record show that Vice-Chair Tackett is now going to take over the meeting.

41  
42 Mr. Tackett: All right, Mr. Ginoza . . . (inaudible) . . . some questions.

43  
44 Mr. Ginoza: Sure. We actually have a heavy industrial use that we are pursuing. And the reason  
45 why I'd like to keep it as industrial community plan is as we work through the negotiation of, of  
46 perhaps selling the parcel to our heavy industrial user, there may be some issues with the

1 inconsistent designations. So for instance, one area that we're looking at, and I've been looking  
2 actually for years, even before I was in this position, is with respect to wholesale petroleum  
3 storage. So if you look at the ability to have propane storage to serve either in restaurants or  
4 residences, or even for power generation in case of emergency, it's heavy industrial zoning is  
5 required. And if you eliminate heavy industrial zoning, the ability to have this type of alternate fuel  
6 source is really limited. And just having been in my previous occupation . . . (inaudible) . . . site for  
7 heavy industrial in like the area of the Olowalu transfer station, then it would require a significant  
8 investment in a transmission line from that area all the way to Lahaina. And so we have been and  
9 I had been kind of targeting this parcel that now that the company I own homes, it would be an  
10 ideal location for propane storage, which would be required, which would require heavy industrial  
11 zoning. And that's why we're quite adamant to retain the, the industrial zoning because that is one  
12 of our chief downstream uses for this parcel. And my concern is if there's inconsistent land use  
13 designations that may hinder our process going forward. I know right now the Planning  
14 Department is saying that it may not matter, or it will not matter if, if the current people are in place  
15 and the current interpretation is in place. But just being around the block for the number of  
16 iterations of County administration I've been in, I am concerned that someone else would grab on  
17 to, oh, it's inconsistent so you're not allowed to use traditional heavy industrial uses. And because  
18 we are seriously into negotiations for that, I really would not like to hinder the opportunity to have  
19 that benefit for the public. So I understand the concern about these noxious uses, but there are  
20 other uses that are not necessarily noxious and requires certain types of setbacks that the, the  
21 parcel that we have affords. And that, that's my kind of rationale for really wanting to retain the  
22 industrial zone, industrial community plan designation consistent with a heavy industrial zoning.

23  
24 Mr. Tackett: Thank you Mr. Ginoza. Do we have any questions for Mr. Ginoza? P. Denise?

25  
26 Ms. La Costa: Thank you Vice-Chair. Mr. Ginoza, there is a very large tank right off Limahana  
27 that is storage for natural gas, liquid gas. What sizes are you looking at storing on that parcel that  
28 is surrounded by homes?

29  
30 Mr. Ginoza: So that what is located on Limahana is 30,000 gallon storage tank, and that, that  
31 facility was actually grandfathered in and it's actually light industrial zoned parcel that if they were  
32 to want to expand what, what they're currently using it for, they would be prohibited from doing  
33 so. So what we've been looking at is -- and full disclosure, I used to be general manager of Hawaii  
34 Gas for Maui County so that's, that's how I have some information on this. And so there's currently  
35 a 30,000 thousand gallon tank on Limahana. We were contemplating or we'd been in negotiation  
36 and contemplating putting more 30,000 or a few 30,000 gallon tanks on the, on the site that . . .  
37 (inaudible) . . . builders and Wainee Land and Homes owns that the one that we're representing  
38 south of Lahainaluna Road. So it would be a similar tank or the same tank as the one on  
39 Limahana just to have more capacity by having more tanks to be able to serve more of the Lahaina  
40 area. Because if you look at right now what that 30,000 gallon tank serves, it's really only the, the  
41 restaurants along Front Street primarily. So if we were to try to expand to, to have utilities and we  
42 say we, they were to expand to have utility service to residents is as well as other businesses or  
43 perhaps backup power generation, that that existing 30,000 gallon tank would not be adequate  
44 and they couldn't expand where they're at. They would require heavy industrial zone land, heavy  
45 industrial community plan.

46

1 Ms. La Costa: There has been, there has been there for years. Why do you see a need to do that  
2 now when it hasn't been in existence before and not much has changed? In fact, things have  
3 rolled back lately.

4  
5 Mr. Ginoza: Rolled back in what sense? I mean, as we expand --

6  
7 Ms. La Costa: The economy.

8  
9 Mr. Ginoza: I, I agree that with, with the recent, recent pandemic issues and such that, you know,  
10 maybe perhaps, yeah, restaurants aren't there. But if we're looking at a potentially 30-year  
11 document, we're looking at, you know, as we try to get away from, you know, tipping over oil and  
12 we want to kind of go to alternative fuel sources, even like with renewable natural gas, a lot of  
13 times you need propane as a backup. And so just to afford the flexibility over the next 30 years,  
14 that's, that's what we're looking at. And you know, I don't think having the industrial zoning -- sorry  
15 -- industrial community plan designation prohibits having a urban center if that's where the  
16 community and an industry and the economy moves toward in the future. But my concern is that  
17 there isn't any of this heavy industrial zoned land for some of these uses that could be very  
18 beneficial to the community that aren't necessarily noxious like many people associate with heavy  
19 industrial uses.

20  
21 Mr. Tackett: Kawika, you got a question?

22  
23 Mr. Freitas: Thank you Vice Chair. Mr. Ginoza, when I think about it, you said you kind of had  
24 this plan for a while, and the planners had said they had heard of no heavy industrial projects,  
25 interest in any heavy industrial projects. Why, why is it that this wasn't brought up in the meetings?  
26 And I know it's after-the-fact but I feel that in those meetings you have the community listening  
27 and you can, they can hear what the community's views are on something like this. And now that  
28 we don't have that, you know, it's kind of hard for us to make this decision. What why wasn't it  
29 brought up earlier during all of the meetings?

30  
31 Mr. Ginoza: It wasn't that it wasn't brought up. It was that the Community Planning Advisory  
32 Committee, or at least the majority of the Committee Planning Advisory Committee chose to  
33 ignore it or to not, I guess, respect the intent of the landowners, and would rather see the urban  
34 center corridor designation. So I wouldn't say that just because it's UCC that it's something that  
35 we did not object to. Both our, our company as well as Kaanapali Land really tried to retain the  
36 traditional uses and the, you know, century long use of heavy industrial. And we tried to  
37 understand where some of these uses might be placed or you know, would it just be in Kahului  
38 or somewhere else. When in many respects, these, these uses, or in some respects, these uses  
39 need to be co-located within a community. So I believe we did do our best to bring up these, these  
40 issues in retaining, trying to retain the industrial designation for the community plan. We just were  
41 not able to convince the majority of the members to retain that industrial designation.

42  
43 Mr. Freitas: Okay, it contradicts what the planner had said that no one has mentioned. So that's  
44 my only question. Thank you.

45  
46 Mr. Ginoza: Thank you.

1  
2 Mr. Tackett: Thank you Kawika. Do we have any further questions? I have a question for Kyle. I  
3 think we're all here for the west side. I think we all want what's best for the, for the west side. And  
4 I think that in order to get any, any of the, the nine to stand with you, we, we need a scenario of  
5 how losing this industrial area is going to adversely affect it, and how having it under certain  
6 situations could be something very positive for the west side. So if you could paint those two  
7 pictures, it would help me understand in what situation what you're talking about would be  
8 valuable, and in what situation it would not.

