

HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

MINUTES

June 17, 2026

Online Only via Teams

CONVENE: 9:03 a.m.

PRESENT: Councilmember Nohelani U‘u-Hodgins, Chair
Councilmember Kauanoë Batangan, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member (Out 10:17 a.m.)
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member

EXCUSED: Councilmember Yuki Lei K. Sugimura, Member

STAFF: James Krueger, Senior Legislative Analyst
Ellen McKinley, Legislative Analyst
Zachary Stackhouse, Legislative Analyst
Carla Nakata, Legislative Attorney
Jennifer Yamashita, Committee Secretary
Lei Dinneen, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Mavis Oliveira, Council Aide, East Maui Residency Area Office
Chaelin Ryu, Council Aide, South Maui Residency Area Office
Regina Corniel, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office

ADMIN.: Nāhulu Nunokawa, Deputy Corporation Counsel, Department of the
Corporation Counsel
Jacky Takakura, Director, Department of Planning
Scott Forsythe, Planning Program Manager, Department of Planning
Alikī Biniaris, Planner V, Department of Planning
Meeya Bayan, Planner II, Department of Planning
Julia Meinhardt, Planner III, Department of Planning

OTHERS: Resource
Allison Mouch, AICP Partner, Orion Planning Design

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Testifiers

Kahala Johnson
Kanealii Williams
Lala Johnson
#4945 – Jasee Law
Others (80)

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR U‘U-HODGINS: . . .(*gavel*). . . Good morning, everyone, and welcome to the Housing and Land Use Committee of June 17th, 2026. Will it please come to order. It is 9:03 a.m. I am the Chair of this Committee, Nohelani U‘u-Hodgins. Members, in accordance with the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Let’s begin with Committee Vice-Chair Kauanoe Batangan. Good morning.

VICE-CHAIR BATANGAN: Aloha kakahiaka, Chair.

CHAIR U‘U-HODGINS: Councilmember Tom Cook, good morning.

COUNCILMEMBER COOK: Aloha. Good morning.

CHAIR U‘U-HODGINS: Councilmember Gabe Johnson, good morning.

COUNCILMEMBER JOHNSON: Good morning, Chair, Councilmembers, community members. There’s no testifiers here at the Lāna‘i District Office. I was alone on my side of the office, and Roxanne Morita has been coming in and out of my office, so --

CHAIR U‘U-HODGINS: Hi, Roxanne.

COUNCILMEMBER JOHNSON: -- we’re...we’re here and ready to work. Thank you.

CHAIR U‘U-HODGINS: Thank you. Council Chair Alice Lee, good morning.

COUNCILMEMBER LEE: Aloha and bonjour.

CHAIR U‘U-HODGINS: Aloha and bonjour. Councilmember Paltin, Tamara Paltin, aloha, bonjour, and good morning.

COUNCILMEMBER PALTIN: Bonjour, ‘la orana, and aloha kakahiaka kākou.

CHAIR U‘U-HODGINS: Good morning. Councilmember Keani Rawlins-Fernandez, aloha, bonjour, good morning.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. Aloha kakahiaka kākou mai Molokai Nui a Hina. I’m at pri...I’m at my private residence, currently alone in this space, but my minor daughter is walking around, and my husband,

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Makena Fernandez, is also at home with me. There are no testifiers at the Molokai District Office. Mahalo, Chair.

CHAIR U‘U-HODGINS: Thank you. Councilmember Shane Sinenci, aloha --

COUNCILMEMBER SINENCI: Aloha.

CHAIR U‘U-HODGINS: -- bonjour, good morning.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair, and good morning. Bonjour. No testifiers in Hāna.

CHAIR U‘U-HODGINS: Thank you. Member Sugimura is excused today. From Administration, we have with us Planning Director Jacky Takakura; Planning Program Manager Scott Forsythe; Aliko Biniaris, she’s a Planner as well; and Deputy Corporation Counsel Nāhulu Nunokawa. Also with us is our HLU commun...Committee Staff. Good morning, everyone. Please see the last page of the agenda for information on meeting connectivity.

ITEM 3(5) MAUI COUNTY CODE TITLE 19 REWRITE PROJECT
(HLU-3(5)) (7(B))

CHAIR U‘U-HODGINS: Members, the only item on our agenda today is the Maui County Code Title 19 Rewrite Project. The Planning Department has been charged with updating and modernizing the Title 19 of Maui County Code. Today, with the Planning...today, the Department will be presenting on the status of that project. Afterwards, we will have the opportunity to discuss. We will take public testimony after Planning’s presentation. Director Takakura, Mr. Forsythe, thank you so much for being with us today, and you are welcome to proceed with your presentation.

MS. TAKAKURA: Good morning, HLU Chair and Committee Members. I just want to thank you for your time. And speaking of time, I know that we have been talking about updating Title 19 for a long, long time, and the process...it will take time, and I am going to show you why, and I have to stand up to do this. This is the Code. This is Title 19. This book, if you can see it...well, it’s on the table, and it’s quite large, and...yeah. So, what I’ve been told is, it’s one of the largest chapters in Maui County Code out of all the different Code chapters. But we’re...we’re in this for the long haul together. And through our collaboration with the Administration and the Legislative Branch, we’ll get through this and make this a better chapter for...to make Maui a better place to work and live. Because this is foundational. The zoning is foundational. Land use sets the...the...the tone for pretty much everything else. So, without any further ado, I’m going to pass it over to Scott, who is our fearless leader on this project. Thank you very much.

MR. FORSYTHE: All right. Thank you, Jacky. Good morning, Council, Chair. Good morning.

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COUNCILMEMBER LEE: Can't hear you.

MR. FORSYTHE: Once again, I'm Scott Forsythe.

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

MR. FORSYTHE: All right. That a little bit better?

COUNCILMEMBER COOK: You can move the mic too.

COUNCILMEMBER RAWLINS-FERNANDEZ: Better.

MR. FORSYTHE: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Close to the mic.

MR. FORSYTHE: All right. So, once again, I'm Scott Forsythe, Planning Program Manager for our Plan Implementation Division, and with me is Senior Planner Alik Biniaris. Also joining us online is the consultant team from Orion Planning and Design. And also, to mention the members of the Planning Department's advisory team who are critical...oh, you can go to the next slide. Sorry. Excuse me. We're going to transition to the next slide here. Yeah. And also, to mention the members of the Planning Department's advisory team who are critical...of critical importance to this project. Thanks for giving us time this morning to start a conversation on the rewrite of the Title 19 Zoning Code. Next slide. So, the burning question, what's going on with the Title 19 rewrite? It's no secret that it's been several years since this effort launched in 2019, and is yet to be complete, and there's some valid reasons for that. A signif...a significant amount of work was done when the project first began. However, COVID soon hit, things went into lockdown, and coordination became difficult. Staff time was also diverted to other priorities requiring a Department-wide effort, including getting the MAPPS permitting system online, and then attention shifted to wildfire recoveries. And through all of this, we've dealt with staffing shortages, including retirement of long-term Staff and their wealth of institutional knowledge. And the Department is now on our fourth Planning Director since this all began, so please be kind to Jacky. We like her. . . .*(laughing)*. . . But there's good news. A considerable amount of work is underway, and we have a path forward for how this will all get done. Next slide. So, in today's presentation, we'll cover some background information to put this effort into context, go over some basic zoning fundamentals, then go over the review and adoption process for how all this will get done. And lastly, for anyone listening in, no action is being taken on this item today, and no new Code content will be presented. Next slide. The County's first zoning ordinance was adopted in 1960, 65 years ago. The world was a much different place, and the County's population was much smaller, at around 43,000. On a national level, suburbanization was rapidly expanding. The GI Bill made mortgages and home ownership more attainable, and Federal funding for roads led to the rapid expansion of highways, enabling people to commute farther distances. Now, Maui doesn't exactly fit the same model as what was happening nationally. However, there are similar characteristics. For instance, town centers like Wailuku and Pā'ia were self-sustaining communities, where housing and business

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activities were in close proximity for daily needs. But as home ownership was becoming more attainable, developments on the outskirts of town were popping up, such as Kahului's Dream City in the '50s. And people like this. They could afford buying their own home and could hop in their own car to go where they wanted to. Also, zoning principles were conducive to this type of development, meaning housing is put here, business over there, processing plants over there, and so on. Then around the 1970s, a steady increase in the island's population ticked upward for the next several decades. The population went from about 71,000 in the '80s to around 160,000 where it is today. However, as this growth was happening, Zoning Code concepts stayed relatively the same, and remedies came in the form of many, many Zoning Code amendments that continue on to this day, ultimately leaving us with the patchwork Franken-code of regulations we use today. So, what is Title 19? We'll cover more of this in the next section, but before going any further, here's a basic understanding on Title 19. Maui County Code consists of 22 titles, and Title 19 is the Zoning Code. That book that Jacky had up here on the table reflects all of the titles within Maui County Code. In its most basic sense, it regulates the way we use land and parameters for how we build, such as how far from one...from another person's property line you can build and to what height. It identifies zoning district types, such as Residential, Commercial, and Industrial districts, and what types of activities can happen in those areas. Title 19 also includes regulations for things such as accessory structures, parking and landscaping, and requirements for bed and breakfast and short-term rental homes. It also provides the rules and processes for various permits, such as Change in Zoning, conditional use permits, or special permits. The administration of Title 19 is done by the Planning Department. Maui County Code of ordinances. The 22 titles in County Code are listed here on the right of your screen. Two other titles are closely tied with the Zoning Code and often get confused with it, including Title 18, Subdivisions, and Title 16, Buildings and Construction, and both do not fall under the purview of the Planning Department. The permitting processes can be complicated to understand, but it needs to be mentioned that there are other processes at play that won't be addressed by the rewrite. Next slide. Now, we'll start getting into the Title 19 rewrite. In 2018, an audit of the Zoning Code was completed, and it provided us with many findings on the existing Code. What the audit told us is pretty much what we already knew, but it really provided us with a base or starting point to begin a comprehensive overhaul of Title 19. In general, the audit told us that the Code's framework is outdated, and we're long overdue for a rewrite. The Code is fragmented due to decades of piecemeal amendments that have left us with a confusing, contradictory, and difficult to navigate and administer Code. It's misaligned with our plans, and lacks a strong relationship with the General Plan, and will fail to effectively implement the modern visions being laid out in the more recently-adopted community plans. The rewrite will address these issues, and we all...will also aim to, among other things, be more cohesive, organized, user-friendly, and modernized with planning best practices and principles that promote well-designed communities. You can find the full audit report on the website t19rewrite.org. Next slide. On this slide, I won't get into the details on all these topics, but it's worth mentioning that quite a bit of work has been done, especially pre-COVID and over the last year, and we are working hard to deliver draft content to you and the community starting later this year. I'll go over that when...when reviewing the schedule later in the presentation. Next slide. All right. Now, in the

