

DISASTER RECOVERY, INTERNATIONAL AFFAIRS, AND PLANNING COMMITTEE

Council of the County of Maui

MINUTES

March 19, 2025

Online Only via Teams

CONVENE: 1:30 p.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Nohelani U'u-Hodgins, Vice-Chair
Councilmember Tom Cook, Member (out 4:45 p.m.)
Councilmember Gabe Johnson, Member (out 4:44 p.m.)
Councilmember Tasha Kama, Member (in 2:01 p.m.; out 4:31 p.m.)
Councilmember Alice L. Lee, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

EXCUSED: Councilmember Keani N.W. Rawlins-Fernandez, Member

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

Residency Area Office (RAO):

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

County of Maui Office of Recovery:

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

ADMIN.: Shayne Agawa, Director, Department of Environmental Management (DRIP-2
and -3)
Oliver Vaas, Captain, Department of Fire and Public Safety
Jordan Hart, Executive Assistant, Office of Recovery (DRIP-2 and -3)
Kate Blystone, Planning Director, Department of Planning
Gregory Pfof, Administrative Planning Officer, Department of Planning
Jordan Molina, Director, Department of Public Works (DRIP-2, and -3)
Diane Yogi, Deputy Director, Department of Transportation (DRIP-2)
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation
Counsel

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OTHERS: Tom Croly
Jaycee Law (DRIP-9(1))
Mike Moran (DRIP-2 and -3)
Jonathan Helton (DRIP-2 and -3)
Others (45)

Resource Personnel

Stefan Pellegrini, Principal, Opticos Design, Inc. (DRIP-9(1))

CHAIR PALTIN: Will the Disaster Recovery, International Affairs and Planning Committee come to order. The time is now 1:30. If everyone can please silence their cell phones or any noise-making devices, that would help our cause. Members, in accordance with the Sunshine Law, if you are not in the Council Chambers, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Also, please see the last page of the agenda for information on meeting connectivity. My name is Tamara Paltin, and I'll be your Chair for today's DRIP Committee meeting. With us, we also have Committee Vice-Chair Nohelani U'u-Hodgins. Aloha 'auinalā.

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

CHAIR PALTIN: And sitting next to her, Councilmember Tom Cook. Aloha 'auinalā.

COUNCILMEMBER COOK: Aloha 'auinalā.

CHAIR PALTIN: And online, we have Councilmember Gabe Johnson. Aloha 'auinalā.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, Committee Members. There's no testifiers at the Lāna'ī District Office. And I'm alone in my workspace, and ready to work. Mahalo.

CHAIR PALTIN: Councilmember Kama and Rawlins-Fernandez did let us know that they will be a little bit late, and so they are excused at this time. We also have Councilmember Alice Lee. Aloha 'auinalā.

COUNCILMEMBER LEE: Aloha 'auinalā. And haleto from the Choctaw Nation in Oklahoma.

CHAIR PALTIN: Haleto.

COUNCILMEMBER LEE: I'm home alone...I'm home alone in my workspace.

CHAIR PALTIN: And next up we have online Councilmember Shane Sinenci. Haleto and aloha 'auinalā.

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COUNCILMEMBER SINENCI: Haleto and aloha ‘auinalā, Chair, and hau‘oli lā hānau to our Councilmember U‘u-Hodgins. Here at my home office, I’m here by myself, and there are no testifiers in Hāna, Chair.

CHAIR PALTIN: Oh...Member Sinenci, you not gonna sing for her? . . .*(laughing)*. . .

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

CHAIR PALTIN: After, we can do that after. We’re on a time crunch. Okay. And last, but not least, we have Councilmember Sugimura online. Aloha ‘auinalā and haleto.

COUNCILMEMBER SUGIMURA: Aloha, and it’s raining in Kula, so good news on that. And I wish you all a very productive meeting. Looking forward to the presentation. Thank you.

CHAIR PALTIN: Thank you. Main thing we don’t --

COUNCILMEMBER SUGIMURA: Oh, I’m in this room by myself.

CHAIR PALTIN: Okay, main thing you guys don’t infringe on Councilmember Cook’s district there with your rain.

MR. PASCUAL: Chair.

COUNCILMEMBERS: . . .*(laughing)*. . .

MR. PASCUAL: I apologize. This is Staff. Could we request a one-minute recess? *Akakū* is not getting any audio on their end.

CHAIR PALTIN: Oh, shucks. Okay. We’ll recess to 1:34. This meeting is in recess. . . .*(gavel)*. . .

RECESS: 1:33 p.m.

RECONVENE: 1:37 p.m.

CHAIR PALTIN: . . .*(gavel)*. . . Thank you for that brief recess. We just had a few technical difficulties. Continuing on, this meeting of the Disaster Recovery, International Affairs, and Planning Committee of the Maui County Council is located on the traditional ‘āina of Kānaka ‘Ōiwi, who never ceded their sovereignty to the United States. We recognize that Her Majesty Queen Lili‘uokalani yielded the Hawaiian Kingdom to the U.S. in duress under threat of violence to avoid the bloodshed of her people. We further recognize that Hawai‘i remains an illegally-occupied nation-state by the United States, as documented in a 2021 scholarly article for the National Lawyers Guild Review by Andrew Reid, Adjunct Professor of Law at the University of Denver, Sturm College of Law. Generations of Kānaka Maoli and their knowledge systems have sustainably cared

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for Hawai'i and continue to do so. We are grateful to occupy this space and learn the ways in which we can contribute. As a Committee, we seek to support the varied strategies that indigenous people of Hawai'i are using to protect their land and their communities, and commit to dedicating time and resources to working in solidarity. From the Administration, we have with us Deputy Corporation Counsel Mark...Mike Hopper; Deputy Director of Transportation Diane Yogi; Executive Assistant to the Office of Recovery Jordan Hart. Mister --

UNIDENTIFIED SPEAKER: Hello?

CHAIR PALTIN: -- . . .*(inaudible)*. . . not here, yeah? Okay. And from the Department of Environmental Management, Director Shayne Agawa; Director of Public Works Jordan Molina; Fire Captain Oliver Vaas; Planning Director Kate Blystone; and Administrative Planning Officer Greg Pfof...Pfof. Our other resources are Stefan Pellegrini, Principal, Opticos Design, Inc., and that's for DRIP-9(1). Members, without objection, I will designate Mr. Pellegrini as a resource person under Rule 18(A) of the Coun...Rules of the Council due to the...his knowledge and expertise as an architect, urban designer, and planner.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Thank you. Our Committee Staff for today, we have Senior Committee Secretary Yvette Bouthillier; Legislative Analysts Jarret Pascual and Keone Hurdle; Assistant Clerk Jean Pokipala; and Legislative Attorney Carla Nakata. On our agenda for today, we have DRIP-9, a presentation on Missing Middle Housing. DRIP-2 and -3 we will take together. DRIP-2 is Bill 103, Amending Chapter 19.08, Maui County Code, Relating to Density Within Residential Districts; and DRIP-3, Bill 104 (2024), Amending Chapters 19.04, 19.08, and 19.29, Maui County Code, Relating to Kitchens, Kitchenettes, and Wet Bars; and Section 19.36B.020, Maui County Code, to Add Parking Requirements for Dwelling Units with Kitchenettes. We will take testimony after opening remarks or presentations.

MISSING MIDDLE HOUSING (DRIP-9(1)) (RULE 7(B))

CHAIR PALTIN: So, moving onto DRIP-9(1), Missing Middle Housing. Under Rule 7(B) of the Rules of the Council, the Committee intends to receive a presentation on Missing Middle Housing from Stefan Pellegrini relating to Missing Middle Housing, a term referring to a range of house-scale building types with multiple units in walkable neighborhoods. The Committee may also discuss other related matters. However, no legislative action will be taken on this item. So, it was requested--this presentation would have been referred to the Housing and Land Use Committee, but thankful to Member Kama to let the presentation be scheduled in this Committee ahead of Bill 103 and 104 to kind of explain how 103 and 104 could look here in Maui. The Planning Department presented this during the Maui Planning Commission meeting of February 25th, 2025, and Missing Middle Housing refers to a range of multifamily housing types that are

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compatible in scale with single-family walkable neighborhoods. Three additional documents, like in addition to the presentation, were provided by Opticos Design, which you can review on Granicus. Attachment number 2 is an executive summary on Missing Middle Housing study. Attachment number 4 is the final memorandum on the Missing Middle Housing study for Central, South, and West Maui. This is the first report in the study that describes the analysis used to identify Missing Middle Housing-ready areas. And attachment 3 is the final report on the Missing Middle Housing study, which goes into greater depth to assess potential housing types that could fit on typical lot sizes in Maui. At this time, we will receive opening comments and presentation from Mr. Stefan Pellegrini of Opticos Design.

MR. PELLEGRINI: Thank you, Chair Paltin, and thank you, everyone, for giving me this opportunity to speak with you today. I'm going to do a brief presentation overview of the materials that were in your packet, and I look forward to a conversation with you on this topic. I'm going to share my screen. Just one moment. (silence) And Chair, I'd like to verify that you can see my screen that I'm sharing?

CHAIR PALTIN: We sure can. Thank you so much.

MR. PELLEGRINI: Great. Thank you. So, this is what I'm going to try to cover today. This should just be a brief overview of about 10 to 15 minutes. I'm going to tell you a little bit more about the work that we prepared on behalf of the Hawai'i Community Foundation. I'll introduce you to the Missing Middle Housing concept, and talk about this work as it is relevant to Central, South, and West Maui. As Chair Paltin mentioned, we prepared a two-part study to provide recommendations on where and how Maui could expand housing choice and affordability. The first piece of this was what we refer to as a scan, which is a report that identifies different places in the community that are suitable for Missing Middle Housing, and provides an introduction to some of the zoning and policy levers which can be shifted to provide more MMH. And then the second report we refer to as a deep dive, which provides a little bit more information about typical situations where Missing Middle Housing can be located, the feasibility of those kinds of projects, and then a deeper dive on zoning and policy recommendations. As Chair Paltin mentioned, when we use this term MMH, we refer to house-scale buildings with multiple units in walkable neighborhoods. We call it missing because this middle scale that's between single-family homes and larger, more intense mixed-use commercial and multifamily buildings are often absent from many communities today, although many cities and counties, communities all over the United States were built with these kinds of housing types in their neighborhoods for many years, but more recently, they have been absent. And we use this term middle both to talk about that middle scale, but also to refer to the middle-class households that this kind of housing can support. And so, we are looking at not only at housing types that can provide sort of a neighborhood style of living, but also housing types that can be sold or rented at an attainable cost, and provide sort of a broader number of housing choices in our communities. This is sort of part of what we refer to as the barbell of affordable housing, and there's a lot of different ways that we can sort of expand housing choice and availability in communities. On one hand, we can subsidize housing through programs

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like low-income tax credits. This is really good at providing housing for low- and very low-incomes. At the other end of the spectrum, we can actually build market rate housing, which tends to be in more intense buildings. That does a lot to increase the supply, but because these buildings are typically complicated and expensive to build, they tend to serve only the upper tiers of the markets. And so, we're left with something in the middle that we tried to actually reach that can be lower cost by design, and also continue to provide, as I mentioned, these neighborhood-styled living choices for families. The characteristics of missing middle include, as I mentioned, smaller, well-designed house-scaled buildings. We tried to sort of maintain private and shared open spaces to sort of maintain that neighborhood living. We also look for places in the community where housing can go, where people can actually be a little bit less car-dependent. And so, we're looking primarily at places in the communities where there is some degree of connectivity and walkability, not to eliminate car use, but to find where there are sort of opportunities to reduce or become less dependent on automobiles. I mentioned that this is missing. There are local examples. These are photos that include places that many of you may recognize on Maui, as well as some Missing Middle Housing-types found on the neighboring Island of Kaua'i. I mentioned that this has to do with housing attainability. As all of you are aware, there are some very extreme housing affordability issues on Maui, and very little land in the County is actually zoned for multifamily housing, and so we have a lot of constraints both from land availability and also sort of the prices. The way that this sort of is reflected are high home costs, high rents, and very large percentage of families who we refer to as house-burdened. That means that they pay more than 30 percent of their total household income on their monthly rent. These numbers below--I believe the recent UHERO report has actually revised this down...number at the bottom down to 20 percent--only 20 percent of Maui households can now afford a mortgage on a medium-price single-family home. So, in order to sort of do this work, we started by looking at different geographies in West, Central, and South Maui. We looked at both natural constraints, we studied very carefully the work that County Planning and others have done, starting with the Island Plan, also the...down to the community plans. And we looked at these things throughout the communities on the island to understand this sort of connectivity and the pattern of where local services and amenities are. And what we found is that there's sort of a variety of different centers in the community that are mixed-use in character that can support different types of housing in and around these centers. We refer to these in the reports as missing middle-ready areas, and we're looking primarily at a five- to ten-minute-walk radius around these centers, again, to try to sort of understand where there are opportunities to locate housing in places where we can get people close to services and the convenience of local amenities. Many of these are places that you might be familiar with on Maui. They are both sort of more intense places that you might find in Kahului or Wailuku, but also in many of sort of the historic neighborhood centers that you find in different communities Upcountry and on the South Side, different places on the island. We compiled these missing middle ready-areas into a series of maps which you'll find in the reports, and these represent sort of the geographies that we looked at to understand what, where, and how these opportunities could exist. We then looked for sort of repeating patterns, and what we found is that were...there were six residential zones that were most prevalent in these

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areas. Those are R-1, R-2, and R-3, also A-1, B-2, and WRA. And so, we looked at those six with a little bit more attention to detail to understand what could fit there, and what sort of opportunities there might be to recommend changes to allow more housing to occur in those areas. Here are the missing middle-ready areas on West Maui and in the Upcountry for reference. When we did this additional sort of test fit work I mentioned on these six zones, we looked at a variety of lots that we saw were actually repeating in the community so that we knew that if we analyzed a situation in one location, that it actually would have meaning and relevance across lots of different geographies on the island. We tested these for what would fit on a lot, thinking about sort of the different principles that I shared earlier, but we also tested them for financial feasibility to try to understand if developers could actually produce market-rate housing that actually could result in attainable units for-sale or for rent. And through this analysis, there were sort of repeating findings that we found. We found that in order to improve on feasibility and attainability, there were levers, particularly on the zoning side, that could be shifted that would help make projects more feasible and more likely to deliver, as I mentioned, attainable units, units that would be available to a median in range of incomes. Four of those are listed here. You can see two of those that have to do with density and reducing parking requirements are relevant to development standards in the Zoning Ordinance. We found that these are levers. When they can be shifted, we can actually increase the feasibility and attainability of housing projects. I'm going to take you through a few of these examples, and the purpose of these is just to get a sense, again, of what fits, but also sort of provide some comments on the form and character of Missing Middle Housing, thinking about actually sort of how it might be compatible with the neighborhoods where it actually would...could be introduced. This first one is typical residential lots in Kihei. You can see it's 75 by 100 feet, and this is an example of what we learned could fit here. This is a five-unit project that would incorporate a triplex building and two ADUs. You can see it actually can also incorporate shared and common Open Space, and we can achieve a one-space-per-unit off-street parking ratio in addition for this type. You all sort of speak about density and square footage per unit, and so to kind of give a reference here, this kind of project would provide upwards of 29 dwellings to the acre that actually translates to about 1,500 square feet per residential unit. This is another sort of illustration that shows how that kind of project might fit into a residential neighborhood. You can see sort of the one-to-two-story character in the detached buildings, which would be sort of designed to accommodate sort of that neighborhood compatibility that we talked about earlier. Here's a second one in Central Kahului. This is sort of an example of how a larger infill site could deliver a Missing Middle Housing neighborhood. This is a larger site, just under 17 acres. Many of you are probably familiar with the site in the B-2 zone. We looked at this sort of for understanding what could be achieved with Missing Middle Housing-types, and we found that this could accommodate about 455 units, again, providing sort of substantial open-space neighborhood living and retaining that off-street parking ratio that we discussed earlier. This translates to about 27 dwelling units to the acre, which, again, is about 1,500 square feet per residential unit. This is an example of sort of the form and scale that we can see in larger projects. We actually can incorporate a large community open spaces and shared open spaces into this kind of neighborhood scheme. I mentioned a little bit previously about zoning barriers. This slide provides sort of a

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summary of some of the repeating elements that we found when we looked at these zones where there were levers that actually could be pushed or pulled that would enhance or increase, as I mentioned, the possibility or potential for these projects to actually be developed. You can see that density is a sort of fairly consistent barrier to missing middle. We also looked closely at lot size, lot coverage, and setbacks. You can see that this sort of provides a road map for things that might be considered now, but also in the future as you all work to continue to amend and update your Title 19, that there might be some additional opportunities to consider some of these levers to allow additional Missing Middle Housing in your communities. And this is just sort of an example of how this plays out. We know that the existing lot-sized-based density limits in the R zones, for example, are resulting in densities of generally between four and seven dwelling units to the acre. That's between sort of 6 and 10,000 square feet per unit. And you can see that if you look at this from the standpoint of what can fit with these types of buildings and these types of sort of neighborhood-oriented projects, we can see that we can achieve densities upwards in the 20 to 30 dwelling units to the acre. An interesting point I want to make here, that this actually is maintaining the lot coverage and open space requirements in the R zones that wasn't sort of a lever that needed to be pushed or pulled up in reaching this kind of Missing Middle Housing output on these parcels. So...and the reports actually provide and include an implementation summary. There are emerging topics that it starts to discuss and provide some guidance for actually what could happen next. These include policy and zoning levers, as I mentioned, but also recommendations for streamlining the application review entitlement process. There's also opportunities to think about changes to the Building Code that many communities across the United States are considering to or have actually already achieved in order to actually make some of these possible. There's ongoing discussions about coordinating efforts of infill with infrastructure investments in the community, and also discussions around funding, financing, and ways that this kind of development can be incentivized for local developers. We had the opportunity through the process to start a conversation with the community with a open house that was held earlier this year. We would look for sort of additional opportunities to continue this conversation, looking for opportunities in the community, but also continuing to discuss both concerns, issues, and what people might like about this kind of proposal. And the report and conclusion also outlined some sort of more detailed next steps that could be happening down the road. These include sort of consideration of pilot projects, but also thoughts about how more robust changes to Title 19 could be included in the longer term. Those could include overlay zones or floating zones, ways that folks could be incentivized to introduce these kinds of projects in these neighborhood contexts, as well as sort of additional recommendations for partnerships and implementation projects that could be considered down the road. So, I want to thank all of you for this time today. I know our time is short, but I look forward to additional questions and conversation on this topic. As I mentioned, that this rollout actually started with the community back in December, we had a chance to talk with the Planning Commission earlier in February. We recommend that all of you take a look at the documents that were provided, and invite you to visit the House Maui website to download copies of the reports and the

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executive summary. And with that, I'll conclude my presentation, and thank you, everyone.

