

# AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION COMMITTEE

Council of the County of Maui

## MINUTES

June 5, 2025

Online Only via Teams

**CONVENE:** 9:02 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Gabe Johnson, Chair  
Councilmember Shane M. Sinenci, Vice-Chair  
Councilmember Tom Cook, Member  
Councilmember Alice L. Lee, Member  
Councilmember Tamara Paltin, Member  
Councilmember Yuki Lei K. Sugimura, Member (Out 12:29 p.m.; In 2:37 p.m.)  
Councilmember Nohelani U'u-Hodgins, Member

NON-VOTING MEMBERS:

Councilmember Keani N.W. Rawlins-Fernandez, Member

**STAFF:**

Ellen McKinley, Legislative Analyst  
Kasie Apo Takayama, Senior Legislative Analyst  
Criselda Paranada, Committee Secretary  
Megan Moniz, Legislative Attorney  
Jean Pokipala, Council Services Assistant Clerk  
Ryan Martins, Council Ambassador

Residency Area Offices

Roxanne Morita, Council Aide, Lānaʻi Residency Area Office  
Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office  
Christian Balagso, Council Aide, West Maui Residency Area Office  
Buddy Almeida, Council Aide, Makawao-Haʻikū-Pāʻia Residency Area Office  
Zhantell Lindo, Council Aide, Molokai Residency Area Office  
Bill Snipes, Council Aide, South Maui Residency Area Office

**ADMIN.:**

Kali Arce, Director, Department of Agriculture (ADEPT-3 & -4)  
Andrew Nelson, Deputy Corporation Counsel, Department of Corporation  
Counsel (ADEPT-3 & -4)  
Parrish Purdy, Fire Captain, Department of Fire & Public Safety (ADEPT-3)  
Jennifer Maydan, Executive Assistant, Department of Management (ADEPT-1(6))  
Kaponōʻai Molitau, Director, Department of Ōiwi Resources (ADEPT-3)  
Kekai Robinson (ADEPT-3)  
Greg Pfof, Administrative Planning Officer, Department of Planning (All)  
Karen Comcowich, Planner V, Department of Planning (ADEPT-1(6))

**OTHERS:**

Elaine Malina, Treasurer, Maui Green & Beautiful (ADEPT-1(6))  
Amy Muramatsu, Secretary, Maui Green & Beautiful (ADEPT-1(6))

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Kimberly Thayer, Partner, SR Partners LLC (ADEPT-1(6))  
Sydney Smith (ADEPT-3 and -4)

Testifiers

Gale Ashby (ADEPT-4)  
Jacob Williams, Owner, Hana Harvest Cafe (ADEPT-4)  
John Varel, Owner, Waihee Valley Plantation (ADEPT-3 and -4)  
Mapuana Kalaniopio-Cook (ADEPT-4)  
Tweetie Lind (ADEPT-4)  
Georgia Pinsky (ADEPT-4)  
Kai Nishiki (ADEPT-1(6))  
Mike Moran, Kihei Community Association (ADEPT-1(6))  
Jasee Law (ADEPT-3 and -4)  
Johann Lall (ADEPT-1(6))  
Lauren Lipcon, Owner, Sacred Waialele Farm (ADEPT-3 and -4)  
Robert Horcajo (ADEPT-3)  
Eve Hogan (ADEPT-3 and -4)  
Annette Niles (ADEPT-3 and -4)  
Thomas Russo (ADEPT-3)  
Kainoa Horcajo, Mahina Farms Maui (ADEPT-3)  
Olena Alec (ADEPT-3)

(35+) additional attendees

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

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CHAIR JOHNSON: . . .(*gavel*). . . Aloha. Will the Agriculture, Diversification, Environment, and Public Transportation Committee meeting of June 5<sup>th</sup>, 2025, please come to order. The time is now 9:02 a.m. Members, in accordance with the Sunshine Law, if you're not in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Also, please see the last page of the agenda for information on meeting connectivity and remember to silence all cell phones. Good morning, everyone, and I look forward to chairing a productive meeting today. I'm Gabe Johnson, your Committee Chair. Also joining us today is Vice-Chair Shane Sinenci. Aloha, Councilmember.

VICE-CHAIR SINENCI: Aloha kakahiaka kākou. I'm here at my home office. Unfortunately, I'm still kind of effects of jet lag, but I'm happy to join from home, and I believe, Chair, there may be some testifiers at the Hāna District Office. Aloha.

CHAIR JOHNSON: Okay, great. Thank you for that information. Let's move on to Council Chair Alice Lee. Aloha, Councilmember...Chair Lee.

COUNCILMEMBER LEE: Aloha, Chair and aloha kākou, everyone. I'm still logging on. Thanks.

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CHAIR JOHNSON: Okay. Yep. Let's move on to Committee Member Tom Cook. Aloha, Councilmember.

COUNCILMEMBER COOK: Aloha and good morning. There's currently no testifiers in the Kihei Office.

CHAIR JOHNSON: Okay. Thank you for that. And then next, we have Committee Member...Councilmember Tamara Paltin. Aloha, Councilmember Paltin.

COUNCILMEMBERS PALTIN: Aloha mai kākou. Streaming live and direct from the West Maui Residency Area Office here in historic Lāhainā town. I have with me one unnamed minor canine and my EA, Christian Balagso, is outside doing some landscape maintenance, and he may be in and out because we have AC in here as well as internet and an air purifier. So, you know, if he wants to get out of the Lāhainā heat he may be in and out.

CHAIR JOHNSON: Okay. Thanks for that information. Let's move on to Councilmember Yuki Lei Sugimura. Aloha, Councilmember.

COUNCILMEMBERS SUGIMURA: Aloha. I'm looking forward to a fun meeting with all your resources here this morning.

CHAIR JOHNSON: Yeah, we've got a full house today.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR JOHNSON: A big agenda.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR JOHNSON: And finally, we've got Committee Member Nohelani U'u-Hodgins. Aloha, Councilmember.

COUNCILMEMBERS U'U-HODGINS: Aloha, Chair. I'm at my private residence on my dining table, and I have six minors here with me, four of my own, and a couple of stragglers, so they'll be around. Thank you.

CHAIR JOHNSON: Okay. Thank you so much. Of course, our non-voting Committees members are always welcome. That's Councilmember Tasha Kama, as well as Councilmember Keani Rawlins-Fernandez. From the Administration we have Department of Planning, Karen Comcowich, Planning V, for ADEPT-1(6). We have Greg Pfof, Administrative Planning Officer for ADEPT-3 and 4. We have Managing Director Office of Recovery Jennifer Maydan, Executive Assistant for ADEPT-1(6). Department of Agriculture we have Director Kali Arce. We have Department of 'Ōiwi Resources Director Kaponō'ai Molitau, as well as Deputy Director Kekai Robinson. From the Department of Fire and Public Safety, we have Fire Captain Parrish Purdy; and from

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Corporation Counsel, we have Andrew Nelson, Deputy Corporation Counsel. Committee Staff if Ellen McKinley, Legislative Analyst, Kasie Apo Takayama, Senior Legislative Analyst, Megan Moniz, Legislative Attorney, Criselda Paranada, Committee Secretary, Lei Dinneen, Assistant Clerk, and Jean Pokipala, Assistant Clerk. Today on our agenda we have three items, ADEPT-1(6), Community Forestry; ADEPT-3, Bill 75 (2025) Amending the Comprehensive Zoning Ordinance on Agricultural Tourism; ADEPT-4, Bill 76 (2025), Amending the Comprehensive Zoning Ordinance on Mobile Food Trucks or Trailers in the Agricultural District. The Committee may consider whether to recommend passage of Bill 75 (2025) and Bill 76 (2025) with or without reservation...revisions and other related actions. Thank you, members in administration, for being here today. Let's begin with public testimony. Oral testimony via phone or video conference will be accepted in addition to in-person testimony. Individuals wishing to testify in person may sign up with the staff member at the entrance of the Chamber. For those joining the meeting via Microsoft Teams, those wishing to testify can let staff know by using the "raise hand" function if you wish to testify. Once you have been added to the testifier log, staff will lower your hand. Testifiers wanting to provide video or audio testimony should have joined the online meeting via the TinyURL link or by calling into the phone number noted on today's agenda. Written testimony is encouraged and can be submitted via the eComment link at [mauicounty.us/agendas](http://mauicounty.us/agendas). Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, you will hear a second timer go off after 30 seconds and I will kindly ask you to complete your testimony. We ask that you state your full name and organization but if you prefer to testify anonymously, Staff will identify and refer to you as "Testifier". Please also indicate the agenda item or items you are testifying on. 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](http://mauicounty.us/agendas). Thank you all for your cooperation. The Chair will maintain decorum at all times. Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Council meeting can, at the discretion of the presiding officer or a majority of present Councilmembers, be ejected or banned from Council meetings or, if participating remotely, muted or dropped from the meeting. Examples of disruptive behavior include heckling, shouting, use of profanity, threatening or slanderous remarks made to any member of the Council, Staff, or general public. Committee Members, I will now proceed with oral testimony. Staff has been monitoring individuals joining today's meeting by phone and by video, and we will do our best to take each person up in an orderly fashion. Staff, will you call the first testifier please?

**. . . BEGIN PUBLIC TESTIMONY . . .**

MS. APO TAKAYAMA: Thank you, Chair. The first testifier is Gale Ashby to be followed by Kai Nishiki.

CHAIR JOHNSON: Well, as we wait for the person to come on, you can testify at the beginning of the meeting or after each agenda's presentation, just a little FYI. So, did we have testifiers? Are they ready?

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MS. APO TAKAYAMA: Gale Ashby, you've been promoted to presenter, so you just need to unmute on your end.

CHAIR JOHNSON: Well, --

MS. APO TAKAYAMA: Chair?

CHAIR JOHNSON: We can go on to the next one and come back.

MS. APO TAKAYAMA: Next testifier is Kai Nishiki.

CHAIR JOHNSON: Ms. Nishiki, are you on the call? You can unmute yourself. Hmm.

MS. NISHIKI: Aloha, Chair and --

CHAIR JOHNSON: There we go.

MS. NISHIKI: -- Committee Members, if I could please testify after the presentation, I would greatly appreciate it.

CHAIR JOHNSON: Sure.

MS. NISHIKI: Do I need to sign up in some other manner or your call.

CHAIR JOHNSON: We'll write you down, but which item are you testifying on?

MS. NISHIKI: The Community Forest one.

CHAIR JOHNSON: Okay, so after the forest. Okay, we'll note that. Thank you, Ms. Nishiki.

MS. NISHIKI: Okay. Mahalo nui.

CHAIR JOHNSON: Staff, will you call the next testifier please?

MS. APO TAKAYAMA: Chair, the next testifier is John Varel.

CHAIR JOHNSON: Okay, Mr. Varel we can see you, you just have to unmute yourself. Usually in the top right-hand corner there's a mic, MIC, little icon you got to push. Okay. I'm getting good at lip reading, I think he said it won't let me. So, we can come back to him, then. You guys made him able to unmute himself? It's just...Mr. Varel, if anything I recommend, just logging in, logging back in and maybe that sometimes helps. Sorry about that, but we'll come back to you. Okay. Staff, will you call the next testifier, please?

MS. APO TAKAYAMA: Chair, the next testifier is Mike Moran, and then we can return to Gale

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Ashby.

CHAIR JOHNSON: If we keep running into this, then maybe we'll have to re...take a recess and see what's going on. There's Mr. Moran. We see you.

MR. MORAN: Hey, Chair. I too would like to wait until after the presentation --

CHAIR JOHNSON: Okay.

MR. MORAN: -- on the agri-forest.

CHAIR JOHNSON: On the...on the...okay.

MR. MORAN: Mahalo.

CHAIR JOHNSON: Committee forestry. Okay, Staff will you call the next testifier, please, and note that Mr. Moran wants to be after.

MS. APO TAKAYAMA: Chair, we can return to Gale Ashby.

CHAIR JOHNSON: Okay, Ms. Ashby.

MR. ASHBY: Yeah, can you hear me now?

CHAIR JOHNSON: Yep, we can hear you.

MR. ASHBY: And the camera is...seems to be working, except I'm not up. I don't see myself, but I guess you can see me, huh?

CHAIR JOHNSON: Well, we can hear you, and sometimes the camera is a little laggy.

MR. ASHBY: Okay. All right. Well, I've testified before. I've been at these meetings before and...so I'll just proceed without the camera if that's okay?

CHAIR JOHNSON: Oh, certainly.

MR. ASHBY: Okay, great. Again, my name is Gale Ashby, and we have Peahi Dragon Fruit Farm and the farm stand on Hāna Highway, and I'm speaking in support of the Bill 76, the Food Truck Bill. I'm going to keep it short today, but I would like to say this. First of all, we'd like to thank Chair Johnson and his Staff for seeing the need for this bill and for your efforts to push this through. Also, for the efforts of Sydney Smith and others who have worked on it tirelessly. It's been a long haul here and we're grateful to all of you. For two years now, we have experienced a loss of over 75 percent of our farm income after the shutting down of our food truck and trailer. We realized that clearly that we cannot sustain this, nor can other small farmers. At the end of the day, we would have to sell the farm unless something changes. So passing...my testimony is

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that passing this bill is urgent. We are encouraged that now the Maui Planning Commission supports this bill. I believe they passed...when reviewed, they passed at 6-0, so we're thankful for that. We were encouraged by that and here today ask and urge the Council to pass this bill on the first reading and that would be our request today, and we appreciate all those who worked on it and hopefully we're getting to the finish line. Thanks again and Happy Friday.

CHAIR JOHNSON: Thank you, Mr. Ashby. Let me see if we have any questions for you from our Councilmembers. Seeing none, thank you once again for your testimony.

MR. ASHBY: Sure.

CHAIR JOHNSON: Oh, we do have one from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Ashby. I wanted to clarify, what is your crop that you're selling out of your food truck?

MR. ASHBY: We have numerous crops. We raise dragon fruits predominantly. Coconuts, coconut palms, we have lemons, limes, and then we do value-added products out of all of those.

COUNCILMEMBER PALTIN: Like smoothies or something?

MR. ASHBY: Smoothies, acai bowls...let me think.

COUNCILMEMBER PALTIN: And this is in the Peahi area?

MR. ASHBY: Yes, it is. Uh huh.

COUNCILMEMBER PALTIN: Okay.

MR. ASHBY: Just past Ha'ikū.

COUNCILMEMBER PALTIN: Thank you.

MR. ASHBY: Thank you.

CHAIR JOHNSON: Okay, thank you, Councilmember. Thank you, Mr. Ashby. Any other questions for our testifier? Seeing none, thank you so much for your testimony. Staff, will you call the next testifier, please?

MS. APO TAKAYAMA: Chair, the next testifier is Jacob Williams, and we can return to John Varel after that.

CHAIR JOHNSON: Sure.

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MR. WILLIAMS: Hello.

CHAIR JOHNSON: Hello.

MR. WILLIAMS: Can you hear me?

CHAIR JOHNSON: We can hear you loud and clear, Mr. Williams.

MR. WILLIAMS: Okay, great. Thank you everyone for your time. I appreciate it. I'm the owner and operator of Hāna Harvest Café out in Nāhiku. We started a value-added food truck out on my farm back in 2017 after this bill was initially approved and we've had success. You know, we wouldn't have been able to do what we've done in farming in Hāna because of it. We bought from other farmers; we've connected with Maui Hub and developed great relationships. We've had up to 35 different farmers that we source from, six full-time employees. I bought shippers, mulchers. I've revitalized ten acres of other leased land and planted more food. I helped my neighbors plant food with the equipment I have from being able to run a value-added food truck from my land in Nahiku. It's hugely valuable. It's hugely important, and in a time and age when we need more young farmers, we need less restrictions. We need to make it easier for them to get involved and be able to sell directly to consumers and that's exactly what having a food truck on ag land has done for me. We haven't seen a bunch of food trucks. This has been going on since 2000, I think '16 in Hāna. There's only a handful of food trucks on ag land doing it currently, but I encourage more people to do it because it's a great way to expand and pay your bills and be able to farm efficiently on the east side of Maui. So, I'm just calling...calling in in support and thanking everyone who has worked on this, and I'm very thankful for being able to speak on this behalf. I was also closed by the Planning Department in 2021 due to this questioning and I've had to list my farm for sale, and it is truly jeopardizing me pushing forward with my plans of farming here. So I really hope we get some quick support for this so we that we can get back to work and continue to do what we're doing. Thank you.

CHAIR JOHNSON: Okay. Thank you, Mr. Williams. I have a question for you but go ahead Councilmember Paltin.

COUNCILMEMBER PALTIN: Oh, thank you. I just also wanted to clarify what crops you're growing and how you were selling them, like what was being sold?

CHAIR JOHNSON: Mr. Williams?

MR. WILLIAMS: Yeah, thank you. Huge variety, right? You know, lemons for our lemonade. You know, we had smoothies. We had a lot of banana breads, so banana farmers. I could not grow enough bananas. I sourced so much from local farmers, and I have received some hundreds of thousands of dollars that we put in the hands of directly local Hāna farmers and farmers through the Maui Hub that directly benefited from us being able to, you know, supplement with their product because we couldn't keep up with the demand. There's a demand. People want local, fresh fruit and produce. I

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couldn't keep up, that's why I leased more land to plant more food. I acquired more equipment so I could manage that land and control the invasive. So, you know, so bananas, seasonally, you know have star fruit, lilikoi, ulu...we had amazing ulu chili. Avocados, huge, right? And it all was seasonal, so our menu did change based on, you know, what we were getting from our farm and what we could source from people around us.

COUNCILMEMBER PALTIN: Thank you.

MR. WILLIAMS: Sure.

COUNCILMEMBER PALTIN: Bananas.

CHAIR JOHNSON: I got a question for you, Mr. Williams. So the County shut you down at what time? What year was that?

MR. WILLIAMS: I want to say...I guess it was '22? I couldn't tell you the exact date, but we had one good summer after we reopened from COVID, and we were inspired by that because we were knocked back by that and it really did financially hurt us because tourism stopped. But we...you know, we just focused on the farm and expanding, because we knew it would come back.

CHAIR JOHNSON: Sure.

MR. WILLIAMS: And we knew that we could continue to grow with the Maui Hub as they're supporting more and more local efforts. And so, we're really excited about that and then all of a sudden we got moving again and then Planning Department was out for a complete separate reason and they tagged us and closed us for the food truck, which was not even the reason they were there. But overnight, I literally had to cut my employees who had families, I had to stop ordering from all the farms who had always expected an order weekly from me, so it was pretty devastating --

CHAIR JOHNSON: So, --

MR. WILLIAMS: --and not just to me.

CHAIR JOHNSON: It's been about three years since the shutdown, do you have...I mean this is just a ballpark figure, do you...can you estimate how much money you've lost since in those three years?

MR. WILLIAMS: Hundreds of thousands of dollars...

CHAIR JOHNSON: Wow.

MR. WILLIAMS: ...lost.

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CHAIR JOHNSON: Okay. Thank you, Mr. Williams. Thank you for your testimony. Any other questions? Seeing none.

MR. WILLIAMS: Thank you.

CHAIR JOHNSON: Thank you once again. Staff, will you call the next testifier, please?

MS. APO TAKAYAMA: Thank you, Chair. The next testifier is John Varel, to be followed by Tweetie Lind.

CHAIR JOHNSON: Okay, it's...I got a text that says only select participants can unmute from Mr. Varel, is...can we select him to be one of those folks to unmute?

MS. APO TAKAYAMA: Chair, he's...he's set as a presenter for us, so he actually has the same ability as the Councilmembers right now. Mr. Varel, if...at the top of your screen there should be a button that says mic...MIC, and then next to it there's a drop-down arrow.

CHAIR JOHNSON: Arrow.

MS. APO TAKAYAMA: If you click on that arrow, are you able to select a device?

CHAIR JOHNSON: I can't read his lips.

MS. APO TAKAYAMA: So you should have an option when you click on that arrow that says microphone, and you should be able to select microphone.

CHAIR JOHNSON: Okay. It's a second time Mr. Varel has tried this. Why don't we have him call in. Mr. Varel, I'm sorry. I don't know sometimes the computer is, you know, they're like that. So, you can always call in off your cellphone and if you're ready for a pen and paper I'll give you the number. Okay. So it's (808) 977-4067. And the...there's a code for the...the meeting and it's 279553693#. I'll say that again, 279553693#. Okay. I hope you'll get a thumbs up. We'll move back...we'll come back to you when you call in, okay? Staff, will you call the next testifier?

MS. APO TAKAYAMA: Yes, Chair. The next testifier is Tweetie Lind, to be followed by Mapuana Kalaniopio-Cook. Tweetie Lind?

CHAIR JOHNSON: Okay. If we're not getting a response we'll move and come back to them for another call. So maybe move on to the next testifier, please.

MS. APO TAKAYAMA: Next testifier is Mapuana Kalaniopio-Cook.

CHAIR JOHNSON: Okay. I think I seen John Varel made a call in, so let's see if we can get him to testify. Mr. Varel? What is the unmute button? Is it star six? So, you might have to push star six to unmute.

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MR. VAREL: Am I...can you hear me?

CHAIR JOHNSON: We can. So you want to turn down your computer volume and just talk to the...to the phone.

MR. VAREL: There we go. No feedback?

CHAIR JOHNSON: No feedback. Thank you, Mr. Varel, for your patience.

MR. VAREL: We're good to go? Thank you for your patience. Good morning, everyone. Special thanks to . . . *(inaudible)*. . . and Company for all their efforts. Thanks to the Councilmember, you, Gabe Johnson and Staff and fellow Committee Members for your outstanding support for the ag community with both of these bills, 75 and 76, clarifying that food trucks can be on ag land and that ag tourism on ag land can continue. I am John Varel an owner and operator of Waihee Valley Plantation, an organic farm growing everything from mac nuts, bananas, papayas, coconuts, tomatoes, leafy greens, lilikoi, breadfruit, and a half a dozen or dozen other crops that we are supplying to the citizens of Maui. We opened a food truck, Ula'ula café, on the first day of COVID, and I thought that was going to be an abysmal failure, but it turned out to be a perfect complement for our farm-to-table concept and not only being able to get the enhanced retail markup on all of our produce, but...which we couldn't get on our just wholesale sales, but it also drew in people who wanted to learn more about sustainable farming, so we effectively added a little walking tour through our farm and our green houses. Fast forward to a couple of years ago when we ordered a larger food truck. We had been operating out of an eight by ten food truck, I ordered the large 8x30-foot food truck, fully commercial kitchen in it, and was going to replace my small little food truck with this bigger one, brought out the State...able to equip to handle all of our needs and provide a better environment for both the customer, as well as our staff working in there to serve those customers. When we called the State health inspector to go through our green card process to replace our old kitchen with this new one, he approved everything about our operation and the processes that we have, but then he wouldn't approve us and simply...just simply swap out the food trucks and that we couldn't park our truck on our ag land anymore, and I had to get County approval. Now that \$120,000 investment is just sitting along the highway rusting away. The . . . *(inaudible)*. . . of the simple value-add income is a substantial loss for our farming operation. The farm produce sold wholesale cannot allow the farm to operate profitably. I hereby ask that you pass both Bill 75 and 76 and allow all farmers who can afford a food truck to benefit from that added value add, for it creates both for the consumer, the farmer, and the State and County in additional taxes from said operation. I also support Councilmember Paltin's suggestion of removing the fire and safety requirements from the bill. I think that's just redundant and added regulations on a 240-foot food truck that can be mobile and pulled off if there were a fire. It would be much safer than any other building. So, thank you in closing. I appreciate everyone's self and attention in helping the farmers of Maui get ahead. I appreciate your time.

CHAIR JOHNSON: Okay, Mr. Varel. Let's see if we have any questions for our testifier. I have

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one for you. So, again it's going to be the same question that I asked Mr. Williams. Since the County shut down your food truck, do you have an estimate on how much money you've lost since then?

MR. VAREL: That little food truck has not been shut down, Councilmember Johnson. It's still running.

CHAIR JOHNSON: Oh, okay. What about the big one?

MR. VAREL: It's just parked there.

CHAIR JOHNSON: So, is it...okay. So it just sits there, and you can't use it.

MR. VAREL: Right.

CHAIR JOHNSON: Do you have an estimate if it was up and running? Do you have an estimate on what you think you could make off of that food truck?

MR. VAREL: Approximately, basis of what we're doing out of the little one now, that one generates almost 700,000 in gross income annually. The bigger kitchen was going to allow us to open up to a full day of serving breakfast to the local communities because we're right across from the Hawaiian Homestead and they've been asking us for breakfast, but we just couldn't do it out of that little food truck. I'd estimate that there is at least 3 to \$400,000 of income we have lost.

CHAIR JOHNSON: Thank you, Mr. Varel, for your story and your facts. I don't have any other questions. We do have one from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Varel. I was wondering what kind of crops you grow and what kind of food you sell or what things you're selling?

MR. VAREL: Well, our main crops...the bulk of its 1,200 acres was originally in an old mac nut field, but that's our anchor product that we sell the restaurants in bakeries here on the island primarily. We ship nothing off island. We only keep it on Maui. Then after that in all of the vacant spots from the land, Councilmember Paltin, we added over a thousand bananas, 700 miniature Madagascar coconut trees, 700 dragon fruit, 300--now 400 papayas, a hundred breadfruit have been put in, new mango...the new mango orchard of 50 trees is being put in right now. We have green houses with some hydroponic tomatoes, and two green houses with leafy greens that we also supply to the restaurant and bakeries and consumers, as well as what we supply to our own restaurant. That's the short list.

COUNCILMEMBER PALTIN: And you sell...so then you sell, like, salads and smoothies and things?

MR. VAREL: Yes. Yes. The Mayor's office has been out to our restaurant several times, and

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we got great reviews from the mass public, both local and tourist.

COUNCILMEMBER PALTIN: What varieties of mangos do you grow?

MR. VAREL: Okay, here is where I'm going to slip up but we have three different varieties. Hayden, Brook [sic]...what's the third one that's so sweet? Pardon my feeble brain.

COUNCILMEMBER PALTIN: Okay.

MR. VAREL: I forget what the third variety is.

COUNCILMEMBER PALTIN: And then do you check regularly for the CRB on the Mad...was it Madagascar coconuts?

MR. VAREL: Yes. Yes. The miniature trees, they're very easy for us to maintain and we're on lookout every day for the beetles because we have a large composting factory about quarter of a mile down the road from us. Our fear is that they're just going to simply jump over the fence and be in our coconut field before it's all over with.

COUNCILMEMBER PALTIN: But you haven't found any yet?

MR. VAREL: No. Zero.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR JOHNSON: Okay.

MR. VAREL: Thank you.

CHAIR JOHNSON: Let's try to keep clarifying questions. I've got questions for the farmers as well. They're like endangered species, there's very few to find in actually farming. I have a question from Councilmember Sugimura, hopefully it's clarifying questions?

COUNCILMEMBER SUGIMURA: Yeah, thank you for testifying and all that you're doing on your farm. So, the next question would be how many people do you employ with all of that ag?

CHAIR JOHNSON: Mr. Varel?

MR. VAREL: Thank you. I had a very...we have over 35, and over half of those people were homeless individuals that I brought on and have trained them on the operation, and they are being affected because I currently I have the people working at a slower pace but putting in new crops. So, 35 employees are employed. Again, half of them were living in cardboard boxes or the back of their car, so I feel kind of good that I'm helping out the community and employing people that otherwise wouldn't have the skill set to operate and live anywhere else on the island.

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COUNCILMEMBER SUGIMURA: Thank you.

CHAIR JOHNSON: Okay, any other questions for our testifier? Seeing none. Thank you for all that you do for the community. Staff, will you call the next testifiers please?

MS. APO TAKAYAMA: Yes, Chair. The next testifiers are Tweetie Lind and Mapuana Kalaniopio-Cook.

CHAIR JOHNSON: Okay.

MS. APO TAKAYAMA: Tweetie Lind, you've been promoted to presenter. If you can unmute on your end.

CHAIR JOHNSON: I'm not seeing it. Okay. I'm going to give the number...the phone number again to call in. I don't know why it seems to be...we're struggling today to get everybody on. But here's the cellphone number you can call, and if you're in queue maybe you can jot it down too, (808) 977-4067 and the meeting code is 279553693#. I'll say that again, the phone number is (808) 977-4067, the code is 279553693#. Okay. Sorry, it's...internet is doing this, but we can move on and hopefully they can call in.

MS. APO TAKAYAMA: Chair, the last individual we have signed up to testify is Mapuana Kalaniopio-Cook.

CHAIR JOHNSON: Oh, there she is.

MS. KALANIOPIO-COOK: Hi.

CHAIR JOHNSON: Hello. We can hear and see you.

MS. KALANIOPIO-COOK: Can you hear me?

CHAIR JOHNSON: Loud and clear.