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next several slides, I'll cover some zoning fundamentals. We'll go over exactly what zoning is, how it fits into Hawai'i's unique land system, and importantly, clarify what zoning can and cannot accomplish. This foundational understanding is vital as we...as we begin working together to modernize the Code. So, for starters, there are two basic elements to the Code. The zoning regulations are codified as Title 19 in the County Code of Ordinances, and this is hosted online by a platform called Municode. There's also the zoning map that identifies each property's zoning designation. This is not in Municode, and can...and can be found on the Planning Department's website. The scope of the rewrite project is to update the zoning regulations found in Municode. If the rewritten code triggers the need to update the map, then that would occur as a separate effort following the adoption of a new code. Next slide. . . .(inaudible). . . Sorry, excuse me. Okay. A common point of confusion is the difference between our community plans and our Zoning Code. Think of the General Plan and our nine community plans as the strategic vision. They establish policies and designate future land uses based on a 20-year planning horizon. They represent what the community wants to be, and are developed by the community. Zoning, on the other hand, is the legal mechanism that implements that vision. It regulates what can be built on a property today. State law mandates that our zoning put the General Plan into effect. However, right now, our current Title 19 does not have a strong relationship with our adopted plans, which makes plan implementation incredibly difficult. This is a primary driver for the comprehensive update. When used effectively, zoning is an incredibly powerful tool for shaping our communities. It allows us to control the physical form of development, ensuring that new buildings fit the scale and character of their surroundings. It establishes the objective standards that developers must meet, such as providing adequate parking or maintaining appropriate setbacks from property lines. Most importantly, it creates predictability. A clear, modernized zoning code ensures that property owners know exactly what they can do with their land, and neighbors know what to expect next door. Here's an example to illustrate. The geographic area where each zoning district applies is identified on the County's official zoning map. For each zoning district, the zone regulations allow specific types of uses, for example, single-family homes, and regulate the location and size of development. They include standards such as maximum height, the minimum distance a building must be set back from the front of the lot, and maximum size of secondary buildings. The Code also includes general development standards that apply to most or all development in the County, such as the amount of required parking and requirements for landscaping. Next slide. It's equally important to understand the limitations of zoning. It is a land-use tool, not a magic wand. Zoning cannot control the real estate market. We can zone land for housing, but we cannot force a private landowner to build that housing, nor can we dictate the final market price or guarantee property values. Zoning regulates the use of land and structures, not the people who occupy them. We cannot use zoning to restrict who moves into a neighborhood or to control human behavior. We also cannot override higher jurisdictional authority. The Title 19 update will not change State land-use districts, the Special Management Area requirements, or FEMA flood maps. Finally, zoning cannot retroactively erase history. Properties that were legally developed under past rules generally have the right to remain as nonconforming uses, even if the rules change around them. So, what Title 19 is not. Title 19 is not the SMA. However, zoning standards still apply within the SMA. SMA is State law that's administered by each county planning department via

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planning commissions, SMA, and shoreline rules. And as we already covered, Title 19 is not the Building Code or subdivision codes. Zoning regulations apply to developments. However, building and subdivision regulations and permits are not administered by the Planning Department. I'll now go over the process by which you, the Council, and the Planning Commissions will review the draft code content and how the community can get involved. Basically, the new draft code chapters need to go through a formal review and adoption process. What this slide illustrates is that we will first bring draft chapters through Council and the three planning commissions in several individual groupings referred to as modules, which I'll cover in the next slide. Once we get all modules of draft chapters reviewed, we'll then bring the entirety of it all through the commissions and Council for adoption in one ordinance. The draft code chapters will be divided into smaller groups for incremental review, as opposed to the entire Code working through all at once, which would be an overwhelming amount of material and...and information to comprehend. Similar topics have been grouped together in these modules, and complex issues have been spaced out in different modules. For example, off-street parking and loading, agriculture, and housing are each in different modules. Here's another diagram to help clarify the process using Module One chapters as an example. The modules chapters go through an exhaustive review process by the Department's advisory team. And to mention, last February the Department spent two days workshopping the content in Module Two along with the consultant team. Orion uses this feedback to help draft the new code content. Then at various times throughout the process, we'll look to the community for feedback, and also begin working the draft reviews through the formal Planning Commission and Council process. And then we repeat this over and over until the modules are [sic] all gone through the review process. As we move forward, we'll need to learn from the process, and if adjustments are needed, then we'll adapt to it. So, now we're still refining the engagement process. However, throughout the Code development process, there will be opportunities for the public to get involved. The project's website, t19rewrite.org, will be the place to go for the latest information, and it will be updated as we get the specifics refined. More details to come later this year on the public engagement process. So, we're setting a goal to have this completed as quickly as possible. However, we also want to get it done right. And Maui County has a very complex process, in that three planning commissions are involved in addition to Council...and any bottleneck of other items on commission and Council meeting agendas have potential to unfortunately push the schedule. We're hoping for the best, and we'll do our part to keep this moving forward. Now, a general overview of what's to come. In July, we'll provide this overview for each planning commission. Then later this summer or fall, we will introduce the Module One draft code chapters, with Module Two chapters closely behind. And moving into 2027, you can expect more chapters to work its way through the review process. And last but not least is the project website, which will be a central tool for organizing material and getting information out. We encourage anyone interested to visit t19rewrite.org and sign up for updates to be made aware of new announcements. And in closing, I want to emphasize that this is a complex undertaking, and it won't succeed unless we all mutually collaborate on this effort. But it can be done, and the Department is committed to getting it done for the betterment of Maui, Molokai, and Lānaʻi. Thanks. That's the end of our presentation, and be happy to answer any questions you might have.

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CHAIR U‘U-HODGINS: Thank you. Before we get into questions, though, we’re going to do some testimony. So, testifiers wanting to provide testimony should sign up in the lobby, join on the online meeting via the Teams link, or call in to the phone number noted on today’s agenda. Written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas as well. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button. If calling in, please follow the prompts via phone...star-5 to raise and lower your hand and star-6 to mute and unmute. Staff will add names to the testifier list in the order as the testifiers sign up or raise their hand. For those on Teams, Staff will lower your hand once your name is added, and then 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. Please ensure your name appears in Microsoft Teams as the name you prefer to be referred as or anonymous if you wish to be...if you wish to testify anonymously. If you’re the person, please...if you’re in person, I’m sorry, please tell the Staff if you would like to testify anonymously. Otherwise, please state your name for the record or...at the beginning of your testimony. Oral testimony is limited to three minutes, and if you’re still testifying beyond that time, I will kindly ask you to wrap up your testimony. Once you are done testifying or you did not wish to testify, you can also view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. We will do our best to take up each person in an orderly fashion. And Staff, if you could please call up the first testifier.

MR. STACKHOUSE: Chair, the first individual signed up to testify is Kahala Johnson.

. . . BEGIN PUBLIC TESTIMONY FOR ITEM HLU-3(5) . . .

MR. JOHNSON: Good morning, Chair. Good morning, Chair and Members. My name is Kahala Johnson. And I support the comprehensive rewrite of Title 19, although I do urge the County to incorporate a kuleana overlay district, similar to the cultural district that was tried last time, into the Zoning Code, which would require the identification, mapping, and reporting of reserved native tenant property rights during permitting, rezoning, subdivision, and other land use approvals. The phrase *koe na’e ke kuleana o ke kānaka* (*phonetic*), reserving the rights of native tenants, is found throughout land commission awards and royal patents issued during the *Māhele* in the 1800s, which is the basis of all land title in Hawai‘i...therefore, the foundation of the Zoning Code. The statement creates a legal encumbrance reserving the rights, interests, and reciprocities of native tenants within a property as a condition of awarded titles. Importantly, these reservations aren’t merely rights to culture or gathering practices. It is inclusive of that. But it is actually...explicitly reserves native tenant property rights and interests in land titles awarded during the *Māhele*, which again are the foundation upon which the Zoning Code is imposed. These rights create a legal reality that’s not presently visible within the zoning framework. Existing zoning maps identify residential, agricultural, commercial and industrial uses, but they do not identify lands burdened and encumbered by reserved native tenant rights and other kuleana interests. As a result, the County administers land use through a

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system that recognizing...recognizes zoning classifications while failing to acknowledge native tenant property interests that burden ownership and use of the same lands. I therefore urge the County to establish a kuleana overlay district, which would require identification, mapping, and consideration of those reserved rights prior to any land use approvals. The County already administers overlay districts for things like flood hazards and wetlands. Kuleana rights deserve no less recognition. Furthermore, and in conclusion, I also urge the County to adopt...I know this is a process, it will take a while, to adopt supporting policies requiring native...native tenant right assessments for discretionary land use approvals, GIS mapping of lands containing reservation clauses, and consultation and reporting procedures demonstrating that projects will not impair reserved tenant property rights. I believe that Title 9...Title 19 offers us an opportunity to modernize, but also decolonize zoning. And mahalo for your consideration.

CHAIR U'U-HODGINS: Thank you. Members, any clarifying questions? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Dr. Johnson. I wanted to clarify, like what the criteria should be, in your opinion, to accept kuleana information? Would it be deeds, genealogy? Like how would we differentiate a legitimate kuleana claim from maybe the one that isn't?

MR. JOHNSON: Yeah. You know, I was thinking about that...that question and, you know, it is a process similar to the Cultural Use District. We had similar situations come up. So, it is something that's within the purview, right? It was a policy that was put forward. I think a good example of this would be like Kīpuka database. So, it does document things. It has information. It's publicly available. Of course, the key issue with Kīpuka is that...well, one, it doesn't have regulatory force. And then two, people can check it or not check it. Like it's not a mandated part of that. So, I do think that Kīpuka does provide kind of an opportunity for us to have land titles, the names of native tenants who can claim kuleana there, and from there like genealogical documentation can be provided, yeah. So, there are existing things like Burial Council, things like that, which again brings us into all the wonderful niceties of Kānaka politics. However, it is part of the system already. So, yeah.

COUNCILMEMBER PALTIN: The...the Kīpuka database is part of the system already is what you're saying?

MR. JOHNSON: Oh, no. I'm saying things like the Burial Council, yeah, with the recognition of lineal or...yeah, lineal descendants and the presentation of genealogy.

COUNCILMEMBER PALTIN: And then to also clarify, the...the subject to the rights of the native tenants was the law under kingdom law, but under occupation, is it part of U.S.?

MR. JOHNSON: Yeah. So, this is where interpretation of the original context of koe na'e ke kuleana. Today, we have a State...occupying State version, which I would say reduces and limits native tenant rights to like cultural and gathering, which are important...not saying they're not, I'm not contesting that. But the original version of

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koe na'e ke kuleana o ke kānaka is...actually needs to be interpreted within its 1800s kingdom context, which is explicitly about the interest of the king...or excuse me, the crown government, konohiki, ali'i, and maka'āinana, which are all property interests, which raises it to a different level than just cultural or gathering rights...which again, are very important.

COUNCILMEMBER PALTIN: Thank you for the clarification. Thank you, Chair.

CHAIR U'U-HODGINS: Member Sinenci, go ahead.

COUNCILMEMBER SINENCI: Mahalo, Chair. Mahalo, Dr. Johnson, for your testimony this morning.

MR. JOHNSON: Mahalo.

COUNCILMEMBER SINENCI: For kuleana properties, there's...there's already a set amount. They're...we're not increasing the kuleana properties?

MR. JOHNSON: Right, exactly. So, the...that...that phrase, koe na'e ke kuleana o ke kānaka, is already present on the given land title and parcel, which the zoning later came on, right? So, yeah, we're not like trying to necessarily increase things. I think it's just a...it's invisible right now within the Zoning Code. So, we're trying to raise that out to become more visible, but yeah, its existing things, yeah.

COUNCILMEMBER SINENCI: Okay. Thank you for the clarification.

MR. JOHNSON: Yeah.

COUNCILMEMBER SINENCI: Thanks, Chair.

CHAIR U'U-HODGINS: Thank you. I have a question, unless anybody else has a question too. What is the reservation process that you mentioned? Can you explain more about that?

MR. JOHNSON: Yeah, the reservation is the translation from koe na'e ke kuleana.

CHAIR U'U-HODGINS: Okay.

MR. JOHNSON: So, koe na'e means to reserve, right?

CHAIR U'U-HODGINS: Okay.

MR. JOHNSON: And so, the reservation means that, although I may have, at the time of the Māhele, received a land title to maybe like a land in, I don't know, Waikapū, that phrase says, I...I do have ownership, allodial title to the land, with the exception of any other people who might claim...any other native tenants that might also claim interest. So, that could include my family. It include...could include other like folks in the community, yeah.

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CHAIR U‘U-HODGINS: Okay. Thank you so much.

MR. JOHNSON: Yeah, no worry. Thank you, Chair.

