

**DISASTER RECOVERY, INTERNATIONAL AFFAIRS,
AND PLANNING COMMITTEE**
Council of the County of Maui

MINUTES

February 19, 2025

Online Only via Teams

CONVENE: 1:34 p.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Nohelani U‘u-Hodgins, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member (in 2:12 p.m.; out 3:49 p.m.)
Councilmember Alice L. Lee, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member (out 4:11 p.m.)
Councilmember Yuki Lei K. Sugimura, Member (in 1:39 p.m.)

STAFF: Jarret Pascual, Legislative Analyst
Keone Hurdle, Legislative Analyst (backup)
Carla Nakata, Legislative Attorney
Yvette Bouthillier, Senior Committee Secretary
Jean Pokipala, Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Zhantell Lindo, Council Aide, Moloka‘i Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office

County of Maui Office of Recovery:

Christian Balagso, Council Aide, West Maui Residency Area, Office of Recovery at
Lahaina Gateway

ADMIN.: Marcy Martin, Director of Finance (DRIP-8)
Guy Hironaka, Real Property Management Specialist, Department of Finance
(DRIP-8)
Jordan Hart, Executive Assistant, Office of Recovery, Department of Management
(DRIP-8)
Josiah Nishita, Managing Director (DRIP-8)
Robert Schmidt, Deputy Director, Department Environmental Management or
Representative (DRIP-2, -3)
Jordan Molina, Director, Department of Public Works (DRIP-2, -3)

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John Stufflebean, Director, Department of Water Supply or Representative (DRIP-2, -3)
Kate Blystone, Planning Director, Department of Planning (DRIP-2, -3)
Gregory Pfost, Administrative Planning Officer, Department of Planning (DRIP-2)
Jordan Hart, Executive Assistant, Office of Recovery, Department of Management
Oliver Vaas, Captain, Department of Fire and Public Safety (DRIP-2, -3)
Jan Pontanilla, Sergeant, Department of Police (DRIP-2)
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Jonathan Helton, Grassroot Institute of Hawaii (DRIP-2, -3)
Jeremy De los Reyes (DRIP-2, -3)
Kai Nishiki (DRIP-2, -3)
Tom Croly (DRIP-2, -3)
Leonard Nakoa (DRIP-2, -3)
Others (45)

Resource Personnel
Tom Croly

CHAIR PALTIN: . . .*(gavel)*. . . Will the Disaster Recovery, International Affairs, and Planning Committee please come to order. The time is now 1:34. And if I can ask everyone to please silence their cell phones or any other noise-making devices, that would greatly help our cause. Members, in accordance with the Sunshine Law, if you are not in the vehi...in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Also, please see the last page of the agenda for information on meeting connectivity. My name is Tamara Paltin, and I'll be your Chair for today. With us, we also have Committee Vice-Chair Nohelani U'u-Hodgins. Aloha 'auinalā.

VICE-CHAIR U'U-HODGINS: Aloha 'auinalā, Chair.

CHAIR PALTIN: And Member Tom Cook. Aloha 'auinalā.

COUNCILMEMBER COOK: Aloha 'auinalā.

CHAIR PALTIN: And Member Gabe Johnson. Aloha 'auinalā.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, community members. There's no testifiers at the Lāna'i District Office, and I'm here and ready to work. Thank you.

CHAIR PALTIN: Thank you. Member Tasha Kama is absent at this time. We have Councilmember Alice Lee. Aloha 'auinalā.

COUNCILMEMBER LEE: Aloha 'auinalā and salut, Chair.

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CHAIR PALTIN: Salut.

COUNCILMEMBER LEE: I'm home in my...I'm here in my home office alone. Thank you.

CHAIR PALTIN: Thank you. We also have Councilmember Keani Rawlins-Fernandez. Aloha 'auinalā and salut.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā kākou, mai Moloka'i Nui a Hina. I am at my private residence alone here, and there are currently no testifiers at the Moloka'i District Office. I did throw scissors to your rock for jan ken po, so you won, Chair.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

CHAIR PALTIN: Bonus. Aloha 'auinalā to Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Hey, aloha 'auinalā, Chair. Here at my home residence, and no test...I'm here by myself. No testifiers in...in the Hāna Office. Thank you.

CHAIR PALTIN: Thank you. And we have last but not least, Councilmember Yuki Lei Sugimura is absent at this time. This meeting of the Disaster Recovery, International Affairs, and Planning Committee of the Maui County Council is located on the traditional 'āina of Kānaka 'Ōiwi, who never ceded their sovereignty to the United States. We recognize that Her Majesty Queen Lili'uokalani yielded the Hawaiian Kingdom to the U.S. in duress under threat of violence to avoid the bloodshed of her people. *(Echoing)* We further recognize that Hawai'i remains an illegally-occupied nation-state by the U.S. as documented in a 2021 scholarly article for the National Lawyers Guild Review by Andrew Reid, Adjunct Professor of Law of the University of Denver Sturm College of Law. Generations of Kānaka Maoli and their knowledge systems have sustainably cared for Hawai'i, and continue to do so. We're grateful to occupy this space and learn the ways in which we can contribute. As a committee, we seek to support the varied strategies that the indigenous people of Hawai'i are using to protect their land and their communities, and commit to dedicating time and resources to working in solidarity. From the Administration, from the Department of Finance, we're scheduled to have Marcy Martin and Guy Hironaka; from the Managing Director's Office, we're...Office of Recovery, we're scheduled to have Jordan Hart; our Deputy Corporation Counsel, Mike Hopper; Deputy Director Bob Schmidt from the Department of Environmental Management for DRIP-2 and -3; Director of Public Works Jordan Molina for DRIP-2 and -3; John Stufflebean, Director of Water Supply, DRIP-2 and -3; Kate Blystone, Planning Director, for DRIP-2 and -3; Greg Pfof, Administrative Planning Officer, for DRIP-2 and -3. Please note, Members, that Mr. Pfof has to leave at 4:30 p.m. to attend Lāna'i's Community Planning Commission meeting. From the Department of Fire and Public Safety, we have Captain Oliver Vaas; and from the Police Department, we have Sergeant Jan Pontanilla for DRIP-2. Our Committee Staff, we have Yvette Bouthillier, Committee Secretary; Legislative Analyst Jarret Pascual; Legislative Analyst Keone

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Hurdle; and Assistant Clerk Jean Pokipala; and most importantly, Legislative Attorney Carla Nakata. We have three items on today's agenda, Members: DRIP-8, DRIP-2, and DRIP-3. My intention is to try and pass DRIP-8 out of Committee. For Bill 103, we have yet to hear that at all as a body, so my intention was to take a presentation and get questions for Bill 103, and probably defer Bill 103 and 104. The reason 104 is on the agenda is just to talk about it in relation to how it would appear holistically with 103, 104, and Act 39. At this time, I'd like to recognize Member Yuki Lei Sugimura. Aloha 'auinalā and salut.

COUNCILMEMBER SUGIMURA: Aloha 'auinalā and salute?

CHAIR PALTIN: Salu-u (*phonetic*).

COUNCILMEMBER SUGIMURA: Oh, salu-u (*phonetic*). Okay.

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

**RESOLUTION 25-49, AUTHORIZING THE ACQUISITION OF LAND AT
LIMAHANA PLACE, LAHAINA, MAUI (DRIP-8)**

CHAIR PALTIN: For each item, we will take testimony after opening remarks or presentations. So, for DRIP-8 is Resolution 25-49, Authorizing the Acquisition of Land at Limahana Place, Lahaina, Hawaiian...Hawai'i. The Committee is in receipt of Resolution 25-49, entitled, "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 24,018 SQUARE FEET IDENTIFIED AS TAX MAP KEY (2) 4-5-007-028 SITUATED AT LAHAINA, MAUI, HAWAI'I, FOR AN AMOUNT NOT TO EXCEED 1.7 MILLION [*sic*]." The purpose is to authorize the acquisition of land at 968 Limahana Place, Lahaina, Hawai'i, Maui, consisting of approximately--oh, that's all the same stuff I just read. So, the Committee may consider whether to recommend adoption of Resolution 25-49, with or without revisions, or consider the filing, or other related actions. So, this is a bill that we got from the Administration and was referred to this Committee. So, at this time, any opening remarks from Mr. Hart before we open it up to public testimony?

MR. HART: Thank you very much, Chair, for the opportunity to be here. The Department of Management, Office of Recovery is requesting authorization to purchase this piece of property as a strategic purpose...purchase for the implementation of the West Maui Community Corridor project, which has called for the fulfillment in the Lahaina Long-Term Recovery Plan. We're interim level exploring whether or not it could function as a temporary housing site or a staging site because it already had utilities connected to it, which is a big challenge in finding usable locations to support recovery. And then again, as stated, for the long-term use of it, this is an opportunity to acquire it to incorporate into the Community Corridor Plan. Thank you very much.

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CHAIR PALTIN: Okay. At this time, does Corporation Counsel have any opening comments for DRIP-8?

MR. HOPPER: Chair, this is Michael Hopper. I don't have any opening comments, but can answer questions if the Committee has any.

CHAIR PALTIN: Thank you so much. We will now move on to public testimony for DRIP-8. Written testimony is encouraged, and can be submitted via the eComment link at mauicounty.us/agendas. Testifiers wanting to provide oral testimony should join the online meeting via Microsoft Teams link printed on today's agenda or call in to the phone number, which is also on today's agenda. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button near the top right of your screen. For those calling in, please follow the prompts via phone. Staff will add names to the testifier list in the order testifiers sign up or raise their hands. For those on Teams, Staff will lower your hand once your name is added. Staff will then call the name you're logged in under or the last four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. If you wish to testify anonymously, please notify Staff. Otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you are done testifying, or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. At this time, we will call on testifiers wishing to testify on DRIP-8.

. . . BEGIN PUBLIC TESTIMONY (DRIP-8) . . .

MR. HURDLE: Chair, first up to testify, we have Jonathan Helton on Teams.

CHAIR PALTIN: Mr. Helton, we are ready for your testimony on DRIP-8.

MR. HELTON: Thank you. Apologies, I had misread the message. I was hoping to testify on the other two items.

CHAIR PALTIN: No problem. We'll call you up when those items come up. Anyone else?

MR. HURDLE: Chair, that's all we have signed up to testify online. I'm not sure if there's anybody else in the...on Teams or in the Chamber that wants to testify.

CHAIR PALTIN: I guess maybe go ahead with a last call?

MR. HURDLE: Okay. We'll do last call for testimony. If you'd like to testify, please come to the podium if you're in the Chamber, or raise your hand on Teams. I'll provide a brief countdown...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

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CHAIR PALTIN: Thank you. Members, with no objection, I will accept written testimony and close oral testimony at this time.

COUNCILMEMBERS: No objections.

. . .CLOSE PUBLIC TESTIMONY (DRIP-8) . . .

CHAIR PALTIN: Thank you. And for Members' information, item number 3 on Granicus includes the title report and the appraisal from the Managing Director that we did not have when the item was introduced at Council, so now we have the title report and the appraisal. We should be uploading an ASF, which will likely be Granicus item number 6, and this incorporates revisions to correct the name of the property owner, and for clarity, consistency, and style. So, for today's purposes, if Members don't mind, I'd like to work off of that ASF because it corrects the original resolution.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. So, for the purposes of the discussion, let's work off of the ASF. Is it uploaded to your folks' Granicus? Okay. Perfect. Oh, it's number 7? Thank you. My bad. Number 7. Okay. We can dive right in if Members have any clarifying questions. Oh, and I do see the Managing Director here. Did...did you want to add any opening comments about the evacuation route aspect of this purchase, or...

MR. NISHITA: Thank you, Chair. Thank you, Members, for allowing us to be here. And apologies, I haven't heard anything that happened in the meeting thus far, so if I'm reiterating anything or...or whatnot, I...I apologize. But you're taking up the Limahana purchase right now? Okay.

CHAIR PALTIN: Sell us on it, Managing Director.

MR. NISHITA: . . .*(laughing)*. . . Okay. Well, as you folks know, as I'm sure you've heard from like the Lahaina Community Land Trust and others, that we do have to take quick action when properties become available. This was one of those situations. The property did come on to the market rather quickly. In full disclosure, they do have other buyers interested, including for full price of the property. The property can be utilized in our potential planning efforts for either incorporation into the TOD-planned West Maui Community Corridor plan for the...there's the Kahua Street extensions--I'm trying to remember all the places on the map now--potentially some additional access locations off of the Pāpalaua to Aki if that is ever able to be rectified with the owner of the property, as...as well as rights-of-way and...and whatnot that might be needed. In addition, I believe one of the potential routes of the West Maui Greenway will...could be in this area, and it could be a potential like rest stop or, you know, if we talk about amenities, like a restroom facility or things like that, that could be included as a part of this property. The--we do have to move fairly quickly on this if the Council, you know, agrees and wants to move forward. So, I do wish, you know, we could spend months to like

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plan out everything and have all these detailed graphs and charts for you. Unfortunately, that's...that's not the case. The only thing I would mention is that those efforts will probably be at least a few years away, if not maybe a little bit longer, before all of those efforts kind of come to fruition. In the meantime, we do have a lot of requests for like volunteer housing for all the different groups who are building...you know, working with like Samaritan's Purse, and Mennonites, and the Presbyterians, and other groups who are helping people rebuild their housing. There's been other requests for like storage of, you know, material, or facilities, or equipment in the rebuilding effort. So, there's a variety of things that we can do in the short term while we're waiting for those longer-term projects of what it's intended for to come to fruition. So, we do plan not to just leave it fallow. If there's any concerns about the funding source that we're using regarding that, we can always leave it unused--that's not my preference--until, you know, the roadway evacuation routes and the West Maui Greenway kind of, you...you know, are...are more built out and...and come to fruition. But, you know, we'd like to be able to use it in the short-term for other very appropriate recovery-related uses as needed. So, anyway, that's kind of the short of it. Happy to answer any questions. I'm sorry, I have a 2:00 I...I do have to get to, but happy to answer any questions if needed.

CHAIR PALTIN: Thank you, Director. I just did want to clarify for the Members, this purchase of land by itself wouldn't be sufficient to create an emergency evacuation route. You'd need to purchase other parcels to connect completely.

MR. NISHITA: Yeah, or easements, or--I mean, there's other mechanisms, but given that this is a use of this property, or at least pieces of this property, and it came for sale...like this was...we, you know, took it as our opportunity to try to secure it before it gets further developed into something else that would be problematic in the long-term. So, anyway, that...that was kind of our intention on that.

CHAIR PALTIN: Okay. That being said, in the ten minutes that we have, Josiah--please raise your hand if you have a burning question for him--and I'll...I'll try limit it to two minutes because he has to leave and try to be fair. And if no one has any questions, he can go. Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: Sold. Let's do this. We feel your urgency.

CHAIR PALTIN: Okay. Member U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: What is the funding source we're going to use to buy this property?

COUNCILMEMBER SUGIMURA: . . .*(laughing)*. . . .*(inaudible)*. . .

MR. NISHITA: I don't have the bill in front of me, but I believe it was the bond funding for the roadway evacuation routes --

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VICE-CHAIR U‘U-HODGINS: Oh.

MR. NISHITA: -- that got approved by Council. I think it was like a \$8 million pot or something like that.

VICE-CHAIR U‘U-HODGINS: Okay.

MR. NISHITA: I--and maybe Staff can correct me if I'm wrong, but I believe that's...that was the pot that was identified.

CHAIR PALTIN: Yeah, I think we discussed that yesterday in BFED, and...and --

VICE-CHAIR U‘U-HODGINS: Shucks, before I came back.

CHAIR PALTIN: -- that point, you agreed.

VICE-CHAIR U‘U-HODGINS: Okay, okay, okay. This might have been before--or I don't remember because everything was bananas yesterday.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

VICE-CHAIR U‘U-HODGINS: But that's all I have. Thank you so much.

CHAIR PALTIN: Anyone else? Oh, wow. Okay. Online Members, Member Rawlins-Fernandez or Chair Lee? I...I believe we also have Guy Hironaka if folks want, or Marcy Martin. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, I'm...I'm still digging into the material. So, it's 24,000 square feet, which is about half an acre--or at least that's what the calculation on Google said, converter. And --

COUNCILMEMBER SUGIMURA: Oh, it's . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, is that wrong?

CHAIR PALTIN: 24,000 --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. . . .*(inaudible)*. . .

CHAIR PALTIN: -- square feet is correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's what?

CHAIR PALTIN: 24,000 --

MR. NISHITA: Yeah. Yeah, it's about half an acre.

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CHAIR PALTIN: -- square feet is correct.

MR. NISHITA: It's...it's close to half and acre.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, just the conversion is what Google told me. Okay. So, it's 1.7 million, and I'm looking in through the appraisal. I guess I don't--I was--and then I went onto Maui Property Tax to see what the sales history was for this property because 1.7 million for an undeveloped half acre is just...it's excessive.