MS. KALANIOPIO-COOK: Hi, everyone. Okay, great. Thank you. Well, thank you for allowing me to speak on behalf of the bill that I want to speak on. It's Bill 76 because I think it says 2025, Amending the Comprehensive Zoning Ordinance on Mobile Food Trucks or Trailers to Operate on...oh, wait, hang on...in the Agricultural District. Okay. So, I'm writing to express my...I did this in writing, so I'm going to send it in after...to express my opposition to the proposed bill. So, this bill would permit for trucks and trailers to operate on agricultural land in our community. While I recognize the value of supporting local businesses, this legislation poses significant risks to the integrity of our agricultural zones and the well-being for our community. The agricultural land is a vital resource, that's how we see it, dedicated to food production, environmental preservation. And sustainable land use allowing food trucks and trailers to operate on these lands will lead to several adverse effects including...and I've kind of listed four

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different items. And one of them is environmental impact. So, food trucks and trailers generate waste such as food scraps, packaging and potential spills, which could contaminate soil and water, sources critical for farming; increase traffic, which is always a problem in Hāna. And parking, another problem in Hāna. They also compact soil, reducing its fertility and disrupting agricultural activities. Number two, zoning integrity. Agricultural zones are designated to prioritize farming and related activities. Permitting commercial enterprises like food trucks and trailers, risk undermining these protections, setting a precedent for further non-agricultural development that could erode our community's rural character and food security. So, there's no other place on this island like Hāna. Number three, community disruption. Food truck and trailer operations may increase noise, traffic, and litter, disturbing the tranquility of rural areas like Hāna and potentially affecting nearby residents and livestock. These changes could also strain local infrastructure not designed to commercial traffic. Four, economic concerns. While food trucks and trailers may benefit some businesses, it could compete unfairly with established local places to eat and distract from the agricultural economy by diverting land use away from farming which is a cornerstone for prior community's identity and economies. I urge you to consider the long-term . . .(timer sounds). . . implications of this bill and prioritize a preservation of our agricultural land for its intended purposes. Instead, I encourage its foreign alternative locations for food trucks and trailers such as designated commercial zones or community events to support small businesses without compromising our agricultural heritage and landscape. Mahalo for your attention to this matter. I trust you will carefully weigh the concerns of our community and make a decision that safeguards our agricultural resources for future generations. Mahalo.

CHAIR JOHNSON: Thank you so much, Ms. Kalaniopio-Cook. Members, do we have any questions for our testifier? We do have one from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Kalaniopio-Cook. I just wanted to clarify; you're specifically referring to the Hāna district or Hāna town?

MS. KALANIOPIO-COOK: Yes.

COUNCILMEMBER PALTIN: And is your problem only with the food truck operations in Hāna town?

MS. KALANIOPIO-COOK: Yes.

COUNCILMEMBER PALTIN: Is it okay with you in like say, I guess we heard from Peahi or other areas of Maui?

MS. KALANIOPIO-COOK: Yeah, I did hear about that, but I was specifically concerned about the area designated as local ohana as the area in this area. Probably Nāhiku or going out to Kaupō maybe.

COUNCILMEMBER PALTIN: Nāhiku to Kaupō you don't want it, or you did want it?

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MS. KALANIOPIO-COOK: No.

COUNCILMEMBER PALTIN: Okay. And then, do you know if the Hāna Advisory Committee had an opportunity to hear this legislation?

MS. KALANIOPIO-COOK: Yeah, thank you for that question. I did read about that in some of the material that was made available on the website, and I was concerned about that because it's important for Hāna people to know about it. And we talk really fast. Like, in other words, it means that we get the word out pretty quickly, and...but, I think that those...these Committees are set up for us so that we can be effective in doing our research and following up and providing testimony. So, I was aware of it through the...through the County of Maui website and I was concerned about that, that they never had a chance to respond. And Hāna people will come out for the Advisory Committee because it's convenient.

COUNCILMEMBER PALTIN: Okay, thank you.

MS. KALANIOPIO-COOK: Thank you.

CHAIR JOHNSON: If I can add to that. I'm reading in the report from the Planning Department that due to the concern of timing and that Hāna residents still had the opportunity to express concerns to the County Council, Commission decided not to send a proposed bill to the Hāna Advisory Commission. So, a little added information for that. Okay, any other questions for our testifier? Seeing none, thank you so much for your testimony, I appreciate it.

MS. KALANIOPIO-COOK: Thank you.

CHAIR JOHNSON: Staff, will you call the next testifier, please?

MS. APO TAKAYAMA: Chair, the next testifier is Tweetie Lind.

CHAIR JOHNSON: Okay, Ms. Lind, we have to unmute yourself. In the top right-hand corner, there's a little mic button.

MS. APO TAKAYAMA: Ms. Lind, if you're the phone number called in with the last four digits, 4885, you need to press star six to unmute yourself.

CHAIR JOHNSON: We can't hear you. We cannot hear you, so on your phone if you can push star six, that unmutes you. Star six.

MS. LIND: Okay.

CHAIR JOHNSON: Oh, there we go.

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MS. LIND: Good morning. Now I'm on and so . . . *(inaudible)*. . . how to handle sometimes . . . *(inaudible)*. . . But first of all, thank you, all of you, for listening to us and those who oppose and those who support. My name is Tweetie Lind, I'm from Kipahulu, Hāna, born and raised and all that. I support very much what Val is talking about, the integrity of our Hawaiian culture out here. Because in Hāna we value our culture. We value the families and we always...always had to work for others. There were never opportunities for us to work for ourselves or even have a place to put things that we were able to sell things or open a business of anything. Believe me, I've gone through all that many, many years. But I am...I was kind of like not too familiar with the bill that Mr. Johnson had put out so I'm kind of like scrambling like at the end and listening to what's going on and I'm still a little confused, but I guess it's all right. But I'm going to go down to some point. I very much after reading, Paltin-- your review, your proposed amendment. I think that's one of the great things to follow by, especially for Hāna. You know, Hāna, when we talking, we're not saying for the whole Maui, we're not saying you can't do it on Maui. We're just looking at our end. We don't want to see lunch wagons all along the roadside from Nāhiku and probably even go down to Kipahulu, which would probably happen eventually. And so, for me what Paltin had written down is some kind of a start for us Hāna people. I do not agree that you did not come back to the Hāna Advisory Committee. That is not fair. Not fair at all. We cannot always come to look at this, how hard it takes up even to come into this kind of virtual meetings or even appear before the County. So, I strongly advise that this bill, using Paltin's guidelines, which is really awesome. At least it's something the Hāna Advisory Committee could go through. At least it gives us what we can help out with. There are some questions on it when I looked over after some research and do you know that we have the 'Āina Kupuna tax exemption owners in Hāna properties, primarily for the native Hawaiians. This automatically discredit...we can't go on this. We can't build...put a lunch wagon on our land. You understand? Because of the 'Āina Kupuna tax that says none of these kind of things could go onto our Hawaiian lands. So that is number one to think about. Number two, food trucks supposed to be moved, always moving, because you're on wheels. Food trucks, are you really paying all of your taxes? Do you really claim, because you're making thousands and thousands of dollars a day. I know for a fact. So that's why, . . . *(timer sounds)*. . . and water logging, it's important to know where you get your water from and where it gets disposed to. That is all required under Department of Health, you can't get away from it, you just can't. Even though the County says okay, you can operate, but you still must follow the County...the State rules, and the State doesn't have enough inspectors to go out there and check you all. So, when you make this bill, Mr. Johnson, make sure you make some kind of tweaking on it that you can...you can pay for an inspector to go in and check on all these lunch wagons that we're giving approval to.

CHAIR JOHNSON: Okay, Ms. Lind.

MS. LIND: Follow the rules of the State. Okay.

CHAIR JOHNSON: Thank you for your testimony. I just want to inform you that –

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MS. LIND: Well, I sorry. Yeah, okay, Mr. Johnson. One more thing I want to say.

CHAIR JOHNSON: Okay, one more thing.

MS. LIND: Please exempt East Maui from the bill until we are ready to go through it, that's all we're saying. Give us chance to what is, what is good, because we'll find our own people are also having lunch wagons. So please give us a chance to go through it instead of opening it to a can of worms. Thank you so much. I'm sorry, I'm kind of nervous. I'm sad because I know all of this is not all truthful what they're saying out there.

CHAIR JOHNSON: Okay, Ms.--

MS. LIND: Thank you so much. Aloha, all of you.

CHAIR JOHNSON: -- you're welcome, Ms. Lind. Thank you for your testimony. You know, I just want to let you know that right before budget, I went out to Hāna because I understood that we couldn't get the Hāna Advisory Committee. So, I went out there, had a meeting at Councilmember Shane Sinenci's Office and spoke with the community on this bill. I tried my best to inform as many people as we could, of course, we can't catch everybody, but we did...I did have a meeting with folks out in Hāna on this bill right before the budget. So, I think I had a question...oh, we have two questions. Will Councilmember Sugimura, you have a clarifying question?

MS. LIND: Sure. Sure.

COUNCILMEMBER SUGIMURA: Thank you, Ms. Lind, for speaking out. Such a well-known family and I think you speak volumes. I wonder if what you're asking for is that you want this bill to go before the Hāna Advisory Committee, or...?

MS. LIND: Definitely. Please, please.

COUNCILMEMBER SUGIMURA: Okay.

MS. LIND: That is important. Once you over do that...I mean once it goes through that, then probably all these things can go through, at least it's pono now, right? Pono.

COUNCILMEMBER SUGIMURA: Thank you.

MS. LIND: Not just making excuse where just because I own the land and, you know, after listening to a lot of these testimony, a lot of them have big land. So, they can make their own kitchen, they can put their certifier up there, leach field, their grease traps, that's something you have to do on big acreage of land.

CHAIR JOHNSON: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

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MS. LIND: So, that's how I feel, you know, that's --

CHAIR JOHNSON: We have another...we have another question for you, Ms. Lind from Councilmember Paltin.

MS. LIND: Okay, but exempt Hāna definitely. I'm sorry, girl.

CHAIR JOHNSON: It's okay.

MS. LIND: Please exempt Hāna for now. Thank you.

CHAIR JOHNSON: Councilmember Paltin has a question for you. Go ahead. Oh, you're muted, sorry.

COUNCILMEMBER PALTIN: Thank you, Chair. If it's okay, my first question was --

MS. LIND: Sure.

COUNCILMEMBER PALTIN: -- I didn't hear the bell for Ms. Lind, was there a bell?

CHAIR JOHNSON: There was a bell.

COUNCILMEMBER PALTIN: Ms...oh, okay, so she probably didn't hear it as well and that's why we weren't sure why it was finished.

CHAIR JOHNSON: Okay, Staff will work on that. Sorry about that.

COUNCILMEMBER PALTIN: Okay. And then my next question, when Ms. Lind, I just wanted to clarify when you were talking about my amendment, the posted Amendment Summary Form is for the other bill, the ag tourism. And so, I just wanted to clarify when you said you liked my idea, which idea that was?

MS. LIND: Could you repeat that question again? Wait, wait, wait, okay. You're talking about operating orders...hours?

COUNCILMEMBER PALTIN: Yeah, that's --

MS. LIND: Okay, you know, our town closes up by 5:00, 6:00. We don't want to have things going on at 10 o'clock at night, and the neighbors don't like it. Remember, these are regular people that live around the neighborhood. Even though you're ag and big ten acres of land, you still must honor your neighbors, unless you giving them all free lunch one day. But I mean, what I'm saying is that you do bother your neighbors, you bother the whole community when we have people come through at 10 o'clock at night.

COUNCILMEMBER PALTIN: Okay.

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MS. LIND: So, I believe that all lunch wagons should have a time limit.

CHAIR JOHNSON: Okay.

MS. LIND: We can all decide it. But six o'clock, eight to six is fine to start off with right now.  
And we have --

COUNCILMEMBER PALTIN: Okay.

MS. LIND: -- have all the prior...and all the...all what you said, Fire Department review, cultural oversights, filled up your products. What kind products or you're bringing in? And all your applications, you have a site plan. What you got on it? What you're bringing in, who you're addressing...you're addressing the farmers, or you're addressing the tourists?

CHAIR JOHNSON: Okay I think --

MS. LIND: Because we do have a farmers' market to address the...to address the people too.

CHAIR JOHNSON: Ms. Lind, --

MS. LIND: You know, you can take your products to the farmers' market.

CHAIR JOHNSON: Ms. Lind, let's see --

MS. LIND: Tourists won't buy that stuff.

COUNCILMEMBER PALTIN: Thank you, Ms. Lind. I really appreciate your support. I'll try my best to honor your wishes. I really appreciate it, and I'll do what I can to --

MS. LIND: Sure.

COUNCILMEMBER PALTIN: -- make it be more acceptable to Hāna. Thank you.

MS. LIND: Thank you.

CHAIR JOHNSON: Okay, great. Thank you for that.

MS. LIND: Thank you.

CHAIR JOHNSON: Thank you so much. Okay, any other questions for our testifier?

MS. LIND: You're welcome.

CHAIR JOHNSON: Seeing none, thank you, Ms. Lind, for joining us. Staff, will you call the

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next testifier, please?

MS. LIND: You're welcome.

MS. APO TAKAYAMA: Chair, the next testifier is Georgia Pinsky.

CHAIR JOHNSON: Yeah.

MS. PINSKY: Hi there. Aloha.

CHAIR JOHNSON: Aloha.

MS. PINSKY: My name is Georgia Pinsky. I'm chiming in with my son Sheldon here from Nāholukū Kaupō this morning. And, you know, I wasn't...I'm not totally prepared to testify. But having listened to the last few testifiers, I got called to speak up and add voice to this complex discussion. You know, I work in farm support, and we find ourselves joking a lot that farming is a full-time side hustle, right? It's very challenging to make ends meet with purely produce production. And so, there is a lot of complexities to the food truck conversation, but I think for some farms it will give our farmers the opportunity to increase their income on site. I think if we're going to give farms the opportunity to have a brick-and-mortar, farm-to-table restaurant, which could cost, you know, \$200,000 and more to construct that structure, then we need to also allow farmers to do that with a food truck for a much-reduced cost. Also, I want to bring in a conversation around what is the purpose and focus of food in the agricultural district? You need to stop. When...when...sorry. When I don't feel like cooking here in Kaupō, I don't have a whole lot of options.

CHAIR JOHNSON: Right.

MS. PINSKY: I gotta cook. Aunty Aloha Smith used to have a food truck. You could get nachos. At least you could get something. When we go out to dinner, we go all the way to Pukalani, or we go to Hāna. Those food trucks are often open until 8:00 p.m., sometimes a little bit later. It's really appreciated. So, I know that they're right in the heart of town, not in the agricultural district, but having an opportunity to not cook in the rural area some evenings is really critical for some families. But I want to talk about the purpose of these restaurants. For me, the purpose of a farm-to-table restaurant, whether it's brick-and-mortar or food truck, is a way to increase that price point on what the farm is producing, and what neighboring farms are producing. So, what I'm seeing is some of our larger agricultural operations that do have on-farm restaurants, are purchasing their ingredients from Sysco. This does not support our local agricultural industry, at all. And so, I know it's a very challenging thing to think about enforcement, but I would like to bring in this conversation around what are the ingredients that they're sourcing. Where are they coming from? If they are serving smoothies, did they go Costco and buy bags of frozen strawberries and bananas that came from South America? How is that supporting Kula Country Farms and our local banana producers. It goes on and on and on. I mean I'm hearing that the shrimp plates

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that some of the larger farm-to-table restaurants they claim to be Kaua'i shrimp, but the demand of shrimp supply-- and so some of the shrimp are actually being purchased at Costco because that is how their meeting the demand of the visitors who come to eat at that restaurant. So the farm-to-table restaurants need to be using ingredients grown on the farm and they need to be using ingredients that are purchased from other Maui County farms. Or at the very least, Hawai'i farms. I don't think it's okay for these farm-to-table restaurants to be utilizing imported ingredients, that does not support our local agricultural . . . *(timer sounds)* . . . industry. I'll just wrapped that up. Of course there are exceptions. There are things we don't produce here. They want to put that on the menu, fine. But I would like to see a big focus around menus that are direct...designed seasonally and designed around local ingredients so that the food trucks and farm-to-table restaurants are truly supporting our local farmers and ranchers. Thank you.

CHAIR JOHNSON: Thank you so much, Ms. Pinsky. Do we have any clarifying questions for the testifier? I'd just note in the bill as it's written now is agricultural products grown, raised, or caught in the State and value-added products that were produced using agricultural products grown in Hawai'i. So, if they're going that Sysco route, that's not...we don't want that either, so thank you for your testimony. I don't see any other questions, so thank you...oh, we do have one from Councilmember Paltin.

COUNCILMEMBER PALTIN: I just wanted to clarify based on the bill and what Member Johnson said, is that you're feeling is that verbiage sufficient?

MS. PINSKY: That verbiage is sufficient. Existing operations need to be brought into that same place, not just new operations, if that makes sense. So, like we have our farm-to-table restaurants at Ocean Vodka. We have other farm-to-table restaurants. We have, you know, I'm in a lot of these Truth in Labeling discussions and sometimes the restaurant will put it on their menu where the ingredients are sourced from and that encourages me to return to that restaurant. And other times they'll say fresh, local tropical smoothie, and you know damn well they bought it at Costco. So, I'm frustrated with that because I think that my farmers are getting the short end of the stick.

COUNCILMEMBER PALTIN: Okay, thank you. I don't know if that's part of this legislation, that might be a different issue. Thank you.

MS. PINSKY: Appreciate it.

CHAIR JOHNSON: Yeah. Okay, any other questions for our testifier? Seeing none, thank you so much, Ms. Pinsky. Staff, will you call the next testifier, please?

MS. APO TAKAYAMA: Chair, Staff has not seen any further requests for testimony at the beginning of the meeting. If anyone would like to testify, please raise your hand by clicking on the raise-your-hand button online or pressing star five via phone. Last call for testimony, three, two, one. Chair, seeing no individuals wishing to testify.

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**. . . END PUBLIC TESTIMONY AT BEGINNING OF MEETING. . .**

**COMMUNITY FORESTRY (ADEPT-1(6))**

CHAIR JOHNSON: Okay, Members I will now proceed with the agenda, ADEPT-1(6), Community Forestry. Members, 2025 was declared the Year of Our Community Forests by Governor Josh Green. Last month, by Resolution 25-106, the Council further recognized the Year of Our Community Forests as a County. The benefits of trees and forests cannot be overstated. Trees cool temperatures provide shade, boost mental health, grow food, mitigate soil erosion, support groundwater recharge, sequester carbon, and produce oxygen. Importantly, trees build community. When I walk my dog Hoku and I meet my neighbor on Lānaʻi, we immediately seek the shade of a Cook island pine to talk story. Trees root us in the land and teach us to appreciate nature. Today for this informational item we will hear about the work of some of our communities' cherished tree huggers, Maui Green & Beautiful and the team working on our County's first ever Urban Forest Management Plan. Formerly, the Maui Outdoor site-- Circle, Maui Green & Beautiful reorganized in 2014 with a mission to care for the 'āina through preservation, protection, and education. On top of all they do, Maui Green & Beautiful is the State Department of Land and Natural Resources partner and grant recipient for the upcoming event celebrating the year of our community forest at UH Maui College. Members, if there is no objections, I'd like to designate as resource persons under Council Rule 18(A), given their expertise in community forest, Elaine Malina, Arborist and Treasurer of Maui Green & Beautiful; Amy Muramatsu, Secretary, Maui Green & Beautiful; and given their expertise in the contractor of the County's Urban Forest Management Plan, Kimberly Thayer, partner SR Consulting LLC. Any objections, Members?

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: Thank you, Members. Ms. Malina and Ms. Muramatsu, thank you for being here. Please proceed with any opening remarks or presentation.

MS. MALINA: Thank you, Chair.

CHAIR JOHNSON: You want to push the mic when the green button comes on and bring it close to your face.

MS. MALINA: Okay.

CHAIR JOHNSON: There we go. Is the green button...the green light is that the...by your...by the mic.

MS. MALINA: I'm better with trees. Thank you, Chair, for inviting us and thank you, Council...Committee for having us here. Yes, we are tree huggers. We're educated tree huggers, and we're one of the few groups that are really—have been speaking for the community forest and how it is important for us and it is so exciting that this is the year

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that we are celebrating the trees of our community that we where we live, learn, and play in, and we should celebrate it every...every year, every day. We also...we're gonna just start with our presentation; it's a quick one. I know we've got ten minutes, and Amy and I will go back and forth sharing this, so we'll do our best. This is our intro of who we are with our roots stating going back to the 1950's. Amy?

MS. MURAMATSU: Yes.

MS. MALINA: Oh, come, come.

MS. MURAMATSU: Oh, yes. Okay. Next slide, please. So as Gabe mentioned, this is the year of our community forest, and we have our banner to celebrate this year and as Elaine said, hopefully every year and every day. We've been doing tree plantings this year. The Kealia Pond National Wildlife Refuge, we've put in some beautiful trees there and DLNR and native planting area in the...in Kihei near the shearwater nesting area. So we did that and then if you go to the next slide, there's a picture of a beautiful Milo tree that's grown out beautifully in Kalama Park and it was planted in 2010, so our group goes way back. Very proud of that.

MS. MALINA: Okay, thank you. Next slide, please. Preservation, we nominated, and they were approved in 2018, Olowalu tree tunnel, the old Maui High School campus, with selected trees, and our South Kihei Road famous monkeypod trees, those are the first in Kihei. Every tree really...we need to look at all mature trees on the island of Maui and Maui County itself, Lānaʻi and Molokaʻi. To really look at our matured trees and really preserve them, not only name them exceptional, but also look at every tree that is larger than three inches in diameter and treat it as a special tree. Next slide, please. It's getting there. Protection, so we preserve and protect. One of the things we're doing, if it's okay I go?

MS. MURAMATSU: Yeah, please.

MS. MALINA: Okay. We support, of course, the famous from our mentor Ernest Resentz, the Maui County Planting Plan. He's not only our mentor, but our friend and a part of our ohana. We support tree ordinances. We're working on making them stronger. If you go in a parking lot, all of us during the day, we look for shade and unfortunately, these are what the trees look like on the right side of the slide that we're finding in a majority of parking lots on this island, except for Upcountry, of course, Hāna and that. And alternative to removing trees, there are ordinances in other counties, cities on the mainland that protect and have a permit removal process to really see if there's an alternative to saving that tree or moving it. We lost a large amount of trees on Pu'ūnēnē Avenue recently and no trees are...plans are to be put back there. So, again, Kahului, the hottest place on the island, has lost some more trees. Amy, next slide, please?

MS. MURAMATSU: Okay, we're going to talk about climate change. Everybody's talking about climate change around the world. So, we have heat islands here. Our asphalt parking lots are huge, numerous, and they're not well protected by shade, unfortunately. So,

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we are looking at tree list parking lots that make problems of climate change worse. They are unattractive, they're unhealthy, and uncomfortable. So, we're looking at increased levels of carbon pollution, hotter temperatures, higher levels of energy consumption for air conditioning, and extreme storms that are coming more and more frequently. Next slide. Oh, I can do this one. All right. So, we're looking to do a new code that enforces more shade and helps lessen the heat island effects of hardscapes. Our stunted top trees now meet County Code, which is not too good. And we do have token trees that are constantly topped and also meet the County Code, so we're working to change that. Next slide.

MS. MALINA: So, we started a campaign a couple years ago. We partnered with the Kihei Community Association, got our first grant from Kaulunani, which is...was like we were all doing happy dance, it was so exciting to be part of this. We started with brochures, we went out to reach out to some parking lot owners, management companies. There's just not enforcement so why should they follow what we're asking? Some try but then went backwards to...to the bad trimming. Topping trees what you see in the parking lots is wrong. It's incorrect pruning. It hurts the trees. Everyone says, oh, they top, but they come back. Well, you're cutting off the food supply. Remember the leaves of the food factories for the tree. And so, we started this campaign, but what we need is an amendment to the ordinance for parking lot to make it stronger and we're suggesting 50 percent more shade. I mean, 50 percent to cover the parking lot area eventually and that's for existing and new parking lots, and to follow no topping. It's against the Maui County Planting Plan, it's against the American National Standards Industry, the A300 Tree Care Standards, and these are followed, or they should be followed by ISA-Certified Arborist and the care...tree care industry. Some of our arborists do follow it, some of them don't. And so, we want to stop the chop. So, please we're asking for help on that. We did... next shot...slide. Thank you. We did create a brochure to help everyone who was, like, really enthusiastic, but we're just hitting a lot of walls with resistance. Why should we do it. It's really easy to come in with a truck, trim the...butcher the...I call it butchering...topping the tree and...and go in two to three times a year and the tree is struggling. Our tropical trees will forgive this, but you're really hurting the tree and you're hurting the community. You're taking away shade, you're taking away oxygen suppliers, climate change helpers. I mean, you're really hurting the tree in the sense. And then....so, that's what we've been working on and again we need more support where we're looking forward for the Urban Forest Management Plan and working all this together. Amy?

MS. MURAMATSU: Okay. Next slide. And next slide.

CHAIR JOHNSON: If you could move the mic closer.

MS. MURAMATSU: Oh, sorry. Okay. Sorry. Yes. All right, the tree circus. We are so excited. So the tree circus comes to Hawai'i every year, a different island, but we were fortunate to have them here two years in a row after the fires and it really helped void the kids in the schools to see this happening. They come to six schools every year and there is so much joy and excitement when they come there, they're hilarious and so educational,

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so we so appreciate them.

MS. MALINA: And this year, just to add to this, on the slide...the last slide, but that's okay. Oh, we did...the tree circus, Tammy, who is in charge, he asked for the words that they use, what trees give us. They asked for the Hawaiian interpretation, and it was so cool. The first school we did was...oh, shoot, Sacred Hearts Academy...Sacred Hearts School. The kids already knew the Hawaiian meaning; it was a chicken skin moment there. The...it was so exciting to use both the English version and the Hawaiian version of the words that they used. And so, that was an added gift. But thank you. Okay.

MS. MURAMATSU: Okay. So, next slide. Our Citizen Forester Program. This is a key program that we're just starting this year. We're so excited about it. We're bringing forestry to hopefully everybody in the County, but we started in Kihei last month and we have five certified citizen foresters so far. So trees, this is a problem that we're facing. Trees are being removed on Maui at an alarming rate. And the once lush canopy is being replaced by...is not being replaced, excuse me. Hawai'i is suffering from greater heat, fires, floods, and other natural disaster...natural disasters. So, for example, the Pu'unēnē Avenue is being widened. Many mature trees were removed and there is no plan to replace them. Trees are over pruned; we talked about that. Existing laws need to be changed. So what is the Citizen Forester Program? It's a collective effort of federal, state, and local organizations to reverse critical urban canopy decline, due to natural and anthropological crisis. It's very successful on O'ahu. The smart trees specific has started in 2016 and has mapped more than 37,000 trees and they have certified over 200 individuals. They received the Regional Forester's Honor Award from the US Forest Service. So, we are looking to do that here on Maui. We just brought it here, as I said. This year this program aligns perfectly with our goals or our mission, and it is a creation of a comprehensive and detailed urban tree inventory. So, we're looking at each tree, we're taking the measurements, we're taking the diameter, and looking at the species, and this is all going into this mapping project. And it's to engage the Maui community. So, if we have hundreds of people going to every park and every street and keeping track of our trees, and fostering the love of these trees, it's going to make a huge difference. So that's what we're looking forward to.

MS. MALINA: As Councilmember Johnson mentioned, we got this large grant from Ka Ula Nani. It was to honor our community forest. We'll have more details to follow as time gets in. We're working with UH Maui on this. It's going to be a two-day event. I'm just going to sum it up really quickly. The first day is going to be invited high school students, and a second day will be for the community. It is not taking the place of Arbor Day but adding to it. So, Arbor Day, you get a free tree, you learn about the tree, and things like that, and then you come to our event, and you learn more. You learn about the careers that relate to trees. More about the benefits of trees and the care. We'll have arborists there, we'll do a walking tour, fire-wise and invasive species. It's really exciting, a lot to do, and we're looking forward to sharing more. Thank you.

MS. MURAMATSU: Okay, next slide. Okay, we're looking forward again this year to Lā 'Ulu, which is the 'ulu festival at the Maui Nui Botanical Gardens, and we're partnering with

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the gardens and getting that organized. It's a big deal. In September we're expecting maybe up to 3,000 people this year. A lot of cultural events and lots of good food and entertainment...wonderful entertainment. So, I hope you can come to that on September 6th. All righty. Here we go to the last slide. Okay. Hahai no ka ua ululaau [sic]. The rainfall follows the forest. Mahalo for your time and support. Join us and a make tree-mendous difference on Maui now and for the future.

CHAIR JOHNSON: That's good. Okay. . . .(applause). . . Wow, applause. Thank you, Ms. Malina and Ms. Muramatsu, for your presentation. I'm going to ask the Members for quick clarifying questions and then we'll move on to the second presenter. I don't see any hands up, so we're going to move straight into the next presenter. Oh, did we have...no? Okay. So, let's see...thank you. Let's turn it over to the Department of Planning and their consultant for any opening remarks in presenting. Ms. Comcowich...oh.

COUNCILMEMBER PALTIN: I have one clarifying question.

CHAIR JOHNSON: We do have a question...we do have one from Councilmember Paltin. So just hold on to your seats and go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you. I just wanted to clarify when you said that trees that are butchered or topped and like that, do you know the reason why people do that?

MS. MALINA: One of the reason...oh, okay. One of the reasons it's an easy way to get a tree trimmed instead of taking the time and looking at it. When you...you know, parking lot trees, they probably most likely only need to be trimmed once a year and maybe look for dead branches and, you know, interference with lights, cars, you know. And I don't know, it's...I think it's a money-making thing and I really hate to say that but, you know why does a parking lot have to have the trees trimmed so severely three times a year . We think it's kind of like a bad habit and it's acceptable here and in other places it's not. And we just...I don't...I know the arborists need work. Many of my friends are arborists, but I also have friends that are arborists that will refuse any type of bad work, topping, things like that. They'll take a stand and say it's not correct. And so, it's two things, they want to put money in their pocket and of course feed their families, but we want everyone...if there's an ordinance, it would help them to say no, we have to do it according to the ordinance. You know, to prevent the --

COUNCILMEMBER PALTIN: Okay, thank you for that clarification.

MS. MATSUMOTO: Thank you.

CHAIR JOHNSON: Okay.

MS. MATSUMOTO: Oh, go ahead. One more thing.

MS. MALINA: Yeah, so I want to say that customers often...the owners of the parking lots will

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often say oh, so much rubbish. Trees are rubbish and other things, birds pooping on cars and things like that. And so, these kind of negative attitudes have kind of...they're kind of encouraging...they're kind of encouraged by over pruning. It's like, oh yeah look, there's no birds pooping on my car now. But this is not good. This is against climate...our climate and against our culture. So, thank you.