CHAIR U‘U-HODGINS: Anybody else? Okay. Thank you, Dr. Johnson.

MR. JOHNSON: Mahalo.

CHAIR U‘U-HODGINS: Sorry, I called you Mister. Oh, I’m sorry, Chair...Chair Lee has a question for you as well.

COUNCILMEMBER LEE: I’m sorry, I just thought of something.

MR. JOHNSON: Yeah.

COUNCILMEMBER LEE: So, if there’s a conflict on title, how do you resolve that amongst...in...in the Hawaiian culture?

MR. JOHNSON: That’s a good question. I’m not sure if I can...I think ho‘oponopono is...is a cultural way to do that, but I think in terms of the Code, conflicts may occur, but I think what we’re looking at is more...like the Code’s not there to like do the conflict, right? It’s there to create a visibility of existing kuleana. Well, what I’m trying to put forward is existing kuleana. Conflicts might occur. That’s...that happens with regular title as well. . . .(laughing). . . . But yeah, for the...for your question, Chair...Councilmember, ho‘oponopono, talking it out, talk story with food, those are all traditional ways of doing things. . . .(laughing). . . . Yeah, no worries. It helps a lot.

CHAIR U‘U-HODGINS: Thank you.

MR. JOHNSON: Thank you.

CHAIR U‘U-HODGINS: Thank you very much. Next testifier, please.

MR. STACKHOUSE: Chair, the next individual to testify is Kanealii Williams.

MR. WILLIAMS: Aloha. My name’s Kanealii Williams. I’d like to begin with a more detailed description of the Kuleana Act of 1850, quote, “an act granting to the common people allodial titles for their own lands and house lots and certain other privileges,” end quote. The key phrase with regards to title is allodial, a definition of which is, quote, “free, not holden of any lord or superior, owned without obligation of vassalage or fealty, the opposite of feudal.” The Department of Planning’s Title 19 zoning rewrite informational update presentation identifies what zoning cannot do, which includes being unable to regulate people, override higher authority, or erase existing uses. Therefore, without the County of Maui having a clear chain of title to properties that are held under allodial titles, and without the consent from parties who do have a clear chain of title to said allodial titles, the County cannot rezone those properties. In the May 29, 2026, response to an Office of Information Practices appeal, URFA-P

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26-165, the Department of Corporation Counsel wrote, quote, "Plan M does not require showing the chain of title. Title shown through a real property tax assessment printout, which is available online, or by a title transfer document from seller to buyer. Plan M does not keep chain of title documents for applications filed with them, nor are they a repository for historical land documents," end quote. This questionable legal services commentary by the Department of Corporation Counsel exposes what is an incredibly poor policy and practice by the Department of Planning, which creates major liability risk for the County. Neither property...real property tax assessment printout or a title transfer document from a seller to buyer represent a clear chain of title to an allodial title, nor...nor are an allodial title themselves. In order for there to be a clear chain of title to an allodial title, there must be documents tracing back to legal interest to the royal patents awarded by the government of the Kingdom of Hawai'i during the Great Māhele, and they must also be absent of fraud. That chain of title needs to go beyond merely a preliminary title report conducted by a title insurance company that selectively traces only a few conveyances back without connecting to the allodial title document, and that fails to disclose the exclusively reserved rights of native tenants. Maui County Code Title 19 needs to properly incorporate policy language that requires that a pers...any person or entity that submits an application materials for a project to also provide proof of a clear chain of title linking back to the allodial title or a court ruling that indicates such. It makes absolutely no sense for an entity to be able to develop a project on a property if they do not have a legal interest in the allodial title, nor consent from the party that does have legal interest to the allodial title. Without explicit language in the Maui County Code Title 19 requiring applicants to show proof of a clear chain of title, the County risks wasting immense amounts of time and funding investing into projects that will not come to fruition as planned due to the applicant not having a clear chain of title, title insurance companies' lack of competence in the Great Māhele and failure to conduct adequate searches and examinations of title, Department of Planning's failure to fulfill due diligence, and errors asserting valid claims of legal interests and rights to the allodial title. This is particularly important when the County attempts to rezone someone else's private property to, quote, "Public/Quasi-Public," end quote, without the County having a clear chain of title to the allodial title and without the consent of the private property owner who does have legal interests and rights to the allodial title, such as is the case for Bills 89, 90, and 91. . . .(timer sounds). . . I'll send in my testimony. I also have some documents. Here's the actual act you folks can read where the phrase allodial is used and some other information for you.

CHAIR U'U-HODGINS: Okay. If you want to give that to them, then they can give that to us. Thank you. But before you do leave, does anybody have any clarifying questions? Seeing none. But are you going to be around for a bit?

MR. WILLIAMS: Yes.

CHAIR U'U-HODGINS: Okay. I'll come find you during our recess.

MR. WILLIAMS: Okay. Mahalo.

CHAIR U'U-HODGINS: Thank you. Next testifier, please.

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MR. STACKHOUSE: Chair, there is currently no one else who signed up left to testify. Oh. Chair, seeing someone in the Chamber. May they please approach to testify?

CHAIR U‘U-HODGINS: Okay. Aloha, Aunty.

MS. JOHNSON: Aloha. Okay.

CHAIR U‘U-HODGINS: Good morning.

MS. JOHNSON: Good morning. Aloha kākou, Chair and the Councilmembers. O Lala ko‘u...o Lala Johnson, ko‘u inoa of Waiehu. I am here in support of concerns being raised regarding the Title 19 Rewrite Project and the need for greater attention to historical land titles, Native Hawaiian rights, and the legal foundations of land ownership in Maui County. My testimony is based on my own experience reviewing County records and documents related to the Waiehu Beach Road in Wailuku. During that process, I learned that significant County actions, including proposed expenditures of public funds and land use decisions, can move forward based largely upon preliminary title reports rather than a complete chain of title analysis tracing ownership back to the original Land Commission awards and royal patents issued to the Hawaiian Kingdom. When questions are raised regarding historical conveyances, native...native tenant rights, and the connection between modern ownership claims and original allodial titles, County departments acknowledge that they do not typically maintain or require chain of title documentation. Instead, reliance is often placed on tax records, deeds between recent parties, or title reports prepared for modern transactions. For many kuleana...kuleana families, this raises concerns...or serious concerns. The lands awarded through the Great Māhele and subsequent royal patents were not merely parcels of real estate. They represented recognized property interests under the laws of the Hawaiian Kingdom, often accompanied by rights and responsibilities that remain important to descendants today. If Maui County is rewriting Title 19 for future generations, it should not ignore the historical foundations of land tenure in Hawai‘i. Land use decisions and rezoning actions can have lasting impacts on cultural practices, access rights, gathering rights, burial protections, and the ability of families to understand and protect their ancestral interests. I respectfully urge the County to consider policies that encourage a more thorough review of historical title records, where land use applications involve lands with known Hawaiian history or potential unresolved title questions. At a minimum, the County should recognize that tax records and modern conveyances alone do not tell the complete story of the property’s history. My experience with Waiehu Beach Road, Lower Waiehu Beach Road, has demonstrated the importance of transparency, due diligence, and meaningful consideration of historical land records. The Title 19 rewrite represents an opportunity to strengthen public trust and ensure that Maui County’s land use framework respects both the past and the future of these lands. As someone who has spent countless hours reviewing records related to the Waiehu Beach Road, I am not...I am not asking the County to resolve every historical title issues today. I am asking . . .*(timer sounds)*. . . the County to acknowledge that these issues exist, and ensure that the rewrite of Title 19 does not overlook the historical and cultural foundations of land ownership in Hawai‘i. Mahalo for the opportunity to testify.

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CHAIR U‘U-HODGINS: Thank you. Chair Lee, clarifying question.

COUNCILMEMBER LEE: Good morning.

MS. JOHNSON: Hi, good morning.

COUNCILMEMBER LEE: I was just wondering, when you talked about the Great Māhele and when lands were divided, you talked about ownership and responsibilities. What responsibilities?

MS. JOHNSON: For the County, is that correct? The response of...

COUNCILMEMBER LEE: No. No, you know, when...when the lands were divided and given out to the people, they took on a responsibility. Like...like for us, like today, we have to pay taxes. Okay. That’s a responsibility, as an example.

MS. JOHNSON: Right.

COUNCILMEMBER LEE: So, what kind of responsibility did those people have at that time?

MS. JOHNSON: Right, they had...they had...that’s called the kuleana. They all had the kuleana to...to take care of their responsibilities on the land, which was specific. There’s specific things that was given to the kuleana families.

COUNCILMEMBER LEE: If they died, then what happened to the land?

MS. JOHNSON: So, even though they died, it...it still...they’re still interest holders. So, the...that’s the reason why the way that our ali‘i’s did it, it was because...to preserve the land for the next generations to come. So, even if he passed...so like my tūtū man, which is . . .*(inaudible)*. . ., you all know, so he passed, but we still live. And so, we still have that kuleana to that...that kuleana land.

COUNCILMEMBER LEE: Thank you.

MS. JOHNSON: Yeah. You’re very welcome. Mahalo.

CHAIR U‘U-HODGINS: Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Johnson. I just wanted to clarify that what you’re asking us to try and do as a policy, as part of the Title 19 rewrite, is...is acknowledge the kuleana existence. But is it enough? Like, I mean, I don’t know that just the acknowledgment of it is going to, you know, have the same rights for kingdom citizens as deoccupation.

MS. JOHNSON: Right.

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COUNCILMEMBER PALTIN: And so, is this just a stop-gap measure for the...for the time being, or is this your end, like, ask?

MS. JOHNSON: So, it's to acknowledge that...to...not to extinguish our rights, and that we still...we still exist. And so, in this rewrite that you include, and be inclusive and be transparent in the rewriting of this T19. So, there is that kuleana on their part, as well as the kuleana on our part to make sure then to acknowledge everyone that we are not extinguished and that we still exist as a kuleana family, as the...we have kuleana rights.

COUNCILMEMBER PALTIN: But it's not as comprehensive as if the occupation were to end the rights?

MS. JOHNSON: Right. So, I'm here to push more towards looking at...looking at...making sure that you're looking at the...the kuleana families and the rights, because there are parcels out there, definitely...and so how you handle or how you navigate that in the rewriting, that it be considered. Because in your presentation, we...I didn't see anything with that. And so, to bring that to light and to make sure that it's been...it's being acknowledged.

COUNCILMEMBER PALTIN: Thank you.

MS. JOHNSON: Yeah. Mahalo.

CHAIR U'U-HODGINS: Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Ms. Johnson, for your testimony this morning. You know, you mentioned the kuleana. I understand that the kuleana framework wasn't...there were parcels for the entire community. And I don't know if it was a pana or something called that. So, it didn't belong to any certain families, but it was set aside for the entire community. Do you know...I mean, is that also...I was wondering if the pana was also part of the overall kuleana land management.

MS. JOHNSON: So, you're talking about when you do...so when you're given the...the land title, or you're given the royal patent...

COUNCILMEMBER SINENCI: It didn't necessarily have a title, but there were lands set aside for the...for the community at large.

MS. JOHNSON: Oh, okay. Right. I'm not an expert. I'm going to be...I'm going to be --

COUNCILMEMBER SINENCI: Okay.

MS. JOHNSON: -- very forward with that. But what you're talking about is a poalima, so that was set aside for...for, of course, like taxes, as you call it now, right? To give to the ali'i, or the konohiki. So, is that what you're talking about for the...the poalima?

COUNCILMEMBER SINENCI: Yeah, yeah.

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MS. JOHNSON: Yeah.

COUNCILMEMBER SINENCI: I think that's what it is.

MS. JOHNSON: Yes, the poalima, there was poalima within the lands, and that was like the...the land that...that they used to pay taxes, so to speak...just so to speak, right? And then to give to the ali'i.

COUNCILMEMBER SINENCI: Okay. Thank you for that.

