

**HOUSING AND LAND USE COMMITTEE**  
Council of the County of Maui

**MINUTES**

**February 21, 2024**

**Online via Teams Link  
Council Chamber, 8<sup>TH</sup> Floor**

**CONVENE:** 9:05 a.m.

**PRESENT:** Councilmember Tasha Kama, Chair  
Councilmember Tom Cook, Vice-Chair  
Councilmember Gabe Johnson, Member  
Councilmember Alice L. Lee, Member (In 11:10 a.m.)  
Councilmember Tamara Paltin, Member  
Councilmember Keani N.W. Rawlins-Fernandez, Member  
Councilmember Shane M. Sinenci, Member  
Councilmember Yuki Lei K. Sugimura, Member (In 9:00 a.m.)

**EXCUSED:** VOTING MEMBERS:  
Councilmember Nohelani U‘u-Hodgins

**STAFF:** Ana Lillis, Legislative Analyst  
Paige Greco, Legislative Analyst  
Carla Nakata, Legislative Attorney  
Maria Leon, Committee Secretary  
Lei Dineen, Council Services Assistant Clerk

**Additional Staff:**

Executive Assistants to Councilmember Kama

Evan Dust

Lei Kama-Sickels

Nayleen Kamai

Executive Assistant to Councilmember Cook

Jared Agtunong

Executive Assistants to Councilmember Johnson

Axel Beers

Kate Griffiths

Executive Assistant to Councilmember Lee

Michele McLean

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Executive Assistants to Councilmember Paltin

Angela Lucero  
Christi Keliikoa

Executive Assistant to Councilmember Rawlins-Fernandez

Haunani Madela

Executive Assistant to Councilmember Sinenci

Don Atay

Executive Assistant to Councilmember Sugimura

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Executive Assistants to Councilmember U'u-Hodgins

Laura McDowell  
Susan Clements

Zhantell Lindo, Council Aide, Moloka'i Residency Area Office

Roxanne Morita, Council Aide, Lāna'i Residency Area Office

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office

Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office

**ADMIN.:** Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel (All)  
Kate Blystone, Acting Planning Director, Department of Planning (All)  
Sybil Lopez, Molokai Planner V, Department of Planning (HLU-11)  
Wade Shimabukuro, Development Services Administrator, Department of Public Works (HLU-3(14))

**OTHERS:** David Sellars, President, American Institute of Architects Maui (HLU-3(14))  
Jeremy Stoddart, Vice President, American Institute of Architects Maui (HLU-3(14))  
Ashley Gonzalez (HLU-3(14))  
Peter Niess, Maui Architectural Group (HLU-3(14))  
Lui Hokoana, Chancellor, University of Hawai'i Maui College (HLU-11)  
David Tamanaha, Vice Chancellor, University of Hawai'i Maui College (HLU-11)  
Kelley Dudoit, Coordinator, Molokai Education Center (HLU-11)  
Ashley Onikama, Designer, GD Design (HLU-11)  
Tom Schnell, Planner, PBR Hawaii (HLU-11)

Testifiers

Kauai Kapuni (HLU-11)  
Jasee Law (HLU-3(14), -11)  
John Sarter (HLU-3(14))  
Johann Lall (HLU-3(14))  
Suzanne Taylor (HLU-3(14))

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Junya Nakoa (HLU-3(14))  
Jerry Isdale (HLU-3(14))  
Faith Chase (HLU-3(14))

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

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CHAIR KAMA: . . .*(gavel)*. . . Will the Housing and Land Use Committee meeting of February 21st, 2024, come to order. It is now 9:05 a.m. I am Tasha Kama, and I am the Chair of the Housing and Land Use Committee. This online meeting is being conducted in accordance with the Sunshine Law. This is our second Committee meeting on Teams. And I remember that when we had a number of hiccups when we started with BlueJeans, so I ask that you bear with us as our Staff works out the hiccups--this was a hiccup this morning--with our new virtual meeting platform. Members, when your name is called, if you're not with me in the Council Chamber, please identify by name any adults who are sharing your workspace today. And minors do not need to be identified. So, are there any questions before we begin? Seeing none. Thank you, and thank you all for being here. So, I'd like to say aloha kakahiaka to Committee Vice-Chair Tom Cook.

VICE-CHAIR COOK: Aloha. Good morning, Chair.

CHAIR KAMA: I'd also welcome Chair Lee when she gets here. And Member Yuki Lei Sugimura, who's going to be late this morning. And continue on with Member Paltin. Good morning. Aloha kakahiaka to you.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou.

CHAIR KAMA: And I'd like to say aloha kakahiaka to Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, Committee Members. I'm here and ready to work. Mahalo.

CHAIR KAMA: Thank you. And aloha kakahiaka to Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. Aloha kakahiaka kākou. There are no testifiers currently at the Moloka'i District Office.

CHAIR KAMA: Thank you. Can I make that assumption with you too, Member Johnson, that there are no testifiers at Lāna'i?

COUNCILMEMBER JOHNSON: Yes. There are no testifiers at the Lāna'i District Office today.

CHAIR KAMA: Thank you. We'd like to continue on with welcoming Councilmember Shane Sinenci. Aloha kakahiaka to you.

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COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair. And no testifiers in Hāna, Chair.

CHAIR KAMA: And Councilmember Nohe U‘u-Hodgins is excused for this morning. So, this morning, we have with us from our Department of Corporation Counsel, Kristina Toshikiyo. Good morning, Kristina.

MS. LILLIS: Chair, I believe Mike Hopper is joining us this morning.

CHAIR KAMA: Okay. Thank you for that.

MR. HOPPER: Sorry. Good morning, Chair. Yes, it is me. I'm here. Thank you.

CHAIR KAMA: Good morning, Mr. Hopper. Thank you. We also have with us from the Department of Management, Wendy Taomoto, who is the housing recovery support function. Good morning, Wendy.

MS. LILLIS: Chair, she's not joined us just yet --

CHAIR KAMA: Okay.

MS. LILLIS: -- but we'll give her a call.

CHAIR KAMA: Okay. Thank you. And we have from the Department of Public Works, Kate Blystone, the Director, and Staff Planner Sybil Lopez. Good morning.

MS. LILLIS: In the audience.

CHAIR KAMA: And Sybil is on Moloka‘i?

MS. LILLIS: Yes. She's joined us on the...on the meeting, yes.

CHAIR KAMA: Okay. And we have other resources with us this morning. David Sellars, the president of American Institute of Architects, and Jeremy Stoddart, the Vice President of the American Institute of Architects of Maui. Good morning to you two gentlemen. And I see you in the audience. I want to say good morning to our Committee Staff. Ana Lillis, our Legislative Analyst.

MS. LILLIS: Good morning, Chair. Good morning, Members.

CHAIR KAMA: And good morning to our other Legislative Analyst, Paige Greco.

MS. GRECO: Good morning, Chair. Good morning, Members.

CHAIR KAMA: Good morning to Maria Leon, our Committee Secretary.

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MS. LEON: Good morning, Chair. Good morning, Members.

CHAIR KAMA: And our Legislative Attorney, Carla Nakata.

MS. NAKATA: Aloha, Chair and Members.

CHAIR KAMA: And our Assistant Clerk, Lei Dineen. She's out there. So, thank you, Members, for attending today's HLU meeting. And we have two items on the agenda. We have a HLU-3, which is Expediting Housing with Preapproved Plans. And we also have HLU-11, which is the District Boundary Amendment and Change in Zoning for the Moloka'i Education Center in Kaunakakai. So, in accordance with the Sunshine Law, as Chair, I will be calling for testimony for each agenda item as that item is called up on the agenda. We'll receive a presentation from the Administration or from our resource personnel prior to receiving testimony today. And therefore, Members, I ask that you would hold all your questions for the presenters until after testimony has been...after testimony has been received and testimony has been closed also. So, Members, with no objections, I would like to switch the order of our agenda items today in order to accommodate time constraints from our resource individuals, but also to accommodate students from Moloka'i that might want to give testimony this morning. So --

COUNCILMEMBERS: No objections.

**ITEM 11: DISTRICT BOUNDARY AMENDMENT AND CHANGE IN ZONING FOR  
THE MOLOKAI EDUCATION CENTER (KAUNAKAKAI)**

CHAIR KAMA: Thank you. So, this morning, we have HLU-11, and it is a District Boundary Amendment and Change in Zoning for the Moloka'i Education Center in Kaunakakai. And Members, we have before us a request for a State-land-use district...district boundary amendment and change in zoning for the Moloka'i Education Center at the University of Hawai'i, Maui College. This item was last heard in the Council's Planning and Sustainable Land Use Committee on August 30th, 2021, in Member Paltin's former Committee. At that meeting, the Committee recommended passage of the DBA and the CIC with amendments, and the item has been pending in receipt of a unilateral agreement executed by the applicant agreeing to the conditions recommended by that Committee. The action will provide the DBA and the change of zoning of the parcel to match the Moloka'i Island plan. Since that meeting, the applicant sent back a unilateral agreement with a proposed set of change-in-zoning conditions that differ from what was recommended by the Committee in 2021. In addition, your Chair also asked the Department of Corporation Counsel to review and approve as to form and legality a revised proposed district boundary amendment that incorporates two conditions required by Section 205-3.5 of the Hawai'i Revised Statutes, known as the Hawai'i Right to Farm Act Conditions. We have a number of guests from the University of Hawai'i here today, and we'll be receiving a presentation from their consultant, Tom Schnell, from PBR Hawai'i. I will ask Tom to introduce the team in attendance for the record during their presentation. And I think I would also make sure that they become our resources today, without objections, Members.

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COUNCILMEMBERS: No objections.

CHAIR KAMA: So as a reminder, since we're receiving a presentation, prior to receiving any --

COUNCILMEMBER PALTIN: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER PALTIN: I just had a question --

CHAIR KAMA: Yes, Chair--I mean--yes.

COUNCILMEMBER PALTIN: I believe PBR Hawai'i is helping with the Title 19 rewrite, and I just was wondering if Corp. Counsel could weigh in on --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- if this is a conflict of interest or not?

CHAIR KAMA: Okay. Sure. Corp. Counsel, are you on the...are you on the line?

MR. HOPPER: Thanks, Chair. I mean, I...I don't necessarily have all the background on that. If you're talking about a financial conflict, we would, you know, perhaps need to check with the Board of Ethics. But something general like that, I mean, if they're working on the Title 19 rewrite, I mean, the Title 19 rewrite hasn't gone into actual effect. This is a specific ad hoc application that they...that they're working on. I...I'm not quite sure how there would necessarily be a conflict there. I mean, if there's a suggestion that they would be writing the Code to favor specific clients, I...I don't see how that's necessarily anything that's...that there's evidence of that. But, you know, in this case, I think you've got an application that's going forward under the current Code, the...the--there hasn't been the actual rewrite done yet. So, I wouldn't...offhand, I would not see anything at this point to...to say that that would be...that would prohibit them from that representation. But if there's...if there's more to that, we can, you know, discuss further. But, you know, as of now, I think this...this is under the current Code, so--and then there's the other issue of this being general. I know, certainly, firms in the past have helped with Code rewrites and redrafts, and I don't think that would disqualify them from ever representing a client under the new Title 19, which would have to be adopted by the Council anyway for it to be a final code. And, you know, there could be Board of Ethics opinions on that or we could seek them, but I think that the rewrite would be general enough that...that I wouldn't see a conflict offhand. But for this one, again, you're dealing with the current Code that hasn't been rewritten yet, so I wouldn't see a conflict in...in it at this point.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Hopper.

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CHAIR KAMA: You're very welcome, Member Paltin. So, I'm going to continue that as a reminder, since we are receiving a presentation prior to receiving testimony, please hold your questions until after testimony. So, Mr. Schnell, please provide your presentation to us.

MR. SCHNELL: Good morning, Chair and Councilmembers. I'm Tom Schnell with PBR Hawai'i. We're a land planning and landscape architecture firm based on O'ahu. We've been doing business in Hawai'i over 50 years. I've been with the firm since 1999. To lead us off, I'm going to throw our introductions to the Chancellor of Maui Community College to say a few introductory remarks.

MR. HOKOANA: Aloha, Chair Kama and Members of the Housing and Land Use Committee. I'm Lui Hokoana, the Chancellor of your college, Maui College. We are here to ask two things today, right? And Chair Kama already stated it, that we want a State land use district boundary amendment. And then also, we want a change in County zoning from interim to public quasi. By allowing for these two items, it will allow us to expand the Moloka'i Education Center and to continue delivering quality education for the residents of Moloka'i on island. UHMC has been providing higher education opportunities on Moloka'i since the 80's, the early 80's. The current Moloka'i Education Center, located in Kaunakakai, was completed in 2004. On Moloka'i, we currently serve about 200 students. We can--who can receive their degrees without leaving the island and have access to certificates, associate's, bachelor's and master's degree via the Moloka'i Education Center. And from the COVID pandemic and the wildfires, we have learned that our facilities are not just used for education services, but it is also used by our communities. During COVID, the main campus distributed almost 3...30,000 COVID shots, During the wildfires, we produced about 200,000 meals out of our kitchen on...on the main campus. The expansion of the Moloka'i Education Center will not only allow for expansion of our educational programs; it would also provide an additional venue to hold community events. At this time, I would like to introduce to the...the team that has assisted us with navigating the process to expand the Moloka'i Education Center, and will present information related to our request today to grant the State land use boundary amendment to change in zoning. We have David Tamanaha, who is our Vice Chancellor of Admin Services. David. We have Kelly Dudoit, who is our coordinator of the Moloka'i Education Center. And we have Shawn Kodani, who is the architect for the University of Hawai'i Community Colleges. And then we have Ashley Onikama, who is from GD Design, a designer. And Tom Schnell from PBR Hawai'i, who is a planner. And Tom's going to walk you through the presentation. Tom.

MR. SCHNELL: All right. Thank you very much for that introduction. And Chair Kama, you summarized the last proceedings very well. We were last at the Planning and Sustainable Land Use Committee on August 30th, 2021, and at that time, there were a proposed district boundary amendment bill and a change in zoning bill. Two conditions were proposed to the change in zoning, which the Committee did pass out. I believe, it was UH's responsibility to come back with a unilateral agreement incorporating those two conditions. I apologize for the delay. It took quite a while to get back with the unilateral

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agreement, but it has been submitted to the current Committee, the Housing and Land Use Committee. And there's also a district boundary amendment with a unilateral agreement that's been submitted to Staff also. So, for some of you, this may be...may be a recap or a summary. And for some of you, maybe...you know, maybe it's the first time you're hearing the...the expansion plans. But let me start by...I'm going to show the location if I can get the slide to load. There we go. Okay. So, this is the location. The project occupies two TMK parcels in--on Moloka'i. And this is the project location. The two TMK parcels are shown here. The parcel on the right is where the existing Moloka'i Education Center is located. UH also owns the adjacent parcel, and the...the expansion would straddle both parcels. And I'll get into more about that in a minute. So, what is being proposed is a new classroom building and a multi-purpose building combined that's connected to the existing Maui Education Building. The multi-function classroom would be for classes, lectures, graduation ceremonies, community events, also proposed as a new storage building. Improvement of the grass parking lot up towards the top--if you can see the label, it says new grass parking lot--and a new detention basin, which is in about the center of the drawing. In summary, it's two TMK...TMK parcels. It's approximately five acres in total. I talked about the expansion plans, the multi-function classroom building. A multi-purpose building is approximately 3,300 square-feet. And we're here before you for the major land use approvals that will be required. I have more details of that, but we need a State land use district boundary amendment. It's less than 15 acres from the Agricultural District to the State Urban District. A change in zoning from the County interim zoning district to public, quasi-public, and we will go back to the Moloka'i Planning Commission for approval of a special management area use permit. And then after that, there's a--we'll subdivide or actually consolidate the two parcels into one parcel. Also needed is a flood hazard development permit. And those last two, the subdivision, the consolidation, and...and the flood hazard development permit applications have been submitted, but they're being held until the approval of the SMA. And then finally, there's building and grading permits. I'm going to ask Kelley to speak about the Moloka'i Education Center programs and importance.