CHAIR PALTIN: I think it's --

COUNCILMEMBER RAWLINS-FERNANDEZ: I --

CHAIR PALTIN: -- light industrial --

MR. NISHITA: Um-hum.

CHAIR PALTIN: -- and that is at a premium in Lahaina. There isn't much light industrial zone, but I'll...I'll defer to Managing Director.

MR. NISHITA: Yeah. It is allowed...industrial uses are allowed on the property, so that...that obviously makes it a lot more valuable than agriculture or some other source. But it also allows us to utilize it for some temporary measures. You know, it's like storage of material...building materials, or equipment, or warehousing, or, you...you know, allowing people--like volunteer housing or things like that. There additional uses potentially that could be allowed under that zoning.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. And then do you know what the use was before, or has it always been undeveloped?

MR. NISHITA: No, I...I believe...my understanding is there was a warehousing facility on it, and then that burned down in the fire.

CHAIR PALTIN: It...it might have been Mind's Eye Interior. Is that the one?

MR. NISHITA: I...I can't --

CHAIR PALTIN: It's in that area where Mind's Eye --

MR. NISHITA: -- remember offhand. But yeah, there...there was a structure on the property, and it was used for some type of commercial purposes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then the purposes that we are looking at entertaining wouldn't be unnecessarily off...that would not be supported by neighboring adjacent property owners?

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MR. NISHITA: Well, you know, one of the main uses will be to ensure we can improve *(echoing)*--sorry, I'm getting an echo in here--but ensuring that we can improve evacuation routes and/or the roadway interconnection system. So, my...my guess--I mean, I haven't talked to the property owners, but my guess is that they would support . . .*(timer sounds)*. . . additional access routes. You know, everything else, like we talk about maybe potentially facilities in relation to the West Maui Greenway or other things, can obviously go through community input and dialogue, and...and see what the appropriate uses. Thanks.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Managing Director. Mahalo, Chair.

CHAIR PALTIN: Were you able to hear the bell, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: I think so.

CHAIR PALTIN: Okay. Cool.

COUNCILMEMBER RAWLINS-FERNANDEZ: The...the feedback kind of distracted me, but I...I think I heard the bell.

CHAIR PALTIN: Okay. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, I appreciate that...that property. It's in the Lahaina Industrial Complex, remember, where the...the Sly Mongoose used to be, right? So, that's my reference point. But anyways, the point is, is, you know, that area would be so idea for like cold storage or one of the resiliency hubs, you know? And I...I appreciate that you're already thinking of things to put on there. Is that something you would consider, like a resiliency hub or cold storage? Farmers always tell me they have no cold storage. Is it...is all...is--all available use is on the...on the table, or is it just you guys have a few ideas?

MR. NISHITA: Yeah. Well, so, Chair, I mean, really the...the main reason why we're acquiring it is for the roadway evacuation routes.

COUNCILMEMBER JOHNSON: Okay. That's --

MR. NISHITA: So, any other portion of the property that doesn't need to be used for something related to that --

COUNCILMEMBER JOHNSON: Um-hum.

MR. NISHITA: -- we can all discuss on what would be most appropriate, or what is most needed in the Lahaina community.

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COUNCILMEMBER JOHNSON: Yeah.

MR. NISHITA: I think there's some synergies to some planning efforts that have --

COUNCILMEMBER JOHNSON: Yeah.

MR. NISHITA: -- already happened and the community has already adopted, but we can certainly discuss that.

COUNCILMEMBER JOHNSON: When I Google Earthed it, it was in that cul-de-sac where the train used to be, and now I know exactly where that is. So, it's a good location and full support. Thank you, Chair.

CHAIR PALTIN: Okay, Members, we leave Josiah three minutes to go to his next meeting. No...no further burning questions, correct? Okay. Awesome. Does anyone else need to continue discussions with Mr. Hart for any clarification or questions? Oh, Member U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you. I do see that...on the appraisal that it's 1.6, and we're budgeting 1.7, and it's not terribly too far apart. Are we just assuming that because there's other interest, we might need a little cushion?

CHAIR PALTIN: I think the wording, it said not to exceed 1.7 --

VICE-CHAIR U'U-HODGINS: Um-hum.

CHAIR PALTIN: -- but yeah, I'll...I'll--other than that, I think --

VICE-CHAIR U'U-HODGINS: You might need your mic though so the Members online can hear. Thank you.

MR. HART: I'm not certain if that difference is for closing costs --

VICE-CHAIR U'U-HODGINS: Okay.

MR. HART: -- for the transaction. I can look into it further.

VICE-CHAIR U'U-HODGINS: Okay.

MR. HART: Thank you.

VICE-CHAIR U'U-HODGINS: And then I have another question. Because it is light industrial and light industrial is one of the few places that we can allow for multifamily homes. And we had...we had, you know, the Housing Department in here earlier today, and one of their goals is to assess what County lands might be available for housing. And granted, I know that this is potentially used...going to be used for either community

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corridor or, you know, evacuation routes, and both of them extremely important. However, again, this might be one of the few places we might own that is zoned for multifamily homes. Where do we perhaps find that balance?

MR. HART: I believe the Managing Director had basically, you know, outlined that the priority is for the roadway uses, and that once that's secured, there could be a larger discussion of finally programming the site.

VICE-CHAIR U'U-HODGINS: Okay.

MR. HART: Thank you.

VICE-CHAIR U'U-HODGINS: Thank you. That's all I have. Thanks, Chair.

CHAIR PALTIN: Do Members feel that the discussion on this item has been exhausted? Okay. The Chair will entertain a motion to recommend adoption of Resolution 25-49.

VICE-CHAIR U'U-HODGINS: So moved.

COUNCILMEMBER COOK: Second.

CHAIR PALTIN: Moved by Member U'u-Hodgins, second by Member Cook. At this time, the Chair will entertain a motion to substitute Resolution 25-49 with the proposed CD1 version that was distributed at today's meeting.

VICE-CHAIR U'U-HODGINS: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR PALTIN: Moved by Member U'u-Hodgins, seconded by Member Sugimura. The proposed CD1 version corrects the property owners' names and makes nonsubstantive revisions. Any discussion, Members? Okay. Okay to call for a voice vote? All those in favor, say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, you have eight "ayes," zero "noes," one excused, Member Kama. Motion passes. You are back to the main motion as amended.

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**BILL 103 (2024), AMENDING CHAPTER 19.08, MAUI COUNTY CODE,
RELATING TO DENSITY WITHIN RESIDENTIAL DISTRICTS (DRIP-2)**

CHAIR PALTIN: So, now we're on to DRIP-2, which is Bill 103 (2024), Amending Chapter 19.08, Maui County Code, Relating to Density Within the Residential Districts. Members, this bill is part of a package of bills that the Administration sent down to the Council last summer. It was Bill 103, Bill 104, and Bill 105. We've passed Bill 105 out of Committee, and we're waiting for first and second reading in that related to nonconformities. I put Bill 104 on the agenda as well because I think it's important for us to take the bills up together in the holistic of the effect, but we likely won't get to making a decision. I just wanted Members to be able to look at 1...Bill 103 within the context of Bill 104, and if you've done the reading within the context of Act 39, which passed at the State Legislature last year, but has yet to be enacted by this body. And it's not super clear if it was the Administration or the Council that was going to get that rolling and through the Planning Commission for us to enact into Code. On October 17th, 2024, Corp. Counsel signed off on the proposed CD1 version of Bill 103 (2024) in relation to HLU-32, and that would be your...number 13 in Granicus. Shoot, I have it as number 18. Oh, number 18 in Granicus is my Amendment Summary Form. So, at this time, before we do public testimony, I would like to give the Planning Department an opportunity to give their presentation, and then call up the Fire Department for any opening comments that they make, and then...that they would like to make, followed by the rest of our resources that are listed for DRIP-2, and then we'll open it up to public testimony. Any objections to that course of...

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. Great. Take it away, Mr. Pfof.

MR. PFOST: Mahalo, Chair, Members of the Committee. Thanks for letting me here and to present this on Bill 103. We have a relatively brief presentation for you that I'm going to go over, as this is the first time that you've heard this bill. As everyone is aware--next slide, please--Maui County has a...obviously a limited supply of available housing units, and what is available in the rental and for-sale market is cost prohibitive for many residents. The August 2023 wildfires have only impacted this housing supply and cost, and so we have a...we have an urgent need to hopefully do something about the housing issues. Also, you may be aware of Title 19. We're doing a rewrite project on that, and as part of that effort, we were going to look at increasing densities as part of that Title 19 effort. That effort is still ongoing, but is some time away. In recognition of what happened in August of 2023, it's the Department that initiated this bill, along with Bill 104 and Bill 105, to provide hopefully immediate assistance to Lahaina residents to help in their rebuilding efforts. The purpose of this bill is then to expand housing opportunities and affordability in Maui County by increasing allowable density in Residential Zoning Districts. Next slide, please. As you may be aware, what's important, I think, in...in reviewing any Code amendment is to look to our general plan, and look at what kind of policy direction we have in the general plan to kind of formulate what kind of Code amendments we're going to do to Title 19, as Title 19 is an implementation

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tool of the general plan. So, I thought I would list a few policies here that are important and...and govern or talk about housing policy within the general plan. I've highlighted a couple sections. I'm not going to read all of these, but the--policies such as seeking innovative ways to lower housing costs or revising laws to support neighborhood designs, incorporate a mix of housing types. Next slide, please. Maui Island Plan includes policies that talk about use planning and regulatory approaches to provide higher housing densities; amend the development codes to facilitate different types of housing, including mixed-use, mixed housing types; ensure that the future housing stock is composed of a mix of housing types. Next slide, please. The community plans also speak to housing issues as well. I'm not going to read all of this, but the West Maui Community Plan, for example, talks about supporting missing middle housing types, which are multiunit or clustered housing types, in scale with single-family homes, such as 'ohana, duplex, triplex, fourplexes, and so on. It also talks about increase in the inventory of long-term housing units, whether owner-occupied or long-term rental, and whether single-family or multifamily. Next slide, please. The next few slides--you can continue, next slide, please--just go to the different community plans and various housing policies within the community plans that I thought I would bring to your attention. And next slide, please. And it's with all of these...these policies that help us in the Planning Department formulate and initiate this Code amendment, looking at how important increasing in density could be, and...and could be as an assistance to the Lahaina residents, but also County-wide in all of our residents in trying to provide for more affordable and increase in housing units. Next slide, please. The proposed Code amendment before you is a change to the R-1, R-2, and R-3 Residential Districts. In the table before you on the...the upper portion of the table, in the second column, it talks about what the existing density is for each of those zoning districts. In the R-1, there's a density requirement--is one dwelling unit per 6,000 square feet; R-2 is one dwelling unit per 7,500 square feet; and R-3 is when one dwelling unit per 10,000 square feet. Pretty much all the R-1, R-2, and R3 are similar districts, in that they allow for the same types of uses, same types of accessories, same types of special uses. In fact, they have the same development standards too; setbacks, building heights, and so forth. So, they're almost really the same, it's just that it's a minimum lot size issue that determines what's R-1, R-2, R-3. So, the proposed density that we were proposing is one dwelling unit per 2,500 square feet in the R-1, R-2, and R-3. I might also note that the existing density also allows for accessory dwelling units that you may be aware of. On...in...on Maui, you're allowed one accessory dwelling unit for lots less than 7,500 square feet, and two dwelling unit...accessory dwelling units for lots over 7,500 square feet. On Lānaʻi and Molokaʻi, you're allowed one ADU for a 7,500 square feet or greater lot size. The bottom table then actually takes what the density proposal is, increasing the density to one dwelling...dwelling unit per 2,500 square feet, and gives you an idea of how many dwelling units you'll see on...based upon the R-1, R-2, R-3 Districts, and using a lot size in this table of 6,000 square feet, 7,500 square feet, and 10,000 square feet as examples. So, for example, in the R-1, assuming a 6,000-square-foot lot size, on Maui, you would have existing...under the existing Code allows for one dwelling unit and one accessory dwelling unit. Lānaʻi and Molokaʻi would only allow for one dwelling unit. However, with the proposed code amendment, Maui would allow two dwelling units and one accessory dwelling unit, and Lānaʻi and Maui...Molokaʻi would allow for

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two dwelling units. And you can see the increases then as the increase in lot size goes from 6,000 to 10,000 square feet. Rather...regardless of whether it's in the R-1, R-2, R-3 District, it's just a matter of lot size now. With the...the most extensive example of a 10,000-square-foot lot in the R-3 would now allow for Maui to have four dwelling units and two accessory dwelling units, and Lānaʻi and Molokaʻi would also be four dwelling units, but only one accessory dwelling unit. That's all under the proposed Code. Next slide, please. As the Chair mentioned, the State had adopted in its last legislative session Act 39, which was signed into law on--in May 2024, and it actually allows a Statewide two accessory dwelling units per all residential-zoned lots in the State. It requires counties to adopt an ordinance prior to the end of the year in 2026, and would begin implementing in January 1st of 2027. At your August 2024 meeting, the Council...the Council referred this matter to the HLU Committee as an ordinance proposing to implement this State law. That is where it is at right now, is at the HLU Committee. What I thought I would do is in this...this other table that you see now on this slide is actually throw in what does this mean when you throw in Act 39 as well, right? Because then you're talking about increasing the density even further because now you're allowed two accessory dwelling units per lot. You can see the changes between the...the--see, the third column is existing Code, and I'll take the R-1 on Maui, for example. The R-1 District on Maui is the upper...upper table. In the existing Code, it allows for one dwelling unit per one AD...and one ADU. The existing Code and Act 39, if we did nothing with Bill 103, would allow for one DU and two accessory dwelling units. But you actually throw in Bill 103, and you'll see an increase of another dwelling unit. So, you can actually see the differences between what Act 39 would propose over and above what the existing Code and Act 39 would propose. So, there, right? Next slide, please. What are some of the results and expectations that we would see from this proposed Code...Code amendment? I provided another table here on this slide that indicates, well, how many R-1, R-2, and R-3 lots do we have in the County? And you'll find here in Maui, Lānaʻi, and Molokaʻi...Molokaʻi, the number of lots in each zoning district. As you can see, in...on Maui, we have about 18,000 lots in Residential...naturally, the most...more populous island. Lānaʻi has about 1,000 lots, those are all within Lānaʻi City. And then Molokaʻi really only has 16 lots. So, you can see what the impacts are...understand what the kind of impacts are, and it's mostly going to affect Maui Island. We would expect an increase in number of rental and for-sale units County-wide, and when I say it is more affordable because what you're going to find is, it's going to be difficult to provide more units on a lot. You're...you're limited to your lot size, you're also limited to your development standards, so those units are typ...probably going to be a lot smaller, and so which will create or allow for a little bit more affordability in...in those units. The proposal will address some extended family or multigenerational needs by allowing more units on a property; allow for varying structure types, such as single-family, duplex, triplex, and fourplex, which we would see in single-family neighborhoods. It will not result in anymore short-term rentals, as they are still restricted under the County's community plans--restricts the number of short-term rentals--so you won't see any increase in those. And development of additional units, we believe will occur over time due to the constraints of costs, limiting existing properties from moving forward. Of course, Lahaina will have a more immediate effect as the rebuilding occurs, but we think over time, this will gradually fill in. I might

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give you a statistic. It's interesting, even between 2012 and 2022, with accessory dwelling units, we saw a little over 500 units in that ten-year period, so about one...about 50 per year on average. So, you're seeing a slow increase in just...in...in the development of accessory dwelling units. Of course, with this build, we're not proposing any changes to the development standards, so you're going to still be saddled with the existing setbacks, impervious surface requirements, parking requirements as well, and then also infrastructure availability, whether water or wastewater, and building Fire Code requirements. All of these will control the type and number of units a lot can support, so you're not going to see, you know, a lot--all of a sudden they're just...just growing significantly and...and...and avoid the setbacks or height limits. You know, all of that is still going to control the amount of and number of lots that you're going to see. Next slide, please. The...this bill was referred to all three Planning Commissions, where the Lānaʻi and Maui Planning Commission recommended approval of the bill, and the Molokaʻi Planning Commission recommended to approve the bill with an amendment that would exclude Molokaʻi unless an amendment was added to require additional homes to be affordable in perpetuity. For the most part, that concludes my presentation. I have a couple of minor amendments that I would like to read into the record--I'm not sure if you'd like me to do that now, or if I can do that later--after working with Corp. Counsel, a couple of changes to the...to the amendment summary CD1 version. And that concludes my presentation.

CHAIR PALTIN: Sure. I'll...I'm open to hearing your amendments. And at this time, I would like to recognize that Member Kama has joined us. Salut and aloha 'auinalā.