MS. JOHNSON: Yeah.

COUNCILMEMBER SINENCI: Thank you, Chair.

MS. JOHNSON: Thank you.

CHAIR U'U-HODGINS: Any other questions? Seeing none. Thank you very much for your testimony. Next testifier, please.

MR. STACKHOUSE: Chair, the next individual up to testify is an individual calling in with...from the phone number with the last four digits of 4945.

CHAIR U'U-HODGINS: Okay.

MR. STACKHOUSE: Would the individual please click star-6 on their phone to unmute?

MR. LAW: Hello. Aloha. Hello?

CHAIR U'U-HODGINS: We can hear you.

MR. LAW: Oh, wow, this...yeah. Mahalo ke Akua. This is Jasee Law coming to you live and direct from the Fire Department, your favorite people, Luna Ho'omalua U'u-Hodgins, on Dairy Road. I'm over here on the side in the shade. The Fire Department looks like they're doing a lot of busy stuff today, so they can't talk. But I hope somebody's monitoring this. I'm...I'm...I was listening. I want to thank the Councilmember Rawlins-Fernandez, limahana, the helper in the Wailuku office there is probably the only person that's going to answer the phone today when I called and got all the numbers. So, I just want you guys to know that this is part of the process. So, people out there that don't have Internet technology, they can...if they just have an old-type phone with a landline, I'm calling from a cell phone. I only got 10 percent, but I think it'll last for my three minutes. I probably can't join you all for the rest of the meeting. So, it does work. But thank you, Mr. Raatz, for at least doing your job. And I don't know what the...the agenda is about. I have no...I have yet to find out where there's an agenda posted in Kahului or Kula, which is my two main areas I used to stick around, so at least it would be nice if the County Council...

CHAIR U'U-HODGINS: Mr. Law, do you have a testimony related to what's on the agenda --

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MR. LAW: I knew you were going to interrupt me --

CHAIR U'U-HODGINS: -- which is the --

MR. LAW: -- Nohelani, but I kind of --

CHAIR U'U-HODGINS: -- Title 19?

MR. LAW: -- at least I got...was --

CHAIR U'U-HODGINS: I'm trying to tell you what's on the --

MR. LAW: -- able to say that I can speak.

CHAIR U'U-HODGINS: -- agenda if you want to listen, because you don't have it.

MR. LAW: I did listen.

CHAIR U'U-HODGINS: So, I'm telling you it's on the --

MR. LAW: But why would you waste my three --

CHAIR U'U-HODGINS: -- Title 19 rewrite.

MR. LAW: -- minutes telling me what it's about when it's not your job? It's the job of the OCS office to post it somewhere where people can read it.

CHAIR U'U-HODGINS: Okay. Do you have anything --

MR. LAW: Because I...

CHAIR U'U-HODGINS: -- related to the Title 19?

MR. LAW: I mean I like you and all, but...

CHAIR U'U-HODGINS: If not, you're done.

MR. LAW: Just that I'm unsatisfied with your service, lady.

CHAIR U'U-HODGINS: Great. Ditto. Next.

MR. STACKHOUSE: Chair, there is currently no one else who has signed up to test...left to testify. If somebody would like to testify in the Chamber, please let Staff know, or on Microsoft Teams, please raise your hand. This is the final call...three, two, one. Chair, it appears that nobody wishes to testify.

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CHAIR U'U-HODGINS: Members, seeing there are no individuals wishing to testify, without objection, I would now close oral testimony.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY FOR ITEM HLU-3(5) . . .

CHAIR U'U-HODGINS: Thank you. Written testimony will still be accepted, and we're going to begin discussion. I'll start on this end with Committee Vice-Chair Batangan for your three minutes. We're going to do three minutes for as long as we need to, so feel free.

VICE-CHAIR BATANGAN: Thank you, Chair. Thank you, Department, for being here with us and for that overview of your work. Can I ask how large your team is overseeing the Title 19 rewrite? So, Mr. Forsythe, I know it's the two of you. Is there any additional Staff at the Department working on this?

MR. FORSYTHE: Yeah. Within the Planning Department itself...within the Planning Department itself, we have a...we call it the...the Title 19 taskforce. It's the advisory committee. It consists of the division chiefs from the Current Planning Division, the Long Range Planning Division, Zoning and Administration, and the Administrative Planning Officer, Zoning Supervisor, Department Management Director, as well as subject-matter experts for specific topics, you know, planners within...that...that are more familiar with specific topics.

VICE-CHAIR BATANGAN: Okay. So, you have the...the taskforce within the Department, and then you mentioned Orion is the planning firm contracted out to help with this?

MR. FORSYTHE: That's correct.

VICE-CHAIR BATANGAN: So, management...or oversight of the contract is through who? The taskforce, or is it through your...your division?

MR. FORSYTHE: The Plan Implementation Division oversees the contract.

VICE-CHAIR BATANGAN: Okay. I guess I'm...I'm asking the questions to try to just get a sense of what kind of resources are being put towards this effort, because you...you described the...it's quite a lift, and I just want to make sure that you have what you need. You know, I think I saw the financial figure in the proposed budget for FY '27, but I'm trying to figure out a sense of staffing and capacity within the Department to make...to keep on schedule.

MR. FORSYTHE: So, I guess to...to answer that, the first thing, under the existing contract, as far as resources go, you know, we're about halfway through the...the allocated funds for...for the...for the project. However, you know, as we've been moving through the rewrite process itself, and learning from other jurisdictions as to more successful ways to actually get these types of endeavors accomplished, approved, we've had to

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make some revisions to the way we're going about developing the...the Code content itself. And so, this is kind of a fairly new, you know, within the last year, that we kind of pivoted to a different mechanism for how we're going to get it through the process. So, right now, we are working with Orion to refine the scope to see if there are additional needs in that area. For Staff, we currently have three folks in the Plan Implementation Division. However, beginning in July, we'll be down to two. And so, you know, that, once again, kind of complicates our efforts as far as Staff goes. But . . . *(timer sounds)* . . . we are still committed to it, and we can provide you with any information that, you know, is necessary to help us advance this and keep it moving forward.

VICE-CHAIR BATANGAN: Thank you, Mr. Forsythe. Thank you, Chair. I heard the time.

CHAIR U'U-HODGINS: Of course. Thank you. Member Paltin?

COUNCILMEMBER PALTIN: So many questions. Thank you, Chair. I think I'll start out with, you said Planning...Planning Implementation Division is the lead, so it doesn't affect like the folks with Long Range that are working on the community plan as much. They're able to work concurrently, parallel to what this effort is?

MR. FORSYTHE: All of the other divisions are working in parallel to this effort, yes.

COUNCILMEMBER PALTIN: Okay. And then, is...does this new Title 19 rewrite policy or whatever have capacity for the things the testifier said, as well as...you know, a lot of times, there's conditional Change in Zoning. And that has been one of my big issues, is that we put these conditions on as a Change in Zoning, but there's not the institutional knowledge kept track of anywhere, except for in the ordinance, which is kept on, I think, the Council website. So, how does...like a brand new Planner coming into the Planning Department, how would they know that there's these conditions attached to a particular zoning without having been in the room when the conditions were assigned?

MS. TAKAKURA: Chair, I can answer that one. So, that was a two-part question, and regarding the testimony provided, I will look into that, but that, I think, is going to be a bigger conversation than just the Planning Department. I want to include Corporation Counsel, of course, and Real Property Tax, and 'Ōiwi Resources, and I'm not sure about SHPD, but that would be something that we'll look into. I'll certainly talk...I mean, as soon as we're done, I'm going to grab Nāhulu and give him even more work than we already give him. But...and that is something that if it...what...what you'll see as we go through this process, if we can't come to a consensus on something, the default will be to go with the status quo and keep moving and then get back to it later, but at least we could begin the conversation on how to address that, where it should appropriately go. And it might be something that we have to finish up after this is done, or maybe during. We'll see how long it takes, but we can certainly talk about it.

COUNCILMEMBER PALTIN: Or we might have to de-occupy the kingdom.

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MS. TAKAKURA: Or perhaps, yeah. I don't know. But...and then regarding your second question about conditions on changes of zoning, it's really important to have those conditions really clear in the ordinance, because you're right. We have new planners that are looking at this ordinance and they're wondering, what does that mean, or what are we supposed to implement? So, the one good thing is, when anybody wants to do anything with a property, they have to ask for this land use designation form. And then we have . . .*(timer sounds)*. . . Staff in Zoning Division that do all that research and reference these ordinances that are related to that TMK, and then we can tell the property owner, this is where you need to look for your conditions and make sure you meet them. But sometimes, you're right, we are coming up with things like, oh, I'll submit landscaping, but it doesn't...it's just general words about landscaping, but it's not specific. So, if...if...if the County Council wants something specific in an ordinance, that's the place to put it, so that when new planners come on board, they can just look at the ordinance and know what it means. Or if it's something general, you know, have it in...in the Zoning Code for that chapter, so...

COUNCILMEMBER PALTIN: I...I did have a follow-up clarification, but I'll write it down so I don't forget because the...the bell rang.

CHAIR U'U-HODGINS: Thank you. My plan is to do one round of questions, take a quick recess, and then come back and have more opportunity for questions, Member Paltin. So, we'll have more time. Member Johnson, for your opportunity.

COUNCILMEMBER JOHNSON: Thank you, Chair. And good morning, Department. Thank you for all the hard work you guys have been doing on this. This is...I have Title 19 out. I have my community plan on my desk. My desk is just a mountain of books right now. So, I...I feel your pain. So, just jumping right into it, you know, I'll...your one slide mentioned something really fascinating about like what zoning cannot do. And it says you can't tell who lives in these zones, right, for residential. So, you know, as...and our creative juices were flowing just the other day, and Councilmember Paltin mentioned something really fascinating to me, was like making a zone for affordable housing, or a zone for residential workforce housing. Is that doable? Because according to the one slide, it said you can't tell people...who can or cannot or it can't put restrictions on that. Can you clarify that? Is that a path that we could look into?

MR. FORSYTHE: So, moving forward, there's going to be, I imagine, you know, a lot of conversations about the zoning districts, new additional zoning districts and whatnot. One thing that we're definitely going to need to look at are with, you know, the existing zoning districts, is there room to incorporate these types of uses into those zoning districts? That's one way to possibly go about it.

COUNCILMEMBER JOHNSON: Okay.

MR. FORSYTHE: But as far as creating new zoning districts, that's something that, yes, we'll be exploring throughout the process, especially when we get into the module that has all the zoning district chapters identified within it. And --

COUNCILMEMBER JOHNSON: Okay.

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MR. FORSYTHE: -- we have Orion Planning and Design. I don't want to take all your time, but we also have the consultant online that might be able to jump in and provide additional detail on that.

COUNCILMEMBER JOHNSON: Sure, that'd be great. I'd love to hear from Orion. Did other municipalities do something like this?

MR. FORSYTHE: Allison, are you online?

COUNCILMEMBER JOHNSON: If not, I have other questions. Oh, she's raising her hand. If we could unmute her, team? Reclaiming my time.

CHAIR U'U-HODGINS: They're doing it.

COUNCILMEMBER JOHNSON: . . .*(laughing)*. . .

MS. MOUCH: Hi. Yes, good morning. Good to see you all. So, yes, to answer your question and just to build on what Scott was saying, I believe it's Modules 4, 5, 6, and a portion of 7. . . .*(laughing)*. . . Without having the slide up, I'm going off of memory. But that is when we really begin to look at the district composition, which is something we actually worked on quite a bit in the early days of this process under previous departmental leadership. And so, it's...it's definitely thinking about how to configure districts to address certain uses, activities, certainly considering some of like the legal connotation and things that we need to be aware of as far as separation of uses and regulating uses in...in a manner that follows legal precedent is...is going to be part of that conversation and a very robust conversation during those modules. But it is definitely something that . . .*(timer sounds)*. . . we see in similar processes in our work on other...with other counties, including Hawai'i County, and counties and cities on the mainland as well.