MS. DUDOIT: Thanks, Tom. I just want to share a little bit more about the need for the expansion. So, as Chancellor Hokoana shared, we serve about 250 students currently at the...at the Moloka'i campus. And this is through programing that runs from (*audio interference*) workforce credentialing, all the way through graduate programs and everything in between. So we are the University of Hawai'i presence on Moloka'i, and we take pride in serving students and meeting them wherever their needs are. We have contributed to the diversification of our economy and filling critical workforce shortages in areas like nursing, teaching, health care. And the difference that the current site has made in the last 20 years is very substantial for our community, and we see the opportunity to grow that even further with this increase in facilities. We do want to offer additional programs. Throughout the pandemic, we realized there is this huge demand for short, noncredit workforce training, and we've been responding to that. But as we diversify and as the credit demand starts to pick back up again, we're...we're starting to realize those pains of having more demand than we can accommodate. And so, we see this facility expansion as critical for allowing us to move forward post-pandemic and



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satisfying both areas of need. We also provide a lot of community events, and so I'll go back to the most recent one, which was our Scholarship 'Aha, where we provide financial aid support for our community. We had families come together, and it was really unfortunate. We had over 100 students in attendance, and we tried to fit them into a classroom that can only fit 50. Because we had other classes running that night, we didn't have any space. The weather was really bad. We normally do overflow to our outside Kukui Grove area, but because the weather was terrible, we had to move everything inside at the last minute. The consequence of that is that students only could go into the room and didn't have their parents (*audio interference*) which is very detrimental when you're talking about financial aid and scholarship. And we realize that that's the biggest access barrier to education, is understanding the financing part. This expansion will allow us the flexibility to offer classes, but also to offer these critical fina...financial aid and other information sessions for our community when we increase that capacity to...to have a demand beyond 50 people. So, this will make a tremendous difference for our community, and we thank you guys for your time and consideration.

MR. SCHNELL: Thanks, Kelley. I'm going to run through some of the plans quickly. If we have questions about the plans, we can...maybe we can come back. But let me just show you the plan. The large area that has three divisions in it is the multi-purpose expansion classroom. The dividers, the walls in between are meant to be able to slide open, so it could be one large facility or three separate classrooms. There's also bathroom facilities down towards the bottom. And the existing Moloka'i Education Center is far off on the left. It's not really--sorry. On the right. It's not really shown, but in between is a...meant to be a native plant demonstration garden in between. We have a separate landscape plan, if you're interested in that, but just...just the basic floor plan. This is looking from the north elevation. It's a...it's a roof that slopes up with large windows. This is facing mauka to allow sunlight in and to allow these doors to be opened onto the grounds. So, if there's overflow gatherings, folks can be outside too. This is just the east side, east elevation. This is what it looks like from the south. This is the west elevation. Here's a 3-D rendering of the...of the building with a sloped roof, large windows in the front towards the inner campus, mauka view. Another side. And here's the existing...so, the existing building with the...with the campus or expansion next door. Quick environmental assessment for the project. That environmental assessment was completed February 8th, 2020. It received a finding of no significant impact. There was a public comment period. And besides that, we have had other public outreach and meetings on Moloka'i and by...by mail. I'll get to the heart of the matter. Why we're here today is the land use designations. Currently, the State land use district boundary of the parcel, the two parcels shown in pink, it's actually agricultural. We shaded it in pink to show proposed change to urban. But those are the two parcels. I wanted to point out that the reason why the center has been operating for the last 20 some years, since 1999, is because they're operating under a State special use permit, which allows educational facilities and similar types of facilities to operate in the State Agricultural District. The permit needs to be renewed every ten years. So, we're coming up on another renewal period. With the District boundary amendment, we would not need to keep on renewing the permit. And importantly, the last extension of that State land district boundary--or

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sorry, State special permit, there was a condition inserted that said, prior to any future expansion of the facility, the applicant shall acquire a State land use district boundary amendment for this property. So, per the condition of the permit, we need to acquire the State land use district boundary amendment first. This is the Moloka'i Island Community Plan. It's the 2018 version. The plan does designate this area as public, quasi-public. So we're not asking for any change from the Moloka'i Island Plan. The Maui zoning is interim right now. It's shown in pink hatched area. We would be requesting a change in zoning from interim to public, quasi-public. And this would conform the zoning to the community plan. A portion of the center or...or the expansion piece parcel is within the special management area. The existing Moloka'i Education facility is not in the SMA, but to proceed with the expansion, we'll need to obtain a special management area use permit. This is just a little summary flowchart, district boundary amendment, change in zoning, special management area use permit, and we would move into the lot consolidation and other permits. The reason why we're...we're here, again, since we passed out of the previous Committee, the Planning and Sustainable Land Use Committee, to consider as part of the change in zoning. So, here is the original condition shown on the left, and UH's proposed condition on the right. This is not a word-for-word, like, Ramesside version of the changes. I've highlighted the primary changes. Primary changes are shown in green. It would expand the uses. This had to do with uses that would be allowed on the property should Moloka'i Education Center vacate or UH vacate the property. . . .(timer sounds). . . I think the concern of the Committee at that time was that public, quasi-public districts allow things like crematoriums and wastewater treatment plants. So, the intent was that if UH would ever leave the property or sell the property, that somebody couldn't come along and build, you know, a use that wasn't, you know, an...an educational facility. So, it's basically limited to...to uses to educational facilities. What UH has requested to be added is that they wanted to specifically state that universities are allowed, and nursery schools and daycare centers that are part of college program in support of college students, faculty, and staff. My understanding is that the existing Maui College campus has a daycare center. You know, it's a big support to the students and staff. And then the second condition had to do with concerns over sea level rise. And in the event that sea level rise would eventually take over the site, that UH would demolish the facility and move the facility...all the debris offsite, off of Moloka'i. UH is asking for an expansion of that. That could either--so, the...the option with the approval of the County Planning Department would be to completely remove the facility and take everything off site, or to use it as a research facility to study the effects of sea level rise. But that would only be in concert with permission with the Planning Department. There is also an added portion down at the bottom concerning UH needing to allocate fundings for the removal for the research facility at this point rather than at a later date. I think David or others can explain a little bit more how their funding mechanisms work, but I think it's not possible for them to allocate the funds now 30, 40, 50 years in advance. And then there's a proposed conditions for the district boundary amendment from agricultural to urban. These conditions are...are required under HRS Chapter 205. They have to do about the right to farm. So, essentially, if you change to urban, you can't complain about farming practices on properties adjacent next to you, you know, whatever that may be. You know, agricultural operations, dust, dirt, chemicals, whatever.

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You...you have no right to complain. And that concludes the presentation. We have more information, and we're available to take questions. Quick summary. Thank you very much for your attention and listening.

CHAIR KAMA: Well, thank you very much for your presentation, Mr. Schnell. And thank you, everybody, for being here. So, let's go to testifiers, right? Oh, sorry. So, I'd like to say aloha kakahiaka and welcome to Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, Chair. Apologies for being late to your meeting. I'm glad to see Chancellor here. He's always a very big addition to our community. And thank you very much for this presentation.

CHAIR KAMA: I haven't seen you in a long time. . . .*(laughing)*. . . Okay. So, Staff, we can go to our testifier?

MS. LILLIS: Yes. Chair, if you wouldn't mind opening public testimony.

CHAIR KAMA: Okay.

MS. LILLIS: We do have one person signed up.

CHAIR KAMA: Okay. So let me read the--just for our testifier. Testifiers wanting to provide testimony should sign up in the lobby, join the online meeting link 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](http://mauicounty.us/agendas) as well. Under the Sunshine Law, the Chair will receive oral testimony for agenda items only as the item is called up. For individuals wishing to testify via Teams, please raise your hand by clicking the raise-your-hand button. For those calling in, please follow the prompts for your phone. Staff will add names to the testifier list in the order testifier sign up or raise their hands. For those on Teams, Staff will lower your hand once your name is added. Staff will then call your name you're logged in under or the last four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. If you wish to testify anonymously, please notify Staff. Otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you are done testifying, or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Channel 53, Facebook Live, or [mauicounty.us/agendas](http://mauicounty.us/agendas). We'll do our best to take each person up in an orderly fashion. We're now going to call on testifiers wishing to testify on HLU-11, District Boundary Amendment and Change in Zoning for the Moloka'i Education Center. Staff, could you please call the first testifier?

**. . . BEGIN PUBLIC TESTIMONY ON ITEM 11 . . .**

MS. LILLIS: Yes, Chair. The first testifier currently signed up is John Sarter, to be followed by

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Kaui Kapuni.

CHAIR KAMA: Mr. Sarter?

MS. LILLIS: Mr. Sarter, you're muted on your end. There should be a microphone icon at the top of your screen.

MR. SARTER: Sorry about that. I meant to sign up for the...after the AIA testimony on housing, actually. So, should I raise my hand during that presentation?

MS. LILLIS: Oh, thank you for that clarification. Yes. You--we'll...we'll put you down on the next item. Thank you.

MR. SARTER: Thank you.

CHAIR KAMA: Thank you, Mr. Sarter.

MS. LILLIS: Thank you, Chair. So, the next person signed up to testify--we're allowing their microphone and camera now--is Kaui Kapuni.

MS. KAPUNI: Can you hear me?

CHAIR KAMA: Yes.

MS. LILLIS: Yes, we can.

MS. KAPUNI: Okay. You know, this technology drives me nuts, you guys.

CHAIR KAMA: . . .*(laughing)*. . .

MS. KAPUNI: Okay. There we go. Ai-yai-yai. Okay. So, I'm...I'm specifying because I think I need to come from a point of the community and how the University of Hawai'i--this is the only link we have to higher education here on Moloka'i. The staff, Kelley and the girls, the staff at the facility have been a beacon to Moloka'i, especially for our underprivileged, underserved population. This is the only means of education here...higher education here on Moloka'i, so I just wanted to paint a picture of how Moloka'i is changing. It's subtle. Subtle changes, but it's changing. And so, my fear is that our kids, our community, will not be equipped with the new advances of the world and the new influx of people coming into Moloka'i with great business ideas. Great. And they can...it's because they can. I just don't want to see our Moloka'i people crippled or not...or disadvantaged, not having that advantage to be in the business know-how. Know how to do your business, know how to be successful in this community. And I really, really support the...the Institute of Higher Learning with our Moloka'i Education Center. I have been a product of the university system here in Moloka'i from many, many moons. I'm glad and happy to say that the three associate degrees that I've obtained here on island while living on island,

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supporting my kids as a single parent, being engaged with my family and with my community, it's only through this system. And so, I strongly support the expansion of MCC. I used to go to the old electric company. Then we went to our campus, went over to Donna Paoa, over to Kaunakakai School. And now we have this wonderful opportunities to expand. Also, I wanted to mention that the nursing program. We have no long-term care center here on Moloka'i. So, all of our kūpuna that needs nursing have to go off island. They cannot...they cannot see the end of their lives here in Moloka'i. So, there's a nursing program with the community agencies and partners to keep our nurses here in Moloka'i so that they can take care of the kūpuna in their homes, and hopefully, we have a long-term care center in the future. I know I'm probably going over time, but the message is this. The center, the University of Hawai'i campus is a beacon. It is to us here on Moloka'i. I support all the education, the higher learning education that this facility has provided and will provide in the future. I ask that you folks do comply--I'm sorry, not comply, but give us the green light, you know, to go ahead with this project. . . .(timer sounds). . . Okay. That's my...that's my clue. My cue. All right, you guys. Aloha to Kelley, and aloha to everybody. This land use stuff drives me crazy, but you guys know what you got to do. Thank you so, so much. Mahalo nui for the opportunity. Aloha.

CHAIR KAMA: Members, do you have questions for our testifier? None? Okay. Kauai, we have a question from Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

MS. KAPUNI: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Ms. Kapuni Manera, Aunty Kauai. Mahalo for your testimony. So, for clarification, you understand that the former Council did approve this project, but there were conditions that the UH system had to massage in order for it to be approved by the UH system. So, it was...it had already been given a green light. It was on the UH system to figure out.

MS. KAPUNI: Oh, okay. Oh, okay. So, you know, I got this--I have to be honest with you guys. I got this email a while ago. Didn't do my homework, but--oh, mahalo, Keani--as...well, then that's a good thing. That's a good thing then. So, yeah. I just wanted to show my support. Just show my support for our small college campus on Moloka'i.

COUNCILMEMBER RAWLINS-FERNANDEZ: Thank you for your support. Our college is wonderful. I appreciate Ms. Dudoit. Mahalo, Chair. Yeah.

CHAIR KAMA: You're welcome. Thank you. Members, any other questions for our testifier? Seeing none. Thank you so very much, Ms. Kapuni Manera.

MS. KAPUNI: Thank you.

MS. LILLIS: Chair, I see someone approaching the testifier --

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MR. LAW: Jasee Law. Aloha kakahiaka, everybody. I vote aye for this item, and I...I'm pretty sure they're teaching in 'Ōlelo, as well as English.

CHAIR KAMA: Members, any questions for our testifier? Seeing none. Thank you so much, Jasee, for your testifying. Staff?

MS. LILLIS: Chair, that's our last person signed up to testify on the Moloka'i Education Center item. If anyone would like to testify, please raise your hand in Teams by clicking the raise-your-hand button at the top of your screen, or press \*5 to raise your hand if you're connected by phone. We're going to give a brief countdown. Three, two, one. Chair, it appears no one else wishes to testify.

CHAIR KAMA: Thank you. So, Members, seeing as how there are no more individuals wishing to testify, without objection, I will now close oral testimony for this item.

CHAIR KAMA: And as a reminder, written testimony will continue to be accepted into the record.

COUNCILMEMBERS: No objections.

**. . . END PUBLIC TESTIMONY ON ITEM 11 . . .**

CHAIR KAMA: Thank you. We will now proceed with discussing this...the item on the agenda. Members, I will now call upon you for questions for our presenters, and I will ask Staff to set a three-minute timer for each Member so that all Members can get their questions asked and answered. So, if we need several rounds, we can do that also. So, at this time, we're going to ask our resources, right? We should call our resources, right? So, I'm going to--I want to ask--before the Members ask questions, I want to get back to what the...and get some input from...I--let's go to--let me see...let's go to the Department of Public Works for comment.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Can we do that?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'd really love to save you and everyone's time.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: We...we fully vetted this project.

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CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: The only obstacle was the conditions that --

CHAIR KAMA: The UH, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I put on there.

CHAIR KAMA: Yes. Are you good?

COUNCILMEMBER RAWLINS-FERNANDEZ: And we all supported--yes. Yes.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, the first one I think was Member Paltin's --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and then the second one was mine--my proposal. And I...I...you know, they brought out the big guns today, and . . .*(laughing)*. . . but I've been working with them on this Council proposal and on the conditions, and I fully support the...the project. I think it's an amazing project. It's--as Ms. Dudoit said, it...it's much needed.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Overdue, for sure.

CHAIR KAMA: For sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: But as far as the two conditions, I'm supportive of those conditions.

CHAIR KAMA: Okay. So, with that being said, Member Rawlins-Fernandez, I'd like to go to Member Paltin. Member Paltin, I'd like to hear your comments about this.

COUNCILMEMBER PALTIN: I'm okay with the amendment to the first condition that I put on. I did have a couple questions. In the architectural renderings, I didn't see any solar or PV. Is there any plans to...to put solar or PV, or maybe not, if not at the beginning, because, you know, electricity is expensive, and climate change, and all that. And then also, I thought that the storage area was a commercial kitchen, but it looks like, no. And then is this going to be built to any kind of EHPA standards, like, hurricane standards? Because, you know, after what happened for West Maui, every single park we had turned into kind of a community hub, you know? So, I'm thinking as we're building these kind

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of centers that are beneficial to our community, that we should also build them with the intention that if there's some kind of disaster and it's already being used as a community center, like, maybe we should also add, like, resiliency hub to that list on the first condition if it's a place where the community already chooses to gather. But wondering about solar. Didn't see it in the renderings. And what was the ultimate height that you're going towards? And I'm okay with the amendment to the condition that I put on, but maybe if you guys want to add resiliency hub to that list, if that's allowed in the PQP District, just based on recent past experience. Those would be my questions.

MR. SCHNELL: Thank you for your questions. I'll ask Ashley, who's with our architecture team, to respond to questions regarding PV and heights. And then we can--I think UH could maybe opine on using the facility as a shelter in the...in the future or --

COUNCILMEMBER PALTIN: Would Ms. Ashley also do EHPA?

MS. ONIKAMA: Hi. Okay. So, we don't have any PV in the project currently. However, we do have a single-slope roof, which would be a perfect place for PV in the future. So, yeah. No PV at this time, but future, definitely. As far as hurricane protection, all of the buildings and windows are going to be hurricane rated. So, it should be, you know, an ideal location for a resiliency hub for the community in the future.

COUNCILMEMBER PALTIN: What...what...what rating? 3, or what category of hurricane rating?

MS. ONIKAMA: So, this--all of the...the hurricanes are...is going to be rated to Miami-Dade. So, like, the Florida rating, yeah? So, they're all . . . *(timer sounds)*. . . going to be certified...certified for hurricane rated.

COUNCILMEMBER PALTIN: And then the height? Sorry.

MS. ONIKAMA: Oh, sorry. The building height is about 22 feet. So, we're not--it's going to be a single story. We're not planning to go multi story on this...on this project.

COUNCILMEMBER PALTIN: Thank you.