9  
10 Mr. Ginoza: Sure. When, whenever there's somewhat conflicting designations, even if, as Director  
11 McLean had mentioned, zoning under current uses really it reigns supreme. Whenever you have  
12 this conflicting designation, it always brings up issues when you, when you try to go forward with  
13 development projects. And a lot of the naysayers will say, see, these thing is conflicting. I don't  
14 care that one is, one is consistent and this other one doesn't weigh in as heavily as the one that  
15 you're saying. But my concern is, as we look at a 30-year document, I, I fully understand and  
16 agree with what Director McLean is saying, that zoning reigns supreme. However, in a  
17 subsequent administration and, and as we've been in this in negotiations, it may be five to ten  
18 years before we actually go forward with this propane storage. If another Mayor and Planning  
19 Director comes in and says, oh, no, I don't agree with it. Because it's inconsistent, you've got to  
20 get a Community Plan Amendment or you've got to do something. It just, it just brings additional  
21 hurdles that they may come into the process. I mean, if we're looking at --. I mean, if the Planning  
22 Department is saying that with an industrial designation, you could not do UCC uses, I understand  
23 where they're coming from. But my concern is just bringing in this level of uncertainty to something  
24 that we're quite in the middle of, and I truly believe it will help the community to have additional  
25 fuel sources in case of emergency. And, you know, when, when your power goes out and you  
26 have gas. I mean, and that's, that's --

27  
28 Mr. Tackett: That's what, that's what I'm trying get from you, like, what is the scenario in which  
29 those tanks that you're talking about storing on that land, what are the scenarios in which those  
30 benefit Lahaina? Is it something that Lahaina really needs or is it something that Lahaina could  
31 do without? Because without, without that, it looks like industrial is fading because everybody's  
32 saying that, that what they're planning to do on industrial, that they don't really need what you're  
33 describing. And what I'm trying to get to is say, say a tsunami comes in, wipes out the road to the  
34 other side. Is, is something that you've got going on there, is that something that could keep  
35 people in Lahaina using their stoves and being able to, to, to live their lives for a week until things  
36 got brought back up online? Or is it not something like that? And I think in the end, that's what's  
37 going to, what's going to help decide whether or not these people are in for, in favor of keeping  
38 industrial or saying that, hey, the light industrial uses are good enough for the west side. The west  
39 side really doesn't need any of these heavier uses. So we need an example of a heavier use that  
40 has some positive impact for Lahaina in order for, for us to weigh in heavily on it is my opinion.

41  
42 Mr. Ginoza: So very possible, and what really I would like to see and, you know, I would say many,  
43 is that, you know, when we talk about diversified agriculture and one aspect of diversified  
44 agriculture is biofuels, right. To be able to grow a fuel source that is grown here and then putting  
45 to say an anaerobic digester and you create bio gas to be your fuel source for cooking or for  
46 power generation, that's something that would be fuel made on island, that diversifies from solar,

1 and that would require a petroleum based backup in case you, you don't have enough of that  
2 renewable natural gas that's created. So it is something that, as we try to make use more of the  
3 Ag lands that we have, sure there's some . . . (inaudible) . . . crops and, and some other things  
4 that we could grow, but both when I was at Hawaii Gas, as well as when I was working  
5 Environmental Management for the County, we looked at opportunities to be able to use some of  
6 our waste streams and some of our ag lands to grow feedstock for and just to be able to do natural  
7 gas, renewable natural gas, to be an alternative fuel source. And as I mentioned, you would  
8 require a significant amount of propane backup just in case we don't have enough fuel to supply  
9 in addition to the electric grid.

10  
11 So it diversifies the energy portfolio for the community, not only in a ongoing basis by having  
12 propane or natural gas for your electric cooking or domestic water heating, but also for backup  
13 and supplementary power generation. It is something that has significant community benefit to be  
14 able to have industrial lands in this location. And that's why I kind of looked at the, the -- ours  
15 roughly three, I don't know, 3.88 acres of heavy industrial. And that's perfect for having the type  
16 of setbacks from these 30,000 gallon tank that is why we're so adamant about trying to keep the,  
17 the industrial use, and trying to ensure that in the future with future administrations, they don't  
18 take a different interpretation and say, okay, it's inconsistent with the land use designation. So  
19 we're going to give you some headache in trying to go through the process. It's -- that, that's my  
20 chief concern is when you get different people interpreting different laws, then you're just kind of  
21 asking for potential purely "pilikia" in the future. And so as we look at a 30 year document, if we're  
22 not going to have some of these industrial, industrial type properties to be able to do some of  
23 these uses that can really benefit the community, that that really is the concern.

24  
25 Mr. Tackett: Okay, thank you so much for that answer Kyle. Do we have any other questions?  
26 Mr. Edlao?

27  
28 Mr. Edlao: Maybe the Director can answer this but you know, maybe if somebody wants to come  
29 in and do an industrial thing, Mr. Ginoza wants to come in and do these bio-fuel or whatever, or  
30 some guy wants to come in and do some other obnoxious type industrial plant or whatever. But  
31 would that have to go through some sort of process, I mean, review by the, whether it be us or  
32 whatever. I mean, it's not like they can just come and say, I'm going to do this and boom, boom,  
33 boom, boom they get it done. I don't think so. Director?

34  
35 Ms. McLean: Actually they can on a, on a heavy industrial zoned property. As far as County land  
36 use regulations are concerned someone could put in for a building permit for any number of uses  
37 that are allowed by the zoning. And because the property's not in the SMA, it doesn't trigger SMA  
38 review. They would need building permits and there, there might be related permits, like, from the  
39 Department of Health, but there wouldn't necessarily be discretionary review by the Planning  
40 Commission if the use is allowed by the zoning.

41  
42 Mr. Edlao: Okay, that's something to think about then. Thank you.

43  
44 Mr. Tackett: Do you have any other questions?

45

1 Mr. Thompson: How about making paper? So what if they use hemp or something and they've  
2 got a process them, I think, paper or rope or something, you know? I know a lot of people are  
3 pushing towards the old sense, you know, a lot more profitable than sugarcane. Then would that  
4 be need heavy industrial much like sugarcane? I think Michelle knows.

5  
6 Ms. McLean: In the heavy industrial district, and I think also in the light industrial district, there are  
7 detailed lists of permitted uses. In the heavy industrial district, it also includes uses that are -- let  
8 me find the exact wording for you here. In the heavy industrial district, it also includes those uses  
9 which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise,  
10 vibration and the like, and not allowed in any other district. Is allowed in the heavy industrial district  
11 if approved by the Planning Director. So even if it's not specifically listed, if it's similar to all of  
12 those permitted uses and isn't allowed somewhere else, then it could be allowed in the heavy  
13 industrial district. So the heavy industrial district is quite broad.

14  
15 Mr. Tackett: Thank you, Michele. Kellie?

16  
17 Ms. Pali: Sorry, Michele, I'm going to keep you on the hot seat. Man, I think I have flipped on this  
18 subject about 10 times as I hear the speakers, and so I need to be grounded. Help me, Director,  
19 just to give you an opportunity to potentially debunk some of the testimony here. What is your  
20 opinion about another administration coming in potentially and interpreting this differently? Can  
21 you maybe comment on that if there is even leeway for that or that you could potentially see that  
22 as a problem?