COUNCILMEMBER JOHNSON: Okay. I'll wait for my second round. I heard the bell, Chair. Thank you so much.

CHAIR U'U-HODGINS: Thank you. Real quick, Members. If you don't mind, let's designate Allison and any other people from the Orion group as resource peoples under Rule 18 [sic].

COUNCILMEMBERS: No objections.

CHAIR U'U-HODGINS: Thank you very much. Member Rawlins-Fernandez, for your opportunity.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo to the Planning Department for meeting with me to go over this presentation...last week, two weeks ago? I don't know, time. And I appreciate the process that they've mapped out. This has been something that's been talked about since the first year I got on the Council. So, I, you know, commend you folks for sticking with it and for finding a

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pathway forward that would allow for entry points throughout the process and as much involvement, I think, as...as possible in education, because that's going to be like super key. I already have seen some misinformation and disinformation go on, on social media, and that's going to be a really big battle throughout this process. Because I understand that, and I agree that this process should be done within a term as much as...as possible, otherwise, it may never be done. I don't...I don't have any questions on the process, which is what I understand that we're discussing today. I think the hybrid approach is a good approach, and as, you know, they stated in their presentation, that they'll be taken up in modules. And if, you know, the...this process can only get through certain modules, then at least the amendments that are contained within the modules will allow for other zonings to continue, even if those zones are not rewritten in accordance with the...with the audit. There was something else I was going to say, but Mokulele struck again, so I'm going to have to leave a little early, Chair. And shoot, there was something else I wanted to say with my three minutes. I should have written it down. Sorry.

CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, that was it. I found it.

CHAIR U'U-HODGINS: Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: I remembered. Okay. Mahalo to all the testifiers for getting in early all the discussion about overlays, about a kuleana land overlay. And all of your questions reminded me that not everyone had the benefit of receiving the education from Professor Melody MacKenzie and Doctor, now Dean, Kamana Beamer. And so, because of all the interest...and I understand that OHA continues to provide the Native Hawaiian law training to the Planning Commission. . . .(timer sounds). . . Oh, I guess that could be a question. But I have already reached out to both of them to see if they would be available to present in my Committee on July 2nd, or at least in July. So, I'll figure out a time, since there's such interest in learning about kuleana land and land tenure under the kingdom. Mahalo, Chair. Oh, yeah, I guess that was a question for the Planning Department. Are the planning commissioners and others still receiving the Native Hawaiian law training as is required by law?

CHAIR U'U-HODGINS: Go ahead.

MS. TAKAKURA: Council...

CHAIR U'U-HODGINS: And then I think Mister...Mr. Forsythe wanted to answer your earlier question as well or your earlier statement.

COUNCILMEMBER RAWLINS-FERNANDEZ: And I did hear the timer, Chair.

CHAIR U'U-HODGINS: I know, I heard it too, but I'm going to give you some time since you need to leave.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR U'U-HODGINS: Okay. Thank you. Go ahead --

MS. TAKAKURA: Thank you, Chair.

CHAIR U'U-HODGINS: -- Planning Director.

MS. TAKAKURA: Thank you, Councilmember Keani Rawlins-Fernandez. You're correct. The commissioners do attend the Native Hawaiian law training because it is required. So, yeah, it's very, very informative classes. Thank you.

CHAIR U'U-HODGINS: You're welcome to just, yeah, address her now because she needs to leave. So, we'll give her some grace in time. Mokulele is a fun company to deal.

MR. FORSYTHE: I just wanted to mention because--unrelated topic, sorry--that as I'm looking over at Nāhulu, Nāhulu, we do have Corporate Counsel on our task force, and they're a valuable resource in this process as well. So, just wanted to mention that.

CHAIR U'U-HODGINS: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, mahalo for that. Does...did Mr. Nunokawa go to Richardson? Because that's the only law school that provides Native Hawaiian law classes.

CHAIR U'U-HODGINS: Nāhulu? You want to tell her your credentials?

MR. NUNOKAWA: Yes, Councilmember, I...I did go to Richardson.

COUNCILMEMBER RAWLINS-FERNANDEZ: You did, right? Okay. Did...did you take classes from Professor MacKenzie?

MR. NUNOKAWA: I took environmental law classes with her, and I took classes with Kapua Sproat.

COUNCILMEMBER RAWLINS-FERNANDEZ: For the Native Hawaiian law and the treatise?

MR. NUNOKAWA: I can't remember exactly. I took a few classes with Professor Sproat. I think...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Well, I'm planning to...I'm planning to get them to present to my Committee, and then we can brush up on all of that.

CHAIR U'U-HODGINS: Perfect. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for the extra time, Chair. I really appreciate it.

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CHAIR U‘U-HODGINS: Of course. No worries.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then I’ll be...I’ll be on phone --

CHAIR U‘U-HODGINS: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- listening.

CHAIR U‘U-HODGINS: Sounds good.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR U‘U-HODGINS: Member Cook?

COUNCILMEMBER COOK: Thank you, Chair. Thank you for...Department, for all of this work and the...the Title 19 volume. My first question is, will that be smaller, or will it continue to grow? And what I mean by that, I’m not being...I’m not trying to be funny, but I know it sounds stupid. Are we going to be identifying aspects of our current Zoning Code and consolidating and aligning things, or is it going to be another chapter, another chapter, another chapter? Not...not necessarily chapters, but expanding that. And I have three other questions, so quick.

MS. TAKAKURA: Thank you, Chair. So, Councilmember Cook, I meant...I need to correct. This whole book is the entire Code. The zoning chapter is this section. It is the thickest part of the Code.

COUNCILMEMBER COOK: Thank you for the clarification.

MS. TAKAKURA: Yeah.

COUNCILMEMBER COOK: That scared me. . . .*(laughing)*. . .

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

MS. TAKAKURA: I usually go online, so I don’t really look at this book. But I’ll let Scott follow through.

COUNCILMEMBER COOK: Okay. My next question is, what’s the...what’s the projected cost for the Title 19 update overall? And I know that there’s...and I...and it’s just a guesstimate because it’s growing. We have the components is basically the consultant cost. And then there’s the...the operating cost for the Staff that’s going to be designated to it. There’s going to be meetings and whatnot. So, I’m just wondering how much is being budgeted and forecasted for this?

MR. FORSYTHE: So, the current budget for the...the contract is about 690,000. For Staff costs, it just comes as part of the job. So, if we can bring on more Staff to help, then great, you know, but that would be within the annual budget. Yeah.

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COUNCILMEMBER COOK: And I'm not nitpicking on it. I'm just saying that for a project, even though it's part of the Staff time, it's like to be able to identify and quantify it ultimately. And it's really just to show the weight and the extent of the work going into it. So, how much--my third question, last one for now--how much of the first contract suggestions have been implemented or deemed to be inappropriate for Hawai'i? Like just sort of percentages. Because the first...it was pretty...the first contract for Title 19 review--this is the second one, right?--for the consultant.

MR. FORSYTHE: Are you referring to the audit, the Title 19 audit?

COUNCILMEMBER COOK: I didn't think it was an audit. I thought...well, was the first one the audit when the...

MR. FORSYTHE: So, yeah. The...the first step was the audit under a different contract.

COUNCILMEMBER COOK: Okay.

MR. FORSYTHE: The rewrite is now a new contract.

COUNCILMEMBER COOK: So, the audit, how much of that was...is being internalized and how much of it...because some of it was not necessarily applicable to Hawai'i, is that correct?

MR. FORSYTHE: So, some of us weren't involved with the project at that time, but possibly Jacky has some... . . .*(timer sounds)*. . .

MS. TAKAKURA: Thank you, Chair. So, the main thing I can think of, Councilmember Cook, is the updated community plans. Those are huge, as you've seen how different the West Maui one and the South Maui one is going to be. And that is to kind of be more consistent with matching up the...the zoning and the community plan designations and more of a mixed-use kind of a framework for the different areas. That's the one that comes to mind right off the bat. But, you know, when we do...we've been making changes to the Zoning Code through and through, and we are kind of looking at things, you know, with...in the lens of how this all fits together and making it better. So, I think little by little, the updates that we have been making to Title 19 are trying to incorporate the things that we've been learning as we go on this big project.

COUNCILMEMBER COOK: Well, good. I look forward to being of assistance. Thank you for your time.

CHAIR U'U-HODGINS: Thank you, Member Cook. Chair Lee?

COUNCILMEMBER LEE: Thank you. Good morning, Planning. And thank you for the conversation we had, Jacky, the other day. As you know, I'm...I'm kind of disappointed...not with you, but with the whole process, because it's...it's so clumsy. It...I doubt if the average person can navigate through...through the...the title, Title 19, by him or herself. And that's...that's one thing I hope that you do is...is to try and put yourself in the place of the average person so that you can try and simplify what we

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have now, as well as make it more efficient. And then the fact that I mentioned to you, Jacky, that I don't know how we can make housing cheaper if we continually add a General Plan, Community Plans, the Maui Island Plan, the this and that plan, you know, and then add conditions to all of those plans. So, conditions means expense. And so, the question is, who pays for that expense? So, I think there needs to be some kind of explanation or description of who is responsible for the requirements of the plan. So, you know, logically, the County should be responsible...if they impose conditions, they should be responsible. So, the County should have timelines so that these plans don't go on forever not being implemented. So, those are the concerns I have. And you know what? I'm...I'm glad that you're going to be resolving all of them in the near future, and I look forward to it. Any comments?

MS. TAKAKURA: Thank you...thank you, Chair Lee. . . .*(laughing)*. . . Regarding being able to use Title 19 for average people, one of the outcomes will be that it's going to be...it will have more charts and more graphics, not as verbose, and so that should be easier. There'll be a table of uses, so all you have to do is look at a table to figure out if things are permitted or not. So, that will be a huge deal, so that just being able to look quickly instead of having to read, you know, is it permitted? Is there a principle? Is it special? So, that's a big one that will really help it a lot. Also, simplifying processes is going to be a big one, and that will help fundamentally. Regarding who is responsible for plans, actually, that is a conversation that we've been having with Corporation Counsel about including in the implementation of Community Plans things that the County can do and really narrowing the focus so that it's much more implementable, but that's a different subject. But you're spot on, Chair Lee. Thank you.

COUNCILMEMBER LEE: Thank you. I appreciate your... . . .*(timer sounds)*. . . your willingness to...to try and tackle these things. Thank you.

CHAIR U'U-HODGINS: Thank you, Chair. Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo for that presentation. Thank you for meeting with me prior. I know we did have a conversation about agriculture, and I guess my question would be, what are some of the plan updates to agriculture? Which module is agriculture in? And if it includes agriculture estates?

MR. FORSYTHE: So, we...we know that the Agricultural District discussion is going to be, you know, one with a lot of interest in it, and we have not yet really opened the pages on reviewing that in depth and critiquing it, but we know that, you know, it requires work and there's going to be a lot of input required. And so, when we get to Module 5, that's when we'll start discussing the Agricultural District.

COUNCILMEMBER SINENCI: Oh, okay. Thank you for that, Mr. Forsythe. And then for scheduling, I know East Maui has a lot of Agriculture zoning, which I'm sure my community would want to be a part of that discussion. Will...as...as far as scheduling and timeline, I know that there's a Molokai Planning Commission and Lānaʻi Planning Commission. Will...will some of these be sent to the Hāna Advisory Committee so that the East Maui community can...can weigh in on...on the discussion?

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MR. FORSYTHE: We'll be asking the Maui Planning Commission to refer it to the Hāna Advisory Committee.

COUNCILMEMBER SINENCI: Okay. All right. Thank you. Thank you, Chair.