MS. ONIKAMA: Yeah

COUNCILMEMBER PALTIN: And Chair, I don't know if Mr. Hopper or who could say if we can add resiliency hub to that list on first --

CHAIR KAMA: . . . *(inaudible)*. . .

COUNCILMEMBER PALTIN: -- on the first condition, if that's allowed in the PQ.

CHAIR KAMA: Mister...Mr. Hopper?



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MR. HOPPER: I have the ordinance up, Chair. Let me take a look. Also, we could confirm with Planning. Like, as you correctly point out, while the conditions you can maybe list uses to help clarify things, we...we can't add things in the District that aren't already allowed. What was the...the...the language that you had...had discussed, resiliency what? I mean, I don't think it's something that's specifically listed, but, you know, there's sort of the general category of public...quasi-public uses or quasi-public facilities and public...public facilities or public uses. So, could you give us sort of a little bit more of a description of that? I could also look up the Title 19 definition. And since we have the Planning Director and Department here, I think they may be...be able to help with something like that as well because that's sort of a Planning enforcement question too, potentially.

COUNCILMEMBER PALTIN: The verbiage I used was a resiliency hub. And Member Rawlins-Fernandez mentioned temporary. But, you know, basically, when the community is in need, a place where people can come and receive supplies or give services, kind of like Nāpili Noho is to West Maui, or S-Turns, or what--other places where people received assistance during a disaster.

MR. HOPPER: Well, the definition of public...quasi-public use, well, first of all, the public facility is defined as a use conducted by a facility or structure owned or managed by the Government of the United States, the State of Hawai'i, or the County of Maui which provides a governmental function or activity or service for public benefit. This is part of the, you know, State-of-Hawai'i-owned parcel; I think you have an argument that a use like that would be a public facility. Now, as to--you know, and this would not be--if it's a listed use, it wouldn't be requiring them to do this unless there was a separate condition. This would be, you know, an allowed use, but it would be good to get Planning's opinion if something like that would already be considered a public facility by the definition. I...I think in reading the definition, it...it could indicate that that's something allowed. But again, while our office...our office could give legal advice, the Planning Department would be the department responsible for making that determination and enforcing it. So, I would want them to sort of give their opinion on whether something like that would be an allowed use under public facility or quasi-public. But since this is a structure owned and managed by the State of Hawai'i, I think that there's an argument to that effect, that that...that would be an allowed use.

CHAIR KAMA: Um-hum. So, Member Paltin. Planning. So, is Kate here? Okay. There she is.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: While our Planning Director...or Interim Planning Director --

CHAIR KAMA: Yes?

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- is stepping to the podium, can she also opine on the temporary nature of it and if it would need to be added to the condition? Mahalo, Chair.

CHAIR KAMA: You're welcome.

MS. BLYSTONE: Acting Director Kate Blystone here. So, I'm receiving text messages from...from Moloka'i. I...I have Sybil Lopez on. She has a couple comments as well. But overall, I would say that I agree with...with our Corp. Counsel that this is a public use, and...and the resiliency hub fits within that public use. I think the thing that makes it tricky is it's within a--the hazard zone, the inundation zone. And so, for certain...certain things, you wouldn't want to put that as a resiliency hub. But for fire, if you're talking about fire, that might be an appropriate place for it. So, that's...those are our only conditions or concerns. I'm sorry. Councilmember Rawlins-Fernandez --

COUNCILMEMBER RAWLINS-FERNANDEZ: Temporary.

MS. BLYSTONE: Temporary nature of the--can you...can you go a little deeper into that question?

COUNCILMEMBER RAWLINS-FERNANDEZ: So, the intention of it is to be an education center --

MS. BLYSTONE: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- not to become a resiliency hub and remain --

MS. BLYSTONE: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- as a resiliency hub. If it became a resiliency hub, it would only be for the time that it would be needed to...to serve that purpose.

MS. BLYSTONE: Correct. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then would continue on as an education center?

MS. BLYSTONE: Correct. Yeah. And I mean, it would probably be associated with some sort of emergency proclamation as well, so that we would probably use the same kind of rules that we're using now in this case. Does that help?

CHAIR KAMA: Is that good? Oh, okay.

COUNCILMEMBER PALTIN: Yeah. So, I...I...what I gathered from that is we don't need to specifically write it in; it would be okay?

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MS. BLYSTONE: Correct.

COUNCILMEMBER PALTIN: Okay. All right. So, I'm...I'm okay with the amendment to the condition that I put on.

CHAIR KAMA: Thank you, Member Paltin. And if you don't mind, I'd like to get Sybil Lopez to weigh in on this. I...I know she's a Moloka'i planner, and therefore we want to be able to see--or at least I'd like to hear what she has to say. Sybil, are you there?

MS. LOPEZ: Hello, Chair Kama. Aloha.

CHAIR KAMA: Aloha.

MS. LOPEZ: Aloha, Commission...Councilmembers. Thank you for having me, and thank you for allowing me to address the...the concern that is on the table right now, Chair Kama.

CHAIR KAMA: Um-hum.

MS. LOPEZ: I...I do agree with both Corp. Counsel Hopper and my Planning...the Planning Director, Kate Blystone. It is, according to the Maui County Code Section 19.31.020, as a permitted use, as long as it's stated, as they said, the public facilities for public uses. And so, I am hoping that Councilmember Paltin will be comfortable with that in the case as such. In an emergency, we can identify as a community as...as this area for a temporary holding area, or as what you called it, resiliency hubs. Thank you. And...and that's my comment. Mahalo.

CHAIR KAMA: Thank you, Ms. Lopez. So, Members, do you have any other questions for our presenters? Okay. Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to invite Ms. Dudoit to speak to the solar that has been installed.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: It...it was installed by some of the students --

CHAIR KAMA: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and that was part of the cohort. So, Ms. Dudoit?

MS. DUDOIT: Yeah. So, we do have existing rooftop solar on our...our facility. And that was a partnership with one of our noncredit programs for solar PV installer certification, where we had students going through the program and actually gaining practical hands-on knowledge by doing the installation.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. And then I had one question, maybe for the architect or for Ms. Dudoit. So, the...the...the existing Education Center has two peaks representing our two mauna, Kamakou and Maunaloa. Does the new building have any symbolism to it? So, it's design. Or Chancellor? . . .*(laughing)*. . .

MR. SCHNELL: I can answer that questions briefly. From my understanding that the new center was meant to complement the existing facilities and the symbolism of the existing facilities, but not dominate it and overshadow it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Such as the planes. Okay. Mahalo. Those are all my questions. I fully support the project. And mahalo to everyone to...you know, for working hard on...working with us on the conditions that we proposed a few years ago. I...you know, I don't regret it. I...I'm sorry that it's...it's taken this long for the expansion to come to fruition. But I think that discussions like this--I understand that this was the first at UH system, and, you know, for the UH attorneys, you know, I...I hope that this is something that becomes more front of mind, you know, acknowledging the impacts of sea-level rise and other impacts from climate change, that being this forward looking and learning from past practices of industries. And, you know, this is...it's not about UH, but, you know, like, the pineapple industry, whose black plastic is still, you know, everywhere in our ag fields, down to our ocean. You know, the chemicals that were used by other industries, the agrochemical industry. Pineapple was that contaminated our wells. You know, there...there hasn't been that kind of accountability, I think, by government necessary for the health and safety of our future generations. And so, with these conditions, that was a thought process behind it. That we, as Government . . .*(timer sounds)*. . . take a more active role in holding accountable, when necessary, our future generations...for our future generations. Mahalo, Chair.

CHAIR KAMA: Absolutely. You're very welcome. Member Sugimura, and then we'll go to Member Paltin. You want to jan-ken-po? . . .*(laughing)*. . .

COUNCILMEMBER SUGIMURA: . . .*(laughing)*. . . Okay. I just wanted to say, you know, first, we fully support this. And in light of what I said earlier about our Chancellor, I...I think this so fits your philosophies that you have given us in the community, you know, with all the opportunities for the colleges. You are expressing, I think, how you lift a whole community forward and the next generations. I really value Kauai, who testified, and seeing she is a...she is a shining example of the beacon of hope that exists for somebody that can take advantage of this opportunity. So, thank you. Everything--I'm glad to hear that there's solar because I was going to ask that question, just because you're noted for your solar parking lot panels that are installed that have saved, I'm sure, millions of dollars because of that kind of foresight. And I want to thank David Tamanaha, who I've worked with outside of...with my many community events. And UH Maui College has always been there in partnership for the work and things that I have done with Maui Matsuri. And thank you, Chancellor, for allowing it to, you know, happen at the Maui campus. I want to take this opportunity to say that you always go over and beyond. So,

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Chair, I support this, as I think all of us do. And your next steps forward are...you're going to put it on the Council agenda for --

CHAIR KAMA: Um-hum.

COUNCILMEMBER SUGIMURA: -- approval? Okay.

CHAIR KAMA: Thank you.

COUNCILMEMBER SUGIMURA: Thanks.

CHAIR KAMA: Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just had one more question based on the rendering. Is that antenna...is that for Wi-Fi?

MR. SCHNELL: That's an existing facility. It's a cell phone tower. It's existing --

COUNCILMEMBER PALTIN: Oh.

MR. SCHNELL: -- and already permitted.

COUNCILMEMBER PALTIN: That's already there?

MR. SCHNELL: Yeah.

COUNCILMEMBER PALTIN: And then so you guys have Wi-Fi through that or --

MR. SCHNELL: I think Kelley could better address that question.

MS. DUDOIT: That antenna is for--it's...it's a Verizon facility, so it provides cellular service throughout the island.

COUNCILMEMBER PALTIN: Oh.

MS. DUDOIT: But we do have Wi-Fi --

COUNCILMEMBER PALTIN: And --

MS. DUDOIT: -- through the building. Yeah.

COUNCILMEMBER PALTIN: Is the Wi-Fi...it works good?

MS. DUDOIT: Oh, yeah.

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COUNCILMEMBER PALTIN: Okay.

MS. DUDOIT: It's phenomenal. . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: And that's provided through --

MS. DUDOIT: University of Hawai'i. I believe they run off of--David might be able to better answer this question, but I believe they use Hawaiian Telecom cables.

COUNCILMEMBER PALTIN: Oh, fiber optics?

MS. DUDOIT: Yeah.

COUNCILMEMBER PALTIN: Oh, wow. Okay. Thank you. That satisfies my question.

CHAIR KAMA: Okay. Very good. Thank you. Okay. Members, any other questions? Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I have a few questions. It's really interesting to see the plans, and I'm...I really like what you guys are going for. So, some of the questions I'd like to ask is about the daycare facility. That's wonderful. What a great service. Will the daycare expand with the new building and will the...or will the daycare have kind of an increase...will increase the capacity? That's one of my first questions.

MS. DUDOIT: So, we don't currently offer daycare, but I think that's just for future planning.

COUNCILMEMBER JOHNSON: Oh, okay.

MS. DUDOIT: Yeah.

COUNCILMEMBER JOHNSON: All right. Thanks for that clarification. Who owns the surrounding farmland? Is...is it owned by...who owns it? Do you know?

MS. DUDOIT: Moloka'i Ranch.

COUNCILMEMBER JOHNSON: Oh, okay. Thank you for that clarification. And is there any...any talk of making it LEED certified or anything on that level?

MR. SCHNELL: I'm sorry. Can you repeat the question?

COUNCILMEMBER JOHNSON: Is it--are you planning to make the building LEED certified?

UNIDENTIFIED SPEAKER: Ashley?

MS. ONIKAMA: Sorry. No, not at this time.

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COUNCILMEMBER JOHNSON: Okay.

MS. ONIKAMA: No.

COUNCILMEMBER JOHNSON: Okay. Those are my questions. Thank you so much.

CHAIR KAMA: Members, any other questions? Okay. Seeing none. So, this is what your Chair would like to do. I would like to entertain a motion to recommend passage on first reading of the revised proposed bill, noted in paragraph 3 of your agenda entitled, "A Bill For An Ordinance To Amend The State Land Use District Classification From Agricultural District To Urban District (Conditional Boundary Amendment) For Property Situated At Kaunakakai, Molokai, Hawaii, Tax Map Keys (2) 5-3-003:013 And (2) 5-3-003:014."

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR KAMA: So, Member Rawlins-Fernandez moved and Member Sugimura seconded? Okay. Thank you. Member Rawlins, would you like to speak on the motion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. I'll make it short since I kind of already shared my comments, but I fully support the project. I think the next step is going to the Planning Commission for the SMA major permit. And I'd be happy to support it at that time as well. Mahalo for your work in doing this and for serving all of the community. Moloka'i Education Center does excellent work, as well as, you know, the entire UHMC facility. Yeah. I...I--hopefully we will be able to get solar and we can use the opportunity of installing a solar project on this building for a next cohort as we make our way to 100 percent renewable independence on Moloka'i. Mahalo, Chair.

CHAIR KAMA: Member Sugimura, any comments, discussion?

COUNCILMEMBER SUGIMURA: I think that...I think the college is...is answering questions of the future, and I support this completely. Thank you. Thank you very much. And I remember when this was going through discussions about having the concerns about removing the building if the use should change, and I just want to say that I hope that use never changes. And I hope that you expand more and provide more opportunities, and we don't have to ever deal with will the...will your Board ever have to make that decision about how to pay for such an expense. So, keep on forging forward, and let...let us rise and help Moloka'i in every way possible. Thank you.

CHAIR KAMA: Okay. Thank you. Any other discussion from the Members? Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: I--mahalo, Chair. I just wanted to clarify for the

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record it's...it's by the ocean. So, you know, as sea level rises --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- we can't stop the ocean from, you know --

CHAIR KAMA: Rising.

COUNCILMEMBER RAWLINS-FERNANDEZ: Rising. . . .*(laughing)*. . . And the islands from eroding. So, that...that's the reason, the background for the...the condition, not...not because it would be used for something else. Mahalo, Chair.

CHAIR KAMA: You're welcome. So, Members, I'd also like to note that the revised proposed District Boundary Amendment Bill has been approved as to form and legality by the Corporation Counsel, and it can be found under Granicus number 10. So, Members, if there is no other discussion, can we just call for just a vote?

COUNCILMEMBER SUGIMURA: Roll call.

CHAIR KAMA: You want roll call?

COUNCILMEMBER SUGIMURA: Yeah. Oh, no. No roll call.

CHAIR KAMA: Okay. Okay. So, all those in favor, please raise your hand, say, "aye."

**VOTE:        AYES:    Chair    Kama,    Vice-Chair    Cook,    and  
                 Councilmembers                   Johnson,           Paltin,  
                 Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:    None.**

**ABSTAIN:    None.**

**ABSENT:    None.**

**EXC.:    Councilmembers Lee and U‘u-Hodgins.**

**MOTION CARRIED.**

**ACTION:    Recommending FIRST READING of revised proposed District Boundary Amendment bill.**

CHAIR KAMA: I see seven "ayes," two excused, Chair Lee and Member U‘u-Hodgins. Okay. So, Members, I would like to now entertain a motion to recommend passage on first reading of the proposed bill noted in paragraph 1-B of your agenda entitled, "A Bill For An





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MS. GRECO: Excuse me, Chair.

CHAIR KAMA: Yes?

MS. GRECO: I'm sorry. We voted on the amendment --

CHAIR KAMA: Yes.

MS. GRECO: -- that you mentioned, and then we also need to vote on the main motion as amended for --

CHAIR KAMA: Right.

MS. GRECO: Yes.

CHAIR KAMA: Thank you. Sorry. Getting ahead of myself here. Okay. All those in favor of the amendment to the motion, right? The motion as amended, please raise your hand and "aye."

**VOTE:           AYES:   Chair    Kama,   Vice-Chair   Cook,   and  
                  Councilmembers   Johnson,   Paltin,  
                  Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   Councilmembers Lee and U‘u-Hodgins.**

**MOTION CARRIED.**

**ACTION:   Recommending FIRST READING of revised proposed Change  
          in Zoning bill.**

CHAIR KAMA: Seven, two--excused is Member Lee...Chair Lee and Member U‘u-Hodgins. Okay. Now, the next motion to recommend the filing of County Communication 21-286. All those in favor? I mean, I need a motion.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR KAMA: Okay. Member Rawlins-Fernandez and Member Sugimura. Those are where my



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**ITEM 3(14): EXPEDITING HOUSING WITH PREAPPROVED PLANS (Rule 7(B))**

CHAIR KAMA: We're now on HLU-3(14). Members, in the 2015/2016 Council term, there was a temporary investigative group exploring actions that the County could take to address the shortage of affordable housing. One of the recommendations was the establishment of a set of registered plans for housing that could be used by landowners to reduce the design costs associated with housing. My understanding is that there are a number of registered plans available for use, but widespread adoption of those plans has not occurred. Some believe that the license fee associated with those registered plans has deterred their use. The August 2023 wildfires dramatically worsened our already terrible housing availability and affordability situation. In that light, the American Institute of Architects, Maui Division reached out to my office to inquire what local architects could do to help address our housing shortage. Today, we have AIA Maui President David Sellars and Vice President Jeremy Stoddart for a subject matter discussion of pre-approved plans. Let us receive their presentation, hear testimony, and then we can explore this subject further. Mr. Sellars and Mr. Stoddart, would you like to proceed with your presentation?