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR JOHNSON: Oh, we do have a clarifying question from Councilmember Cook.

COUNCILMEMBER COOK: Thank you both very much for your presentation. Is there...do you have a list of nurseries that provide...that sell trees? I've seen a lot of fruit trees and what not, but I'm not really familiar with nurseries that sell shade trees and other types of trees.

CHAIR JOHNSON: Ms. Malina or Ms. Muramatsu?

MS. MALINA: I'd be glad to get you a list. I can give it to Axel and get it to you or to your office. There are many nurseries on the island that do sell trees and so it's...yeah. I would love to share that with you.

COUNCILMEMBER COOK: Thank you. If you could possibly share that with the Committee --

MS. MALINA: Yes, I will do that.

COUNCILMEMBER COOK: Thank you for your presentation again.

MS. MALINA: All right. Thank you.

CHAIR JOHNSON: Okay. Thank you all and we're just going to switch seats and have another presenter and thank you once again for your presentation. Okay, we're going to turn it over to the Department of Planning and their consultant for any opening remarks and presentation. That's going to be Ms. Comcowich and Ms. Thayer. Many of...very familiar names to us in the County, so thank you guys for joining us today. We'll give them a second to get their computers, their mics, and everything. I don't really want to take a recess right now. We'll just continue on and let them keep...we'll just keep going. So if you guys are ready, the floor is yours.

MS. COMCOWICH: Is this on?

CHAIR JOHNSON: It is.

MS. COMCOWICH: Okay, if we can start our presentation. Aloha kakahiaka, Chair Johnson and ADEPT Committee Members. My name is Karen Comcowich from the Long Range

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Division in the Department of Planning. Sitting beside me is Kim Thayer from SR Partners LLC. She will be the lead consultant for this project. Thank you for inviting us to present on the Urban Forest Management Plan for Maui. The start of this plan has lined up beautifully with the year of our community forest being celebrated at both State and County levels. Before we begin, I would like you to take a moment to think of your favorite place on Maui. Chances are there's a tree somewhere in that picture. Next slide. What is an urban forest? An urban forest is the trees we live with, from street trees to shady school yards, tree-lined parking lots, to green spaces in our neighborhoods, an urban forest is a community forest. Next slide. Why is an urban forest important? Our community forests are essential to the environment because trees absorb pollutants and produce oxygen, contributing to cleaner air. With shade and evapotranspiration, trees lower temperatures in towns and help mitigate the urban heat island effect. Community forests support biodiversity by providing habitat for native species and reducing runoff into the ocean, which helps maintain the healthy coral reefs. The trees we choose are also important. Hawaiian ko, the plant pictured, almost went extinct except for its inclusion in landscaping. Our community...next slide. Our community forest supply materials for cultural practices like making lei and weaving. Trees distinguish Maui's landscape from other places and speak to the island's history. 'Ulu and mango trees were common landscaping elements in Maui's past that provided both food and shade. Next slide. Community forests improve the quality of life by promoting physical activity, including walking, which is the most cost-effective form of transportation. Trees and green spaces enhance the beauty of our towns and neighborhoods, providing spaces for community and family gatherings. Studies also show that urban forests reduce stress and improve mental health. Next slide. Urban forests are beneficial to the economy as well. Studies have found that shoppers are willing to pay higher prices and spend more time in commercial areas with trees. Trees can also lower energy cost for a business through their natural cooling effects. Next slide. With all the amazing benefits of trees, it seems like maintaining an urban tree canopy would be easy. But as Maui Green & Beautiful mentioned, there are challenges. There's a perception that trees create problems and incur expenses with little return on investment, which leads to trees being mismanaged and underutilized, resulting in problems with trees and a decline in the urban tree canopy. With this Urban Forest Management Plan, we can change these challenges into opportunities. Next slide. There is an opportunity to listen to maintenance workers, nursery staff, and community members to understand the challenges with maintenance and availability of appropriate trees to work towards an increase in canopy cover. This will help inform our understanding of current conditions to create appropriate and supported best management practices. There's an opportunity to expand urban forestry capacity within our community and our local government and to ensure that Maui County Code, our community plans, and County funding recognize trees as vital public infrastructure. Next slide. With that in mind, our overarching goals are to enable the community to shape the Maui they want to see. Creating a thriving environment that reflects our values and the unique ecosystems on Maui. By merging local knowledge with expert advice, we can create a robust strategy that benefits everyone. Next slide. This will help us achieve the purpose of the Urban Forest Management Plan for Maui, which is to establish priorities and actions to maintain a productive and beneficial community

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forest addressing both public and private trees. To encourage native and naturalized and culturally appropriate plants and to recommend code and policy changes, including staffing and budget needs. This is about creating a healthy urban forest that future generations will enjoy. And I pass the mic to Kim Thayer to explain the process we will follow.

MS. THAYER: Yes. Aloha, everybody. Mahalo again for having us today. We are super excited to be working on this project. I think anybody who knows me knows how much I love trees, and this is a dream to have the opportunity to spread a love for trees on this island and get more beautiful trees not only planted but also cared for, hopefully by everybody. And as we heard from Karen, like trees shape our communities, whether you're conscious of it or not. Like, think all of your memories on this island and some kind of trees have probably framed that memory from your life. But as we've also heard there are a few challenges to overcome. And so, our approach with this project...oh, sorry, the next slide, please...is to get the roots of these challenges and address them from the ground up through meaningful community engagement, not just checking a box. We know from experience putting trees in public places, but for them to survive, people have to recognize them and want them to be there, so we want to engender that desire to have more trees around. So, we want to have open and honest conversations. If you see trees as problems, let's talk about why and how to address those problems and go from there. If you don't know much about trees, that's okay, we will help you learn. And so, when we say we are wanting to, like, meet people where they are, we mean in all senses from the position you stand on, the knowledge base you have, where you live, work, and learn, and play, and even, you know, understanding everybody is busy, so when are you available to talk about these things? So, our approach is going to involve multiple channels for engaging with everybody, from interviews with the County Departments who interface with trees, Planning, Parks, Public Works, even our Councilmembers. You know, what are your visions for your districts and what is the pulse of your constituents that you represent. We plan to have open houses around the island, a community survey, both paper and electronic form, understanding not everybody is online necessarily, and especially outreach to landscapers, maintenance crews, park caretakers, you know, what are your challenges and how can we meet them. Also talking to, you know, walkers, dog park users, sports teams, the parents on the sidelines, talking to lei makers and hula people, what should we have more of, so you don't have to go so far for your materials. Halo weavers, and as it was stated, we used to have more ulu trees around town. Shall we bring those back and how and where? So, we're going to collect all this input on the ground, but also...next slide...draw from other models and use, you know, some of the new technologies that we have at hand. And so, we have...we're very happy to have a really strong team with expertise in using some advanced technologies like you see here for tree canopy modeling. So we'll use these tools to identify, you know, existing tree canopy and vegetation, including height and location, previous areas, so places where we wouldn't be able to plant, excluded areas like utility corridors where we wouldn't want to have trees planted anyway, and help identify maybe those areas we may not have noticed before where hey, this would be a really nice spot to have some trees here. Next slide. So, using LiDAR imagery, this next slide shows an illustration of kind of analysis showing how we can take satellite

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imagery and identify existing tree locations-- if it will show up. Here we go. Existing tree locations and extract out, you know, where buildings are, where our trees are, and where the open spaces are. And, you know, kind of looking at this picture, I'd like to imagine what if every property had at least one tree, one native tree in particular, we could help to re-spread the forest around that once was and all the benefits that come with that. Next slide. So, ultimately through this analysis, we'll have an output of optimal areas for planting. And this is going to be a color-coded map here. So, to orient you...so, the blue are areas where we wouldn't want to plant trees. For one, you know, the utility corridors like I mentioned. The dark greens blotches you see are existing tree canopy and then the light green is all the plantable area, and we can even use this technology to identify sizes of trees. So, the red circles are like large, medial, and small trees that could be planted out, and this is all working towards one thing the plan will do is identify at least three pilot...pilot planting projects that would benefit communities that don't have as many trees as we would want them to. So, identifying the right trees for the right places. Next slide. And another example of the use of technology is using a story map as a really good channel for real time community involvement. This is an example from, actually, Victoria, which is another, you know, community on the water like ours. So, the green stars here are valued places, places that people like and appreciate with trees. The red diamonds you see are places that need to be addressed. The trees need improvement, there's some kind of safety hazard or, you know, the trees are in decline and needs to be replanted perhaps. But this would mesh very nicely. I think, with the citizen forester program. So how this works is anybody if you have a smart phone you can do a GPS point, take a picture, upload it where you are or, you know, if you have a computer you can type in an address and you would be able to identify these locations, which is a really good way to everybody...for everybody to have input all the time. But we'll have other channels as well. If you don't have a phone or if you're not good with technology, we'll have other ways for you to talk to us. We're always happy to talk trees. You can go to the next slide. And so, we want to highlight, you know, some things that are going for us. Our assets in the community. So, as we've heard we have really good people that care a lot about our trees. We have good pockets of nice mature trees, you know, like High Street right here with these beautiful monkeypods has become a landmark. We have good...a good foundation to work from. We also have really engaged people nowadays. There's a lot more people coming to community meetings and speaking up, so we want to, like, harness that energy. Good social media networks. A growing interest in green infrastructure. So, at the Lāhainā community meeting last night there was talk of the Lāhainā drainage master plan that's going to include or plan to include green infrastructure, nature-base solutions, all of which involve trees. And this picture, you know, speaking towards the issues with trees, I never post anything on Facebook, and this, I couldn't take it anymore. I was in a certain parking lot where the tree canopy was totally removed and I just sat there in my car and put up this picture and there was a ton of people commented on it and we had this back-and-forth dialogue and a friend of mine said, oh, I know the people that maintain those trees and they always have problems with them. And so, I wrote back and said, well, yes, they always have problems, this is, like, improper care for trees. So, yes, that is result of these kind of practices, but that's an example of where we can educate and make things better for everybody. Next slide. So along with our strong

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community, we also have a lot of existing resources that the Maui Green & Beautiful team mentioned. So the Maui County Planting Plan, which was largely shaped by Uncle Ernie Rezens, thanks to him for creating these beautiful examples, like the UHMC parking lot that's in this picture was his brainchild and he brought this to fruition. We have the Arborist Committee, you know, really good County Staff. Of course, Maui Green & Beautiful, like we said, who have drafted ordinances already that we can follow from. We also have, yes, good local nurseries who have really good knowledgeable people and then of course, the Kaulunani Community Forestry Program. Next slide. And so, just to give you an idea of our project timeline, this is a 21-month project, so we're just starting now. We have our kickoff meeting with our County team tomorrow and it's 21 months wrapping up in January 2027. Again, we'll have all sorts of community outreach opportunities beginning this summer and which are going to overlap with things like Lā 'Ulu and Arbor Day, the Year of our Community Forest, so a lot of avenues for having a good dialogue with everybody. And then we'll develop the plan next year after we synthesize all that input and have another public comment period on the plan that will, again, align actually very nicely with like Arbor Day and hopefully the County Fair again as well. Next slide. Since we're here, we do have a little bit of a call to action for our Councilmembers. We would like to know, you know, like, as I mentioned, what do you want out of this plan, how we can engage with your constituents, you know, understanding the vision for every community on this island. And then once this plan is published and finalized, help it come to fruition so...and not the legislation, pass the ordinances, provide a budget so that our County staff can actually do a good job and be equipped to, you know, create the vision that we want to see and have canopy all over the island. And next slide. Sorry, I think I'm going a little bit over the ten minutes, so I hope that's okay. So, mahalo, everybody. And we have another proverb here, i ulu nō ka lālā i ke kumu, the branches grow because of the trunk. And put another way, you know, one generation plants the tree and another one gets the shade, so we are looking ahead as much as possible. Thank you very much.

CHAIR JOHNSON: Thank you so much, that was beautiful. . . .(applause). . . So, of course, Members, do we have any clarifying questions now. We'll get into discussion, but just clarifying, because we've got to move the meeting along. I don't see any hands. Okay, so let's move on to public testimony now. At this time, if there's anyone wishing to testify on this item, please use the raise your hand function and we will call...and you will be called up to testify. Staff, is there anyone wishing to testify?

**. . . BEGIN PUBLIC TESTIMONY FOR ADEPT-1(6) . . .**

MS. APO TAKAYAMA: Yes, Chair, we have two individuals signed up to testify. First, is Kai Nishiki, to be followed by Mike Moran.

CHAIR JOHNSON: Thank you for your patience, Ms. Nishiki. Are you ready to testify? There she is.

MS. NISHIKI: Aloha, Chair and Committee Members. Thank you for having this important item for discussion. I am so excited, and tree huggers unite. I'm here to volunteer to

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help you folks get some policy and code changes made. I want to share a couple things. So, I'm a boy mom, two boys, and so very involved in all the sports. And very often when we would go to practice and to games, that was one thing that all the parents would always be talking about that, like, wow, how come we have all of these fields and then these tiny little trees kind of even far away from where the fields are, and then you have the bleachers just sitting in the sun. So, of course, you know, we can bring our pop ups and all of that, but it would be really nice to have our parks filled with shade trees, especially where folks congregate and watch the sports teams. And then the other thing about parks is as far as code and policy changes, really need to encourage and support food producing and medicinal and all the things for lei makers and all of that within our parks. These are right...usually right near our neighborhoods, and that would be very supportive. The other code and policy, and I know, there's problems, but let's address those issues, not just say, oh, trees are the problem. That's how it seems a lot of things are handled like we should just address the issue, not penalize the things that really support our community. So, the other thing is that in all of the new neighborhoods, there are HOA rules that disallow food-- like, mango trees in your front yard, you can't have that. I know this is off topic, but you can't even have clothes lines. So, like how are we in Hawai'i and we're allowing these rules from the continent to come over here and, like, that's what makes our neighborhood special is being on your front porch and having your mango tree and then, you know, neighbors bring mangoes, you have a different variety. And there are even neighborhoods in Wailuku that don't allow you to grow gardens and food-producing items, even in your backyard. So, you know, we really need to change this mindset of these sterile neighborhoods where people just go to work and come home and go in their AC and, like, you don't even know your neighbors. Like, this is how neighborhoods and neighbors get to know each other . . . *(timer sounds)* . . . supporting food producing trees and efforts within our neighborhoods. I heard the bell. I could go on and on, but --

CHAIR JOHNSON: Thank you, Ms. Nishiki. I love your passion.

MS. NISHIKI: I'm definitely here to support.

CHAIR JOHNSON: Let me see if we have any clarifying questions. Seeing none, I want to appreciate...I appreciate your testimony and thank you so much. Okay. Staff, will you call the next testifier please?

MS. APO TAKAYAMA: Chair, the next testifier and currently the last signed up to testify is Mike Moran.

CHAIR JOHNSON: Mr. Moran, thank you for your patience. The floor is yours.

MR. MORAN: It was well worth hearing those presentations, Chair. First, I'm Mike Moran for the Kihei Community Association. So of course, this is a countywide issue and all the presentations, address that, but we speak from our...just from our district from South Maui. But I'll start by saying, Chair, it is so refreshing to have elected officials here that are in support of trees, and all the things that have been said about it. We have in

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South Maui have fought for this for years against many government officials who were like eliminating trees. And when I heard that word rubbish, I heard that so often and I remember Ernie Rezents, who was a very calm man, but he blew his top when somebody said trees are creating rubbish. But first we'd like to...we did some written testimony, so we hope you have seen our written testimony for that. It speaks in factual information about our position. And we have worked with Maui Green & Beautiful for many, many years, Warren and DTL recently, and this is one of the issues like—if I could get the hat to show up here. Definitely working with --

CHAIR JOHNSON: Yep, re-shade --

MR. MORAN: Yep, thank you for...good, I couldn't get it to stay up here. Thank you, Chair. So, yes, we have, and we support everything that Maui Green & Beautiful has said today on the issue. We have support with them, supported them. And just to hear the example of the battle we've had. We have...we've shown in the Maui Green & Beautiful slide show the exceptional row of monkeypod trees on South Kihei Road in Central Kihei, which twice government entities tried to remove, to have them destroyed and our community fought, and we hadn't give up many things, but we stayed-- we fought to support the trees. Many years later we had a second battle, but we won those battles, and the trees remain there and it's one of the few spots...this . . . *(inaudible)*. . . I still ride a bicycle down there, and that's one of the few spots that are very...a very pleasant venture, and you're in the shade with those monkeypod trees.

MS. NISHIKI: *(inadvertent speaking)*

CHAIR JOHNSON: Sorry, can you mute KN?

MS. NISHIKI: What's going on?

CHAIR JOHNSON: Thank you. Go ahead, Mr. Moran.

MR. MORAN: So, then one other issue is with Ms. Comcowich here from Long Range Planning, when our community plan was first getting started, there was a committee called the Alakai, and I was one of the two representatives for the Kihei Community Association for that group. It was an initial effort to get the community's...what the community concerns were for our upcoming . . . *(inaudible)*. . . with a community plan and it was thrown out to the panel giving something that you're concerned about and me, being my big mouth, I was first, and I said trees. We've been trying to get trees in South Maui. Just keep...not only keep the few trees we have but get more. Get them into parks, get them on streets. So, we have been continuously going at this issue and as I started, Chair, thank you so much everybody, for turning this around and saying, here's what all the benefits of trees, forget those few objectionable things. Nothing is perfect, but the benefits far outweigh any detrimental effects, . . . *(timer sounds)*. . . so we are in completely support of all this and thank you for this opportunity to give our perspective. Aloha.

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CHAIR JOHNSON: Aloha. It's certainly our pleasure, Mr. Moran. Let me see if we have any clarifying questions from our Councilmembers. I don't see any, so thank you once again for your testimony. I appreciate it. I see one more testifier, so Staff, we're going to call Mr. Law and then...okay. Go ahead, Mr. Law.

MR. LAW: Thank you, Luna ho'omalua Johnson. I forgot my Johnson brothers shirt today. I'm backing you on this one. Good to see you back up there, bro. This is a poem by Joyce Kilmer, probably you guys have heard like at the beginning, but it is the first time, thank you, Council Services Staff for helping me get the whole thing. "I think that I shall never see a poem lovely as a tree. A tree whose hungry mouth is pressed against the earth's sweet flowing breast. A tree that looks at God all day and lifts her leafy arms to pray. A tree that may in summer wear a nest of robins in her hair. Upon whose bosoms snow has lain, who intimately lives with rain. Poems were made by fools like me, but only God can make a tree".

CHAIR JOHNSON: Very nice. Any clarifying questions for our testifier? Seeing none. Thank you, Mr. Law, for your wise words. Okay, Members, I'm thinking we can do one round...or one question and a little bit of --

MS. APO TAKAYAMA: Chair, my apologies. We have one more person signed up to testify.

CHAIR JOHNSON: Oh, we do have one more. I beg your pardon. Go ahead.

MS. APO TAKAYAMA: Johann.

CHAIR JOHNSON: Johann Lall maybe? Or just Johann, if you are ready to testify. Oh, there he is.

MR. LALL: Aloha. A lot of technical issues. It took me, like, a hundred tries to get my hand raised. Johann Lall, testifying on behalf of myself. These presentations were great, I really enjoyed them, especially, like, seeing the LiDAR because I'm always trying to push LiDAR. You know, I think trees we all recognize are important and one of the action items that they had shown is especially important which is the regulation and right now I'm in Lake Wake, Texas, which is just outside of Austin, and about a week and a half ago there was a big storm and a lot of trees got damaged. And I drove around that neighborhood because it's where I go to church, and I was driving around and I saw all these electric company trucks and then also arborists, they were doing trimming, but they were being very careful and very ginger with their trimming. And I was like...the first reaction I had was if that was Hawai'i, those trees would be gone. Like they would be topped or completely out of there. So I looked at their regulations and in the City of Austin, if a tree is over 19 inches in diameter, you require a permit to do what they call pruning, which actually refers to if you remove 25 percent or more of the canopy. So there's actually really strong regulations in place, which is why if you look on Google maps or anywhere you'll see Austin has an amazing amount of tree...tree cover and that has really good impacts in a lot of ways, quality of life and all of that. But one thing that I happen to be working on right now is a climate hazard analysis for the University

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of Hawai'i and one of the things I'm pushing to get included is leaf area index or some other thing that shows tree canopy because that affects public health and resiliency and ability to literally survive with the increase in heat waves and reduce cloud cover and stuff like that that makes it harder to live in Hawai'i literally without dying of heat stroke. So, trees are very important. I hope we can get some strong regulations in place. Mahalo.

CHAIR JOHNSON: Okay, thank you, Mr. Lall. Any clarifying questions for our testifier? We do have one from Councilmember Paltin.

COUNCILMEMBER PALTIN: I just wanted to clarify on the continental trees. Like, you know, we went to Austin for the NaCO and then we just came back from South Dakota as well. And like when I see those trees over there, they kind of just go straight up and they're very like...they're very orderly, I guess. Like, if you go out, I just was in the backyard and it's, like, just overgrown and invasive and things like that. And I just was wanting to clarify is it like that in Austin even with the regulation? Like, do trees get out of control? Like, we just had a tree fall on a house and we had to pay big money to the house people. So, I just was wondering like when I go to the continent and I look at their trees like their trees seem to just stay straight up. Like, they don't go and like cover the house and like that, and have you seen any trees get out of control out there?

CHAIR JOHNSON: Mr. Lall?

MR. LALL: So I think it's...it probably varies a huge amount by location, and I guess in Austin it's in an ecological zone where there's a lot of oak trees, but there's also a lot of small, like, juniper trees. And so, those...they don't really create issues. With the oaks, it's mainly about, like, having space for, like, fire trucks to pass through and things like that. But their roots, like, are really deep and they're strong enough that the trees don't really fall over. Like, this house that I'm renting right now has a huge oak tree and it overhangs the roof, but it's not really an issue here. I think also in other places there's more, like, pine trees, which are more like straight up and down. And then also the suburbs tend to be more like what you see in Hawai'i where they used to be agricultural land and then they're converted to housing development. So there's, like, younger trees, and those are less...or I guess it takes time to grow their roots and be strong and all of that. But --

COUNCILMEMBER PALTIN: So you don't really see like the tree roots lifting up the pavement or lifting up the sidewalk over there because all of the roots go that deep?

MR. LALL: Well, that actually reminds me of one place that I grew up in, which was an urban area of Houston and that was an issue that the sidewalks were, like, really destroyed and so that creates issues for like handicapped people and stuff like that. But, I don't know, I guess it probably just varies a lot by location, but I think in general the cities on the mainland or the continent are pretty liberal. And so, people tend to err on the side of the protecting trees rather than removing them, and so there's all these regulations that protect them way beyond what Hawai'i has and --

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CHAIR JOHNSON: Okay.

MR. LALL: Yeah, if you look on Google maps...I love looking at Google maps and looking at different places.

CHAIR JOHNSON: Thank you. Was your question answered, Councilmember Paltin.

COUNCILMEMBER PALTIN: Yeah, I think so. I means trees-- trees...I feel like trees have more a tendency to get out of control over here and then like with the whole new fire code and the five feet and all of that.

CHAIR JOHNSON: Right. I'm sure the arborists can speak to this, but we'll wait until we get into discussions, and we'll let Mr. Johann Lall go about his day. So, thank you, Johann, I appreciate your testimony. Okay, Members seeing there is no more individuals wishing to testify...well, is there anyone wishing to testify? Okay, then I will now close public testimony for this item. Any objections, Members?

COUNCILMEMBERS: No objections.

**. . . END PUBLIC TESTIMONY FOR ADEPT-1(6) . . .**

CHAIR JOHNSON: Okay, let's proceed with the agenda. And my intention is to take a recess right after the first...after Councilmember Sinenci speaks. So, let's enter into discussion to this item. I propose three minutes per Councilmember for each round. And we'll start with Vice-Chair Sinenci, followed by Committee Member Nohelani U'u-Hodgins, but I'd like to take a recess right after Councilmember Sinenci. So, Vice-Chair Sinenci, you have any discussion, questions, comments? Go ahead.

VICE-CHAIR SINENCI: Mahalo, Chair, and mahalo for the presentation this morning. Yeah, to the...to Ms. Thayer's point at the end of her presentation about input from Councilmembers, for us in East Maui, we've been trying to rid our public spaces and parks of the invasive African tulip trees, and so...and then hopefully if we can do that, we could easily replace them with more native trees. So, is that something that is included in your strategic plan?

CHAIR JOHNSON: Go ahead.

MS. THAYER: So, thank you for that question, Councilmember Sinenci. And yes, you are speaking to my heart. So, a lot...before I joined SR Partners, I worked for Mauna Kahālāwai Watershed Partnership for over a decade and my job there was to...a lot of my job there was to educate the public about the value of our native species, threats from invasive species, and addressing all of those and, you know, spreading that knowledge around. So yes, 100 percent removing things like African tulip that have no real value in the sense of contributing to our native ecosystems and then all the resources that we can gather from these trees like we said for lei and other practices

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like that. So, yes, I'm 100 percent with you, yes.

VICE-CHAIR SINENCI: Okay. Mahalo for that. Thank you, Chair.

CHAIR JOHNSON: Thank you Vice-Chair Sinenci. So, Members, let's take a ten-minute recess. We'll come back and we'll continue doing the rounds. The time is now 10:54, so at 11:05, we will come back from our recess. In recess. . . .(gavel). . .

**RECESS:** 10:54 a.m.

**RECONVENE:** 11:07 a.m.

CHAIR JOHNSON: . . .(gavel). . . Aloha, will the ADEPT Committee of 6-5-2025 come back from our well-earned recess. Members, thanks for going through this all, and we're right now into deliberation or discussions and we're going to jump right into the order. And it's going to be Committee Member Nohelani U'u-Hodgins, followed by Committee Member Tom Cook. So, Councilmember, the floor is yours.

COUNCILMEMBER U'U-HODGINS: Thank you so much, Chair. Thank you, everyone, for your presentation. I appreciate your passion. For Maui Green & Beautiful, how do you get trees recognized as exceptional trees. I'm so happy you mentioned old Maui High's trees, those are beautiful. Pā'ia School has beautiful trees. So how does that process work?

CHAIR JOHNSON: Ms. Malina or Muramatsu?

MS. MALINA: Hi. Thank you for your question. There's a form...the Arborist Committee is in charge of the exceptional trees, but the forms are on either our website or under the County Arborist Committee. What...it has to fit certain criteria, history, size, something unique about it, but there's, like, ten of the qualifications or so or more. And so, there's a whole process and then you send it in, or you could go before the Arborist Committee and then they will research it more, ask the owner...landowner get permission from that and then it's a process and then it goes to the Committee and then to the full Council.

COUNCILMEMBER U'U-HODGINS: Okay.

MS. MALINA: I wish the process was a little faster, but it's there.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you so much.

MS. MALINA: Uh huh.

COUNCILMEMBER U'U-HODGINS: And then my next question is for Planning. Are you folks going to come up with some legislation regarding how to properly trim trees or prune trees that are...that you folks require, like in the LPAP or how is this going to work? How are we going to put...make an action plan for this forest...Urban Forest Management Plan?

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CHAIR JOHNSON: Ms. Comcowich, remember to push the button. Okay, you can use that one.

MS. COMCOWICH: That is part of the intention of the Urban Forest Management Plan is to establish legislation.

COUNCILMEMBER U'U-HODGINS: Oh, great.

MS. COMCOWICH: So we will asking for your help in getting through Council.

COUNCILMEMBER U'U-HODGINS: Okay, cool. When do you think that's going to be done?

MS. COMCOWICH: We're just starting now, but we'll work on that as fast as we can. Maui Green & Beautiful does already have some draft legislation about the urban...about the canopy, which might be a good start.

COUNCILMEMBER U'U-HODGINS: Okay. And then how do you guys do enforcement now? So, I know it's one tree per five stalls. But as you enter Wailuku, I don't mean to throw anybody on the bus, but there's a parking lot right on the left side of the bridge when you leave Wailuku, and it really gets my goat because there's no trees, it's just one blanket, asphalt looking parking lot. It's been there for a little while, but I remember when it I guess was paved, it wasn't necessarily built. But there's no trees, so what is enforcement look like for you guys? Like if I was to go around and count stalls and count the required trees, what...what do you guys do?

CHAIR JOHNSON: Ms. Comcowich.

MS. COMCOWICH: It is my understanding that trees are...it is once a month comes in for a permit that the number of trees per parking lot are established. Some of the trees without parking lots, they were exempted from that. For example, I think that parking lot might be. Some of the County parking lots have been exempted from needing trees.

COUNCILMEMBER U'U-HODGINS: Is that, like, their existing non-conforming or they just requested exemption as they're getting their parking lot permitted.

CHAIR JOHNSON: Ms. Comcowich.

MS. COMCOWICH: The ones I'm aware of, it was something through the Council process where they requested not having trees to enable them to have solar panels or for other reasons. So, it's really vital that Council is on board with increasing the urban canopy.

COUNCILMEMBER U'U-HODGINS: Interesting. Okay. That's all the questions I have for now, Chair. Thank you so much.

CHAIR JOHNSON: Okay. Thank you so much, Councilmember. Let's move on to Committee

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Member Tom Cook, followed by Chair Lee. Councilmember Cook.

COUNCILMEMBER COOK: Thank you, Chair. My question is regarding solar carports and trees. I'm a big fan of trees. I've planted thousand of them without exaggeration of my life. I love them. Also, but for parking lots having solar carports and mandating trees are sort of problematic. And so, is there...is there an either or when someone is getting permitting?

MS. COMCOWICH: I have seen work done where they analyze, for example, the existing tree canopy and where shade would be and ensure that the solar panels will not be negatively impacted in their placement. So it's prioritizing insuring that trees can work with the solar panels. It's not either or, but it is something to consider in the Planning. Elaine looks like she liked it.

COUNCILMEMBER COOK: And I welcome more comment, thank you.