CHAIR PALTIN: Thank you. Any opening comments from Planning or Fire and Public Safety? Go ahead, Director Blystone.

MS. BLYSTONE: Mahalo. Thank you to the Committee for listening to this today. This all started back when I was with Hawai'i Community Foundation, and we knew we needed to understand why these missing middle projects weren't happening through the House Maui Initiative. And so, we literally hired the guys that wrote the book on Missing Middle Housing, Opticos Design, and they've been working hard in Kaua'i County to make the changes there, but that...that was one of the...the reasons we chose them. So, we think this is relevant for your next conversation because missing middle could occur in all of these residential districts. And so, I asked Stefan to describe this in the context of, you know, units per square foot so you could be thinking about that when you're talking about Bill 103 next. We just wanted you to be able to see the possibilities that are...that are available if we make some of these changes to our Residential Code. So, that's all for my opening remarks, and it sounds like Stefan has to step off, but he'll be back later.

CHAIR PALTIN: Okay. At this time, I would like to recognize Member Kama. Aloha 'auinalā and haleto.

COUNCILMEMBER KAMA: Aloha 'auinalā, Chair, and haleto. Pardon my tardiness, I forgot my keys in my house and couldn't get here, had to call somebody for the keys so I can get here. So, thank you, Chair.

CHAIR PALTIN: Thank you for persevering. Okay. And any opening remarks from Captain Vaas on the presentation?

MR. VAAS: Yeah. Just trying to make my camera and mic work. You can hear me okay?

CHAIR PALTIN: Yeah, we can hear you and see you.

MR. VAAS: I did participate in this presentation once before at the invitation of Kate, and we...we support that kind of development because inherently, those buildings have a lot of the fire protection requirements that are associated with that. So, when we get into building structures of three or more internal dwellings, there's a lot of protection requirements that come along with that that wouldn't require any further revisions. So, I like what...the direction we're going, and I want to be kept up any more information on that, and we...we definitely support the middle housing. Thank you for sharing that presentation.

CHAIR PALTIN: Thank you. At this time, we will now move on to public testimony for Missing Middle Housing, which is DRIP-9(1). Written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas. Testifiers wanting to provide oral testimony should join the online meeting via the Microsoft Teams link

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provided...printed on today's agenda, or call in to the phone number, which is also on today's agenda. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button near the top right of your screen. For those calling in, please follow the prompts via phone. Staff will add names to the testifier list in the order testifiers sign up or one...raise their hands. For those on Teams, Staff will lower your hand once your name is added. Staff will then call the name you're logged in under or the last four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. If you wish to testify anonymously, please notify Staff. Otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you are done testifying, or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. At this time, we will call on testifiers wishing to testify on DRIP-9(1). Staff, can you please call the first testifier?

. . .OPEN PUBLIC TESTIMONY (DRIP-9(1)). . .

MR. HURDLE: Yes, Chair. First up to testify, we have Mr. Tom Croly on Teams.

CHAIR PALTIN: Aloha, Mr. Croly.

MR. CROLY: Aloha --

CHAIR PALTIN: We are ready for --

MR. CROLY: -- Committee.

CHAIR PALTIN: -- your testimony.

MR. CROLY: Thank you. I saw this presentation at the Planning Commission, and I appreciate seeing it again. In between that time, I took the opportunity to drive by one of the example lots that was given in Kihei, and tried to...to...to imagine what was proposed, the triplex plus two accessory dwellings and only one parking space for each of those dwelling units. I looked at the parking that was already taking up most of the street, and I could not even imagine if a...if a new owner of this lot came into that neighborhood and said, I'm going to build, you know, five dwellings on this property. What do the...what do the neighbors feel about it? It just, in that particular case, would not work. I...I don't believe that Maui has too many opportunities to be walkable in our existing communities. While this particular example was just off of South Kihei Road, there is little to no chance that someone's going to live there without a car and walk to the grocery store, and walk to their job, or whatever the case may be. So, while I don't want to throw water on this whole idea, I think the idea is fine, but I think shoehorning some of these ideas into the existing neighborhoods is really not going to work, certainly not to the extent that...that it was just proposed there. And I...I...I gave you guys this same kind of warning before. If you allow condominiumization of these units--which it

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kind of sounded like that was part of this proposal, was that we could make less expensive units that people could live in--do recognize they will be snapped up by people who want a second home on Maui. You have failed to...to stop that in the Apartment District. Everything built in the Apartment District since 1991 has had the requirement, must be used for long-term residential housing. I dare you guys to just look up how the...the...the units in the Apartment District that have been built since 1991 in places like Kihei and West Maui are actually being used. If you do, as I have, you'll find that more than 50 percent of them are second homes. They're not used for vacation rental, they are used exclusively as second homes. And I do believe that that is one of the problems here with if you allow these smaller units to be built--if they're rentals for the owner, fine. But if they're...if they're going to be available for-sale via condominiumization, you are really creating more opportunities for second homes. That's...you know, on this subject, that's what I have to say. Thank you.

CHAIR PALTIN: Thank you, Mr. Croly, for your testimony. Questions for the testifier, Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, thanks. Appreciate you taking that extra effort to check it out, and you're making me think that they're subject to short-term-vacation-rental situations, even if we want it to be long-term. Is that what we're opening up?

MR. CROLY: Not for short-term rental, just to be clear. Not someone buying it to use in any way, shape, or form for short-term rental. Someone buying it to use for their own use a portion of the year --

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

MR. CROLY: -- which is how most of apartments built in the Apartment District since 1991 are being used. Not as short-term rentals. They don't rent them out to people on a weekly basis, or a monthly basis, or anything like that. The owners use them, their families use them, their...their friends use them, but they are strictly second homes.

COUNCILMEMBER SUGIMURA: Oh, okay. I get...I...I'm understanding a new tax you're talking about. So, thank you, Mr. Croly.

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

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

MR. CROLY: Okay.

CHAIR PALTIN: Member Lee?

COUNCILMEMBER LEE: Hi, Tom. So...okay. So, now we know the disadvantages. Are there any advantages to this...this type of housing?

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MR. CROLY: Well...well, I certainly like the increase in density, and we're going to talk about it more in...in the next two items as to how we might be able to increase density. I just didn't like the particular example that was made of a triplex plus two accessory dwellings--five dwellings--and then saying, well, we can fit of all these, but only...we only need to put five parking spaces on there. No, you need ten parking spaces if you're going to put five dwellings on a property. And even with ten parking spaces, I can guarantee there's going to be people parking in the street. So, I...I...I do believe that...that...that we can consider density. But something like this, what...the whole basic proposal, it kind of works if you're creating a community from the ground up, an existing community, where...where you're going to know exactly where you're going to place your...your business, so forth. But trying to retrofit our current communities for this, I...I really don't see it fitting in too many places...at least not the ones I'm familiar with.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR PALTIN: Member Cook?

COUNCILMEMBER COOK: Member Johnson had his hand up first, and then me.

CHAIR PALTIN: Oh, Member Johnson?

COUNCILMEMBER JOHNSON: Okay. All right. Fine. I...I don't...I don't mind waiting, but Mr. Croly, clarifying question. You...you know, I hear your...your conversation on condominiumization, and that's--you're absolutely right, those apartments have been going to second-home owners across the nation. But if...if we're talking about my lot or your lot, and you wanted to put an 'ohana on your lot, it's really up to you as your...as the owner if you're going to sell to a mainland person. You might be having sons or daughters, or aunties or uncles, or grandmas who could...you could sell that within your family, right? There's...there's a bit of a free...a free market kind of angle too, that you...it's...it's really up to the person who owns their lot if they do condominiumize who they will sell it to; am I correct?

MR. CROLY: Certainly. But, I mean, we kind of know how condominiumization has worked out, say, in Launiupoko, okay? . . .*(laughing)*. . . So...so, when you make a rule like this, and you say people can condominiumize, people are going to do that...many people are going to do that for what their...their...the...the most return on their investment's going to be. But in the example that you made, if some family owns a lot, like I own on my lot here, and I want to build an 'ohana and my family member's going to live in the 'ohana, I could work out a situation internally that...that...that he owns it, but it's not recorded as a deed, I suppose, you know? But as soon as you open the door up to...to splitting these larger lots up into smaller lots, hoping you're going to make housing for...for local people, I just have a feeling that more than half of them are not going to be for local people --

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COUNCILMEMBER JOHNSON: They --

MR. CROLY: -- they're going to end up being something different.

COUNCILMEMBER JOHNSON: -- you--I understand that, and, of course, hopefully legislation can address that. But I think, you know, the stats that they showed--and I'm sure you are, Mr. Croly--that folks are really struggling to pay the mortgage, right? They're...you know, we're...there's a term for that, and we're just struggling. Everything above 30 percent of our income's going towards mortgage...we all know people 50 percent going towards their mortgage. I think that condominium--I don't want to get in a debate here, of course, and distract, but, you know, the idea that we--you know, there are...there are sections of our community that are really hurting to pay the mortgage, and condominiumization could help them shrink their...their mortgage, shrink their responsibilities, and able to live in those homes. So, I...I mean, I...for clarifying, what...what say you? . . .*(laughing)*. . .

MR. CROLY: Well...well...well, let's figure out what the--you said legislation could address this--let's figure out what legislation would need to come forward in order to prevent what I just laid out for you.

COUNCILMEMBER JOHNSON: Um-hum.

MR. CROLY: You guys heard testifiers from the folks in Kihei that bought affordables recently, and they said their mortgage payment was 5,000, \$7,000.

COUNCILMEMBER JOHNSON: Right.

MR. CROLY: And those were duplex, little, tiny units, you know...900 square feet. And again, while we...we think we're creating a \$300,000 home that someone could afford here, I can picture us creating luxury little dwellings, you know?

COUNCILMEMBER JOHNSON: Um-hum.

MR. CROLY: That each of those becomes a million-dollar thing unless you have a way out of that, you know? So...so, it's just a precaution that I'm saying you --

COUNCILMEMBER JOHNSON: Sure.

MR. CROLY: -- better take, or...or we're going to see neighborhoods turn into something different than what you intend.

COUNCILMEMBER JOHNSON: Thank you for that, Chair...or thank you, Chair.

CHAIR PALTIN: Member Cook?

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COUNCILMEMBER COOK: Thank you, Chair. My clarifying question for Mr. Croly. Do you envision older neighborhoods like--say, Kahului is an example--the increments that have larger lots, the homes that are somewhat at the end of their life expectancy, and they're kind of samey [*sic*] blocks that are...anyway, but you see examples of people making multifamily homes successfully in there. So, do you think the Kahului area, the increments, and also vacant low-use Light Industrial areas in Kahului would be an opportunity to kind of do a master-planned this type of development?

MR. CROLY: I...I would agree with you that...that it's already happening to some degree in Kahului. We see some of those smaller, you know, block homes that were 1,700 square feet get replaced by these homes that go, you know, edge-to-edge, and...and...and are two-stories high, and...and probably have four or five units in them already. So...so, yes, I...I kind of see that that's already happening there. And I...and...and I'll be honest with you, I don't think those would be snapped up by second homeowners. You know, you don't have a lot of second homeowners who are looking in Kahului to buy places. But I'm cautioning you that in Kihei, you certainly do, and...and...and in West Maui. So, yes, there may be places where this could fit better, this kind of redevelopment idea could fit better, but if it goes across the whole island, and we apply it to all R-1, R-2, R-3 zoning, wow, I...I think you're...you're...you're going to get something different than what...than what we might want.

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

CHAIR PALTIN: Any more questions for the testifier? Seeing none. Thank you for your testimony. Can you please --

MR. CROLY: Aloha.

CHAIR PALTIN: -- call the next testifier?

MR. HURDLE: Chair, I believe Mr. Jaycee Law was approaching the podium.

CHAIR PALTIN: Okay. Did he sign up? Okay.

MR. LAW: Thank you, Kainoa [*sic*]. Thank you, Mr. Croly. Thank you for wearing that old T-shirt. It takes some of the pressure off. Thank you, Luna Ho'omalua Paltin, for letting me testify without duress. Aloha kākou, everybody. O wau Jasee Law. I'll try to keep it relevant. I would like to improve my neighborhood, so mahalo to the guests for the presentations. The words walkable neighborhoods caught my attention because if I send my neighbor a note or a letter, it takes three days, but it takes me less than three minutes to walk to their hale. And if my neighbor is a Councilmember, I'm worried after yesterday's GREAT Committee meeting, it might even be a crime to mail them a birthday card.

CHAIR PALTIN: Questions for the testifier? Seeing none. Thank you for your testimony. Any further testifiers?

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MR. HURDLE: Chair, that's all the individuals signed up to testify. We could do a last call.

CHAIR PALTIN: Sure.

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

CHAIR PALTIN: Members, any objection to closing public testimony on this item?

COUNCILMEMBERS: No objections.

. . .CLOSE PUBLIC TESTIMONY (DRIP-9(1)) . . .

CHAIR PALTIN: Okay. Public testimony is closed, accepting any written testimony into the record. For this item, since we have two bills, we can start off with one round of three-minute questions. Is Mr. Stefan available for questions?

MS. BLYSTONE: Chair, he indicated that he was going to be able to dial back in. He had to...I...it's...I think it's 5:15 over there. So, he had to do something with his kids, I believe, so hopefully he is back.

CHAIR PALTIN: Okay. And then if not, can Members direct their questions to you?

MS. BLYSTONE: I can do my best.

CHAIR PALTIN: Okay. Let's try one...one round of three-minute questions. We'll start with Committee Vice-Chair Nohe U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Thank you, Chair. While our presenter is no longer here, that was a really informative presentation, so thank you, and thank you, guys. While it wasn't presented, it was in our Granicus, but it basically says these types are not new, and we just stopped building them. I'm wondering if you can tell us why, and...and then I'm wondering if we could discuss some of the barriers to getting it rebuilt. But if you could answer why, and then discuss some of the barriers, I would appreciate it.

MS. BLYSTONE: So, I...I wish Stefan was here because he studied this question across the country, right, and so he has...he has a deeper understanding of it. But my understanding is that zoning has kind of changed over time, that, you know, some of these things sprung up organically and were--just happened absent zoning, right? That was just the most logical way to build--shared walls and...and making best use of the space, maximum use of the space. Over time, we decided that we needed setbacks, and we needed, you know, to...to separate uses more. We need...there was an energy

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towards...push towards everyone having a single-family home...home, so a lot of those, that energy was pushed towards doing that, and building these large subdivisions with single-family homes. And so, these other things just kind of fell to the wayside...wayside, and then the...the bias started creeping in towards single-family energy in...in our Zoning Codes. And so, that's why now with these setbacks, and with...with all the various things that are happening, it's just...that's part of the reason. I think another...another reason is that there is...like Captain Vaas mentioned, there is some...there's some Building Code issues that come when you add additional units to things. And that--it's not my area of expertise, so I'm not going to be able to like talk articulately about that, but that's another piece of it--so then cost prohibitiveness [sic] of...of some of these projects. So, what we can handle in the Planning Department is the Zoning Code. And so, you asked about some of those barriers--and I'm...I'm trying to remember the slide exactly, I don't have it in front of me right now--but the...some of the barriers were the minimum lot size or the maximum coverage, and then parking, and...and yeah, just the overall density and just setbacks, right? So, we can control all of those things within the Zoning Code. I think...I--it's worth talking about parking a little bit. I...I don't think Mr. Croly is wrong in...in his comments that we have become a very car-centric island, but if we are to survive into the future and house our people, we're going to have to think about other way...ways to move people around. So, I'm...I'm glad to hear that Deputy Director of Transportation is here to talk about some of that as well if you have that...those questions.