MR. SELLARS: Yes. Thank you. Thank you for having us. So, first, I just want to introduce myself. My name is David Sellars. I'm the Principal Architect of Hawai'i Off-Grid Architecture and Engineering. And the Council will be happy to know we put solar panels on everything. So, just to spell that right away. So, I am the president of our AIA chapter. And I'm based in Haiku. And this is Jeremy. I'll let him introduce himself.

MR. STODDART: Aloha. My name is Jeremy Stoddart. I work with Pili Design Build. Our offices based here in Wailuku. I moved here from--to...I moved to Maui from the mainland in 2011, and I've...I've worked as an architect here since. I have lived and raised my family in Lahaina Town.

MR. SELLARS: All right. So, thank you for having us to talk about this. We're just really excited to be able to be part of the conversation and part of the solution for our community. I want to just give a little bit of background about the AIA and AIA Maui. So, the American Institute of Architects is a...it's a trade organization. It's the largest in the world, and 100,000 architects strong in the United States, 65 here on Maui, 1,000 in Hawai'i in general. We've been responding to disasters for 70 years. We have a disaster response team. It's provided a lot of education and training for us. And we're...we've actually started out sort of as an organization that was somewhat public-private. In 1970, the AIA Maui started to take shape here. And one of the members was the Planning Director at the time, along with local architects and landscape architects. One of the things that I think is really important is for you to understand our ethics, and main ethic, of course, is to be a reputable and a, you know, committed architect. The second is to our community, and so that's why we're here today. And I really appreciate that because our third canon of ethics is, you know, to our clients. So, the community is over our clients, and that's why we're here today. Our organization is voluntary based, so we're here on

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our own time, and we're happy to do so. So, I'll have Jeremy just talk about some of the resources that we've already been gathering.

MR. STODDART: So, shortly after the fire, the AIA Maui chapter expanded their website to include the Maui Fire's recovery section. There...there's resources to link people to national and local support resources, and also includes links to County updates, bulletins, so on and so forth. In addition to those resources, the...the website includes a list of local architects and links to their specific fire response programs and...and connection to those...to those architects. This list is growing as...as we...as we move along. It's growing every day. So, one of the things we wanted to address is what we were asked to talk about today, which is design register plans and to just get into a little bit more detail about that. So, as you know, the design register plans have been a process that the County's had for quite a while. Typically, it's used when a developer wants to build out a complete subdivision, and they want to reuse a set of plans over and over. So, they'll go through the process of having the Plans Review Department review those plans for Code conformity, structural conformity. And then they get to bypass that as they move forward. And then they need to draw a site plan for each of the TMKs that shows the footprint, and then they can list that design registered plan. There's a small fee to do this. It's typically covered by the developer or the architect that's, you know, doing the design registration. And so, that's how it's typically used, but we also agree with many of the Councilmembers that there are opportunities to use it to respond to our local situation and disaster that we're trying to deal with. So, one of the benefits is that they have been pre-approved by the Plans Review division. The second is...is that they kind of circumvent the design time. So, not everybody has the luxury of spending months and months with a designer or architect to develop a design, so these are already ready to go. We know there's 65 architects on Maui, 1,000 in the State. We know we have thousands of residences that we need to replace, and we're thousands of residences behind in the County in general. So, we've got our work cut out for us. So, anything that we can do to create efficiency and speed things up, even if it's just a little bit, we should be employing it. It's going to take many different solutions, and that's something we want to be clear of. This is just one solution, and there are things that potentially can be improved on this system to respond to this exact disaster. One of the things that we've already talked about with the DSA and, you know, one of their concerns that they mentioned is that if it is a pre-approved design, then it can't be altered. You know, you can change the colors, but you can't, you know, move a wall. It...it would just, you know, stop everything. So, it does need to...to remain exactly the same. And then the other thing is that there are other agencies that need to review this. Water, Wastewater, Department of Health. So, there's a number of other agencies that this does not circumvent, as well as Planning, so...so, we did just put out a request to some of our members to provide some plans that they would be willing to donate for, you know, our community members to use. And not specifically just people that are displaced in Lahaina, but we realize that, you know, there's going to be some time before we can rebuild there. So, anywhere we can get housing in the County is going to respond to the...the recent disaster. There's been a pretty good response so far, and we've...we've started to build this database of pre-designed plans that...that in...in theory, can go get registration and be a fast track for

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people. The...the body of work that's showing up varies from two-story houses to single-story houses. And the styles, the...the design aesthetics all vary. The idea is really to give people options to...to put as much out there for people to choose from, cut down on...on the...the idea that there's going to be tract housing or cookie cutter design in Lahaina. And I think that that's a really important aspect. And a lot of what's...what's shown up in our...our call to our members is...is small...small houses, ADUs. And we...we feel really strongly about the viability and the value of...of these as...as solutions, not only for...for primary dwellings, for people to rebuild, but also long term ADUs and...and providing as much housing as...as we...as we can down the road. Some of the examples are really small. You know, a lot of...a lot of the designs are applicable to...to multiple site conditions and...and a lot of different types of configurations. So, one thing we want to talk about is the process. So, typically, you know, regardless if you're using a set of design register plans or go with some type of professional that's familiar with, you know, building a home, right? Like I mentioned before, you have to draw a site plan. That's--a lot of information is in the site plan. It's one of the most important things. I mean, just speaking from personal preference or personal opinion, site specific design and making sure you're placing the house correctly--we'll talk about some of that moving forward--but, you know, preparing yourself--and if I can mention one example, it would be Los Angeles. They passed an ADU bill several years ago, and architects locally stepped up and donated plans for the community to use. And there's a database, so people from the community can go on, select the plan that they want, and then there's a link to connect with that architect. And then that architect and the...and that community member, property owner work out any of the details that they need to. So, not necessarily, you know, is there an across-the-board licensing fee or anything like that. There will be some time that it takes to prepare that site plan for the permitting process. We need to make sure that we're, you know, not in any setbacks. There's no easements, there's proper parking, utilities. All of those things need to be taken into consideration to...to be able to apply for permits properly.

MR. SELLARS: Right. And in...in addition to those, I--the...the restrictions that David has...has outlined, the...the utilities, the zoning restrictions, all of those things need to be defined in our design process in and of itself. And while the house--a pre-registered or pre-designed plan is...is designed, the...the site design is...is still a significant component to the...the ultimate approval of...of these designs.

MR. STODDART: You know, a couple things that you need to be aware of, of course, is, you know, the size of your water meter, the number of fixtures. You know, we have a lot of properties that are eligible to have two ADUs now, as well as a main dwelling. It is difficult to have two ADUs and one main dwelling with a 5/8ths meter. So, those are one of the constraints. Access to sewer. Of course, we have neighborhoods in Lahaina that are still on cesspools, so I know we're...we're in constant conversations about that as we're looking at redevelopment. Parking, obviously, that's another issue. We need two spots for the main dwelling and one for each ADU. Proximity to fire hydrants, right? That's also another big one. And then if you're not in the correct proximity, you don't have the proper right of way. And we do require...or the County requires fire sprinkler systems, which we

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are big proponents of as well. It may not be totally applicable, but what we do run into a lot of times in the permitting process is many times, there are nonconforming structures on the property. And I know that...that may not be applicable totally, but in this situation, it's something to be aware of. And then our typical setbacks, right? So, most urban lots have a 15-foot front, 6-foot side setbacks. It...it increases on the side and back ten feet if it's a two-story property. And then there's a ten-foot fire separation between each...each...each structure on the property. So, under the IRC or the International Residential Code, we can have two dwellings attached. So, you could have a main dwelling and an ADU attached to it, you know, and not have to deal with some of that fire separation issues. Here's just kind of an illustration of some of those things that we need to know and how we would go about that as we place it on the site, showing the setbacks, parking, any easements that exists, location of utilities, fire hydrants, et cetera. So, you can see that there's still a fair amount of...of thought that needs to go into...to each pre-designed plan. And it really is...is...could be the difference between making a property or a house livable and not livable. And the...the orientation of...of that house on that site can...can mean the difference, particularly with solar panels and...and heat gain issues like we have in Lahaina. All of those considerations are...are really important in the planning and design of a...of a house, whether it's been pre-designed or not. Just the location of that house on the site is really critically important. What I would say, too, is that another one of our key canons of our ethics is to the environment and sustainability. So, one of the things we want to make sure of that doesn't always happen--it hasn't happened in the past--is that when we pair up a property owner with a designer or architect that's provided design registered plans, we hope that that designer architect has an opportunity to talk with the property owner. And, you know, it could be as simple as reversing a floor plan. We want to make sure that those houses are livable, not just from an active standpoint of solar design, like having PV panels, but passive solar, right? So, we don't want windows facing south or due west as much as possible. We want to make sure they have overhangs, that they're appropriate for the place that they are being built, right? So, we always, you know, really emphasize the solar path, the prevailing winds. These are things that are really important for the comfort and livability of those properties. So, that concludes our presentation. So, thank you, again, and we look forward to discussing more.

CHAIR KAMA: Okay.

MS. LILLIS: Chair, we do have one individual signed up to testify.

CHAIR KAMA: Okay. So, thank you very much for your presentation. We're going to allow the testifiers to testify first, and then we'll come right back to you for questions that the Members might have. Okay. Do I have to repeat the whole--okay.

MS. LILLIS: No, Chair.

CHAIR KAMA: Okay. Let's call our first testifier.

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MS. LILLIS: Thank you, Chair. Our first testifier is John Sarter, to be followed by the individual signed in as Johann.

**. . . BEGIN PUBLIC TESTIMONY ON ITEM 3(14) . . .**

MR. SARTER: Mahalo, Councilmember and...and David for that excellent presentation. I...I think this is a really great solution. For a little background, I've been a designer builder on the mainland for the last 40 years. So, David's covered all the bases here. It looks really great. There are, however, going to be situations, as he's noted, that, you know, the...

MS. LILLIS: Chair, it does appear as though he has disconnected. We can try to get back in touch with him or recognize him when he rejoins the call.

MR. SARTER: I'm sorry. Can you hear me?

MS. LILLIS: Yes.

MR. SARTER: Sorry about that. I guess I didn't unmute. I...I just want to commend David on the presentation and the concept. It's really great. I know he's a very capable architect. I've been a designer builder on the mainland for the last 40 years. And as David said, there's going to be situations where the pre-registered plans won't be able to be applicable. And...and there's insurance requirements--actually, mortgage requirements. My mortgage company, for instance, is going to require me to build essentially the same size and same layout of house, basically, so that they that they will continue to...to honor my mortgage. And I--that leads me to wondering where the expedited permitting process in general, is that it's been...it's been six months now, and without the guidelines from that expedited process, I can't even begin to plan a house because I don't know what the rules will be. I don't know if it's going to have to be exactly the same or if there's going to be any modifications at all allowed and that type of thing. And I know that the Department is working on this, but as I said, it's been six months, and a lot of people like myself--I have a time limit at which my insurance money for loss of use is going to run out. And then I have a mortgage. No potential income or a place to live from it. So, I'm...I really want to ask the Council to press the Departments to get the expedited permitting process in place so that everybody can . . . *(inaudible)*. . . the plan and rebuild. Thank you for your time.

CHAIR KAMA: Members, any questions for the testifier? Seeing none. Thank you so much. Staff?

MS. LILLIS: Thank you, Chair. The next individual signed up to testify is Johann, who is unmuted on our end, to be followed by Suzanne Taylor. Johann, you need to unmute on your end. Johann, you do appear unmuted on your end, but we still cannot hear you, unfortunately. You may need to check your microphone settings. We will come back to



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you, though. The next to testify is Suzanne Taylor. Suzanne, you should be able to unmute on your end.

MS. TAYLOR: Okay, now. Can you hear me now?

MS. LILLIS: Yes.

MS. TAYLOR: This is Suzanne Taylor. We're a farm owner up in Kula. And someone had mentioned earlier about some licensing fees. Could you speak to that, please? And --

MS. LILLIS: We beg your pardon. You can ask questions at this time, but we can't respond to you.

MS. TAYLOR: Okay.

MS. LILLIS: Feel free to continue your public testimony. I didn't mean to cut you off.

MS. TAYLOR: I was just asking, somebody had mentioned licensing fees, and I didn't see that in the presentations. So, I was just curious what they are.

MS. LILLIS: Does that conclude your testimony?

MS. TAYLOR: Yes. Thank you. Thank you. Mahalo.

MS. LILLIS: Thank you.

CHAIR KAMA: Yes, Member Paltin?

COUNCILMEMBER PALTIN: I guess my question is you wanted to know what the licensing fees are in case you needed to pay them...pay the licensing fees?

MS. TAYLOR: No.

COUNCILMEMBER PALTIN: Ms. Taylor?

MS. TAYLOR: No, thank you. I was curious to what they mean. Like, what's the definition of licensing fee, not the amount of the fee.

COUNCILMEMBER PALTIN: And...and --

MS. TAYLOR: And where that is in the process of this planning for pre-approvals.

COUNCILMEMBER PALTIN: And that question would be for the AIA folks or the County?

MS. TAYLOR: I...I don't know because I don't know what they are. He had--I believe the AIA

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folks had mentioned the licensing early on in the conversation.

COUNCILMEMBER PALTIN: Um-hum.

MS. TAYLOR: But I don't know if that licensing refers to something that the County requires, or if the person...if the person who owns the plans requires or donates to plans.

COUNCILMEMBER PALTIN: The person --

MS. TAYLOR: Thank you.

COUNCILMEMBER PALTIN: -- who owns the plans or the--what was the other one or the person?

MS. TAYLOR: Whether it's a County licensing requirement or if it's the owner...or the designer of the plans that either donated it or somehow get into the queue.

COUNCILMEMBER PALTIN: Got it. Okay. Thanks. I'll try ask that when we --

MS. TAYLOR: Thank you.

COUNCILMEMBER PALTIN: -- come to the discussion phase.

MS. TAYLOR: Thank you.

CHAIR KAMA: Members, any other questions for our testifier? Seeing none. Thank you so very much, Ms. Taylor. Staff?

MS. LILLIS: Chair, the next individual signed up to testify is the number ending in 6421, to be followed by Jerry Isdale. The number ending in 6421, Please hit \*6 to unmute.

MR. NAKOA: Howzit. You guys can hear me?

MS. LILLIS: Yes.

MR. NAKOA: Yessir. Okay. Well, just checking in on--okay. Me, I'm all for expediting the permits, eh, for Lahaina. But, I like...make sure this guy, the architect guy, the one having these pre-plans, is credible. The guy, David Sellars, I heard some stuff, when, you know, he...he gets some unpermitted--what you call--sewage stuffs in Kula. He...he...he bragged about...he even bragging to some of the neighbors that he get people in the County that he...you know, he can finagle or whatever. So, eh, like I said, I'm all for expediting permits, but I don't like crooked guys doing them. We don't need get screwed again up in Lahaina, yeah? So, I'm just...I scared. I scared when you get these guys like this, and that's all. You got to ask this guy, what...what--you know, if you get any illegal unpermitting [*sic*]...unpermitted properties or projects that has been gone through the

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Planning Department like that because I know a couple from the neighbors. So, I just like make sure the people that we try to listen to for...put up and expedite the plan is not people who going to jam us up. We tired get screwed up, you know, like, we are with the...the, you know, with our Mayor and our Governor. We tired get screwed in Lahaina. And we just, like, make sure we're doing them the right way the first time because we already, like everybody's saying, it's six months behind. We tired. We like...we like hurry up, but at the same time, we like make sure we're doing them the right way. Okay, brah. So, we'll--double check on this guy. I know...I know I no can ask him questions or whatever, but I know you guys can, so give them...give him heck. Give him heck. Okay. You guys have a good. Peace out. Yessir. I don't know how you end this buggah. But mute me, please, before I going swear.

MS. LILLIS: You can hit \*6. Thank you for testifying. And if you would like to ---

CHAIR KAMA: Members?

MR. NAKOA: Yes?

MS. LILLIS: If you could provide your full name?

CHAIR KAMA: Questions for our testifier? Yes. Member Cook?

VICE-CHAIR COOK: Junya?

MR. NAKOA: Oh, okay.

CHAIR KAMA: 6421.

MR. NAKOA: No.

VICE-CHAIR COOK: So, my clarifying question is --

MR. NAKOA: Junya Nakoa. Junya Nakoa. My bad. Junya Nakoa. Sorry, I don't know how to operate this whole thing yet.