MS. MALINA: There was something, and I could be wrong, it's been a while since I looked at the ordinance, wasn't it like if you put in solar panels you had to plant trees somewhere else on the property because you want to do both. You want the solar panels of course, and then you want trees because of what they give. And so, I think that's in an ordinance, but I'm...you're the expert on that. Is that true? Does that help you answer?

COUNCILMEMBER COOK: Yeah, no. That would be great. So, it isn't someone not planting trees, it's basically being able to provide the shade because basically part of the trees, besides the beauty of the trees, is the heat gain, right? Okay. So you're mitigating the heat gain, you're generating alternate energy, and then you're also planting trees, but giving the flexibility of being able to plant the trees in an appropriate place. Okay, thank you. Anyway...

CHAIR JOHNSON: Okay, let's move on to...when Chair Lee gets back, we can call on her. We'll move on to Councilmember Tamara Paltin, followed by Committee...Council Vice-Chair Yuki Lei Sugimura.

COUNCILMEMBER PALTIN: Thank you. I didn't see the legislation yet. But for me, I guess I really appreciated what Chair Thayer had to say, like how to mitigate what people don't like about trees. Like, I'm a disliker of bird emissions on my car and also, you know, the compost left behind by tree leaves and stuff, like, coming in your gutter or your...all into the outlets that drain into the ocean and things like that. Me and my minor canine are just out in the back, and we've seen one branch dangling, I think they called those, like, you know, the widow makers, and things like that. And so, I guess, you know, how do we address those things? I'm in agreement with Member Cook, because of the bird emissions, you know, I would rather see solar canopies and then putting the trees in more appropriate places. Like, you know, Kaiāulu initiatives are trying to reenforce native trees like, could...and also like you know how hard we worked to get sidewalks and stuff like that, for the tree roots to lift up the sidewalks, how do we mitigate those things. Like, I'm all for trees. I prefer native trees. I would love to see, like, just big

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areas of lei trees too, you know. Like, I've just been learning about how to better care for my couple puakenikeni trees I have. Like, fill the place with puakenikeni trees like then every place would smell nice after the bird emissions and local lei makers and things like that. So, yeah, I think to me the issue is how to mitigate those things because I do agree that we need trees. My preference is for native trees and good smelling trees and fruit trees because they feed people, but I wouldn't like to discount the issues that people see with trees because it's very serious to lift up sidewalks when we pay so much money for sidewalks and, you know, people getting run over on the side of the road and things like that, we don't want that. So how do we, like, find the right tree that won't lift up sidewalks. How do we reduce bird emissions on cars? How do we, you know, I mean I guess is it just to tell people like you got to get out there in the Lāhainā sun and rake it up because Christian is doing that right now, and I don't really want to be the one to do that, but somebody has to do it. . . .(timer sounds) . . .

CHAIR JOHNSON: Councilmember Paltin, that was three minutes of a question. Maybe we can somebody to respond, but if you can be a little bit short, I see Ms. Comcowich, she wants to respond. Go ahead.

MS. COMCOWICH: So, in your question, there were also some answers. How do we manage the trees, like the issues with roots? Some of that is the right tree in the right location. So making sure that it's not a tree that has really invasive roots when you plant it near the roads. If you actually notice where the DOT put the trees near...I can't remember the name, Kahekili Highway I think. They're kind of far back and at first, I was honestly angry about it because they're not going to shade the road for a while. But they have really invasive roots and that will help allow them to completely spread and not damage the road. As far as sidewalks that are being damaged by trees, in order to take care of our existing canopy, there are...in other places they use different materials, or they might design a sidewalk to go kind of around the tree. So it's about looking at the situation and taking that into account. That is something that the plan can address, is looking at how those maintenance issues are addressed. Another issue just as far as development is concerned, often times the well for the trees is not sufficient for the trees being planted, which both makes it so it drops rubbish in the parking lot and it's not able to have the roots spread and establish. Some of the dangers of trees is actually a maintenance issue. When you top the trees and don't allow the trees to have the balance, or you overwater trees, it creates a hazard. So taking care of our trees well will make it so we have less issues with trees. And that's what this plan can look at and address, how trees are being taken care of and how we can do better.

CHAIR JOHNSON: Okay.

MS. COMCOWICH: Birds are a different issue, though.

CHAIR JOHNSON: All right. Let's move on and we'll go to Council Vice-Chair Yuki Lei Sugimura, and then we'll go up to Chair Lee.

COUNCILMEMBER SUGIMURA: Thank you. So inspiring and everybody is so positive and

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happy. So, in my community, I have Barbara Fernandez. Barbara Fernandez has gotten me to go to the side of the road and cut vines that are killing our beautiful jacaranda trees. Barbara Fernandez educated me about the...I think there's 12 jacaranda trees on Haleakalā Highway that Dr.... I forgot his name, sorry. He and his son planted as an Eagle Scout project. And...but those trees, I'm so surprised because there's no water I think, but there must be, they're surviving Haleakalā Highway. But I want to know...I would love to sign up in my community, I'll get Barbara Fernandez to help me, but to do some kind of community involvement project. I also would like to suggest, because I don't know how you do what you say about all these trees and put them on the GPS [sic]map, but the County has this really great system, I call it SeeClickFix. I tell everybody when they send me complaints, can you...instead of you trying to describe to me where it is, can you just take a picture of it, it'll GPS on a map. And I don't know if there's a way of us communicating with you or somebody so that we can get these trees documented, one. Number two is we need to know what kind of trees you want to know because in Upcountry where I live there's plenty, plenty, plenty, all kind of different trees, but I'm sure you don't want to know all of them. So we need education, so training and education. And I guess really what I'm saying is how can we get involved? I saw your time lapsed.

CHAIR JOHNSON: Anyone want to address that? Ms. Thayer?

MS. THAYER: Hello? Okay, yes. Thank you for the question and I...Barbara Fernandez is wonderful, a wonderful person, and very motivated as well. And so, yes, you know, knowing that there is the SeeClickFix system out there, you know, yes we definitely want to mesh with that, especially if people are already used to using it, you know, make use of that existing knowledge and then just apply it to this plan and what this plan is going to do. Yes, for sure. And then, to the point of community involvement, yes, that is a glorious way of getting people that sense of ownership. You know, I helped put this tree in the ground, so I'm going to make sure that it gets taken care of so that it actually does grow from a little sapling into a wonderful canopy. Yeah, so that is another goal. And also, to educate as we do the outreach because in order to be able to make, you know, informed input towards a vision for what we want to see, you need to have a certain level of knowledge and understanding to be able to, you know, have that imagination of what could be possible. So that is definitely one of the goals of our outreach plan is to not just ask input but also enrich along the way as we're doing it. Yeah.

COUNCILMEMBER SUGIMURA: One last thing about the SeeClickFix. I'm sure you're going to have to figure out your own system, because right now if you do it, it goes directly to the Mayor's Office and then they distribute it to the Departments. . . .(timer sounds). . . But somehow it has to go to you, Kim, and then...or somebody within...or Karen or somebody.

MS. COMCOWICH: Also, Maui Green & Beautiful might want to address because they have one of the GIS systems that's being used.

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CHAIR JOHNSON: Ms. Muramatsu.

MS. MURAMATSU: Yes, there are tree potters...tree potter software online is being used by Citizen Forester, so the 38,000 trees that were potted by Honolulu and all over O'ahu are on there. Each tree is assigned a color and a location and all the details for that tree data is in cyberspace. So yeah, it would be great...that's a GIS system and it would be great if . . .*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: And you have that capability for Maui County? Oh, you do? Okay, good.

CHAIR JOHNSON: Great. Okay, let's move on to Council Chair Alice Lee, followed by myself.

COUNCILMEMBER LEE: I just have a couple of questions. Was your group consulted when they removed the trees, the canopy trees, from High Street, you know, further down by where the DHHL project is being built?

CHAIR JOHNSON: Ms. Comcowich?

MS. COMCOWICH: That is not part of this, but it was brought before the Arborist Committee. There can be an improvement in how canopy removal is assessed because I know the community was really upset once it was done, but when it went through the process I don't think we had any testimony. I was on the Arborist Committee at that time, and I was also upset to see the trees removed. But it's...it seemed like a good thing in the way it was presented and there was no testimony against it. So that could be part of the process, is improving public engagement around removal of trees.

COUNCILMEMBER LEE: Is that one of the problems with canopy trees, especially here on Maui and probably during the plantation days? It's all...you know, you had that in almost in every district. So if a tree has an age limit, then it presents a big problem when it's ready to expire, right? And how do you remove them? How do you plan for that?

MS. COMCOWICH: The monkey pods are not at their age limit is one way to comment on that. Why they're being removed is because in more recent development patterns, there's a tendency to prioritize fast cars and widening roads. So we need to work on that messaging because trees also help slow down cars. They help people see the tree tunnel and instantly are like I need to slow down. When you see a big, wide-open road, you drive faster. So these tree canopies should be exceptional and nominated so they are not removed. There are some trees that are reaching their limits. For example, the royal palms at Wailuku School have, like, 30 more years, so maybe replacing those would be a good way and like looking ahead that can be something that is also acknowledged. Thank you for that question.

MS. THAYER: If I can add on the longevity of trees. You know, that's one of the beauties of a lot of our native species, especially like 'ohi'a lehua, you know, they are beautiful trees,

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their culture is significant, they give us all kinds of resources, but they can live for, like, a thousand years. Like, for real and that's not exaggerating. And so, you know, thinking about putting the right tree in the right place, this truly can live on well beyond us if taken cared of properly. And trees have...a lot of them grow to a maximum size so that's a way of knowing and understanding how big they will be allows us also to plan to put them in the right place where they're not going to encroach on something that we want to maintain.

COUNCILMEMBER LEE: Thank you.

CHAIR JOHNSON: Okay, great. Thank you so much. So, I have a few questions. I'm going to start off with Jen Mayden from Office of Recovery. You know, West Maui and the historical importance of 'ulu, I'm curious about how the Office of Recovery is addressing the history of 'ulu in West Maui.

MS. MAYDEN: Mahalo for your question, Chair. Great question. So, 'ulu definitely are...have a very important place in Lāhainā and throughout Maui, and there has been I'm sure a lot of you are aware of a lot of efforts that have gone on right after the fire to obtain cuttings, root samples, from 'ulu. There was a great article recently about all the work that Professor Noa Lincoln, Dr. Noa Lincoln has done to generate 'ulu trees from Lāhainā and provide them back to the community. So as far as in planning for the rebuild and restoration of Lāhainā and 'ulu trees, definitely in the project for the Lāhainā Royal Complex master plan, 'ulu will play an incredibly important part of bringing back that area and restoring that area with 'ulu as a part.

CHAIR JOHNSON: Wonderful.

MS. MAYDEN: And as well as the rebuild Lāhainā plan focusing more on the commercial core, just urban forestry in general will be a very important part of that plan and the right native and culturally appropriate plans with 'ulu being one, absolutely.

CHAIR JOHNSON: So that takes me to my second question would probably for Mr. Comcowich and Ms. Thayer. But, you know, when you look at Honolulu, right, they have...I know it's a city so...but still, Honolulu has a goal of 35 percent canopy by this year. They have a Division of Urban Forestry with 27 arborists to maintain 250,000 trees. Now, of course, we're not Honolulu, but, you know, when you guys are deciding your plan, I'd like for you to consider how many arborists would be important for this County and where would a division for that go, with Parks, Public Works, you know, Office of Recovery, I'm curious. So, there is a lot of thought that should be put into, you know, this plan on that. So do you guys have any comments for that right now?

MS. THAYER: Yes. Thank you for the question, Chair Johnson. So, one of our team members is HHF Planners who are from Honolulu and they also our team meetings are good talks because we're all tree people, and we all share stories and everything. But, yes, so HHF is based in Honolulu and they have a landscape architect who's got 30 years of experience at least and he is, yes, very conscious of what Honolulu has done with

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establishing their Department of Forestry, which would be fantastic to model after here. So definitely, you know, tapping into their expertise about how that was created and what was the, you know, processes that led to establishing that department and figuring out that number, yeah, that's definitely going to be part of our plan. Yeah.

CHAIR JOHNSON: Okay, great. Thank you for that. Those are my questions, and I appreciate you folks for joining us today. We do have kind of longer agenda, and I just right now I won't go down the list, but maybe if we have any burning questions for these folks you could raise your hand and we could do that. But otherwise, I'd be willing to take a five-minute recess and switch out for our next agenda item, but we do have a few questions. So, Councilmember Sinenci, followed by Councilmember Paltin, followed by Councilmember Cook.

VICE-CHAIR SINENCI: Mahalo, Chair. Not so much of a question, but just an observation. It sounds...when we look at some of the pictures that you've shown in your presentations this morning, it's normally the big box stores that require the 20 zillion parking spaces, so that's where we do see just a field of black top. And so, I was just wondering if you've looked at, you know, some options. You know, it sounds like...and the black top also creates this huge drainage problem too. So if somehow maybe us looking at those requirements where run off from those black tops can go in to water ways where trees would be or, you know, just part of breaking up that big field of blacktop. So, those are just some of the inquiries I got from your presentation, Chair. Thank you.

CHAIR JOHNSON: Thank you. Does anybody want to address there or was it more of a statement on what --

MS. COMCOWICH: I can address it real quickly.

CHAIR JOHNSON: Okay, Ms. Comcowich.

MS. COMCOWICH: One resource right now is actually the Maui County Planting Plan, which is unfortunately not followed as closely as it should be. It does give sizes for tree wells for instance. It gives ideas on drainage. It's a really good plan, so that is...it hasn't been adopted but it is available on the arborist website and can be referred to. And that is the other answer to your question is that is exactly what this plan is for, is addressing those kind of issues and seeing what we can improve.

VICE-CHAIR SINENCI: Does it also include like more porous types of pavement where water can seep through?

CHAIR JOHNSON: Ms. Comcowich.

MS. COMCOWICH: That may be one of the recommendations, yes.

VICE-CHAIR SINENCI: Okay, thank you.

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CHAIR JOHNSON: Okay. And Ms. Malina wanted to jump in to respond to that, Councilmember Sinenci.

MS. MALINA: Yeah, I just wanted to add on is, you know, there's rain gardens that they use in shopping centers that allow the water through filter through. There is...they take the curb around the planter around the tree so that the water soaks in. There's a lot of ways that we can work on this, and I would love to see that again in the future management plan. A lot of pressure Kim. No, I'm just teasing. But it's out there.

VICE-CHAIR SINENCI: Thank you, Chair.

CHAIR JOHNSON: Thank you. Okay. Councilmember Paltin.

COUNCILMEMBER PALTIN: I just wanted to insure that in your plan or legislation that it's cross referenced with the fire code about the five feet from structures, although, you know, all over the place it doesn't seem like that's being really enforced right now and especially to also work with Hawai'i Wildfire Management Organization, as well as our County parks, the War Memorial parking lot on that side they planted all the trees on the outside and that didn't help nothing. And then, if they were going to do the solar canopies, the time to put the wiring in would have been before they paved it. And then, just like, you know, I guess if you could address it, like all my...I mean not personal on my level, but, like, as an issue, like all my neighbors' wiliwili trees are like coming in close to my roof and my gutters, and it's how do you address that? Like, is it like what I have been doing is cutting them myself and doing all the work on their trees so that my house is safe. But I don't think that's the correct way like and then I don't think it's correct to like call enforcement on my neighbors either. But like how do you address people that use like wiliwili trees as a barrier between neighbors and then unless I'm the one that maintains it, all the rubbish ends up on my side, the fire hazard ends up on my side, and, like, how do we address those types of issues or like even widowmakers from your neighbor's tree on your side of the boundary line. Like I'm not sure if there is a way to address that, rather than being like a good neighbor?

CHAIR JOHNSON: Does anybody want to respond to that?

COUNCILMEMBER PALTIN: But those are something I'd like to have addressed in your plan.

MS. THAYER: Sure. Yes, thank you for the questions. First off, you know, when you're talking about the fire code and working with the Hawai'i Wildfire Management and Parks, one of the first steps in our planning process is to assess all the existing codes and regulations that are out there and, you know, what they say about trees and, you know, what the implications are of all of those and across the whole entire board, yes, to determine exactly what you're talking about and making sure the plan aligns with all of those and doesn't conflict in any way, shape or form because that's going to just make it hard to enforce in the end. And then, you know, addressing the overhangs and things, that's another part of our, you know, public outreach, is to understand what exactly those issues are . . .(timer sounds). . . that everybody is dealing with, and probably yes,

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it's going to have to have some degree of opening up conversations between neighbors. And I know what you're talking about at my own house. We have neighbors with big giant milo trees which are great, but they overhang our yard and then the milo sprouts come everywhere and then it makes problems. So I know exactly what you're talking about, and yes, the plan will figure out how to address that. Yep.

CHAIR JOHNSON: Great. Thank you for that.

COUNCILMEMBER PALTIN: More puakenikeneni trees.

MS. THAYER: Yes. Lei plants everywhere. I am in support. Yes.

CHAIR JOHNSON: All right. Okay, Councilmember Cook, you're up.

COUNCILMEMBER COOK: Thanks. I'll try and be brief. I wanted to say, replanting trees, you're looking like 30 to 50 years plus for some of these of these, ideally. And so, I would recommend that as we formulate policy and requirements we, as a community, provide the arborists is to be able for consultation for when it is time to trimming, et cetera. Potentially we give credits for people who, when they plant the trees, they do it appropriately. Too often what happens is people will not do adequate preparation in planting trees and the landscaping and therefore it doesn't perform well. If you auger a hole three feet deep—three feet in diameter, six feet deep, and you prep it all and you do it, you're going to have less roots going out and proportionately it's appropriate because the amount of time it's going to go in. But that would cost...they cost money, so I'm just proposing that part of the program is the County kōkua and collaborate with private owners because they're asking for them to do something that's generally for the public good. The other thing is the liability of falling branches. Sometimes I believe in parking lots, et cetera, that's why people will, like, really chop the hell out of them instead of being more conscientious, whether it's applicable or not, their perception. So, anyway, that's just...I think that the government participating over a long period of time, public-private partnerships, to enable this and encourage this would be worthwhile and we need more trees.

CHAIR JOHNSON: Thank you, Councilmember Cook. Okay, I think I want to first off appreciate everybody's time. Thank you so much for joining us today. We're going to switch out to the other item on the agenda, so once again thank you. Members, if there's no objections, Chair will defer this item.

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

**ACTION: DEFER pending further discussion.**

CHAIR JOHNSON: Okay. We're going to take a five-minute recess as we switch out all of the folks who are going to be speaking on this, so let's take a five-minute recess. The time is 11:38, we'll come back at 11:43...oh, well, okay, 11:44. . . .(gavel) . . .

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**RECESS:** 11:38 a.m.

**RECONVENE:** 11:50 a.m.

CHAIR JOHNSON: . . .*(gavel)*. . . Will the June 5th, 2025, meeting of the ADEPT Committee return to order, and we'll jump right into the agenda, Members. I just want to...I know it's 11:50, so maybe if you'll allow us to break for lunch at 12:30, if we could just get the ball rolling on this agenda items.

**BILL 75 (2025), AMENDING THE COMPREHENSIVE ZONING ORDINANCE  
ON AGRICULTURAL TOURISM (ADEPT-3)**

CHAIR JOHNSON: Okay. ADEPT-3, Bill 75 (2025), Amending the Comprehensive Zoning Ordinance on Agricultural Tourism. Members, Hawai'i Revised Statutes 205-5 supports farmers' efforts to increase their revenue by allowing agricultural tourism use on a working farm if a County adopts an ordinance setting forth procedures and requirements. Bill 75 establishes those provisions so that our farmers have more options to make their working farms viable, which will increase our food security and food sovereignty. This aligns with our countywide policy plan directives to promote the teaching of traditional practices and diversify the tourism industry. Members, the first time we discussed this matter, which was when we reviewed Resolution 24-172, A proposed Bill to Allow for Agricultural Tourism as an Accessory Use in the Agricultural Zoning District in this Committee on November 21st. It passed out of ADEPT with amendments and was referred to the Lāna'i, Maui, and Molokai Planning Commissions during the Council meeting on December 6th, 2024. The Bill 75, CD1 (2025) number four on Granicus in the correspondence from Corporation Counsel incorporates recommendations from the Planning Commissions and has been reviewed for form and legality. The Planning Department report on the Planning Commission's meetings regarding this legislation is also posted on Granicus. As many of you know, I am a farmer, and this bill was originally proposed by farmers from the ag working group. I want to thank them and the Department of Planning for their cooperation in helping us get to the language we see before us today. With that said, I would now like to turn it over to Mr. Pfof from the Department of Planning to share with us the recommendations from the Planning Commission and any opening remarks. Mr. Pfof.

MR. PFOF: Yes, thank you, Chair. I just have a really brief PowerPoint presentation that I'm going to do that really kind of gives a little bit of background and a summary of what has occurred since the last time you heard this bill both with the Department's comments to the Planning Commission what the Planning Commission did at time. Thank you. So, as the Chair mentioned the last time you heard this was back in November 21st, the ADEPT Committee and then it was forwarded to Council in which the Council then forwarded resolution to the Planning Commissions. The Planning Commissions heard this item in February of 2025. I've seen this slide before when I presented items on amendments to title or Title 19 especially the Agricultural District, and I just wanted again remind us that, you know, it's important when we look at zoning code and doing zoning code changes that we look at policy direction from the general

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plan, and within this slide I've mentioned a variety of policies that are within our general plan that encourage in the importance of retaining and encouraging agricultural resources in the County of Maui. And so, I just wanted to use those as just a base to remind ourselves of the importance of policy direction for agricultural resources. Additionally, the Title 19 agricultural district, our zoning district also includes within its purpose and intent also ideas about or phrases that talk about preserving and protecting agricultural resources and the importance of that. But not only do we have policies to talk about the importance of agricultural resources, we also have policies in our general plan that support farmers, and I've listed some of those within the...and these are also within your packet as well, so I'm not going to go into detail. But the importance of, for example, Objective 1.a, Developing regulations and programs to support opportunities for local merchants, farmers, and small businesses to sell their goods and services directly to the public. So things just as that also support farmers. And also, within the Maui Island Plan and community plans they also have policies to support our farmers. It's important whenever we do a Code amendment like this to balance those needs both between agricultural resources and protecting those, as well as looking at the needs of farmers, and you've heard a lot of testimony from farmers today about the needs of both of these bills that are before you and their needs that are important as well. As the Chair mentioned, State law allows for ag tourism to include an agricultural zoning district. State law indicates that it must be on a working farm, must be accessory or secondary to the principal ag use and not interfere with farming operations, as well as the County must adopt an ordinance to specify provisions. And hence that's why we're here today is to talk about those provisions for an ag tourism ordinance. The bill proposal would add a new section, accessory use, number 15, Agricultural Tourism on a Farm. It identifies specific uses that would be allowed as types of uses for agricultural tourism. I'm not going to go through those in detail, but it's all within the bill that's before you. Additionally, there are also regulatory requirements associated with how these ag tourism uses will operate. For example, the activities must occur on a farm, they must not interfere with principal activity of a farm, the farming operations, they have certain hours of operation they must comply with. If the farming operation seize for 60 days or longer, then the ag tourism must seize as well. The farm must have legal access to a highway. Off-street parking is required. There is actually a phrase within the...within the bill that says activities related to indigenous cultural conditions must not be misappropriated and must be practice with respect for the host cultures' intellectual property and traditional and ancestral knowledge. So those kind of regulatory requirements are actually built into the bill, and those requirements are also consistent with Hawai'i Revised Statutes as well. When the Department first reviewed this bill and was preparing its report to the Planning Commissions, we look at a bill and we analyze or address any potential issues that we see and present those to the Planning Commission and seek Planning Commission's comments so that we can reflect those and bring those back to the Council. The Department identified four relatively minor revisions related to this bill. The Department supports the bill in itself, the ag tourism bill, but identified some minor revisions that would recommend to the Planning Commission. The first one was to remove just a phrase regarding the restaurant is not permitted. The second one would be actually changing the parking requirements for ag tourism to actually make them a little bit more

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stringent as one parking space per two participants. Another minor revision, number three, was to deal with reference with regards to a gift shop and actually allow that to occur but allow it to occur through with what's required as a commercial ag structure. And then, finally a minor revision that we added or recommended to the Commission was recommending a registration process. So, currently, we have a registration process for our commercial ag structures, which is the next bill that we're going to be talking about. But we don't have any registration process that was built into this bill for ag tourism and the Department felt that a registration process would be beneficial for the farmer to make sure that the farmers are not going to proceed with an ag tourism activity that might not...that might violate some of these regulations, so we wanted to do a registration process. So those are the four recommendations that we had to the Commission. There were also two minor issues that we identified for and wanted to get Planning Commission comment. The first one was related to the phrase, which is in the bill, "Activities related to indigenous cultural traditions should not be misappropriated and should be practiced with respect for the host culture's intellectual property, including traditional ancestral knowledge". While the Department agrees with this statement and thinks it's a good statement to have, we just wanted to point out to the Commission that the Department would not be able to enforce this statement because of its subjectivity. So, we just wanted to point that out to get Commission's comment on that. 5(b) was a comment that we raised to the Commission in regarding to a specific activity, which is called activities related to traditional methods of voyaging or wayfinding, which referenced a location of celestial bodies to navigate, and these activities may operate after 6:00 p.m. and before 8:00 a.m. While the Department is not necessarily opposed to this activity, I simply desire to note to the Commission that it may be not necessarily related to the principal farm activities, so is that an issue or not an issue. We should raise that to the Commission. As the Chair mentioned, the Lānaʻi Planning Commission heard this item in February. They recommended approval to the proposed bill with the Department's recommendations that I mentioned one through four earlier. The Molokai Planning Commission reviewed this also in February and recommended approval, the proposed bill with the Department's recommendations one through four, but with exception to the island of Molokai, they did not want to have ag tourism on the island of Molokai. The Maui Planning Commission actually provided a lot more comment than the prior two commissions. They also recommended approval of the proposed bill with the Department's recommendations one through four regarding the issue...the two issues that I mentioned, issue 5(a) regarding activities related to indigenous cultural traditions, they merely wanted to change that from a should to a must so that those traditions must not be misappropriated and, must be, instead of should be, practiced with respect for the host culture's intellectual property, including traditional and ancestral knowledge. The Commission also recommended the County Council consult with the Department of ʻŌiwi resources as to this provision as well and see what kind of comments that the Council might receive from them. Regarding issue 5(b), the Commission, Maui Commission recommended changing that type of activity, so it just reads traditional or ancestral activities related to the location and movement of celestial and elemental bodies. They had some other minor...relatively minor comments which are shown in this slide and also addressed in your packet, I'm not sure I need to go into those into much detail. All of the Planning Commission's comments have incorporated

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into the bill that's before you and so with that, that concludes my presentation and I think the Department is supportive of the bill that's before you.

CHAIR JOHNSON: Thank you, Mr. Pfof. Now, we do have some more presenters, and I don't see any hands for clarifying questions, so I'd like to move forward. If you can stop sharing that, that would be wonderful. And let's go up to the Department of Agriculture for any opening remarks. Go ahead, Director Arce, thank you for joining us today.

MS. ARCE: Aloha and good morning. Chair, thank you for allowing Department of Agriculture to be here and good morning to Councilmembers in this Committee. The Department does support the bill as it stands. We do have one recommendation for subsection (2), subsection 19.30A.050 B.15.g.i to state agricultural products grown, raised, or produced for—on the working farm or farming operation or in Maui County instead of adding the term, Hawai'i. I think we feel like it's about time that farmers and ranchers have opportunity to add agri-business type activities to their operation. And if it's done in a conservative way and how the policies will dictate as it gets developed I think it's going to be a win situation for our farmers and ranchers. Thank you.

CHAIR JOHNSON: Thank you so much, Director Arce. We don't really have any clarifying questions for you at this time I don't...oh, we do have one from Councilmember Paltin. Go ahead.

COUNCILMEMBER PALTIN: So, I just wanted to clarify, you wanted to change it from Hawai'i to Maui, and that would be that agricultural products grown in other counties wouldn't satisfy the condition, or thing?

MS. ARCE: Yes, that's correct because we...we are here to support and uplift Maui County. I would prefer that we focus on our County so that we can support and sustain our producers. Therefore, doing that it'll align with the State eventually, and we'll set the bar and be the example for the rest of the counties. Thank you.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR JOHNSON: Okay, well, Director Arce, what...I have a...not necessarily a hypothetical, but it quite often happens, it's one island will have a blight, or an invasive, or something really bad. So if we are able to move, like, let's say, I don't want to pick on an island, but let's say for example, Kaua'i has a whole lot of, you know, beetles we don't want and we would just buy from O'ahu or, you know, something like that. Whereas within our County we're just limited to within our County. So, can you speak on that. Do you see where I'm coming from?

MR. ARCE: Sure. Thank you, Chair, for the question. Yes, that can be the case, but perhaps measures can be put in place such as requiring a certain percentage minimum from other counties but prioritize Maui County first.

CHAIR JOHNSON: Sure. I think naturally farmers prioritize Maui County first because it's

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more expensive to go outside of the County, but worst case scenario, if a blight came, but I hear where you're coming from, I just, you know, speaking to farmers they're going to go to where the cheaper produce are of course. All right. Thank you so much for your...your opening remarks, Director. Now, remember, Members, we have the Department 'Ōiwi Resources here, as well as Fire & Public Safety online, to answer any questions when we get to the posted ASF. For now, let's move on to public testimony just for ADEPT-3. So, at this time, if there's anyone wishing to testify on this item, please use the raise-your-hand function, and you'll be called upon to testify. Staff, do we have anyone wishing to testify?

**. . . BEGIN PUBLIC TESTIMONY FOR ADEPT-3 . . .**

MS. APO TAKAYAMA: Yes, Chair. We currently have seven individuals signed up to testify. The first is Sydney Smith, to be followed by Lauren Lipcon.