CHAIR U'U-HODGINS: Of course. Seeing that we had one round, I want to take a quick break. We'll do 14 minutes and come back at 10:30. And when we come back, we can do a five-minute question period and we can just exhaust our questions. So, we'll take a 14-minute recess, come back at 10:30. . . .(gavel). . .

RECESS: 10:17 a.m.

RECONVENE: 10:32 a.m.

CHAIR U'U-HODGINS: . . .(gavel). . . Will the HLU Committee please reconvene. Thank you and welcome back. It is 10:32, and we took a recess while we were still in discussion. And we'll continue with discussion. And we'll continue with Vice-Chair...or Committee Vice-Chair Batangan, if you have any questions. We're going to do five minutes.

VICE-CHAIR BATANGAN: Five minutes this time? Okay.

CHAIR U'U-HODGINS: Yeah. Thank you.

VICE-CHAIR BATANGAN: Thank you, Chair. Thank you, Department. Mr. Forsythe, so you mentioned that you had discussed with other jurisdictions some of the lessons learned from their experiences doing updates. Would you mind sharing some of those? I think you also mentioned that as a result of those conversations, you did some pivoting in how you approach this rewrite. Can you touch on that as well?

MR. FORSYTHE: That's a good question. So, I think most locally, we...we...over a year ago, we had met with the Kaua'i Planning Department. We wanted to learn the lessons that they had because they had gone through a rewrite process going about six years, only to have it fail. And we don't want to get in that same position. And that's really when we started pivoting to this incremental review, comprehensive adoption process. We also started looking at other examples nationally, realizing that, you know, these Zoning Code rewrites, they've been going on for a number of years, but still, it's kind of fairly new for a number of jurisdictions. It's kind of a movement that's spreading across the nation. And these are multiple-year efforts to go...to...to...you know, to take to accomplish. And we don't want to be in the same position, especially given the uniqueness here on Maui, where we have three Planning Commissions in addition to County Council. And so, we were looking for ways that we had the best chance of success in getting through this. And so, most locally, Kaua'i County, we've had conversations with...and with Hawai'i County as well. Hawai'i County, they're kind of in the same situation that we are at right now. They're...they've been revisiting their processes to get their...they started a little after we did, but they are revisiting their processes as well to get their Zoning Code adopted. And that's going to be a couple more years as well. There's other examples nationally, you know, I think of

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San Antonio...I think they went ten years and had their code not get adopted until they had to finally work some things out and then get it adopted. So, we just don't want to be in that same position. And then I think I missed a follow-up question to that.

VICE-CHAIR BATANGAN: Yeah. So, you mentioned that as a result, you...you pivoted. I think you touched on it a little bit. Is that the...the modular approach that you're taking, where it's not just one big rewrite that comes before the body, but it comes up in increments?

MR. FORSYTHE: That's correct. Because originally this was scoped out to we're going to just take a whole new code and bring that thing forward and adopt that whole new code. But that would have been a tremendous amount of information for anyone to comprehend, you know, what changes were happening within it. And so, that's why we pivoted to this module type of concept, where we break it down into smaller pieces where folks can understand the changes that are being made, and bring them forward that way until we finally have one ordinance at the very end to adopt it.

VICE-CHAIR BATANGAN: So, what happens if, through this modular approach, we have either consensus or general agreement on certain modules, but, you know, there's contention over others? Will the rewrites still work if we're able to adopt, say, like five out of the six? Or...or like what happens if...if we don't fully adopt everything that you bring before the body?

MR. FORSYTHE: And that could be a problem. I mean, there might be some things where people don't agree upon and...and we need to, you know, agree upon a way how to move forward. And, you know, what we're discussing is well, if we can't come to an agreement on a suggested change, then let's go back to the default, which is what it is now. And that way we can just at least get this Code adopted, and then we'll have an order to go back and revisit following the comprehensive . . .(inaudible). . . of the Code.

VICE-CHAIR BATANGAN: Okay. Thank you. And then going through the presentation that you had given us, there was an audit done, and then as a result of the audit, you know, that informed your approach. Does all of the findings of the audit get addressed in the...the rewriting effort? Like some of them are kind of abstract, right? Like placemaking, for example. I don't know how you do that through Zoning Code. And if...if . . .(bumps mic). . . you know...oh, sorry...if...if...if...you know, I'm just not able to imagine it, please help me. But like I...I feel like there's some of these findings that are...are going to be easier to address than others, and I just want to understand if there's anything from the audit that is not part of your scope.

MR. FORSYTHE: You're...you're correct. You know, there's...there's a number, I mean...the audit is full of recommendations. I might call upon Allison to jump in here in a second. However, you know, there...there's a few that stand out. One, you know, as far as doing form-based code, what we have right now is more of kind of a Euclidean . . .(timer sounds). . . code where we have standards and whatnot. There's this other way of doing codes that are form-based that are kind of more based on community character design principles in a way. Our Code is a Countywide Code, so it would

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really be difficult to do a form-based code Countywide. What we'll need to do is go back in time and possibly focus on areas, maybe like Wailuku...you know, as the...as the Community Plans are being updated to go back into kind of those core areas, you know, the areas where people are more...yeah, you could walk from five minutes here to five minutes there, you know, type of thing, and focus on a form-based code or within downtown Wailuku. So, we won't be doing form-based code during this...this version of the Code. There's other things, such as having a digital online version of the Code that's more user-friendly and interactive. We are constrained, really, to working within, as I referred to in the presentation, Municode, which hosts all of the Code content. We're kind of constrained to the parameters that are available by Municode. So, other jurisdictions have the ability to have their own code document, and they administer it themselves, and they're able to edit it and revise it following amendments. It doesn't work that way here. You know, it goes through Council, Council then goes to a...Council...to a...I'm sorry, the County Clerk's Office, and we receive things back as a PDF. And so, you know, it makes things complicated. So, the online digital version that was originally envisioned, we're not going to be able to go that far, but we're going to do what we can within Municode to make it more, definitely user-friendly, more graphically-friendly, illustrations of graphics and things like that.

VICE-CHAIR BATANGAN: Thank you, Department.

MR. FORSYTHE: Among other things.

VICE-CHAIR BATANGAN: Thank you, Chair. I heard the buzzer.

CHAIR U'U-HODGINS: Thank you. Member Paltin, do you have any questions? Oh, I know you have any questions. Would you please like to share your questions? You have five minutes.

COUNCILMEMBER PALTIN: Thank you so much. So, continuing on from my questions from last round, I...I heard that you said it helps that the ordinance and conditions are very clear. I wanted to clarify, you know, for new planners or new landowners, if they just look, say, on the real property tax zoning overlay, they won't automatically know if there's conditions, or that they need to look in the ordinance to find the conditions. Is there a way to like asterisk or denote on the zoning overlay on the RPT site that there are conditions attached to the current zoning that is depicted there?

MS. TAKAKURA: Thank you, Chair. Thank you, Councilmember Paltin. So, the main way to find out if there are ordinances attached to a parcel is by going into MAPPS and requesting a land use designation form. And that way the Zoning Staff will do the research of the different entitlements for the property. And...and that way you have an assurance that it's been thoroughly researched by the Staff. And they're pretty...they're pretty quick about doing all of that. And...but the...the ordinances are referenced on that land use designation form. That's what we have for now. And anyone can request those. They just go through MAPPS and...and you can get that information. And it has more than just ordinances. It...like I mentioned, it has land use designations, if it's in the Special Management Area, and all those other designations that are important to know for land use. I can see in the future,

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especially now with the ordinances on the website being ADA compliant, they're probably readable where there could be something where TMKs and ordinances can be matched up. But that's going to be a future project that probably involves ITSD. But the best bet is the land use designation form because those are thoroughly researched by our Zoning Staff.

COUNCILMEMBER PALTIN: So, if someone was considering purchasing a property and they...they see the zoning on it and they're like, oh, great, this is just what I wanted, the advice would be to go onto MAPPS, request the land use designation form to ensure that there's no conditions that would prevent doing the specific activity or whatever that they're looking to do.

MS. TAKAKURA: That is correct, yes.

COUNCILMEMBER PALTIN: Okay. I mean, it's something at least. The other question I had, following up on Member Batangan about the module acceptance, like as we're going through the various modules, I did have a request once, I think from the Deputy, like if I could hold off on this because we're going through the Title 19 update. And I was like, hold off? We've been talking about Title 19 update for 20 years and this term is only two years. So, the question is, say we accept a module and it's not contentious or whatever, and then one of the nine of us, or say the Administration, proposes a change, would that--and it's to a module that has already been accepted--would that change bring back up the module and then change it in there? Or how would it work? Like if we're changing things as we're accepting them, or we haven't accepted the whole package, but there's a change being proposed?

MS. TAKAKURA: Thank you, Chair. And thank you, Councilmember Paltin. That's an important question. And that really is, I think, a good group discussion because there's different alternatives where we could come back to Committee and bring it up, if you don't mind the extra time it takes, or we could see...maybe talk to the Chair about borrowing if other committees have free time. But that...that...like I mentioned, that's a bigger discussion. I want to make sure that, you know, what...what time constraints are you folks willing to accept and...and are you willing to put in the extra time. Or do you want to wait until maybe when we have something more complete and look at a matrix? You know, here's what we propose. Here's what HLU said. Here's what the commission said. But here's the change. And then something at the end that you folks can decide on. So, it's really going to depend on how much time you folks are willing to invest in this. If you want to take more time upfront and discuss things or wait until the end and have a matrix. Kind of like if you remember when we had the West Maui Community Plan, I think you folks reviewed a matrix of all the different changes and then made a decision. So...

COUNCILMEMBER PALTIN: Yeah, so I just want to . . . *(timer sounds)* . . . pause. Oh. Wow, that was a fast five minutes.

CHAIR U'U-HODGINS: You can finish.

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COUNCILMEMBER PALTIN: Oh, okay. Okay. To finish up on this. Basically, the reason we're doing the Title 19 rewrite is because the audit of Title 19 revealed that we weren't functioning efficiently and it's all piecemeal. That's the whole reason that we're doing this, that the Title 19 got audited. And then it was like, bro, you guys are like 1950s here in the 2026s or whatever. And so, you got to rewrite it and make it come into the 21st Century. That's why we're doing this?

MR. FORSYTHE: So, I believe the audit is something that we just took upon ourselves because we...the Planning Department knew that the Code had a number of problems. I mean, we use it on a daily basis and we find it difficult to use as well. So, it's not the public. And...and so, the audit was just to document and look into it from outside eyes, you know, from a planning expert...

COUNCILMEMBER PALTIN: How...how to rewrite it, or like what to focus in on in during the rewrite?

MR. FORSYTHE: It identifies areas that need improvement and suggested...or recommendations to change within the audit, yes. Allison, if you don't mind jumping online, maybe you can expand upon the...the audit findings?

CHAIR U'U-HODGINS: If you could make it quick, and then we'll...we'll come back to Member Paltin if...to discuss this further. But I want to give Member Johnson some time as well.

MR. FORSYTHE: Yeah.

CHAIR U'U-HODGINS: Allison? She's...she's

MS. MOUCH: Yes.

CHAIR U'U-HODGINS: -- up...okay. Great. We can...

MR. FORSYTHE: Thank you, Allison.

CHAIR U'U-HODGINS: Hello.

MS. MOUCH: Yeah. I was wondering, Scott, would you mind to pull up the recommendations...the slide that had the core recommendations from the audit?

MR. FORSYTHE: Sure. We're going to share our screen. So...

MS. MOUCH: Or if it's...if it's going to take too much time and can circle back, what...what would you prefer?

COUNCILMEMBER PALTIN: Yeah, we can circle back --

CHAIR U'U-HODGINS: We can circle back.

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COUNCILMEMBER PALTIN: -- to my next opportunity.

MS. MOUCH: Okay.

CHAIR U'U-HODGINS: Okay. We'll get it queued up in a few. Okay.