VICE-CHAIR COOK: I kind of recognized your voice, so I took the liberty of . . . *(inaudible)*. . .

MR. NAKOA: I think everybody does. . . *(laughing)*. . .

VICE-CHAIR COOK: So --

MR. NAKOA: I don't think no can hide my voice.

VICE-CHAIR COOK: My clarifying question, I heard...basically, what I heard your concern is that people who are involved in the process need to be credible, and I would agree with

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that. So, I just wanted to clarify that everybody...anybody in this process will be well vetted and reputable because the County--in order for the County to deal with people for permitting and whatnot, especially with what the...is being proposed, is going to be kind of blazing new ground, clarifying existing rules, creating new rules. And that's going to take people with the right credentials and qualifications. So, would you be in agreement that this is a good idea if this people are reputable?

MR. NAKOA: 100 percent. And I'm glad you brought that up. Again, I no more too much trust in this Planning Department for years. You know, we had the big project down here in Nāpili Bay that got screwed because of the Planning Department. And so, I just saying, if you guys going through the process, you guys get the power. All nine of you guys. We put it into your guys' hands for make sure these guys are reputable because I no more no trust in this Administration, and especially the Planning Department because they screwed us Lahaina people up so many times.

VICE-CHAIR COOK: Thank you.

MR. NAKOA: Mahalo, braddah.

VICE-CHAIR COOK: Okay. Mahalo. You answered my question. You have a great day. Aloha. That's it, Chair.

CHAIR KAMA: Thank you, Mr. Cook. Members, any other questions? Seeing none. Staff?

MS. LILLIS: Chair, the next individual signed up to testify is Jerry Isdale, to be followed by Ashley Gonzalez.

MR. ISDALE: Aloha. Am I unmuted and working?

CHAIR KAMA: Yes.

MR. ISDALE: Okay. I wanted to say I'm fully in support of the AIA proposal. I've talked with them--not these two people--testifiers, but others in the association in the past about the the...the...the idea of pre-approved plans. It works--I think it would be a big help to the planning and to the community. I do wonder, somewhat unrelated but related, the State is moving quickly forward on the Lele Development District, and that, according to what I read, would take much of the planning out of Maui County's jurisdiction. I don't know if this is the forum to discuss that, but if anybody has any statements of that, I'd love to hear about it. Thank you.

CHAIR KAMA: First question for the testifier? Member Paltin?

COUNCILMEMBER PALTIN: I...I thought the Senate was having a hearing on that today. That would be the place to testify to it. Are you able to do that or--I mean, we're not the decision-making body. That's the Senate. And I think that you should let them know

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how you feel.

MR. ISDALE: I...I would love to tie in on that. I've got four different committees and other things happening today that--here and the broadband, and so forth. And a symposium I'm supposed to be in. I can only do two at once.

COUNCILMEMBER PALTIN: Yeah. I--join the club. Thanks.

MR. ISDALE: . . .*(laughing)*. . .

CHAIR KAMA: Members, any other questions for the testifier? Seeing none. Thank you very much, Mr. Isdale. Staff?

MS. LILLIS: Chair, the next individual signed up to testify is Ashley Gonzalez, to be followed by Johann.

MS. GONZALEZ: Hi, my name is Ashley Gonzalez. Can everyone hear me?

CHAIR KAMA: Yes.

MS. GONZALEZ: Great. So, I wanted to follow up on the first testifier's comment about what insurance is allowing for rebuild. I'm trained as an architect. I've worked across the mainland, and just before the fires, opened up my own interiors firm here for interior architecture. I've been helping certain HOA communities and individual owners look at how to mitigate insurance and up to date codes--not mitigate, to work with them. What I'm seeing is a lot of insurance companies are expecting the build back to be meeting what codes were in place when the home was built, where now we're seeing that the depth of structural materials, height requirements, et cetera, cannot be built back. And so, you know, I don't want to derail the conversation from what the architects have prepared today, but I do--based on that first testifier's comment, if someone's insurance money is precluding them from being able...being able to use this program that's being set up...set up on pre-issued plans that can be worked...these new designs that can be worked into an individual owner's property, is there anything that this Committee or the State could do to make sure that the insurance money can actually support this program that's being discussed here today? Because I'm...I'm boots on the ground in the field with insurance companies right now, and it's a complete standstill. And it makes sense that individuals need to pay the difference for any upgrades, but what citizens of Maui are being told is that unless they build it back how it was, they're not going to be given their insurance payout. And so, it...it would be very helpful if, as a Committee, as a State, as a Federal proclamation, whatever needs to happen, it's clarified to insurance companies how this money can actually be applicable to programs like are being discussed here today.

CHAIR KAMA: I saw Member Sugimura and Member Paltin.

COUNCILMEMBER SUGIMURA: Thank you for testifying. And boots on the ground, I guess

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you're seeing what's actually happening in West Maui and Upcountry --

MS. GONZALEZ: Correct.

COUNCILMEMBER SUGIMURA: -- because all of West Upcountry is kind of in that same phase. And so, you're saying insurance--clarifying...clarifying question. You're saying insurance companies are not allowing rebuild if the design is different than the original footprint that was...that they insured, basically?

MS. GONZALEZ: I've seen it occur--so, I live in West Maui. I--my home was--it's in the red zone in Lahaina. I'm in Nāpili now, and I'm working with individual clients that own standalone properties, as well as some clients that are in HOAs. And there's a big disconnect with HOA properties and how the insurance is being discussed. And so, I don't want to say there's a blanket statement of insurance companies are blocking people, but I've seen more issues with insurance companies threatening not to pay a rebuild if it's not built exactly as it was.

COUNCILMEMBER SUGIMURA: Okay. If you don't mind, could your (*audio interference*) contact to my office? Because I've been working --

MS. GONZALEZ: Sure.

COUNCILMEMBER SUGIMURA: -- with Upcountry homes, and I'm curious. This is the first time I've heard of this, so I'm interested. Thank you.

CHAIR KAMA: Thank you. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering if Ms. Gonzalez was available to be a resource, if...if it would be okay? I'm not sure if she's available, though.

CHAIR KAMA: Ms. Gonzalez, later on, as your...the item comes up for discussion, will you be available to speak with us at that time also?

MS. GONZALEZ: Yes.

CHAIR KAMA: Okay.

MS. GONZALEZ: I'd be happy to. I'd love to see the program that's being discussed here today take effect. And anything I can do to help in that process, I'm here. And...and the person that asked for my contact, what was the name of...

CHAIR KAMA: Chair--it is Yuki Lei Sugimura.

MS. GONZALEZ: Okay. Thank you.

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COUNCILMEMBERS: No objections, Chair.

MS. GONZALEZ: And I really hope that everything goes through with the pre-approved plans. It's a huge, huge asset for the citizens of Maui.

CHAIR KAMA: So, are there any objections to making Ms. Ashley Gonzalez a resource when the item comes up for discussion?

COUNCILMEMBERS: No objections.

CHAIR KAMA: Thank you so very much. Thank you. Okay. No other question for Ms. Gonzalez because she'll be a resource person. Staff, any other testifiers?

MS. LILLIS: Yes, Chair. Last individual signed up to testify is Johann.

MR. LALL: Aloha.

CHAIR KAMA: Aloha.

MR. LALL: Am I audible?

CHAIR KAMA: Yes.

MR. LALL: Okay. Good. This is Johan Lall testifying on my own behalf, and I am in support of the idea of pre-approved plans. It makes a lot of sense. But I think the plans should make sense for Lahaina and for Hawai'i, and I saw some things in the...in the draft plans that really don't make sense. Like really dark roofs that would absorb sun would drastically increase energy bills, small windows which reduce ventilation ability, stuff like that. So, I think in general, the plans really needs to make sense because, you know, they're being created by experts for people who are not experts. But I just want to show an example of windows. Hopefully you can actually see. This is my office, and we have these windows that allow ventilation, really good ventilation, but they also seal completely when you close them. They're pretty secure and, you know, they...they...you get twice the air...the air movement versus a sliding window. So, it's just one example of something that makes sense. Large eaves, stuff like that. So, in general, the plans should make sense for Lahaina and for the people who are going to be living there for a long time. And then also, the Planning Department really should be a part of all of this because the Historic Districts are going to affect what can be built. Also, SMA shoreline and stuff like that. So, the Planning Department does have people who are experts in historic preservation and architecture, things like that, so please have as many people involved from the beginning as possible. Mahalo.

CHAIR KAMA: Members, any questions for our testifier? Seeing none. Thank you very much, Johann. Staff?

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MS. LILLIS: Chair, we did have one other individual signed up to testify. Her name is Faith Chase, if you'd like to unmute and testify. Ms. Chase, you do need to unmute on your end. You're unmuted on our end. Chair, it appears as though Faith Chase is unresponsive at this time. Ms. Chase, if you look at the meeting agenda, there's connectivity information to join by phone. We do have another individual in the chamber signed up to testify.

CHAIR KAMA: Good morning.

MR. LAW: Good morning, Chair Kama. Welcome back to your homeland.

CHAIR KAMA: Thank you.

MR. LAW: It was cloudy while you were gone.

CHAIR KAMA: . . .*(laughing)*. . .

MR. LAW: The Hawaiian--oh, Jasee Law. The Hawaiian word for the day--it's actually two words, I think. Hale Kipa, H-A-L-E, K-I-P-A. First definition is guest house and house of hospitality, and the second definition is hospitable friend. So, I'd like to say aloha to my hospitable friend, Evan Dust *(phonetic)*.

CHAIR KAMA: . . .*(laughing)*. . .

MR. LAW: And with the little bit of time I have, I'd like to read from Second Corinthians Chapter 5, if I may? It's related to the agenda item. Okay. Now we know that if the earthly dwelling is destroyed, we have a building from God, an eternal house in heaven not built by human hands.

CHAIR KAMA: Thank you, Jasee. Members, question for our testifier? Seeing none. Thank you for that. Staff?

MS. LILLIS: Chair, we'd like to give one more last call to Faith Chase, as well as any other individuals wishing to testify. Please unmute or raise your hand by clicking the raise-your-hand button or by hitting \*5 if you're connected by phone and you have not already testified. We're going to give a brief countdown. Three, two, one. Chair, it appears no one else wishes to testify.

CHAIR KAMA: Thank you so very much.

MS. LILLIS: Oh, I do see--apologies, Chair--that the number ending in 6745, if you would--don't mind identifying yourself and beginning your testimony. It is \*6 to unmute.

MS. CHASE: Aloha, Chair. This is Faith Chase. Sorry, I'm not getting the Google Meets to work properly.



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CHAIR KAMA: Okay.

MS. CHASE: First of all, aloha, Council...Committee.

CHAIR KAMA: Aloha.

MS. CHASE: Naturally, I just want to always extend my sincere and heartfelt condolences to the Lahaina 'ohana and always feel strongly that you are the one that needs to make the decisions for your place. I just wanted to make testimony. I have to rewatch the presentation. Very interested. I will, but I wanted to take this opp...this opportunity, because it's on the agenda, and I don't--I honestly can't see Councilmember Tamara Paltin's agenda item in the DRIP Committee relative. But I watched the Senate hearing yesterday, and I'm just really--actually, if this is expedited housing and it...and it's a piece of a housing plan, I just wanted to say on record I guess from what I learned yesterday how important it is to have representation from this Council on the Joint Housing Task Force, which I learned a lot, as much as...I learned a lot, as well as you all yesterday, in that hearing. And so, whatever that knot that needs to be untied so that communication...lines of communication are improved within the Administration and this Council, I'd really like to see that. So, I just wanted to come on public record to say that I'm not sure where the hang up is, but that I think that you guys have been hearing a lot from the community, maybe more so than the Mayor's Administration, regardless of the weekly meetings. And I would like to see representation from this body on that task force. That's all. Thank you.

CHAIR KAMA: Members, questions for the testifier? Seeing none. Thank you very much, Ms. Chase. Staff?

MS. LILLIS: Thank you, Chair. That is our last individual signed up to testify. If anyone else would like to testify, please hit \*5 to raise your hand or--oh, I do see one individual --

MR. NIESS: Hi.

MS. LILLIS: -- in the Chamber. If you wouldn't mind identifying yourself for the record.

MR. NIESS: My name is Peter Neece. Architect. Born and raised here on Maui. I know that--I just want to say--I'll keep it brief. Tom Cook has championed this idea for years before this disaster. Getting pre-designed, pre-approved plans ready with a known cost so that people know what they're getting into when they start a process will be hugely helpful. I'm hoping that we can work with the County and the Planning Department to use common sense to get to where we need to get with this. There's going to be a lot of little hurdles, we all know. But I think we can work through it if we can apply some common sense and the intent of codes or rules that were created. Yeah. That's all I have to say.

CHAIR KAMA: Members, do we have any questions for --

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MR. NIESS: Yeah.

CHAIR KAMA: So, Mr. Niess, you have a question. I'm going to go with Vice-Chair Tom Cook first, and then we'll go to you, Mr. Sinenci.

VICE-CHAIR COOK: Thank you, Mr. Niess, for coming and giving testimony. Your architectural firm is willing to participate in this, and we've discussed there's a myriad of challenges in front of us, but basically being able to identify them. And you're willing to help?

MR. NIESS: Yeah. Definitely.

VICE-CHAIR COOK: Thank you.

MR. NIESS: Yeah.

CHAIR KAMA: Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah. Just...I was just curious, Peter, if you had any ideas about some common sense things in this process?

MR. NIESS: I have a lot.

VICE-CHAIR COOK: Okay. Your top three.

MR. NIESS: Okay. I'm...I'm the owner of Maui Architectural Group, and we're doing, for example, the Hoku'ula Project in Haili'imaile. It's going to get 200 homes on the market for a lot of my friends, local people that have families and are trying to make it here. And we're going through the design registration process on that, and it's...it's been really difficult. Like, we show a symbol for a bathtub on the plans, but we call it a shower, and...and when they go to install it and they start putting a shower, they stop the whole project, put it on hold, and they--we have to go back and make these little changes that don't matter. We're not changing a fixture unit. We're not doing anything that really matters to anyone, but...but common sense isn't being applied. So, say the shower. They're putting...they're not putting a tub-shower; they're putting just a shower. So, just little things like that make it hard. Yeah.

VICE-CHAIR COOK: I...I was curious, can you flip the plan?

MR. NIESS: Yeah. So, we do them...we do each one. We made another mistake on there, and we wrote Hoku'ula on the title block, so now we can't use those plans in any other subdivision besides Hoku'ula. We did it with another one, Kilohana, and it's the same plans, and it has to go through the whole review process, and it takes people and the County's time to review it. And we're using the same plan, and we do it reverse, each model, reverse, or--yeah.

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VICE-CHAIR COOK: So, you have to change the title box in the corner?

MR. NIESS: That one -- just putting the --

VICE-CHAIR COOK: That little --

MR. NIESS: -- subdivision's name on it made it so we can't --

VICE-CHAIR COOK: -- detail?

MR. NIESS: -- use it in a whole another--and then --

VICE-CHAIR COOK: Got it.

MR. NIESS: -- it has to go through the whole review process. And in that time, the Building Codes changed from 2006, to 15, to 18, or whatever it is. And if there's a State law that says we have to be within three years, which means that by the time we get these plans in, we're probably going to change codes, and then we're going to have to re-start over or...or have people review it in a plan...a Code that we're not even in yet for it to be relevant for more than two years?

VICE-CHAIR COOK: Okay.

MR. NIESS: And that's frustrating on our end because it's...it seems simple, but in...in reality, it's...it's difficult.

VICE-CHAIR COOK: Okay. Thank you. Thank you, Chair.

MR. NIESS: Yeah.

CHAIR KAMA: Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you very much. And so your Jim Niess' --

MR. NIESS: Yes.

COUNCILMEMBER SUGIMURA: -- your...is your dad, so you've been in...working in that building --

MR. NIESS: Yeah.

COUNCILMEMBER SUGIMURA: -- that your office is in for generations then?

MR. NIESS: Yes.

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COUNCILMEMBER SUGIMURA: I like what you said about common sense, and I just wondered--I...I like this idea of pre-approved plans, like what I think Member Cook has passed in his...out of his Committee. Pre-approved permitting process, right? So, the permit...expediting the permitting process. So, based upon what you just said, what question just came to me is that if we do then utilize these pre-approved plans, will it be subject to having to change the way that you described? I mean, is--and what is the risk then of using it if when you're ready to use it, it could be five years from now, and then maybe you can't use it? Is that what you're --

MR. NIESS: Yeah. It's --

COUNCILMEMBER SUGIMURA: -- saying?

MR. NIESS: The risk--at the time you submit for the permit, you're locked in at that date. But if you pick a plan now, but you're not ready to build for a year and the Code changes in that time, then you have to go back and get an updated plan set that's meeting the current Code at the time when you submit.