COUNCILMEMBER KAMA: Aloha 'auinalā, Chair, and salut. Pardon my absence...or my tardiness, I should say. I was trying to solve a crisis. But thank you.

CHAIR PALTIN: Hope it got solved. Okay. Member [sic] Pfof, if you would like to let us know the amendments that you are proposing. Are we working off the February 19th, 2025 DRIP-2 Amendment Summary Form, I think, on Granicus number 18?

MR. PFOF: That is correct.

CHAIR PALTIN: Okay. So, Members, we'll be working off of Granicus number 18, Amendment Summary Form, and here are proposed amendments from the Department.

MR. PFOF: Thank you. So, the first one that I would make is actually on page 1 under permitted uses, 19.08.020, Permitted Uses. We'd like to remove the...the language "long-term residential dwelling units," and replace that with "single-family dwelling units of the following types," and...and as so on, but just replace long-term residential dwelling units with single-family dwelling units. That was a recommendation from Corp. Counsel to make that change. The other change that I would like to make is on page 4. It's the table that identifies the development standards for the R-1, R-2, and R-3 zoning districts. You can see the changes that are being proposed in the Amendment Summary Form, but on the...two, three...the fifth column, under notes and exceptions, under the note that you see accessory dwellings under Chapter 19.35 are permitted in all

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residential districts in addition to the density standard, why don't you add another sentence that indicates multi...”multifamily dwellings of up to three units will not require landscaping for parking areas, notwithstanding Subsection 19.36B.080(A).” And the reason for this version...or the reason we're adding this is currently right now, 19.36, which is our parking section, exempts single-family and duplex lots from providing landscape parking...parking in...landscape in their parking lots . . .(laughing) . . . and for naturally good reasons, a single-family or duplex smaller structures. We believe this ordinance will probably lead to probably seeing some triplexes, and...and we wanted to add that provision to exempt the triplex as well. Adding landscaping to a parking lot for a triplex is going to further burden homeowners by providing additional landscaping, so we wanted to save that cost, and so that's why we're adding that sentence in there as well. And that concludes the amendments that I would like to make.

CHAIR PALTIN: Thank you. And so, that was 19.36B.0A0...080(A), that multifamily units of size three are not subject to the landscape parking requirements of that section?

MR. PFOST: Yes. Multifamily dwelling units of three units...yeah, will not require landscaping for parking areas.

CHAIR PALTIN: Three or less?

MR. PFOST: Three or less.

CHAIR PALTIN: Or I guess it would be single-family, duplex and --

MR. PFOST: And a triplex.

CHAIR PALTIN: -- triplex.

MR. PFOST: Yes.

CHAIR PALTIN: Okay. You guys got that, Members? Okay. That concludes your opening comments?

MR. PFOST: Yes. Thank you.

CHAIR PALTIN: Thank you. Captain Vaas, do you have any opening comments regarding Bill 103? I'm not --

MR. VAAS: Yeah, we've been in discussion with Planning on this and...and sort of played out the scenarios. I think they've...we've captured most of the considerations, and our new Fire Code amendments are going to address some of the density issues that may occur with this. Our main concern is in a neighborhood where this could possibly be everybody, if we were to look at it that way, where everybody can now double the amount of houses, how will that impact those roadways? But I think that it's going to be a road

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we have to cross when we get to it because we don't know what neighborhoods are going to be built to that extension. So, for right now, we're going to rely on the codes that are in place and the ones we just adopted, and that should help maintain the protection for this kind of density increase. But those are things to consider as a community to how big will this get, and can our roads handle?

CHAIR PALTIN: Thank you, Captain Vaas. Does that conclude your opening comments on Bill 103?

MR. VAAS: Yes.

CHAIR PALTIN: Thank you. I'd like to go next to Sergeant Jan Pontanilla, if there are any opening comments on Bill 103.

MR. PASCUAL: Chair, Ms. Pontanilla is online, but she would just have to unmute herself.

CHAIR PALTIN: Miss...Sergeant Pontanilla, if you can unmute yourself, or...or we can come back to you if you're busy at this time. Okay. Maybe Director Molina, are you available for any opening comments on Bill 103? Okay. Let's try Director Stufflebean. Any opening comments, Bill 103?

MR. STUFFLEBEAN: Good afternoon, Chair.

CHAIR PALTIN: Good afternoon.

MR. STUFFLEBEAN: Yes. Hi. Water...Water Supply has been working with Planning on this, and...and we're very supportive. Infill housing is a great thing for the water situation for...you know, for the water distribution system, and we're supportive. Thank you.

CHAIR PALTIN: Thank you. Deputy Director Bob Schmidt from Department of Environmental Management, any opening comments?

MR. SCHMIDT: Thank you, Chair. We previously had submitted two comments. Comment one is that higher density will bring higher sewer capacity, which will affect the collection system and the treatment plant capacities; and the second comment is the side yard setbacks of 6 feet would preclude sewer easements, which are typically 10 to 15 feet wide. That's all.

CHAIR PALTIN: Thank you.

MR. SCHMIDT: Thank you.

CHAIR PALTIN: I did want to clarify. You know, some people are still on cesspool, some people are on septic, and usually septic is calculated by number of bedrooms, or bathrooms, or something like that. How would that play into Bill 103, if you could clarify that?

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MR. SCHMIDT: Yeah, I'm not sure that would affect...I mean, as...as far as--I mean, they just have to, you know, obviously have whatever setback they need from their onsite sewer system, and as...as it becomes sewer, their sewer lines don't--I mean, there's no easement required for their own sewer line, right? So, however they can get to the sewer collection system is...is up to them, and it shouldn't affect this bill.

CHAIR PALTIN: Okay. Thank you. Mr. Hart, any opening comments for Bill 103?

MR. HART: Chair, I just want to thank you and the Members for hearing this matter. The Office of Recovery supports this as it's greatly needed. I am...I'm not able to speak on behalf of the Department of Health, but I did look into their regulations when working on these initially and can provide some basic feedback on that matter. Thank you.

CHAIR PALTIN: Thank you so much. So, we'll, I guess, save that part until discussion. And unless Sergeant Pontanilla, Director Molina is ready, we will move onto Deputy Director...or Deputy Corp. Counsel Mike Hopper. Any opening comments?

MR. HOPPER: Chair, we did receive a request to review whether changes could be made to the landscaping requirements...the parking and landscaping requirements since that wasn't a change that was expressly recommended by the Planning Commission. And in my review, I think that as long as the landscaping changes relate only to the...the multifamily dwelling units that are being newly created in the residential districts by this bill, I think it's okay for you to deal with those requirements. I would not advise dealing with the overall requirements for landscaping for multifamily units like in other districts, but because you're creating multifamily units in this district for the first time, I think it's within your purview, and would have been in the Commission's purview to look at the...the development standards for that, including the...the parking standards. So, I...I think as long as those amendments deal specifically with the...the dwelling...the...the new dwelling units created in the residential districts, that...that that's sufficient.

CHAIR PALTIN: Thank you, Mr. Hopper. Checking in one last time for Director Molina or Sergeant Pontanilla before we move on to public testimony.

MR. MOLINA: Chair, this is Public Works.

CHAIR PALTIN: Oh, awesome. Go ahead. Any opening comments regarding Bill 103?

MR. MOLINA: Thank you, Chair. For the record, Jordan Molina, Director with Public Works. Yeah, we did...were consulted with--by the Planning Department on the proposed bill. Department takes no objection, and just notes that despite the allowances being proposed in the Zoning Code, it does not affect how we administer the Building Code for such projects, and so the same requirements that would typically be triggered are still applicable, despite the proposed amendments. So, we have no concern about any unforeseen impacts not being able to be mitigated by our Building Code and the other codes we...that we administer as it relates to development. Thank you.

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CHAIR PALTIN: Thank you, Director. Last call for Sergeant Jan Pontanilla on opening comments for Bill 103?

MR. PASCUAL: Chair, I apologize. Staff is working with Sergeant Pontanilla on reconnecting to the meeting, so we'll be on the lookout for her. Thank you.

CHAIR PALTIN: Thank you. Member Sugimura.

COUNCILMEMBER SUGIMURA: Could I ask a question of Director Molina as --

CHAIR PALTIN: Is it a clarifying question?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR PALTIN: Because we haven't taken public testimony yet.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: Is he --

CHAIR PALTIN: Go ahead.

COUNCILMEMBER SUGIMURA: Okay. Good. So, can you clarify what you said, that this wouldn't affect Public Works, and you have no objections for what?

MR. MOLINA: Yeah. So, the...the primary codes of concern are Title 18, which is the Building Code, and those would remain applicable --

COUNCILMEMBER SUGIMURA: Oh, okay.

MR. MOLINA: -- to these projects despite the proposed increase in density.

CHAIR PALTIN: Thank you very much.

CHAIR PALTIN: Okay. And I believe we're still working with Sergeant Pontanilla about connecting. I did have one clarifying question for Planning. You know, I've...I've read the definition for dwelling unit and accessory dwelling unit, and it just says an accessory dwelling unit is subordinate or incidental to a dwelling unit, which isn't very clear. Is there more clarification that could be provided to the Members while we wait for Sergeant Pontanilla?

MR. PFOST: Sorry, I'm...I'm looking up those definitions as we speak. I know that importantly, accessory dwelling units also have to comply with a separate section within our Code.

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Within the residential districts, it allows for accessory dwelling units, and refers to the other section that requires certain compliance requirements. So, accessory dwelling units, for example, have certain size requirements, certain parking requirements, and so forth. And I can indicate those for you. So, beyond the definition, it provides a little bit more--bear with me--accessory dwelling units are under Chapter 19.35, which would --

CHAIR PALTIN: Okay. If it...if it goes that much more into detail, we'll save it for discussion. Go ahead, Member Johnson.

COUNCILMEMBER JOHNSON: I'm getting texts from my office that we're not on...we're frozen.

CHAIR PALTIN: Oh.

MR. PASCUAL: Yeah. Apologies, Chair, I think we're losing connection. Could we recess the meeting for five minutes?

CHAIR PALTIN: I guess so. I'm going to recess the meeting until 2:30. We may be back later than that, but that's the time, 2:30. . . .(gavel). . .

RECESS: 2:27 p.m.
RECONVENE: 2:32 p.m.

CHAIR PALTIN: . . .(gavel). . . Will the DRIP Committee meeting of February 19th, Wednesday, return to order. The time is now 2:32. And we left off asking about, you know, how we differentiate (*echoing*) from dwelling unit and accessory dwelling unit, and it turned out it was a pretty involved answer, so we're going to save that for discussion time. (*echoing*) I see we do now have Sergeant Pontanilla online for opening comments. Sergeant Pontanilla, do you have any opening comments regarding Bill 103?

MS. PONTANILLA: Hi, can you hear me?

CHAIR PALTIN: Yes, we can.

MS. PONTANILLA: Perfect. I'm sorry, I didn't want you guys to think I wasn't listening. I was trying to connect, but I couldn't answer. So, yeah, just a little bit where, you know, any...any development increase to the current area, or population, or infrastructure, we would need to conduct an assess...and a traffic, calls for service, et cetera, where we may need to increase manpower in that area--for example, additional beats because of the...the amount of people in that area. So, that's just a thing that I think we have to take into consideration.

CHAIR PALTIN: Thank you. Does that conclude your opening comments?

MS. PONTANILLA: Yeah.

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CHAIR PALTIN: Okay. Thank you so much. So, that concludes our opening comments from all of our resources. Planning did mention that they have one additional amendment working off Granicus item 18. Before we open for testimony, I would love to hear that additional amendment.

MR. PFOST: Mahalo, Chair. Yeah, I'd actually make a correction to what I...(echoing) correction to what I indicated earlier. On page 1, 19.080.020(A), I would like to replace "long-term residential dwelling units" with "dwelling units of the following types." So, just indicated dwelling units of the following types. Not single-family, just dwelling units of the following types, and then it lists those types of the different islands. Thank you.

CHAIR PALTIN: Thank you. Okay. So, we've heard all the opening comments from all of our resources. I've already read the testimony spiel for DRIP-8. So, at this time, Staff, can you call the first testifier for DRIP-2 --

MR. HURDLE: Yes.

CHAIR PALTIN: -- Bill 103.

MR. HURDLE: First up to testify, we have Jonathan Helton on Teams, followed by Jeremy in the Chamber.

. . . OPEN PUBLIC TESTIMONY (DRIP-2) . . .

CHAIR PALTIN: Thank you. Mr. Helton, was...this testimony was for Bill 103, DRIP-2?

MR. HELTON: Yes. I...I got it right this time.

CHAIR PALTIN: Awesome. Okay. So, you got three minutes on this one. Go for it.

MR. HELTON: All right. Thank you. So, just to introduce myself for the record, I am Jonathan Helton. I do research with the Grassroot Institute of Hawai'i. The Grassroot Institute supports Bill 103. I just want to say a couple of quick things about why. Number one is, there is a pretty big push to keep the country country, and if you're going to have more housing and you want to keep the country country, then you have to make the city and the areas that already have housing a little bit more dense. So, you have to make the city more city. So, this bill would help toward that goal. The second thing is that the types of dwelling units we're talking about legalizing would provide some...what you could call natural affordability. As Planning alluded to in its presentation, this bill does not change the impervious surface area requirements for the setbacks for residential lots, so the types of dwellings that this bill would allow people to build would naturally be limited in their size. And so, you know, just as a general rule, if a dwelling is smaller, it is going to be more affordable, and so that's why I call it natural affordability. And then the third thing I'd like to point out is that one of the reasons that we really like this type of approach to building housing is it allows existing

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homeowners and families to build intergenerational wealth. If you are able to build a second or third home on your lot, that is something that you can pass on to your children, and then...then that's going to increase their wealth as well. And second of all, you know, if you're building a additional dwelling unit on your property, that's something that you might be able to use as a rental for someone who--maybe a kid who's just trying to start out, and...and that way, you do promote intergenerational living. The final thing I'd like to point out is that I know there was some discussion of Act 39 in Planning's presentation. Grassroot was involved with the discussions of Act 39 at the State level last year, so I'd be happy to answer what questions that I can on that. And that's...that's what I have to say. I appreciate the opportunity to testify, and happy to answer any questions.

CHAIR PALTIN: Thank you, Mr. Helton. Members, any questions for the testifier? Member Sugimura.

COUNCILMEMBER SUGIMURA: So, he said he would...like he could answer questions regarding Act 39. So, are you going to keep him as a resource as we get into discussion?

CHAIR PALTIN: Do you have any questions about Act 39? It's...it's pretty straightforward, that any...Mr. Helton, is it your understanding that any lot size could have two ADUs with that Act 39?

MR. HELTON: Yes, that's...that's correct. I...I can speak in a little bit more detail if...if that...if you guys would like.

CHAIR PALTIN: Would anyone like a little bit more detail?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR PALTIN: Member Cook? Okay. Go ahead.

MR. HELTON: So, the main thing I was going to point out is that in Act 39, it...it asks counties to allow two ADUs or reasonable equivalent by 2026. So, when Planning is saying that implementing Bill 103 and the two ADU requirement from Act...from Act 39, that you would get "X" number of dwellings, I...I'm not...I am not an attorney, but my...my understanding of the bill is that allowing more dwelling units would meet the definition of a reasonable equivalent under what Act 39 requires. But again, that's probably...since I'm not an attorney, that's probably a question for Corp. Counsel.

CHAIR PALTIN: Thank you so much. That's a question we'll take up for Corp. Counsel. I believe somebody here would do that. Thank you. Any further questions for the testifier? Seeing none. Thank you for your testimony.

COUNCILMEMBER KAMA: Chair? Chair, I have just one.

CHAIR PALTIN: Oh.

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COUNCILMEMBER KAMA: Thank you.

CHAIR PALTIN: Member Kama has one more question for you.

COUNCILMEMBER KAMA: Good afternoon, Jonathan. Thank you for being here. So, Act 30....39 says any lot size, you can have two ADUs. So, what if you have an acre, how many ADUs can you put on that? Or is there a limited amount of ADUs you can put according to --

MR. HELTON: Yeah, the minimum that Act 39 requires would be two ADUs per residential lot. So, if you happen to have a residentially-sound lot that was an acre, it would just require the County to allow a minimum of two. Now, it's up to the County if it wants to allow more than that.

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

CHAIR PALTIN: Sure thing. Okay. Seeing no further questions for Mr. Helton, we can call--thank you for your testimony, Mr. Helton. We can call our next testifier to the stand.

MR. HURDLE: Yes. Next, we have Jeremy here in the Chamber, followed by Kai Nishiki on Teams.

CHAIR PALTIN: Thank you.

MR. DE LOS REYES: Aloha, Council. Is it okay...Council Chair, is it okay that I speak on 103 and 104? Because I am limited on time. I have to get back to work in Lahaina.

CHAIR PALTIN: If the Members don't have any objection --

MR. DE LOS REYES: We're good?