MS. SMITH: Aloha, Chair Johnson and Council. My name is Sydney Smith. My 'ohana and I own our farm below Makawao for over 40 years. We grow coffee, avocados, and tropical flowers. I'm also the Chair of the Ag Working Group and we worked on these two bills. I'm testifying today on behalf of myself, my ohana, and the Ag Working Group on Ag Tourism Bill number 75, and we all fully support this bill. We were assured under the previous two administrations that ag tourism conducted on a working farm was supported by the Planning Department, and we had no reason to doubt them when they readily offered registration forms in support for the activities. Both Director Will Spence and subsequent Director Michele McLean worked with the Ag Working Group on other bills and were supportive of agriculture. Under this Administration, many of our true-blue farmers and ranchers found out the hard way that policies could change upon a whim without any ordinance or administrative rule change. This bill will assure our citizen ag producers that they can augment their farm income with something supported and encouraged by HRS 205, the Hawai'i State Department of Agriculture, Maui County Department of Agriculture, the USDA, the University of Hawai'i, Go Farm Initiative, the Hawai'i Land Trust, the Countywide Policy Plan, the Maui Island Plan, and you, the County Council. Because every time the Ag Working Group has presented bills to the Council to increase the viability of our farms and ranches, it's been supported. Farming and ranching has never been more challenging than it is today. Climate change, invasive plants, insects, and animals, the current loss of federal support through aid from the USDA and other federal programs make it more important than ever to augment farm income. Implementation of tariffs will make supplies like tools, machinery, and inputs even more expensive than they were before. Passage of this bill alone won't solve those problems, but they are tools that can be utilized by a farm or ranch to ensure survivability in the days and years to come. I support all of Councilmember Paltin's amendments, except for the prohibition of evening activities. Planting by the light of the moon and by moon phase has been practiced by every civilization for thousands of years. Research bears out that for many crops, production is much higher for crops planted by the light of the moon. If the moon can affect our oceans, why would we doubt it affects our plants. We should be encouraging this generational knowledge to be passed down to those succeeding us. I'd like to thank the

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volunteers who work on the various planning commissions, Council Services, Councilmember Gabe Johnson and his hardworking staff who expedited these bills in efforts to help our farm . . .(timer sounds). . . and ranching families who have been adversely affected by zoning and enforcement's unwarranted policies.

CHAIR JOHNSON: Thank you, Ms. Smith. Any clarifying questions, Members? Okay. Seeing none. Oh, we do have one from Councilmember Paltin.

COUNCILMEMBER PALTIN: When you said Hawaiian Land Trust, were you referring to the Hawaiian island's land trust?

CHAIR JOHNSON: Ms. Smith.

MS. SMITH: Well, the website just said Hawai'i Land Trust and they have a whole section of ag tourism on there, so that's what I went by.

COUNCILMEMBER PALTIN: What is the website?

MS. SMITH: Hawai'i Land Trust.

COUNCILMEMBER PALTIN: Dot org?

MS. SMITH: Com, I would assume or org. I can send it to you.

COUNCILMEMBER PALTIN: Dot org? Okay. Thank you.

CHAIR JOHNSON: Thank you. Any other clarifying questions? Seeing none. Thank you so much for your testimony...oh, we do have one from Chair Lee.

COUNCILMEMBER LEE: Hi, Sydney.

MS. SMITH: Hi.

COUNCILMEMBER LEE: Hello. Do you have a comment on the recommendation of the Director of Ag with regard to where the products come from?

CHAIR JOHNSON: Ms. Smith.

MS. SMITH: Well, I kind of have the same opinion that Councilmember Johnson does. You know, for the most part people want to buy locally or grow it themselves because they don't have to pay for it. But like he said, sometimes a blight comes along and wipes out everything that you have. I do have a little bit of a problem with the ag tourism having to shut down after 60 days because like in the coffee business when the coffee berry borer came in we all had to prune our coffee down to nothing and it's not going to be back producing coffee in 60 days. You know, but you're still farming because you're still working with your orchard, but you may not be producing anything until your coffee

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trees return. So that's really the only issue that I had. But for the most part, the people that I know that are doing ag tourism...and I think that this is the ag tourism bill, not the food truck bill. But the ag tourism bill, if you're showing your visitor what you're growing, it needs to be growing there. You know, you're not going to be bringing in papayas from O'ahu and then show them papayas without having some trees there. I mean I think that's the whole point of ag tourism.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR JOHNSON: Thank you, Ms. Smith. Thank you, Chair. Okay. Thank you so much. Staff, will you call the next testifier, please?

MS. APO TAKAYAMA: Yes, Chair. The next testifier is Lauren Lipcon, to be followed by Robert Horcajo.

MS. LIPCON: Aloha, Chair Johnson and Committee Members. I really appreciate everything you're doing here to help farmers. Respectfully, a big piece is missing and that piece are safeguards to protect neighbors and community. My name is Lauren Lipcon. I'm the owner of Sacred Wailele Farm in Ha'ikū. We're a small fruit and flower farm rooted in native restoration and regenerative land care. I'm here today in great personal risk to speak the truth about what's been happening on ag lands in our community. I strongly oppose Bill 75 and Bill 76 unless they include specific enforceable safeguards to protect non-participating landowners, rural infrastructure, and sacred cultural sites, as well as neighbors and community. For two and a half years, I've endured serious harm from unregulated ag tourism, including tourists crossing my land by a restricted easement never meant for commercial use. I've borne the costs liability, traffic, property damage, legal fees, loss of peaceful enjoyment, all without consent. My privacy has been repeatedly violated. Strangers on my lawn, binoculars aimed at my dressing area, drones flown over my outdoor shower, an online map even directs tourists to trespass. I've had fruits stolen, clear ag theft, and ATVs packed with children and no seatbelts racing across my farm. My irrigation was destroyed. Privacy had just cut down and a mature canopy over sacred waterfall was illegally cleared to improve the view for illegal tours. The harassment has escalated. A knife in my tree, a dead rat in my mailbox, --

CHAIR JOHNSON: Ms. Lipcon, can I jump in here? We really want to hear opinion on the bill. The things you're discussing, not really the place for it. I don't want to get into neighbor disputes on things, so just --

MS. LIPCON: I fully respect what you're saying, and this has nothing to do with the neighbors dispute. What I'm describing here is what ag tourism looks like today. You're discussing a bill in regards to ag tourism, and I'm showing you what it already looks like and I'm going to be requesting a few specific guardrails be included so that you can address concerns like these so that this doesn't spread like wildfire onto neighboring farms. And it's important that you hear what's already been happening with tours.

CHAIR JOHNSON: Okay, that's the part that I don't want to hear about because it's...I don't

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want to get into any kind of lawsuits, or any kind of things, so --

MS. LIPCON: I'm not going to be talking about any lawsuits.

CHAIR JOHNSON: -- please just stick to what we're talking about today about the bill.

MS. LIPCON: Sure. I'm directly speaking about what ag tourism looks like currently. I've had an explosive device detonated in the proximity of my bedroom window. I've submitted photos to all of you to view what ag tourism currently looks like at my property. These are not abstract concerns. Someone could be seriously injured or killed. My fire protection system was intentionally disabled during peak wildfire season after I reported that farm dwellings meant for local families were being illegally used to host tourists. This is not agriculture, it's commercial tourism disguised as farming. I strongly oppose the amendment to remove the 20-foot road requirement. That standard exists for fire safety. If a fire truck can't access a property, neither should tour vans. Removing it puts lives at risk. I urge you to amend the bill to include the following safeguards. No commercial use of easements without written consent from all affected landowners. Require tour and food truck operators to use their own alternate access. Mandate fire and public safety review and keep the 20-foot road requirement. Forbid approval of ag tourism or food truck accessory uses for any parcel that has active County or State complaints, past enforcement actions, or unresolved violations. Preserve the special use permit process for all guest-based operations. Prohibit ag tourism and food trucks on lots with existing STRs. Please, don't pass this bill without these protections. There's a way forward, one that uplifts real farmers while protecting . . . *(timer sounds)* . . . neighboring farms. We must work together as a community to support one another and help agriculture thrive without destroying the lives of fellow farmers. Mahalo for your time and consideration.

CHAIR JOHNSON: Do we have any clarifying questions? Seeing none. Thank you once again for your testimony. Oh, we do have one from Councilmember Paltin.

COUNCILMEMBER PALTIN: I just wanted to clarify on the easement issue, it's not simply removing it, it's saying fire review because simply getting on to the property is not enough if they can't get to the area where the fire is. So I think...I just wanted to clarify if you understood that.

CHAIR JOHNSON: Ms. Lipcon.

MS. LIPCON: I don't follow your question. Would you mind asking me again? I'm asking for Fire review and a 20-foot-wide road is required so that if this does proceed, everybody's safe. That's what I'm asking for.

COUNCILMEMBER PALTIN: Okay, that's in my ASF...I mean my amendment. When that is being taken out, that's what's being put in instead, Fire review. So I just was wondering if you understood that because if Fire reviews it and they can't get in, then they won't approve it.

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CHAIR JOHNSON: Right.

MS. LIPCON: Okay.

COUNCILMEMBER PALTIN: If you take out the 20-footing, easement but put Fire review, then they're going to review it, and if they can't get to where they need to get to, based on the site plan, I just was wondering if you...it didn't sound like you understood that.

MS. LIPCON: I think I do. My understanding takes it a step further. My understanding is that modern fire safety code, which was only enacted in the last ten or so years, I don't have the year off the top of my head, so with the modern safety code, 20-foot roads are required as part of that. So, there's a lot of farms in the community that don't have 20-foot-wide roads, and the point that I'm making is that those types of farms, they don't have the infrastructure to sustain something like this. And perhaps that's something that they would need to put in so that everybody is safe. That's what I'm saying.

CHAIR JOHNSON: Okay. All right. Any other clarifying questions? Seeing none. Thank you for your time.

MS. LIPCON: Thank you.

CHAIR JOHNSON: Staff, will you call the next testifier, please.

MS. APO TAKAYAMA: Yes, Chair. The next testifier is Robert Horcajo, to be followed by Eve Hogan.

MR. R. HORCAJO: Hi. I guess it's good afternoon now. My name is Robert Horcajo. I'm a resident of Wailuku. I know you've heard me testify before this Committee on this bill, as well as the Commission. And so, I appreciate your time again. I did submit written testimony, so I'm not going to of course re-read it, but if you have any questions about what I've submitted, I'm here for hopefully good answers. I do want to talk, however, about one of the amendments that I saw. It has to do with the...with the site plan approval by the Fire Safety [sic] or Fire Prevention Bureau. I guess someone is going to explain to me and to us the source for this and what that actually means to the farmer. As previously mentioned, a lot of the farms as we know are in rural areas. Kula, of course, and there's a lot of farms in areas that do not even have a public water system, from Peahi out to Hāna, Waihe'e to Kahakuloa, you know, so I guess there has to be lot discussion, but what exactly is expected? If I was in the fire safety office, I'm going to expect that not just the roads be a minimum width, but there will be an actual turn around for a fire truck. If you know what that means, it's a big area. I'm going to want to know the closest fire hydrant and what's the capacity of that fire hydrant. I can tell you that most farmers are not going to be able to meet those standards. I mean, that's just the bottom line. The guys up in Hāna potentially got to build a 60,000-gallon water tank. These Fire Department's standards are standard if you're building a building. I've

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never seen it for any activities. The Planning Department in approving of even discretionary permits do not require it. None of the existing activities allowed on their open land recreation do not require it. So this is a big policy shift. I'm not saying it's bad, my only comment is that if you're going to really work at this, it should apply to everybody. It should be removed from this particular bill, come back with a new resolution bill, that it applies to all the activities within ag district to be fair to everybody. There's activities now that are more impactful than ag tourism. Even the old ones have zipline and bungy jumping and mountain biking and rodeo and these horse things all allow right now without a permit. So, for me it's a big policy shift, so let's look at it in a big view. That's my testimony. Thank you very much.

CHAIR JOHNSON: Thank you, Mr. Horcajo. Good to see you. Any clarifying questions from our testifier...or for our testifier? Seeing none, thank you once again for your testimony. Staff, will you call the next testifier please.

MS. APO TAKAYAMA: Yes, Chair, the next testifier is Eve Hogan, to be followed by Annette Niles.

MS. HOGAN: Aloha. Thank you so much. My name is Eve Hogan. My husband and I are the owners of the Sacred Garden, and I'm a member of the Ag Working Group. I'm testifying on my behalf and for all people who enjoy going to farms, learning about agriculture, and being steeped in nature and beauty. I'm testifying in favor of Ag Tourism Bill 75. As a reminder, we can do everything that these codes and laws seek to limit if we do it for free. It's only when we make money that the limitations are involved. If the Council truly wants to support agriculture, we have to have laws and codes that support making money on ag land. Otherwise, it's not affordable or feasible to farm and ranch. I do not agree with the amendment to impose the time limits of 8:00 a.m. to 6:00 p.m. Darkness automatically eliminates and self regulates 99 percent of the ag tourism possibilities. For the rare few that want to incorporate sunrise or sunset tours or full moon planting activities, this is a restriction that is unnecessarily prohibitive. At minimum, allow for sunset and full moon rise or the parents of stars for celestial activities. On ag land, our nearest neighbor is usually quite a distance away and the minimal sounds generated from watching the sunset or planting under a full moon are negligible. People are suffering from nature deficit disorder. Ag tourism teaches them the importance of being outside and in some cases that includes activities in the dark under the magnificence of the night sky. The Sacred Garden is a 10,000 square foot nursery, a free beautiful, inspirational destination on the island, open eight hours a day, approximately 362 days a year. We serve about 55 percent tourists and 45 percent locals. In 2024, we sold about \$60,000 in agriculture, which I was quite proud of. However, our employees cost \$107,000 last year, and I'm not on the payroll, I don't get paid. In plant sales, we compete with the box stores who use them as loss leaders for their sales and the tourists cannot buy plants. I turned my ag business into a non-profit so I could get donations and seek grants. Ag tourism classes, garden walks and tours, and the sale of other items are essential to providing this service to our community, especially if ag is outlawed in neighborhoods like Kai said. Like, people have to have a place to go to connect in nature. Thank you for your...excuse me. Thank you for your support and

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consideration of this bill.

CHAIR JOHNSON: Thank you, Ms. Hogan. Let's see if we have any clarifying questions. Seeing none, thank you once again for your testimony. I appreciate it. Staff, will you call the next testifier please.

MS. APO TAKAYAMA: Chair, next testifier is Annette Niles, to be followed by Thomas Russo.

MS. NILES: Hi. My name is Annette Niles. I'm a rancher, farmer, and a mamaki tea grower of over 30 years. I want to thank Councilman Johnson and his staff for working so hard in helping us. And I'm also on the Ag Working Group, that work really hard to get this going because our farmers and our ranchers really need this ag tourism bill. You know, I go back, and I had kids from Kamehameha School come on the farm to learn their culture for the mamaki. Until today, I see those kids come up to me and say thank you, Auntie. Thank you so much for what you had teach us, okay? This is our culture and we need to put it out there to our community, you know, and on the ranch, you know, taking them on tours and stuff like that. So I really really hope that we can really get this ag tourism bill passed. Thank you very much.

CHAIR JOHNSON: Thank you so much, Ms. Niles. Members, any clarifying questions for our testifier? Seeing none, thank you so much for what you do. Mahalo.

MS. NILES: Thank you.

CHAIR JOHNSON: Staff, will you call the next testifier please.

MS. APO TAKAYAMA: Yes, Chair, the next testifier is Thomas Russo, to be followed by Kainoa Horcajo.

MR. RUSSO: Mahalo, Chair. Thanks for putting the bill together to support farmers. I appreciate it. I do oppose the bill, though, unless there's strong safeguards to prevent abuse. As a former local news publisher and a current tour operator for Maui Forge Blacksmith School for both locals and visitors, through my own time I spent a generation raising awareness of the struggles farmers face. I spent decades introducing my readers to farmers in our community, farm-to-table offerings, and pushing to increase local food security. I published countless articles, features and cover stories promoting local farmers...real farmers, not farmers that need excuses to say I can't plant for this reason or that reason, the farmers that are actually producing. And we know the abuse that takes place on ag land. Loopholes, gentleman's estates, I mean, look at the Launiupoko neighborhood. That's not ag, right? And, you know, the way these areas have skirted development and moved ag...created ag neighborhoods. You know, you build a house, your main house, your ohana and you divide it also, and you get this density that wasn't expected. We know there are loopholes. In fact, when that neighborhood was being built, we had the acting Planning Director taking advantage of the loopholes he was appointed to regulate. So, we know that there's monkey business that goes on. Maui continues to let the fox guard the henhouse. When you have the farmer putting together

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the group, introducing the legislation...when, you know, you've got to look a little deep here...look a little deeper here sometimes. My record of supporting farmers is crystal clear, but these two bills don't have the necessary guardrails. If they don't have the necessary guardrails, abuse will be rampant. It always is. Maui Green & Beautiful, mahalo for what you guys do. That was pretty incredible, and, you know, you made a big point of cutting down trees and, you know, the care that is needed and, you know, we had testimony of a farmer cutting down and destroying trees just a minute ago, and you know, a real farmer wouldn't do that. So, I ask that we really take a look and make sure that the guardrails are in place that people who say they're farming are farming, that they're not just running Airbnb's on illegal land. So, that's my testimony.

CHAIR JOHNSON: Okay. Thank you, Mr. Russo. Members, we have a clarifying question from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Russo, for your testimony. I was wondering if you could clarify, like, the types of guardrails that you wanted to see and if you did see my amendment summary form and if those guardrails...if you didn't see it or if you did see it and you thought those guardrails did not satisfy your requests.

CHAIR JOHNSON: Mr. Russo.

MR. RUSSO: I actually didn't see it. But the guardrails that I'm interested in are, you know, real farmers. I mean, we're here to support real farmers, but there's plenty of non-real farming that takes place on ag land. And there's so much ag land, so much land on this island is designated as ag and to open this floodgates up to all the commercial activity across all this ag land. You know, the Planning was talking about the different requirements, and if those are in there, then that's great, but what's the enforcement on it, you know. And, you know, how much do you need to be producing annually. Does your income need to be coming from tours and Airbnb or is it going to be coming from the produce that you sell? So, that's, you know, I think it really comes down to taking care of the farmers. This is why we're here. We're not here to push people's activities and their short-term rental accommodations.

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: So to clarify, you didn't read the amendment summary form, but did you read the bill?

MR. RUSSO: I did read the bill. Yeah.

COUNCILMEMBER PALTIN: Okay. I think that concludes my clarifying questions. Thank you.

CHAIR JOHNSON: Thank you, Councilmember Paltin. Thank you, Mr. Russo for your testimony. I don't see any other hands raised for clarifying questions, so thank you once again. I appreciate you.

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MR. RUSSO: I appreciate it.

CHAIR JOHNSON: Staff, do we have any more testifiers?

MS. APO TAKAYAMA: Yes, Chair. We have two more testifiers.

CHAIR JOHNSON: Okay.

MS. APO TAKAYAMA: Kainoa Horcajo, to be followed by Olena Alec.

MR. K. HORCAJO: Good afternoon, Chair, Councilmembers, Committee Members. Thank you for having us here. County Staff, thank you. I'm here to testify...my name is Kainoa Horcajo. I'm here representing our family farm, Mahina Farms Maui up in 'Iao Valley. I want to thank all the people that have shown up to testify and also anyone that's farming. I have some very specific issues specifically about Bill 75 and it's this, we need this bill because it brings us into parity with the State. Regardless of whether we think so or not for decades, Maui has been based upon, whether it's visitor-tourism perspective or internal kama'aina prosperity, as Mayor Bissen campaigned on, we promote ag tourism. The way our current County law is written, I can give you a farm tour, but don't touch that flower. I can show you the taro, but don't pick the leaf. I can point out the papa ku'i 'ai and the pōhaku ku'i 'ai, but I cannot pound it and a tourist, even if they're from across the street, the next driveway over, a Kamehameha Schools group that comes up, cannot participate. That makes no sense. You can look at the flower, but you can't make the lei. Any participation is illegal, right? So what that means is that the County itself through its OED and CPAP grants, giving money to farms, is giving money to illegally operating agricultural tourism. The things that we promote through Maui Visitors Bureau, HVCB, we're promoting places that are operating technically illegally. It's not that we need to go and punish those places, because we all know it's a complaint-driven thing. What we need to do is bring our County laws into alignment with the State law to allow us to do what we want to do. I think a lot of our old timers have made great points about...and people about the threats of over-commercialization and over-tourism. We all understand that. What we also have to recognize is that property values, land values, cost of living is expensive. It's not what it used to be decades ago. So, in order for the kama'aina families to remain on the land and to farm, they need value-added products and they need the ability to offer other products, services, and things like tours that Bill 75 will just help bring us into alignment with. The County itself promotes a lot of these activities that go on on County farms. And so, this bill just allows us to bring into alignment. We need the safeguards. I want to thank Mr. Pfost for his commentary about the safeguards put in place because like anything else if we have issues we can still file RFS's and it's a complaint-driven system, right? So, that's my testimony. Thank you, guys.

CHAIR JOHNSON: Thank you, Mr. Horcajo. Let's see if we have any clarifying questions from our Members. I don't see any, but thank you so much for your testimony. I appreciate you.

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MR. K. HORCAJO: Thank you.

CHAIR JOHNSON: Staff, will you call the next testifier.

MS. APO TAKAYAMA: Chair, the next testifier is Olena Alec and currently Olena is our last testifier.

MS. ALEC: Aloha. My brother just did a great job, so I actually wasn't planning on testifying, but I just wanted to kind of add in two points. One, to the Department of Agriculture director. I absolutely agree with that amendment. This bill is about ag tours. As Sydney said, you're not going to host an ag tour if you're not growing the produce and so that, you know, that addition is smart and absolutely should be in there. And then the...my kind of second concern or question is around the registration process with the Planning Department. We all know, we've seen, and we've kind of heard through this testimony, through this discussion, that it sometimes just depends on who you're talking to at the Planning Department what answer you're going to get back. And so, ensuring that the registration process is clear cut and straightforward and that farmers are made aware of this. And we all know if you Google farm tours on Maui, every single one is going to celebrate the picking of produce and the tasting of those crops, which is technically not allowed. And so, just making sure that the kind of the education piece is brought in and it's not an onerous process because farming is hard and it takes time. And so, you know, while I generally am resistant to adding on extra registration processes, for example, we could apparently start a rodeo with, you know, no registration, but if we want to host someone to pound pa'i'ai, we do need a registration. So I think it's back to that question of what is the larger scope and the larger picture and making sure that it is in alignment and that we are focusing on, you know, our...the prosperity of our island, our County, and our farmers who are making all of our food. So, thank you. That's all I have.

CHAIR JOHNSON: Thank you for your testimony. Members, any...oh, we do have a clarifying question from Councilmember Paltin.

MS. ALEC: Yes.

COUNCILMEMBER PALTIN: Thank you, Ms. Alec?

MS. ALEC: Mm-hmm.

COUNCILMEMBER PALTIN: I guess you bring up a point that was...I wanted to clarify. You know, I suggested the prohibition of nighttime ones and it was predicated on what exactly you said, like if you ku'i pa'i'ai, if you imu or kalua pig, if you grow sweet potato and all of those things, at what point does it become a commercial lū'au at night, and is that what we're talking about.

MS. ALEC: I didn't mention anything about nighttime usage, so I just want to make sure that

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I'm answering your question. I mean I guess it's a good question.

COUNCILMEMBER PALTIN: . . .*(inaudible)*. . . amendment, but yeah. Like, I mean, that's why I made that amendment is like, you know, I imagine people like utilizing the native Hawaiian farming calendar and then, you know, like you said, part of it is tasting what is produced on the farm, which during the daylight tour to me is ag tourism, but at night when you set up a table and everything then it becomes a commercial lū'au.

MS. ALEC: Oh, yeah, and I think that's absolutely correct, and that's not what this bill is, right? Like, if you have a farm-to-table event, if you have a dinner, if you have a wedding, if you have a lū'au, then you have to get a conditional use permit. That's not what this bill is as far as I'm aware.

COUNCILMEMBER PALTIN: Okay, just wanted to clarify. Thank you.

MS. ALEC: Yeah, no, I mean absolutely, I think it's, you know, as someone mentioned earlier, you can do all of these things for free, and we've had lots of field trips, and all the, you know, weeks before Merrie Monarch we have so many hālau coming through and gathering, we have lots of natives, all of our, you know, palapalai, et cetera, and that's amazing. We just had Kaunoa Senior Services come in, they collected so, so many ti. And again, we love to do that, that's amazing. That's the dream, but we also need to make some money, so figuring out how to balance all that we want to do, and we hope to do for our community alongside some ag tours where someone else could pick a ti leaf would be great.

CHAIR JOHNSON: Okay, great. Thank you so much for your testimony once again. Okay, do we have any other testifiers? We're all done? Okay. Let's see. So, Members, seeing no more individuals wishing to testify, I will now close public testimony for this item.

COUNCILMEMBERS: No objections.

**. . . END PUBLIC TESTIMONY FOR ADEPT-3 . . .**

CHAIR JOHNSON: And you know how it goes. We either get a one Member's discussion and we can take a lunch break, so I'm just going to jump to Councilmember Sinenci as I get there. So, ADEPT-3, Bill 75 (2025), Amending the Comprehensive Zoning Ordinance on Agricultural Tourism. Since we have discussed this topic at length previously in the Committee, I would like to be in deliberations with a motion on the floor. I will then ask for a motion to substitute Bill 75 (2025) with CD1 version and then take up questions for the substituted bill. This bill is incorporated in the Planning Commission's recommendations. Councilmember Paltin's amendments and any other proposals from the Members will be taken up on the second round and when the questions have been exhausted. So I think what we'll do is just have a little bit of discussion for right now. So how about we do Vice-Chair Sinenci and then we'll take our lunch break. Is everybody okay with that? Okay, Councilmember Sinenci.

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VICE-CHAIR SINENCI: Mahalo, Chair. And we heard from some several testifiers this morning from East Maui. And so, for Mr. Pfof, has Bill 75 been sent to the Hāna Advisory Committee for discussion?

MR. PFOF: Mahalo for the question. No, it was not. It was pointed out to the Planning Commission, Maui Planning Commission that it was requested to have this be reviewed by the Hāna Advisory Committee. The Maui Planning Commission did discuss it at their meeting, but realized in looking at the time that we're under in regards to the Charter on trying to get this bill reviewed and quorum issues that they decided...that there were some speakers at the Maui Planning Commission and they recommended that speakers from Hāna attend the Council meeting today to speak on this bill and they did not forward that to the Hāna Advisory Committee.

VICE-CHAIR SINENCI: So, Mr. Pfof, my understanding is if there are any zoning types of bills, is that not required to go to...you know, forget about all the timing issues and all these others, but if there is any zoning like this type of bills, doesn't it have to be heard?

CHAIR JOHNSON: Mr. Pfof.

VICE-CHAIR SINENCI: To the Hāna community...Hāna Advisory Committee?

MR. PFOF: Thank you. Thank you for the question. That's not my understanding. My understanding, at least for this particular...at least legislation matter...legislative matters is it the...it's up to the Planning Commission on whether or not it decides to send something, because this the Hāna Advisory Committee, to the Planning Commission. So I'm not sure...I'm not clear on that, Councilmember, whether or not, for example, zone changes or other development projects that may be occurring in Hāna. I'm not familiar with that and that may be required. But as far as I'm aware, legislative matters are not required to, but I could be wrong and perhaps Corp. Counsel can opine upon that.

VICE-CHAIR SINENCI: Chair, is Corp. Counsel available to answer that?

CHAIR JOHNSON: Yes. Corp. Counsel, would you like to respond?

MR. NELSON: Sure. Let's see. My understanding is also that the changes or amendments proposed to the zoning ordinance require review by all three planning commissions, but that there is not a specific requirement that a zoning code change that would affect Hāna be sent to the...be sent by Maui Planning Commission to the Hāna Advisory Commission [*sic*]. I'll confirm that point during our lunch break, but that is my understanding. Thanks.

CHAIR JOHNSON: Let's take a lunch break. I know folks have some questions. I don't want to get into the weeds and then come back and refresh everyone's memory. So, why don't we take a lunch break until 1:30. Okay, Members? Sound good? And okay. So, it's 12:41, we'll come back at 1:30. The ADEPT Committee is now in recess. . . .(*gavel*). . .

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**RECESS:** 12:41 p.m.

**RECONVENE:** 1:41 p.m.

CHAIR JOHNSON: . . .*(gavel)*. . . Aloha, everyone. Welcome back to the ADEPT Committee of 6-5-2025. The time is now 1:41. Members, I'm sorry we had a bit of a lush lunch, but I'm glad we're all back and hopefully our bellies are full, and our brains are ready. I'd like to begin this afternoon's deliberations with a motion on the floor. I will then ask for a motion to substitute Bill 75 (2025) with the CD1 version and then take up questions for the substitute bill. This bill has been incorporated to the Planning Commission recommendations, and then Councilmember Paltin's amendments and any other proposals from the Members will be taken in the second round when all our questions have been exhausted. Okay. So now the Chair will call...Chair will entertain a motion to recommend passage of Bill 75 (2025) upon first reading, including any non-substantive revisions.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR JOHNSON: Okay. Moved by Councilmember Cook, seconded by Councilmember Sugimura. And then we're going to jump into the amendments. So Members, the Chair would like to entertain a motion for amendment to substitute Bill 75 (2025) . . .*(inaudible)*. . . Bill 75, CD1 (2025), transmitted from Corporation Counsel.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR JOHNSON: Moved by...okay. Same, moved by Councilmember Tom Cook, seconded by Councilmember Sugimura. And now we can get into discussion, Members, with the ones. I want to welcome back or actually, welcome, Councilmember Keani Rawlins-Fernandez. She has joined us today, and I didn't see you on the camera. Are you getting on there, but...