VICE-CHAIR U'U-HODGINS: Sure. The bias for single-family homes, that's our want to create only single-family homes . . . *(timer sounds)* . . . and we stopped creating this missing middle, and I find it interesting because I obviously grew up in a single-family home, but I grew up in a walkable town.

MS. BLYSTONE: Um-hum.

VICE-CHAIR U'U-HODGINS: A town that we don't build anymore.

MS. BLYSTONE: Um-hum.

VICE-CHAIR U'U-HODGINS: But that's...for Makawao and Pā'ia, that's exactly what it was like. People lived upstairs and worked downstairs.

MS. BLYSTONE: Yeah.

VICE-CHAIR U'U-HODGINS: And that was my version of normal --

MS. BLYSTONE: Um-hum.

VICE-CHAIR U'U-HODGINS: -- which wasn't even too long ago, and definitely my grandma's version of normal. So, I guess we got to redefine our new normal.

MS. BLYSTONE: Yeah. Thank you.

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CHAIR PALTIN: Member Cook?

COUNCILMEMBER COOK: Thank you, Chair. So, for the Planning Director, the...industrial properties are pretty much less per square foot to build than a lot of residential properties, and they're...have firewalls, and they have higher, and the various things. So, I guess part of this is an opinion, and I'd like you to give me some feedback. I think that if we had ground-floor parking, firewalls, and it was...if we design these buildings and we...and we embrace these buildings, they can be done cost effectively to have residential-mixed-use-construction density on lots that meet the Fire Code. The only thing...as a builder, the way that you make them cost effective is that you have...you do it in quantity, you have a certain repetitiveness to it without making them boring and ugly, and it become the standard and the norm. The reason we use 2x4s, California platform framing for residential construction is because everybody knows how to do it. The supply chain is getting prohibitively expensive. So, anyway, do you foresee a barrier by--to raising the height so that you could have ground-floor parking and a three-story structure and it be, quote, "this middle...meet this middle thing?"

MS. BLYSTONE: Yeah. So, I think that's a good question. I also want to...I want to add to something else that you said. So...I won't forget to add. I think the trick with ground-floor parking is that it doesn't contribute to a neighborhood feel, right? So, it puts, again, the car as a more centric...a more car-centric model of things. It says, where do we put our car? Okay. Then where do we put our people, right? And so, I think we need to reverse that. Where do we give people livable spaces? And in Stefan's presentation, you can see even in the densest version, the one that he had in Kahului, people had front porches. People had a place to interact with each other, kind of like Councilmember U'u-Hodgins mentioned. Like, there was a place for people to be people outside of their cars. The other thing I want to mention is you said at scale, that this often works at scale, and Mr. Croly brought up that similar comment. But there's a movement across the country right now called the Incremental Development Alliance. These are people that have said, we're going to take these small lots, and one at a time, we're going to redevelop them, and we're going to make them...and apply this missing middle model. And I encourage the Council--I'm taking a group of folks from the Planning Department to the Congress for New Urbanism, where Incremental Development Alliance has a great big showing. They train people how to do this incremental development, how they...how to do these one-at-a-time projects, and...and make the most of the money they have and all of that. So, it . . .(timer sounds). . . can be done at...at multiple levels, and I just...yeah.

COUNCILMEMBER COOK: So, Chair, since we have one round of questions, what do they do with the cars?

MS. BLYSTONE: In...in these projects...so, in the...in the pictures that were shown...that Stefan showed, they have parking. So, they do have some like in the...like in that one that was in South Kihei area, right? I'm not sure what part of Kihei it was, but in...in Kihei, there was a garage under the second ADU on the back, and then there was

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parking on the back. So, what they're just doing is reorienting the lot so that it's more organized that way.

COUNCILMEMBER COOK: Thank you.

MS. BLYSTONE: Yeah.

COUNCILMEMBER COOK: Thank you, Chair. That's it.

CHAIR PALTIN: Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. So, Director, I appreciate your responses. I...I just want to ask a couple of follow-up questions. You...can you tell me some of the lessons you folks learned about Kaua'i and what they're doing? It seems to me that you went to Kaua'i. I'd like to hear how...how...you know, what...what could we cherry-pick from them?

MS. BLYSTONE: Mahalo. So, while I was getting your question, Stefan said, I need the call-in number, so I apologize. If I can have one second to...to give him that number --

COUNCILMEMBER JOHNSON: Sure.

MS. BLYSTONE: -- that would be really great.

CHAIR PALTIN: For anyone watching online, it is 1-808-977-4067, and the code is 60792965#.

MS. BLYSTONE: Okay. That was really helpful. Thank you, Chair. . . .*(laughing)* . . .

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

MS. BLYSTONE: So, to answer your question, we have not yet been to Kaua'i, but we did pick Opticos Design--and so, we haven't been yet. We're going in April, end of April. We're going to be talking about our Zoning Code with them. We're also going to be talking about their very successful Lima Ola project, which was a project that they --

COUNCILMEMBER JOHNSON: Okay.

MS. BLYSTONE: -- where they, you know, basically entitled the land and...and then RFPed out the vertical for affordable housing. So, we're going to go talk with them a little bit about that. But they've been...Opticos has been doing their community plans. They did West...West Kaua'i and South Kaua'i community plans, and within that, they incorporated these...these principles. They're also doing a transit-oriented development around the government center at Rice Street, and so...so they're...they're doing...they're doing all kinds of things there. One of the things that --

COUNCILMEMBER JOHNSON: Okay.

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MS. BLYSTONE: Yeah. Okay. I'll stop. . . .*(laughing)*. . .

COUNCILMEMBER JOHNSON: Well, I was just going to say that when--after the...the visit, maybe you can...we can get a letter from you that tells us what...what else you learned.

MS. BLYSTONE: Certainly.

COUNCILMEMBER JOHNSON: My next question's in regards to the preapproved plans that we've had in...in--I assume it's in Planning Department. Do we have those preapproved plans that are for missing middle?

MS. BLYSTONE: So, thank you for your question. I think the...so, preapproved plans would go through Department of Public Works for the building permit.

COUNCILMEMBER JOHNSON: Oh, okay.

MS. BLYSTONE: Yeah. We would only review them for compliance with Zoning.

COUNCILMEMBER JOHNSON: Oh, okay. All right. So, that's just something I thought would be really interesting for our community, that if they did...if we did have preapproved missing middle plans, then that would--might help with a lot of this. I think my last question--and I didn't hear the bell, Chair, let me know if it went--but in regards to the...the parking. You know, it seems that we're going to get stuck on this a lot, I think, the idea of parking, and, you know, we have the free-fare bus pass where since...since that's been enacted, since post-fire I should say, for the past...500,000 people have rode the bus. So, it's...I think there is...there are people, obviously 500,000 of them, who will take the bus. It's a small investment for the County to--if we...if we start covering those bus passes for everyone, and just kind of really booster [*sic*] up our bus system or any type of multimodal transportation. Because if we can pull 500,000 people . . .*(timer sounds)*. . . off the roads and take--put them on a bus, that kind of really does change our...our...the way people are traveling. So, I heard my time. . . .*(laughing)*. . .

CHAIR PALTIN: Member Johnson, were you able to hear the bell?

COUNCILMEMBER JOHNSON: Yeah, I heard that one. So --

CHAIR PALTIN: Oh, okay.

COUNCILMEMBER JOHNSON: -- I guess I'll wait for second round, unless she wants to do a one-word answer. I don't know, but we'll--I can hold off.

CHAIR PALTIN: Oh, no, I just was checking if you could hear the bell. Did you have an answer for him?

MS. BLYSTONE: I have a small thing to add, if I may, that's --

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CHAIR PALTIN: Okay.

MS. BLYSTONE: -- an answer for him. In addition to buses, thinking about connectivity of sidewalks, and bike...bike facilities as well. I live just down the street here by Wailuku School, and I know people who get in their car to go up to the school that's above us, Pu'u Kukui, that...that live in my neighborhood right next door to there --

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

MS. BLYSTONE: -- because there isn't a safe way for people to walk to school. So, those are things to be thinking about as well.

COUNCILMEMBER JOHNSON: Yeah.

CHAIR PALTIN: Yeah, and...and --

COUNCILMEMBER JOHNSON: So, it's a yes, and we need all the things. . . .*(laughing)*. . .

CHAIR PALTIN: And I'll take my prerogative as Chair that I've been speaking with the Office of Recovery because they are talking about having a third-party vendor enforce against on-street parking when the street widths are less than 28 feet. And my comment was, that's only the stick, where's the carrot? Our transportation is not made for our West Maui residents, given that many of them work nights and the bus doesn't run past 9 to 2 in the morning, or our hotel workers that work as maids sometimes start as early as 4 in the morning. And so, you know, it...it...it is a comprehensive thing. I...I watched the South Maui town hall, Director Molina had to apologize to Mr. Moran about his sidewalks that he still doesn't have. And so, you know, I know a lot of people talk about where is the infrastructure, infrastructure first. Where is our sidewalks? Where is our buses that fit our communities? Because --

COUNCILMEMBER JOHNSON: Um-hum.

CHAIR PALTIN: -- you know, in the resort areas, a lot of people work nights, or very early mornings, and...and our public transportation isn't built for those residents yet. So, I think one of the biggest complaints I hear is infrastructure first, and I hear that a lot from South Maui. But just taking my prerogative to make a comment to your question as well. Next up, Member --

COUNCILMEMBER JOHNSON: Yeah, I totally agree, Chair.

CHAIR PALTIN: -- Kama, did you have any questions?

COUNCILMEMBER KAMA: I did, Chair. Thank you so very much. Early on when Captain Vaas was on, he said that...that he really supported this because at least for the Lahaina area, they would have protections in terms of what we're talking about. So, I just wanted

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to ask him, are those same protections available to people outside of the Lahaina area, and is there an additional cost for them? Because they would have to probably put more --

CHAIR PALTIN: I think --

COUNCILMEMBER KAMA: -- effort into the . . .*(inaudible)*. . .

CHAIR PALTIN: I'll...I'll let him answer, but I think he was referring to multifamily housing has these additional protections. But Captain Vaas, did you hear the question?

MR. VAAS: Yes, I did. I...I got the question, and Chair Paltin, you're...you're correct in that I was referring to the multifamily.

COUNCILMEMBER KAMA: Okay.

MR. VAAS: Once you get the three dwellings in one unit...or rather three units in one dwelling, you trigger a lot of the inherent protection systems that are already in the Building Code. It's not site-specific, it's not anything to do with the jurisdiction, and yes, the infrastructure will have to be there so you...you know, that still has to be in place. It's just possibly a more cost-efficient way to build one structure with four dwellings as opposed to four separate dwellings, and then it comes with the added fire protection per Fire Code and Building Code, and zoning also plays a role in what their setbacks will be for those type of structures. So, all the parts are there without having to amend anything else to provide more density. It's something we can introduce without really changing any existing laws as far as my perspective.

COUNCILMEMBER KAMA: That's wonderful. Wonderful. Thank you. So, Chair --

CHAIR PALTIN: Yeah. And I just wanted to let you know, Stefan is back online via phone, and if anyone has questions for him, he can press star-6 to mute or unmute.

COUNCILMEMBER KAMA: Okay. Thank you. So, I wanted to comment about the...the parking situation where I...I think that our Department of Transportation is working on increasing those routes and things like that that we all know we need. But I will tell you, getting on a bus when you're shopping for a family of five is not a good place, so you're always going to need parking. You're always going to need something to haul your kids, and haul your groceries, and pick up Nana at the airport, and stuff like that. So, we should at least think about not having two parking spaces, but maybe just one, you know, per unit. I mean, I...I heard somebody mention that in the presentation, but I think that parking is always going to be for us that critical issue that we're always going to have to contend with. But I think that the more public trans we're able to get, I think the less use of cars . . .*(timer sounds)*. . . we'll have. But thank you, Chair.

CHAIR PALTIN: Thank you, Member Kama. Did you want to respond to her comment? Go ahead, Director Blystone.

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MS. BLYSTONE: If I may. Thank you for that comment. I think it's a good one. And I'm glad Stefan is back on, and if the Chair would be willing, he can talk potentially about the project that they're doing in Tempe, Arizona that's a 100-percent car-free community. And it has children, it has families in it, and I think they've figured out a novel way to adapt to that situation for grocery shopping and all of that. So, if Chair wouldn't mind.

CHAIR PALTIN: I'll...I'll let everyone go through their round first.

MS. BLYSTONE: Okay.

CHAIR PALTIN: And if somebody doesn't have a question in mind, maybe they could ask that question. Chair Lee, it's your opportunity.

COUNCILMEMBER LEE: Thank you. So, my question is for the Planning Director. This...this is a great new idea, but do you think it...it makes more sense that it would apply to new developments rather than existing developments, where one would have to do perhaps substantial retrofitting?

MS. BLYSTONE: Mahalo for that question. I think...you know, I've...I've often been quoted as saying we can't build our way out of this problem, and I...I...I still feel that way. But we do have to do some building, and we have to do all...all of the different things. So, it should, you know, be an option for developers who are doing greenfield development. It should be an option for folks who have a small lot in, you know, Makawao, and want to try it out. It should be an option. And I think the point of having this conversation with you all is to give you some illumination for...for when these things come in front of you, and you can say, oh, this is just an option. Not everyone has to do Missing Middle Housing, but to make it an option for them to be able to do it in the Code is what we're trying to do. So, for some people, it's going to be the best solution; for some people, it's not going to be a good solution at all.

COUNCILMEMBER LEE: Okay. So...so, because a lot more density is being added to a normal-sized lot, would you think more notice to the neighbors, especially an existing neighborhood, would be required?

MS. BLYSTONE: Mahalo. I...I think...so, the point of these...of Missing Middle Housing-types is that they blend in pretty seamlessly, so you shouldn't feel the...that density. I know Mr. Croly mentioned that he went to the spot in Kihei and said, you know, the...there's no way you could feel this. But when you looked at the image that Stefan put on the screen, I don't know about you, but I looked at that and I said, yeah, that felt...that feels pretty natural. So, to answer your question, I...I don't think there's additional noticing that we would want to require. It would be...it would be awkward in...to put something like that in the Code anyway. But I think the point of that is that it's not like your typical 150, you know, multifamily, six-story structure. These are human scale, they should fit in the neighborhood.

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COUNCILMEMBER LEE: Okay. Thank you.

CHAIR PALTIN: Let's see...Member Sinenci, your opportunity?

COUNCILMEMBER SINENCI: Mahalo, Chair, and mahalo for the presentation. I was just thinking during our deed restrictions discussions, we really found out how much a single-family home is running nowadays or costs, and so I'm...I'm supportive of having this middle housing just to keep those costs down. I think past Councils have...have not supported like trailer home-type developments, and so when we talk about upward movement, you know, you...you can't move from, you know, not having a house to \$800,000, right? So, I think this could help, you know, get those homes that people can afford, put equity into it, and then as they grow, they can always sell it and...and have that upward mobility. My question was for Stefan, and he mentioned that there was some incentives for...for developers or builders to do this. Can he speak to those incentives?

CHAIR PALTIN: Mr. Stefan, if you can press star-6 to mute...or unmute. Oh, he's raising --

MR. PELLEGRINI: Hello. Can you hear me?

CHAIR PALTIN: Yes, we can.

COUNCILMEMBER SINENCI: Yes.

MR. PELLEGRINI: Okay. Thank you. Sorry for that pause. Yeah, you know, I would say that we are working with a lot of different jurisdictions, sizes and kinds, all over the country who are dealing with this. One of the things that had a big impact on feasibility was the application and review timeline. And just that on...I think on average, multifamily projects on Maui, they tend to take over a year for approvals, and that is actually a significant cost that the developer ends up carrying. The one incentive is to see if there's a way to shorten the application review time. And many of the jurisdictions who we're working with, they tried to actually incentivize--we use the term by-right a lot, but it leads to--at the very least, sort of limit the review times for these kinds of projects so that folks are incentivized to actually approve them...or to...or to submit them, rather. So, the review time is sort of one key lever, I think, that you have. Another one that I think was--sort of came up in sort of the last comment is that some jurisdictions are thinking about this as like a local bonus, where if you presented a missing middle project, you are granted a density bonus, and in the case of Sacramento, for example where some legislation...some pretty significant legislation was just adopted citywide, if you offer . . .*(timer sounds)*. . . one of those units, or a certain number of those units, as a deed-restricted unit, then you actually are allowed to propose the project on...sort of on a by-right basis, meaning that if you meet the development standards, you could actually get approval for the project. So, that is sort of another consideration, that some sort of density bonus or unit bonus, particularly in exchange for an attainable or even a deed-restricted unit, could be something that could be considered as an additional incentive.

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

CHAIR PALTIN: Member Sugimura, your camera is off. Are you ready for your opportunity? I'll take that as a no. For...for my opportunity, Mr. Stefan, could you send--oh, there's Member Sugimura. You want to go, Member Sugimura? Go ahead. Oh, okay. I was wondering, first of all, why only Central, South, and West Maui were looked at, and also, if you could send us any examples of deed restriction, by-right development, or affordability by-right development.

MR. PELLEGRINI: So, thank you for those questions. One of the reasons why we focused just on West, Central, and South Maui was to focus on the areas that are already most developed, where most of the infrastructure and most of the existing neighborhoods are actually concentrated, and that was sort of a prime consideration for trying to determine what areas would be appropriate, where there is already sort of the most existing infrastructure, existing neighborhoods, existing services and amenities.