CHAIR PALTIN: -- we're...we're okay with that. And then we can afford that to anyone else who would like to as well. So, three minutes on each because they kind of are related, and if anybody else would like that opportunity, we're open to it because, you know, life happens.

MR. DE LOS REYES: Good afternoon, Council. Thank you for this time. My name is Jeremy De los Reyes. I am a longtime resident, multigenerational resident of Lahaina. I was a schoolteacher at Lahainaluna High School for 23 years. I now is...I'm in the industry. I'm building homes. I give out anywhere from three to five days a week as donations to rebuild victim homes. I oppose this bill. I understand there is a strong need for housing, but we are...the County right now is putting the cart before the horse. We have not addressed any infrastructure issues. So pre-fire, my neighbor across...directly across of my house is a four-bedroom, 1,200-square-foot house. And then there actually is a

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three-bedroom, one bath, but they did an addition. They closed in their garage carport and added another bathroom. They had 17 vehicles on that property. They had 21 human beings on that property living there. They parked in front of four different houses. My main objection to this is infrastructure and parking, which ultimately comes down to quality of life. You are now putting a density into neighborhoods all over the island and the County. So, the gentleman from the Grassroots Institute stated keep city city. This is not just a city. This is going to affect Hāna. This is going to affect Moloka'i, rural Moloka'i. This is going to affect Lāna'i, right? This is going to affect Kahakuloa, Waihe'e, Waiehu, Pā'ia, Ha'ikū, 'Ulupalakua, Kanaio. This is going to affect this whole area. So, there's no such thing as keep country country. I love the country. I want to keep my way of life. This ordin...this bill is subject to change that. Is there accountability for this action? Because none of you in here is subject-matter experts when it comes to fire, fire mitigation. County...Department of Fire and Public Safety is strongly against this by this...this transmission that you guys received from Chief Ventura. In addition, from the Lahaina conflagration to resilience handout, it states all the reasons we shouldn't add density. The reason for Mill Camp burning down was because of the density. When we talk about housing, a lot of statements by the Planning Department and by the Grassroots stated there'll be natural barriers for affordability. Sixty-five percent impermeable surface. Who enforces that? As of right now, nobody is enforcing 65 percent impermeable surface. My plans for my rebuild of my house that I lost, I cannot add two dwellings on my property. It's 6,200 square feet. . . .(timer sounds). . . And in addition, to add two ADUs to that property, that means I'm going to exceed the height limit. Now, Member Cook is in the industry. Member U'u-Hodgins is the--dad...Bruce, her dad, was in the industry. A very big part of the industry. And they going tell you --

CHAIR PALTIN: If you can conclude in one minute on Bill 103.

MR. DE LOS REYES: Excuse me?

CHAIR PALTIN: If you can conclude your testimony for Bill 103 in a minute.

MR. DE LOS REYES: The biggest thing for me is enforcement. Who is going to enforce all of this? Are we having rent caps if we going add all these houses? Because when we making amendments to residential or long-term houses, are we guaranteeing that that's going to be for all local residents, or is it going to turn into STRs? Questions for you guys. Is there a capacity limit for humans in a dwelling? Are we enforcing this capacity issue when it comes to the County Code? Is there going to be rent control when we build these affor...these additional homes, or are we just going to skyrocket everything? That's kind of it for 103. That's all I had. I could go on for days. But again, I oppose this. I understand the need for housing, but it is a kneejerk reaction. I would like you guys to make way more amendments and address the big issue, which is resources and parking. Thank you.

CHAIR PALTIN: Before you move on to Bill 104, Members, any questions for Mr. De los Reyes on Bill 103? Member Cook.

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COUNCILMEMBER COOK: Thank you. You...you make some very solid points that need to be discussed during this, so thank you for bringing all that up. I just wanted to acknowledge those are all valid points, and as part of this discussion, we need to determine those. Thank you.

MR. DE LOS REYES: Thank you. If I...if I may?

COUNCILMEMBER COOK: Yeah.

MR. DE LOS REYES: You know, again, I understand the need. I got to house my family. I got to house my friends. But what is the long-term ramifications that we are doing here? I heard...overheard in the previous session you guys had that Member Hodgins...U'u-Hodgins said for that parcel, could we do multi? Yes, I'm all for that. Let's...let's get it out of the neighborhoods. Have all quality of life, and if the County has more parcels, let's develop those parcels rather than adding congestion. I would like to point out in addition to the congestion, after the fire, there was another residential fire up Upper Lahainaluna that emergency services couldn't get to. So, they had to go from the other street above and walk down to fight that fire. If that is not a big red flag about density, I don't know what is. And if you guys pass this bill, are you guys going to be held accountable for passing this bill, and is the County then burdened with that accountability long after we are gone from the Council?

COUNCILMEMBER COOK: Thank you.

CHAIR PALTIN: Members, any further questions for Mr. De los Reyes on Bill 103? Member U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Thank you. Can I ask you a specific question of the...what you said earlier about--was it your neighbor that had a whole bunch of people living in their house, and they had 17 cars? Okay. So, I grew up in a neighborhood quite similar, and everybody then parks on the street. And of course, it's hard to widen the street that's existing when we're not only putting more homes, but--you know, like everybody needs all the space they can get. They had to park in front of four different homes. That looks like my neighborhood. The fire truck, hard time get through? Ambulance, hard time get through?

MR. DE LOS REYES: Yes. The bottom line is yes.

VICE-CHAIR U'U-HODGINS: Um-hum.

MR. DE LOS REYES: Because it's not just...so, of my four immediate neighbors, three of us tried to make a concerted effort to park either on the easement or within our property.

VICE-CHAIR U'U-HODGINS: Um-hum.

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MR. DE LOS REYES: And the rest just park all over, so therefore, other houses. But there's sections of Ainakea Road that...that trucks cannot get through, EMS cannot get through.

VICE-CHAIR U'U-HODGINS: Okay.

MR. DE LOS REYES: Yeah.

VICE-CHAIR U'U-HODGINS: That's what I assumed, because that's what my old neighborhood looks like too. And I just wanted to have that when we start discussion about roadway improvements for safety --

MR. DE LOS REYES: And so --

VICE-CHAIR U'U-HODGINS: -- so I appreciate that.

MR. DE LOS REYES: -- can I add to that?

VICE-CHAIR U'U-HODGINS: Please.

MR. DE LOS REYES: Even if we decide, Kuhua, Mill Camp, let's widen the road. Well, if we're going to widen the road and we're still double parking, it doesn't...it doesn't solve the issue. I believe the issue should be that the Planning Department amend their parking...what is it?...parking regulations. So, my suggestion for a long time to the County was right now, three-bedroom house only requires two parking stalls on property. If you have an ADU, you have to add an additional one. For every bedroom after three bedrooms, at least mandate one parking stall on property for every additional bedroom after three bedrooms. So, how is this accomplished with such a small lot? Well, if you guys take the time to drive through Wahikuli, at around the 1,400-area block of Ainakea Road, one of the residents had built their house about 14 feet--because there's a grade--they put columns 14 feet. And they're going to use that for parking because they had so much rentals on that property pre-fire, and with that knowledge, they didn't want to inconvenience neighbors and emergency services, so they decided to build up and put parking on property under their house. So, this is a way, if County, Planning decides to make some amendments to the Parking Code, that could alleviate. Because as I was told, the only plan of action that the County has right now is to subcontract a security firm to ticket overnight parking, and that will not last. We all know that. All of us live in these neighborhoods that we fight our neighbors--sorry--for our parking, right? And that shouldn't be the quality of life that all of us on this island, and in our County, and in our State should . . .*(timer sounds)*. . . have to deal with. Thank you.

CHAIR PALTIN: Thank you. Any further questions for Mr. De los Reyes on Bill 103? Just clarifying, the suggestion was a three-bedroom stay at two parking spaces, any additional bedrooms, ADU, bedrooms, add additional parking lot requirements on site?

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MR. DE LOS REYES: Yes.

CHAIR PALTIN: Okay. One clarifying question to that. I have a neighbor that has quite a bit of on-site parking, but they...the renters don't use that on-site parking, they park in front of the fire hydrant instead. Would...would part of that be like you got to use that parking that you create?

MR. DE LOS REYES: Well, you know, that...that...that's subject to the homeowner, that you're...you're providing the opportunity. Now, if you're renting to a family that only has one vehicle, then fine. If they're renting to a family that has two vehicles, and if there's afforded the stall, then they...they should use it. But again, that is the amendments...or the Planning Department's job to --

COUNCILMEMBER SUGIMURA: Enforce it.

MR. DE LOS REYES: -- create that enforcement. But yes, if they have the stall, then they should be --

CHAIR PALTIN: Using it.

MR. DE LOS REYES: -- using the stall.

CHAIR PALTIN: That's --

MR. DE LOS REYES: If I --

CHAIR PALTIN: -- kind of what I thought.

MR. DE LOS REYES: If I have a toilet in my house, I'm not going to go in the backyard, I going use the --

UNIDENTIFIED SPEAKER: Yes.

MR. DE LOS REYES: -- toilet in my house. Sorry.

CHAIR PALTIN: The other question...you know, the cost of living is rising, and like a lot of times, the registration is a couple hundred dollars, safety is how much, and then you got gas, and then you got to buy the car, and like that. Would you support, as a solution to our parking issues, better micro and macro transportation options that really fit our residents' needs? Like for example, Lahaina is not necessarily an 8-to-5 working community. Choke folks work restaurants. When I used to work restaurants, I got off at 9, 10, 11. If you're a bartender, you get off at 2. If you're a maid, you might go in at 4 or 5. So, just probing your thoughts on that. Do you think it would be used if...if we made micro or macro transportation that fit our residents' needs, or that's not a solution to the parking infrastructure that you were talking about?

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MR. DE LOS REYES: I think 50 percent is not a solution. If people will use it, they will use it if it's planned properly--if it's not planned like the Honolulu Rail. Sorry, I had to throw that out there. But if it's planned properly, yes, I think people would use it. Because...because of the cost of fuel, because of the cost of registration and time management, it is easier. But however, again, as much as I would support that, do we have the infrastructure capacity to hold that? So, as of right now--I think, Members, you guys kind of saw this when you guys held your first couple meetings in the Westin Hotel--once Honoapi'ilani gets congested at Keawe--everybody come through my neighborhood--so when we talking about can EMS services come through? No...because there is no infrastructure. So, there's no road. So, I...I honestly going tell you guys this, and it's not a plug for it, but until we build an alternate route, like the...the bypass north terminal, we can come up with all these solutions of mass transit and ulterior transit, but we still going face the same issues. There is not enough roadway. There is not--we...we don't have the infrastructure to handle the capacity that we have currently in West Maui. And now, if we talking about the rebuild, and we bringing in more people, if you guys, Mister--Member Cook and Nohe--if we talk to Dad and Cook, you guys just going see the amount of traffic that has been created just by the rebuild, right? Cement trucks, pump trucks, just laborers, glaziers, masons. It's crazy. This morning, they just...they was stuck in traffic for an hour and a half trying to get from Lahainaluna Road just to the bottom of Keawe Street because GBI is doing infrastructure work. So, I would 100 percent support it, but without the proper infrastructure, I think it would be a failed effort too. Thank you.

CHAIR PALTIN: Thank you. Okay. This is for him on Bill 103 still?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR PALTIN: Okay. Go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: Very expressive. I appreciate you. So, just clarification, you are speaking about Lahaina?

MR. DE LOS REYES: Yes.

COUNCILMEMBER SUGIMURA: And I believe that what you're describing is actually island-wide, it just depends on the community. So, what is your opinion?

MR. DE LOS REYES: So, that...that is, again, why I'm against this bill because it just does add density everywhere.

COUNCILMEMBER SUGIMURA: Um-hum.

MR. DE LOS REYES: And like I said, when...when the Grassroots Institute stated, oh, we're going to build the city, so we...we building Kahului then, right? We building Wailuku Town. We going overbuild this area. Ha'ikū, Pā'ia, you...you guys going grow exponentially. Kihei, which is already insane with traffic, you guys going grow

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exponentially. So, if...if I'm talking about island-wide, I don't...I don't see the benefits. I mean, I understand housing is the big issue, but if housing really was the issue, then let's hold Wailea 670 to the housing requirements of affordable homes if that really was the issue. If it really is the issue, these gentlemen estates in Launiupoko, in Kahana Ridge, in Kapalua Ridge, Mahana, why don't we force them to add more units on their property? Why do we--the residents, all of you guys, your...and your family--have to live like cockroaches, one on top each other, when the part-time residents get to live lavishly for two weeks out of the year on five-acre lots? Put them on that.

COUNCILMEMBER SUGIMURA: Thank you.

MR. DE LOS REYES: Thank you.

CHAIR PALTIN: Any further questions for Bill 103? Seeing none. Okay. We're ready for your Bill 104 testimony.

MR. DE LOS REYES: So, Bill 104, what I saw by the Planning Department's presentation, was--so, R-1 is...I believe was 7,000 square feet or smaller residential --

CHAIR PALTIN: 6,000.

MR. DE LOS REYES: -- 6,000 square feet or smaller. I would like to know--maybe Mister...Member Cook can answer this because of his background--how are you expected to build possibly two dwellings and two ADUs with 65 percent impermeable surface without exceeding the height Code, and parking, enough for that neighborhood, with Act 39 and this Bill 104? How can we do that? I, right now, have a four-bedroom with one ADU in the plans, and I had to scale back to meet height requirement, and I had to meet 65 percent impermeable. Is anybody going to enforce these guidelines, or these Codes, to keep it naturally affordable? Where is the enforcement? As we all saw, pre-fire, I can show you guys 17 residences at my neighborhood that their home, their house, their dwelling, was actually within their easement, the County easement. They exceeded their property line. Not even the set back, they exceeded the property line. So, where is Planning? Where is the enforcement? Where is--what is it, ZAED? Where...where are these guys at? So, if you guys are adding two dwellings with a full kitchen, and two ADUs with eight kitchenettes, the possibility for fire grows exponentially. And as the report showed, the more density, the hotter the fire. The hotter the fire, the easier it is to jump from house to house. If we have not learned anything from this disaster, that the congested neighborhoods, nothing survived. Nothing. Not even metal survived. So, again, I implore you guys to rethink this bill. I am against 103 and 104. Let us find another [sic] solutions. Let us develop whatever other County parcels we have. Thank you.

CHAIR PALTIN: Members, any questions for the testifier regarding Bill 104? I think they blew their load already. Thanks.

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MR. DE LOS REYES: Yeah. Council, thank you guys so much for your time. You guys have a blessed afternoon. My name going come up Friday.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

MR. DE LOS REYES: I love you guys.

UNIDENTIFIED SPEAKER: Yeah.

MR. DE LOS REYES: Have a good day, guys.

UNIDENTIFIED SPEAKER: Aloha.

CHAIR PALTIN: Thank you. Next testifier, please.

MR. HURDLE: Yes. Next, we have Kai Nishiki on Teams, followed by Tom Croly.

CHAIR PALTIN: Thank you. Ms. Nishiki, we're ready for you. You can testify on 103 and 104, or just 103 now and 104 later.

MS. NISHIKI: Mahalo. Kai Nishiki testifying, and I will testify on Bill 103 and 104 together. Thank you very much, Chair and Committee Members. So, I know that you folks have had a lot of discussions and points brought up on...on this issue.

CHAIR PALTIN: Oh, we lost...we lost audio. Are--we...we can't hear you.

MS. NISHIKI: For...

CHAIR PALTIN: Oh, we couldn't hear you for about --

MS. NISHIKI: I'm sorry. Can you folks hear me?

CHAIR PALTIN: -- 15 seconds. Now we can, but --

MS. NISHIKI: Oh, no.

CHAIR PALTIN: -- it's a little bit soft.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, Chair?

CHAIR PALTIN: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR PALTIN: Yes?

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COUNCILMEMBER RAWLINS-FERNANDEZ: I can hear her okay, and there was no interruption. So I don't know if it's the Chambers again.

CHAIR PALTIN: Oh, it's us maybe.

COUNCILMEMBER RAWLINS-FERNANDEZ: Also, sorry, I...I hope...I hope we stopped the timer for Ms. Nishiki, but since...since I'm speaking, I have two minors that came home from school, so if you see me talking, that's who I'm talking to. Okay. Sorry.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Disclosure.

CHAIR PALTIN: Is it okay, Ms. Nishiki, if you...if you start over? And even when we could hear you, it was a little bit soft. So, before you start --

MS. NISHIKI: Okay.

CHAIR PALTIN: -- over --

MS. NISHIKI: Oh.

CHAIR PALTIN: -- can you try test...oh, now...now you're frozen, and we can't hear anything. Member Rawlins-Fernandez, can you hear or see her move?

MS. NISHIKI: Oh, I can't --

COUNCILMEMBER RAWLINS-FERNANDEZ: I see her like moving, and I can hear her audio.