COUNCILMEMBER SUGIMURA: Oh, my God. So, that would be--the problem then of committing to a pre-approved plan today, and then you run into all the delays of the County, and by the time you're ready to build, something changes like that example.

MR. NIESS: Yes. And that means that if we get 20 architects or 20 plans in there and approved, they're all on the same date in October, going to expire and be irrelevant.

COUNCILMEMBER SUGIMURA: Oh.

MR. NIESS: Which then puts a huge lump sum of plans into the queue. Yeah. I don't know. Just...just one...this is just one example of...of things that are going to come up that we can work through, but it's that common sense.

COUNCILMEMBER SUGIMURA: So, we can work through this then?

MR. NIESS: I hope so.

COUNCILMEMBER SUGIMURA: It is doable? Okay.

MR. NIESS: It's the State overriding the County on the...the needing to be within three years of the current International Building Code.

COUNCILMEMBER SUGIMURA: Oh. So, do you think we need to change that? What is your recommendation for that?

MR. NIESS: I--so, we used to have more time when Jarvis (*phonetic*) guys were in the County.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Point of order?

CHAIR KAMA: So, sorry. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do we want to, like, ask him to be a resource?

UNIDENTIFIED SPEAKER: Yes, please.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because this is, like, going into deliberation beyond clarifying.

CHAIR KAMA: Okay. So --

COUNCILMEMBER RAWLINS-FERNANDEZ: And I would have no objection.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: Mr. Niess?

UNIDENTIFIED SPEAKER: Thank you, Keani.

CHAIR KAMA: Are you able to stick around until the item comes up for discussion, and you'd be able to be a resource for the members to ask more questions to get more information?

MR. NIESS: Yeah.

CHAIR KAMA: Okay. Thank you. So, Members...so, I know I saw Member Paltin and Member Cook.

VICE-CHAIR COOK: Yeah. No --

CHAIR KAMA: So, hold on to your questions.

VICE-CHAIR COOK: No objections --

CHAIR KAMA: Okay.

VICE-CHAIR COOK: -- if I can have him as a resource.

CHAIR KAMA: Okay. Thank you. So, there's no objections to Mr. Niess being a resource. Thank you so much.

COUNCILMEMBERS: No objections.

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CHAIR KAMA: Thank you, Mr. Niess.

VICE-CHAIR COOK: Yeah.

CHAIR KAMA: Staff?

MS. LILLIS: Chair, that is our last individual signed up to testify. If anyone would like to testify in the Chamber or on Teams, please let Staff know. On Teams, please raise your hand by clicking the raise-your-hand icon near the upper-right corner of your screen. We're going to give a brief countdown. Three, two, one. Chair, it appears no one else wishes to testify.

CHAIR KAMA: Okay. Very good. Okay. So, now that there are no more testifiers wishing to testify, I guess we can close public testimony, right?

MS. LILLIS: Yes, Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Would you like to invite Mr. Niess up to sit at the resource desk?

CHAIR KAMA: Oh, absolutely. He can either come here or sit there, whichever is most comfortable for you.

COUNCILMEMBER RAWLINS-FERNANDEZ: No objection to closing public testimony.

**. . . END PUBLIC TESTIMONY ON ITEM 3(14) . . .**

CHAIR KAMA: Thank you for the no objection to closing public testimony. So, earlier, I mentioned that we have from the Department of Management, Office of Recovery, Housing Recovery Support Function, Department of Public Works, and Housing and Human Concerns. So, would you all like to hear from their comments or would you like to just go into deliberations?

MS. LILLIS: Chair?

CHAIR KAMA: Yes? Who's here?

MS. LILLIS: Lee. Chair Lee is here, if you would recognize her.

CHAIR KAMA: Oh, where is she? Oh, you're in--oh, there you are. Okay. We want to say good morning and welcome to Chair Lee. Yes. Good morning.

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COUNCILMEMBER LEE: Thank you. Thank you. Thank you, Chair. I was, as you know, at the WAM (*phonetic*) Committee meeting, which just finished. . . .(*laughing*). . . Sorry I'm late.

CHAIR KAMA: Okay. I hope you gave him a big WAM for us. Okay. Anyway --

COUNCILMEMBER LEE: I did.

CHAIR KAMA: Okay. Great. Okay. So, Members, do you want to start with the Office of Department of Management? Let's go to--are they here, Staff?

MS. LILLIS: Chair, we believe that the representative from Public Works has joined the meeting.

CHAIR KAMA: Okay.

MS. LILLIS: Wade Shimabukuro --

CHAIR KAMA: We'll just take Public Works then.

MS. LILLIS: -- if you could either raise your hand by clicking the raise-your-hand icon, or we believe we found you under guest. If you could unmute.

CHAIR KAMA: Who's from Public Works?

MS. CHASE: Yeah. This is Wade Shimabukuro. I'm logged in. I have my hand raised, if you can see the number.

MS. LILLIS: Yes. If you could...if you can unmute your camera on your end, we would appreciate it. But we can hear you.

MR. SHIMABUKURO: Okay. Hold on. Okay. I--can you guys see me now?

MS. LILLIS: Yes.

CHAIR KAMA: Yes.

CHAIR KAMA: So, Mr. Shimabukuro...

MR. SHIMABUKURO: Yes?

CHAIR KAMA: Okay. So, we would like to hear your comments on today's presentation and any other comments you might have regarding whatever you might have heard if you were listening in on this this morning's...this most recent item.

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MR. SHIMABUKURO: Okay. I--sorry, I missed the presentation, but I did talk to David Sellars about a week ago.

UNIDENTIFIED SPEAKER: Okay. Um-hum.

MR. SHIMABUKURO: So, he did mention that he were...they were looking at potentially applying for a design registration for some of the structures for the rebuild for Lahaina. I did mention to him that...what some of the restrictions for that process is that if there is a request from the home owner to make any kind of revision to those...that floor plan, that the design registration would have to be reregistered and reapproved. So, one suggestion I made was maybe he could use the...the envelope or the footprint size as the basis and apply for a regular permit. That way, you get some flexibility to do some modifications as long as the footprint is not in--changed. So, that was the recommendation I...I had mentioned to David.

CHAIR KAMA: Okay. Thank you for that. Okay. So, let's go to Department of Management. Is Wendy...Wendy on?

MS. LILLIS: Apologies, Chair, we were not able to get in touch with Wendy.

CHAIR KAMA: Okay.

MS. LILLIS: We were told that she's in another meeting.

CHAIR KAMA: Okay. Kate is--what about Kate from Planning?

MS. LILLIS: I believe Kate is also connected to the call --

CHAIR KAMA: Okay.

MS. LILLIS: -- and her microphone and camera are enabled.

MS. BLYSTONE: Good morning, everyone.

CHAIR KAMA: Thank you. Good morning, again.

MS. BLYSTONE: Thank you so much. Our comments are very simple. It's we think that pre-approved plans are a really great idea, and very much support this, and look forward to working on how we can incorporate them into our process. What I can say is that it will save time on the plan-review side. So, hopefully that's helpful.

CHAIR KAMA: Okay. That is helpful. Thank you so much. Okay. And the other one I wanted to talk with was Wendy, but she's not here. Okay. So--but if we all...if Members have questions for Wendy, we can always send questions to her through our Staff. Okay. So, why don't we begin with Member Cook and any questions you might have for our



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presenters?

VICE-CHAIR COOK: I would have a question for Wade at DSA, if possible.

CHAIR KAMA: Yeah. Okay.

VICE-CHAIR COOK: Thank you for being here. Would the footprint registration concept enable it to function similarly to the design registered plans or would you have to do a review for each building anyway?

MR. SHIMABUKURO: So, if...if the...if the...the permit application is done through the regular process and it is approved, if the . . . *(inaudible)*. . . applications can be worked out with the building inspector. So, if it's not substantial, that approval could be done in the field. If it's a substantial revision that might entail a structural modification, then that might be...that might require a re-approval. But if it's minor, like, changing walls or...interior walls and stuff like that, then it...it could be just done...modified in the field.

VICE-CHAIR COOK: So, basically, just . . . *(inaudible)*. . . the way it is now, it wouldn't necessarily expedite the review of the plans?

MR. SHIMABUKURO: Yeah. No. That...that wouldn't expedite the...the...the review.

VICE-CHAIR COOK: Okay. Thank you.

CHAIR KAMA: Okay.

VICE-CHAIR COOK: So, are we going to have a time frame?

CHAIR KAMA: Yeah. You're still on three minutes from --

VICE-CHAIR COOK: Oh, okay.

CHAIR KAMA: Okay.

VICE-CHAIR COOK: I...I kind of want to make a statement before, and then I'll get into questions after my second round. I'm looking at this process as basically being straddling two things. We have the Lahaina fire issue, where we're going to be reconstructing on existing lots that tentatively have sewer water in most cases and had a previously approved land use, and they're going to have some clarity on it. Then we're going to have the opportunity, and we have the need to utilize this island-wide to simplify, streamline, whatever descriptive we want to use so that people can get permits for homes less expensively and more promptly to make it easier for people to build so that we can solve our housing crisis. So, I just want to put that out there for people to keep in mind, that this is sort of a very broad, multi-path concept, and it is not simply the Lahaina--and that the Lahaina aspect of it will have the expedited permitting process, which I believe is supposed to be by the

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end of February --

CHAIR KAMA: Um-hum.

VICE-CHAIR COOK: -- implemented, where it's a 15-day review period because they're outsourcing. It still has to meet all the Building Codes. And then we're going to have the regular 300-day average current review process that this could substantively help. So, anyway, that will be my first round. And I look forward to having a discussion with our resource people. And I'm grateful for, Chair, you have . . . *(timer sounds)*. . .

CHAIR KAMA: Perfect timing. Mr. Niess, were you going to comment?

MR. NIESS: If I may. I don't know, Wade, if you're still there, but this is one of those examples where it's--this is part of a problem, is that it's inspected differently. So, then now, if we make any little change, it's making it so that the design registered set is harder to use. I don't--I'm not quite sure why. Maybe you can explain why they...that normal reviewed...normally reviewed plan can have minor changes, and this one is locked in stone and any little change freezes the whole process? For Wade. Yeah.

MR. SHIMABUKURO: That...that's a good question. Yes. This is Wade Shimabukuro again. That is a good question. I think just due to the limitations of the design registration process, that it is...that...that process is locked to that particular design. So, any kind of modifications to that would require a re-approval because it's...it's referencing a certain number. So, if there's any modifications to that certain number, it would require a separate...a re-application and re-approval process.

MR. NIESS: Is there some way to change that? Because that'll fix a lot. This --

MR. SHIMABUKURO: I think the...the...I think the remedy going...is going to be that once we get a better handle on the backlog of the permits that we're reviewing, that these...these issues should kind of all go...all go away because once you get the permit issued into the regular process, then it will allow certain types of revisions to the...the particularly approved plans. So, essentially, that--the goal is...here is to try and get that backlog down, which we are looking into various ways to help us get that...bring down that mountain.

MR. NIESS: Yeah. Okay. I...in my experience *(audio interference)* our plans. I have friends that use those, and it's really rare that someone doesn't want to move a window or flip the way a door opens into a room. And...and I don't see the difference between--as long as it's not changing anything in the life safety bit of it, the inspectors are really good at their job. They know what they're doing and inspecting for. So, I just feel like either the County doesn't want to allow the design registered sets or it...it becomes more difficult to use it, and it always has been that way. And we're trying to figure out how...ways we can make it easier, and easier for the County, and easier for the inspectors and everyone so that we can utilize this for the people wanting to use it. Yeah.

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CHAIR KAMA: So, let's continue on with Member Sugimura, and go down the line this way again. Questions for the presenter or --

COUNCILMEMBER SUGIMURA: Yeah. Thank you very much. To kind of continue on with this discussion then, which Mr. Niess has started, Wade, are you saying then with your first recommendation was to change the...I mean, to...to have all of these pre-approved plans tied to the footprint versus the plan itself? Was that your solution? And I don't know...

MR. SHIMABUKURO: Yeah. My...my recommendation would be, like, if you have this...this design or this footprint so...so to speak worked out, you could just grab those plans and stick it on the regular building permit process, and then that will allow you to have some kind modifications. Again, the design registration...design registration process is limited that any kind of modifications to that particular plan set would require one revision. So, it doesn't restrict you from grabbing those plans and putting it...using that set of plans multiple times. So, that's not a limitation for that. You still could grab that particular model, say County of Maui 1, for example, put that on various parcels, and then have that vetted through the regular permitting process. And then once that is approved, if there's any recommended or suggested changes, that would be allowed through that...the inspection process.

COUNCILMEMBER SUGIMURA: So, you're saying that if...if you just change this model with your--which what the AIA is recommending to be by footprint orientation and give it model A-1, A, whatever you want to do. So, if a landowner decide to put in a window or make that little change as Mr. Niess suggested, it would be approved; it would be not a major change?

MR. SHIMABUKURO: That...that is correct. If it's a...if it's a minor change, like, you're changing the window type, changing the door swing, if that is what we consider a minor change and that the...our inspector is okay with that change, then it could be just done at that time in the field. It wouldn't require a re-approval of the permit.

COUNCILMEMBER SUGIMURA: Okay. So, AIA, Mr. Stoddart, would that be approved or would that be okay with your organization as you're proposing it?

MR. SELLARS: Yes. We...we look for any efficiency or any improvements that we can make to the system. I will say that there's a couple different things that we should be aware of. There is the expedited permitting that's currently in process for Lahaina itself, and then there is the outside of that area in our County where we also need housing. So, when we're talking about applying for a plan, when we have--what we hope to see is a 15-day review time, and we hope that those plans will be reviewed by a third-party completely. We know we have staffing shortages in our County . . . *(timer sounds)*. . . so it'd be great to...to allow you know, our...our County DSA to be able to work through the backlog, and then that new third-party to work on the Lahaina rebuild. So, we wouldn't necessarily need pre-approved plans to expedite permitting if that process in Lahaina is going to be

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that fast. But what I will say is that not everyone has the time to go through and design a custom plan, and the resources of the architects available to design, you know, thousands of custom plans isn't necessarily there. So, this is just a solution for, you know, some of the...the people that need to rebuild and not...not everyone. But anything that we can do to expedite the system, improve on the existing systems would be an advantage to us all.

COUNCILMEMBER SUGIMURA: Okay. Thank you very much because it sounds like that we're coming up with some solutions. And if I could have a round 2 because I have a--tied in to this is Ashley, who you have as a resource regarding working with the insurance companies and is an architect. For round 2. Thanks.

CHAIR KAMA: Okay. We'll go on to you round 2 because we're still on round 1, so --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KAMA: Okay. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I think my first question is for Mr. Shimabukuro. Is the design modification process, is that like an Administrative rules, or is it part of the Code that you could reference and we could see? Or even if it's Administrative rules, could you provide it to us that we could see?

MR. SHIMABUKURO: Yes. I...I believe that's in the Ordinance 5507. The Building Code.

COUNCILMEMBER SUGIMURA: And then I was wondering if you have a list of minor changes or if it's subject to the...I guess subjective to the...the reviewer of what is minor or what is not. Because if you have a list and one reviewer says changing the swing of the door is major and another one's all, like, that's minor, then it doesn't seem like a fair process.

MR. SHIMABUKURO: That would be a little bit difficult to...to come up with some kind of list like that because, you know, like just mentioning the door swing, if it's an interior door, it might not be an issue, but if you get one exterior door, if you swing it the wrong way, then you're violating one certain part of the Code. So, it...essentially, the...a minor revision would be like, interior walls, if...as long as it's not a load bearing wall that...that might want to be switched or moved over to make one room maybe a little bit larger. Maybe some of the internal doors swings might be a another simple one. As long as you're not changing the structural integrity at that point, more than likely, it will be considered a minor renovation, and then that could be approved with the building inspector.

COUNCILMEMBER PALTIN: What about, like, a shower and a bathtub?

MR. SHIMABUKURO: I...off the top of my head, that would seem minor, but I not sure if that would imply any...or affect any part of the...the Codes. I don't think so, though. Not off the top of my head. But we could look into that one.

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COUNCILMEMBER PALTIN: And then--okay. And then I was wondering, I had heard we're working off IBC 2018, is that correct?

MR. SHIMABUKURO: That is correct.

COUNCILMEMBER PALTIN: And so, everything is going off of that? I...when we went to NaCO, I think Hawai'i Island is off of IBC '21 and we're now in 2024. So, I just was wondering, is there a plan of how long we're going to stay at 2018 or what is the--like, I mean, the reason I think Hawai'i County updated to 2021 was because they were at, like, 2008 for over a decade. . . .*(timer sounds)*. . . And so, I just was wondering if there's a--you know, so these folks can...can plan out what they want to meet in terms of architecture? Like, how often we're going to update, and what we want to update to, and the pros and cons of that.