MS. MOUCH: Okay. Thank you.

CHAIR U'U-HODGINS: Thank you. Member Johnson, your five minutes?

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, I probably won't take five minutes because we're really talking about the process and the moving forward, not really about the Title 19, which I have a million...I need ten minutes to talk about that. But basically, you know, I'm looking forward to Module 7 that...that addresses project district development, project district regulations. Take, for example, here on Lānaʻi, we...you know, Kōʻele is in the project district, and in the Code it's got about two pages of how to deal with the Kōʻele Golf Course and what they have to follow. Well, guess what? There's no more Kōʻele Golf Course. It's all...it's...they shut it down. It doesn't exist anymore. So, the Code, you know, it does need updating. And I...I'm glad I...the presentation showed us the path. So, all my questions I had were for other things, you know, in the Code. But as far as the process goes, I'm good. Thank you, Chair.

CHAIR U'U-HODGINS: Thank you, Member Johnson. Member Cook?

COUNCILMEMBER COOK: Thank you. I would...I'm curious with...to continue with Member Paltin's question. So...

COUNCILMEMBER PALTIN: Permission granted from me. I don't know if you need permission from the Chair.

COUNCILMEMBER COOK: So, if...if they had it queued up.

CHAIR U'U-HODGINS: You have five minutes. Use it how you want to. *(pause)*

MR. FORSYTHE: Was there a specific question on this, or you want to kind of go into a little more detail on these?

COUNCILMEMBER COOK: I'd say if we just walk through it. I mean, if you just...the first idea, because this...this really is like opening the door to this process of...and I mean, it's like code organization and readability is weak. That, you...the Department sort of acknowledged. So, I mean, is there a way to describe how that's going to be addressed? Is it going to be structured differently?

MR. FORSYTHE: It will, yes.

COUNCILMEMBER COOK: And...and you're still sort of limited into the way that the Code currently...

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MR. FORSYTHE: As far as the organization goes, we...we've spent a lot of time looking at the existing, you know, skeleton of...of Title 19. There's something around 93 chapters, I think, within the Code. And they...they were all over the place, you know. One...one thing that should be following something isn't following something. It's 50 pages somewhere else. And so, we always have to flip back and forth, no matter what. So, we spent a lot of time looking at how the Code is organized. And we've created a reorganized table of contents...let's put all of this in alignment, all of the chapters in alignment. That's one thing. And that involved the whole numbering process and everything because all these things are associated with articles and chapters and sections and...and titles and referencing to other titles within County Code and this and that. So, we have a pretty good solid foundation on that as far as the organization, and...and moving forward to something that is organized.

COUNCILMEMBER COOK: Thank you. That's my first question when I asked if it was going to be big...if it was going to grow or if it was going to shrink. I didn't ask...I didn't articulate that very well. And you just clarified that for me, basically by re...reviewing it and identifying the areas that it's not cohesive. So, thanks. I still have some more time. How about the . . .*(inaudible)*. . . flexibility? That's a really big aspect of how people...what it allows you to do, what it tells you specifically you can do and what...how you interpret what you can't do.

MR. FORSYTHE: Allison, you want to jump in and help out with this one?

MS. MOUCH: Yeah.

MR. FORSYTHE: Okay.

MS. MOUCH: Yeah, absolutely. So, for those of you who may have been around or participated in the audit process, and that...that's something that started way back in 2018, you may recall as part of the audit presentation, and it's integrated in the audit itself, there's a graphic that shows this balance between predictability and flexibility. And it's that balance that we see as...as a point of discussion in almost every code that we work on with communities. And for Title 19 specifically, you know, when you have a code that is upwards of 60 years old, and it's been updated piecemeal over that time period, and there are, you know, attempts to become more predictable, what happens is sometimes you can err kind of further into the realm of really...really tying yourself into a regulatory framework that doesn't allow for creativity or flexibility in the development process, in kind of allowing for the type of development that you'd like to see occur on island. And so, what we have been working with the County on identifying both in...in procedures, as well as in certain design or development standards in the initial drafting process, is where we definitely want to see a product or outcome. And we want to create some pretty clear sideboards around that versus where we want to allow for creativity and flexibility within an environment that still gets us to the outcome we'd like to...to ensure, and finding...finding the right balance. And so, what came out through that audit process was that the...the Code itself, as it exists today, by default . . .*(timer sounds)*. . . and...and over those years has just...has just become a little bit too prescriptive and therefore, pretty limiting. And...and so,

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you don't get to think outside of the box and...and allow for some of the flexibility and design.

COUNCILMEMBER COOK: Thank you. Thank you, Chair. Thank you, Department.

CHAIR U'U-HODGINS: Thank you. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. And some of my questions were already answered, but I'll ask my Staff's questions. Will title...do the Title 19 revisions promote more affordable housing alternatives? And this is, I guess, just for what module would...will that come in? And, I guess, for a community whose...whose salaries don't always match the current market rates, how...are...are we addressing that in the rewrite? Say, for instance, like in East Maui, some of...the house would grow as the family grew. Say, for instance, you know, we would convert the garage later on as...as the family grew. Or I believe in...in Kihei, they're...they're putting a larger footprint pad down, but not building it out so that later on when life happens, then they can add on that extra...extra room. For us, it's been if you're adding extra rooms, then do you have the...the septic capacity to do so? Those are some of the issues in...in East Maui.

MR. FORSYTHE: Some of this is, you know, getting down to the standards within, you know, zoning districts, you know, as far as setbacks go and coverage and, you know, what you can put on the...on the line, no accessory dwelling units. And that's being addressed in current updates to Title 19. There's also other aspects, you know, as far as affordability go, that, you know, our Code right now has, you know, it defines lot sizes, and there's not really like a...you know, a lower lot size, for instance. And we know that, you know, land is money, and it costs money to, you know, buy so much square footage of land. And so, by being able to have smaller minimum lot sizes, that's possibly one way to accommodate the affordability, you know, issue. We did a missing middle housing study last year, and this looks at more of the type of homes that are...essentially, you know, there's affordable housing that are the regulatory parts of it where there's certain, you know, parameters on...on, you know, how much money you make. And then there's fair-market-value housing. And a lot of the Zoning Code regulations are kind of, you know, focused on kind of just standard lots and what you can do with it and not other State laws. But Allison, maybe you can provide a little more insight into that too.

COUNCILMEMBER SINENCI: And just for Allison, just as a perspective, you know, other municipalities that are doing revisions to their...to their zoning, is...this is an opportunity to address those housing shortage issues.

MS. MOUCH: Yes. Yes, very much so. Housing is a flashpoint issue that we see, you know, across, obviously, Maui and Hawai'i, but as well as where I'm based in Montana and...and in places we work all over the country. Building on what Scott was saying, you know, we would be looking at how to integrate through the...the uses appropriate in each district, a variety of...of housing types that could be permitted by right or permitted with specific conditions or design standards to make sure that a variety of housing types fit within the character of the established neighborhoods, but allow for

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some more unique mix. You probably have heard the term missing middle. And so, that's when we think about the district composition, and we think about expanding the types of residential uses for Maui County and where those would be appropriate. That's another tool in the toolkit that we see used successfully to just think about family configurations, housing configurations, scale...you know, scale and fitting with the established context. And so, we'll...again, that'll come in some of the district modules that are later on in the process.

COUNCILMEMBER SINENCI: Okay. Thank you. They're...housing is across all of the modules, or one specific?

MS. MOUCH: I think we would be looking to really dive in to...I believe it's Module 4 where it's residential, and then as we're talking about maybe mixed use, but those districts that are...that are really explicitly related to residential development is where we're really going to start to...to have that conversation.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR U'U-HODGINS: Thank you, Member Sinenci. I have a question for you folks before I move on. In looking at the audit, there...there's a little paragraph here that says there's excessive discretion in rulemaking, and the audit team discovered that there are more than 600 pages of rules that apply to Title 19. So, along with your gigantic book, you have another, you know, bible of rules, which apparently attribute to the fact that Title 19, as currently written, is outdated and difficult to apply without a lot of interpretation and additional explanation. Where, during this rewrite process, will we maybe be able to discuss some of the administrative rules, or is that going to be after we do all Modules 1 through 7 that maybe we would discuss administrative rules as well? If we are. Is that our plan?

MS. TAKAKURA: Thank you, Chair. The biggest one that we refer to the most frequently is the Ag District rules.

CHAIR U'U-HODGINS: Sure.

MS. TAKAKURA: So, I'm sure that the consultant has those because we've...we updated those maybe 2019 or so. So, Allison, I don't know if you have anything to add, but those are the main ones that...the Ag District rules that I can think of that will impact this.

CHAIR U'U-HODGINS: Okay.

MS. MOUCH: Yes, we...we do have those. In...in that finding, you know, I think that the...the rules that exist today, at least in the preliminary drafting that we've done, we...we've sort of been looking at them holistically and...and thinking about them in terms of, you know, the rules live outside the regulatory framework that is Title 19. And so, in...in how they're applied, that...that affords the County some discretion. And there's...there's a place for that discretion, but there are also times that through the audit and through our conversation since, we've seen the need to maybe move

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something that lives within the rules into Title 19 and codify it so that it's applied consistently --

CHAIR U'U-HODGINS: Right.

MS. MOUCH: -- where...where you see the need for that, or where we see it just being applied that way as a rule today. And so, I think that's the ongoing conversation, certainly with the agricultural rules and then their elevated status, you know, and frequency of use. We want to be very mindful of what we might want to codify and what we leave to be a little more discretionary. But I think it's all that to say, it's an ongoing conversation because there's a lot --

CHAIR U'U-HODGINS: There is a lot.

MS. MOUCH: -- as the audit said, there's a lot of rules. . . .*(laughing)*. . .

CHAIR U'U-HODGINS: Yes, there's a lot of rules.

MS. MOUCH: Yes.

CHAIR U'U-HODGINS: And so, I guess my question was kind of centered on, do we get to discuss those rules publicly with this process? I know they center around Ag District, as you folks just said. I remember when I was doing permitting and processing in my previous life and job, there was a change in rules on how they looked at what they considered square footage for your dwelling. And so, if your roof covered a deck, that was included in your square footage of a dwelling, even if it was just a deck or your overhang. And so, that changed when you're dealing with properties when we have like rural districts and you cannot go over an amount based on your square footage of your house and property. And so, it...without really taking that into consideration, you now then have to move in your house walls upwards of maybe 2, 300 square feet, which you didn't know before when you got your drawings done. But that was a rule that was changed. There's really little discussion over that, but that's an administrative rule. So, I guess, as we continue to move on through these modules, then I will...I will continue to ask for administrative rules as we discuss the different sections and modules.

MS. TAKAKURA: Yes, thank you, Chair. It would be appropriate to look at the rules at the same time we're looking at that zoning district.

CHAIR U'U-HODGINS: Okay.

MS. TAKAKURA: In particular, Ag is the big one. And then there's also rules regarding civil fines.

CHAIR U'U-HODGINS: Okay.

MS. TAKAKURA: And so, those might be somewhere in Module 1 or 2, Enforcement.

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CHAIR U‘U-HODGINS: Okay.

MS. TAKAKURA: Those are the big...big ones that I can think of.

CHAIR U‘U-HODGINS: Okay.

MS. TAKAKURA: Thank you.

CHAIR U‘U-HODGINS: Thank you very much. I think that’s the only question I had. I...like most of you, I had an opportunity to meet with them as well. So, I’ll just go...if we have any more questions, we have an hour left in Committee. If you do have more questions, please raise your hand and you will have the opportunity. But I did...we did leave off at Member Paltin. Please go ahead.

COUNCILMEMBER PALTIN: Thank you. Procedurally, I did have also a question about as the modules come through...through to the planning commissions and the advisory committee, and then as they come to the Council, I think on Council-initiated stuff, we can’t make too much changes as it comes back from the Planning Commission. But this would be administrative...Administration-initiated change. So, if the Council, after the modules go through the planning commissions, wants to make a substantive change, it would not need to go back to the Planning Commission or the advisory committee?