CHAIR PALTIN: Oh, okay. Okay. Try...try again, Ms. Nishiki. Try talk.

MS. NISHIKI: Okay. Yes. Sorry, Chair, I could not understand you. It was really garbled, but I hear that you want me to start over; is that correct?

CHAIR PALTIN: Okay. Yeah, we're good to go now. We could hear you just now. Thank you. Go ahead.

MS. NISHIKI: Okay. Okay, great. I...I believe what Bill 103 and 104 are seeking to do legally is...sorry. Can you hear me?

CHAIR PALTIN: Yes.

MS. NISHIKI: Oh, okay. Seeking to legitimize what is already occurring. And so, I...I think that the concerns that are being raised about increased risk is...is valid in...in some certain sense. However, it is--you know, there's not...there isn't enforcement going on at this time. There's not anybody at...at Lowe's or Home Depot making sure people

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aren't buying refrigerators, or portable stoves for...for units at this time, and there's not, you know, folks driving around neighborhoods doing enforcement on parking or, you know, sizes of folks doing renovations to their...to their homes. And so, I...I don't think that those sorts of things are going to go away just because these bills are put forward. And these bills actually empower our residents who own homes to be able to provide living space for...for their...for their parents who are aging, for their kids, and...and--who want to make like a studio on the property. So, I think that this bill...these bills are not taken in a vacuum, and that--look at the most recent community plans. We are looking at changing community plan designations so they...they better match what we are looking to have, which is mixed...which is mixed-use developments. Everyone is frozen.

CHAIR PALTIN: We can still hear you.

MS. NISHIKI: Oh. . . .*(laughing)*. . . Okay. I can't really tell what's going on, so I'm not sure when I'm going to be cut off from my testimony. But I'll continue until you let...until you let me know. And so, in the community plan designations, there was--you know, they redid all of the community plan designations so that we could support mixed-use because a lot of...of why we have such a car-centric development is because we have residential over here and businesses over here, and you don't allow them to be in the same place. So, it is really nice to...to be able to provide walkable, bikeable, shady avenues where, you know, people are encouraged to not have cars. There's...there is even now in Arizona a car-free community. I think it's called Culdesac. And, you know, these are the sorts of things that we should be . . .*(timer sounds)*. . . aiming for. And...and so, this...this --

CHAIR PALTIN: If you can conclude --

MS. NISHIKI: -- bill --

CHAIR PALTIN: -- your testimony for 103 in one minute.

MS. NISHIKI: Yes. And so, if...if we can look at these bills not in a vacuum, but as part of reimagining our communities into a more pedestrian-friendly--where you could walk to work, you could walk to the grocery store--you don't even need a car, or there's like a car-share program within the neighborhood so when you do need to go to the other side, to go to Costco, or a doctor's appointment, or something like that, then...then that can happen also. So, I really think that...that these bills empower and enable our...our folks who own homes, and want to be able to have all of their generations within that property, and be able to pass that property down to two or three of their kids who will still want to live on the property, this enables them to be able to live on the property, all in a separate...in separate living situations. And so, I think that we should just make sure that we can safeguard this from vacation rentals, speculators, and, of course, have all of the public health and safety issues addressed. but this is already occurring, and I think that we should encourage additional density. It...it is the way of the future. So often, this...this Council talks about, look, we can't build our way out of the housing

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shortage because we have a finite amount of land. So, we should be able, and we should be encouraging folks to do the most with what they do have and with --

CHAIR PALTIN: Thank you. The bell rang --

MS. NISHIKI: I mean --

CHAIR PALTIN: -- for the one minute. I just wanted to clarify, was that for just 103, or--you did mention 104 too. So, was it combined?

MS. NISHIKI: Yes. Yes. Can I offer...continue offering my testimony for 104?

CHAIR PALTIN: Oh, okay. Yeah. Let's ask questions for Bill 103 before you begin your Bill 104 testimony. Members, any questions? Member Sugimura has a question for you.

COUNCILMEMBER SUGIMURA: So, clarification. You support Bill 103? You do? You just want it --

MS. NISHIKI: Yes, I do.

COUNCILMEMBER SUGIMURA: You just want it to be managed to follow regulations and be safe?

MS. NISHIKI: Yes, from public health and safety, and also safe from speculation and vacation rentals...so that this truly does serve our communities and serve our residents.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Any further questions for Ms. Nishiki on Bill 103? Seeing none. You may continue on with Bill 104.

MS. NISHIKI: Okay. Thank you. So, in discussing all of the various risks that have been...been brought up, I would like to bring up something that...that I see happening a lot, and that is the loss of our family, our generational families, our kids to...to other places. And so, that risk, I feel, outweighs the...the concerns about increased density. And like I said, if these don't...if these bills don't pass, all of the things that we're talking about are still going to be happening because it has been happening for generations. Everybody knows that as soon as the building inspector goes away, people enclose this, add that, go to Home Depot, buy the...the mini fridge, buy the hot plate, don't advertise rentals on social media, just by word of mouth. You know, it's...it's happening already. So, this will provide a way for there to be some enforcement on...on making sure that the rents are affordable. This will offer public health and safety opportunities for regulations, and for...for increased enforcement, and perhaps for parking. You could also consider, hey, if...if folks are committed to not have a car, or they...they walk to work or whatever, like perhaps there should be some sort of exemption, or someone can sign a waiver saying like, hey, I don't drive, I take the bus, or whatever...or whatever it

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is. Because I think there are a lot of folks who...who do that, and that should be something that we are encouraging is less cars on the road, more walkability, bikeability [sic], and increased transportation...public transportation. That would be wonderful at all kinds of times of the night, both back and forth. You know, that sometimes is an issue, like you can get to work, but you can't...you can't get a ride back. So, thank you. Mahalo.

CHAIR PALTIN: Thank you. Or you can't find parking. Members, any questions for the testifier on Bill 104? Clarifying questions? I just had one clarifying question. You thought that Bill 104, you said, would allow for affordability. Was there any mechanism in the bill that led you to believe that we would be enforcing or tracking affordability of a kitchenette unit?

MS. NISHIKI: Oh, I would hope that you folks would require, you know, as part of the bill, that it be held to a certain...you know, under 100 percent AMI, or...or what...whatever the...the Council can...can agree to, and that, you know, there should be a requirement that there be some sort of inventory so that these things can be tracked, I would think.

CHAIR PALTIN: Okay. So, that wasn't part of the bill, but that's what...like a recommended amendment, that you think that the inventory should be tracked if it's not going to be a member of their family, where they're renting it out, and if it does get rented out, that it should be rented out at an affordable price is...is what you were saying?

MS. NISHIKI: Yes. And...and definitely, if these bills are going to move forward, there should be some sort of deed restriction so that if folks are going to be selling this, that the next...the...the next owner understands that this is not a home to...to speculate on. This is--you know, it should be owner-occupied and...and...and rent restricted to, you know, an affordable AMI, and that STRs are not allowed so that you are...you are ensuring that the intent is carried through.

CHAIR PALTIN: So, again, if I could clarify your answer, the way the bill is written, it isn't restricted to an owner-occupied person, it's restricted to like R-1, R-2, R-3 districts. So, you're proposing that as some sort of amendment, that only owner-occupied R-1, R-2, R-3 are allowed to do this, and then in turn, they can only sell it to an owner-occupied person--is...is...is what you're proposing? Just clarifying, not--if I'm putting words in your mouth, correct me.

MS. NISHIKI: Yes. Yes, there should be a deed restriction. Because the--it clearly states, I think, in the bills that this to help with affordable housing.

CHAIR PALTIN: I mean, I just wanted to try and clarify. Because some people, like say before the fire, rented out the whole entire house, so that wouldn't be owner-occupied, that would be nonowner-occupied. Are you saying a nonowner-occupied property owner should not be allowed to take advantage of what this bill does? Just trying to clarify.

MS. NISHIKI: Hmm. I...I guess that would be a good thing for you folks to...to discuss.

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CHAIR PALTIN: Okay.

MS. NISHIKI: It does seem that if someone is renting the entire...the entire house out to somebody else, that...that it should...it should definitely be affordable. I think at the very minimum, there should be requirements about the amount of rent that can be charged.

CHAIR PALTIN: Okay. Thank you for that clarification. Members, any further clarification for Ms. Nishiki on Bill 104? Seeing none. Thank you for your testimony. Staff, can you call the next testifier?

MS. NISHIKI: Thank you.

MR. HURDLE: Yes. Next up, we have Tom Croly on Teams, followed by Leonard Nakoa.

CHAIR PALTIN: Thank you. Mr. Croly, would you like to testify on Bill 103 and 104 at this time, or would you just like to testify on Bill 103 and take up Bill 104 when we --

MR. CROLY: Yeah.

CHAIR PALTIN: -- take it?

MR. CROLY: Yes, Chair. I'll...I'll testify on both because as you point out, they kind of relate to each other, and...and my testimony kind of falls that way. So, thank you for the opportunity to testify --

CHAIR PALTIN: Okay. And then I'll just stop you in between so they can ask questions on each testimony.

MR. CROLY: Okay.

CHAIR PALTIN: Thank you. Go ahead.

MR. CROLY: I certainly underst...I certainly understand the desire and the need to create less-expensive housing opportunities. But before considering such a radical increase in residential density, you really need a more complete analysis from Fire, Water, Wastewater, Police, Public Works, Traffic, and any other agency concerned with public safety on how this measure could impact their ability to provide service and safety to the residents of these new dwellings. We heard some levels of support already, but basically, they were saying, eh, we think we can get around this, but I think you really need a full analysis. I think Council also needs to hear a presentation from a plans examiner who would show you how they would examine a plan...a set of plans with more than the current limit, which is three dwellings to...accessory dwellings and...and one full-size dwelling on a residential lot, or a proposed new subdivision. This would be very important because the amount of...of infrastructure that's necessary for a new

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development, a new subdivision, is going to be dictated by how many dwellings are you allowed to build here. So, I think that's something you really need to hear from a plans examiner. Everyone remembers when we expanded the ability to have two ADUs on a property. Many people had not been able to do that because, as we all realized, the first and second dwelling on a property are not subject to fire review...the third one is. When that review comes into place, they find out that their entire subdivision is not up to Fire Code--doesn't have, you know, fire hydrants that...that...that are...that have enough flow and so forth. So, I think the same thing could easily happen here. And I hate dangling the idea out to someone that they could do this, only for them to find out later that their subdivision would not support what they're asking to...to build here. I also don't think enough consideration has been made to who may purchase and occupy these dwellings. While the proposed name change--which I think has since been changed from single-family to long-term residential--implies that the dwelling would be occupied by full-time residents of Maui, I believe that similar to dwellings that...that have been built in the Apartment District since 1991, most of these will be purchased by people who want to use them exclusively as second homes, okay? So, just be aware of that, that...that you're not...you're not restricting them by changing this name and...and so forth. So, making these less expensive housing opportunities available to people to buy a second homes [sic] isn't going to solve your problems there. I'm aware, just from my own B&B, of regular guests that I have come back every year for a month who go, man, I really want to buy something here. If I could buy something like your cottage, I would buy it in a heartbeat. And . . .(timer sounds). . . this is exactly what it would...it would facilitate that. I have a little more on --

CHAIR PALTIN: If you can wrap up in one minute.

MR. CROLY: -- on Bill 103. I'll wrap that one up real quickly. I...I also believe that this measure could significantly increase land values on the destroyed Lahaina properties. Because a commercial developer might look at this empty lot and say, wow, I can maximize this empty lot and make four dwellings on it. So, I...I think we have to keep that in mind, that...that...that it may actually backfire on us and...and...and create more valuable land opportunities that an individual is not going to be able to take...take advantage of. My final thought on...on Bill 103 is that if you are going to change the density, the 2,500 square feet is ludicrous. That is way too small for any house to be fit on, okay? So, I would suggest 5,000 square feet as a minimum. That would leave the R-1 alone, you wouldn't be able to make any change there; that would mean larger R-2 properties might...might be able to put two dwellings, but only if they have more than 10,000 square feet; and that would allow R-3 properties potentially to have two or more properties, depending on how . . .(timer sounds). . . how much bigger than 10,000 square feet that is. So, Chair, those are my comments on Bill 103.

CHAIR PALTIN: Thank you, Mr. Croly. I just did have two points of information. The first one I'm sure of, the second one, not so sure. Maybe you joined the meeting late, but the Planning Department, for 19.08.020(A), requested an amendment so it wouldn't say long-term residential dwelling units, it would just say dwelling units of the following types. So, that long-term residential has been stricken. The other point of

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information...I believe when we updated the Fire Code, they may have taken out that exemption on no fire inspection until after the second unit, and...and they realized that that would be a heavy burden for them to bear, but they casted nets where that would be the case. So, I think going forward, there is fire inspection after--for the...the first dwelling, I believe. Corp. Counsel, is that accurate? Do you know?

MR. HOPPER: Chair, sorry, I'm not clear on that. If we've got Public Works still or Planning, we can check with them. That's not--I mean, we can review that certainly, but that's for, I think, generally subdivision and fire standards.

CHAIR PALTIN: Okay. So, we're not clear on that. Sorry, but that was my --

MR. CROLY: Yeah, thank --

CHAIR PALTIN: -- recollection.

MR. CROLY: Thank you for that clarification, Chair. I was aware of the change that was made today, and--but...but you could see from them making that name, it sounds like they were . . . *(inaudible)*. . . we want to make sure these are long-term housing. And...and we all do, right? But they're not necessarily. . . *(laughing)*. . . That...changing the name or not doesn't...doesn't change that.

CHAIR PALTIN: Thank you. I'll open it up to the Members if they have any clarifying questions on your testimony. Members? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Mr. Croly, for your testimony. I think I agree with everything that you just said, and I . . . *(laughing)*. . . I...I wanted to clarify, was there--maybe I missed it. Was there like a proposed safeguard in place to achieve the...the intent of the...the amendment of residential housing, and not vacant housing?

MR. CROLY: Well, I...I guess one idea that I would have would be to disallow any condominium...condominiumization of these types of properties. If you build this property and there's four dwellings on it, the person who wants one of those dwellings as a second home can't buy it. But if you let people condominiumize it, well, then there you go, you know? You've --

COUNCILMEMBER RAWLINS-FERNANDEZ: Support.

MR. CROLY: You've now...yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Let's add that amendment too. Mahalo, Mr. Croly.

MR. CROLY: . . . *(laughing)*. . . Thank you.

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CHAIR PALTIN: Any further clarifying questions on Bill 103? I...I see that we have Captain Vaas still on the line. Captain Vaas, did you...if you could clarify, did we remove that exemption so that fire inspections occur after the first dwelling...or at the first dwelling?

MR. VAAS: Yes. Going forward, we'll be reviewing--well, all dwellings will be under the responsibility of the Fire Department, so there'll no longer be an exemption for the first two dwellings. You are correct.

CHAIR PALTIN: Okay. So, just wanted to clarify that so people know we're...we're not really super educated on what we did, but I...I recall that, and...and we're...we're expecting education more to come. Member U'u-Hodgins, was that a hand raise, or no?

VICE-CHAIR U'U-HODGINS: That was me agreeing with you, that it was a lot in the Fire Code.

CHAIR PALTIN: Oh, okay. Okay. I love when people agree with me. So, no further questions for Mr. Croly for Bill 103? Not seeing anyone. You can continue on to Bill 104.

MR. CROLY: Okay. On Bill 104, the idea that there could be as many as six full-size dwellings on a property, an R-3 property, and that these dwellings could be further subdivided internally with two kitchenettes just seems a little crazy. . . .(laughing). . . I mean, that's...that's...those numbers are...are nuts. But obviously, with...with Bill 104, we are trying to legalize something that we know is taking place. And of course, we...we tried before, with the wet bar bill, to try to better define that and...and give it some more teeth to enforce it, but now we're...we're kind of giving up the ghost and saying, okay, go ahead. You know, let's turn this wet bar into what it really is, a kitchenette, and let it go. And maybe that's okay, but I'm a little concerned, when we fully legalize it, of how insurance companies are then going to look at single-family homes. An insurance underwriter may say, hey, that's no longer a single-family home when you have three different kitchens in here supporting three families. They may then rate that as a multifamily home, and that could be problematic for...for getting insurance on that. I...I think that allowing one kitchenette makes some degree of sense. Allowing two--let me point out where the two came from. When we created the wet bar idea, there was some thought that well, one wet bar is not really reasonable. Someone might have a wet bar in their living room and a wet bar in their den, so that's where the two came from. It wasn't under the idea that there could be these additional living spaces. So, I would encourage you, if you were taking this bill forward, to cut it down to one kitchenette is allowed. Now, two wet bars would still be allowed as long as they fit the...the Code of what we've defined a wet bar to be, which brings me to I don't think that Code is correct for a kitchenette. For example, a wet bar is supposed to have a small refrigerator because supposedly, in a wet bar, we're only keeping drinks cold. But if we are making a kitchenette and we're keeping food in there, I think it's kind of crazy to say, you have to have this 7-1/2-square-foot refrigerator in there. And quite frankly, for safety's sake, if we are accepting the idea that...that this is a kitchenette and you can cook in there, well, then go ahead and have a 220 outlet so...so the power that's serving the...those cooking appliances can be safe rather than them overloading, you know, a power strip and causing a new fire problem, you know, with...with using the...the, you know,

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cooktop kind of things. So, I...I really want you to think about if you're going to allow an additional kitchenette, how should that be configured to be the safest it can be for, you know, inside the house. And then a question that I kind of didn't see here was, we require a house to have internal entrances to all of these rooms. If we have this kitchenette and we're calling it a kitchenette, are we still going to say it has to have this internal connection . . . *(timer sounds)*. . . to the rest of the house, or can the person block that off as...as often is done and--for their own privacy and so forth? So, there's...there's a little more thought that I think needs to be given to this, rather than just amending the wet bar definition.