MR. SHIMABUKURO: So, you...you mentioned Kaua'i? Kaua'i County? Is that correct?

COUNCILMEMBER PALTIN: Hawai'i Island. Big...Big Island.

MR. SHIMABUKURO: Hawai'i Island? Okay. Yeah. Essentially, we're...we're required to...to amend or adopt the Building Codes after they are put into law from the State side. So, after the State...State adopts the Building Code, whichever version it is, we get two years after that to make our amendments or adopt it. So, we just started the '18, so I'm assuming we're going to be in this for at least a couple of years before we move over to the '21. I don't think the State adopted the '21 yet.

MR. SELLARS: Yeah. Just to...to clarify that a little bit. So our local AIA chapter has two of our local architects that sit on the State Code Council. So, right now, the last few years we've been in a three-year code cycle. We are requesting, and there are others in the State and the Code Council that are requesting we change to a six-year cycle. So, we change Building Codes every six year instead of every three years. That would just make it easier for the County, for us. And also, right now, we're working on the 2021 Code, so that will be coming out soon, and there will be a vote on that code cycle change.

COUNCILMEMBER PALTIN: If I could just clarify, that six-year cycle decision, is that in the State's hands or the County's hands?

MR. SELLARS: That's in the State hands. So, first, the State adopts the International Code, so the IBC. So, they're in the process of adopting the 2021 Code with amendments. And then they'll provide that to the counties and say, you have two years to provide your own amendments and adopt this or we're going to force it on you. And if they force it on us, then we can't make any changes to that Code during that cycle. So, it's very important that we stay on top of it, and we make those amendments so we can adjust as needed in cases like this exactly.

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COUNCILMEMBER PALTIN: Thank you so much. Thank you for your indulgence, Chair.

CHAIR KAMA: Thank you. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Mr. Sellars, you said there's about 60 architects in Maui?

MR. SELLARS: 65.

COUNCILMEMBER JOHNSON: 65. Thank you. And capacity wise, are they overwhelmed or do you guys feel like there's a shortage...shortage?

MR. SELLARS: I would say that, you know, just in general in the architecture, engineering, and construction industry right now, about 25 percent of our staff is over the age of retirement.

COUNCILMEMBER JOHNSON: Oi. Yeah.

MR. SELLARS: And for every seven individuals we have leaving the industry, we have one entering.

COUNCILMEMBER JOHNSON: Yeah.

MR. SELLARS: So, one young person. So --

COUNCILMEMBER JOHNSON: We just had the Chancellor here; we could have talked to him about getting some courses.

MR. SELLARS: Exactly. So, we...we personally have an initiative to encourage, you know, students to pursue a career in architecture and engineering.

COUNCILMEMBER JOHNSON: You know, Shane down there at the end is an architect too. So, just--but okay. Thanks. I...I want to--I'm limited on time, so sorry. So, can mainland folks, mainland architect firms come here and do the, you know, pre-approved design registration? Is that open for them?

MR. SELLARS: It would need to be a licensed architect --

COUNCILMEMBER JOHNSON: Of course.

MR. SELLARS: -- or a licensed structural engineer in Hawai'i. Yeah.

COUNCILMEMBER JOHNSON: Oh, you have to be in Hawai'i or he or she'd have to --

MR. SELLARS: Licensed in Hawai'i. So, there are a number of people that are licensed in multiple states.

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COUNCILMEMBER JOHNSON: Okay.

MR. SELLARS: And--but outside of...of Maui County, there are another thousand architects total in the State of Hawai'i. So, we still have some --

COUNCILMEMBER JOHNSON: Okay.

MR. SELLARS: -- some bandwidth.

COUNCILMEMBER JOHNSON: I think where I'm going with this is that some buildings on the mainland are preparing for frost in the ground, you know, snow on the roof. We don't, right? So, I'm kind of concerned that if we brought in all of these other mainland architects to help us with the capacity, their designs don't match what we--they're...they're not hurricane proof because they're worried about snow. Those--so, that's kind of the concern I have. Do you want to speak on that?

MR. SELLARS: Well, yes. We're very concerned about that too. You know, sort of a vernacular style of architecture; it...it...it is specific to its place, and to --

COUNCILMEMBER JOHNSON: Right.

MR. SELLARS: -- its climate, and to its culture. And that's a very important aspect. And that's one of the reasons why we want to step up and help people not have to turn to outside resources, but to --

COUNCILMEMBER JOHNSON: Right.

MR. SELLARS: -- use people locally.

COUNCILMEMBER JOHNSON: Okay. I got a little bit time. So, my next question is for Mr. Shimabukuro. We...we--you said the footprint can change. So, can that person build two stories on their footprint? Is--if the house was a one story, can...can they do a two-story build?

MR. SHIMABUKURO: For...for the--as far as the Building Code, it...it...it would be allowed, but there potentially are other Codes or other jurisdictions that might start kicking in.

COUNCILMEMBER JOHNSON: Sure.

MR. SHIMABUKURO: But as far as Building Code, yeah.

COUNCILMEMBER JOHNSON: And would that (*audio interference*) sounds like the faster way. If you just do the footprint of your house and you don't go beyond your footprint, but you could build up, right? And if there's other things around there, like, I mean, sure, there's

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other, you know...other...other regulations . . .*(timer sounds)*. . . that might prevent it, but in a sense, that if you could do it if all the regulations aligned. Is that my understanding?

MR. SHIMABUKURO: That is a potential. But again, remember, when substantial change is not affecting the structural integrity--once you start going through two stories, then the structural integrity is compromised, potentially.

COUNCILMEMBER JOHNSON: Um-hum.

MR. SHIMABUKURO: So, that might affect your...your wall sizing and the footings. So, it might not be...you might not be comparing apples to apples if you put in one second story versus interior walls.

COUNCILMEMBER JOHNSON: Okay. Yeah. Thank you so much. Thank you, Chair.

CHAIR KAMA: You're welcome. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo to everyone for, you know, stepping up to help our community during this time. I...I'm not a builder, so I...I...this is not my expertise. But from what I...from the discussion that I'm hearing, I guess my question would be for Mr. Shimabukuro. So, if the County has pre-approved plans, when we modify the Code, could the County take the pre-approved plans that we have and modify them ourselves, or, like, contract it out to be modified so that they can continue to be used by the community, or is that not how things are done?

MR. SHIMABUKURO: That...that is a...that is a very possible situation, as I think the...again, the limitation is if you apply via the design registration process, that is limited, whereas if you take that particular design and register...or apply via the regular permitting process, then it will allow you more flexibility. So, again, that might be the way to do it. You take a model home, so to speak, you...you apply that model via the regular permitting process. And if there's minor changes, that will be allowed during the inspection process.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, the--I mean, does the County have, like, our own pre-approved plans?

MR. SHIMABUKURO: Not at this time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Can we? Is that something we can do?

MR. SHIMABUKURO: I don't see why not. I think you just have to align with an architect and/or a structural engineer if they're willing to take that on. And so, I guess that...that is a possibility.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because I would love for us to take some plans that we like, and then these are County's plans, and then we take--you know, we can buy



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them out or whatever, and we take ownership of them, and then we take responsibility of modifying it as we modify the Code. Do...do you--in your division, are there...are there a lot of vacancies? Do you need more staff?

MR. SHIMABUKURO: We do have quite a few vacancies right now. Specifically, regarding that...the permitting review side, we...our plans reviews are down a couple positions right now. We just hired a tech, so that person is learning the processes right now. So, once that is...once we get a little bit more experience, then I think we...we...we will see some improvements in the time it takes for us to review them. . . .*(timer sounds)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Was...was that everything? I just wanted to make sure that he finished.

MR. SELLARS: Yeah. If...if I may just provide some clarification on the way the --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, sorry, Mr. Sellars.

MR. SELLARS: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: I was making sure Mr. Shimabukuro was finished.

MR. SHIMABUKURO: Yeah. I just wanted to finish off by saying, with these vacancies, we are looking at other ways to assist us in these reviews. So, we're looking at potentially third-party...a third-party review. And thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, go ahead. Go ahead. Okay. Okay. And Mr. Sellars?

MR. SELLARS: Yeah. So, just a clarification on the way that plans are used in general. So, in order for a new dwelling to be permitted, there needs to be a design professional that...that stamps that and takes on that responsibility, and also, we call it risk that it's going to be built properly. We're meant to oversee the construction of that to make sure that it's done correctly. And then, you know--so, it's--whenever someone were to use a pre-approved plan, they would need to contact that designer for permission. So, one of the things that's not always intuitive is that those drawings, we...are technically called instruments of service. So, if we design a house for you, specifically, you have the right to use those plans to build that house. What you don't have the right to do under copyright law is to use those plans to build another house somewhere else without consulting or compensating the designer that...that did that. So, if the County were to have their own plans, they would need a design professional to stamp and make sure that those are okay. And we support that. And there's a number of things that we can do. One of the things that the AIA in general has been recommending is that counties and cities hire a chief architect position. It could be a very helpful thing. We don't have any current architects that work in that capacity in the County, and can provide this expertise and experience, and could possibly do something like that. They could potentially be the one responsible.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Sellars. A quick follow up. Do...do we know if we have that position and it's not filled, or that position does not exist? Okay. Just clarifying. Okay. That --

MR. SELLARS: Yeah. We don't have that position.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- position does not exist. Okay. Mahalo. Mahalo, Chair.

CHAIR KAMA: Okay. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just following up on some of the questions from my fellow Councilmembers. So, it looks like these pre-approved plans can only be used if you're not going to be making any changes. And the benefits is that it'll go through the...the quick...the quick process and not the long...the long process, according to Mr. Shimabukuro. So--and then if you want to use these, you're going to have to pay the architect a fee. That was one of the questions from our testifiers for using these pre-approved plans. Okay. So, my question to Mr. Shimabukuro is if...if you're going to use one of these pre-approved plans and pay the architect, how long...and if you want to go ahead and make some changes down the road, how long would you have to wait to make any changes to the plans?

MR. SHIMABUKURO: In past experience, the most recent design registration that came through our office that required revisions, it...again, it depends on what is submitted. If it's pretty clean, the...the revisions are pretty clean, it'll probably take a couple weeks to get through that process.

COUNCILMEMBER SINENCI: But you don't --

MR. SHIMABUKURO: . . .*(inaudible)*. . .

COUNCILMEMBER SINENCI: Is there a...is there a time after construction that...and you want to make significant changes to the home that you have to come back to the County to make significant changes?

MR. SHIMABUKURO: So, if we...if we talking about the design registration, the design registration is good until the Codes are changed. So, it would be good for at least a couple of years per--I mean, it has to be vetted through that particular design professional though, like...like David was mentioning.

COUNCILMEMBER SINENCI: Yeah. And...and I'm only asking because in the past, house plans would grow with our families as families grow and as people's finances grow. So, say, for instance, okay, after we design your house. Okay. We've got a garage. Okay. We're going to...the family is growing. We're going to convert the garage into more space should you

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have enough sewage capacity as well. But we're looking--I'm just trying to see if you had a plan that was, you know, open to...you know, like, if you did rough in all the...the electrical, and the plumbing, and even a one-story foundation with just some basics. And then later on, as the family grows and as their finances grows--because a lot of these Lahaina families, I don't know if they have the...the insurance to build back what they have. A lot of them were not insured to the full. And how are you going to build back, like Ashley said to previous, if the costs are three times as much now? So, I think we need to be really flexible, and how can we, you know, put up a basic--maybe like Mr. Shimabukuro said, a footprint plan. But then later on, we can rough in all of the utilities, and then later on, you can add a second story. You can...you know, you can expand the garage or something like that down the road. . . .*(timer sounds)*. . . Thank you, Chair.

CHAIR KAMA: Chair Lee, do you have any questions for our presenter or resource?

COUNCILMEMBER LEE: Thanks. I was...I had trouble turning on my mic. No, I don't. Thank you.

CHAIR KAMA: Okay. So, we'll go on to Member Cook, and then continue with Member Sugimura. And then, yes, go down the row.

VICE-CHAIR COOK: Thank you, Chair. So, for our resources, sort of on a high level, the...the advantages of doing a design register house is basically, it's already pre-approved. It needs to be placed on a lot that's appropriate, sewer, water, conforming to setbacks and height. In order to do that initial design, ballpark, how much money would it be, you know, for a brand-new house? And then my question is, how much is it if there was a fee, approximate ballpark, kind of fee, and then how much would it be for the permitting and the time savings? Like, trying to draw a parallel between the two conventional method utilizing this alternate. What are the potential costs and time benefits?

MR. SELLARS: So, every...every design firm is different. Every architect is different as far as costs. But I mean, you could be saving, you know, 15 to \$60,000 in the cost of the design. What I do want to clarify is that the...just a few of the plans that we presented were given by our local architects and meant to be used for free without a licensing fee. Now, that being said, there still needs to be...that architect still needs to be involved in that permitting process to stamp the site plan. So, what we've determined in our office is, okay, well, it's going to take a few hours to do that, a few hours for gathering the permitting paperwork. So, we're going to figure out a minimal fee that we can, you know, have to cover our costs and still have it be quick and inexpensive for the homeowner. That being said, if we got 1,000 people ask, we'd...it'd be a little bit of an...an issue. So, that's why we're hoping we would spread it out. You know, several of our architects have different systems in place. Atom Kasprzycki over in Lahaina is working on...on a program right now, designing 16 different models that he's going to have available too. So, yeah. It...it just really--and...and to build on what Wade was mentioning, circumventing Plans Review or having these pre-approved plans will help Plans Review because they are...they are understaffed. It's one of the...the Departments that does take a little bit of time right now.

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VICE-CHAIR COOK: The--so one of the things, Chair, that I'd like us, the Committee, to ask Public Works, what would be the process of modifying the existing limitations for design...limitations and changing...changes for a design registered home? Like, what it's going to take to be able to make minor changes. Right now, you can't make any. So, asking them what...what that would take. So, Mr. Sellars?

MR. SELLARS: What I...what I would say to that is if we could treat it the same way we do a normal permit, where the design professional provides a revised set of plans to the building inspector, and...and that gets recorded. . . .*(timer sounds)*. . . So, that would be great.

VICE-CHAIR COOK: Thank you very much. My time's up.

CHAIR KAMA: Continue on with Member Sugimura.

COUNCILMEMBER SUGIMURA: I just wanted to ask Ashley, who's one of the resources from the insurance aspect, the discussion that you're hearing the...the resources give, are you seeing then some solutions for what your comment was earlier, that it may help the insurance companies cover the...the needs of the wildfire...or anyone, I guess, who may want to use their insurance to pay for a rebuild?

MS. GONZALEZ: So, this discussion that I'm hearing that really relates from what Wade or DSA is saying is that if there's an envelope of footprint capacity that has the ability to change minor things inside, that would help tremendously. However, the...the hangup that I'm seeing is how is the State defining what aspect of the IBC, what year of the IBC is happening moving forward? Because people are getting paid out by their insurance in the immediate, and if they can't rebuild for three years or five years and we move forward in the IBC process as an industry--so, I think it would be helpful if there was some issue, statement, proclamation, or guideline by the County or the State. I don't--I...I mean, it's...it's--I'm just trying to share the problem that I'm seeing with individuals as they navigate their insurance process. And...and I do think something for design professionals to point to when they're helping their clients bolster their claim to the insurance company, because, I mean, I, myself, am going through my own insurance claim, and the more resources I have to say, this is why you have to pay me out in this capacity. And so, if there was something issued by this Committee, by the State to let people point to for their insurance payout, I think that would help tremendously in being--allowing people the funds to rebuild.

COUNCILMEMBER SUGIMURA: So you're saying if we have some legal document to give to the insurance company to say that we're using the IBC 2018 version, then it...the insurance company would pay out? And that's...that's what you're saying *(audio interference)*?

MS. GONZALEZ: I think would--the more data you have as a citizen, as a person with insurance to point to, the more the insurance has to listen to you, is what I'm gathered from this

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experience. And so...so, when all of this happened, I...I spent...I read through 1,200 pages that Maui County has published on how Hawai'i has worked with FEMA. What the FEMA documents are, how counties of Hawai'i get their insurance through FEMA based on how buildouts work with FEMA guidelines. So, you know, I've been studying what the hurricane tiedowns are, what the raise of foundation is for the flood zones, and...and this is something that has to be supported by the insurance company. . . .(timer sounds). . . So, yeah. Just showing how the County of Maui keeps up to date with Code, both for International Building Code, Residential Code, and FEMA, and clarifying that so that citizens and insurance companies know what's expected of them.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I got limited time, so I just wanted to touch on the licensing fees. Does that go to the architect, and what is it for?