23  
24 Ms. McLean: Sure. Admittedly, there is, there is leeway on a number of things. When it comes to  
25 this particular issue of a use that is allowed by the zoning, possibly being restricted by the  
26 community plan when there is not a discretionary permit involved, like an SMA Permit, I think it's  
27 pretty unlikely that a future administration could have a different position. Not to say they couldn't,  
28 but if they were challenged on it, they wouldn't, they wouldn't prevail. And I say that because in  
29 the County Code there is language that talks about when community plans have the force and  
30 effect of law, and it's specific to things like discretionary approvals. And it goes so far as to say  
31 that what we call ministerial permits, which are things like building permits, do not have to follow  
32 community plans. That's already in the County Code. So it would be hard for another  
33 administration to have a different interpretation to that when it's in the County Code, in pretty plain  
34 language.

35  
36 Mr. Tackett: Is that good for you, Kellie? Good? I believe Kawika, did you, did you have a question  
37 as well? No. Mr. Edlao?

38  
39 Mr. Edlao: Okay, the Director again. Okay. So the urban enter, we, we were talking about adding  
40 light industrial use. Now, correct me if I'm wrong, did I hear that the current industrial zones that  
41 do exist will still retain that zoning under the urban center?

42  
43 Ms. McLean: That is correct.

44  
45 Mr. Edlao: Okay, thank you. Well, okay, wait, let me continue. So Mr. Ginoza could come in there  
46 and do his, whatever he wants to do with a heavy, you know, whatever he was talking about, the

1 bio-fuel or whatever else, and just do it. Just get a building permit and then go ahead and build  
2 his plant thing in that urban center because he already has the industrial designations on those  
3 particular TMKs.

4  
5 Ms. McLean: That's correct.

6  
7 Mr. Edlao: Interesting. Thank you.

8  
9 Mr. Tackett: Kawika?

10  
11 Mr. Freitas: Thank you, Vice Chair. I actually forgot what my question was that's why I waved it  
12 off but I remember it now. Is it possible that on the north of Lahainaluna Road Mr. Fukunaga's  
13 area be the urban, and could we put Mr. Ginoza's development side make, keep that one as  
14 industrial? Is that an option?

15  
16 Ms. McLean: Yes, Commissioners. Any of the properties in the West Maui region can be  
17 designated what you believe they should be designated.

18  
19 Mr. Freitas: Oh, go ahead. Commissioner Pali, go ahead. No, I was going to, I was going to say  
20 let's vote, let's vote on it. But go ahead Commissioner Pali.

21  
22 Mr. Tackett: Go ahead Kellie.

23  
24 Ms. Pali: So I'm going to go back on Edlao's question. So we want to change it in the community  
25 plan. The proposal is to change it to urban corridor. Yet we don't touch the zoning, which we  
26 recognize as industrial. And it doesn't prohibit them from doing anything different because the  
27 zoning is industrial. So why are we changing it? Sorry, I, I --. Now I don't know why we're changing  
28 -- why do we, why do we want it mismatched? Because I remember when I first joined Planning  
29 Commission, it was difficult that the community plan didn't match the zoning, and we struggled  
30 with not, it not matching. So why are we recommending it not matching then when we've learned  
31 how difficult that's been in the past? Sorry for the dumb questions, but I'm not really confused.

32  
33 Ms. McLean: It's not a dumb question. Part of the challenge with this, I think, is with the new  
34 community plan designations that are not as black and white and as rigid as the old designations.  
35 So we're matching up the new designations as compatible as we believe for, with the existing  
36 designations. And it also takes into account existing zoning and existing uses. For this property,  
37 even though it is zoned heavy industrial, and like you said, all those uses are allowed to continue,  
38 it appears that most of uses on the site are in fact light industrial, more so than heavy industrial.  
39 And even though those existing uses and any of the use is allowed by heavy industrial zoning can  
40 continue or can start up at any time, we're looking much longer, longer term for what we think this,  
41 how this parcel might evolve in the future. And given its location in the center of town, industrial  
42 seems too intensive because it's in the center surrounded by residential uses and other lower  
43 scale commercial uses.

44  
45 The other thing, as I mentioned, is that in the heavy industrial district, there are all the permitted  
46 uses that they're allowed to do, but then there are also special uses that they would have to come

1 to the Commission in order to conduct. And if you're looking at a special use permit, you would  
2 take the community plan into consideration. And some of those special uses are really quite  
3 intensive and probably aren't appropriate for that area. So industrial community plan would be  
4 supportive of those uses happening. We don't know that they want to do them. They probably  
5 have no intention of doing them. But if they wanted to, Urban Center Corridor would suggest  
6 probably not for all those special uses while allowing the existing zoning uses to, to continue or  
7 to startup.

8  
9 Ms. Pali: So that's the headache Mr. Ginoza was talking about that it didn't match. And so if they  
10 decided to do heavier industrial, which is allowed per zoning, if we changed it to urban corridor it  
11 would trigger that a requirement for special use permit which then we get to see. Did I understand  
12 that correctly?

13  
14 Ms. McLean: No, I'm sorry. I didn't explain that well. The Commission often sees special use  
15 permits, and that's because each of our zoning districts has its permitted uses, which you can do  
16 outright, and then special uses that you can do only if the Commission says okay. In the heavy  
17 industrial district, there are all these permitted uses that they're allowed to do outright. The special  
18 uses, which for the most part are even more intensive, would have to come to the Commission  
19 for approval. And if that community plan designation is industrial, you'd likely approve those  
20 special uses. But with a community plan designation of urban center corridor, which as a different  
21 description than industrial does, if a special use permit application came in for some of those more  
22 intensive uses we wouldn't find that to be compatible with urban center corridor.

23  
24 Mr. Tackett: Mr. Edlao?

25  
26 Mr. Edlao: Okay. Just a follow up Director. So if we go with this urban center designation, there  
27 will still exist those industrial zoned properties within this designation. Is that correct?

28  
29 Ms. McLean: Yes. And there's --

30  
31 Mr. Edlao: We cannot --

32  
33 Ms. McLean: . . . (inaudible) . . .

34  
35 Mr. Edlao: We cannot take that out completely?

36  
37 Ms. McLean: Not through the community plan process, no. It would have to be rezoned.

38  
39 Mr. Edlao: Well, if that's the case to me, in my opinion, we've just been beating a dead horse for  
40 the last couple hours. Because, you know, whether we go with this urban thing here, he can still  
41 go in and do his bio plant. So I don't know. It doesn't make sense to me. I mean, we're not talking  
42 ducks and dead horse.