CHAIR PALTIN: If you can wrap it up in a minute.

MR. CROLY: Yeah, yeah. Well, those are...those are all my thoughts, so there you go. . . *(laughing)*. . .

CHAIR PALTIN: Thank you, Mr. Croly. I thought you had some valid points there. Members, questions for the testifier, clarifying question? Member Cook.

COUNCILMEMBER COOK: Thank you, Mr. Croly. So, I just--kind of bounce a thought off you. It's basically multifamily housing. If you built it, designed it, and called it multifamily housing instead of kind of chop suey like this, do you think that that would be safer and more desirable?

MR. CROLY: Well, again, once you call it multifamily housing, okay, then I think from an insurance standpoint, from a getting-a-loan standpoint, there's a whole lot of other things that come into play. And I think the Fire Department might say, hey, in multifamily housing, I'm not sure about this. You have to have sprinkler systems in here, versus single-family homes where we...we don't need those. So, the...the words we use need to be precise and need to be properly vetted among the legal aspects that...that they might affect.

COUNCILMEMBER COOK: So, I guess my follow-up question is, would that be an appropriate thing to do rather than calling it something to make it pass that it's not really?

MR. CROLY: . . . *(laughing)*. . . I...I'll leave that one for your Corporation Counsel and for you guys to do in executive session. Because, you know, obviously, you want to protect the interests of the County and...and so forth in that regard. I think it's potentially a problem, I do, that...that when you turn what is supposed to be a single-family home into a multifamily home by facilitating this, I think that there is potentially a legal problem that you could run into. But I'm not your legal counsel.

CHAIR PALTIN: Sure thing. I almost want to keep Mr. Croly as a resource, but...

MR. CROLY: . . . *(laughing)*. . .

CHAIR PALTIN: Member Sugimura --

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COUNCILMEMBER RAWLINS-FERNANDEZ: No objection.

COUNCILMEMBER SUGIMURA: . . .*(laughing)*. . .

CHAIR PALTIN: -- did you have your hand up?

COUNCILMEMBER SUGIMURA: Yeah, I have a question for him.

CHAIR PALTIN: Okay. Go ahead.

COUNCILMEMBER SUGIMURA: So, basically, based upon what you said about 1...104, is, you are proposing that all dwelling units under this section, and located in the Islands of Maui and Lānaʻi, may also contain up to only one kitchenette, is what you were proposing. Two wet bars still?

MR. CROLY: I would leave the wet bars in. You could still have two wet bars--as long as they're really wet bars and not kitchenettes, right?

COUNCILMEMBER SUGIMURA: Or one kitchenette and one wet bar regardless of the size of the square footage of the dwelling unit?

MR. CROLY: Yeah, I...I don't have a problem with that. The...there...there was a two wet-bar, and I think a three wet-bar thing that came in that we said, well, gee, if it's a really big building, 5,000 square feet, maybe they'll need more wet bars. And again, the whole point of that whole wet-bar thing was to try to clearly define a wet bar so it wasn't a kitchenette and wasn't used as a kitchenette. And...and I...I don't think you would need to mess with that. But if you are going to define what a kitchenette is, then start from what do we really need in that kitchenette, and I think limit it to one.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR PALTIN: Thank you.

MR. CROLY: Yes.

CHAIR PALTIN: Members, any further clarifying questions? Mr. Croly, did you want to stay on as a resource?

MR. CROLY: I'll be...I'll be here as--if needed. If anyone has a question for me, I'll...I'll be happy to...

CHAIR PALTIN: Does anyone have any objection to Mr. Croly being a resource?

COUNCILMEMBERS: No objections.

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CHAIR PALTIN: We'll...we'll keep you on. Next up --

MR. CROLY: Aloha.

CHAIR PALTIN: -- Staff?

MR. HURDLE: Next, we have Leonard Nakoa on Teams.

CHAIR PALTIN: Mr. Nakoa, we're ready for your testimony. Please let us know if you'd want to --

MR. NAKOA: Yessah.

CHAIR PALTIN: -- testify on both 103 and 104. If that's the case, we'll stop you in the middle for questions per testimony, and you have three minutes with a minute to wrap up.

MR. NAKOA: . . .*(inaudible)*. . . Yessah. Only quick kind. I only going one. I only going do one.

CHAIR PALTIN: Okay.

MR. NAKOA: The number one thing is--for this whole thing, yeah, gang, is enforcement. Enforcement, okay? Because just today, down at Mala, and the...you know, they went open them up to commercial. No more nobody enforcing down there. So, who going enforce all of this changes in this Code, in this--you know, the--like...like Jeremy. Brah, that's why I no need...I no need talk too much, because Jeremy went hit everything that I wanted for talk about because *(audio interference)* in...in Nāpili...in Nāpili, and no more room for nothing. Barely one car can go through that damn thing, okay? Barely one car. You get one full-size truck, you better go slow. So, you can imagine emergency...emergency vehicles, yeah? So, it's why he said, who going enforce all of these things...whatever you guys come with? Okay. Tom Croly. Yessah, I agree with him choke stuff. I'm glad you guys going use him. Buggah smart. But again, who going enforce this thing? Who's going to enforce it? So, we going suffer, you know what I mean? I going...I going be straight up. My daughter's family, he--you know, this guy's family, mother, them--they had 19 people living in their house in Lahainaluna, okay? Nineteen. Well, most of them was small kids like this buggah. But again--and they had eight vehicles, yeah? Like Jeremy was saying his neighbor had choke, but we're figure out one way. And before I...before I leave the mother, I went make sure we had parking for all of those cars, okay? So, again, we made sure it was safe. We like the fire truck come, eh? And all that kine stuff. But make sure somebody enforcing all whatever you guys decide for do because like I said, I like...I'm all for housing all our people, yeah? You know, that's why I...I supporting the STR figuring it out and all that crap. I say bothering Wailea 670 so--to...to make their affordable package also, you know what I mean? Well, as much as we can. Yeah, as much as we can 'cause the buggah already approved. I trying for do whatever we can, but we got to make sure our safety no get screwed up, like Mill Camp. We all know how small that buggah there...over there is,

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yeah, gang? Right there down the road...right here from down Kahana, the roads, yeah? We like...we--the County thinking of eliminating that road, making it only one way, you know, because all this issues, the thing falling in the water. All these people going lose some lots, so make sure we think about 'em. I don't know if you guys going ask me for support 'em...support this bill, or I don't...I don't freaking know, to tell you the truth.

COUNCILMEMBER SUGIMURA: Shane's *(phonetic)* cat.

MR. NAKOA: Don't know, right? I just going be straight up. But yeah, . . .*(inaudible)*. . .
. . .*(timer sounds)*. . . sure we had *(audio interference)*...

CHAIR PALTIN: If can --

MR. NAKOA: You're supposed to be solving problems.

CHAIR PALTIN: Okay.

MR. NAKOA: Okay, gang. I going go baseball practice, okay? I already late, so you guys have a good one. Peace out.

CHAIR PALTIN: A hui hou. I guess no questions.

MR. NAKOA: Yeah, no need. No need ask questions. Okay, shoot.

CHAIR PALTIN: Thank you. Okay. Any more testifiers?

MR. HURDLE: Chair, that's all the individuals signed up to testify. If anyone else in the audience or on Teams would like to testify, please come up to the mic and begin your testimony or use the raise-your-hand function on Teams and Staff will unmute you. I'll provide a brief countdown...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR PALTIN: Okay. Thank you so much, Members. Any objection to closing public testimony at this time and accepting written testimony into the record?

COUNCILMEMBERS: No objections.

. . .CLOSE PUBLIC TESTIMONY (DRIP-2) . . .

CHAIR PALTIN: Okay. So, we have a hard out for Mr. Pfof at 4:30, and Member Johnson. I...I had a hard stop at 4:45. We may not...it looks like we may not get to Bill 104, but we did have a presentation on that before. And as I stated in the beginning, that the plan is to defer both of these, adjourn the meeting, and then come back at March 19. The Planning Director has offered to do a presentation on the 19th about missing middle housing as well, so maybe take up that, 103 and 104. But I guess the main thing that

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I wanted to accomplish is, give Members a chance to get a listing of any written questions for Mr. Pfof or any of our resources that we can hopefully get the answers to before March 19th so we'll be most informed on our decision making. If Members don't mind...if I start us off with some written questions that I've been just dying to ask, that'd be great. Maybe give me three...give us all three minutes. So, the first question is, can you please differentiate how we're going to determine if it's an ADU or a DU if it's attached? You know, like I guess kind of what...what also Mr. Croly was saying...if you have a single-family house with two kitchenettes, is that considered a triplex? Is it considered a single-family home? First question. And...and Staff, if we need to send a transmittal, let me know if you want me to repeat anything. The second question would be, what...what is the definition of a dwelling unit? Is there a max number of bedrooms? Is there a max number of occupancy? Third question. If you have a single-family home with an attached ADU, what differentiates the dwelling unit from the ADU? I guess it's another way to ask the other question. And I guess this question would be for Corporation Counsel. Is their interpretation of Act 39 similar to Mr. Helton, who said or a reasonable equivalent, two ADUs per any size property or a reasonable equivalent, and then by adopting, say, Bill 103, or Bill 104, or 103 and 104, would that satisfy Act 39? And I guess, you know, what everybody's been asking about, who will be enforcing parking, impermeable surface ratios, fire hydrant flow requirements? Next question. Do you guys support an addition of an amendment to say no condominium property regimes if people take advantage of this? Next question. Do the kitchenettes require internal entrances? Next question. Does the Planning Department support keeping track of inventory and requiring affordability? And I think that's...that's it for me for now. Anything you needed repeating, or you guys got that?

MR. PASCUAL: Thank you, Chair. We got that in writing. Thank you.

CHAIR PALTIN: Awesome. Okay. We'll start from this end. And...and it doesn't only need to be directed at Planning. I...I do want to remind folks we also have Police, Mr. Hart from Recovery, Water, Public Works, Fire, Mr. Croly, and Bob Schmidt, Mike Hopper. We have Finance, but I...I don't know that we need them for this item. Okay. So, I'll start with Committee Vice-Chair U'u-Hodgins, and work my way around. Is that amenable to folks? Okay. Go ahead.

VICE-CHAIR U'U-HODGINS: Can I ask a few questions to be included in your list of questions?

CHAIR PALTIN: Sure thing.

VICE-CHAIR U'U-HODGINS: And then I'm also going to ask a few questions that I would hope to have answered on the floor.

CHAIR PALTIN: Certainly. Your three minutes, you can do all your things.

VICE-CHAIR U'U-HODGINS: Thank you. I'm going to ask the questions I would like to be included in your list first, which...I guess first question is actually for OCS, and it's the status of our master plan, the Council's master plan and its roadway improvements,

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and when we can expect to have that done, and how does that fit into this conversation with 103 and density? And for Planning, if we're going to increase the density, are we then going to increase the allowable cumulative...max cumulative square foot area and what may that look like? I had a bunch of other questions. Do...is there a capacity limit per bedroom? I thought that was a really good question. I'm not too sure if that's Planning or if that's some other fire safety issue, but what does that look like? I also wanted to discuss...back to Member Paltin's question, and this is one that I want maybe answered on the floor. Is it possible to CPR small residential lots? I'm mostly familiar with it with ag lots, but is that even a possibility, or is it expressly disallowed? Can we answer that now though?

CHAIR PALTIN: Planning?

MR. PFOST: To my knowledge, yes, you can do that with single-family lots. Yes.

VICE-CHAIR U'U-HODGINS: Okay. Great. Then can you please provide us language that we could include that would expressly disallow the CPR for residential-zoned lots?

MR. PFOST: I would want to work with Corp. Counsel on that specific language --

VICE-CHAIR U'U-HODGINS: Thank you very much.

MR. PFOST: -- and whether or not we could do that or not but I'll work with them.

VICE-CHAIR U'U-HODGINS: Okay. Let's figure out if we could do that. And I thought our first testifier brought up a really good point as we discuss this, and it kind of goes back to our existing nonconforming conversation we had the other week, month, whatever, that this is already happening, and we are already having the impacts to our roadways, the impacts to our water system, the impacts to our wastewater system. And allowing it to happen, we can prepare for more of those impacts. However, that's not to say it's not already happening. And it is an acknowledgement that--like I just said, that's what my neighborhood looks like. That's what happens. We have multigenerational families living on top of each other because we can't afford to move out. You have cars stacked on each other because you can't afford to move out, and that's what it looks like. And that's...that's more of my statement. Obviously, I don't need anybody to answer that. Shoots, I had another question that was just kind of lost in this. But I guess as we continue to discuss density, and kitchenettes, and kitchens, and wet bars, and safety, I think we also must acknowledge that--we've had this conversation--life has an assumed risk. Like, you cannot cross the street without assuming you perhaps might get, you know, unfortunately hit by a car. That's a possibility, right? So, how do we just safely move about with the understand that you cannot insulate yourself from issues, whether it be whatever safety concerns we have? And I agree with Ms. Nishiki that density is a way . . .(timer sounds). . . we can allow people to build back on their own lands so long as we can't condo it and sell it off. Thanks, Chair.

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CHAIR PALTIN: Thank you. Great questions. Staff, you guys got that? Okay. Moving onto Member Cook for your three-minute opportunity.

COUNCILMEMBER COOK: Thank you, Chair. The 65 percent hardscape, is that Planning or is that Public Works?

MR. PFOST: That's Planning.

COUNCILMEMBER COOK: Planning. Do you allow for porous pavement to accommodate for that?

MR. PFOST: Yes, I believe we do. I have to look up the requirement though.

COUNCILMEMBER COOK: So, I...and then I guess my...my preface to my comments is, I would really like us not to play pretend as we're doing this in the future and act like side-street parking and other aspects of density and the impact of the community somehow isn't going to manifest. I think that increasing the density and not having sprawl has a lot of sense...makes a lot of sense. I'm curious if potentially a height variance would be allowable to allow more parking on site, if...if that would be one consideration. My understanding--and it's an assumption, but we can find out--that the Fire Department is going to require--whether it be sprinklers, firewall, whatever--to make it, quote, "safe." So, the increased density, my understanding in previous conversations with Captain Vaas was like, yeah, you could do that, but we're going to enforce fire safety. So, I just want to kind of get--not...if not now, in the future, during the next meeting, confirmation of that so people recognize you can get this extra density, but it might come at a cost. And then my next question is, what is the difference between us allowing, quote, "multifamily" housing on single-family lots and having it be designed, constructed accordingly? What is the difference? Because it seems like it would be safer and more practical to actually plan on a triplex on a piece of property instead of just sort of chop-suey deal. So, is there any feedback from the Planning Department?

CHAIR PALTIN: Planning?

COUNCILMEMBER COOK: General. Rambling thoughts.

MR. PFOST: . . . *(laughing)*. . . You know, I think it's--just to get back to your impervious surface question, that one, it does...impervious surface, as defined, means a surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and allow rainfall. So, impervious surface can include rooftops, walkways, patios, pools, driveways, parking lots, impermeable concrete and asphalt, and any other continuous watertight pavement or covering. So, when you're talking about other types of, you know, turf block, things like that, then that would be acceptable. I guess in...in...you know, in...kind of getting to your last question regarding . . . *(timer sounds)*. . . multifamily, our code defines multifamily as three units or more, and--attached units. And in...in this amendment, the density amendment anyways, would allow three attached units. You would have to then comply and build that three

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units according to the Building Code, Residential Code, and meet all those requirements in order to do so. So, it would be a safe product that you're building. The kitchenette, likewise, if you were to do two kitchenettes...two kitchenettes within a dwelling unit, that's not considered a multifamily. You're still in one dwelling unit, but adding two kitchenettes. That may mean that you have more than one family living in that dwelling unit, but it's still a single-family dwelling unit. And that would be requiring also building permits in order to do those kitchenettes, and we would be evaluating those within the Planning Department, as well as the Building Department. I'm not sure if I addressed most--or some of your questions, or maybe it's anything more specific, I'm just trying to get more that --

COUNCILMEMBER COOK: Would the Planning Department be opposed to having multifamily units in the...in the neighborhoods and as--sort of in parallel with this objective?