CHAIR U‘U-HODGINS: Is this a question for Corp. Counsel or Planning?

COUNCILMEMBER PALTIN: Whoever knows the answer.

CHAIR U‘U-HODGINS: I think everybody’s heads is looking at you, Nāhulu. So, you’re on the spot, my friend.

MR. NUNOKAWA: I can’t say for sure right now because I’m not sure exactly the procedure that you folks are going to end up with.

COUNCILMEMBER PALTIN: I’m happy to receive the answer in writing.

MR. NUNOKAWA: Yeah. And...but I think that it’s going to depend on...they were talking about how this procedure is going to be worked out through the upcoming months, potentially through the next year or so. And so, I think that part of that is going to be what determines how changes made after the fact, whether it goes back through the process or not.

COUNCILMEMBER PALTIN: Okay. I’m...I’m just asking about the required. Maybe can I ask Ms. Nakata?

CHAIR U‘U-HODGINS: Carla, you want to answer that question? If not, we can also...we can also get it in writing. We can have that.

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COUNCILMEMBER PALTIN: Standard procedure on if it's Administration-initiated and the Council makes a significant change after it's gone through the Planning Commission, would it need to go back to the Planning Commissions?

MS. NAKATA: I...I think that's a very difficult question to answer without knowing the specific facts. I...I think it would depend in large part on whether that was within the scope of the Planning Commission's original discussion or not.

COUNCILMEMBER PALTIN: So, there's a potential, even if it's Administration-initiated, that if there's significant change made by the Council, it would have to go then back to the Planning Commissions?

MS. NAKATA: I...I do think there's that possibility, depending on whether, you know, it was within the scope of the Planning Commission's original contemplated discussion. So, I can see how by segregating out these modules, there could be an impact in other areas of the Code. You know, if you're looking at amending definitions, for instance, in Module 1, how is that going to impact other areas of the Code? I...I'm not entirely sure how that process plays out.

COUNCILMEMBER PALTIN: Okay. Then that leads to the follow-up question. If we approve a module, and then something triggers a question in a subsequent module where we'd like to go back to a previous module and then amend it before final adoption as a whole, is that built into the process?

MS. TAKAKURA: Chair, if I may?

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

MS. TAKAKURA: Oh. Alik's going to share the screen about the process. What we're hoping for ideally is that we start somewhat informally as we go through the modules, before we take an entire ordinance through the public hearing process. What I would like to do is, if we're seeing that there's a lot of things that we have to set aside, I would like to talk with the Committee Chair and...and see how we can best resolve those, if it's going to be like an additional meeting on that. Because until we get to the public hearing process, I think it's going to be all just kind of on a more informal basis, where we can set the meetings, hopefully, as...as we need to. Once we hit the public hearing process, then it becomes this whole formalized process with the 45-day notice and...and so forth. But I would work with the Chair as we're finding things that we...we keep...if we keep having to set aside stuff on topics, then yeah, I'll work with the Chair, and we can figure out how to meet and discuss those and work those out.

COUNCILMEMBER PALTIN: And I was wondering, what is your folks' expectations . . .*(timer sounds)*. . . expectations as you bring it through the planning commissions and the advisory...Hāna Advisory Committee, and then as you bring it through to the Council? Is your expectation that it would be more rubberstamp-ish, or that there could be a lot of amendments, or that you might provide parameters for amendments by the advisory bodies, the commissions, Hāna Advisory Committee, and the Council, or is the expectation that we understand it, we like it, and we pass it?

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MS. TAKAKURA: Thank you. In an ideal world, that's what we would want. But I...I think we're going to...we're going to have our recommendations, because ideally, you know, you want to have good land use principles and practices. But I know there will be times when the commissions will disagree. The County Council Committee might have different thoughts on how to do things. So, we might have to take all of those opinions and come up with our recommendation and...and see what...what the County Council decides. I'm not really sure. But of course, we're going to try to recommend for good land use principles. But . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Are...like are there any areas that you see like are more subjective in terms of land use principles where you could have a range, and then if that is the case, would that range be presented to the advisory bodies and the Council, like to see where they end up in the range of acceptable land use principles?

MS. TAKAKURA: Thank you. So, what the taskforce is doing right now is looking at the existing Code and identifying where we have regular problems and issues and things that are not clear. And so, we will have our recommendations, and then also from Orion with their best practices that they're finding. And so, we will come up with what we would like, right? And then present those to the Council and the commissions.

COUNCILMEMBER PALTIN: Oh, okay. I like that. And then on your recommendations, when you're saying that the problems are...that are being encountered with the way it is, will you be providing that justification based...the recommendation based on those justifications? Like if the recommendation is something different from the current Title 19 verbiage, you're saying...you would say, we recommend this change and the reason why is so-and-so has all these problems every time. And then we're like, oh, well that makes sense and we're not going to touch it because we want you guys to have what you need to do your job efficiently. Whereas if you just say, this is our recommendation without that background explanation, you could...I could see certain Members of us being like, oh, I don't like that, let's do it like this, and then it doesn't work for you guys.

MS. TAKAKURA: That is correct. We would explain why. Yes, for sure. In fact, we're doing that now in a spreadsheet that we're all...because we're all consulting on these spreadsheets and what the issue is and why. So, yeah, that's really important.

COUNCILMEMBER PALTIN: Okay.

MS. TAKAKURA: But maybe, you know, there might be a problem and we think of one way to solve it, but there might be other ways that, you know, you folks have a bigger picture and that might have a different thought on that.

COUNCILMEMBER PALTIN: Okay. I don't want to be a hog. I think I saw Member Johnson's hand up, so I will yield.

CHAIR U'U-HODGINS: Okay. Thank you, Member Paltin. Member Johnson, go ahead.

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COUNCILMEMBER JOHNSON: Thank you, Chair. Following this line of questioning, I'm curious why it's...it's going to the planning commissions first and then coming to us. Is...is there...wouldn't it...I mean, I'm curious why you guys did it that way, because the ping-ponging is what I'm...I'm...I'm curious about.

MR. FORSYTHE: We're going to share the screen again here. For...for...the...the Council will receive it...Council Committee will receive it first before going to the Planning Commission.

COUNCILMEMBER JOHNSON: Okay. You mean on the left? Okay. Please --

MR. FORSYTHE: Yeah, on the left. Yes.

COUNCILMEMBER JOHNSON: -- explain that, because on the left thing, it says...okay. So, Council Committee 7(B) presentation, this is not that, or is this that? No. . . .*(laughing)*. . . This is not that. Okay. I gotcha. I don't know if you guys are talking.

VICE-CHAIR BATANGAN: Chair, if I may? Member Johnson, are you asking if we're going to get a 7(B) presentation on a module-by-module basis before it goes to Committee, or are you asking if this is the one 7(B) presentation that we're getting before everything then goes to the committee...commissions?

COUNCILMEMBER JOHNSON: Right, I just want to see this...the modules before it goes to them.

VICE-CHAIR BATANGAN: Sorry, Staff, I don't know if he can see your head nods.

CHAIR U'U-HODGINS: They said okay.

MS. TAKAKURA: Yes.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

MS. TAKAKURA: So, the plan is to informally bring it to Committee to get feedback, and then we'll incorporate those comments and present those to the commissions. Those --

COUNCILMEMBER JOHNSON: Okay.

MS. TAKAKURA: -- are the modules on the blue side. And then once those modules are finished, then we go through the...the whole ordinance process, which is going to be initiated by the Administration. And so, then we take it to the planning commissions, and then to County Council.

COUNCILMEMBER JOHNSON: Okay. Thank you for that. Thank you, Chair.

CHAIR U'U-HODGINS: Yeah, Member Sinenci.

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COUNCILMEMBER SINENCI: I just had a follow-up. You mentioned that the CPAC would be operating kind of independently of this process. What...which one would be...would be going through during this process? Have we approved South Maui already?

MR. FORSYTHE: I think...first of all, the...the CPAC will not be integrated into this process. The CPAC is for the General Plan, community plan process.

COUNCILMEMBER SINENCI: Yeah, I mean, which...which process would be...would be...would we be in? We approved South Maui already? Not yet. So, we're still in South Maui?

MS. TAKAKURA: So, Councilmember, your...Sinenci, your question is about the South Maui Community Plan?

COUNCILMEMBER SINENCI: Yeah, that would be in the same timing as we go through this process, or we would be going...moving on to the next community?

MS. TAKAKURA: So, that one will actually probably be a little sooner. We're going to try to transfer...well, you...you...you're going to see a time extension request on Friday. And --

COUNCILMEMBER SINENCI: Sorry, Chair.

MS. TAKAKURA: -- but we're trying to get this to you next month. And so, that can get started right away. Whereas these, that...when we bring Module 1, will probably be what, early fall? So, there will be some concurrent overlap, yes. And so, I'm sorry, we're going to be trying to take a lot of your time, Councilmembers. We're going to be really close friends for the next two years. So, thank you.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR U'U-HODGINS: Thank you, Member Sinenci. Does anybody else have any other questions? No? Good? Member Paltin, you good?

COUNCILMEMBER PALTIN: I think I've subjected them to enough torture.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: And it was just about the process. I would appreciate hearing in writing, like, when or what the parameters are, if there's changes made at this Committee level, if it --

CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER PALTIN: -- would need to go back or not.

CHAIR U'U-HODGINS: Okay.

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COUNCILMEMBER PALTIN: It sounds like it's a little --

CHAIR U'U-HODGINS: Grey.

COUNCILMEMBER PALTIN: -- not subjective, but some other word.

CHAIR U'U-HODGINS: Okay. We'll transmit that question in writing to both, like, Planning and then the attorney, so we can get a comprehensive answer. Because that would be important for us to understand before we...for the next Council takes...takes this and runs with it.

MS. TAKAKURA: And can we...Chair?

CHAIR U'U-HODGINS: Yeah, go ahead.

MS. TAKAKURA: If I may, I would also want to hear your thoughts on how you would like this to run also, to not waste your time, but to make sure that we have your input in...in that. So, we'll...

CHAIR U'U-HODGINS: That's great.

MS. TAKAKURA: Maybe we can discuss that also.

CHAIR U'U-HODGINS: Yeah, let's do that. And to be fair, majority of it will be maybe next term. So, we shall see how this Council shakes out, and who sits where, and who does what. But --

COUNCILMEMBER PALTIN: Yeah.

CHAIR U'U-HODGINS: -- I can help with the what may come out later this year, for sure.

COUNCILMEMBER PALTIN: I...I agree on that. Like, we don't know. Like, maybe none of us will be back in here. You have to do this all over again to some new nine people.

CHAIR U'U-HODGINS: Maybe, as we discussed yesterday, we all become billionaires in some lottery and we don't have to work anymore.

COUNCILMEMBER PALTIN: Then special election --

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

COUNCILMEMBER PALTIN: -- or something, you know. We're trying to figure that out.

CHAIR U'U-HODGINS: Manifesting it right now. But happy to discuss what later year...this later year is going to look like. And then maybe we can create just like a bullet point for when the next Chair, whether it's me or not, has to inherit this process. If not, any other questions? Okay. Well, Members, if there are no objections, I will defer this item.

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COUNCILMEMBERS VOICED NO OBJECTIONS (excused: AL and YLS).

ACTION: DEFER pending further discussion.

CHAIR U‘U-HODGINS: Thank you very much. This concludes the Housing and Land Use Committee meeting. Thank you. It is now 11:18, and this HLU Committee is adjourned. . . .*(gavel)* . . .

ADJOURN: 11:18 a.m.

hlu:min:260617min:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 43 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 10th day of July 2026, in Wailuku, Hawai'i



Daniel Schoenbeck