CHAIR PALTIN: Okay. Okay.

MR. PELLEGRINI: And that's sort of really why we sort of --

CHAIR PALTIN: We're on a limited time.

MR. PELLEGRINI: -- focused on that geography.

CHAIR PALTIN: And then do you have examples of the deed restrictions or the affordability that you're speaking to?

MR. PELLEGRINI: Yeah, I would be happy to share those with the Committee. I mentioned what the City of Sacramento just adopted was...is a pretty innovative example.

CHAIR PALTIN: Awesome. Awesome. And then the other question, on the slide about reducing parking requirements, did you have an opportunity to see like, you know, the...the...some of the narrower streets in our older neighborhoods, and the prevalence of on-street parking? Has any of these missing middle cases been afflicted by an entire town burning down, lack of evacuation routes causing high numbers of death, or anything of those sort? Because that is what occurred in West Maui.

MR. PELLEGRINI: Sure. And I think that's a great question, and it's good to sort of not forget about that. I think the...the connectivity of the neighborhood is sort of a key factor in trying to determine where this kind of housing might be the most appropriate, and that was sort of part of the analysis. That's always going to sort of be an important components of neighborhoods that work, but also are safe, and that's why that is sort of a key factor in determining which sites would be missing-middle ready, as I mentioned in the presentation.

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CHAIR PALTIN: So, yet you said Lahaina was missing...West Maui was missing-middle ready, and the whole town burned down and many people died. So, I...I don't understand. If you could...

MR. PELLEGRINI: I do want...thank you for that. I do want to stipulate that as...as part of the study, we did look at West Maui, but we did not look at Lahaina in particular. . . .*(timer sounds)*. . . That actually was excluded from the study. And we understand that as Lahaina builds back, these things are going to need to be considered for making improvements so that it is actually sort of a safe community in the future.

CHAIR PALTIN: Oh, okay. Okay. Because most times when you say Lahaina...or West Maui, people just...Lahaina comes to mind. Thank you. Member Sugimura?

MR. PELLEGRINI: Sure. I apologize for not clarifying it.

CHAIR PALTIN: Member Sugimura, your opportunity?

COUNCILMEMBER SUGIMURA: Can you hear me now?

CHAIR PALTIN: Yes.

COUNCILMEMBER SUGIMURA: Okay. So, sorry for that interruption. I have contractors at my house. I...I love this because this is like...like what Member U'u-Hodgins is talking about. This is Wailuku Town, these are all the small towns kind of concept that I grew up in, and it worked. But I believe that the challenges that I see from, you know, where we are today versus that concept is really transportation and walkability, and I...I think that's an obvious. But how do we then take where we are and, you know, find the solutions and...and encourage people then to get rid of their cars? You know, those are the...those are the challenges that...that we face. To ride the bus is basically, you know, very little, but it's not very used...it's not used a lot because we don't have enough accessibility. It...it's more statements I guess I'm making. I...I really don't have questions. I look forward to hearing what solutions we can come up with. But I...I really would like to encourage the Planning Department, and if I could tag along, to visit Kaua'i, that Lima Ola project I think it's called, which I heard Director mentioning it before, but they certainly have done a lot of good things with, you know, just through their planning process and...and government taking that first step of doing the infrastructure and better planning, I think. So, exciting, but I...I don't know how you moosh that into where we are today, Director. Do you have a comment?

MS. BLYSTONE: Of course. . . .*(laughing)*. . . You do it one step at a time. We make one decision at a time, and we get us closer to where we want to be. So, we fund bus systems better, we pay for the sidewalks that people need to get from place to place, we put in bike lanes. Those are all the steps that we have to take, and we have to do it step-by-step. And we also ready our Zoning Code. This is the role the Planning Department can play, is ready our Zoning Code. When we review projects, we can suggest to developers that they put in amenities for bikes and pedestrians. These are

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all...we got to do a million little things. I was going to say 1,000, but 1,000 is not enough. It's like a million little things that we got to do to make this...make this possible, to go from where we are to where we want to be.

COUNCILMEMBER SUGIMURA: I agree. And I just want to say, this is my opportunity to talk about the problems of Onehe'e Street, which is that--in Kahului, and what the neighbors are then complaining to us. So, I hope that when we go along this...do these steps, that we are cognizant of how to mesh our, you know, today vision in with existing homeowners right in Kahului Town by Kahului...the Kahului Park, and, you know, the pool. You know that section? That one street, what a nightmare. So, it's supposed to be smart planning or whatever, but it...it certainly --

CHAIR PALTIN: Member Sugimura --

COUNCILMEMBER SUGIMURA: -- is not --

CHAIR PALTIN: -- can you share with us the complaints? I never got them.

COUNCILMEMBER SUGIMURA: Oh. So, as--people are parking on the sidewalk because there's not enough parking spaces. There's flooding that's going into a--I don't know, I forget that...that...that . . .*(timer sounds)*. . . side street, but Onehe'e, we...there's a site...there's a home that when it rains--across the street is the park, right? So, it...the way it's built, it floods right into --

CHAIR PALTIN: Like Uhu Street?

COUNCILMEMBER SUGIMURA: -- their mother's house. Huh?

CHAIR PALTIN: Uhu Street?

COUNCILMEMBER SUGIMURA: I'm sorry, what?

CHAIR PALTIN: Are you talking about Uhu Street, right where the swimming pool is on?

COUNCILMEMBER SUGIMURA: No, not where the swimming pool is, but it is a side street off of Onehe'e Street. So --

CHAIR PALTIN: Oh, Onehe'e. Okay.

COUNCILMEMBER SUGIMURA: -- it's not by the pool. Yeah. But that's the street, and it's wonderful. They did a lot of, you know, wonderful things, yet the residents who are living there, it just does not work...or there's a lot of challenges. So...and...and hit-and-run accidents and, you know, things like that are going on, so...

CHAIR PALTIN: Oh, okay.

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COUNCILMEMBER SUGIMURA: Yeah.

CHAIR PALTIN: Yeah, we did put a lot of money into all that painting, and the angle parking --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR PALTIN: -- and all of that. Okay. I wasn't --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR PALTIN: -- I wasn't --

COUNCILMEMBER SUGIMURA: Yeah. Yeah.

CHAIR PALTIN: -- aware. So, Members, I just wanted to do a temperature check. We have two pretty big, complicated bills. Do we want to continue on this presentation, or do we want to...start to take up the bills? It'll be easier if people came prepared with their reading done. We may have to explain a little bit more if people didn't. Peace?

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

CHAIR PALTIN: You want to go onto the next two bills?

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

CHAIR PALTIN: Okay. Is that consensus, gangy?

VICE-CHAIR U'U-HODGINS: Yep.

COUNCILMEMBER COOK: Yep.

CHAIR PALTIN: Okay. At this time, we'll thank Mr. Stefan for his presentation, and we'll take a ten-minute recess, and we'll come back. The Planning Department did send us really good answers for Bill 103, which might ans...pre-answer a lot of your questions. So, you guys got ten minutes to read as much as you can.

MR. PASCUAL: Chair, before you --

CHAIR PALTIN: Oh.

MR. PASCUAL: -- recess, could we adjourn this...or could we defer this item --

CHAIR PALTIN: Oh.

MR. PASCUAL: -- if there are no objections from the Members?

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UNIDENTIFIED SPEAKER: No objections.

CHAIR PALTIN: Yes. If there are no objections, the Chair will defer this item.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: So deferred.

COUNCILMEMBER SUGIMURA: No objections.

COUNCILMEMBER LEE: No objections.

ACTION: DEFER pending further discussion

CHAIR PALTIN: And we will go into a ten-minute recess to return at 3:03. . . .*(gavel)*. . .

RECESS: 2:54 p.m.

RECONVENE: 3:06 p.m.

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

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

CHAIR PALTIN: . . .*(gavel)*. . . Will the Disaster Res...Recovery, International Affairs, and Planning Committee return to order. The time is now 3:06. Thank you, everyone, for that recess. For the next two items, I'd like to take up DRIP-2, Bill 103 (2024), Amending Chapters 19.08, Maui County Code, Relating to Reside...Density Within Residential Districts; and DRIP-3, Bill 104 (2024), Amending Chapters 19.04, 19.08, and 19.29, Maui County Code, Relating to Kitchens, Kitchenettes, and Wet Bars; and Section 19.36N.020 [*sic*], Maui County Code, to Add Parking Requirements for Dwelling Units with Kitchenettes--if there's no objections, take them up at the same time, but if we do have testifiers, they'll...they'll get their full testimony for each item.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: No objections. Awesome. So, Bill 103 (2024) purpose is to increase the allowable density in R-1, R-2, R-3 Residential Zoning Districts to provide additional housing opportunities in Maui County. There is an Amendment Summary Form dated March 13th, 2025 from myself with a proposed CD1 version of Bill 130 entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.08 AND 19.36B, MAUI COUNTY

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CODE, ON DWELLING TYPES AND DENSITY WITHIN RESIDENTIAL DISTRICTS." The proposed CD1 version includes the following amendments: amends the bills title; two, amends Section 19.080.020, Maui County Code, for consistency with dwelling types inserted into the table of development standards, such as single-family, duplex, multifamily; number three, in Section 19.08.020, Maui County Code, replaces long-term residential dwelling units with the type of dwelling units allowed; four, allows one dwelling unit per 5,000 square feet of lot area instead of one dwelling unit per 2,500 square feet of lot area on the Islands of Maui and Lānaʻi; five, exempts multifamily dwellings of up to three units in Residential Districts from landscaping requirements for parking areas; and six, incorporates technical and nonsubstantive revisions. The Committee may consider whether to recommend passage of Bill 103 (2024) on first reading with or without revisions. The Committee may also consider the filing of Bill 103 (2024) and other related action. Bill 104, Amending Chapters 19.04, 19.08, and 19.29, Maui County Code, for Kitchens, Kitchenettes, purpose is to provide lower-cost opportunities for more autonomous living areas in a dwelling unit by amending the Comprehensive Zoning Ordinance to: one, allow for kitchenettes in dwelling area...dwelling units in the Residential and Rural Districts on Maui and Lānaʻi; and two, require a dwelling unit with a kitchenette to be occupied on a long-term residential basis, with one additional off-street parking space to accommodate the higher density [*sic*] use for each kitchenette. Bill 104 also makes conforming amendments to the definitions of kitchen and wet bar. An Amendment Summary Form dated 19--November 14, 2024 from the Housing and Land Use Committee Chair (2023-2025 Council term), with a proposed CD1 version of Bill 104 (2024), entitled "A BILL FOR"...same...same title. Proposed CD1 version: one, incorporates clarifying revisions to the bill's title and purpose statement; two, removes the requirements for dwelling units with kitchenettes to be occupied on a long-term residential basis and to have one additional off-street parking space for each kitchenette from the definition of "kitchenette" and inserts the requirements into Chapters 19.08 and 19.29, Maui County Code; and three, incorporates technical and nonsubstantive review...revisions. Also, an Amendment Summary Form...two Amendment Summary Forms dated March 12th, 2025 from myself proposing to amend the proposed CD1 version of Bill 104 (2024) by reducing the number of permitted kitchenettes in a dwelling unit from two to one with the County Residential and Rural Districts on Maui and Lānaʻi, as well as, one, amending the definition of "kitchenette" to add the phrase, "that is internally accessible via an enclosed living area" and to prohibit gas appliances, and prohibit kitchenettes in accessory dwelling units. And this is at the request of the Planning Department. The Committee--that second amendment. The Committee may consider whether to recommend passage of Bill 104 (2024) on first reading, with or without revisions. The Committee may also consider the filing of Bill 104 (2024) and other related action. So, this is part of the package of bills that had been referred to us this last summer by the Administration, 103, 104, and 105. We've already passed 105. 103 and 104 kind of go together, along with Act 39 from the State Legislature. And I understand that these are very complicated things to try to visualize. We've asked a number of questions to...to a number of departments. We can take action today. If we don't take action today, we'll either have to schedule a recess date or wait until after budget. That being said, because it's so complicated, I don't want to rush anyone,

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although I'm talking fast . . . *(laughing)* . . . and I don't want people to feel uncomfortable that they're passing something that they don't fully understand. So, we'll just do the best we can. If Members can think...as we work, if they'd rather try to find a recess date, or hold off until after budget, or if everybody understands everything perfectly and are for it, we can try and pass it today. So, those are kind of our options to keep in mind. I guess our hard stop might be 5:30. I know we're losing at least one at 4:30, so we have...Member Kama. Yeah. I was...I was told. So, those are the things going on in periphery of...of what's Bill 103 and 104. So, at this time, I'd like to receive opening comments from our resources, and then we'll take testimony, and then we can get to it. So...

COUNCILMEMBER KAMA: Chair, I have a question.

CHAIR PALTIN: Yes, Member Kama.

COUNCILMEMBER KAMA: So, if...if we had to recess this meeting, what would be the next date to...

CHAIR PALTIN: It would probably have to be sometime before the 25th or...no. We...we likely won't be able to --

COUNCILMEMBER KAMA: Recess?

CHAIR PALTIN: -- get a recess date.

COUNCILMEMBER KAMA: So, you would...so, you would defer...adjourn, defer, and then continue at the next...

CHAIR PALTIN: After budget.

COUNCILMEMBER KAMA: Yeah.

CHAIR PALTIN: Because this is our last meeting before budget. It's --

COUNCILMEMBER KAMA: Yeah.

CHAIR PALTIN: It's a heavy meeting, but, you know, we hit the ground running with 105 because there were people waiting to submit their permits and they had like so much time with their insurance, so we had to start with that one. Oh, shoot.

COUNCILMEMBER KAMA: That's not good. That's not a good sign.

MR. PASCUAL: Chair, could we take a two-minute recess to reestablish Internet connectivity?

CHAIR PALTIN: Yeah. We're going to take a little recess, and we'll come back at 3:17. . . *(gavel)* . . .

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RECESS: 3:15 p.m.

RECONVENE: 3:19 p.m.

CHAIR PALTIN: . . . *(gavel)*. . . Will the DRIP Committee meeting return from recess. The time is now 3:19. Thank you for that pause for technical difficulties. We were just about to start with opening comments from the Planning Department.

MR. PFOST: Mahalo, Chair. Just a couple of things that the Planning Department would like to point out. There's unfortunately a couple of minor amendments that we'd like to propose. Sorry. One is in regards to Bill 103, and one is in regards to Bill 104. We had submitted a letter to you dated yesterday, but I don't think it's...I don't think it's posted on Granicus yet. We're trying to get that on...on there. And then one minor amendment to Bill 104, and I can read those into the record if you like. But that's...that's all the comments that we have right now.

CHAIR PALTIN: Thank you. Corporation Counsel?

MR. HOPPER: Test. Test. Okay. Can you hear me okay?

CHAIR PALTIN: Yes.

MR. HOPPER: I...I was asked to address a few different items in correspondence. I understand the Chair would like me to prioritize a couple of the responses. I did not have the opportunity to provide a written response, but, Chair, if you want, did you want me to go over the Act 39 items now?

CHAIR PALTIN: Yeah, Act 39 and your opening comments if --

MR. HOPPER: Okay. There were a couple of questions on the...the State Act 39, which I believe is now codified in HRS 46-8...sorry, 46-4.8, I believe. That requires the counties to, no later than December of 2026, provide for the allowance of two accessory dwellings or the reasonable equivalent on any residentially zoned lot for...for each allowed dwelling unit, and so--that...that allows a dwelling unit. And the question I was asked was...well, I was asked several questions, one of them was whether or not this...the...the Planning Department had provided an earlier response, and one of the questions was whether or not allowing for...for--as I understood the question, whether or not allowing for two additional dwelling units, whether they're characterized as accessory units for...for one...for...on each lot. So, essentially, three units on each lot is considered the reasonable equivalent of the two accessory dwellings that are required by the act. And in looking into this, I...I do believe that it...it is...it's correct, that if a lot allows for three dwellings, that you're meeting the requirement of allowing at least two accessory dwelling units on each residentially zoned lot because whether they're designated accessory or just dwelling units, you're talking about three dwelling units. And because the legislature put a...the language in accessory dwelling unit or its reasonable equivalent, I believe that there...that allowing those two additional units, whether they're

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designated as accessory, is consistent with that purpose. However, there's no definition of what accessory dwelling is in the State law, unfortunately. There...there's nothing there precisely. There's a definition in the County Code, but not in the State law. So, for me, logically, allowing at least three dwellings on every lot within the...within a residentially-zoned lot would be the equivalent of two accessory dwellings. Without a clearer definition, it would not be as clear as simply saying each residential lot is allowed two accessory dwelling units. This bill would allow for at least two additional units, but would not necessarily characterize them as accessory. So, if you wanted to be 100 percent certain, you could allow for two accessory dwellings, but I do believe this bill, because it allows for three dwellings on each of those lots, accessory or otherwise, would be consistent with the...the purpose of Act 39. To back up a bit, Act 39 does require that by December 2026, that...that...that there...there be these provisions in place. If the County doesn't do that by that time, anybody who applies for an accessory dwelling unit--or two accessory dwelling units on the lot would have to be granted a permit with some exceptions, which would allow for denial on the basis of infrastructure, design, or development standards. Now, again, compliance with that law isn't required until December 2026, so whether you do that through this, or...or some other bill, or there's still questions after this, there could potentially be adjustments prior to December 2026. But I think the question was how this is addressed...is this addressed by this current bill, and...and I do believe allowing three dwelling units would...would do that. Also, allowing two accessory dwelling units on each of those lots would do that as well. And then the other...the other questions involving...involved in this were whether...whether there is a ability to...I'm sorry, to allow additional...to clarify in the purpose of the bill that this is...these additional units are considered the reasonable equivalent of those dwelling units, and I think that that's acceptable as well. And then finally, one of the questions asked was whether or not the requirements of Act 39 apply outside of the Residential Districts, specifically the County Rural District, and the act...the act exempts any property outside of State urban-designated lands, and it also does not apply, in...in my opinion, in the County Rural District. There is a...there's language in the bill that says it excludes lots in a County Zoning District intended for rural, low-density residential development, and...and I would confirm that that would include 19.29 in the County Rural District. So, those requirements of Act 39 would not apply outside of the State urban-designated areas under HRS 205, as well as County Rural Districts, so it essentially is going to apply to the County Residential Districts. And it does...again, it imposes the requirement to allow for two accessory dwelling units on those residentially-zoned lots, it doesn't fine...define accessory dwelling units, and it does allow for the use of the reasonable equivalent of it...two accessory dwelling units to satisfy the requirement. So, I do believe that...that this...this bill would satisfy those requirements, but to be 100 percent certain, simply allowing the two accessory dwelling units, rather than saying just an additional dwelling unit that could be a main dwelling, would be one way to do that. But...but I still think allowing those two units would be the reasonable equivalent, whether or not they're designated as resident...as...as accessory.