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm still working on it.

CHAIR JOHNSON: Go for it. Welcome.

COUNCILMEMBER RAWLINS-FERNANDEZ: Momentarily. Yeah, aloha. Nice to be with you all in-person. Mahalo, Chair.

CHAIR JOHNSON: Welcome, welcome.

COUNCILMEMBER PALTIN: Chair, point of information, is your CD1 version number four or

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number three?

CHAIR JOHNSON: That is correct, number four. I'll double check that, but I'm 99 percent sure it is number four. Is that correct? Yeah, okay. It is number four. So we had Vice-Chair Sinenci speak on the first question and if you don't...or the first round, and we're going to move on and, but of course, we have second round of course if you want to add more, Councilmember Sinenci. So, the order will go down and I'll just say the order for everybody so you...we can just down. It'll be Committee Member Nohelani U'u-Hodgins, Committee Member Tom Cook, Council Chair Alice Lee, Committee Member Tamara Paltin, Council Vice-Chair Yuki Lei Sugimura, myself, and then of course we're going to have Councilmember Rawlins-Fernandez join us for discussion as well. So let's move to Committee Member Nohelani U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Before we went to lunch, maybe you can correct me if I'm wrong, were we going to confirm with Corp. Counsel that this did not need to go to the Hāna Advisory Committee. I know he said so, and then we went to lunch, because you were going to have it on top of mind.

CHAIR JOHNSON: Right. Corporation Counsel, would you like to speak to that?

MR. NELSON: Sure. Yes, I can confirm that point. Let's see. I don't have the County Code citation handy but --

CHAIR JOHNSON: Can you move the mic a little closer? You folks can hear online, right? Okay.

MR. NELSON: Oh, sure. It is 2.28.050 that confirms that point. And then also in just discussing with Planning, I understand that projects that are reviewed by Maui Planning Commission that are in Hāna are, as a matter of policy, typically sent to the Hāna Advisory Commission. And then this is a different scenario in that it's a bill affecting the zoning code. Thank you.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you. Thanks, Chair. My next question is for Planning, for Mr. Pfof. If...can you please describe the registration process on page 5 of the bill, at the bottom, H. So is that going to be the registration process is that done like a permit. Are they letting you know they're doing it or are they letting you know they want to do it and then you give the okay? How is that going to work?

CHAIR JOHNSON: Mr. Pfof.

MR. PFOF: Yes, thank you for the question. The registration process that's proposed here is for the most part exactly like the registration process that we already do for commercial agriculture structures. So when a farmer wants to do something in...which is going to be discussed at the next agenda item. When a farmer wants to do things such as a commercial retail structure or a stand or a food establishment, they also need to register with the Department, and we've just mirrored that same process here. The process is

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fairly straightforward, it's a manner of...we'll have a form, they'll need to fill out the form, there's no fee associated with it, it's not a permit, we just maintain the registration form, and the idea or the purpose is just to make sure that they understand all the rules and regulations for the ag tourism. I know with Councilmember Paltin's amendments, I think there is some changes to that, but that's how it's worded correctly right now.

COUNCILMEMBER U'U-HODGINS: Okay, thank you. And then can you clarify what it means to have...where is it...legal access to a public highway. So, like, I live in Olinda, right, and then I have my private driveway, and then we have our County road, and further down the road then we have a highway . . .*(timer sounds)*. . . so it maybe takes me five minutes to get to a highway. How would you describe access through a public highway?

CHAIR JOHNSON: Mr. Pfof.

MR. PFOF: Thank you. Legal access is basically meant to be by a legal means, which could include any type of easements or multiple easements to get to your property. So that would be a legal access to a public highway as well, if that helps to answer that question.

COUNCILMEMBER U'U-HODGINS: Yes, thank you. I just in my brain think maybe it's like a direct thing that you don't have to-- right off the highway but thank you for clarifying that.

CHAIR JOHNSON: Okay. Thank you, Councilmember. Let's move on to Councilmember Tom Cook.

COUNCILMEMBER COOK: I don't have any questions right now.

CHAIR JOHNSON: Okay. Chair Lee is excused for now, so we'll move on to Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you. I wanted to start with one of the points brought up by Mr. Russo to Director Arce. I think that he said that income from farms should be greater than the income from tourism, and I was wondering if you could elaborate on your thoughts on that.

CHAIR JOHNSON: Director Arce.

MS. ARCE: Thank you, Councilmember Paltin. I don't have a comment on that. We've not discussed that internally. I recall seeing a dollar figure of \$35,000 as the income for the farmer. I don't know if that helps--

COUNCILMEMBER PALTIN: Okay.

MS. ARCE: --but yeah. Thank you.

COUNCILMEMBER PALTIN: And Mr. Pfof, did you have any comment on that?

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CHAIR JOHNSON: Mr. Pfof.

MR. PFOST: I'm not sure I have a comment, necessarily, but I think early on in my presentation, noting the importance from general plan policy to insure we retain and encourage agricultural use, that it would seem that the agricultural use should be the prime product in an agricultural zone, so and that they...perhaps the ag tourism or later on when we get into a mobile food truck would, like, be supplemental income for a farmer.

CHAIR JOHNSON: Right.

MR. PFOST: That's what I would...that would be my only comment on it.

CHAIR JOHNSON: I just...let me add to that, Councilmember Paltin, if you don't mind jumping out, I'll pause your time. If you don't mind pausing the time.

COUNCILMEMBER PALTIN: Okay.

CHAIR JOHNSON: But, you know, of the --

COUNCILMEMBER PALTIN: As long as you pause my time, talk all you like.

CHAIR JOHNSON: So, you know, one of our farmers on Lāna'i, she tells me that if she...if, you know, they do the math, one farm tour is equal to one month of a particular crop. So it's...it helps subsidizes them. You know, yeah, she takes the time off and does, like, an eight-hour tour, or couple-hour tour, or whatever, but it helps them subsidize. You know, sometimes we have a bumper crop and the money is good, sometimes the crops are just okay. But...so I think it's just a way like what Mr. Pfof was saying, it's to help subsidy. But, okay I just wanted to throw that in there from a real experience, farmer's story. Go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Okay. With Director Arce, I just wanted to clarify, you saw the \$35,000 in the bill...this bill?

MS. ARCE: I saw...I believe I saw it...maybe it was in the bill. I can't determine if that was true, or maybe it was in the material that we were...that was attached to the agenda in the responses from Planning, maybe.

COUNCILMEMBER PALTIN: So, like what do you consider...like, I mean, to Mr. Russo's point, what would you consider to be like a real farmer or a fake farmer, or a gentleman estate, like how would that be differentiated legislatively?

MS. ARCE: Well, to me you can tell a fake farmer if they're just on ag land and they're not really cultivating crops, even if they have fruit trees that is a long-term crop. I believe that they should be...farming should be something that they're gaining income from and

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whether it's a supplemental income or addition to their full time. And every operation will be different, but I'm pretty sure that we all can identify the gentleman farmers who, you know --

COUNCILMEMBER PALTIN: So, like by supplemental . . .*(echoing in background)*. . . .*(timer sounds)*. . . equal too are less than. Like, the money generated from tourism or that would be equal to or less than?

MS. ARCE: I don't want to say a number, but I think that the agri tourism money that is gained, the income is supplemental to their current production operation under crops or animals, whatever they're producing...their primary operation.

COUNCILMEMBER PALTIN: . . .*(timer sounds)*. . . Like, on an annual basis?

MS. ARCE: I don't want to say...answer that because I'm not an expert in the financial part, but they do have to turn in a Schedule F of their, you know, of their annual income. And I know that some programs with USDA does require them to meet certain income criteria in order to get funding or cost share programs with the USDA, so maybe that could be a guideline so that there's no, you know, so that farmers can not be confused at what is the income limit that determines, you know, their annual...like what to shoot for.

COUNCILMEMBER PALTIN: Schedule F.

CHAIR JOHNSON: Yeah.

MS. ARCE: Yeah. Stay consistent and not create any more rules and barriers.

COUNCILMEMBER PALTIN: Thank you.

CHAIR JOHNSON: Okay. If you guys remember back when we did the farm labor house that was at \$35,000 and the bona fide farm definition was in there. That was in...that's in the Code. But, yeah, this...I just wanted to add that point of information. So, okay. Let's move on to Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So I don't know if this may be Planning, but it says under enforcement, refresh my memory of what isn't...enforcement of this chapter is in accordance to Chapter 19.530, so what isn't...that's always the hardest thing I think whenever we establish laws. So, what is going to happen?

CHAIR JOHNSON: Mr. Pfof.

MR. PFOF: Thank you for the question. Yeah, enforcement that is the reference to the Code section is our enforcement section and it basically outlines the process in regards to how we go about enforcement. As you are aware, enforcement basically is on a complaint basis right now. And so, if we receive a complaint we would go investigate it

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and if they are violating any of these provisions or anything like that or violating the agreement or the...I forgot the...the registration form, the registration that they signed up said that they were going to do, then we can pursue enforcement activity.

COUNCILMEMBER SUGIMURA: Always difficult. And then having Director Molitau here for the archaeological indigenous cultural traditions. So I wonder how...or is there going to be a list of what is okay and what is not okay, and because it's such a specialty I think and I'm so glad that you are here to add some depth to that?

CHAIR JOHNSON: Director Molitau.

MR. MOLITAU: Mahalo, Chair. Mahalo, Councilmember Sugimura for the question. I will answer the question from my cultural takeaway and my cultural hat. And I will preface this by saying, when we look at mahi'ai, the term mahi'ai, it is a person that cultivates crop for food production, and in the time of our kūpuna that would be for food production for family to survive, not necessarily for monetary consumption. We come into this particular time frame where we use the term farmers in agriculture, and that now comes into this whole monetary system. That doesn't necessarily equate to the term mahi'ai. That doesn't equate to the cultural relevancy of that either. And so, when I look at what is culturally appropriate to agri tourism, it plays with this cultural dilemma of what is appropriate and misappropriate to the aina, to those that are just benefitting monetarily from that, and those that are actually cultivating crop for food production to feed and sustain 'ohana. And so, those are some of the dilemmas that I sit with today and when I share the terms . . .*(timer sounds)*. . . of agri tourism and what is culturally appropriate for that and especially when we know that you can go plant food at night, you can go and do those things that you need to do at night, but once you start charging admission for that, then that's not necessarily the concept of one ku'u nō 'ike Hawaii. That is one concept to go ahead and benefit monetarily. So it's a whole different concept when we're looking at utilizing traditional moon phases to be able to say, okay, this is appropriate for me to do, but then bring in a whole bunch of, you know, folks from 'āina 'ē and then they benefit from that as well, or the company benefits from their being there. So, those are kinds of things that I hope to be able to lend to the conversation. And it's a difficult one, but I think it needs at least to be said that the cultural intellect of our kūpuna needs to be understood so that we don't misinterpret how to benefit from this for monetary gain.

COUNCILMEMBER SUGIMURA: Wow, that's a whole another discussion, but I have to think more of it. I want to include some of that in this if possible. Thank you.

CHAIR JOHNSON: Yeah. Thank you.

MR. MOLITAU: Mahalo.

CHAIR JOHNSON: Let's move to Chair Lee.

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CHAIR JOHNSON: Okay. I don't have any at this time myself, so let's move on to Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair and mahalo for inviting Department of 'Oiwī Resources to be with us.

CHAIR JOHNSON: Certainly.

COUNCILMEMBER RAWLINS-FERNANDEZ: I do have a question on page 5 of the bill and that is Section G, subsection (5), activities related to indigenous cultural practices must not be misappropriated and must be practiced with respect for the host's culture's intellectual property and traditional and ancestral knowledge. While the word "host" is a pretty accurate depiction of the tourism industry as it relates to kānaka maoli, I generally avoid using the word host because it describes us in terms of economy and how our people relate to or are used by industries for the purpose of monetary gain. So I would like to remove the word "host". There in subsection (1) or (i), native Hawaiian agricultural practices is used there and then in section (5), activities related to indigenous cultural traditions. I guess I mean, you know, I'm a fan of consistency, Chair. I'd like to chose one and I see it is native Hawaiian with small "n" but is there a recommendation from the Department if it would be good to use native, indigenous, kānaka maoli, definitely not "host".

CHAIR JOHNSON: Mr. Pfof, do you have --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, no I am asking Department of 'Oiwī Resources.

CHAIR JOHNSON: Oh, I'm sorry, wrong Department. My mistake.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR JOHNSON: Director Molitau.

MR. MOLITAU: Hi. Mahalo, Chair. Mahalo, Councilmember Rawlins-Fernandez. I would term the thought indigenous culture.

CHAIR JOHNSON: Indigenous culture.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I think that's all I have. Is Member Sinenci on? Okay. Did Member Sinenci have a turn to ask questions?

CHAIR JOHNSON: He did. He started first before lunch.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I see. Okay, so did we have the discussion about...okay, so Molokai is not included in this --

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CHAIR JOHNSON: That's true.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- by choice. I did hear in testimony that Ms. Lind is requesting the same for Hāna. Was that discussion had before I joined the Committee?

CHAIR JOHNSON: The discussion before was about trying to fit in the Hāna Advisory Committee to have that discussion and that's where...that's where Councilmember Sinenci's discussion was. So when we get to second round if he wants to add more to that...certainly, you know, but that's where he began and ended.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, Chair, after we've asked or exhausted all of our questions, is the intention, then, to entertain further motions to amend, so would Member Sinenci --

CHAIR JOHNSON: Certainly.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- then offer a motion to consider the request from the Hāna testifier?

CHAIR JOHNSON: Yeah, I don't...is...yeah, I think what we're going to do is Councilmember Paltin's amendment, and then after that if there's any other amendments by any other Councilmembers have at it, we'll discuss it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, great.

CHAIR JOHNSON: And we'll go from there.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, for that instruction and clarification.

CHAIR JOHNSON: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: I think that's all the questions that I have.

CHAIR JOHNSON: Okay. All right. So...so I'm just going to call for the question as a substituted bill. So all those in favor, say...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair.

CHAIR JOHNSON: Oh, yeah, go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Were you going to entertain any more motions because I know we're not using Robert's Rules, but generally you would make the amendments before you vote on the substitution. But we're doing Rosenberg, so I know Rosenberg you can do whatever.

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CHAIR JOHNSON: We...we're on the amendment...we did the substitution and then now we're going to go into the amendment.

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Paltin's amendments to --

CHAIR JOHNSON: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- to the substituted bill.

CHAIR JOHNSON: Yes, exactly.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo.

CHAIR JOHNSON: So, after we vote for this amendment, I'm just going to turn it over to Councilmember Paltin and then we can go from there, yeah.

MS. APO TAKAYAMA: Chair.

CHAIR JOHNSON: Yes.

MS. APO TAKAYAMA: I'm sorry. So, the bill that we...if you do the substitution that is like it encompasses...I think what Councilmember Rawlins-Fernandez is trying to get at is all the amendments would be on top of the substituted bill.

CHAIR JOHNSON: Okay.

MS. APO TAKAYAMA: So before voting on the substitution you should take all the amendments and then --

CHAIR JOHNSON: Let's do amendments first?

MS. APO TAKAYAMA: Yeah.

CHAIR JOHNSON: Okay. Let's do that. Okay. I keep looking at Councilmember Paltin's desk, so Councilmember Paltin, go ahead. The floor is yours.

COUNCILMEMBER PALTIN: Introduce my amendment?

CHAIR JOHNSON: Yes.

COUNCILMEMBER PALTIN: Okay. I think it's...is it number five on Granicus?

CHAIR JOHNSON: Okay, let me pull that up.

COUNCILMEMBER PALTIN: Oh, sorry, number two. Number two on Granicus.

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CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: Okay. So I move to...is it amend the CD1 version with the posted amendment summary form. Is that the right words?

CHAIR JOHNSON: Okay. That amendment is moved by Councilmember Paltin. Do we have a second?

COUNCILMEMBER LEE: Second.

CHAIR JOHNSON: We have a second from Chair Lee.

COUNCILMEMBER PALTIN: Oh, I move to amend Section 2 of Bill 75 (2025) by amending Section 19.30A.040, subsection (b), as follows: Amend proposed paragraph 15(c) to instead read "Agricultural tourism activities may only operate between 8:00 a.m. and 6:00 p.m." and further amend proposed paragraph 15(e) to instead read "The farm must have legal access to a public highway and comply with County and State standards for road width and road surface", and further amend by deleting paragraph 15(g)(iii) and renumber --

CHAIR JOHNSON: Councilmember, let me jump in real quick. Can we do one at a time because it's going to get a little bit big? So why don't we just do one of them at a time for discussion. Is that okay? I think it's be...we'll start with that night one first and that way we can, you know, have that discussion and go on from there. Is it...I think it's a little bit more better doing it that way.

COUNCILMEMBER PALTIN: Okay, you're the boss.

CHAIR JOHNSON: So, the nighttime one first.

COUNCILMEMBER PALTIN: Okay, just stop at the one and is there a second and then go into discussion.

CHAIR JOHNSON: Right. Okay, so Councilmember...or Chair Lee second, and that was a motion by Councilmember Paltin. Do you need to restate the motion for the record, so everybody knows because I know we went through a lot. You want to restate just a simple amendment?

COUNCILMEMBER PALTIN: Okay. Amend proposed paragraph 15(c) to instead read: "Agricultural tourism activities may only operate between 8:00 a.m. and 6:00 p.m."

CHAIR JOHNSON: Okay. Discussion anyone? All right, Councilmember Paltin?

COUNCILMEMBER PALTIN: Oh, thank you. So, I think Director Molitau kind of said it, but, you know, I was thinking we don't have enforcement at night. Kind of to Ms. Alec's point of, you know, usually as part of a tour you would sample the foods or things that

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you prepare and it's kind of a thin line crossing over into a commercial lū'au, no enforcement, it's not really an ancestral traditional method to charge money for those types of things and, you know, some areas, agricultural lots are far apart, others are closer together. I think Ms. Lind also mentioned that time frame was important to her. And if there is a need to do it at night, there is what Ms. Alec said, the special permit...special conditional permit process. That concludes my discussion.

CHAIR JOHNSON: Okay. Does anybody else have any discussions? Well, for me, you know, I think at first, I always thought well, we want to make it so, you know, these are more like workshops, but, you know, I hear what Director Molitau was saying and I'm kind of open to that amendment. But that's just my two cents. If anyone else has any more discussion, I think I would...I mean I don't want to make it hard for farmers, you know, that's the main thing. But I...I mean we are walking a balance, you know. I feel like I'm double speaking, but I'd like to maybe hear a little bit from the body as well. But for me, I want to make it easy for farmers, but I don't want abuse. How do we do that, right? That's kind of where I'm at. I'd like to hear from you guys if you want to add. Chair Lee?

COUNCILMEMBER LEE: Well, the thing is most of us are not farmers, so we have no idea. How about we ask a couple of farmers in the audience. Are they still here? Is Sydney still here?

CHAIR JOHNSON: Sure, if you guys --

COUNCILMEMBER LEE: Can we make her a resource person?

CHAIR JOHNSON: Under Rule 18(A) of the...is it 18(A) of the Committee Rules, would you guys allow to make Sydney Smith a resource? Any objections?

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: Ms. Smith, would you come down to the podium please? Was it 18C?

MS. SMITH: Okay.

COUNCILMEMBER LEE: Sydney, do you have any comments about this? I don't know if you practice or plan to practice ag tourism.

MS. SMITH: Well, I do now but it's already covered under open land recreation, so I do have farm tours, so this bill isn't going to affect me. But I'm representing other farmers and hopefully farmers that could augment their income with ag tourism, and I'm close to, you know, quite a few operations like, you know, Hāli'imaile Pineapple that they would be out of business right now without, you know, their tour businesses and things like that that they do. But I'm not going to do any nighttime tour businesses myself, but I have dragon fruit and so does Chair Johnson and the only way that I can pollinate the dragon fruit is at night and, you know, they only bloom at night. So, if you wanted to

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pass down that information or wanted to have a tour about dragon fruit, you could do it during the day and show them the fruit and cut it, but if you wanted to show them the whole process you would have to do it at night. So it isn't just indigenous things, you know, it's...there are other practices and planting by the light of the moon is a worldwide practice, it's not just a Hawaiian practice. But the theory is that the moon pulls the ocean water up, you know, which causes tides, but it also pulls the water up within the earth, so that if you plant the seeds at night, then the water comes up and if you're a little...imagine yourself as being a little pumpkin seed and you get planted in the middle of the day in a hot, dry field and then they pour water on you that's hot because it's been in a black Driscoll pipe or something like that, or you're planted at night when it's cool and the water comes up from underneath and then it slowly gets warm during the day, germination happens much faster to the plants that are planted at night, and this is just a scientific fact. So I'm only thinking in terms of people wanting to do tours with people that really do have an interest in farming. You know, these are traditional practices all over the world, not just traditional native Hawaiian practices.

COUNCILMEMBER LEE: Okay, I think what we're trying to do here is at least get started. So, it's not that we need to solve every single possibility --

MS. SMITH: I agree.

COUNCILMEMBER LEE: -- every single problem or situation but make it fair and reasonable but not have to cover every, you know, like --

MS. SMITH: Yeah, I agree.

COUNCILMEMBER LEE: -- pumpkin seeds at 10:30 at night, you know, things like that. We can't predict those kinds of things.

MS. SMITH: Right.

COUNCILMEMBER LEE: So what's being proposed now, is it reasonable to you?

MS. SMITH: Yeah, if people don't want to have nighttime, you know, ag tourism, then that's okay with me. My only point was there are genuine practices at night that I don't have an opinion really.

COUNCILMEMBER LEE: Okay. All right. Thank you. Thank you.

CHAIR JOHNSON: All right.

MS. SMITH: Do you want me to stay here? Or do you want me to go back?

CHAIR JOHNSON: I don't see any hands, but just maybe sit in the audience, we'll come and bring you up when we need to. Don't go anywhere, Ms. Smith.

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MS. SMITH: All right.

CHAIR JOHNSON: I guess I understand that. Oh, Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I cannot vote in this Committee because I'm not a voting member, but I will be voting on the recommendation from this Committee when it comes to full Council. And so, I would be supportive of this amendment from Member Paltin. I also heard the concern shared in testimony about being respectful of the noise, of the neighborhood, and the traffic and that there's still folks that, like, live in the neighborhood near these farms that will be conducting, may be conducting, agricultural tourism activities. And so, I think this helps to more strike that balance that we're looking for. And as Chair Lee stated that, you know, if this becomes just overly problematic, which I don't really anticipate, then, you know, at that time we can revisit this, but this would I think be better to start off with. And then I just wanted to speak really quickly to the Hawaiian practice of planting by the moon, that Europeans came to Hawai'i and, you know, stole that 'ike and sold it as biodynamic and I'm sure it did to other indigenous cultures and that's, like, part of that concern of like sharing 'ike and then others that receive that 'ike turning that 'ike into profit for themselves and that's, like, part of that concern, right?

CHAIR JOHNSON: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Like that...our culture was one of, like, sharing and collective wellbeing and not, you know, profiting off of other people's wisdom. Mahalo, Chair.

CHAIR JOHNSON: Okay. Anyone else? Okay. I'll speak a little bit. You know, we're...farmers are a dying breed. You know, all my farmer friends are very senior, we'll leave it at that. The...I've had this debate with so many farmers in so many ways and it's like if they spread manure out on their field or if they're being noisy or being, you know, farming then the neighbor shouldn't complain when they live right next to a working farm, that's kind of part that comes with the...with living next to a farm. If you have a late-night event and if it subsidizes your farm, I'll support it. But I also understand getting off to the right foot, working together as a group. I didn't see anybody saying if you don't let me plant it at nights, then I'm not going to...I'm going to run out of business. But moving forward, I'm going to probably support the amendment with reservations. But moving forward, let's try to remember our farmers and we don't want to constrain them too much, that's just my point. So that's my discussion on it. Anyone else? Let's see. Then otherwise...we'll go to Councilmember Cook.

COUNCILMEMBER COOK: Thank you, Chair. I'll kind of echo what you just said meaning in the spirit of moving forward. When I try and visualize this I don't see a crowd. To me, commercialization would be like ten people getting out of a van or 12 people getting out of a van and marching around and doing all of this. I rarely see if somebody was in the evening doing this it would have more engagement and involvement. You know, as far as the commercial aspect of it, bartering, trading, the reality of where...that we live and



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because the previous amendment goes together with deleting paragraph 15(g)(iii). But I think this one goes together with (vi), a site plan approved by the Department of Fire and Public Safety. So it requires producers to provide the Planning Department a Department of Fire and Public Safety approved site plan when registering agricultural tourism activities. But I'll hear from the Fire Department if you'd like.

CHAIR JOHNSON: Sure.

COUNCILMEMBER PALTIN: Or we can hear from the Fire Department if you'd like.

CHAIR JOHNSON: Let's see. That was Mr. Purdy, if he's on the call, Fire Captain Purdy. Staff, did you notice he was on the call earlier?

MR. PURDY: Good afternoon. I'm here.

CHAIR JOHNSON: Good afternoon, Mr. Purdy. Thank you.

MR. PURDY: Can you hear me okay?

CHAIR JOHNSON: Yes, Captain Purdy, thank you for joining us. We're talking about Councilmember Paltin's amendment. Did you hear the discussion?

MR. PURDY: I did. I kind of got lost on where she was reading that from. I know there was an (e)...15(e) about, you know, point of ingress or egress is less than 20 feet.

COUNCILMEMBER PALTIN: So, . . .*(inaudible)*. . .

CHAIR JOHNSON: Hold on. Let's fix that echo.

COUNCILMEMBER PALTIN: Oh, Mr....Captain Purdy might have a device on that has noise.

CHAIR JOHNSON: If you can mute the other devices maybe. He muted himself. Oh. Okay.

COUNCILMEMBER PALTIN: Okay now that he said it, I think . . .*(inaudible)*. . .

CHAIR JOHNSON: Still a bit of an echo.

COUNCILMEMBER PALTIN: Okay.

MR. PURDY: . . .*(inaudible)*. . . because my mic is not working on my camera, so I got to use another device.

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: So I think that part about the 20-foot egress, whatever, changing that to say the farmers have legal access to a public highway and comply with County

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and State standards for road width and road surface instead. And then at the bottom of page 2, it's going to say, (vi) a site plan approved by the Department of Fire and Public Safety. This is going off of my amendment summary form, which is item number 2 on Granicus. And I think the reason that we changed that is even if you have a 20-foot ingress or egress you could get onto the property, but you might not be able to get to where you need to go where the activities are occurring. And so, changing it to those two things legal access to public highway and comply with County and State standards for road width and road surface, and then later on that (vi) a site plan approved by the Department of Planning and Public Safety. So those were what we're suggesting. If you had any comment, and I'll stop talking and turn off my mic.

CHAIR JOHNSON: I just wanted to hear from you, Mr. Captain Purdy.

MR. PURDY: Thank you, Councilmember Paltin. Yeah, I think . . . *(inaudible)*. . . with the site plan. We can take a look at what they have. Reading some of the easement . . . *(inaudible)*. . . area that they want to use that for business. So that would be good, and we're willing to work with them and see what they got. Basically, what we're trying to do is we want some say on what is going in and allowing us to get access to the property, so that way if there is any type of emergency, emergency vehicles can get up there without any type of hinderance. So having a site plan for us to review would be good. We can work with the applicants on that.

CHAIR JOHNSON: Okay, thank you. Okay, Members is there any more discussion on this...on this one? We have one from Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you. My question is the compliance with County and State standards for road width and road surfaces. So what is the current standards right now. So a lot of the roads where I live in I guess they would not comply, they're country roads. So I'm just wondering if they were to try to do this, would they then need to improve the road and then what would that look like?

CHAIR JOHNSON: Captain Purdy. Oh, sorry if you're not finished, go ahead. Sorry.

COUNCILMEMBER U'U-HODGINS: No, I just...if either Captain Purdy or then Public Works. Thank you.

CHAIR JOHNSON: Captain Purdy, would you like to respond?

MR. PURDY: So for the Fire Department, all we're looking for is some type of surface that would be able to drive upon, whether it be asphalt, pavement, or concrete, or even . . . *(inaudible)*. . . what type of incline that you might have on your property, gravel might be even sufficient. So it all depends on what type of terrain you have on your property . . . *(inaudible)*. . . Public Works, they've got various standards for certain roadways that . . . *(inaudible)*. . . you have property we can use certain type of materials. But that normally comes from like DOT, Department of Transportation and their engineers--they're more aware of that type of stuff . . . *(inaudible)*. . . allow you to use certain

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materials . . . *(inaudible)*. . . would be adequate for us to be able to drive upon.

COUNCILMEMBER U'U-HODGINS: Does the road width you require, Captain Purdy, 20 feet? So the surface you discussed. I know you guys have capability to take your mini or something, unless there's a major fire, but what's the road width you require?

CHAIR JOHNSON: Captain Purdy?

MR. PURDY: . . . *(inaudible)*. . . 20. The Fire Department requires 20 feet of width and that's basically so that way if you've got one apparatus for the one side, there's enough room for another apparatus . . . *(inaudible)*. . . without causing any type of danger and . . . *(inaudible)*. . . We're always looking at least 20 feet wide . . . *(inaudible)*. . . space for trucks.

COUNCILMEMBER U'U-HODGINS: Thank you. I'm happy to support safe road surfaces. As I've said ten million times. My husband is a fireman, and this is exactly the kind of people we're trying to protect, as well as the homeowners and the potential visitors. I'm happy to do that. But I just wanted to know what that would mean if somebody was to go through the registration process and their small country road didn't meet standards. So, like, I just described my private driveway, which wouldn't meet road surfaces, it's a dirt driveway as you can tell by when I park next to you guys, my car is always dirty. But I'm just curious how this would actually work, not necessarily against it or anything.

CHAIR JOHNSON: Councilmember Paltin.