43  
44 Ms. McLean: Well, if, if we're talking about zoning, I don't want to get too far off the mark here,  
45 but once a community plan is updated that's an opportunity for the County to initiate changes in  
46 zoning to help implement the plan. And I don't think that's -- I don't have any intention of changing

1 the zoning for these properties. But if down the road there was a desire for that zoning to be  
2 changed with the industrial community plan designation, you would keep those industrial zonings.  
3 Under urban center corridor you'd have more options for what those zonings might be.  
4

5 Also, much farther down the road, as you know, we're doing a complete rewrite of Title 19 of the  
6 Zoning ordinance, looking for our zoning designations to be more mixed use like the community  
7 plan designations are. And so at some point, if that all goes through the way we envision it to,  
8 there will be a lot of rezoning, and that rezoning would need to be compatible with the community  
9 plan. And that rezoning will honor existing uses or else we're going to get in all kinds of trouble.  
10 But it's really what, what do you see down the road for this area? Do you think it should be  
11 industrial or do you think it should be more of a mixed use and not quite as intensive?  
12

13 Mr. Tackett: Mr. Ginoza, do you have something to input?  
14

15 Mr. Ginoza: I just wanted to add that, you know, we are not intending to do any of the special uses  
16 so I believe you can tag it could be industrial and not allow the special uses. But as I mentioned,  
17 and my concern is like what Ms. Pali had said what, why we would go to the urban center versus  
18 just leaving it industrial and we could still do the urban center? My, my chief concern is like what  
19 the Director has mentioned that if indeed you label it as urban center and then they come along  
20 with zoning, they're going to say, oh, we're going to make the zoning consistent with urban center,  
21 and then for us, it will be a race against time to get it as an existing use. What we're planning at  
22 we may hastily go into something that we may need more time in. And so, so that's really our  
23 concern is to be able to continue the uses that we're allowed to without this opportunity for us to  
24 get down zoned and prohibited uses with the existing zoning. Thank you.  
25

26 Mr. Tackett: So seems like, seems like the opportunity to, to have industrial zone it has as Michele  
27 said that does not seem like particularly the best place because of where it is in the middle of  
28 town. Although from what Kyle says for his specific future looking views, it does tie in well with  
29 town and it does have the opportunity to, to feed town. So from that perspective, it's good. In the  
30 end, I believe what, whatever decision you guys make, it's either going to be the end of industrial  
31 zoning for Lahaina because there is nobody that has another place to put it, or you're going to  
32 hold on to some little bit of industrial zoning because somewhere in the future there might be  
33 some time when you need it. And I think protecting it now and I'm not in favor of it. I've got no, I  
34 got no qualms this way or that way as far as something specific in mind. I'm just saying in the  
35 environments that we've lived through, chances of bringing something like this back is probably  
36 far more difficult than protecting what you have. So that's, that's where I weigh in on it. If there's  
37 not any more questions or any more clarifications, I'm okay with proceeding in the manner which  
38 you guys feel fit. Do I have any suggestions? Go ahead Pali.  
39

40 Ms. Pali: I don't know if I'm just taking a page from Commissioner Freitas or not. He kind of  
41 suggested it so maybe I'll, I'll, I'll buy out of what he had to say.  
42

43 Mr. Tackett: Okay. Kawika?  
44

45 Mr. Freitas: Thank you Vice Chair. I was just going to say let's vote on something. Like Mr. Edlao  
46 said this is a dead horse and let's put it to the Commission and let's vote. I would say maybe

1 suggest that we look at it in that north of Lahainaluna is urban, and south of Lahainaluna is  
2 industrial, and okay.

3  
4 Mr. Tackett: Okay. Do we have a -- could I have a show of hands for all that is in favor of Kawika's  
5 suggestion?

6  
7 Ms. Pali: I think you need a second first Chair.

8  
9 Mr. Tackett: I need a second first. My apologies. Kellie, are you seconding?

10  
11 Ms. Pali: And discussion.

12  
13 Mr. Tackett: And discussion. Thank you so much. Go ahead Kellie.

14  
15 Ms. Pali: I like that. This is the part where I don't know the protocol to protect the community,  
16 could we add no special uses in as a condition? So because I don't want the community to feel  
17 like we didn't hear them. So I would like to do a friendly amendment -- I don't know if this is the  
18 right order or not -- to exactly what Commissioner Freitas said, but put in there no special use  
19 permit. So then we will be protecting our community from all those ugly list of heavy industrial that  
20 the Director read off.

21  
22 Mr. Tackett: How's that sound, Michele? I, I apologize for my informality.

23  
24 Ms. McLean: That's okay. If the maker of the motion is okay with that as a friendly amendment,  
25 then that can be part of the motion that the Commission will vote on.

26  
27 Mr. Freitas: Yes.

28  
29 Mr. Tackett: Okay, I believe we have a motion. Oh --

30  
31 Mr. Edlao: Are we also adding the light industrial use, Kawika? The light industrial uses, is that  
32 being also on your motion?

33  
34 Mr. Freitas: I think light industrial is okay in the heavy or not. They are.

35  
36 Mr. Edlao: Okay. Okay.

37  
38 Mr. Freitas: I'd like to speak on the motion real quick before we vote. I would like to say that we  
39 did have a comment earlier about . . . (inaudible) . . . not here, there. And I think as we've come  
40 down from up north and we worked our way down, we've had a lot of residential plans and right  
41 off of residential, there's open space and agriculture. This is in the middle of town. I do hope that  
42 Mr. Ginoza's plan to put gas facilities out there, or propane or what, what you're doing out there  
43 does give sort of a discount for the for the residents on that side, not to make it even more  
44 expensive because it's on that side. I don't know if we have the rules to, to tell you, but I just know  
45 that I said that and when it does happen, let's make sure we --. We're doing this kind of vote for  
46 the resorts that use the gas as well as the locals. And like Vice-Chair had said, if there's a storm,

1 the road is blocked off, at least they have propane to fill their tanks, to do the barbeque, you know,  
2 for whatever that they need. So based on that, I hope that if you do build something and it goes  
3 through the process, we make sure about how it looks so that it's not so blaring right when people  
4 driving to a high end of town, you see those big tanks like you do by the harbor. And I know that  
5 you will. I know that. I hope that you do. Thank you.

6  
7 Mr. Tackett: Do we have any more discussion on this matter? P. D.?

8  
9 Ms. La Costa: Thank you. So I have a question. If the zoning is correct and if it falls within the  
10 community plan, will the neighborhood have any say on whether or not they want that in their  
11 neighborhood?

12  
13 Ms. McLean: Thank you for the question. No, there wouldn't, there would be no neighbor notice.

14  
15 Ms. La Costa: Thank you Director.

16  
17 Mr. Tackett: Kellie?

18  
19 Ms. Pali: In all fairness, it's been like that for decades. So I can assure you my dad knows it's  
20 there.

21  
22 Mr. Tackett: All right. Any anybody else? I believe a show of hands of those in favor would be in  
23 order. One, one, two, three, four, five. I believe we have five, five showing in favor. I don't believe  
24 I can see Dale.

25  
26 Ms. McLean: Vice-Chair, I counted seven ayes.

27  
28 Mr. Tackett: Including me?

29  
30 Ms. McLean: Including you. There might be a no if you call for the noes.

31  
32 Mr. Tackett: Could I see a show of hands for any noes? Is that one?

33  
34 Ms. McLean: That's one no.

35  
36 Mr. Tackett: One no.

37  
38 Ms. McLean: Commissioner La Costa.

39  
40 **DHHL Villages of Lei Alii – Areas of Change this is area is described on Page 109. It's**  
41 **described in the context of DHHL project as well as the HHFDC project both having the**  
42 **same name. So there is a summary of the intended growth of those areas. Predominately**  
43 **residential growth with the opportunity of come commercial nodes. The areas of change**  
44 **notes that it will be important to tie these areas into the existing community to provide**  
45 **connection as far as roadways, to provide pedestrian connections. This is basically**  
46 **residential expansion of the northern Lahaina area.**

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**Pioneer Mill area**

**It was moved by Mr. Freitas, seconded by Ms. Pali, then**

**VOTED: North of Lahainaluna Road is Urban and South of Lahainaluna is Industrial with No Special Use Permits Allowed.**  
**(Assenting – K. Freitas, K. Pali, S. Castro, J. Edlao, M. Hipolito, D. Thompson, C. Tackett)**  
**(Dissenting – P. D. La Costa)**  
**(Recused – L. Carnicelli)**

Mr. Tackett: Thanks you guys. At this time, are we continuing south or should I give that the gavel back to our Chairman?