CHAIR PALTIN: Thank you, Mr. Hopper. Any opening comments from Captain Vaas?

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MR. VAAS: No comments at this time, but here to answer any questions. Thank you.

CHAIR PALTIN: Thank you. Any opening comments from Director Molina?

MR. MOLINA: Hi, Chair. Good afternoon, Committee. Jordan Molina, Director with Public Works. I just wanted to note that we didn't get our responses to the Committee's letter back to you folks, and so I can provide those responses now. If you prefer, I can bring them up later --

CHAIR PALTIN: Let's see if --

MR. MOLINA: -- as the Committee wishes.

CHAIR PALTIN: -- people have questions on it. But when you get a chance, if we don't vote them out today, we...we would appreciate the written responses.

MR. MOLINA: Okay. Thank you, Chair.

CHAIR PALTIN: But if we vote them out today, then no need. Okay. Any opening comments from Environmental Management? Director Agawa?

MR. AGAWA: Hi, Chair. Good afternoon, Committee. Nothing in addition to our written responses to the questions, but if you folks have any questions, feel free to ask, and I can help answer them. Thank you.

CHAIR PALTIN: Thank you. I...I did like the examples that you gave of the building permits. And last, we have Office of Recovery, who I believe has a presentation for us.

MR. HART: Thank you, Chair. I do have a few slides. If Staff can bring them up, I'll try to go quickly. And I'm just trying to cover some of the things that have been discussed in...in the prior meeting. But you can proceed with the next slide, please. So, you know, the intention of...of introducing these was initiated as a result of the disaster, and it was in response to comments that were provided by the community of the...the way that housing had developed in the Lahaina area pre-fire, and that there...there was a desire to reconstruct those things. Although they were called nonconformities at the time, that was not factual. They're just strictly illegal improvements, and so we wanted to try and provide a way to legalize that. If we could proceed to the next slide. So...so, basically, you know, West Maui was affected by a housing shortage prior to the fires. It primarily consists of smaller-sized lots, and the pre-fire needs for housing resulted in customary use, including additional units and kitchenettes, that were not able to be legal, and were not therefore inspected or compliant with existing Code. Office of Recovery's preferred outcome would be to empower residential owners to take housing solutions into their own hands and acknowledge past trends by creating a process for legal construction of improvements in compliance with our Code requirements. Go to...go to the next slide. There was a little discussion about Act 39. And I know that the Chair put forward a proposal that...that the...that the density Bill 103 be adjusted to one unit per 5,000

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square feet. We'd respectfully put forward the consideration of 3,000 square feet per unit. And the reason for that, that...that this would allow Zones R-1 and R-2 to participate in this change. The R-1 minimum lot size is 6,000 square feet, but it allows for one ADU. With a 3,000-square-foot minimum, there could be the two dwellings, and it would allow R-1, through this measure, to...to be compliant with Act 39. The other is R-2, which is a minimum lot size of 7,500 square feet and allows two ADUs, they would be able to get the additional main with that provision. If we could go to the next slide, please. If you look at a zoning map of the Lahaina area, you'll see that the most...the majority of the fire-affected area in yellow is R-1 and R-2, with essentially the Wahikuli area being R-3. And so, the majority of those areas wouldn't be able to participate in these increases in options for them if...if the...unless we were to come to a conclusion of the existing proposal of 2,500 square feet or a 3,000-square-foot-per-unit consideration. If we could go to the next slide. There was also a concern raised by a Lahaina resident during our last meeting about the sufficiency of parking, and there was a proposal--which was a good idea--to consider doing parking by bedroom as opposed to square foot, which we do now because, you know, you can fit more bedrooms in the square foot--like there's a more accurate reflection of the number of drivers by bedroom as opposed to total square footage. So, what I'm proposing is...is on the left side, and the table on the right side is what's existing, it's a screenshot from our existing Zoning Code, 19.36B, but that for single-family dwellings, that studios and one-bedrooms have a requirement of one stall essentially be treated as...as equivalent of accessory dwelling units; for two-bedroom homes, that there be two stalls; for three-bedroom homes, that there be two stalls; but as you start to go up to four bedroom, that you add one and so on for each additional bedroom above three bedrooms. I think that that would be a good balance for what is intended by this legislation, which is smaller-scale dwelling units, but it would also account for scaling up. And then the final thing--and...and it may be unnecessary at this point, but I do want to share it just because there was concern about condominiumization--but I think that it has value in this consideration because it allows for feasible ownership. If we could go to the next slide, please. Essentially, these...these will amount to smaller-sized homes and smaller-sized yard areas, and those will be valued or priced lower than larger homes with larger yards. The ownership...feasible ownership allows for building equity of property owners, and I think that that is really something that...that we need to try and find for our community members. Having housing is fantastic. It's very important. But if we can help them get to the next level economically, I think that that's very beneficial for them over the long-term. And providing us condominiumization situation doesn't preclude renting. And, you know, there was discussions in the prior item, and discussion of tax structures, and things like that. I think that that is a way to...to address second-home ownership. If we could go to the next slide. I know that you're all aware of this, but I just want to go over this. This is the reason that fee-simple home ownership is critical. This is the...the rate of inflation. This goes back to 2005. The reason this is deceptive--and this is from the Federal Reserve...one of the Federal Reserve banks. The reason this is deceptive is...is because this is the rate of inflation period to period. It's always up, it's just how much up it's going. And so, if you can go to the next slide. This is...this is also from the...from a member, Federal Reserve Bank of Minneapolis, and this is the...the...the difference in \$100,000 between 2005 and

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2024. And it's basically 61 percent inflation is...is the real--so, the rate that you saw in the prior slide, that's...that's incrementally how you get to 65--or 61, I'm sorry. And so, if a member of our community is able to buy into one of these attainable houses based on their scale, and they lock in a mortgage, if the Federal Government inflates the money supply, they don't get harmed that way...by that. If you're renting, your rents adjust upwards, and...and you can be in a...sort of a treadmill. So, anyway, I just...I just wanted to advocate for that feature, and that's all that I have to share with you today. Thank you.

CHAIR PALTIN: Thank you, Mr. Hart. And last but not least, we have Deputy Director Yogi. Any opening remarks?

MS. YOGI: Good afternoon. No, I'm just here to answer any questions that you may have.

CHAIR PALTIN: Okay.

MS. YOGI: Thank you.

CHAIR PALTIN: Thank you. Let's see...did any of our resources have any opening comments? I know Planning did 103 and 104. Anyone else have opening comments on 104 that I missed out from folks? Seeing none. Okay. We'll move on to public testimony for DRIP-2 and DRIP-3. Please let us know which item you are testifying on so that Staff can time testimony for each item separately. If you are testifying on both items, please let us know when your testimony for the first item ends and your testimony on the second item begins so we can adjust the timing. At this time, we will call on testifiers wishing to testify on DRIP-2 and DRIP-3.

MR. HURDLE: Thank you, Chair. First up to testify, we have Mr. Tom Croly on Teams.

CHAIR PALTIN: Mr. Croly, we're ready for your testimony.

. . . OPEN PUBLIC TESTIMONY (DRIP-2) (DRIP-3) . . .

MR. CROLY: Thank you for the opportunity. I'll try to be as brief as possible. On Bill 103, I support the reduction to one dwelling per 5,000 feet from 5...every 2,500. As Mr. Hart just said, that really is not going to change things in R-1 and R-2, and I don't think there's any reason to change things in R-1 and R-2 because one house plus two accessory dwellings is a lot already on a really tiny lot like this. But it would allow, in R-3 zoning, to...to at least have one more main dwelling, and I think that would be the prudent way to...to go about this. I also support the parking requirements that Mr. Hart just presented. I think that's a better way of...of going about it. And I support the terminology changes that the Chair has put forward from long-term residential hou...housing to the more descriptive terms of single-family, duplex, and multifamily because that is how insurance companies rate properties. They're...they're...that they're going to give you an insurance policy on a single-family home, and that's going to be a

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different insurance policy than a multifamily home, so I think it's important to maintain that. I am very interested to hear more from Fire, Wastewater, and the other departments on exactly how this additional density would impact their reviews of individual applications. I don't want to set people up for failure and...and...and say, we've now passed this, but now, when the guy actually submits it, he finds out he has a whole bunch of new requirements that...that are on him that didn't apply on that first or second dwelling and that kind of thing, so I...I look forward to hearing that discussion. Moving on to Bill 104 to reset my time, I support the reduction from two kitchenettes to one kitchenette, I think that's prudent, and also making clear that you have to have an internal connection to clearly define that this is a single-family dwelling unit, we just happen to have this extra kitchen. Now, if we happen to close that door and use that as another unit to...to separate people, that's fine, but it's still a single-family unit. I am reminded of a property that was in Agriculture zoning, where it was like a 5,000-square-foot house, and the guy hung four units off of the side of it, with each of them containing what was supposedly a wet bar, okay? But essentially, he turned one single-family house into an apartment building with five units, and...and that obviously is what we're trying to...to not have happen here. So, again, going back to I...I think one additional kitchenette besides the kitchen is...is proper. I do have concerns, however, when we make these new definitions of kitchenette, and we change existing definitions and so forth, that this could create some problems for existing B&Bs that have been approved in their current configuration. So, I really don't like this particular thing that says we shouldn't allow this for any short-term rental kind of thing. Because let's keep in mind, we only have 146 B&Bs, and we really have had very few, if...if no, new applications since we've put the five-year ownership requirement in place. And I would hate...just hate for this new change to then be misinterpreted, and then we have problems with the existing B&Bs getting what they already have in place approved at their renewals and...and such. So, I don't think there is a need or a concern for these units that we might be creating being turned into B&Bs. And let's say even if...if you were, isn't that what we're going for? We want to actually make people be able to afford their own housing. And when someone can use one of their rooms as a B&B, that helps them afford their housing. So, again, I don't think you need that. And I do think that they--you should wait until after budget to take action on this. There is an awful lot here, particularly this how many square feet are...are we going to allow an extra dwelling. If we're going to double the density in some of these areas, I don't think the public is really aware of what that really means, and I think you would want to have a public hearing and...and make sure that the public understands what is being proposed here. What keeps going back in my mind when going back to this condominiumization is, I look at Lahaina, and I look at this broad area where I know...I just know, unfortunately, that a lot of these owners are not going to be able to rebuild their homes. They're not going to have the...the...the financial resources . . . *(timer sounds)* . . . and so forth to do so. And they're going to sell those lots to someone who is going to try to maximize the...the use of that lot. And I am very concerned that if we allow this condominiumization, you're going to see those...those lots fill up with second homes. I really...I really am concerned about that. So, again, we have more work to do before...before passing that, and I think we need to think about that between now and the end of budget. Thank you, Chair, for the opportunity.

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CHAIR PALTIN: Thank you, Mr. Croly. Members, any questions for the testifier? Seeing none. Thank you for your testimony. If you can call the next testifier?

MR. HURDLE: Yes, the next person to testify is Mike Moran on Teams, followed by Jonathan Helton.

CHAIR PALTIN: Aloha, Mr. Moran. We're ready for you.

MR. MORAN: Aloha, Chair and Committee Members. I'm speaking for the Kihei Community Association today, and we're just addressing Bill 103. And we did submit written testimony on it, detailing the various segments of it, but I'm just going to address the...the one portion that we did have some objections to, and that was in the CD1 version, number 5, which is exempting landscaping in the parking areas. We feel that landscaping is such a small portion of expense overall, and it's such a need for...for our species, for us humans, to have trees, particularly shade trees. We're constantly fighting that battle, particularly because we're always speaking for our district in South Maui where we seem to have a dearth of trees, and as someone mentioned to me, and they said, well, South Maui includes Wailea. Wailea has lots of trees. And there...there was a--I didn't see it myself, but someone referenced to me a study showing that--how the economic structure of a district is reflected in how many trees and how much shade they have in it. In essence, it's saying that the poorer the area, the...the less shade or less trees they have, the less nature in there. So, we feel that this is a relatively easy thing to do, and that we...we're constantly advocating for more trees. We have been working with the...with the commercial parking areas, where they're required to have so...so...a tree for so many parking stalls, but we see what happens is that they cut the tree down to what the late Ernie Rezens told me, that those are lollipop trees. Those aren't--they...they just cut them down. So, we feel that...particularly that this is going to be for...for--not for the exclusive area, that it's good to inclu...include trees for all the benefits. We know the benefits. How they clean the air, they provide shade, they...they just uplift human beings when they're in there. So, we know this is only a small portion, and we too think you're never going to finish this up today, but if you would consider that as you proceed on this...on this big measure that you're working on. So, mahalo for the opportunity to testify today.

CHAIR PALTIN: Thank you, Mr. Moran. Members, any questions for the testifier? Seeing none. Thank you for your testimony. If you can call the next testifier?

MR. MORAN: A hui hou.

MR. HURDLE: Chair, the last person signed up to testify is Jonathan Helton on Teams.

CHAIR PALTIN: Mr. Helton, we're ready for your testimony.

MR. PASCUAL: Apologies, Chair. His mic is now enabled.

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CHAIR PALTIN: Oh, Mr. Helton, your...your mic is now enabled, and we're really ready for your testimony this time.

MR. HELTON: Okay. Awesome. Hopefully you can hear me. I'm on my laptop. I don't think my camera's working.

CHAIR PALTIN: We can hear you.

MR. HELTON: But for the record, Jonathan Helton. I work with the Grassroot Institute of Hawai'i. I do a lot of our land-use- and property-tax-related research. I want to reiterate some of my comments that I made at the last hearing on Bill 103. The Grassroot Institute supports this bill. We believe that it will allow people to build homes that would help them support intergenerational wealth if they're able to build an ADU, or even a second ADU or second dwelling, in their backyard. We believe that this would legalize the kind of communities that we want to see in the future, that is communities that are more walkable, that would help reduce development pressures on rural and agricultural areas. But real quickly, based on the discussion today, I do want to offer three comments. The first relates to CPRs. I--there's been some question about whether or not CPR should be legal for units that would be legalized under Bill 103. I think that there's...there's some merit to having CPRs is an option. Mr. Croly mentioned that people rebuilding in Lahaina, you know, a lot of them were underinsured and they're going to have to sell their land. Well, that's...that's true, but there's...there's another way to look at it. If...if they're allowed to do a CPR and put multiple units on their land, perhaps the CPR would allow them to get additional capital so they could actually rebuild their house. So, now they have two units on that piece of land, they've got a little bit of extra money to put into rebuilding their primary unit. And in general, allowing something like a CPR as opposed to a rental would allow families the flexibility to build equity if that's better for them. Some people don't have the capital to simply build an ADU and then rent it out. The second comment I would like to make relates to the amendments about density. I know the Office of Recovery has suggested one dwelling per 3,000 square feet. I think that's a reasonable compromise, as it would allow some of these folks who are looking to rebuild to add that additional dwelling. As a reminder, if you are look...if you R...in an R-1 or an R-2 lot, you are only allowed to build one dwelling and one ADU if your lot is the minimum lot size, which is, of course, 6,000 for R-1, 7,500 for R-2. So, the passage of this bill, and if it were to be set at 3,000 square feet, would allow for additional dwellings. And...and the final thing I'd like to point out is that I...I looked over the report from Opticos Design earlier today. On page 110, it actually discusses Bill 103, and...and the authors mentioned that even if you passed Bill 103 in its current form, it would not allow the density necessary to build many of the Missing Middle Housing-types that they talk about. So, what they're saying is--and this is my understanding of their report--is that even if you pass the current bill with no amendments, that it wouldn't legalize a lot of the different types of designs he had mentioned. So, I hope the Committee considers that when dis...discussing whether or not the density levels need to be decreased to 30...to 3,000 square feet or to 5,000 square feet. So, those are just some technical comments, but again, at the end of the day, . . .(timer sounds). . . the Grassroot Institute of Hawai'i believes that the approach

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this bill is considering is a good approach, it's going to help people get more housing, it's going to help housing be more affordable and abundant.