MS. BLYSTONE: Mahalo, Chair, for allowing me to answer that question. So, as the Chair suggested, we will be bringing to you a presentation on missing middle housing, and that's exactly what it is. It's...it's neighborhood-scale multifamily, so things that are...fit in with the...with the characteristics of the neighborhood already. So, different than the multifamily that we're used to seeing...Kaulana Mahina, for example, right? That's larger in scale, and it's just one big thing. It's a monoculture of that kind of thing. What we want to do is encourage this type of development that used to happen naturally, but doesn't happen as naturally anymore because of the way Codes evolved by over time. So, this...this proposal that we're bringing you right now is...is getting at that missing middle type, allowing some of that more kind of soft multifamilier [sic], gentler multifamily in these places.

COUNCILMEMBER COOK: Thank you. That's all I have for now. I'll put some more stuff in writing.

CHAIR PALTIN: Thank you, Member Cook. And I just wanted to clarify some of the questions I heard for our Staff. Would the Planning Department be open to an exemption on height for parking purposes? And for the Fire Department, would sprinkling be a mitigation requirement? And then I think she...she fairly well answered your question about multifamily in--maybe we call it residential multifamily versus the other types of multifamily.

MS. BLYSTONE: I...I can't think of another type of multifamily other than residential, but I would say middle-housing types is fair or...or smaller-scale multifamily.

CHAIR PALTIN: Smaller scale multifamily. Okay. And...and so, that question was pretty well answered. You don't need that in writing? Okay. All right. Member Kama had to leave. I know Member Johnson has to leave at 4:30, but we should be okay going to Member Rawlins-Fernandez next for her three-minute opportunity of questions that she either wants sent in writing or answered right now. You can specify for any of our resources.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And I can ask now, and if there isn't a really good or a more thorough answer that they would like to...the Department would like to follow up in writing, I'm open to that too. So, I think both my questions are for Fire, and then if any of the other departments want to opine, you're welcome to. The two questions is regarding roadways and evacuation. Okay. So, is there a formula used to determine the number of vehicles on roadways during the evacuation? Oh, I wonder if that's more like MEMA. But Fire Department's who is going to be reviewing and approving the...these residential increased-density units. And then the other one is--okay, so I fully support multi-modal-designed community, you know, with a lot of focus on mass transportation, but then when there's a natural disaster, if folks don't have a vehicle, you know, like is the bus going to come and pick everyone up for evacuation, or how do people evacuate? Sorry, I live in Moloka'i, so, you know, we...we don't have densities. This...this is out of my lived experience. So, Fire Department --

CHAIR PALTIN: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- or whoever.

CHAIR PALTIN: For...for Fire Department--or if they'd like to punt it over to someone else--but I...I think it's within Fire Department purview.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. There, Captain Vaas.

MR. VAAS: Oh, I didn't know punting it to somebody else was an option. But --

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

MR. VAAS: -- I'll take it. So, as far as the--yeah, increasing this density is going to impact the roadways. We do not count cars. I think MEMA does some modeling, and then they can make suggestions based on that, but it's not necessarily their obligation or task to do it. So, we need to conduct traffic studies. I totally concur with what the Police Department was saying, is that, you know, identifying these neighborhoods that could be impacted by possibly doubling the number of dwellings, and therefore, cars, and then can those roads handle it? Now, Fire Department, you all heard, 20 feet is our requirement, but when we get into much more cars, we...we might have to have a third lane. We might have to have four lanes. That is not something that the Fire Department necessarily reviews for. Typically, I would say that...something that falls under highways. Like the State has formulas for it. They do traffic studies. I don't know what we do on a County level for that, I'm not quite familiar with it. And again, our Fire Department's biggest concern is, can we get to it? And the way that that involves evacuation is, if people can't get out, we can't get to it. But our Fire Code is, can we go in, not can we get out? But we need them to get out so we can get in. Our current Code says if there's more than . . .*(timer sounds)*. . . 20 parcels, and that's just a parcel, you will need a second access point. However, that was based back in the day where we might have only had two houses on a parcel. If we're going to go potentially to six houses on a parcel, we may need to revisit that Code and say, instead of basing it per parcel,

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we should base it on dwellings. But that is a discussion that we still have to have, but I think it's a huge concern, and probably our biggest concern. As to the other point, I know Mr. Cook was making the point about the sprinklers and all that. We only look at one house at a time. So, if they put six houses on a lot, and they do it in accordance with Building Code, Fire has no jurisdiction to add any additional fire protection, even though it may present more fuel and--where a fire can travel from one home to another. There is no Fire Code currently to address that, or any power for us to do anything about that. So, these are concerns with density that we may want to have some discussions on and see how the departments can cooperate together. Thank you.

CHAIR PALTIN: Thank --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Captain Vaas. And then Chair, I...I don't know if--I know you didn't invite MEMA, but if we would want to send this question...the...the questions to them too, and see if they have a response to --

CHAIR PALTIN: You --

COUNCILMEMBER RAWLINS-FERNANDEZ: Because --

CHAIR PALTIN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- evacuation was an issue for...for Lahaina, and with, you know, what, South Maui Road. . . .*(inaudible)*. . .

CHAIR PALTIN: Staff, you got that in writing, and we can send to MEMA. And it looks like Planning would also like to take a stab at it. After that, if Members don't mind --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

CHAIR PALTIN: -- I'll go to Member Sinenci because he has to drop off early.

MS. BLYSTONE: Mahalo, Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. BLYSTONE: I'll be brief. I would also ask that you include Department of Transportation to talk about their bus system as well because I think that's an integral part. I think what we're getting to is that we can't add all of these new homes without--we can't--and add all of the cars that would traditionally come with them creating these communities. Like the former Chair of CPAC for West Maui, Kai Nishiki, said, we--you know, that community really grappled with the subject of density, and...and what that would mean for traffic, and all of that. There's--I will say that during the aftermath of the fire, I had an opportunity to spend a lot of time with HIEMA and talk with them about the best evacuation methods. And one of the things that I heard through that process is there's no better way to get out of your community than having fewer cars trying to leave that

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community. So, if there was a way, through Department of Transportation and MEMA coordinating, to have people evacuating in bus systems, that's going to free up a lot of space on the roads. So, I just wanted to put that out there too. But I highly recommend inviting DOT and...and MEMA to the next conversation.

CHAIR PALTIN: Staff, you got that? I think next conversation --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director.

CHAIR PALTIN: -- DOT, MEMA, and Housing probably. But Member Sinenci, I'll go to you for your opportunity because you have to leave soon, and then Member Johnson because he also has to leave soon.

COUNCILMEMBER SINENCI: Okay. Mahalo, Chair, and mahalo for affording this opportunity. I just have a couple...couple questions for...for next time. Can you stack the ADU units? And then for Mr. Pfof, he mentioned clustering, so what would be clustering? And then just as a clarification, the Residential Districts 1, 2, and 3, the...the difference is just the sizes, right?--6,000, 7,500, and 10,000? That's the difference between the...the three districts?

CHAIR PALTIN: Go ahead.

COUNCILMEMBER SINENCI: And then --

MR. PFOF: That is correct. That is correct.

COUNCILMEMBER SINENCI: Oh, go ahead.

MR. PFOF: Except for each of the three districts, there's...there's a size component on their front lot width. That's the only thing that's different. Beyond that, all setbacks are the same, it's just a size difference.

COUNCILMEMBER SINENCI: Okay. And then Chair, I understand that, you know, you wanted to bring up this bill because if people in Lahaina are starting to...to plan out their rebuilds, you know, they can have these already in their plans, right?--in their rebuilding plans. And then the other one --

CHAIR PALTIN: So that they can have some clarity about what they...what they want to design.

COUNCILMEMBER SINENCI: Yeah, and I'm supportive of that. And then the last one was, it's an accessory dwelling unit, so that has to come after the main dwelling? You cannot put an ADU in prior to the main dwelling?

CHAIR PALTIN: Planning, is that correct? You have to do the ADU after the main dwelling?

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MR. PFOST: That's a good question. I think I'd want to look at that one further. By definition, an accessory dwelling unit is accessory to the...to the primary unit.

COUNCILMEMBER SINENCI: . . .*(inaudible)*. . .

MR. PFOST: But then within the Residential District, it actually calls out accessory dwelling units as a primary permitted use. So, I'd have to look at that one in a little bit more detail, if you don't mind.

CHAIR PALTIN: We'll do that one in writing.

COUNCILMEMBER SINENCI: Okay. And then...okay. Thank you. And then the clustering. That was it, Chair. Thank you for my opportunity.

CHAIR PALTIN: And clustering in writing as well. Okay. Thank you. Member Johnson, before we lose Mr. Pfoست...and then Chair Lee and Member Sugimura. So, we'll...we'll pick it up a little.

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair. One...one of my questions is...is, how does density build community? I love Jane Jacobs, as you guys know, a Book of Death and...Death and Life of American Cities, and she talks about how important density is, all right? And we can--I want to hear the Department's opinion on it. The--Captain Vaas, if you're on the call, I'm curious of how wide one of your trucks are. When we talk about...I'm just curious to know the...how wide they are, or is there--are they different, and are there skinny trucks, are there wide trucks? Can you give me a number or a length...a width, I should say?

MR. VAAS: Chair. So...oh, well, they're all different sizes, but we try to make everything work for whatever our largest truck would be. And from mirror to mirror, we are looking at probably about 9 feet --

COUNCILMEMBER JOHNSON: Okay.

MR. VAAS: -- in some cases. However, some of the road width has to do with operational area as well.

COUNCILMEMBER JOHNSON: Okay. Thanks for that clarification. Now, I'm going to turn--switch over to DEM Deputy Director Mr. Schmidt, if he's on the call. I saw him on earlier. Can you tell us how wide some of the refuse trucks are? I--we don't call them garbage trucks, do we? I don't--the refuse trucks? Garbage truck? I don't know. If Deputy Director is on the call?

CHAIR PALTIN: Mr. Schmidt?

MR. SCHMIDT: Yeah, I would...I would expect that they would be similar to the Fire as far as, you know, mirror to mirror. So, in the...in the--you know, estimating 9...9 feet.

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COUNCILMEMBER JOHNSON: See, that's--okay. Now, that's very curious to...to me that garbage trucks, refuse trucks can fit, and we've seen them, and the...for some reason, the same size trucks, the fire trucks, are struggling. So, maybe that's a question we can explain, you know, from the Fire is, how come the refuse trucks seem to be doing it, and then the...the fire trucks, that's a big issue I...I'm constantly hearing?

CHAIR PALTIN: I...I can speak from --

COUNCILMEMBER JOHNSON: You want to speak?

CHAIR PALTIN: -- my neighborhood. You know when the rubbish pickup days are, and you're going to make space for your rubbish to be picked up because you don't want that stuff smelling, and you want to have...you know, that's...that's kind of how it works in our neighborhood. You know when the rubbish is supposed to be picked up, and so you're not going to be there.

COUNCILMEMBER JOHNSON: Okay.

CHAIR PALTIN: But fires can happen at any time.

COUNCILMEMBER JOHNSON: Right. All right. So, that's just one of my curiosities. You know, for Lānaʻi, our lots are small. This doesn't...this...as the law is written, it's only folks out of Lānaʻi City. Only the millionaires. Only the billionaires that can do anything for any kind of expansion. The Lānaʻi lots that was built for the workers or plantation, this never could apply. And yet, when you walk . . .*(timer sounds)*. . . around the street, I see them, right? There's plenty of nonconforming units, things that got built one way or another. So, that's why I...I really want to kind of hear my community's concerns about density, and how I think that this bill would help my community build for their long-term family instead of, what are our options? Renting from the company, right? And that's not building any kind of wealth for our families. So, I think this would really help the Lānaʻi community, so I just wanted to kind of make that for the record. I keep...this keeps coming back to me, like this is--seems to be a class question where wealthy can...can get by these things, but for some reason, we look at our neighbors and we don't like the way they park, we don't like the way--how tall their house is, we don't...we punch down on our neighbors when the mansions seem to have no problem doing...doing these kinds of things. So, I just wanted to say that for the record. I think my time's up right now. That three minutes is fast. But this discussion is...is a pretty important one, and I'll just leave it at that. So, thank you for your time, Chair.

CHAIR PALTIN: Thank you, Member Johnson. Chair Lee?

COUNCILMEMBER LEE: Yeah, I think this new legislation has a lot of good potential. It wouldn't apply to everyone. The subdivisions, in the last 20 years or so, have CCNRs in each neighborhood whereby there is--on-street parking is prohibited, period. And it's strictly enforced. So, no matter how many buildings or ADUs you could put on your

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property, if you're going to park on the street, that's--it's not going to happen in the new subdivisions, which go back 20...20 years. So, that's one thing. The other thing. So, if that's the case, then the ones that would take advantage of this would be the...the older subdivisions like Dream City, all the increments. They have large lots, 10,000, 11,000, 12,000 square feet. Those were--these are the lots. So, I think an important piece of information to get from the departments would be which districts would likely have capacity for these types of additions to the property, you know, the multifamily units, so that we know which districts have the infrastructure that can handle? That's one. Then two, I'm not...I'm not really sure that our departments are in a position to handle a heavy load of permits going through the system as well. So, I'd like to know from Department of Public Works, you know, how many more permits can they take on in addition to the...the special expedited permits...permit applications for West Maui, and their regular load, and then this load. Can...can we do that? Can they do that? So, it'd be good to know from the departments in terms of infrastructure, location, and capacity.

CHAIR PALTIN: Staff, you got Chair Lee's questions? Chair Lee, was part of your question as well if there's CCNRs restricting like this type of thing, which prevails, is it the Code or would it be the CCNR? I mean, you said HOAs enforce no on-street overnight parking. If a CCNR didn't allow for this increased density, do we know if the Code would supersede the CCNR, or the CCNR supersedes the Code? Could that be a written question?

COUNCILMEMBER LEE: Well, I can tell you from--in our subdivision and most subdivisions today, the CCNRs prevail because that's something . . .*(timer sounds)*. . . that we signed on. We agreed to.

CHAIR PALTIN: Oh, okay.

COUNCILMEMBER LEE: Yeah.

CHAIR PALTIN: So, we don't need to have that in writing. CCNRs prevail.

COUNCILMEMBER LEE: No, we don't have to.

CHAIR PALTIN: Okay. Member--you got all Chair Lee's questions?

MR. PASCUAL: Yes, Chair.

CHAIR PALTIN: Okay. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. So, I have to commend the CCNRs. My sister lives in Maui Lani, and I visit her, and they're pretty...pretty strict about parking and whatever. I think once, I parked...her driveway is like this, I parked over here, and I ran in to pick up my stuff, and I came back, and she got cited for my car parking the wrong way. I'm like, wow, right? Good job.

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COUNCILMEMBER LEE: Yeah.

COUNCILMEMBER SUGIMURA: So, I never did it again. But those are important changes, and Chair Lee understands the Dream City situation, and that's what I was going to basically talk about. Because we see the monster homes coming up in Kahului, we see it here in Wailuku, right, the old-time subdivisions, and we understand why. Parking is a problem, and I just wonder if the Department has any...any of the departments have a position on that, as we see it coming up more and more. We also see, in my community, tiny homes coming up. And it's a little bit different kind of density because I don't know how you legalize that. I don't even know if it is. I'm not too sure how to even answer...ask this question because it doesn't really quite...quite fall under this, but it is a problem, as the monster homes are. Or is that a--what do you...what do you call it?--middle...middle home? Missing home?

CHAIR PALTIN: I mean, the...the monster homes is what we're moving towards allowing, right? If it's a fourplex multifamily with two ADUs, all of it attached, that's almost like the definition of the monster home. And...and I mean, I'll...I'll let the...I'll let Mr. Hart respond.

MR. HART: Chair, thank you very much. So, the...the...the density proposal allows single-family, like...like a courtyard-type of bungalow-court configuration, or it would allow attached structures. But what you'd be dealing with is once you get to three units, whether that be the main units or ADUs, you're triggering the commercial Building Code for a multifamily, and that's...that's what will likely dictate how to handle things. And...and that's also the reason for multifamily and kitchenette is because there's going to be people who are not prepared to go up to multifamily, or maybe they only want to do one. So, they're just...we're just adding tools to the toolbox so that whatever fits on this property, or the infrastructure regulations, or their impervious surface that they already poured the concrete on and they want to don't tear up...those are going to be all the ways they have to...to fit this puzzle of what they can actually do on their property. And it's going to result in not the maximum that's potential, it's going to be the maximum they could...they could afford to do, or...or are capable to do with existing limitations. Thanks.