Ms. McLean: Well, it depends on what you're going to be discussing. If there are no other lands that involve his boss then he can take back over.

Mr. Tackett: I, I believe Kellie has something that she'd like to put in. Yes Kellie?

Ms. Pali: Hi Chair, as your co-pilot today, winging it, there was another topic of contention amongst the land rezoned from Ag to Open Park. Did you want to address that?

Mr. Tackett: Sure. Let's go, let's go into that next then.

Ms. Maydan: Chair, if I may just provide some context where we are, where your Commission is right now, looking on the map.

Mr. Tackett: Please do Jennifer. Please do.

Ms. Maydan: Thank you. So you are looking at the, the last project, the last area for this subarea. Great job Commission. This is the Lahaina town south or Wainee project. And you can see that there is residential neighborhood center, agriculture, and park open space in this area. The residential and neighborhood center was based upon the developer's plans. The CPAC basically adopted their plans, and for leaving the area south of the residential and the area north is of the residential as agriculture, with the exception of the park open space, the light green designation that runs mauka along the Lahainaluna neighborhood.

Mr. Tackett: Okay.

Ms. Maydan: That was a recommendation of the CPAC to add in that large park open space area as an opportunity for the community to have a large park with in Lahaina town and close to many existing residences.

Mr. Tackett: And is that the same when you're referring to Kellie? Okay. Thank you. Thank you so much, Jennifer. Well, I guess, let's, let's get into that one, then. Go ahead Kellie.

1  
2 Ms. Pali: This was the same gentleman we had on a minute ago. I think this was their pitch that  
3 they had requested to be Ag. And I actually had a couple question. Oh, there you are, Kyle. May  
4 -- Chair, may I ask Kyle a couple of questions?  
5  
6 Mr. Tackett: Yes you may.  
7  
8 Ms. Pali: Kyle, as, as Ag, do you know how this -- is this one parcel? I don't know, it's probably  
9 many parcels. But how -- is their actual farms there now on, on the, this parcel or these properties?  
10  
11 Mr. Ginoza: So that, the, the green, the darker green, that's Ag. The light green that's supposed  
12 to be open space park. And the heavy industrial area is actually one parcel currently. There are  
13 a couple of smaller parcels within that larger parcel, but it is a, I forget exactly, it's like a 68 acre  
14 parcel that includes both the dark green and the lighter green area.  
15  
16 Ms. Pali: Okay. So you have one parcel and a portion is industrial, and the other portion is Ag?  
17  
18 Mr. Ginoza: Yes. And so what, what we had anticipated going forward over the next 30 years is  
19 that why we had requested for this to be --. Actually I take that back. It was actually kind of  
20 Kaanapali Land that first went in it, but the, the way we envisioned it as part of being within the  
21 urban growth boundary is it would be an area of potential residential expansion over the next 30  
22 years because of its proximity to the urban center of Lahaina. And so for us, we, we didn't see the  
23 need to have a large swath of, of park land because we, we'd be required to put the park lands in  
24 different areas. And so why not leave the park lands to lands that County owns, or lands outside  
25 of the urban growth boundary? We're looking at just retaining the ag designation for that, that area  
26 proposed to be park open space. And that if in the future the County does see the need for  
27 acquiring the land and developing a park, then they can then change it to park. But the concern  
28 we have is to, to label it park, the county never take it and we, we are limited in what we can do  
29 with that.  
30  
31 Ms. Pali: Chair, may I ask a question of the Planning Director?  
32  
33 Mr. Tackett: Sure. P. D. has been waiting, so can I get to you right after P. D.?  
34  
35 Ms. Pali: Yes.  
36  
37 Mr. Tackett: Thank you. Go ahead P. D. What you've got?  
38  
39 Ms. La Costa: Thank you Vice-Chair. Kyle, could you please bring your map up?  
40  
41 We have a big map and I'd like to be sure that we're all on the same part of the map when you're  
42 discussing your parcel. For you it's easy, for us it's not. We have six maps that we're looking at  
43 so I'd appreciate it if you could pull your map up, please, and then go over your conversation.  
44 Thank you.  
45  
46 Mr. Ginoza: Sure. Can you see my screen now?

1  
2 Mr. Tackett: Yes.

3  
4 Ms. La Costa: Yes, we can.

5  
6 Mr. Ginoza: This is the area that we would like to see retained in this darker green ag designation.  
7 So the parcel goes roughly from this area, basically right here, at this border. And actually the  
8 parcel comes like this. So this portion of the dark green and -- I'm sorry, the light green and above  
9 is actually Kamehameha School's Bishop Estate lands. But our parcel goes somewhat like, like  
10 in this area. So we're talking about -- I'm talking about basically this area of being retained in, in  
11 Ag. And so, you know, I don't know what . . . (inaudible) . . . Bishop Estates had mentioned  
12 whether or not they would be fine with having their, their land in park open space. But there still  
13 will be a considerable area to be able to have a sizable park for the . . . (inaudible) . . . area of  
14 Lahainaluna Road. But our concern was just to have this area within the urban growth boundary  
15 that is close to other urban development not be an area for potential expansion of residential  
16 growth over the next 30 years.

17  
18 Ms. McLean: Kyle, this is Michele. Chair, if you don't mind if I could ask a question. I believe the  
19 area that you have circled in purple there, I believe the, the makai portion of that does belong to  
20 you folks. If you see the yellow portion that's immediately to the north of it, you can see all the  
21 houses are, are, you know, noted with little dots.

22  
23 Mr. Ginoza: Yeah.

24  
25 Ms. McLean: That's about where your property line ends, I believe.

26  
27 Mr. Ginoza: Yeah, our property --

28  
29 Ms. McLean: Can you confirm that?

30  
31 Mr. Ginoza: I'm sorry.

32  
33 Ms. McLean: Can you confirm that that you own --

34  
35 Mr. Ginoza: Yeah.

36  
37 Ms. McLean: Okay.

38  
39 Mr. Ginoza: We own up to about here. And I apologize. Now that I, now that you bring that up,  
40 as I mentioned, this, this area is Kamehameha School is I'm not speaking for them. I should have  
41 made my, my circle like this big instead. So I'm actually only talking about this area this way,  
42 makai. The line goes like this and then makai. I mean, sorry, the line goes, goes from where the  
43 existing settlement ends and comes up this way. So this area is part of this bigger, this bigger  
44 parcel here of Kamehameha Schools. So I'm talking about, yes, right here as being, as we want  
45 to retain it in green, not darker green of agriculture.

46

1 Ms. La Costa: I don't know about the other Commissioners, but the map that I have shows it all  
2 in Ag. It doesn't show that it is in park open space. Unless there's been a revised map that I don't  
3 have.

4  
5 Ms. Pali: I can jump in, P. Denise. There's four maps of every area. The one you want to look at  
6 is the CPAC recommended subarea three that's proposed. Then they have existing. Then they  
7 have current. And then they have growth boundaries. So every section will have four maps. You  
8 want the CPAC recommended sub three. It'll be on the top right-hand corner.