CHAIR PALTIN: Thank you, Mister --

MR. HELTON: And I'm happy to answer any questions that you have.

CHAIR PALTIN: Mr. Helton, were you only testifying on Bill 103, or also Bill 104?

MR. HELTON: For Bill 104, I had submitted written comments, and I think...I think I'll just leave my oral testimony for Bill 103.

CHAIR PALTIN: Okay. I did have a question...clarifying question. I...I couldn't hear you when you said allowing something like a CPR as opposed to...I didn't hear what you said after opposed to.

MR. HELTON: I...I apologize. Again, I'm on my laptop. I think my audio is probably bad. But I said as opposed to like a rental, if you were going to put up an ADU, typically, your only option would be...would be to rent . . .*(inaudible)*. . .

CHAIR PALTIN: Sorry, can you...can you speak a little bit louder? Sorry.

MR. HELTON: Yes. Sorry. It would...it would be a CPR as opposed to a rental because that would be really the only option for your...for a second unit, would be a rental if you did CPR.

CHAIR PALTIN: Thank you. Members, any further clarifying questions for the testifier? Oh, Member Sugimura. Oh, Member Sugimura, you're muted.

COUNCILMEMBER SUGIMURA: Can you hear me now?

CHAIR PALTIN: Yes, I can hear you now.

COUNCILMEMBER SUGIMURA: Okay. Okay. Mr. Helton, could you repeat your third item? You had one, two, and three.

MR. HELTON: Yes. So, the third item on...I believe it's page 110 of the --

COUNCILMEMBER SUGIMURA: 110?

MR. HELTON: -- Opticos report, they point out that even if you passed Bill 103 in its current form, it would not permit the level of density necessary to build some of the missing middle-types that they discussed in the report.

COUNCILMEMBER SUGIMURA: Okay. And that report again was what report?

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MR. HELTON: That was the report from Opticos Design.

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

MR. HELTON: It...it was the second--the report, that deep dive that they put together.

COUNCILMEMBER SUGIMURA: Yeah. Okay. Thank you very much.

CHAIR PALTIN: Any further questions for the testifier? Seeing none. Thank you for your testimony.

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

CHAIR PALTIN: Thank you. Members, any objections to closing oral testimony and accepting written testimony into the record?

COUNCILMEMBERS: No objections.

. . .CLOSE PUBLIC TESTIMONY (DRIP-2) (DRIP-3) . . .

CHAIR PALTIN: Okay. Consider testimony...oral testimony closed for Bill 103 and 104. We can jump right into discussion. We...we did have a lot of transmittal back and forth, and...and really good comments. It seems as though most of the resources on asked...being asked the questions on CPR did not support prohibition of CPRing. And so--I mean, Mr. Hopper is prepared to answer questions regarding that, but just throwing that out there. Planning, before we go into actual questions, did you want to go over a summary of Granicus 48, your proposed more amendments?

MR. PFOST: Yes. Thank you, Chair. Yeah, that has just been posted as Granicus number 48 as the Chair mentioned. It's a very minor amendment the Department is proposing. In the...in...in the...the AS...the ASF for Bill 103, there was an amendment number 5 that exempts multifamily dwelling units up...of up to three units in Residential Districts from landscaping requirements for parking areas. And so, that was added to the ASF, and we agree wholeheartedly with that. But we found another item within the Code which relates to...which relates to the--bear with me for a minute, let me point it out directly--relates to the number of parking spaces, and whether or not you can basically park in tandem in related to those parking spaces. So, we wanted to add the same requirement to a certain section within the Code, and that's noted in...in Granicus number 48, which would...so, right now, the...the Code requires parking spaces to be arranged so that ingress and egress to a parking space has to have at least 18-foot distance between the parking space and the street, and currently that is not applied to

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single-family dwellings or duplexes. So, we want to also not apply that to multifamily of three units or less. If we did apply it to multifamily units of three or less, as it is in the current Code, then you would need 18-foot distance between your parking space and the street, so therefore you couldn't do tandem spaces for...for multifamily dwelling units. So, that's basically the...the gist of the...the amendments. Fairly...fairly minor. And that's, again, in Granicus number 48. There was another minor amendment we wanted to propose in...for Bill 104, and I can go over that later if you like, or now.

CHAIR PALTIN: Now's good.

MR. PFOST: Okay. In Bill 104, in Amendment Summary Form number 1, which is in Granicus number 29, this is very minor. On the very bottom of the page 1, it was a proposal to amend Section 7 of Subsection 19.29.030.A7, and right now, it currently says...the amendment currently says on Maui and Lānaʻi, all principal or accessory dwelling units permitted under this section, and so forth. We just want to remove the...the phrase, or accessory dwelling...“or accessory,” because this does not apply to accessory dwelling units. In other words, kitchenettes cannot be in accessory dwelling units. So, that was just an error, and we just remi...remove the words “or accessory” from that phrase.

CHAIR PALTIN: Awesome. And any comments from Mr. Hopper on concerns to those two amendments recommended by Planning?

MR. HOPPER: Chair, I...I didn't hear anything offhand that I would have a concern with.

CHAIR PALTIN: Awesome. Okay. Let's jump right into it as time allows. Like the testifier said, I'm not sure we will be passing it out today, but we can work as though we were, and get as much done as we can. We'll start off with...shoot. I know that Member Kama has to leave. Do you want to go first, Member Kama, or do you just want to go with the regular lineup?

COUNCILMEMBER KAMA: I could go first, Chair.

CHAIR PALTIN: Okay.

COUNCILMEMBER KAMA: So we don't have to worry.

CHAIR PALTIN: Let's start with Member Kama since she has to leave at 4:30.

COUNCILMEMBER KAMA: So, I wanted to ask...Mr. Croly made a comment about that...that this might impact...the second kitchenette might impact B&Bs. So, I wanted to ask Mr. Hopper what his thoughts were on that.

CHAIR PALTIN: Mr. Hopper?

MR. HOPPER: Remind me, if you could, what provision we're speaking about in the bill? I have the revised version of the bill.

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MR. PFOST: . . .*(inaudible)*. . .

MR. HOPPER: Yeah, so--well, if...if it's on a long-term residential basis, if that's not considered consistent with a bed-and-breakfast home with a kitchenette, that could...that could...I guess the concern is that--and Planning could confirm this--but if the...the kitchenettes are only allowed in an area with a long-term residential basis, if you had a kitchenette, that area wouldn't be available for a bed-and-breakfast home use. I would...I would presume that's the concern, and it seems...seems like that would be the...the...the intent. But Planning can confirm that, but I think that's the issue.

MR. PFOST: That is...that's correct.

COUNCILMEMBER KAMA: Okay. Thank you. And then the other...the other thing was in, I think, the presentation from...or in the bill, it says one dwelling unit per 2,500 square feet of lot area. I think there was a question about 5,000, 3,000, but I think...I like the fact that you want...we want to put more on as much less as possible and still get what we want out of all of this. So, I like the idea of having the 2,500 square feet of lot area. I just want to throw that out there because there's a lot of discussion that went on, and I...I like some things, and I was questioning some things, but that's one of the things I did like. Also, the need for trees. You know, I...I really believe that, that...you know, if you look at areas where we have lots and lots and lots of trees, the people in the community are so much more happier. And that's why if you look at Wailea, yeah, they got tons of trees because their HMO is high, and everybody down there pays for that. But...but not that the people in Kihei are not happy, but they could be a lot more happier if they more trees. So, I like that idea about hopefully having more trees as opposed to less trees. After all, you know, we do depend on them to breathe fresh, clean air too, so...but other than that, Chair, for now, that's what I took down, that's what I noted, and that's what I support.

CHAIR PALTIN: Do you want Fire to have any comment on the tree issue? I know we did --

COUNCILMEMBER KAMA: Oh, that's --

CHAIR PALTIN: -- update the Fire Code that trees are not supposed to be within five feet.

COUNCILMEMBER KAMA: Right. Of the...the--right. Yeah.

CHAIR PALTIN: Did you want them to comment?

COUNCILMEMBER KAMA: I--yeah, let's ask them that.

CHAIR PALTIN: Oh...oh, or Mr. Pfoست as well. Go ahead.

COUNCILMEMBER KAMA: Oh, Mr. Pfoست then.

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MR. PFOST: Yeah, if you don't mind, if I can jump in on that one.

COUNCILMEMBER KAMA: Oh, go ahead.

MR. PFOST: I think the--what we heard from the testifier was there is an exemption from requiring three units...or multifamily units of three or less from complying with the landscape parking requirements. That is...that is the...I think the concern that I heard. And the reason why we exempted multifamily units of three or less from complying with the parking landscape requirements is because the parking landscape requirements are pretty intensive. They apply to very large parking lot areas requiring low walls to screen parking spaces, requiring landscaping to screen parking spaces. . . .*(timer sounds)*. . . And so, for as...as small as a development of three units or less, we didn't feel that the landscape requirements were necessary for that.

COUNCILMEMBER KAMA: Okay. Oh, good one. Thank you. Thank you, Chair.

CHAIR PALTIN: Sure thing. And I just wanted to mention, Director Agawa also needs to leave at 4:30 p.m., but he did answer all our written questions quite...quite thoroughly. But if anybody has questions for Director Agawa, he will need to leave in 30 minutes. So, I'll go back to our Committee Vice-Chair Nohe U'u-Hodgins for her opportunity.

VICE-CHAIR U'U-HODGINS: Thanks, Chair. I'm going to just say a couple of thoughts, and then I'll share my questions. Thank you for not putting a CPR-lot requirement, or barring that requirement. Personally, I have two brothers. Sometimes they do good and sometimes not so good. And right now, I think that's what a lot of people are going through, and most likely if we don't figure this out soon, majority of my-age people are going to own property by inheriting it. And if they wanted to build on it without being tied to their brother, who maybe sometimes doesn't do so good, we're going to need separate mortgages in order to build a home. And I don't...I don't think my mortgage should be tied to his mortgage, and his mortgage should be tied to my mortgage. And right now, I think it's going to cost roughly about \$500 per...per square foot. And so, none is...none of it's quite cheap. None of it we're going to be able to really fund ourselves. So, to have people to be autonomous in building a home probably next to what's going to be your sister, or your brother, or your cousin, in my head because I don't want to live too close to a stranger. So, the assumption that we're just going to sell to some random person is, in my head, unlikely as...as I can only assume what I would do, and I wouldn't want to live so close to some random person. But that's just my perspective, and I just wanted to share that. I also agree with Mr. Hart at going down to 3,000 square foot...square feet for your second dwelling so that we can capitalize on some of the R-2 lands as well. I do have a question though. I appreciated very much Planning's...I guess...I don't know, scratch paperback to see what this is going to look like a lot, but I wanted to understand with your...with your design of how this would work on--this is an R-2 lot, it's at 7,500 square feet, and the Parking Code is used here with the 19.36. What would it look like if we needed to use the parking suggestion by Mr. Hart with bedrooms? So, in this case, we have eight stalls. What

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would...what would change? What would this look like? If you could describe that for me, please.

MR. PFOST: Yes --

VICE-CHAIR U‘U-HODGINS: Or...or you guys want to tag team --

MR. PFOST: I...I think --

VICE-CHAIR U‘U-HODGINS: -- this, I think it would be great.

MR. PFOST: I think Mr. Hart's proposal on bedrooms, I think, is a good one because that really ties it into really kind of how many adults really are in a bedroom, right? And --

VICE-CHAIR U‘U-HODGINS: Right.

MR. PFOST: -- and how many people can use it. I--it...it's kind of a question of how many bedrooms can you get into really then a dwelling unit in this particular example, or this...this . . . *(timer sounds)*. . . quick sketch. There was potentially, for the first and second floor, of up to 3,500 square feet, so you're looking at, what, a 1,200-square-foot unit. Three 1,200-square-foot units are probably three-bedroom units, right?...I guess, for potentially three of them. And...and so then, I can't remember what the parking requirement was, but I assume it probably--has it increased or was it two...two- and three-bedroom units were two per unit, right?...I think is what you were proposing?

CHAIR PALTIN: Go ahead, Mr. Hart.

MR. HART: Chair, thank you. So, I was proposing that two-bedroom units be the existing two as well as three, and then when you go beyond three, that it step up for each bedroom.

MR. PFOST: So, I think in this particular instance, assuming that each unit...dwelling unit would have a three-bedroom, they would still be each require two spaces, so you'd be in the same configuration as what you're --

VICE-CHAIR U‘U-HODGINS: Okay.

MR. PFOST: -- locking at...looking at here.

VICE-CHAIR U‘U-HODGINS: Okay. Great.

MR. PFOST: Although, if I may --

VICE-CHAIR U‘U-HODGINS: Yes.

MR. PFOST: -- just also while you're at it, in...in this particular sketch, importantly, that --

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VICE-CHAIR U‘U-HODGINS: Sketch. Why couldn't I think of that?

MR. PFOST: -- . . .*(laughing)*. . . that...that Code amendment that I mentioned to...to require parking...being able to park on your driveway --

VICE-CHAIR U‘U-HODGINS: Yes.

MR. PFOST: -- is important for this particular instance because it's --

VICE-CHAIR U‘U-HODGINS: Yes.

MR. PFOST: -- a multifamily. So, if we didn't have that, you couldn't park this configuration like it's shown right here. You'd have to park other spaces somewhere else in the lot, which would restrict then the size again.

VICE-CHAIR U‘U-HODGINS: I do like the tandem parking. Thank you. Thanks, Chair. I heard the bell.

CHAIR PALTIN: Thank you. I wanted to clarify what I heard you say because I have a chance...because I'm the Chair and I run the show. So, what I heard you say is that you like the 3,000 recommendation because it would allow us to maximize the density in R-2, but you didn't mention R-1. And 3,750 square foot would allow us to maximize the density in R-2, but not R-1. So, did you intentionally leave out R-1 because you didn't want to maximize the density in R-1, or...

VICE-CHAIR U‘U-HODGINS: Not necessarily. I don't necessarily...I'm not against it. That was his suggestion. I do have 3,750 if that's R-2, and that's to separate R-2. But Mr. Hart mentioned 3,000 in R-1 and having that, and I see that the last time it was in the original bill was 2,500, which would kind of change the language. I'm just saying that's what he said.

CHAIR PALTIN: Um-hum.

VICE-CHAIR U‘U-HODGINS: I have nothing against R-1. It...it would allow R-1. I agree. But in my head, if I owned R-1, I'm not too sure if I would max...as Director Blystone said, it is your choice. I'm not too sure if I would maximize all of this possibility if I lived in R-1. Again, it's a personal choice. I probably don't want to live super close next to strangers. That's what I meant.

CHAIR PALTIN: Okay. And...and just to clarify, the original proposal from the Administration was 2,500 per --

VICE-CHAIR U‘U-HODGINS: Yep.

CHAIR PALTIN: -- square feet per dwelling.

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VICE-CHAIR U'U-HODGINS: Yep.

CHAIR PALTIN: I countered with 5,000 square feet.

VICE-CHAIR U'U-HODGINS: I see.

CHAIR PALTIN: Mr. Hart came back with 3,000 square feet.

VICE-CHAIR U'U-HODGINS: Yes.

CHAIR PALTIN: But no...all of those are proposals.

VICE-CHAIR U'U-HODGINS: Yeah.

CHAIR PALTIN: So, just clarifying for people, you know, if you don't want to allow two dwellings in R-1, which is a maximum of 6,000 square feet, allowing one dwelling per 3,750 would allow for two dwellings in R-2, which is a maximum size of 7,500 square feet. It would allow for possibly three dwellings if your lot is 11,000-something in R-3, but not 10,000. It wouldn't allow for three dwellings at 3,750, but at 3000, it would allow for three dwellings. So, it's all part of the discussion. We're not tied to anything. I think 2,500 is the lowest we can go, and the situation, as it is right now, is the highest we could go. So, just wanted to clarify that we're not tied to 3,000, we're not tied to 5,000. Just 2,500 is the ceiling, I guess, and the current is the...the floor--or vice versa. However you want to look at it. Okay. Member Cook.

COUNCILMEMBER COOK: Thank you, Chair. I'll try and fire off some quick questions, one for Director Agawa from Environmental Management for Wastewater. Are you available, sir? So, if there is --

MR. AGAWA: I'm here.

COUNCILMEMBER COOK: If there is three dwelling units on a lot, are they going to require a cleanout adjacent to the curb for each one? Like each one would have a home run from their dwelling to the curb? Like, they're not going to be interconnected. You're going to--each...each dwelling on the lot would have to have its own sewer hookup?

MR. AGAWA: Thank you for the question. So --

COUNCILMEMBER COOK: I don't want to get overly technical, but I'm just trying to figure out. Because my next question...or comment, if I may. I'm supportive of the CPR aspect because I think if you don't have CPRs, basically what you're doing is you're creating rentals. So, if you have three CPRed units potentially with three separate owners--getting in the weeds a little bit--are they going to have to have their own sewer hookup?