COUNCILMEMBER PALTIN: Yeah, I agree, County standards have changed over time as we see in, like, that Kehalani...oh, and I'm okay with legal access that is approved by the Fire Department, that they can get into or something of the works, but I did see Member Rawlins-Fernandez raised her hand.

CHAIR JOHNSON: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think it might be helpful if...because I heard lots of variations. So if we don't have, like, a straight answer, then I don't know how the public would have a straight answer when reading this and figuring it out for themselves and navigating our systems. Is there a code? Like, are you planning or Corp. Counsel, or Captain Purdy, that perhaps we can cite here to, you know, give the public some direction on where to look when we're asking them to follow this standard. Is it in Chapter 12? I'm looking through Chapter 12 right now and looking at where the guidance could be here and I'm not finding it.

CHAIR JOHNSON: Corporation Counsel Nelson, do you have a response to that?

COUNCILMEMBER RAWLINS-FERNANDEZ: I know you have it memorized, the whole Code.

MR. NELSON: No, I apologize. I don't have a response at the moment, but I'll look into it.

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CHAIR JOHNSON: Well, you know, one thing Captain Purdy mentioned was that gravel is sufficient.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right, but we're talking about it here. I don't expect applicants to look for this meeting minutes --

CHAIR JOHNSON: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- to find out what different conditions would be suitable and acceptable.

CHAIR JOHNSON: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: I think when we're talking about helping our farmers, one of the ways to help our farmers is to make the Code as clear as possible.

CHAIR JOHNSON: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: So if we don't have the answer for this question now, perhaps it's something that the Committee can ask Corporation Counsel or Public Works, not Planning, for the citation of what standard should we look for that would give that kind of guidance based on terrain when gravel is, you know, sufficient because I can also see why Captain Purdy wouldn't just say gravel because if the terrain is steep, maybe gravel is not sufficient. But, you know, like, if there's better guidance that our farmers and applicants would be able to follow, and then, you know, we can take up the motion and move forward today and then at first reading amend that section to cite the code.

CHAIR JOHNSON: Okay. Councilmember Cook.

COUNCILMEMBER COOK: Thank you, Chair. I think the way that it's written and the way that the Department had described that they basically get a map and they have the ability to inspect for access, we're talking about agricultural lots that are not subdivisions and not County roads, for them to be able to make an assessment, if they can safely get in and meet the objectives and they have the authority to clarify, no this doesn't meet standards, tell the people if you did, you know, if you did this, this, and this, it would meet standards, as opposed to us dictate --

CHAIR JOHNSON: Right.

COUNCILMEMBER COOK: -- a particular type code. I think that the intent to make sure that it can be accessible for health and safety, not only for the owner of the property, not only for the people who are visiting the property, but for the adjacent property owners, is mandatory.

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CHAIR JOHNSON: Yeah.

COUNCILMEMBER COOK: But I feel giving...acknowledging that the Fire Department has reviewed it and is in...has the ability...you can't do with this without them looking at it and approving it.

CHAIR JOHNSON: Right.

COUNCILMEMBER COOK: So, that's my contribution. Thank you.

CHAIR JOHNSON: I agree with you, Councilmember. We kind of want to keep it broad. Remember this was to do an HRS requirement. That's why we put that in. It's in there. So I don't mind keeping it broad, and then if we, like you said, Councilmember Rawlins-Fernandez, if we come back with a specific thing to hope to point to the Code in another section we could, but I'm kind of feeling broad is better on this. But I saw your hand up, go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yes, that and a lot of discretion has pros and cons, right? So, from one administration to the next with different folks we're reviewing and approving applications, you know, one could interpret, you know, this section one way and accept, you know, the application one way, and then if that person...the next person that comes along could interpret it a different way. So, this is to give applicants a little more certainty of what they're in store for, you know, or whatever.

CHAIR JOHNSON: Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you. As somebody who has had to apply for many, many, many permits, certainties are very important. It gives us structure and subjectiveness is sometimes good. You always want to have a little bit of flexibility, but when it's too subjective, it becomes problematic. So if we're not going to have something to point to, then I would request that instead of a site plan approved by Fire, it would be a site inspection, which would be more work for them, then they could see the terrain itself as we were just discussing, or we could point to something in the Code and then they would have something to hang their hat on. When things are too subjective and they say yes and something goes wrong, then it's our fault because we weren't specific enough and, you know, they didn't need to go out there or whatever and, you know, we're talking about ag land, which, as you know, like, I live in ag land. Look at my big mango tree. But when it rains as you know, it's a whole different vibe than when it's dry. And so, if the terrain is just a little bit on an incline, as Member Rawlins-Fernandez said, and it's raining a little bit, then your gravel becomes really important, you know. So, I totally get the whole point of this, it's just that a little bit of some specifics would be helpful, at least for me to understand and then for the people when they have to register this, at least it gives them some sort of parameters if they qualify or not.

CHAIR JOHNSON: Okay. Councilmember Paltin.



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COUNCILMEMBER LEE: Chair.

CHAIR JOHNSON: Yeah.

COUNCILMEMBER LEE: I would caution whomever is going to work on wordsmithing that we don't want to put a lot of farmers out of business, you know.

CHAIR JOHNSON: That's right.

COUNCILMEMBER LEE: Because right now...right now what we want is something legal but not overly restrictive because a lot of them have farms already, you know. So let's not make it more burdensome on them --

CHAIR JOHNSON: It's valid. Yeah.

COUNCILMEMBER LEE: -- you know, because they have their farms.

CHAIR JOHNSON: Right.

COUNCILMEMBER LEE: And I'm sure they have their access, and I'm sure they have their insurance that covers liabilities in these cases. And besides, if you have a whole grove of mango trees, you know, what's going to burn? I mean, you've got to be practical about these things.

CHAIR JOHNSON: Yeah, farms don't catch on fire, right?

COUNCILMEMBER LEE: Yeah, well I hope not.

CHAIR JOHNSON: Well, I mean that's usually been used as a greenway. You know, farms have been pretty...as long as you're maintaining them and there's an active farm, they're pretty resilient. Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: After Member Cook. He had his hand up before me.

CHAIR JOHNSON: Oh, okay. Councilmember Cook.

COUNCILMEMBER COOK: Thank you. If I may ask Captain Purdy, if you were to look at it on a map would...would you also potentially go out and look if there was a question, as part of the review process?

CHAIR JOHNSON: Captain Purdy.

MR. PURDY: Thank you, Councilmember Cook. Yeah, if we've got any questions we'll go out and . . .*(inaudible)*. . . normally go out, they took at what kind of access is out there. We'll do our best and try and look at maps, whether it's Google maps or . . .*(inaudible)*. . .

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legal view, something that gives us a pretty good . . . *(inaudible)* . . . view of that. So every property that...like if we can't see any good or get any good pictures of it, then we'll do a site visit. We'll contact the applicant, go out there, we'll talk with them, we'll walk the property and then we see what finally...what kind of access we have in that area and how we can improve it or if that other . . . *(inaudible)* . . . make adjustments and get us in there, and we are open to that. That's what we try and do. We try and work with people to get access in as much as we can. But yeah, we will go out there and inspect those properties and look at the access.

COUNCILMEMBER COOK: Thank you very much, sir.

CHAIR JOHNSON: Okay, let's move onto Councilmember Paltin's next amendment. Oh, I beg your pardon, I totally spaced on you. Okay. Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Thanks. I really wanted to say quickly, so it seems the road width isn't the concern, it's the surface, right? And part of why I was saying what I was saying is because there's a lot of surface where it's just graded dirt, and I was hoping that it was going to say graded dirt is sufficient if it's just flat or grass it's sufficient if it's just flat, or if there's a little bit of, you know, terrain, that may be a little bit of gravel and that would be sufficient. Not that it would have to be, you know, paved with asphalt or concrete or anything like that. That was more why I made the comments I did, just to reassure the farmers that graded dirt is fine, that's all.

CHAIR JOHNSON: Yeah, we've been to farms that is their road, it's just graded dirt.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, our homesteads, you know, I mean all over Molokai.

CHAIR JOHNSON: Okay, Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Yes, thank you so much, Member Rawlins-Fernandez, that was my point. I come to...I come home on a dirt road. My actual question related to Fire reviewing it and approving it, is this going to be on MAPPS? So when they register with Planning, it's just a registration process, and then do they register on MAPPS, and then does Fire review and approve either a topo site or site plan on MAPPS itself? So, how is that going to work?

CHAIR JOHNSON: Captain Purdy.

COUNCILMEMBER U'U-HODGINS: Are we going to set that up? Is that going to be a new MAPPS program or application?

CHAIR JOHNSON: Captain Purdy.

COUNCILMEMBER PALTIN: Oh, I think that's Planning.

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MR. PURDY: Yeah, I'm not exactly sure of that question.

CHAIR JOHNSON: Okay.

MR. PURDY: I don't know if it's for Planning.

CHAIR JOHNSON: Let's go over to Planning.

MR. PURDY: Okay.

CHAIR JOHNSON: Mr. Pfof.

MR. PFOF: Thank you for the question. I'm not sure it needs to be in MAPPS. The registration process is trying to be a kind of a straightforward, easy process as much as we can. I think the way it's worded right now in Councilmember Paltin's bill is that they have to come to us at the time of registration where the site plan approved by the Fire Department. And if it's as simple as going to the Fire Department, I don't know what the process maybe the Fire Department has, is it as simple as just going to the Fire Department, knocking on the door and saying here's my site plan, this is what I want to do, and they just say, yes, it's okay, and then they provide that site plan to the Planning Department as part of the registration process. I could see it as simple as that if we can make that work.

COUNCILMEMBER U'U-HODGINS: Okay, great. That's pretty much my question. Are they going to go to you, Captain Purdy, and then you guys are going to give your stamp of approval and then they walk it over to Planning? What works best for you folks?

MR. PURDY: So, I think they're going to bring the site plan to us, then we'd probably enter it into MAPPS as a fire protection permit, so that way we'd have some type of record saying that we did review it and we have given them the okay to go ahead and put in for that...put in for the permit with Planning. But that fire protection permit does come with a \$100 review fee for that.

COUNCILMEMBER U'U-HODGINS: Okay. So, they would go on MAPPS when this passes, if this passes, do a fire protection permit, submit their topo, because you would need a topo map, so they would need to get that surveyed or whatever, and then a site plan, all County maps through MAPPS need to be stamped with a professional license, so they would need to do that too, and then they would take over your approved site plan and topo plan and then walk it to Planning, and Planning would then register this activity? Did I understand that correct?

CHAIR JOHNSON: Is that...Captain Purdy?

MR. PURDY: I think the way the bill is written, I think it depends on how it would...the steps that it would be...would take for them to register.

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COUNCILMEMBER U‘U-HODGINS: Okay.

CHAIR JOHNSON: That sounds like a lot for --

COUNCILMEMBER U‘U-HODGINS: That’s a lot.

CHAIR JOHNSON: -- someone to...for people who are doing like a small, less than 20, you know, workshop, they have to do all that? Let me jump in real quick. Councilmember Sugimura, the last vote, I said six zero, were you here? I didn’t see you on the screen. Did you vote? So, was it seven? Okay. Staff is noting that. Sorry, I didn’t see you on camera there. You know, Members this is kind of going the opposite way of what I wanted to...you know, we want to make it safe for the farmers, now all of a sudden we’re topo maps and MAPPS itself, it’s getting a little...little carried away. Ugg. I don’t --

COUNCILMEMBER U‘U-HODGINS: Sorry, Chair. My point was asking that question was how is the amendment that we’re going to vote on going to be applied? I want it to be as safe as possible. I want it to be as easy as possible, but I’m just wondering how it’s going to be...how this would actually work in application.

CHAIR JOHNSON: Right.

COUNCILMEMBER U‘U-HODGINS: Which is why I ask, but yeah, it sounds like a lot.

CHAIR JOHNSON: Maybe we could reconsider the question, or maybe we can amend it because I don’t want it to be the way Captain Purdy is describing. I mean if you’re doing, like, a ten-person class, and they got to do all that, they just probably won’t do it, you know. So, Councilmember Paltin, you wrote the amendment. I know you had concerns; this was your kind of impetus on it. What say you, is there a way we can make it where it's not so burdensome on the farmers?

COUNCILMEMBER PALTIN: Yeah. That amendment was based on what I was told that Fire requested, that they wanted to review a site plan as opposed to the 20-foot ingress, egress. I was told because they wanted to be sure they could not just access the property, but access where the activity was being done. But I do agree, a topo map and a stamp and all of that is excessive. So I don’t know if there is...I was...in doing it I was trying to comply with what I had been told that Fire requested, but I do also agree that that is much. So, I kind of would put it back on Fire to find a way for us, if that is correct, that they wanted the site plan review and stuff, to find an easier way to do it that doesn’t involve a topo map and MAPPS and all the things.

CHAIR JOHNSON: Right. Captain Purdy, you see what we’re trying to get at.

MR. PURDY: Right.

CHAIR JOHNSON: We want to make it safe, but we also want to make it easy. Is there...you got a suggestion?

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MR. PURDY: Yeah, so I think it...I think it would be pretty basic. It doesn't have to...I don't think we would need to go and have somebody like an engineer sign this whole site plan. I think if you can go into map, or excuse me, Google maps, and if you can show us your property, where you think they're going to have your, how am I going say the .. *(inaudible)*. . . or even have your food truck and a road showing this how you get onto your property, this is where it's going to go, this is how wide we have it. It can be as simple as that. And then --

CHAIR JOHNSON: Okay, I like that, but how would we word it?

MR. PURDY: -- if everything looks good...I think we can word it something like maybe how we have in our Fire Code that it says, apparatus access roads shall be designed and maintained to support the . . . *(inaudible)*. . . of fire apparatus and shall be provided with an all-weather driving surface.

CHAIR JOHNSON: Okay. Staff, did you get that wording there? So, were you going to start? Go ahead.

MS. MCKINLEY: It would be helpful if we had the Code section he's referring to, please.

CHAIR JOHNSON: Captain Purdy, do you have the code number?

MR. PURDY: 18.2.3.5.2, but I'd rather leave that out because if you put it in your bill, every time that we do a Code change, we're going to have to change that number.

CHAIR JOHNSON: Okay. Yeah.

MR. PURDY: So, our codes change. . . . *(inaudible)*. . . without referencing codes I think, because then we'll have to continuously change.

CHAIR JOHNSON: Okay, Staff don't . . . *(inaudible)*. . . what's in there. We got you. We got you.

MR. PURDY: . . . *(inaudible)*. . . Yeah.

CHAIR JOHNSON: So we're working on that, but in the original language I'm going to read this to you, Captain Purdy, and tell me what you think because the original language said, a farm must have legal access to a public highway and comply with County and State standards for road width and road surface. Consultation with the Department of Fire and Public Safety must occur if the farmer's primarily point of ingress and egress is less than 20 feet wide. That's...that language you don't...you would prefer not to have...you want us to change that language?

MR. PURDY: I think that language is good.

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CHAIR JOHNSON: We can keep it as is.

MR. PURDY: . . .*(inaudible)*. . . Excuse me?

CHAIR JOHNSON: So can we keep it as is, that's all I'm asking. Because we're getting...I'm seeing the --

MR. PURDY: . . .*(inaudible)*. . .

CHAIR JOHNSON: Okay. I heard we can leave it as is...you know your mic is really hard for us to understand.

MR. PURDY: Yeah, I think you can leave it in.

CHAIR JOHNSON: Okay.

MR. PURDY: Because either way they got to come and see us, and we can work with them about their access.

CHAIR JOHNSON: All right. Thank you. It's really hard to understand you. Councilmember Paltin.

COUNCILMEMBER PALTIN: Okay, so what I heard is we're withdrawing the motion I just made, but he did want to keep the motion that is a couple down about the site plan approved by the Department of Fire and Public Safety?

CHAIR JOHNSON: Is it yes or no, Captain Purdy? Yes. Okay, great.

COUNCILMEMBER PALTIN: Okay. So I'll withdraw that one.

CHAIR JOHNSON: Okay, you guys...Staff, you heard that motion or that amendment was withdrawn?

MS. MCKINLEY: Can we get a legal opinion about whether we need to do a motion to withdraw because that motion is already complete? A motion for reconsideration.

CHAIR JOHNSON: Corporation Counsel Nelson, do we got to do a motion to reconsider?

MS. MONIZ: We can.

CHAIR JOHNSON: Yeah, so --

MS. MONIZ: Yeah, we don't have a losing vote so we wouldn't do a motion to reconsideration but motion to withdraw first, correct.

CHAIR JOHNSON: Okay. Did I hear we need to do a motion to withdraw? We didn't even get

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a second? Why don't we take a recess. Let's take a five-minute recess. Time is 2:54, let's come back at 3 o'clock. Actually, it's time for our recess, let's do a ten-minute recess. All right. This is all meant to be done this way. Come back at 3:05, Members, 3:05. This meeting is in recess. . . .(gavel). . .

**RECESS:** 2:54 p.m.

**RECONVENE:** 3:13 p.m.

CHAIR JOHNSON: . . .(gavel). . . Aloha, and will the ADEPT Committee of 6-5-2025 come back to order. The time now is 3:13. We had to take a bit of a recess and maybe we can have where we're at...where are we at. Staff, if you just let us know where we're at. I think we're going to turn it over to Councilmember Paltin, but is the floor clear of any motion...anything that we need to address before?

MS. APO TAKAYAMA: No. So, there was no motion on the floor to withdraw, and we don't...Staff doesn't think that a reconsideration is necessary.

CHAIR JOHNSON: Okay.

MS. APO TAKAYAMA: So, if you would like to proceed with that amendment, you can just make a new amendment.

CHAIR JOHNSON: Okay. Does Councilmember Paltin have a new amendment?

COUNCILMEMBER PALTIN: Sure. I move to amend by reinstating this verbiage, "the farm must have legal access to a public highway and comply with County and State standards for road width and road surface. Consultation with the Department of Fire and Public Safety must occur if the farm's primary point of ingress or egress is less than 20 feet wide".

CHAIR JOHNSON: That's your amendment. Do we have a second?

COUNCILMEMBER SUGIMURA: Second.

CHAIR JOHNSON: I have a second by Councilmember Sugimura. Discussion? Councilmember Paltin.

COUNCILMEMBER PALTIN: So, this preserves the previous one with our legislative intent and this reinstates the verbiage in the original CD1 version.

CHAIR JOHNSON: Okay. And then, that sounds...that sounds a little bit better, and do they have...they don't have to go into MAPPS and all that. Let's talk to Captain Purdy to have him have an opinion on that. Captain Purdy, are you on the call?





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continued agricultural tourism activities where at least three repeated violations of this chapter have occurred which demonstrate intentional disregard for compliance. The Director of 'Ōiwi Resources must be consulted prior to enforcement of possible violations involving misappropriation of indigenous cultural traditions under paragraph 15(g)(v) of this section”.

COUNCILMEMBER LEE: Second.

CHAIR JOHNSON: Okay. Second by Chair Lee. Okay, that’s the motion. Seconded by Chair Lee. Discussion? Councilmember Paltin.

COUNCILMEMBER PALTIN: So in reviewing Chapter 19.53, and as to Mr. Pfost’s point that misappropriation and like that wouldn’t be able to be enforced, this is one way to enforce against misappropriation and to kind of stop the bad actors for intentional disregard for compliance. If you read 19.53, there’s fines and then, you know, there’s some other violations that where 19.53 it’s been years, fines haven’t been collected, you know, and things like that. So this is not to be really used, except for in the most egregious circumstances. You know, we had a situation with illegal lū’au that kept happening and happening and happening, and this is just to, you know, it’s not meant to be used, but if it’s happening on the news and, you know, Planning is like well, we fined them, and did we collect the fine, we don’t want to try and, you know, take away property or put a lien on it. This is the solution that I came up with.

CHAIR JOHNSON: Okay. I don’t see any Members who wish to discuss, but I would like to hear from the Department. Director Molitau, I’d like to hear your opinion on this amendment.

MR. MOLITAU: Mahalo, Chair and mahalo, Councilmember Paltin for bringing that particular section to our attention. I do believe that collectively there-- we all need to take some cultural responsibility of living here on Maui. And when I say that, I say that with much grace and with much aloha, but I also say it with this tempered as a kumu, as a practitioner for the last 40 years of my life, that when we look at our space, we look at our landscape, and we look at our ‘āina, those things are very important to all of us collectively. And how we manage, how we practice, how we care for takes a collective responsibility. And so, if there needs to be some sort of teeth or enforcement to care for these spaces and places and not necessarily disregard the indigenous ‘ike of our ‘āina, then we at the Department of Resources are more than happy to help by supporting that and help offer, you know, ancestral wisdom and guidance to our community as well, so that we’re not overstepping or we’re not disregarding the indigenous intellect of our people. Mahalo.

CHAIR JOHNSON: Well said, Director. Members, any more for discussion? Otherwise, I’m going to call for the question on this. Okay? No discussion. All those in favor, raise your hand and say “aye”.

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**VOTE:**        **AYES:**    **Chair Johnson, Vice-Chair Sinenci, and  
Councilmembers Cook, Lee, Paltin, Sugimura,  
and U‘u-Hodgins.**

**NOES:**    **None.**

**ABSTAIN:** **None.**

**ABSENT:** **None.**

**EXC.:**    **None.**

**MOTION CARRIED.**

**ACTION:**    **APPROVE amendment.**

CHAIR JOHNSON: We got seven “ayes”. Is that correct, seven “ayes”? Amendment passes. Councilmember Paltin, do you have any other amendments?

COUNCILMEMBER PALTIN: Okay. I propose to amend paragraph 15(h)(v) to read, “Approval by the Director of ‘Ōiwi Resources of any proposed agricultural tourism activities based on traditional ancestral indigenous or cultural activities”.

CHAIR JOHNSON: Do we get a second?

COUNCILMEMBER LEE: Second.

CHAIR JOHNSON: Seconded by Chair Lee. Discussion? Councilmember Paltin.

COUNCILMEMBER PALTIN: This is just to kind of, you know, add another layer to ensure that what’s going on is...what’s being taught or promoted is not, you know, like those YouTube Ho‘oponopono videos.

CHAIR JOHNSON: Oh, boy. All right. That makes sense to me. Does anybody wish to add to this discussion? Councilmember U‘u-Hodgins, the floor is yours.

COUNCILMEMBER U‘U-HODGINS: Thank you so much, Chair. Again, I’m just curious on how this is going to work. So would a person only if they’re doing traditional and indigenous cultural services, ancestral stuff, then they would go to the ‘Ōiwi Resources? Would they have an application process? Was it...is it consultation? How do you see this working?

COUNCILMEMBER PALTIN: My intention and I’ll defer to Planning and Director Molitau, but my intention would be like they receive the registration, if they see something on there that looks to be based on traditional ancestral, indigenous, or cultural activities, then

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they would like email it or something to Department of Ōiwi Resources, the Director or his designee would review it and say yes or no, and then email them back. That's...but I would invite those two resources if that is how they see it going and if not, how they see it going or if they would not like that.

CHAIR JOHNSON: I see Mr. Pfof wanting to speak.

COUNCILMEMBER U'U-HODGINS: Thank you. I would love to hear from them too. Thanks.

CHAIR JOHNSON: Okay. Councilmember U'u-Hodgins wants to hear that response.

MR. PFOF: Thank you. I think that's a perfect plan on how that would work, so I would...I think the Planning Department would be in agreement to how that works.

CHAIR JOHNSON: Great. And Director Molitau, would you like to add?

MR. MOLITAU: Mahalo, Chair. Thank you very much, Councilmember U'u-Hodgins, for the neno. We would also probably want to implement some of the, you know, findings that have been done in the past, making sure that we look at the 2003 Paoakalani Declaration, look at the Native Rights Hawaiian Handbook, and those are some of the 'ike that's already been laid out that we can take a look at and then also have that as part of the process.

CHAIR JOHNSON: Very thorough.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Thank you, Member Paltin, and thank you, Director and Mr. Pfof.

CHAIR JOHNSON: Okay. Any other discussions, Members. Seeing none. All those in favor of this amendment, raise your hand and say "aye".





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Councilmember Paltin, back to you.

COUNCILMEMBER PALTIN: Okay. So the legislative intent about the site plan, I had put it under E. I move to move that from E to the H section. I had put it in the wrong section. It makes more sense under the registration and number it --

CHAIR JOHNSON: Seven?

COUNCILMEMBER PALTIN: -- (vii) I believe.

CHAIR JOHNSON: Yeah.

COUNCILMEMBER PALTIN: So it's the one that we had passed but just moving it to H(vii). Yeah.

CHAIR JOHNSON: Okay. Would that just be like a friendly moving it over to a different section. Staff, would you guys speak on that?

COUNCILMEMBER PALTIN: So, like a non-substantial --

MS. APO TAKAYAMA: Since her motion was to amend 15E, I think we should proceed with the motion to move it to H.

CHAIR JOHNSON: Okay. We...so I see a second already. So just for the record, could you make that motion, Councilmember Paltin?

COUNCILMEMBER PALTIN: Sure. I move to...I move to move the previous amendment to 15E about site plans to 15H(vii).

CHAIR JOHNSON: And then we got to...

COUNCILMEMBER PALTIN: Adding a new (vii).

VICE-CHAIR SINENCI: Second.

CHAIR JOHNSON: That's the motion on the floor. It was seconded by Councilmember Sinenci. Discussion? Councilmember Paltin.

COUNCILMEMBER PALTIN: This is just kind of for better form and substance and putting things in there correctly so that it's easier to understand.

CHAIR JOHNSON: Sure. Thank you. Any other discussion on this amendment? All those in favor, raise your hand and say "aye". Oh, we do have one, Councilmember Sugimura. I beg your pardon.

COUNCILMEMBER SUGIMURA: So, I want to ask this question. I think this might be the



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Community Plan Area of this...from this bill as suggested by some of the testifiers. However, I spoke with some of those testifiers, Mrs. Lind, and they're okay with...and if you will, Chair and Members, they're okay with having further discussion in East Maui. So I can make an effort to have a night meeting maybe next week in Hāna prior to the first reading, so if I would just...and then maybe come back at first reading with my final, just to get the community's input if that's okay, Chair.

CHAIR JOHNSON: That's certainly okay with me.

UNIDENTIFIED SPEAKER: Oh, good.

CHAIR JOHNSON: I think that's a nice job for you, Vice-Chair...Vice Committee Chair Sinenci to reach out to the community. I went and reached out to them right before Budget, but now that the word got out, you always got to catch...throw the big net, right? Catch all the fish. So, okay. Certainly, so you're going to hold off of your amendment until you have the meeting with the community and then maybe first reading, he might exempt Hāna.

VICE-CHAIR SINENCI: Correct. Yeah. Thank you, Chair.

CHAIR JOHNSON: Okay. Councilmember Paltin.

COUNCILMEMBER PALTIN: I just had a question for Director Arce. With the existing part of the Code that references farms, like, submitting Schedule F, there's no amendment needed because in order to do agricultural tourism, it needs to be supplementary or subordinate to the farming and the farming part there already is a Schedule F to say that there's farming. Or I'm not sure if that's a question for Mr. Pfof and Ms-- Director Arce, but I just wanted to verify that that has already been taken care of through the existing code and that existing code would apply to this...to address Mr. Russo's concern during his testimony.

CHAIR JOHNSON: So, Director Arce, would you like to respond, or Mr. Pfof.

MR. PFOF: I'll take a stab. Thank you.

CHAIR JOHNSON: Okay, Mr. Pfof.

MR. PFOF: Chair, thank you, Councilmember Paltin. The...as you know in the...with this bill it requires it to be on a farm, right, and be secondary to a farm. That's part of what we're going to be checking when we do the registration process, and we'll actually do inspection to make sure to that they actually have a farm, that they're actually doing operations on it.

CHAIR JOHNSON: Good.

MR. PFOF: So, we'll ensure that in the registration process.

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CHAIR JOHNSON: Great.

MR. PFOST: The amount of money that they're going to be making from an ag tourism used compared to their farm we're not going to be checking as far as any ratio or anything like that. But we will be checking to be making sure they're on a farm and that that farm is operation as part of the registration process.

COUNCILMEMBER PALTIN: And if it has a farm, it doesn't need...require a Schedule F, is that part of your...regardless of how much income the farm itself brings in? Would it...

MR. PFOST: Yeah, I'm sorry. I didn't mean to interrupt you. We don't actually look at Schedule F to my knowledge. We actually send out an inspector to make sure that we actually have an operating farm. So they have to submit a farm plan, what they're doing, and then we actually have an inspection that goes out there and verifying that we actually do have a farm out there. But we don't look at Schedule F in regards to that inspection to my knowledge.

COUNCILMEMBER PALTIN: Okay. And I thought that we had done away with the farm plan thing. But Director Arce, is that sufficient, you agree that that would insure it's not like...not a real farm?

MS. ARCE: Yes, thank you for the question. Our department is actually working with Planning to...we've offered our assistance to participate or help them in the inspections to verify agricultural production. In regards to the dollar amount, I believe it's hard to put a dollar amount on income because operations make different amount of income and, you know, a lot of farmers actually don't make enough to make...meet the 35,000. So what Mr. Pfof is saying, I support that.

COUNCILMEMBER PALTIN: Okay, main thing you do.

CHAIR JOHNSON: Okay, great. Members, we're going to go back to the main motion. Seeing no other amendments, so main motion as amended, any discussion on it?

MS. MCKINLEY: Chair.

CHAIR JOHNSON: Yeah, go ahead.

MS. MCKINLEY: Sorry, Chair, I believe we need to have a motion on the substitution. A vote on the motion to substitute first.

CHAIR JOHNSON: We have to do the motion to substitute now?

MS. MCKINLEY: It's...we need to vote on it.

CHAIR JOHNSON: Oh, okay. We got to vote. So, okay, all those in...so, let's vote on the

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substitution. All those in favor, raise your hand and say “aye”.