9  
10 Mr. Tackett: All right. If everybody is comfortable about the position of the property, if you could  
11 take down the, the share screen, and we can move forward with our discussion. So it's, as I  
12 understand it, Kyle, they're asking to, to turn that into a park, and you're asking to leave it as ag  
13 land, correct?

14  
15 Mr. Ginoza: Absolutely. Yes.

16  
17 Mr. Tackett: And then do, do we have discussion on that matter? Kawika?

18  
19 Mr. Freitas: Thank you, Vice-Chair. So Mr. Ginoza is asking for a small percentage of that, what  
20 do you call, growth area. And if I understand that, that lot that he's talking about, there are a  
21 number of homes, is that correct, that are right off the road side? And so that, those property and,  
22 and a little bit behind that is what you're asking to be agriculture, Mr. Ginoza?

23  
24 Mr. Ginoza: No, the property is currently vacant and undeveloped. There is no, there are no  
25 homes on this property.

26  
27 Mr. Freitas: Okay. That's a little bit more north than I thought then. Okay. Thank you.

28  
29 Mr. Tackett: P. D. had a question.

30  
31 Ms. La Costa: Thank you Vice-Chair. I, for some reason, don't have that map, but it's okay, I have  
32 a good imagination. If you have that in ag, then you can convert that to residential at some point  
33 if you get the proper permits. Whereas if it's remains in park, it has to stay in open and park space,  
34 and you will not have that opportunity, correct?

35  
36 Mr. Ginoza: I'm not sure actually

37  
38 Ms. La Costa: Okay, and that also is right by the, the property that you want to develop with the  
39 bio-fuel tanks?

40  
41 Mr. Ginoza: It is pretty close but not contiguous.

42  
43 Ms. La Costa: Yeah. It's right next --. To me, in my map, it looks like it's right next door to it. So  
44 thank you.

45  
46 Mr. Tackett: Kellie, do you have question as well?

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Ms. Pali: Yeah, I think I have no comment. I, I withdraw my question.

Mr. Tackett: All right. Any anybody else discussion on this matter? Go ahead Kawika.

Mr. Freitas: Thank you Vice-Chair. I think it's a, it's a reasonable compromise to give him which what would be almost a fourth and have --. And what, what I feel good about it is to the east and to the south it's already agriculture. So, I mean, I'm just thinking of what he could put there or what kind of development and how we would look from the road should we allow, you know, possibility of residential there. I'm okay with --. Is that about right, Mr. Ginoza, about one-fourth of that planned growth area that is below that red line? About one fourth of that is what you folks own?

Mr. Ginoza: I believe so.

Mr. Freitas: Okay. I would recommend doing that part, that little part that he's asking. Thank you.

Mr. Tackett: Would you like, would like to put a motion to that effect Kawika?

Mr. Freitas: Well let's -- I'll let Ms. Commissioner La Costa asked the question.

Mr. Tackett: Sure. P. D., you got a question?

Ms. La Costa: Thank you very much. I actually have a comment. That parcel, or the portion of the parcel that Kyle wants to take out of -- or excuse me, leave in ag, is right next to where those tanks are going to be. I don't think homes should be in close proximity to those tanks. So that's why I think that it needs to go into park and open space so that there is a buffer between those tanks and any homes. I mean, God forbid anything happens, but, you know, we can have an earthquake, we can have any kind issue and there could be a problem. So I think if there is a buffer between the tanks that he proposed to put there, irrespective of how long that might take, and an area where homes could be away from them, I think that makes a whole lot more sense. Thank you.

Mr. Tackett: Thank you, P. D. What's your . . . (inaudible) . . . on that Mr. Ginoza?

Mr. Ginoza: So the way that --. Should the tanks go in, there are considerable buffer areas that's required by fire code. I don't recall what . . . (inaudible) . . . but that's why it requires a sizable area to be able to put multiple tanks. And that's why the existing area on Limahana doesn't work. And so with the existing 3.8 acre area of heavy industrial, there will be considerable buffer such that there wouldn't be residential uses, you know, in close proximity. There are, as I mentioned, fire code restrictions on . . . (inaudible) . . . any kind of other developed use would be to any, any type of petroleum storage.

Mr. Tackett: Kellie?

Ms. Pali: Just a clarification. So originally we -- this is the existing map -- we decided to keep the industrial, you know, right there in that circle the same. Are we talking now about that little green

1 piece which is currently in ag? Because if you look at the proposed, that little green piece is  
2 actually yellow, and then there is the open park here. So are we talking about what CPAC is  
3 recommending to be residential or are we talking about this open park? And if we are talking  
4 about the open park, which park do you own? Is it this side or that side?

5  
6 Mr. Ginoza: It's the makai portion.

7  
8 Ms. Pali: So we're right now discussing this top part. Makai. Sorry. Makai, makai, makai. Yes,  
9 sorry, sorry, sorry.

10  
11 Mr. Ginoza: The light green.

12  
13 Ms. Pali: Sorry. Got it. I'm all backwards right now. Okay, so the bottom part. Okay. All right. The  
14 bottom part. Okay. So you don't own the upper part then.

15  
16 Mr. Ginoza: No.

17  
18 Ms. Pali: That would be adjacent to that neighborhood then basically?

19  
20 Mr. Ginoza: Yes.

21  
22 Ms. Pali: Okay. Thank you. Thank you for that.

23  
24 Mr. Tackett: Kawika, I saw your hand.

25  
26 Mr. Freitas: I'd like to make a motion to grant that slight change to agriculture on the portion that  
27 is owned by Mr. Ginoza.

28  
29 Mr. Tackett: Do I have a second? Second with Mel. Anybody like to speak to the motion? Kawika?

30  
31 Mr. Freitas: Vice-Chair, I'd like to share this because I think it's important that as we look at this  
32 West Maui plan, it's always good to have the owners of the property or if they send a  
33 representative to come and say what they're, what they want to do with their own property. And  
34 Mr. Ginoza here, he's explained that he does have a plan for it. He's not just wanting to change  
35 it, but there is -- I mean, there's others that have given real detailed plans, but at least he does  
36 have a plan. And I kind of like earlier, they still have to put in all kinds of permits if there is a  
37 residential usage. And at that time, we can address all of the things that usually comes through  
38 the Commission. So I think it's, it's, it's good to change this. Thank you.

39  
40 Mr. Tackett: Okay, would anyone else push it? P. D.?

41  
42 Ms. La Costa: I actually am going to speak against the motion. The CPAC has met over months,  
43 and months, and months, and months, and there is a big push in and need to have community  
44 parks and open space. I have a huge concern about it being so close, irrespective of the fact that  
45 there are, quote unquote, buffers. I think that you need to have a space large enough that there  
46 will be protections for the neighborhood, especially being that they have no say in whether or not

1 those tanks are put there. So I am opposed to it. I think it should stay in park and open space so  
2 at least there is a larger buffer area for the neighbors do not have to deal with any kind of issues  
3 that may come up. Thank you.

4  
5 Mr. Tackett: Thank you. Anybody else would like to . . . (inaudible) . . ? Hearing none, if we could,  
6 if we could go to a vote. All those in favor, please raise your hand. We have one, two. Sorry, guys,  
7 the motion fails. We have only two. Oh, I didn't see Dale. Did Dale --? Was Dale for or against?