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MR. AGAWA: So, thank you for the question. So, to answer your question one, which is related to question two, a single-family residential lot would have one sewer lateral. So, multi-units would need to tie into that single lateral. I do want to make it clear that if the flow sewage volume exceeds 1,500 gallons per day, then they would be required to put in a sewer manhole, property sewer manhole, in lieu of a clean out. So, 1,500 gallons per day would be the trigger for that. Now, keep in mind the difference in cost to the property owner. A clean out may cost them 2, \$3,000. I talked to a resident in Lahaina recently, they got quoted 35,000 for a sewer manhole. So, it's a big difference in cost. So, just, you know, for people's awareness, if you have these multi-homes on a single lot and they exceed that, they're going to be required to put in a sewer manhole.

COUNCILMEMBER COOK: Okay. Thank...thank you, sir.

MR. AGAWA: But a single--yeah.

COUNCILMEMBER COOK: Thank you. Not to cut you off. And then for Captain Vaas, for this additional density, is there a potential that additional fire hydrants would need to be installed in a neighborhood?

MR. VAAS: It is possible, and it comes from a few different directions. There's a...there's a lot we have out there for three dwellings, and I know currently, we've already kind of amended the Code a few years ago to allow for three dwellings on residential lots. And even with this, we're going to lower the square footage so we can get more places with three dwellings. Our biggest concern is when it goes to four or five. That's when there'll be extra requirements that they may not be able to meet, which could include . . . *(timer sounds)*. . . fire hydrants, road widening, and...and that kind of thing. So, for some people, that won't be an issue, but in certain properties, that could be. It could be what makes it infeasible, or even impossible to build that fourth dwelling.

COUNCILMEMBER COOK: Okay. So, anyway, that--it's...we're kind of getting a framework. I heard the bell, Chair. Thank you. I will wait for my next question for Planning.

CHAIR PALTIN: Okay. I did want to follow up with Director Agawa because he's leaving in 15 minutes. Will they not know if the sewage flow volume is in excess of 1,500 gallons per day until they build what they build, and then they could be on the hook for that additional 35 grand for the sewer manhole?

MR. AGAWA: So, it's based on an estimated amount when they apply for the...the building permit. So, for example, I believe a single-family two- or three-bedroom unit--there's a chart that assigns 350 gallons per day. So, the chart would have to be referred to, and that would give an estimated amount of sewage.

CHAIR PALTIN: Oh. So, they should know before they build it if they're going to go in excess of 15,000 *[sic]* gallons per day, like an estimate?

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MR. AGAWA: Yes. And there is something in the Code, I don't know exactly the Code number, but after a fourth unit, I think a sewer manhole is automatically triggered for a lot...or a CPRed lot.

CHAIR PALTIN: And when you say fourth unit, is it irrespective if it's a dwelling unit or an accessory dwelling unit?

MR. AGAWA: It's just a structure considered a residence. So, it doesn't, yeah, distinguish between ADU or main home.

CHAIR PALTIN: Does it distinguish between attached or detached, like duplex? Like if you were to have two duplexes, that's four units, but that's two structures.

MR. AGAWA: That's a good question. I would have to go look at the Code to see how defined it gets. I can follow up on that.

CHAIR PALTIN: Okay. We'll follow up in writing as well. Thank you. Member Johnson, your opportunity?

COUNCILMEMBER JOHNSON: Thank you, Chair. Is Director Molina on from Public Works?

CHAIR PALTIN: He is...or was.

COUNCILMEMBER JOHNSON: Aloha, Director. Thanks for being here. I know you're busy. So, I want to ask a question about the preapproved plans that the Department owns and...or possesses. Do we have missing middle preapproved plans?

MR. MOLINA: We...we do not have preapproved plans as the way I think you're thinking of them. We have a design registration process which allows plans...building plans to be approved prior to construction, but they're not available for anyone off the shelf to just pull them and use them for their project. That's not --

COUNCILMEMBER JOHNSON: That's for developers, right?

MR. MOLINA: It's for anybody --

COUNCILMEMBER JOHNSON: Oh.

MR. MOLINA: -- that it makes sense that process works for. But generally, it's people that are...I mean, it's...it's more than one...one structure where it makes the most sense.

COUNCILMEMBER JOHNSON: Okay. All right. Thank you for that response. I'm going to pivot here. I just wanted to ask that real-quick question. So, my next question is...is for Director Agawa. I know he's leaving. So--and that...that question that Councilmember Cook brought up, along with Committee Chair Paltin in regards to the sewer, do...you know, we can put...or can we put a requirement to make these extra

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units, ADUs--whatever we're deciding to call them, right now, it's ADUs--but can we put low-flow...can we require them to have low-flow sewer, or low-flow water fixtures, or low flow just to reduce the number of sewer...sewer gallons they're creating?

MR. AGAWA: Thank you for that question. I wouldn't want to speak for Water on the low-flow...flow fixtures, however, the sewage is tied into the....directly into the water use, so that is a good question. So, the sewer volume is directly tied to the use, but I cannot answer on the low-flow. That would be a Water Department question.

COUNCILMEMBER JOHNSON: Okay. I know it does come out at that end, but I'm just trying to solve that issue where they don't have to build a \$35,000 manhole. Okay. Now, my next question is--I want to say Jordan Hart mentioned it, that Wahikuli is exempt; is that correct? Because it's Resident 4, is--R-4 or R-3? Can you elaborate on that?

MR. HART: Chair, if I can respond. What I was trying to point out is that the...the Chair had put forward a proposal to increase the minimum square footage to 5,000 square feet, and that if that were done, only the Wahikuli area would benefit from the density proposal. But if it was ---

COUNCILMEMBER JOHNSON: Okay.

MR. HART: -- bumped down to 3,000 square feet, then all of the areas shown . . .*(timer sounds)*. . . the R-1 and R-2 areas, including the R-3 areas of Wahikuli, would be able to make use of the density increase here.

COUNCILMEMBER JOHNSON: So, bumping it down gives us more people that could be affected by it. Okay. Thank you for that. Thank you, Chair. No further questions.

CHAIR PALTIN: More...more people that can take advantage of it. We can send in writing your question about the low-flow fixtures to the Water Department. Did you have more to add? No? Okay. All right. Let's see...Chair Lee, your opportunity.

COUNCILMEMBER LEE: Thank you. Okay. Thank you. Before Mr. Agawa leaves. So, you allocate...you allow, what, 450 gallons per day for five people, is that what you said?

MR. AGAWA: It is 350 gallons per day for a single-family home is the classification.

COUNCILMEMBER LEE: Okay. So, what...does--and on average, how many people in the home?

MR. AGAWA: I don't know if the Code says that, but I would assume four.

COUNCILMEMBER LEE: Okay. And then...so, this includes water. What about if...if the new person rebuilding in Lahaina now has underground power and a separate line for R-1 water, as well as sewer and water. Is this going to affect all these additional units? Is it...is it going to get in the way of these additional units?

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MR. AGAWA: So, for R-1, R-1 cannot be used in residential...on a residential property. Regarding sewer, you would have one lateral for a property, and then the on-site plumbing would tie into that single-service lateral for sewer.

COUNCILMEMBER LEE: How come you can't use R-1 for...for residential?

CHAIR PALTIN: Department of Health rules.

MR. AGAWA: That's a great...yeah.

COUNCILMEMBER LEE: Is that something that we're working toward though at some point?

MR. AGAWA: I don't want to speak for Department of Health. That has been talked about, but it is a health and safety issue.

COUNCILMEMBER LEE: Okay. And...and a quick question for Jordan Hart. Jordan, do we still have the R-0 zone?

MR. HART: Chair, we do, exist in the Code. Yes.

COUNCILMEMBER LEE: Okay. So, can you put an ADU on an R-0 if we go to 3,000 square feet?

MR. HART: Chair, I would have to --

COUNCILMEMBER LEE: Okay.

MR. HART: -- I would have to read that carefully, but, yeah, that's...that's not the direction --

COUNCILMEMBER LEE: Okay.

MR. HART: -- that this is going in, so I'm not prepared to...to respond immediately.

COUNCILMEMBER LEE: Okay. Maybe you could respond in writing. So, those are my questions. Thank you.

CHAIR PALTIN: Planning, did you want to take a crack at Chair Lee's question? In the chart that I saw on the bill, R-0 wasn't included.

MR. PFOST: Yes. Thank you, Chair. R-0 is not included in the...in the proposed bill, so the density increase does not apply to R...R-0.

CHAIR PALTIN: I...I think her question was if you can have an ADU on an R-0 lot?

COUNCILMEMBER LEE: R-0 is about 3,500 square feet. That's the smallest lot.

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CHAIR PALTIN: Unless you got nonconforming...because we have some of those in Lahaina.

COUNCILMEMBER LEE: Yeah. But they can send it...you know, they can send their response in writing. That's fine. Because I know other people want to get to Shayne before he has to leave.

CHAIR PALTIN: Okay. Let's see...Member Sugimura, your opportunity. You're muted.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. So, I actually want to ask Jordan Hart a question. So, if anybody else wants to ask Shayne before he leaves, please...please take this opportunity. It's almost 4:30.

CHAIR PALTIN: Member Sinenci, did you want to ask Director Agawa a question? Okay. You can go ahead, Member Sugimura. Of the people that are still here, everyone else --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: -- had their opportunity.

COUNCILMEMBER SUGIMURA: So...so, when I went to the Action meeting in...in Lahaina on the beginning of the month, I spoke to one of the residents. And on this item of parking per bedroom, I like that idea as that's what he was saying. He was saying that at the end of his street, there's this house coming up and has 12...I think he has 12 people or 12 bedrooms, but he said the street is getting just crowded with parking. So, how do we...how do we do this? So, if...if Lahaina is already rebuilding, and is rebuilding in error, I think, sounds like from his description, what happens, and how do we convert from this to whatever the existing is?

CHAIR PALTIN: Is that a question for Mr. Hopper, or you got it?

COUNCILMEMBER SUGIMURA: On...oh. You know what, no. I don't...I don't--whoever. Somebody can answer it because --

CHAIR PALTIN: You got it? Okay. Mr. Hart.

MR. HART: Chair, thank you very much. So, I...I did actually go to Lahaina with one...one of the residents who was...who was providing concerns about overdeveloped lots, and --

CHAIR PALTIN: It's the same one, you guys.

MR. HART: Okay. So, if...it is the same person then. So, a couple of the instances that he drove me by were existing homes in Wahikuli, and those would be basically homes that were built...they're being used not in compliance with our Code as far as a single-family dwelling is concerned, that single-family is defined in the Code. So, those would be potentially violations that could be followed up on with complaints. For new

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construction...there was also new construction instances of...of large-scale dwellings. Those would be covered by the existing table that's in...in the...the presentation that I made that's--I believe it is on Granicus, but I can't tell you the number. Unfortunately, you can get a significant number of bedrooms into a dwelling unit before you hit 3,000, which is when you have to do one more. So, anyway, the parking requirements don't...are not potentially responsive enough. And so, what I was proposing would...would allow it to be more responsive, to require more stalls if you're trying to do that kind of scale of development. So, those ones that got in under our existing Code potentially would become nonconformities, and there...there may be a few of them, but if we can get this adjusted, we could catch the remainder. Thank you.

COUNCILMEMBER SUGIMURA: Are we talking about the same person? Okay. I...interesting. Well, appreciate that because I like this bedroom...parking in...increased by bedroom. And the idea of being able to, you know, condominium...condominiumization, I think...I think that's where everybody's trying to get to, and if the owner decides that's what they want to do, I believe that . . .*(timer sounds)*. . . we should do that. And...and I like the idea of 3,000 square feet. So, those are kind of my overall thoughts on this.

CHAIR PALTIN: Okay. Member Sinenci, your opportunity.

COUNCILMEMBER SINENCI: Thank you, Chair. I...I just had a follow up on Mem...Chair Lee's question maybe to the Department. She mentioned R-0 that's not listed in this bill. So, R-0 would be...she mentioned 3,500 feet to 6,000? Just for clarification.

CHAIR PALTIN: Mr. Pfof?

MR. PFOF: Yes. Thank you for the question. Yes, the lot area required for an R-0, which basically means you have a zero setback, is not less than 3,000 square feet, and not more than 6,000 square feet in area for the lot area. I might also add that accessory dwelling units are not permitted in the R-0 Zoning District as well, to address her question.

COUNCILMEMBER SINENCI: Only...only a main...the main dwelling?

MR. PFOF: That...that is correct. Only the main dwelling.

COUNCILMEMBER SINENCI: But we're looking...we're seeing a lot of like premanufactured homes. Are those, for the smaller lots, allowed as accessory dwellings?

MR. PFOF: Yes, they...they would be for the accessory dwelling units if you can meet the requirements for an accessory dwelling unit. There's...there's certain requirements for accessory dwellings units on certain size limitations, parking, and so forth. If you can meet those requirements, then yes, you could do a premanufactured home as an accessory dwelling unit.

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COUNCILMEMBER SINENCI: Oh, okay. All right. Thank you. Thank you, Chair. Those were my questions.

CHAIR PALTIN: Thank you. I...I would like to clarify with Mr. Hopper, on Act 39, would that apply to R-0 if currently the County doesn't allow an accessory dwelling unit, but then Act 39, by December 26th, allow--requires us to allow two accessory dwelling units in the State Urban Zoning, which would include R-0?

MR. HOPPER: Chair, the requirement--let me just write...read it here.

CHAIR PALTIN: And meanwhile --

MR. HOPPER: Oh, sorry.

CHAIR PALTIN: -- for everyone else, I did want to do a temperature check of what Mr. Hopper said in his opening comments. Are we looking at allowing for this bill and two accessory dwelling units, or are we looking at having the additional dwelling unit count as one of the required two accessory dwelling units? So, something to think of. It could go either way. There's other things that could happen. You know, if...if we say in addition, then we would let two dwelling units in an R-1 lot and two accessory dwelling units in an R-1 lot. Same for R-2. R-3 could have three dwelling units and two accessory dwelling units. Each of those dwelling units could possibly have a kitchenette. So, just some other things to ponder about, you know, possible unintended consequences. If we don't pass things out today, we could try to write to the Attorney General, if she gets back to us in time, if she would consider one dwelling unit and one accessory dwelling unit to satisfy Act 39 as the reasonable equivalent, and we could go that route. There was correspondence from Planning that, you know, an accessory dwelling unit on a R-1 lot is restricted to like 500 square feet; on an R-2 lot, like 600; and R-3, 720. I mean, we could make it all 720 or not, you know? So, there's a lot of wiggle room. Because, I mean, if we're going with 500 for an R-1, but then we're going to allow them a whole 'nother accessory dwelling...or a whole 'nother dwelling unit that doesn't have any size limitation, it...it's kind of weird to say 500 for an R-1, but you can build a whole another dwelling unit. So just...just other things to ponder. But Mr. Hopper, you got an answer?

MR. HOPPER: Yeah, I wanted to sort of quote the language. There's...there's actually two different ways the County could comply with this. One is what we've been talking about mostly, which is we...we would need to...shall adopt or amend ordinances defining a reasonable standards that allow for construction of at least two accessory dwelling units, or the reasonable equivalent, for residential use on all residentially-zoned lots. So, R-0 would be a residentially-zoned lot. However, there's other options that the County can do other than that. For example, it can...there's a Subsection C here that says that it--you can basically designate certain districts that are those two-accessory-dwelling-lot districts, and...and...and they have to have certain criteria. For example, there needs to be an estimate that...that those districts would add development potential equal to half of the projected five-year demand in a specific study laid out. That's an alternative. But if we're looking at it from the...the option A, which

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we've been talking about, which is to basically allow for accessory dwellings or their...two accessory dwellings or their reasonable equivalents, R-0 would be considered a residentially-zoned lot. And then I...I will also say though, if it's not done, and someone applies, there can still be a basis for the County to deny that additional...those additional accessory dwellings, including based on infrastructure and...and other considerations. But the fact that it's R-0, if it's a residentially-zoned area, that would be the areas where they want the County to make the amendments to allow for at least two accessory dwellings. But again, there's...there's an alternative, which is to create other districts that allow these versus others, and so we could look at that as a potential alternative.

CHAIR PALTIN: Lots to consider. Okay. Second round two. Councilmember U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you, Chair. I prefer Bill 103's density. I see from the old Planning transmittal what it looks like if you have...where it compares the minimum lot size with the existing Code density and 103's density, and then Act 39 plus 103's density. That's thick. My question though, is to Mr. Hopper. So, considering I prefer 103's density, if we use the floor-to-the-ceiling language of 7,500 square feet, and it doesn't allow for R-1 and R-0, does this comply? And then what about Molokai, who opted out of 103, and how are they...how are we going to let them know like, hey, Act 39 is a little bit more nuts than what we're trying to propose, and just FYI, it's...it's coming down the pipe? Like, what...what are we going to do here? Do we do some changes to 103 to incorporate R-1, R-0, and send it back to Molokai Planning Commission, and let them know Act 39...you know, like I don't want to force any...anything down anybody's throat, and they opted out of this. But what does that leave us to do? Thank you.

CHAIR PALTIN: Mr. Hopper?