COUNCILMEMBER SUGIMURA: So. . . .(timer sounds). . .

CHAIR PALTIN: Looks like Director Blystone would also like to chime in.

MS. BLYSTONE: Mahalo. Yeah, and this is also kind of in reference to something Chair Lee brought up. You know, during the conversation with the missing middle housing, we do that presentation for you next time you all get together, part of what Opticos did for Hawai'i Community Foundation, which is--who sponsored this study--was to take a deep dive into South Maui, West Maui, and Central Maui to see where the places were where it would be appropriate to allow this kind of increased density. So, to...to answer that question, of course, Mr. Hart very much dealt with...with the other part of your

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question, but like missing middle is not your...it's not your typical monster houses. They should feel like they're a part of the neighborhood, the bungalow courts like he's describing. They should feel like they fit in with the neighborhood. So, I just wanted to mention that. Thanks.

COUNCILMEMBER SUGIMURA: Oh, I can hardly wait to hear that presentation. I have another question, if I could, when you do your next round.

CHAIR PALTIN: Okay. At this time, if Members are okay, I'd like to invite our resource person, Mr. Croly, to have an opportunity. I know some of his questions were like an in-depth analysis from the departments. We did question the departments, but, you know, what they give us back, we can't dictate. Because we don't tell the Administration what to do, we ask them questions and they responded. And...and we had hoped that it would be their in-depth analysis, but that...maybe that doesn't seem like what they got...we got back. So, we thought you had a lot of good questions. If you've noticed that we missed any of yours, I'd like to give you like a two-minute opportunity to get some of those questions asked in writing.

MR. CROLY: Thank you, Chair. The...the...the--I...I'd like to see it visually put down, whether it's the...the Planning Department giving us some type of a layout that they could conceive that someone could...could make, and then have that layout be judged by the other departments. What...what things would they want to put in place if you had all these dwellings sitting on...on a house, whether it be the...the access points that they have, whether it be how big a water meter they might need, whether it be the...the...the Fire Department, whether the layout would require something like sprinklers, or how close a fire hydrant would need to be? Like a real-life example of one of these. Because when I look at this, and I try to picture a 6,000-square-foot lot with two main homes plus two...two accessory dwellings, I almost can't even picture like what does that look like? And...and even on...on larger ones. So...so, what I think would...would be beneficial to everyone is having a visual representation as to what the maximum could look like, and...and then what the requirements to meet that might be.

CHAIR PALTIN: Staff, you got that? Okay.

MR. CROLY: The...the...the other comment that I had before, that I heard a couple other people bring up as...as well as the testifier, which is, we really don't want to create monster homes, do we? And this almost seems like...this bill, as it stands right now, seems to be legalizing some of these monster homes that we always hear about over on O'ahu that people are so...so disgusted about. So, I really think that the...the maximum needs to be dialed back significantly before you can have a reasonable discussion about whether this makes sense or not. I'm...I just feel so certain that the 2,500 square foot for each home is just way too much density to be considering. Thank you for that opportunity, Chair.

CHAIR PALTIN: Thank you, Mr. Croly. Okay. So, now we have about 14 minutes left with Mr. Pfof. Burning questions? I know Member Sugimura had one. Any objection to me

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going back to her? Okay. I'll do Member Sugimura, then Member Rawlins-Fernandez, Member Johnson. Go ahead. If you can keep it to two minutes.

COUNCILMEMBER SUGIMURA: So, it's...it's simple--enforcement, enforcement, enforcement. How do we do this? That's my...I don't know if you ask every department.

CHAIR PALTIN: I...I think I did have that in writing.

COUNCILMEMBER SUGIMURA: Oh, you had it already?

CHAIR PALTIN: But let's do it to all the Departments --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: -- is what you're saying?

COUNCILMEMBER SUGIMURA: Or whatever's relevant.

CHAIR PALTIN: Or whatever is relevant.

COUNCILMEMBER SUGIMURA: Yeah. And then --

CHAIR PALTIN: Enforcement. Emphasize it three times.

COUNCILMEMBER SUGIMURA: ...*(laughing)*... But the other thing is, when I had one of my past committees, we had the Public Works Commission, which was...basically looked at streets, and overcrowding, and whatever, and I just haven't heard that much about that, but I think there's a need to put that in the overall plan. That's Mister...or Director Molina. And I was going to talk about transportation because the more dense you have, the better it is that you have, you know, the transportation. When I lived in Honolulu, we had, you know, the...the Super...the bus service or whatever, which I used to take to go to Downtown Honolulu or Mānoa. But those kinds of opportunities, which somehow we haven't quite gotten that yet, but I don't know if there's recommendations for that because there is definitely a need. And then for Mr. Hart--and I really wonder how the whole DR funds and all of this fits in with the overall planning of what we're talking about now. Because we are talking a lot about West Maui, but what...what does the Office of Recovery, you know, want to say, or have us help direct the rebuild of Lahaina? I know it's in your plans, and--you know, what you guys have been working...or you have been working on, but...it's probably longer than my two minutes.

CHAIR PALTIN: It looks like Director Blystone would like to answer that question.

MS. BLYSTONE: No, I --

CHAIR PALTIN: Oh.

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MS. BLYSTONE: So sorry.

CHAIR PALTIN: Oh.

MS. BLYSTONE: I would--just a follow up to the...the Councilmember's first question on enforcement, enforcement, enforcement. . . .*(timer sounds)*. . . It would help if we understood the types of things that we're looking for because so many of our different departments handle different aspects of enforcement. So, to be able to answer that question, if it's--I...I feel like I heard parking...on-street parking as one of those pieces of enforcement, but I...I'm not sure if there were other pieces of enforcement that you were looking for.

COUNCILMEMBER SUGIMURA: I...I think a lot of everything, you know, like overcrowding, that example from the testifier, is...is kind of scary, you know? But it happens because you have multigenerational.

CHAIR PALTIN: Staff, did you get Member Sugimura's other question in terms of the CDBG-DR, and how that plays into this?

MR. HART: Chair?

CHAIR PALTIN: Oh.

MR. HART: I can give--it's a brief response. The first thing I wanted to address is the enforcement. Just to reiterate, the...the County of Maui has been a complaint-driven enforcement for...I believe it's over a decade now. And so, like, you know, indirectly saying something about, you know, something going on in your neighborhood in this venue, it's...it's good for the conversation, but like if you want to activate the enforcing agencies, you...you go on SeeClickFix and you say, hey, this...this situation in this location is occurring. And sometimes the trouble with that is that you have to identify yourself, and so there's other ways that...that people figure out to...to get complaints filed to address things that they...they have concerns about. But...but the underlying issue is that it's...it's a complaint-driven process, so the Department has to be formal--any department has to be formally made aware of it in order to initiate their process. The other thing I wanted to bring--address is the CDBG-DR funds. So, the Office of Recovery is working on an action plan, and there's going to be announcements of public meetings and public input on that action plan, and that is actually...the purpose of that is to outline how the funds will be used with the community. And these initiatives were put in motion long before it was even being contemplated that...that DR funds were coming or...or any of those kinds of things. Thank you.

COUNCILMEMBER SUGIMURA: Okay. So, can I ask a connecting...so, because of that, right, it's a timing thing, and we just got the CDBG-DR funds announcement that it's final. So, I really am concerned then, does...does the impact of these bills, which were designed before, is it going to impact our action plans that we need to do for the DR funds, or is there no connection? I know it's HUD DR, so to me, it's housing.

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MR. HART: So, I'm by no means an expert on...on that stuff, but I have been exposed to it. There are housing types that are available for DR funding support, and, you know, they're broken out and...and the ways for qualifying are laid out, but the...the action plan is really forthcoming like very soon, and so it's much better just to not really say much about it and have that document come out very shortly where it's...it's really detailed, and it will, you know, involve several public meetings. It's better to do it that way than to try and --

COUNCILMEMBER SUGIMURA: Yeah.

MR. HART: -- describe it here.

COUNCILMEMBER SUGIMURA: I agree with you. So, I...I guess my question is, is that what we're doing today, I...I would like it to fit into whatever the DR plan act...the action plans for the DR funds because there's an opportunity. I know it's the funds of last resort, and there's all kind of different things, but --

CHAIR PALTIN: It's also kind of restricted a little bit to 80 percent and below. But I did want to give people opportunity before Miss Pfost...Mr. Pfost goes.

COUNCILMEMBER SUGIMURA: Oh.

CHAIR PALTIN: So, I'll go to Member Rawlins-Fernandez, and then Member Johnson. If you can, two minutes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I wanted to quickly follow up when you asked Mr. Croly for the additional questions. I...I don't know if we're only limiting questions to 103 and not 104, or if we're taking up questions for both bills, but Mr. Croly also had questions on like the kitchenettes, and the entrances, and...and, you know, if...if we could go back write down some of those questions. I...I wanted to know the answer to some of those. And then so for Moloka'i in the presentation, the PowerPoint, is that it's R-1, 0, R-2, 1, R-3, 15 lots. And I...I did not watch the Moloka'i Planning Commission meeting discuss this or review the meeting minutes beforehand, so I went and looked to see how could that be. . . .*(laughing)*. . . And if I understand it correctly, it's because a lot of our zoning is still Interim, and so that...that's kind of where we're at, which is why it...it's zero even though we have a lot of single-family dwellings. Okay. And so, then, you know, it's a--this will be a forever ongoing conversation about density. Maui Island, you know, like the kupa'aina of...of Maui are, you know, trying to protect and preserve the character of...of old Maui, small town, and not become the Honolulu city lights. And I...I don't--you know, I...I support the kupa'aina of...of Maui wanting to preserve that. That's one of the things that makes Maui so attractive. I fly over Honolulu and see every piece of 'aina that can be built over, all the way to the cliff of the ridges. Every square inch that can be built on*(timer sounds)*. . . maximizing density on the ground, in the air, and still, they haven't built enough housing supply to satisfy demand because demand will never be satisfied in

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Hawai'i. And so, I--when we talk about density, my concern is we will never satisfy the amount of housing for the demand that Maui has, and then we just turn Maui into Honolulu, and then that's it. There's no turning back from then.

CHAIR PALTIN: Thank you. And to your point, we do need to still open testimony for 104. I did ask the question about internal entrances on this one, but we can ask it again when we open 104. I'll go to Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Doesn't Act 39 override everything? Don't we have to adopt Act 39 before December 31st?

CHAIR PALTIN: That was one of the --

COUNCILMEMBER JOHNSON: Right. Okay.

CHAIR PALTIN: -- questions that we asked to Corp. Counsel. On Mr. Helton's interpretation, it looks like, frick, we might have lost --

COUNCILMEMBER JOHNSON: Did we get a response?

CHAIR PALTIN: No, no.

COUNCILMEMBER JOHNSON: Okay.

CHAIR PALTIN: We put it as a written question.

COUNCILMEMBER JOHNSON: Okay. Okay. Okay.

CHAIR PALTIN: But --

COUNCILMEMBER JOHNSON: Yep.

CHAIR PALTIN: -- I don't know if...if we're still online. We're...we're on? We're not?

MR. PASCUAL: Apologies, Chair, I think we lost connection. We'll have to give it another two, three minutes to reconnect.

CHAIR PALTIN: I'm going to recess to 4:27. . . .(gavel). . .

RECESS: 4:26 p.m.
RECONVENE: 4:29 p.m.

CHAIR PALTIN: . . .(gavel). . . All right. Coming back to--the Disaster Recovery, International Affairs, and Planning Committee returns to order. The time is now 4:29. We were in the middle of Member Johnson's question. Go ahead.

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COUNCILMEMBER JOHNSON: Thank you, Chair. Apologize for that. I don't know what was going on with the Internet. But basically, my...my question's about Lāna'i, all right? And Lāna'i is old with a lot of nonconforming garages and workshops built in the '30s, '40s, and '50s, and if that could be turned into ADUs, that's what I'm curious about. If they can keep the footprint and existing walls, can they renovate, or will they need to rebuild back and conform to the new setbacks and conditions?

CHAIR PALTIN: You'll need to conform to the new setbacks and conditions.

COUNCILMEMBER JOHNSON: Okay. All right. So, that...that's--the question is--you know, the idea that as the bill is written, 914 lots on Lāna'i cannot get...cannot get an ADU because the majority of units are under 7,500 square feet. So, I think that's just a really --

CHAIR PALTIN: Mr. Hart had a point --

COUNCILMEMBER JOHNSON: Oh.

CHAIR PALTIN: -- to your question. Go ahead.

COUNCILMEMBER JOHNSON: Okay.

MR. HART: Just briefly. Under 7,500 can have one.

CHAIR PALTIN: And then with Act 39, I think any size can have two ADUs, but we just haven't adopted that into Code yet. I'm going to need to cut this off because we still do need to hear testimony for Bill 104.

COUNCILMEMBER JOHNSON: Thank you. Thank...thanks, Chair.

CHAIR PALTIN: Okay. So, that concludes our discussion on Bill 103. If there's no objection, I would like to defer DRIP-2, Bill 103.

COUNCILMEMBERS: No objections.

ACTION: DEFER pending further discussion

BILL 104 (2024), AMENDING CHAPTERS 19.04, 19.08, AND 19.29, MAUI COUNTY CODE, RELATING TO KITCHENS, KITCHENETTES, AND WET BARS; AND SECTION 19.36B.020, MAUI COUNTY CODE, TO ADD PARKING REQUIREMENTS FOR DWELLING UNITS WITH KITCHENETTES (DRIP-3)

CHAIR PALTIN: Thank you. At this time, we already did have the presentation on Bill 104, so I'd like to--which is amending Chapters 19.04, 19.08, and 19.29, Maui County Code, Relating to Kitchens, Kitchenettes, and Wet Bars, Section 19.36B.020, Maui County

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Code, to add parking requirements for dwellings with kitchenettes. So, we already had opening comments when this bill was heard in HLU, as well as a presentation. So, at this time, we'll move on to public testimony. Is there any testifiers wanting to testify for Bill 104?

MR. HURDLE: Everyone who signed up was able to testify, so we can just do a last call for oral testimony.

CHAIR PALTIN: Go ahead.

MR. HURDLE: Please come up to the podium or raise your hand on Teams if you would like to testify. The countdown is three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR PALTIN: Thank you. Members, with no objection, I will close public testimony and accept written testimony into the record.

COUNCILMEMBERS: No objections.

. . .CLOSE PUBLIC TESTIMONY (DRIP-3) . . .

CHAIR PALTIN: And then--thank you. And then the written questions we had on Bill 104 is like if there's going to be a requirement on an internal-external entryways into the building, as well as if having two kitchenettes in a single-family dwelling turns it into a multifamily dwelling, I believe. And then we did have a list of questions that we had transmitted previously. Members, I think Mr. Croly was the main one asking new questions about kitchenettes. Did we want to go to him again if there's any kitchenette questions that we missed? Okay. Mr. Croly, if you can in...in two minutes state any questions on 104 that we may have missed.

MR. CROLY: Sure. I really don't have questions. I did send in my testimony on the eComments. Just to...to clarify that when you...when you define what this new kitchenette is, I don't think you should be working from the definition of the wet bar. I think you want to work from a definition as to how to incorporate a kitchenette and make it safe with electrical and...and so forth. So, give greater consideration to is this space really being used exclusively as a meal preparation area, as opposed to modifying the wet bar definition, which was what was there. Thanks, Chair.

CHAIR PALTIN: So, basically, clarify the definition of a kitchenette, and not in relation --

MR. CROLY: Yes.

CHAIR PALTIN: -- to a wet bar. Okay. Got that, Staff?

MR. CROLY: Yeah.

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CHAIR PALTIN: Okay. Any further discussion on Bill 104? Okay. Seeing none. Any objection to deferring Bill 104?

COUNCILMEMBERS: No objections.

ACTION: DEFER pending further discussion

CHAIR PALTIN: Thank you, Members. So, the course of action is, we hope to get answers to these questions before the scheduling of the next meeting on March 19th. On March 19th, tentatively, our plan is to get a presentation on the missing middle, and take up Bill 103 and 104 kind of concurrently if we're allowed to because, you know, they...they interact and intersect with each other. So, that's the tentative plan moving forward. This concludes today's Disaster Recovery, International Affairs, and Planning Committee meeting. Thank you very much, everyone. The time is now 4:35, and this meeting is adjourned. . . .*(gavel)*. . .

ADJOURN: 4:35 p.m.

drip:min:250219:lt

Transcribed by: Logan Tsuji

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CERTIFICATION

I, Logan Tsuji, hereby certify that pages 1 through 63 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 12th day of March 2025, in Wailuku, Hawai'i

A handwritten signature in black ink, appearing to read "Logan Tsuji", is written over a horizontal line.

Logan Tsuji