8  
9 Ms. McLean: Vice-Chair, Vice-Chair, you had three Commissioners raise their hands.  
10 Commissioners Freitas, Thompson and Hipolito.

11  
12 Mr. Tackett: Okay, so it fails, correct?

13  
14 Ms. La Costa: You have to vote for now.

15  
16 Ms. McLean: You have to call for the no votes.

17  
18 Mr. Tackett: Okay. I'd like to call for the no vote. One, two, three, four. Okay. I believe we're four,  
19 three. Is that a fail?

20  
21 Ms. McLean: Yes, that's a fail.

22  
23 **Lahaina Town South (Wainee Project)**

24  
25 **It was moved by Mr. Freitas, seconded by Mr. Hipolito, and**

26  
27 **The Motion to Keep the Area in Agriculture as Requested by the Landowner,**  
28 **FAILED.**

29 **(Assenting – K. Freitas, M. Hipolito, D. Thompson)**

30 **(Dissenting – S. Castro, J. Edlao, K. Pali, P. D. La Costa)**

31 **(Recused – L. Carnicelli)**  
32

33 Mr. Tackett: Okay. Go ahead, Kellie. What you got.

34  
35 Ms. Pali: In this particular case, I would like to definitely respect the work that's gone in, and I am  
36 in agreement with Commissioner La Costa that it should be open space. So I'd like to put a motion  
37 with this one particular area, which is right there, and I don't know if it's considered, you know,  
38 when you have a conflict, you have to sort of -- I don't know if it's a conflict because my dad lives  
39 right there. Is that a conflict? I don't know. But I know that we would greatly, as a family, benefit  
40 from that whole parcel being open park, open space.

41  
42 Mr. Tackett: I believe, I believe without a motion, doesn't it stay that way anyway, Michele?

43  
44 Ms. Pali: Chair, it's current ag, and they're recommending open space.

45  
46 Mr. Tackett: Okay, so we're -- it will go to open space, correct, if we do nothing.

1  
2 Ms. McLean: Right. The, the CPAC map is the default map, if you will. So unless you make an  
3 affirmative motion to change it from what the CPAC presented, then the CPAC map will be  
4 forwarded to the Council.

5  
6 Mr. Tackett: Okay. Well, Kellie went to the, to the effort to make a motion, so let's go ahead and  
7 follow it through. So, Kellie, if you could please state your motion, and then, and then if we could  
8 get a second.

9  
10 Ms. Pali: I would like to recommend the CPAC's recommendation regarding that specific parcel  
11 to be changed from ag to open space.

12  
13 Mr. Tackett: Well, we have a second with P. D. and if we could please have any, any speech to  
14 the motion that we have.

15  
16 Ms. Pali: I don't know if you guys remember but when we had that really big brushfire, that that  
17 street was on the news because the fire truck was on that street against Paunau, and they were  
18 protecting the fire from consuming those neighborhoods. And so I feel like the parcel that's been  
19 in ag specifically, probably could have been better maintained. I don't believe personally that it's  
20 been maintained. I don't know. I'm not speaking to Mr. Kyle's lower makai side, but I know the  
21 one higher, and a lack of maintenance caused the -- put -- added to the sprawl of the fire. And so  
22 I'm with open space, I feel like it'll be a great buffer for the neighborhood. So that's just my personal  
23 view in there.

24  
25 Mr. Tackett: Anybody else would like to speak to the motion? P. D.?

26  
27 Ms. La Costa: Thank you Vice-Chair. I concur with Kellie, and I live Laniupoko so I knew the fire  
28 firsthand. A couple of my friends lost their homes there, and if it hadn't been for -- if there had  
29 been other homes there, they would have been gone. So when it's open space and park, it would  
30 be maintained much better. And the probability of fire getting to those neighborhoods in the future  
31 will be much lessened. Thank you.

32  
33 Mr. Tackett: Kellie, do you have some more to add?

34  
35 Ms. Pali: Yes, Chair. And since that was the last area of real contention, I would like amend my  
36 motion to adopt the rest going south as CPAC recommendation.

37  
38 Mr. Tackett: P. D.?

39  
40 Ms. La Costa: I concur and will agree with my second.

41  
42 Mr. Tackett: And I'm going to have to talk to our Director on that one. Would that mean the end of  
43 this process for this evening? Is that what that would signal?

44  
45 Ms. McLean: Yes, it would.

46

1 Mr. Tackett: I kind of have something, one other thing that I would like to add to that. And I've, I've  
2 waited patiently for it to come up and I'm not a boat person myself. But I do understand that Mala  
3 Wharf has a section where they used to work on their boats. And like I said, I'm not a boat guy,  
4 but all of -- there's nothing that says industrial or light industrial anywhere in that Mala Wharf, but  
5 as I understand, the boat owners and Lahaina is full of fishermen, they used to pull their boats  
6 out and they would work on them at the back of that harbor. And me, I just surf the spot so it  
7 doesn't really matter to me one way or the other. But I think that you guys should consider it, and  
8 then I would definitely like the Director's input on whether or not there there's some sort of, some  
9 sort of option for that going forward. And if you do, in fact, know what I'm, what I'm discussing.

10  
11 Ms. McLean: Yes, Vice-Chair, thank you. You'll see on the map there is a small portion  
12 designated employment center and as we discussed earlier about specifying that urban center  
13 corridor allows light industrial uses, we make the same recommendation for employment center  
14 to specify that light industrial uses are allowed. So that area was recommended for that  
15 designation for that, for that purpose exactly.

16  
17 Mr. Tackett: And that that's little spot in the back of the harbor, right, when they pull out their  
18 boats?

19  
20 Ms. McLean: Yeah. Yeah, on the map, it's the section in purple.

21  
22 Mr. Tackett: Got it. Okay. Well, thank you. Kawika.

23  
24 Mr. Freitas: I'm not sure if we voted or did we not have to.

25  
26 Mr. Tackett: We have, we haven't voted yet. I just had to throw in my Mala Wharf trip.

27  
28 Mr. Freitas: I wanted to, I wanted to share something about the comment about parks and open  
29 space being less of a possibility of attracting fires. I think the parks and open space doesn't  
30 necessarily mean that the owners are going to go and build or construct a park there and maintain  
31 it. I think it is in the contrary. It just stays kind of fallow until people step in and do something on  
32 the property. So I think it kind of contradicts the reasoning for --. Anyway, the reasons that was  
33 given just doesn't match what I understand parks and open space. Is that correct, Director, when  
34 it's parks and open space, it doesn't mean that they're going to build park there, right?

35  
36 Ms. McLean: That community plan designation doesn't obligate any property owner to do those  
37 things. So, yes, whether it's agriculture or open space, it would be up to the property owner what  
38 to do with the parcel.

39  
40 Mr. Freitas: Okay, thank you.

41  
42 Mr. Tackett: Okay, well, we have a motion on the floor, so, and a second. So if we could have a  
43 raise of hands of all those that are in favor of the motion, please. One, two, three, four, five.

44  
45 Ms. McLean: You have six ayes.

46

1 Mr. Tackett: Six, six ayes. The, the motion carries then, correct?

2  
3 Ms. McLean: You, you should also ask for the noes just to confirm.

4  
5 Mr. Tackett: Thank you. Thank you so much, Director. The noes -- would also have the noes.  
6 And do I participate as Chair the noes or do I not?