MR. SELLARS: Right. That would go to the architect. And that would be for, you know, use of those...those plans, you know, the art, science, engineering that went into it. But also, for the oversight, when we stamp it, there's a little statement there that says, this project is going to be built under our supervision. So, it could cover the cost for us to go to the site. When we talk about the Building Code, there are requirements in the Building Code, especially in high wind zones, that we make a certain amount of special inspection. So, if we don't do that, then we are held at risk if something were to happen.

COUNCILMEMBER PALTIN: So, I got a friend that really liked Kim Ball's house, I guess, and they want to do Kim Ball's house. They couldn't just ask Kim Ball for the plans? They'd have to go to his architect and say, can I have a copy and a stamp?

MR. SELLARS: Correct.

COUNCILMEMBER PALTIN: Okay. And then the next question for Mr. Shimabukuro, I looked up Ordinance 5507, and it didn't have the process of how we register a design pre...pre...the thing that we're talking about today, how you register a pre-approved plan. So, is that Administrative rules, and then like the process to modify a pre-approved plan? Like, where...where would we find that, how to register a pre-approved plan? Because, I mean, I feel like we've been talking about this since Elle Cochran was on the Council and . . .(inaudible). . . said pre-approved plans, but it--how did...how did it---what is the process to register a pre-approved plan, and where do we find that process, and how do you modify that process?

MR. SHIMABUKURO: So, that...that particular process, the design registration process is in 5507, Section 107.6.

COUNCILMEMBER PALTIN: 107.6? Okay. I'm not hip to the lingo, so when I read it, it doesn't

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mean any words to me. And then--so, that was just passed in 2023, which was, like, last year. And already--so, it feels like these guys pointed out some things that might need tweaking. So, would we just go look at Ordinance 5507, review it with AIA folks, and see, like, what things they would recommend tweaking on that?

MR. SHIMABUKURO: That would be the...a good starting point. If there's limitations or changes that...you know, that is being requested, we could always look into that and --

COUNCILMEMBER PALTIN: Okay.

MR. SHIMABUKURO: -- make that change if needed.

COUNCILMEMBER PALTIN: Okay. And then for Ms. Gonzalez, wondering if you have connected with . . .*(timer sounds)*. . . United Policyholders?

MS. GONZALEZ: I have, yes. They've been incredibly helpful. I'm...it...they've been amazing in the process. So, yes.

COUNCILMEMBER PALTIN: Okay. And if *(audio interference)* the whole Committee your contact info, I might want to do a deeper dive question off on the side.

MS. GONZALEZ: Sure.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. This question is for Mr. Shimabukuro. So, we...the County already has pre-approved plans...plans, is that correct?

MR. SHIMABUKURO: Not that I'm aware of.

COUNCILMEMBER JOHNSON: I always thought we had...developers had submitted plans, and that they could use them. They--so, they're not pre-approved or that's a different type of...

MR. SHIMABUKURO: Maybe for general clarification, there is some already-designed registration, but they are...most of these are connected to, like, one subdivision. So, one particular subdivision --

COUNCILMEMBER JOHNSON: I thought Public Works--doesn't Public Works have them?

MR. SHIMABUKURO: No. We don't have any, like, County-sponsored design registration, if that's what you're asking about.

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COUNCILMEMBER JOHNSON: I think I heard that Public Works had some pre-approved plan...pre-approved plans, but I guess I'm mistaken. So, after...after hearing the discussion from the architects, Mr. Shimabukuro, what...what do you think this body can do? Is there something--some particular change in the law that you think could help? I know you directed Councilmember Paltin to the actual Code, but is there something that...on your end that you're...you're...you're struggling, like, to...you know, to enforce? Is there something that always hooks...is a...a burden for your...any of your inspectors?

MR. SHIMABUKURO: That is a kind of complicated question. I think the...the issue is with the just so many different codes that we're responsible for. I think that is taking up a lot of our reviewer's time. In the past, you know, it was very simple. You just had the...I think the UBC at that...at that point. But now, you get the Building Code, you get the existing Building Code, you get one Residential Code, you get the Energy Code. So, all those--and I'm sure the architects in...at your Committee hearing too could testify that these are helping prolong these reviews because of all these different Codes. So, it took...and it's...I guess it's just reality at this point. We just got to deal with it because it's...it's law, right? So--but...but those are the things. As far as personnel, I think once we start filling our vacant positions, we should see an improvement in the review times. And you know, again --

COUNCILMEMBER JOHNSON: Okay.

MR. SHIMABUKURO: -- specifically for DSA, that's--I just talking about the...the Building Codes, whereas once you start getting a permit application, you start pulling in all these other agencies, so they might have some limitations too.

COUNCILMEMBER JOHNSON: So, it sounds like your Department has the same curse of understaffed, trying to get folks to do that mountain of paperwork. I understand it, and hopefully during Budget, you know, those...those can...those things can be addressed. Thank you, Chair.

CHAIR KAMA: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. No additional questions.

CHAIR KAMA: Thank you. Member Sinenci.

COUNCILMEMBER SINENCI: Just a quick follow-up. So Mr. Sellars, if you do vie for this process, you would need to place the pre-approved plan on your own site plan, correct?

MR. SELLARS: Correct. We would need to place it on that...that TMK. So, the owner would hopefully be able to provide us a legal survey.

COUNCILMEMBER SINENCI: Oh, so you would do that as part of the...the fees?

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MR. SELLARS: Someone needs to do that, and that would be kind of the purview of the designer who's going to stamp those plans. So --

COUNCILMEMBER SINENCI: Got it.

MR. SELLARS: I'm sure we're open as long as there's a responsible party that, you know, we could work out amongst ourselves. Say, if I'm too busy, maybe Jeremy or Peter could take that plan and they could do the site plan. We're...we're open to a number of different solutions.

COUNCILMEMBER SINENCI: Okay. Thank you. And then for Mr. Shimabukuro, can we--do we have to build back with double-wall construction and still maintain structural integrity? Can we build--does the IBC have, like, island-style standards, where we do have single wall, post and beam, jealousies, passive...passive instead of AC, all of those things. Is that currently in the IBC?

MR. SHIMABUKURO: I don't think...I don't think that is allowed because I think the...as part of the Energy Code, you would require some kind of insulation between the walls.

COUNCILMEMBER SINENCI: Oh, it requires--does it need to be, like, R-11, 13, or it can just be Tyvek, Mr. Sellars?

MR. SELLARS: Yeah. To...to add to that, and I've sat on the other side of the table from Wade several times discussing the Building Code and our amendments. And there is an aspect of the Building Codes, as they...over time, they are enhanced, and that does contribute to both the cost of construction, and also, as Wade mentioned, the review time because the Code book keeps getting thicker and thicker. So, we are for a very--what would you say--localized building approach. I don't think there's anything wrong with--there are lots of people in this community that live in single-wall construction homes, and that's way better than living in your car or in a tent, right? So, we're trying to find that balance. So, speaking to insulation, one of the things--I was involved in the recent Energy Code that was passed, and one of the things that we put in there is if you're off grid, you don't need to follow the Energy Code, right? The Energy Code is there so that we can limit the amount of carbon being expelled and energy coming from our local power plant. Right now, if you can choose a tropical exemption, which if 50 percent or less of your house is air conditioned, then that only requires you to have R-13 in the walls and R-19 in the ceiling. Otherwise, it would be R-19 in the walls and R-30 in the ceiling. Currently, the single-wall construction's not allowed because . . . *(timer sounds)*. . . one of the reasons is fire stopping. So, the purpose of sheetrock on the inside of a wall is to stop fire from being able to travel up the wall --

COUNCILMEMBER SINENCI: Okay.

MR. SELLARS: -- and into the attic. So, there's a number of things that we have to look at, and that's kind of the complexity of all of this.



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COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR KAMA: I just have, I think, one question. So, are any of those units ADA?

MR. SELLARS: Currently--you know, I don't know if any are specifically ADA; however, we could definitely look at those. The ADA requirements for single-family dwellings is...is...is not one of the --

CHAIR KAMA: Um-hum.

MR. SELLARS: -- requirements, that would be a more a multifamily or something that was funded by the...a government agency. But I know that, you know, depending on the...the...the home itself and who...who would live in there, we often make modifications to accommodate disabilities.

CHAIR KAMA: So, when you do modifications, would that have to go back for review?

MR. SELLARS: Correct. Yes, unless we're going in originally with that --

CHAIR KAMA: Yeah.

MR. SELLARS: -- in the plan process.

CHAIR KAMA: So, I think my sense is that if we had something that was already, you know, on that list, that was already ADA, then we don't have to do that. And I think the intent is to not have to do that over and over again, right?

MR. SELLARS: Definitely.

CHAIR KAMA: So, if we could find an architect that's willing to develop something like that, that'd be great. But that's my only question. Members, any last--yes. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry if this is a stupid question. This is not my field. Okay. So, your concern about the single wall is about the fire going up the attic and then spreading to the next rooftop or whatever, right? So, then if it was a single wall, would it be cheaper to put, like, a sprinkler system, and would that solve the problem?

MR. SELLARS: Currently, NFPA 13D, this residential sprinkler system requirements, are pretty hefty and pretty costly. However, we have been working with the Fire Prevention Bureau, utilizing technologies that have been adopted in other jurisdictions on the mainland that can reduce that cost by up to 90 percent. So, we're for that. It's...it's...it's incredible technology and it's safety. One thing I do want to--just overarchingly, we are for permits.

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Permits should be attainable and somewhat easily attainable because the purpose of permits is to keep our County safe, right? If people are forced to not get permits because it takes too long or it's too expensive, then they'll build without a permit, and that doesn't make our communities safer. So, what we want is to continue this dialogue. And we love working with Wade and...and...and the folks at the County to figure out how we can do that, right? Because that's the ultimate goal.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Sellars. Mahalo, Chair.

CHAIR KAMA: Thank you. Ashley, you had your hand up. Did you want to comment?

MS. GONZALEZ: I did.

CHAIR KAMA: Yes.

MS. GONZALEZ: So, I wanted to ask if the County, the State was to make some proclamation that anyone in the compounds of the Lahaina and Kula fires will be held to the IBC 2018, and they have a ten-year period to build, would that make the process for pre-approved plans much more feasible for architects that have gone through the process of getting them permitted?

CHAIR KAMA: Interesting.

MR. SELLARS: Well, I...I think in general, you know, if you're looking for documentation on what Codes are required, it's on the DSA's website. You know, the 2018 and I think probably more so the 2012. So, we went from the UBC, to 2006 IBC, and then 2012 IBC for a short period, and then 2018 IBC. So, we saw a massive amount of change between the 2006 and 2012 IBC. You know, I think what we would really--well, and there's...there's one more thing I have heard, and maybe Wade can confirm this, but there is discussions that houses built within the last five years can be rebuilt per those plans, right? So, that would be under the 2006 IBC most likely, which would have less requirements. And a lot of that is around wind loading, and that also affects the designers as well because the...the wind loading requires more from the architect and structural engineer, both in the design process and in the construction process, which increases cost. And some of those are based on or predicated on, say, other jurisdictions like Florida that have a higher, you know, frequency of storms and hurricanes. You know, we do have that risk here, but we don't see it at the same risk. So, one of the things is just to use common sense. And we need to have that conversation, which parts of the Code are applicable to us. And there's always going to be risk involved, as we all know. But what is a healthy amount of risk that balances affordability and being able to keep our community housed?

CHAIR KAMA: Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering--you know, so, the

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Kaua'ula winds are somewhat infamous at this point, and I have heard from a family in Launiupoko that sustained wind damage, and they filed a claim with their insurance, and now they're no longer able to get insurance. Like, the insurance company is pulling out. And...and I'm not sure if that's because there is so much insurance claim files about wind damage in the Launiupoko area, but is that something that you have run into at all about insurance? Because insurance is based on risk. And now that we have this huge event, then the risk, obviously, is much elevated. And if...if folks can't get insurance--like as we see with FEMA, private insurance is the best solution than relying on the Federal Government. I just was wondering, like, is the 2018, in your opinion, sufficient to offset that risk for wind in those areas like Launiupoko, where...where--and actually, a lot of Lahaina seen choke wind damage before everything burnt down. So, I just was wondering as to which Building Code is...is the most risk averse, I guess.

MR. SELLARS: Well, definitely, the current Building Code that we're under has the highest requirements for wind. I think that there's a certain level, though, in...in...in the Code and in the Structural Code. It's meant to...it's meant to keep the building safe and...its inhabitants safe rather, right? So, you're going to see damage to the exterior siding, windows, roofing, things like that, but the house structurally will be fine. So, that's...that's kind of maybe a nuance, but I think a lot of the damage that we've seen isn't necessarily structural. It's...it's roofs and things like that that need to be repaired and are costly, but the house itself is okay. And even, you know, looking at projects recently in the Lahainaluna area, where, you know, roofs were kind of sucked off and the nails were popped out, but the...the building's fine. It just needs repair, but that's costly.

COUNCILMEMBER PALTIN: So maybe don't file the claim if you want to keep your insurance for, like, the big stuff?

MR. SELLARS: I...I think, you know, as...as a community, we have to have a real serious conversation about insurance. We're seeing more natural disasters. Our...our national AIA disaster response team told me that there were 30 disasters currently. And typically in the past, they've waived our membership dues. Right now, they said if we waive all the membership dues for the architects that live in disaster areas, we'll be defunct as an organization. So, just in general, we know that last year was one of the highest and most costly . . .(timer sounds). . . you know, sort of natural disaster --

COUNCILMEMBER PALTIN: Every 1.5 days, I think --

MR. SELLARS: Yeah.

COUNCILMEMBER PALTIN: -- you said.

MR. SELLARS: So, it...it's...it's happening more and more. We need to be aware of it. I'm not even talking about flood insurance, which is a completely different monster. But it's definitely an issue, and we're seeing less and less sort of insurance available.

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COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR KAMA: Member Sinenci? Member Cook?

VICE-CHAIR COOK: I don't have any more questions. I just want to thank you for having this meeting. I want to thank our resource people. What I gathered from this today was this is the very beginning of a meaningful, longer conversation. And so, I'm...I'm grateful to everybody. I think I got a lot on it today, and I look forward to our further collaboration.

CHAIR KAMA: Absolutely. Yes. So, Members? Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I agree. Thank you very much for this discussion. And I want to thank you for the amount of time you've dedicated to help us as a County, all of you, and the AIA. I...I look forward to having a longer discussion. And because Member Cook has passed and reported out of his Committee the expediting building process, I...I hope that you were involved in that process also, so...so that building permit, so that we can keep in line with making sure that we follow everything that Mr. Niess said and, you know, the AIA has said to help make...help make this a faster process. And thank you, Member Cook, for your years. Member Cook.

VICE-CHAIR COOK: Thank you for that. Just to clarify, the expedited building permit process for Lahaina is basically in the Administration's wheelhouse. We heard Bill 21 and we're...continue to work on it and will be as involved as possible. But that's basically Josiah's (*phonetic*), they're driving that boat. And hopefully, they will continue to include the resource people in that conversation.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Thank you. Member Paltin?

COUNCILMEMBER PALTIN: I just wanted to put it out there to the AIA team. If they review Ordinance 5507, Section 107.6 and see things that they would like to change, they can contact any one of us and we can work with them on that. My suggestion would be Mr. Cook or Mr. Sinenci because they know what you're talking about, but whoever's not busy could work on you guys with that. So, just putting it out there. I'm...and I'm pretty busy, so you could contact me, but it wouldn't be the best use of your time.

CHAIR KAMA: You can contact me. I'm not that busy. . . . (*laughing*). . . . But I want to also thank you, Peter, and David, and--and I'm sorry I forgot your name--Jeremy, because I feel like I have gotten a very well-rounded education about the process, the permitting process. And that's really interesting to me, and now I have a deeper understanding, Mr. Shimabukuro, of what you're going through to at DSA. So, thank you all for coming. And we will have an expanded discussion because although we only talked about having these plans, we don't really have them yet. So, if we want to get them, we have to do another step further, which is to actually make it part of our Ordinances. So, thank you all for

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being here. Members, without objections, I would like to defer this matter --

**COUNCILMEMBERS VOICED NO OBJECTIONS** (excused: NUH).

**ACTION: DEFER pending further discussion.**

CHAIR KAMA: -- for a future date. So, I don't believe we have any further business for today, ladies and gentlemen. And so, the time is now 12:13 in the afternoon. And the HLU committee is now adjourned. . . .*(gavel)*. . .

**ADJOURN:** 12:13 p.m.

APPROVED:



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TASHA KAMA, Chair  
Housing and Land Use Committee

hlu:min:240221min:mll:slv

Transcribed by: Logan Tsuji

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CERTIFICATION

I, Logan Tsuji, hereby certify that pages 1 through 70 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 2nd day of March 2024, in Wailuku, Hawaii

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

Logan Tsuji