MR. HOPPER: Well, the 7,500-square-foot discussion, I didn't quite understand that, but we can go over that. As far as...I mean, Molokai would not nec...would...wouldn't be exempt from Act 39 any different than the rest of Maui County from the State's perspective. So, they would...essentially, if there's...if the County doesn't enact anything and we get to--again, this is not until December of 2026--but if we get to that point, somebody on a lot there would...it looks like the law would say they would apply for two accessory dwellings, and the County would have to grant that unless--there...there's...there's some exceptions, essentially if...I mean, it says if the County does not adopt or amend zoning ordinances pursuant to this section by December 31st, 2026, the County shall not deny any permit application on the basis of exceeding the maximum number of housing units allowed. If any owner or their designated representative of a single-family dwelling in a residentially-zoned lot applies for construction of up to two accessory dwelling units, or the reasonable equivalent, until the County adopts or amends an ordinance pursuant to this section, provided that a county may deny a permit application on the basis of infrastructure, design, or development standards. So, I mean, they...they wouldn't be exempt from...from that. So, the County, if they continue to be exempted here--and again, they make...made a recommendation to exclude

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themselves, but the Council could still not agree with that and include them in this bill, that's an option. . . .(timer sounds). . . Or...or another option is--because you have until December 2026, is figure out another way to comply with this...with this law, either by some other form of amendments other than what's...what's being proposed in Bill 103, or designating these districts in Subsections C1 and 2, which appear to allow the County to not necessarily require these everywhere, but to create certain districts where they are required and...and subject to those...those requirements. So, I think those are the options.

VICE-CHAIR U'U-HODGINS: I think I understood everything you said, but I'm going to let that settle in my brain, and then if I have any more questions, I'll ask you some more questions.

MR. HOPPER: I...I have to say that it's...it's very difficult --

VICE-CHAIR U'U-HODGINS: It's --

MR. HOPPER: -- to explain Act 39 --

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

MR. HOPPER: -- in...in...in a way--I've had to go over it several times for me to get it and to try...and I think--I'm not saying I...I necessarily know...get everything--but to explain it, it's...it's difficult because it's not...it's not particularly simple, and there's exceptions to exceptions, and it's...it's difficult to...to deal with.

VICE-CHAIR U'U-HODGINS: Thank you for saying that because it is difficult to understand. Not that you're not explaining it well, it's just a lot to understand. So, thank you very much.

CHAIR PALTIN: And...and I just wanted to clarify, we cannot add anything about R-0 in this bill at this point because the Planning Commission didn't consider that; is that correct, Mr. Hopper?

MR. HOPPER: That's also a good point, Chair, that all of the proposed changes were to R-1, R-2, and R3. So, you do have a fair amount of flexibility with the...the intent of the original proposal, but if it included a district that wasn't dealt with at all, yes, I think that you'd...you'd most likely need to deal with that through a...through a different bill, or...or send...send something back to the commissions on that.

CHAIR PALTIN: Okay. Go ahead, Director Blystone.

MS. BLYSTONE: Just a small piece. I was doing some research while you all were talking about the R-0, and it...it only exists in a very small amount of places. There's one area in Kihei and two areas in West Maui, and two of the three areas are fully developed at this point. So, just to rest assured that R-0 is pretty minimal.

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MR. HOPPER: And Chair?

CHAIR PALTIN: Go ahead.

MR. HOPPER: Also, the exception that I read about the accessory dwelling units, I think presumably that would apply if the setbacks couldn't be met either. So, I don't know what the R-0 situation is, but if someone applied for accessory dwelling units that you could not fit in the setback areas, I think that'd be an argument that it was not...did not meet the development standards.

CHAIR PALTIN: Okay. I mean, I know Nāpilihau, which is zero lot lines, and I know choke folks that have converted their washroom into an ADU, so it happens. . . .*(laughing)*. . . Oh, Chair Lee, yes?

COUNCILMEMBER LEE: Yeah. So, I...I don't think we should necessarily exclude R-0 at this point. Maybe we can add it at a later time, but we want to give people the...the broadest amount of options possible. And...and also, I was--wanted to ask Director Molina about if these ADUs could be--these temporary homes now, if...if they would qualify for ADUs?

CHAIR PALTIN: Director Molina?

MR. MOLINA: So, in terms of meeting the zoning requirements, they could. Now, whether the temporary units can become permanent is a separate issue under the Building Code that we are working to find paths forward for. Thank you.

COUNCILMEMBER LEE: Jordan, I hope you find a way. Because we'd have to destroy or dispose of thousands of units and--when we could be using them. And --

MR. MOLINA: We told them...we told them be cautious because if you cannot affirm compliance with the Building Codes, this is a bunch of rubbish on our island right now.

COUNCILMEMBER LEE: Okay. Well, maybe they can find a way to...to strength...fortify it. Okay. Thank you.

CHAIR PALTIN: And...and Chair Lee, I just wanted to clarify, you're saying don't preclude R-0 from the discussion, but we can't include it in this bill because the Pla...it didn't go through the Planning Commission. But your...your --

COUNCILMEMBER LEE: No, no, I meant at a later time.

CHAIR PALTIN: Okay. You're talking about a different bill that does go through the Planning Commission?

COUNCILMEMBER LEE: Yes. Yeah.

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CHAIR PALTIN: Okay. I see Members raising hands, but Member Cook was next, and he has to leave. So, Member Sugimura, is it okay to let Member Cook go? Okay. And then we can come back to you after, or we can go in order, whatever Members prefer.

COUNCILMEMBER COOK: Thank you. My question is for both Mr. Hart and the Planning. Can eight cars fit on a 7,500-square-foot lot with two 'ohanas and a duplex? Is there any...I guess, is there any ...okay, we have hard...hardscape aspects of it, but they can park in the grass or something. So, there isn't any Planning element...impediment. They just park wherever they can fit in there, it's going to be fine?

MR. HART: Yeah. Basically, they'd need to be scaled appropriately. And...and single-family can reverse onto a public street, as opposed to multifamily can't do that.

COUNCILMEMBER COOK: I'm sorry, a single-family can what on the street?

MR. HART: Single-family home, like you can park in...in your front driveway and reverse onto a public street, where like a commercial multifamily construction cannot do that. They have to have circulation to turn around and things like that.

COUNCILMEMBER COOK: Oh.

MR. HART: And then you can build...you could...there's--it's a 30-foot max height in the Residential Districts, so you could build two full stories with space underneath. So, yeah, you could...you could do that.

COUNCILMEMBER COOK: Okay. That was my big thing. Okay. Thanks. Okay. I'm --

MR. HART: I'll...I'll add--sorry--you can also park in the setbacks as well, like side-yard setbacks and . . .*(inaudible)* . . .

COUNCILMEMBER COOK: Okay. That's it. Cool. Thank you. Chair, that's really all my questions. Thank you.

CHAIR PALTIN: Yeah. And I think...I mean, it depends too if you have one-story or two-story. Like I live on an R-1 lot, and we have underneath parking. So, I mean it just depends on how you particularly configure your lot, the size of square footage of the rooms, and like that, I mean.

COUNCILMEMBER COOK: Yeah. I'm...I just want to say, I'm...I'm supportive of what we're doing. My only concern was about playing pretend of people still doing side-street parking. And as long as we can stick with if there is no side-street parking, they have an option, then I think I don't have a problem.

CHAIR PALTIN: So, it does sound like majority of people do like Mr. Hart's parking recommendation. Is...is that...that's--okay. So, we can incorporate that in the next iteration. Did you want to comment?

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MR. HART: Chair, yeah. I was...I...I got a text during the call. So, I was...I was told to state that DR funding can be used to pursue surface parking in the fire-affected area to support some of these neighborhoods that were much tighter. And then the other thing is that --

CHAIR PALTIN: Like Mill Camp?

MR. HART: -- it could be used to support buses, and potentially additional shelters in the context of the comment about parking enforcement is carrot--or the stick but, you know, what's the carrot? So, anyway, I wanted to share that with everyone.

CHAIR PALTIN: Thank you. Okay. I think Mr. Johnson had to catch the ferry, so that brings us to Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, going back to what Chair Lee was talking about with these temporary housing projects. In my community, I saw, for the first time, a recreational vehicle parked in an empty lot...I mean...and I just wonder how this all fits into this discussion. Somebody.

CHAIR PALTIN: Sorry, I wasn't paying attention.

COUNCILMEMBER SUGIMURA: I mean --

CHAIR PALTIN: Who...who do you think would --

COUNCILMEMBER SUGIMURA: Oh, I --

CHAIR PALTIN: -- answer your question?

COUNCILMEMBER SUGIMURA: I don't know if Miss...Mr. Molina, or even Mr. Hart. But really, this is the first--I think they have them in Lahaina, but first recreational vehicle popped up on Kula Highway, and I'm like, holy smokes, here they come. Any comment on those, and how this complies?

CHAIR PALTIN: Thank you. Mr. Hart, did you want to--or Mr. Pfof?

MR. PFOF: Yeah. Really, a recreational vehicle's not a permitted permanent use on...on a residential lot, so whether or not that's there legally or illegally, I...I can't tell you. I would--it shouldn't be legally because it's not a permitted use on a residential lot, so it has to be a structure.

COUNCILMEMBER SUGIMURA: It's...it's the kind you see on TV, and I was like, woah. That's what I thought. So, I hope whoever's trying to live there, just know that it's illegal, and I was--hope this didn't allow for many of them to pop up like in parks, you know? Like a residential park of all these EVs, so...or RVs, sorry. That's all for now.

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CHAIR PALTIN: Thank you. I just have been informed that we're at bare quorum right now, so if anyone needs to pause for the cause or turn off their camera, we'll have to call a recess. And I have also been asked to ask Corporation Counsel for comment on Mr. Hart's parking proposal as we like it, but it didn't go through Planning Commission review.

MR. HOPPER: Okay. Clarify that the parking...the--this is one of the amendments, the multiple ones we've talked about? Here. I'll --

CHAIR PALTIN: It's in his presentation that he gave to us. I can give you...or Mr. Pfof can pull it up. It's suggestion on the left.

MR. HOPPER: If...if this applies, yeah, the...

MS. NAKATA: So, Chair, if Staff could just clarify. I think previously, Corporation Counsel opines that we could insert the landscaping for parking requirements into the bill so long as it was limited to multifamily dwelling units of up to three units in the Residential Districts because it was tied to the original scope of the bill. So, the question is just whether doing a straight-up change from size of lot to number of bedrooms across all categories, including studio and one-bedroom, would be within the scope of the original bill. Thanks, Chair.

MR. HOPPER: Yeah. Yeah, Chair, I think the problem...problem is if you're changing the parking requirement for all...all units in the Residential District in general, I don't think that's something the Commission's necessarily looked at. It might be something that everyone favors and...but...and again, this can be confusing sometimes, but it...it deals with what was the original proposal, and the original proposal was to increase density in these areas. And I think we talked about how that increased new density would be allowed with...with respect to those new units and the landscaping requirements. And I thought it was okay to make that change because it was dealing with only the new units and...and sort of with the conditions of those new units. But if you're...if you're making changes here that are going to apply to everybody, including existing units, my concern would be that that's a bit broader than the scope of the original bill, and not something that Commission...within the scope of what they had reviewed. If we're talking about parking requirements on the new units that are allowed in these areas because of the increased density, I think that's fine, but I'm a little cautious of just generally amending the Residential Districts or...or the parking requirements for all new requirements that we...that Commission hasn't reviewed yet. I hope that makes sense, but I...I did have...I would have a concern with that. That's a good point that you brought up.

CHAIR PALTIN: Okay. Mr. Hart?

MR. HART: Recognizing what Counsel just said, and, you know, this was thrown in to address the concerns that had been raised, but I do want to point out that, you know, this...this

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legislation wasn't created to address Act 39, it was created because it was trying to be responsive to legalizing the housing that existed pre-fire. I want to encourage the Councilmembers to consider moving forward with the proposal as it is, and that the Office of Recovery will commit to working with the Planning Department to draft something up to go to the Planning Commissions to try to catch up, and get back to Council while you guys are at a budget, and not to try to...to derail the overall initiative. Thank you.

CHAIR PALTIN: Okay. We're going to lose quorum pretty quick here. I feel like we have things to incorporate and do, and...and then maybe we can meet up after budget, if that's okay. I think we made a lot of progress today, and I do...don't want Staff to rush and get it all in there, and then maybe we have to do work on the Council floor. We're missing four of our Members, and it is a big, complex thing. So, I will take up Office of Recovery and Planning's suggestion that maybe they can get this parking stuff through the Planning Commissions while we're in budget, or somewhere thereafter, and we'll incorporate all the things that--into the bill, and we'll send out a couple questions to the AG, Water Department and like that, and we'll...we'll take this up right after budget. I mean, we've spent all our time on 105, 103, and 104 to date, and if that's the direction the...the Committee is okay with, that's what I would like to do. Is...is there a consensus? Member Lee. Is that consensus, or are you raising your hand?

COUNCILMEMBER LEE: Yeah, but I...I do have a question for Jordan.

CHAIR PALTIN: Okay.

COUNCILMEMBER LEE: Okay. Because Jordan, since you're going to be working on parking, I hope that you leave the language broad enough. Let's say a community decides to buy...buy a lot in the neighborhood for community parking. So, you know, if people come up with creative ideas, you don't want to discourage them. So, if you could include those types of allowances for parking. Thank you.

CHAIR PALTIN: Okay. And we have held the birthday girl for 32...22 minutes after, so I think we deserve to let her go have a drink for her birthday. Unless --

COUNCILMEMBER LEE: . . .*(laughing)* . . .

CHAIR PALTIN: -- Member Sugimura had a burning question?

COUNCILMEMBER SUGIMURA: I do. Are we going to take this to the community and have...you know...you know, how...I don't know if we take it to...

CHAIR PALTIN: You want a public hearing or something, or a town hall?

COUNCILMEMBER SUGIMURA: Oh, my God. Yeah. I think we need...I think we need to, yeah, so that we can hear back from the community before we vote yes, you know? It's kind of interesting. I...I love, you know, what Chair Lee just said, and if--who knows

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what the community's going to come up with. Maybe...maybe everybody wants to have an RV park, you know, which is--I just had one pop up in Kula, and I already heard concerns about it. But who knows what else, you know --

CHAIR PALTIN: Okay. It looks like --

COUNCILMEMBER SUGIMURA: -- can be considered.

CHAIR PALTIN: -- Mr. Hart wants to answer your question.

COUNCILMEMBER SUGIMURA: Oh.

MR. HART: Chair, I just...I just want to point out that...that there were three public hearings held for each of these measures. The...the nonconforming bill, the density bill, and the kitchenettes all had public...one public hearing each in each of the Planning Commissions prior to coming here. And then the one thing I also want to say is that under current situation, an RV park would not be legal, and would not be made legal by what we're proposing. Thank you.

CHAIR PALTIN: Okay. Member Sugimura, if...if that's what you'd like, maybe me and you or, I don't know, me and somebody can work on that offline...like just maybe a show on *Akakū*, we talk about it or something. But I think we'll have to choose one...I'll have to choose one person to work on this with --

MS. NAKATA: Excuse me, Chair. I believe Member Sugi...oh, sorry. Her camera's back on. Sorry, I thought we were losing quorum. Thank you.

CHAIR PALTIN: Oh. I'll...I'll try see one person to work on so I don't violate the Sunshine Law on this, and...and just see if we can do like a press release, or maybe a question-and-answer session or something like that. But I'm going to need help because I got a lot on my plate. . . .*(laughing)*. . . Okay. All right. Thanks, guys. If there's no objection--oh, shoot. If there's no objection, I would defer these two bills, and we'll take it up right after budget, and we'll work on a community outreach that's more comprehensive --

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: -- than the Planning Commission's public hearings because only the nerds watch that --

COUNCILMEMBER LEE: . . .*(laughing)*. . .

CHAIR PALTIN: -- the...the planning nerds...which is not a derogatory comment. I mean, doesn't everybody want to be friends with them after high school? So, is there any objections to deferring these two bills?

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COUNCILMEMBERS: No objections.

ACTION: DEFER pending further discussion.

CHAIR PALTIN: Okay. These two bills are deferred. And this concludes today's Disaster Recovery, International Affairs, and Planning Committee meeting. Thank you very much, everyone. Now would be the time, if you wanted to sing happy birthday.

COUNCILMEMBER LEE: Yes.

CHAIR PALTIN: The time is now --

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: -- 4:55.

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: Ready?

COUNCILMEMBERS: *(Singing)* Happy birthday to you. Happy birthday to you. Happy birthday, dear Nohe. Happy birthday to you.

COUNCILMEMBER SUGIMURA: Boy, we're...we're terrible. We need practice about synchronization.

VICE-CHAIR U'U-HODGINS: Thank you, everyone. Thank you.

UNIDENTIFIED SPEAKER: Happy birthday, Nohe.

COUNCILMEMBER SUGIMURA: Happy birthday.

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

COUNCILMEMBER SUGIMURA: Happy birthday. Okay.

CHAIR PALTIN: The time is now 4:56, and this meeting is adjourned. . . .*(gavel)*. . .

ADJOURN: 4:56 p.m.

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CERTIFICATION

I, Logan Tsuji, hereby certify that pages 1 through 62 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 16th day of April 2025, in Wailuku, Hawai'i

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

Logan Tsuji