7  
8 Ms. McLean: If you wish to vote no, you can vote no. But otherwise your vote would be counted  
9 as an affirmative vote. So on that motion --

10  
11 Mr. Tackett: So I would, I would, I would vote no. And, and, as well.

12  
13 Ms. McLean: Okay.

14  
15 Mr. Tackett: And I would just like to speak to it. And it's not -- I, I agree with everything that you  
16 guys all just did in favor. I'm just not a big favor of taking people's stuff away, that's all. So anyway,  
17 that's the only reason I would vote no. So anyway, so sounds like we got a positive, a positive  
18 vote. Yes Mel.

19  
20 Mr. Hipolito: Yes, I have a question. Now, what I was voting on was Commissioner Pali brought  
21 up a second. She, we pulled her back here motion, correct? Is that correct?

22  
23 Mr. Tackett: I believe she --. Yeah, and then she made a motion to leave it in part, I believe. Is  
24 that -- could you, could you please restate your motion, please, Kellie so we got it clear? Maybe  
25 we have to call for a revote, Director. I'm not sure we all were on the, on the right issue. One more  
26 time, please Kellie, if you would.

27  
28 Ms. Pali: Yes. The motion was to take the CPAC recommendation for this parcel and everything  
29 south of it for subsection three.

30  
31 Mr. Tackett: And the second was P. D., and then, and then a vote on that motion, all in favor,  
32 please raise your hand. I believe --. And then all those opposed? Motion carries.

33  
34 Ms. McLean: Six to two.

35  
36 **It was then moved by Ms. Pali, seconded by Ms. La Costa, then**

37  
38 **VOTED: To Change to Open Space from Agriculture for the Area Discussed**  
39 **and the Remainder of the Parcels South as Recommended by CPAC.**  
40 **(Assenting – K. Pali, P. D. La Costa, S. Castro, J. Edlao, M. Hipolito,**  
41 **D. Thompson)**  
42 **(Dissenting – K. Freitas, C. Tackett)**

43  
44 Mr. Tackett: Correct. Nice job you guys. What else do we have Director?

45

1 Ms. McLean: Well, I saw a Chair Carnicelli lurking about. I don't know if he wants to join us again,  
2 and then I would just check in with Jen if there is anything else she wanted to go over.

3  
4 **C. NEXT SPECIAL MEETING DATE: October 27, 2020**

5  
6 **D. ADJOURNMENT**

7  
8 Mr. Tackett: Okay, well, I'll be turning the gavel to Chairman Carnicelli if he's available. If he's not  
9 available, then I'll be --

10  
11 Mr. Carnicelli: I think I'm, I think I'm here.

12  
13 Mr. Tackett: Okay, outstanding.

14  
15 Mr. Carnicelli: Excellent work, guys. Excellent work. Good job. So did we go over the next  
16 meeting?

17  
18 Mr. Tackett: No, we did not.

19  
20 Ms. Maydan: No Chair, not yet. Yeah, so --

21  
22 Mr. Carnicelli: So I have a question --

23  
24 Ms. Maydan: Sorry.

25  
26 Mr. Carnicelli: I have, I have a question for the Commission because I believe that the next  
27 meeting is supposed to be a 5:30. And as I stated at the beginning of this particular meeting, for  
28 all the reasons that I've given from the opening gavel of the CPAC. I'm sorry, not the CPAC, but  
29 of the community plans special meetings is I will not be participating. So this is going to be your  
30 meeting, Christian. This is going to be your meeting commissioners. The question I have for you  
31 is do you guys want to have it be a 1:30 meeting instead of a 5:30 meeting? Because it has the  
32 potential of being a very long meeting with a lot of testimony, and so I just think that it might  
33 behoove us to start early, if that's possible, Jen. I see a lot of nodding from the Commissioners.  
34 Instead of doing the 5:30 meetings that maybe do a 1:30 meeting. I don't believe that we've posted  
35 the agenda yet, is that correct?

36  
37 Ms. Maydan: That's correct Chair. I think that's a wonderful recommendation. I would just ask the  
38 Director to weigh in as far as what your items are on your regular agenda. I'm, I'm not aware of it.  
39 So hopefully that it's not heavy enough and you could start this meeting earlier at 1:30. That's  
40 totally fine and great with us.

41  
42 Mr. Carnicelli: Okay, Michele. I know you said that one, one item might get stricken.

43  
44 Ms. McLean: Yeah. I'm pretty sure that one item is going to be dropped. So that leaves Hale  
45 Kaiola Affordable Housing project, which could have quite a bit of testimony . . . (inaudible) . . .

1 And then also comments on the Draft EA for the Makena project. So both of those could have a  
2 fair amount of testimony.

3  
4 Mr. Carnicelli: Right.

5  
6 Ms. McLean: But, you know, it's hard to say. If, if that meeting gets finished early and you post  
7 the community plan meeting for later and then you can't meet earlier, I, I would say go ahead and  
8 post it for 1:30 or maybe 2:00.

9  
10 Mr. Carnicelli: That's what I was thinking. It doesn't have to be 1:30. I mean, what if it's 2:00 or  
11 2:30 instead of 5:30. You know, so, so then you know, it's not like, hey, this thing, this thing is  
12 running till ten o'clock to take testimony only and then we recess it and try to do it again. I mean,  
13 maybe, you know, even if it's 2:00 or 2:30 just to be certain and give us a break. What do you  
14 guys think? Maybe 2:00 or 2:30?

15  
16 Ms. La Costa: I think 2:00 is good.

17  
18 Mr. Carnicelli: Okay. Okay.

19  
20 Ms. McLean: Two o'clock. Okay.

21  
22 Mr. Carnicelli: Okay. Great. So thank you for that. Yeah, I think that that's a good idea, and best  
23 of luck to all of you in that meeting. And again, guys, awesome job today. Thank you very much  
24 for all of your community service, your work, your civil discourse. And, you know, sometimes we  
25 all get lost down the rabbit hole. We've done that all, right. We rode that horse. And thank you,  
26 Jerry, for forgetting us off that horse there at some point in time. But anyways, everybody have a  
27 blessed evening, enjoy your families, and be safe, be well, and see you in a couple of weeks.  
28 This meeting is now adjourned.

29  
30 The meeting was adjourned at approximately 5:47 p.m.

31  
32  
33 Respectfully Submitted by,

34  
35  
36  
37 LEILANI A. RAMORAN-QUEMADO  
38 Secretary to Boards and Commissions II  
39 For CAROLYN TAKAYAMA-CORDEN  
40 Secretary to Boards and Commissions II

41  
42  
43  
44 **RECORD OF ATTENDANCE**

45 **Present**  
46 Lawrence Carnicelli, Chair

Maui Planning Commission  
West Maui Community Plan  
Special Meeting Minutes - October 13, 2020  
Page 65

- 1 Stephen Castro
- 2 Jerry Edlao
- 3 Kawika Freitas
- 4 Mel Hipolito
- 5 P Denise La Costa
- 6 Kellie Pali
- 7 Christian Tackett, Vice Chair
- 8 Dale Thompson
- 9

10 **Others**

- 11 Michele McLean, Director, Department of Planning
- 12 Pam Eaton, Long Range Division Planning Program Administrator
- 13 Jennifer Maydan, Supervising Planner
- 14 Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel (on-call)
- 15
- 16