**VOTE:        AYES:    Chair Johnson, Vice-Chair Sinenci, and  
                 Councilmembers Cook, Lee, Paltin, Sugimura,  
                 and U‘u-Hodgins.**

**NOES:    None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:     None.**

**MOTION CARRIED.**

**ACTION:    APPROVE substitution.**

CHAIR JOHNSON: That’s seven “ayes”, substitution...vote to substitution passes. And now we’re at the main motion as amended. Any discussion? Well, it was a long road to get here, but here we are. Okay, we’re ready to vote. So, all those in favor, raise your hand and say “aye”. Let’s go.

**VOTE:        AYES:    Chair Johnson, Vice-Chair Sinenci, and  
                 Councilmembers Cook, Lee, Paltin, Sugimura,  
                 and U‘u-Hodgins.**

**NOES:    None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:     None.**

**MOTION CARRIED.**

**ACTION:    Recommending FIRST READING of Bill 75, CD1 (2025).**

CHAIR JOHNSON: We got seven “ayes”, motion passes. Motion as amended passes. Good job, Members. Whew, that was a big one. Okay. Now, why don’t we take a five-minute break as we can stretch our legs and change our mindset as we get into the second bill. Five minutes, okay? The time is now 3:40 and we’re...ADEPT is in recess until 3:45...3:45. . . .(gavel). . .

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**RECESS:** 3:40 p.m.

**RECONVENE:** 3:47 p.m.

CHAIR JOHNSON: . . .*(gavel)*. . . Aloha, will the ADEPT Committee of 6-5-2025 come back its recess and I know we're burning...we're doing a lot of work today. This is a long meeting, and I appreciate everybody's stamina for this.

**BILL 76 (2025), AMENDING THE COMPREHENSIVE ZONING ORDINANCE  
ON MOBILE FOOD TRUCKS AND TRAILERS IN THE AGRICULTURAL  
DISTRICT (ADEPT-4)**

CHAIR JOHNSON: So, here we go...we're just going to jump right into it. ADEPT-4, Bill 76 (2025), Amending the Comprehensive Zoning Ordinance on Mobile Food Trucks or Trailers in the Agricultural District. Members, similar to the item, Bill 76 (2025) will support farmers' revenue and help them continue producing on their working farms. The proposed legislation was also spurred by the Agricultural Working Group, which reported the enforcement activities have been carried out against farmers operating food trucks during the new administration, Maui County Code 19.3A.050 [*sic*] allows for two commercial agricultural structures as an accessory use on working farms in the agricultural district, which may include agricultural food establishments and agricultural produce stands. This law was introduced in 2016 with the intent to include food trucks. However, food trucks and trailers were not specifically written into the bill, so even though farmers were allowed legally to operate food trucks on their farms for years, and after the law was adopted, they were shut down after 2023 due to ZAED's new interpretation. This bill proposes to remedy this by adding mobile food trucks or trailers to the definitions of agricultural food establishments and agricultural produce...product stands so that if the agricultural food establishment or product stands is on wheels, it can still count as an accessory use on a working farm in an agricultural district. On November 21st in this Committee...on November 21st, this Committee discussed Resolution 24-171, a proposed bill to allow for mobile food trucks or trailers in the agricultural zoning district. It passed out of ADEPT with amendments and was also referred to the Lānaʻi, Maui, and Molokai Planning Commissions during the Council meeting on December 6th, 2024. We have with us today Mr. Pfof from the Department of Planning to share with us the recommendations from the Planning Commissions. Mr. Pfof, the floor is yours.

MR. PFOF: Thank you, Chair and Members of the Committee. I'm going to be really quick to this presentation if I may. I have a couple moments. As the Chair mentioned, you've already heard this and this is going...has already been reviewed by all three Planning Commissions in February and April. I'm not going to go through these policies as I've mentioned these in the last bill and the policies related to you the importance of agriculture to the County, as well as policies that I've already mentioned related to this

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importance of supporting farmers. Just real quick, giving a background to make sure we're all talking the same language here, is that as in the agricultural zoning district, like any zoning district, we have a list of types of permitted uses. We have principal uses, accessory uses, and special uses. And as in ag district, principal uses are considered to include agricultural, like you might think, and animal livestock raising. Accessory uses include things such as farm dwellings and ag structures, such as barns and so forth, but also includes something called commercial ag structures. And then we have special uses that allow for anything beyond what accessory allows. So you can have more farm dwellings from an accessory permit if you get a special use permit, or you can have different commercial ag structures if you get a special use permit. So let me focus on just the accessory uses of commercial ag structure because this is what really is...allows for product sales by farmers and this is all on our existing Code. There's four types of accessory uses. They're called commercial ag structures. They are called agricultural food establishment, which is a building or structure that prepares or serves food in retail, agricultural product stand, which is typically an open stand that you might think of that sells your...for the display and sale of your agricultural products; agricultural retail structure, which is an actually enclosed structure that sells product, which just kind of think of it as a small store; and then a farmer's market and we all know what a farmer's market is, it's really leasing space for different farmers to come to. So those are the four different types that a farmer can do today. The commercial ag structures within our existing zoning code also have some required standards that they have to comply in order to do one of these four types of items. You're only allowed two on your property at any one time. You have to register that structure, as we spoke to at the last item. Your product has to be sold on the lot in which an active operation of a farm is occurring. A farm plan has to be submitted showing that you have active operation. There's a maximum size requirement. If you exceed those requirements, you've got to get a special use permit, and a variety of other standards. And so, that's all within our existing code and that's in our existing operation for commercial ag structures. So as I mentioned, in the current code, these commercial ag structures, at least in definition, they're all structures or identified as structures. They're not identified as mobile uses. And so, the way that the Department has been interpreting that is that if you wanted to do a mobile food truck you can today, but you need to get a special use permit. So the purpose of this bill before you is to take away that requirement to get a special use permit and just add these to our commercial ag structures. There's four specific amendments that are being proposed. Basically, changing the definition of ag food establishment to also include mobile food trucks. Changing the definition of ag product stand to also include structure on wheels, vehicles, and mobile food truck. Also then, indicating that mobile food truck or trailer must not operate within 500 feet of another mobile food truck and amending the parking code to ensure that mobile food trucks don't take up any other parking spaces. Those are the four provisions in the Code in the proposal before you. When the Department received this bill, we formulated our position as a recommendation to the Planning Commission. We believe, obviously, it's imperative for a farmer to be able to sell their product. We believe that the commercial agricultural structure for which it's in the existing code allows a farmer to sell its product, but obviously, it doesn't allow for, at least in the Department's interpretation, for a mobile food truck. The Department's only

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concerns that we had in regards to a mobile food truck, which we represented to the Planning Commission, was a potential for commercialization of the agricultural district and whether or not that would be inconsistent with the policies of the general plan to try and conserve or protect the agricultural district. That was our main concern that we...that we forwarded to the Planning Commission. The Planning Commission...and then with our concern we proposed two revisions, two major revisions and two minor revisions. The first major revision is we wanted to see if the Planning Commission would like to increase the distance requirement from 500 feet to some other larger distance requirement so we can separate mobile food trucks a little bit further apart. The second major revision was to remove the term mobile food truck from the definition of ag product stand and just only keep it in the definition of ag food establishment because it's more related to a food establishment, not a retail distribution of product. The third minor revision was in the definition of ag food establishment, just simply removing reference to the word trailer, because it's already within the existing definition of a mobile food truck. And the fourth minor revision was to change the term where it was changing from County to State to change State to Hawai'i. That's a minor revision. Again, we took this to the Lāna'i, Moloka'i, and Maui Planning Commissions. The Lāna'i Planning Commission recommended approval of the proposed bill, consistent with the Maui Planning Commission's recommendations. The Moloka'i Planning Commission recommended approval of the proposed bill with exception to Moloka'i. And then the Maui Planning Commission, regarding those four items that I mentioned that Staff recommended, in regards to increasing the distance of 500 feet, the Maui Planning Commission did not recommend doing that and in fact the Maui Planning Commission recommended not having any distance requirement between mobile food trucks, so actually removing that from the bill. They supported the Department's recommendation to move mobile food truck out of the definition of agricultural product stand, and then did not support the Department's recommendation to remove the trailer, and supported the Department's recommendation to change the word State to Hawai'i. And that concludes my presentation and I'm available for any questions. Thank you.

CHAIR JOHNSON: Okay. Thank you, Mr. Pfof. Let's...I don't see any clarifying questions. Let's move on to...oh, we do have one from Councilmember Paltin, I beg your pardon.

COUNCILMEMBER PALTIN: On that number four in your presentation that just was up on the screen, it said it supported using Hawai'i instead of State, did that include using State instead of County or Hawai'i instead of County?

MR. PFOST: It was, as in the proposed bill which changes the word County to State, the Planning Commission wanted to change...it was okay changing County to State, but wanted to change the word State to Hawai'i.

COUNCILMEMBER PALTIN: Oh, okay. Thank you for that clarification.

CHAIR JOHNSON: We could always just do like the last bill and prioritize, you know, Maui County, something like that if that's the case.

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COUNCILMEMBER PALTIN: Yeah, and I would...that would be my preference. I mean, it feels like it would be going backwards to go from County to Hawai'i in our agricultural industry, but if we change it like how we did the last bill, then that's acceptable to me. But I would like to hear from Director Arce as well.

CHAIR JOHNSON: Okay, that's who's next on our...unless you want to speak to that right now. Do you want her to have...well, that's more clarifying questions for Mr. Pfost, I think Director Arce can speak on what she wants to speak on in her opening remarks. If you want to address that in your opening remarks, you certainly can, Director. So, the floor is yours.

MS. ARCE: All right. Thank you, Chair. So the Department of Ag does support Bill 76. We liked the addition to Section 3 because it sounds like it protects ag lands from being developed into food truck parks. We also want to suggest a similar revision that we suggested for the previous Bill 75 about having preference or prioritizing selecting products from Maui County first. And we also feel like mobile food trucks would be a form of agribusiness, which farmers need to have additional income, especially with all the challenges that they face, which include availability of affordable ag land, affordable water for irrigation, and they also face competition with the mainland and international commodity products, including outer island commodities. So again, we do support the bill, Bill 76. Thank you.

CHAIR JOHNSON: Thank you, Director. Members, any clarifying questions for our Director Kali Arce? Seeing none. Thank you so much. Okay. Let's move on to public testimony just for ADEPT-4. At this time if there's anyone wishing to testify on this item, please use the raise-your-hand function and you will be called upon to testify. Staff, is there anyone wishing to testify?

**. . . BEGIN PUBLIC TESTIMONY FOR ADEPT-4 . . .**

MS. APO TAKAYAMA: Chair, Staff still has noted six individuals who have signed up to testify in the Chamber. We don't see six individuals in the Chamber, but we can call the names and then if they're not here we can move on.

CHAIR JOHNSON: Feel free. Go ahead.

MS. APO TAKAYAMA: So the first individual would be Sydney Smith, to be followed by Lauren Lipcon.

CHAIR JOHNSON: And Ms. Smith testified on...not this bill yet, right? You haven't testified on this bill yet? Okay, go ahead.

MS. SMITH: Aloha, Chair. Aloha, Council. My name is Sydney Smith. You all know that already. I'm testifying on behalf of myself, my ohana, and the Ag Working Group. We fully support this bill. We were assured under the previous two administrations that

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food trucks and trailers on a working farm or ranch were supported by the Planning Department and that the definition of a commercial food establishment was already defined in Title 16 and that included food trucks and trailers, at least that's what we found out in 2013 when we first wrote the bill, and we thought that would be sufficient for the Planning Department and Zoning and Enforcement. We at the Ag Working Group were really shocked when Zoning and Enforcement was systematically shutting down locally owned farms' and ranches' food trucks, and we had worked to make that an allowable use in 2015. So this new unwritten policy was devastating to our producers in that they invested in these very expensive food trucks. And they had valued employees working on the farm, and the income from the trucks often made the employment of the farm workers possible. And so, they were even registered with the Planning Department for all those years, so they were really blindsided by this new policy. So the Ag Working Group and Councilmember Gabe Johnson and his staff worked quickly to clarify the language so that no one could be shut down in the future, shutting down viable family farming businesses. As I testified in the previous bill, farming and ranching has never been more challenging than it is today, and I don't think there's anyone in this room that has any expectation that things will be easier in the future. We need every tool that we can to get our farms and ranches to stay in local hands, and this is just one thing that could help. The Ag Working Group supports the Planning Commission's recommendation to remove the 500-foot limitation. It's as if you had an eight-year study that this was not overused and that there were no food truck parks on ag land because for eight years they were allowed. Pitting a farmer against another farmer, a neighboring farmer, by not allowing them each to have a food truck seems problematic. I was reminded recently from a farmer that he wanted to offer kosher selections, and he would actually have to have two food trucks to be able to do that. So just to be compliant, you know, not allowing two food trucks he would not be able to have kosher offerings. I would like to thank the farming families that trusted us at the Ag Working Group to fight for them rather than filing a class action suit. And after discussing this with Councilmember Gabe Johnson and his hardworking staff, we thought this was the fastest way to right the wrongs of an overzealous Zoning and Enforcement employee. And due to the disaster in West Maui and Upcountry in 2023, there was no oversight and no one to advocate for these farmers. So we expedited these bills . . . *(timer sounds)* . . . as fast as we could to help our farming families who were adversely affected by these unwarranted policies. Thank you.

CHAIR JOHNSON: Thank you, Ms. Smith. Members, any clarifying questions for our testifier? We do have one from Councilmember Paltin.

COUNCILMEMBER PALTIN: Can you clarify about the kosher and two trucks, I don't understand.

CHAIR JOHNSON: Ms. Smith.

MS. SMITH: Well, I had to look it up. I don't eat kosher myself, but in the kosher methodology, if you want to call it that, they can only fix dairy in one kitchen, and they can only fix any meat product in another complete kitchen. No utensils can be shared, and the

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kitchen cannot be shared. There has to be two separate kitchens for the two things, so that was pretty common in all the things that I looked up and then all kosher offerings have to be in two separate kitchens.

CHAIR JOHNSON: Wow.

COUNCILMEMBER PALTIN: So, like, a hamburger would not be kosher because there's bread that has milk and meat? Is that --

MS. SMITH: Right. It can't be prepared in the same kitchen.

COUNCILMEMBER PALTIN: Oh, but it could be on the same plate?

MS. SMITH: Yeah, but it can't...the bread would have to be cooked in a different kitchen from the meat.

CHAIR JOHNSON: Wow.

COUNCILMEMBER PALTIN: Interesting. Okay, got it.

CHAIR JOHNSON: Thank you, Ms. Smith. Seeing no further clarifying questions, thank you so much for your testimony. Staff, will you call the next testifier, please.

MS. APO TAKAYAMA: Yes, Chair the next testifier is Lauren Lipcon, to be followed by Robert Horcajo.

CHAIR JOHNSON: Next testifier, please.

MS. APO TAKAYAMA: Next testifier is Robert Horcajo, to be followed by Eve Hogan.

CHAIR JOHNSON: Mr. Horcajo was in the Chambers, but I don't see him now, so we'll go on to Ms. Hogan and if he shows up, we'll come back to him. Ms. Hogan.

MS. HOGAN: Thank you. Aloha, again. My name is Eve Hogan. My husband and I are owners of the Sacred Garden in Makawao, and I'm a member of the Ag Working Group. I'm testifying on behalf of myself and the farmers who weren't able to be here today in favor of food truck Bill 76. I don't have a food truck, and I'm not planning to get a food truck, so I want you to know this is not self-serving. But the Ag Working Group worked really hard with Councilmember Guzman years ago to make it legal to sell food on ag land and for years it has been legal. People invested in building businesses that serve our community and employ people. Every single one of us eats, not just the tourists. The food trucks and farm stands fed locals, too, and while supporting family...farming. Now suddenly someone in Planning decided to interpret the law differently and decimate small businesses and farms all over the island by prohibiting food trucks. Let's keep in mind in spite of some of the previous opposition, that the ability to sell food on ag land is already allowed and the customers and visitors are already allowed. So the only

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difference with the allowance of a food truck is the structure that the food is sold out of, not the business itself. Yet in the event of a failed business or the death of the owner or a sale of property a food truck can easily be removed. A building cannot easily be removed, likely staying in place until it rots away or it could easily be turned into a non-permitted dwelling. So, in addition to my knowledge...in addition to my knowledge it's not illegal to park a food truck that is not in use on your property. You can have tractors, old cars, school buses, whatever, on every property as a total eyesore. So outlawing them in use seems ridiculous. And as for the Planning Commission, I do not support the limitation of one only every 500 feet. The concern that everyone would get one or even want one is completely unfounded. It's already been legal for many years and that has not happened. The investment, the commitment, the skill set, the desire and the appropriate property are all prohibitive and self-limiting in and of themselves. That is why I haven't done it myself in the last ten years, even though we could have. And I also want to remind us all that the map is not the territory. So when you look at a flat map of 500 distance, when you're looking at Kahului, or even when you're looking in my neighborhood, 500 feet, oh that seems reasonable, but when you look at it in the territory itself, my nearest neighbor, both of them who testified today, could both have a food truck and I would never know. I wouldn't be able to see it, hear it at all. So it's important for us to remember that arbitrary numbers do not match the actual territory. So thank you for your time and consideration in passing this bill and supporting farmers and agriculture on the island.

CHAIR JOHNSON: Thank you, Ms. Hogan. Members, any clarifying questions for our testifier? Seeing none. Thank you once again for your testimony. I appreciate you. Staff, would you call the next testifier, please.

MS. APO TAKAYAMA: Chair, the next testifier is Annette Niles, to be followed by Thomas Russo.

MS. NILES: Hi, Council, again. My name is Annette Niles. I'm a rancher, farmer, māmaki tea grower. I'm also on the Ag Working Group. I'm in support of the food trucks. You know, they have been...their restaurants have been going out of business, people have not had employees to work, and these food trucks are by their families, you know, and my husband is really upset because he works construction, and these food trucks like in Ha'ikū and wherever Lāhainā side, they pouring concrete, okay, so they cannot take lunch. They go to a restaurant; they wait one hour for food and the trucks are coming. So, these food trucks are valuable to them, too. They work hard and they want to go just to the food truck, grab something fast, eat it and go. But they have, you know, we need that here. You know, people have to make extra income for their farm and if it's...if they can afford it, I don't want it, but they have it and it's good. I like going to it, you know, but that's my point. And so, I am in favor of these food trucks going back to where they belong. Thank you.

CHAIR JOHNSON: Thank you, Ms. Niles. Members, do we have any clarifying questions for our testifier. Seeing none. Thank you once again for your testimony. I appreciate you.

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MS. NILES: Okay. Thank you.

CHAIR JOHNSON: Oh, we do have one from Councilmember Sinenci.

MS. NILES: Oh, okay. Hi. Yes.

VICE-CHAIR SINENCI: Hi. Mahalo, Ms. Niles for your testimony. I just had a clarifying question. The food trucks, do they normally come already with all of the kitchen?

MS. NILES: Yes, yes.

VICE-CHAIR SINENCI: Like, they're certified...the food truck could serve as a certified kitchen.

MS. NILES: Yes. They do certify them. The Board of Health [*sic*] goes out to the food trucks and certify them too. You know, certain ones can do what they do, and they get certified for it. You know, we all have to have permits anyway from the Board of Health for our stuff and so does the food trucks. So, certain ones, I mean yes, they do have a full-on kitchen, you know. And like you said we, you know, if they have a building, you know what I mean and you sell it, well, they're going to turn that into a house, so I think the food trucks is wonderful in which she mentioned.

VICE-CHAIR SINENCI: Okay, thank you for that. Thank you, Chair.

MS. NILES: All right. Thank you.

CHAIR JOHNSON: Thank you, Vice Committee Sinenci [*sic*]. Thank you, Ms. Niles. I don't see any other hands raised, so do you have any more testifiers?

MS. APO TAKAYAMA: Staff-- the last individual signed up to testify was Thomas Russo.

CHAIR JOHNSON: I don't see Mr. Russo in the Chambers, so why don't we move on to the next person.

MS. APO TAKAYAMA: Chair, there is no...Staff has not received any further requests for testimony. If anyone would like to testify, please raise your hand by clicking on the raise-your-hand button.

CHAIR JOHNSON: Okay, I don't see any hands raised, but I see somebody at the podium. Go ahead.

MR. LAW: 'O wau [*sic*] Jasee Law. [*speaks Hawaiian*]. As you are aware, Mr. Chair, there are one or two food businesses that have monopoly in Kula and if you're hungry and don't know where to get something to eat, then you're stuck with them, like she said wait in line, or you know, you got to drive a long ways to get to them. I think allowing food trucks on the mauna would help resident farmers and give people more options. . . .(*inaudible*). . . [*speaks Hawaiian*] the plow to the finish line.

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CHAIR JOHNSON: Thank you, Jasee Law. Okay, any other...any clarifying questions for our testifier? Seeing none. Thank you once again for your testimony. Staff, I'll do a last call. Last call for any public testimony. Okay, Members seeing there are no more individuals wishing to testify, I will now close public testimony on this item.

COUNCILMEMBERS: No objections.

**. . . END PUBLIC TESTIMONY FOR ADEPT-4. . .**

CHAIR JOHNSON: Let's proceed to the agenda, the last item on our agenda, ADEPT-4, Bill 76 (2025), Amending the Comprehensive Zoning Ordinance on Mobile Food Trucks or Trailers in the Agricultural District. Members, since we have also discussed this legislation in this Committee in the past I would like to begin our deliberations with a motion on the floor. I will then entertain motions for amendments to accept recommendations from the Planning Commissions, which are contained in Planning Department's report on Granicus under item number 2, then I will take any additional motions from any Members. I was unable to integrate the Planning Commission's recommendations and receive Corporation Counsel's approval for form and legality ahead of today's meeting due to the timing received...of receiving the report from Planning, but I hope we can make amendments in Committee today and request Corporation Counsel's review before posting on the Council agenda for first reading if it is recommended for passing. Okay? So go ahead, Chair Lee.

COUNCILMEMBER LEE: I move to approve Bill 76.

COUNCILMEMBER COOK: Second.

CHAIR JOHNSON: We have a motion from Chair Lee to recommend passage of Bill 76, seconded by Councilmember Tom Cook. Discussion?

COUNCILMEMBER LEE: You know, I do appreciate all the testimony we've received today. I was going to offer a ASF amendment, but now I really think that we should give the folks a chance who want to do food trucks, and little did they know that it was legal already. You know, so the thing is I would hope that we don't have to put any restrictions any more than it's already outlined in here.

CHAIR JOHNSON: Okay.

COUNCILMEMBER LEE: So, the one per 500 feet, is that in this...it's in here already, right?

CHAIR JOHNSON: Chair, if you'll allow me, I'll incorporate the amendments today.

COUNCILMEMBER LEE: All right.

CHAIR JOHNSON: And then we can go from there.

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COUNCILMEMBER LEE: Okay.

CHAIR JOHNSON: Okay. So, Members the Chair would like to entertain a motion for an amendment to incorporate the recommendations from the Planning Committee...Commissions and they are as following: "Remove the proposed bill 500 feet distance requirement to have no distant requirements between food trucks", and that's in Section 3 of the bill, Code Sections 19.3A.02 [sic] or 072.B.2, and E.3. So that's the first one. The second one is change the word State to Hawai'i in the proposed definitions of agricultural food establishment. That's Section 2 of the Bill, Code Section 19.3A.015 with the proviso that Maui County produce is prioritized, and I'll leave the body to discuss that if you want to amend that. But that's what we got right now. Remove mobile food truck from the proposed bill's definition of agricultural produce stand, as we still have language including the structure on wheels, a vehicle, or mobile trailer, in other related areas in the bill. And finally, exempt Molokai. So those are the proposals from the Planning Commissions.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER LEE: Second.

CHAIR JOHNSON: And so can we get...moved by Councilmember Tom Cook, seconded by Chair Lee. The discussion from...any discussion? Go ahead, Councilmember Tom Cook.

COUNCILMEMBER COOK: I'm supportive of this. I think that it'll help the farmers. I think that it also helps basically our economy with small business and it's really difficult to open a restaurant and also in the ag areas to be able to provide food for the people who are working in the area. And I think it's just a win-win all the way around. I think you and a lot of people put a lot of work into this bill. The fact that it had previously been approved and operating for a number of years and this is really clarifying that, that I think it's really appropriate that we pass this today and I'm very supportive of it. Thank you.

CHAIR JOHNSON: Thank you, Councilmember Tom Cook. Any other discussion? Okay. Well, go ahead, we have Councilmember Paltin, followed by Councilmember Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Thank you, Chair. Just a couple things. I thought that I had heard it from somebody earlier, but I didn't see it in the bill. It's two food trucks per TMK, was that...did anybody say that?

CHAIR JOHNSON: It's two commercial...two commercial buildings per TMK, but I'm going to let Mr. Pfoost add to that. Is that correct, right?

MR. PFOOST: That is correct. You're allowed two commercial ag structures per lot basically.

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So those ag structures can include any of those four different types of items I included and now if we add mobile food trucks you could technically have two mobile food trucks on your property.

COUNCILMEMBER PALTIN: Okay, so, like, you could have any combination of it, like one agricultural stand and one food truck, or two agricultural stands?

MR. PFOST: That's correct.

COUNCILMEMBER PALTIN: Okay. And then I'm not trying to give away names or locations, but I guess I didn't realize that this was revoked because one of the food trucks I know hasn't ever stopped. So is that just because you guys didn't...nobody complained or something?

CHAIR JOHNSON: Mr. Pfoست, would you like to...

MR. PFOST: Thank you for the question. Yeah, as you know, enforcement is more of a reactive enforcement or complaint-driven enforcement here at the County. The food trucks that we did stop were...the reason why was because they were related to another building permit activity on their property. So, when somebody submits a building permit for something on their property then we look at everything on your property and make sure you're in compliance. Well, there were food trucks being operated, so that's why we had to say you can no longer operate those. You can get a special use permit to operate them, but you can't operate them by code, so that was the...that's the distinction. So, there are definitely a lot of food trucks operating in the ag district right now without County approval.

COUNCILMEMBER PALTIN: Oh, I see. And it wasn't because of complaints.

MR. PFOST: Yeah, those...at least the two...I'm aware of actually only one in which we had to shut down and that was by Mr. Ashby that was indicated or spoke earlier, and he was actually getting a building permit on his property, that's when we identified the food truck and then we worked with...in fact I worked with Mr. Ashby, trying to get him through the process of getting his special use permit, but then this bill came up. So that's the only one I'm aware of that we actually had to shut down that I'm aware of. I haven't been with the County for a long time, but we actually heard testimony obviously this morning from another person that had to shut down.

COUNCILMEMBER PALTIN: Okay, no need to come to the West side and looking at what I'm talking about. But the other question I had was removing the 500-foot requirement, that doesn't... like, so, if you have two TMK's, somebody could put two food trucks here, two food trucks here, and you have four food trucks, and that wouldn't be a problem if we removed the 500?

MR. PFOST: Technically, you're allowed, and I think the commercial ag structure section indicates two commercial ag structures per lot. It doesn't identify whether it's TMK or

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lot. Each of those lots then would have to be a working farm, so we want to make sure that you can only have two commercial ag structures on a working farm, so it's even kind a nuance on how we would look at that but whether it's a TMK or a lot. We'd probably consider the lot as a whole, right, and that you're doing farming activity on that lot, you're allowed to...and even though your lot may be subdivided into several TMK's, right?

COUNCILMEMBER PALTIN: So, like, by lot you're talking about like the CPR thing?  
. . .(timer sounds). . .

MR. PFOST: No. I would consider it...what we would look at is really the farming activity, so we would want to make sure there's no more than two food trucks or two commercial ag structures per farming operation. Does that make sense?

COUNCILMEMBER PALTIN: I guess if you could define lot for me.

MR. PFOST: I have to look that up if you can bear with me for a moment. I'll have to look at what the code says.

COUNCILMEMBER PALTIN: If the Chair lets you look it up, I'm green...go.

CHAIR JOHNSON: Okay. Is there anybody else want to have...we can come back to that unless you have any more questions, Councilmember Paltin.

COUNCILMEMBER PALTIN: No, just the...I didn't understand what is the difference between a lot and...I thought a lot was a TMK.

CHAIR JOHNSON: Well, okay, I'm not going to...I'm not going to guess. I'm going let the expert explain that. Because I keep...in my mind...well, I'm attempted to guess. But we have a hand up, so Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, I think I heard Mr. Pfoست say that if...that he would interpret lot as TMK?

MR. PFOST: I'm not exactly sure, so I'm going to have to look that up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, then I think instead of, like, trying to figure out what lot means, what do you mean? Do you mean TMK? Do you want TMK to be there? Would that be clear?

MR. PFOST: I believe TMK would be clear, but...because that's what we technically use.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So, should we replace lot with TMK?

MR. PFOST: It's in a separate section I believe in the Code that's being considered in the bill before you because it's actually in the section that talks about commercial ag structures,

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which I'm trying to find right now.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then while you're looking for that, my question was about the 500 feet. I think that came from the Department, yeah, that draft, that language? Oh, that came from us?

CHAIR JOHNSON: Originally...there's a bit of a history to it. The Department wanted, like, a mile in distance. I said, well, can we negotiate, and I said 500. And then the Commissions were like that's kind of ridiculous, let's just make it zero, so they just want to get rid of it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo for that background.

CHAIR JOHNSON: So, that's the history of it.

COUNCILMEMBER RAWLINS-FERNANDEZ: I guess so when it was a mile, what was the thought behind that proposal? What was, like, the concern that it was addressing?

CHAIR JOHNSON: Mr. Pfof.

MR. PFOF: Yeah. The concern the Department had was potential over proliferation in commercial mobile food trucks within the ag district because they're more mobile easily to access on property. So, we were concerned about mobile food truck after mobile food truck on some of the County's most scenic highways and that's what we were concerned with, potential, and whether that's consistent with the policies in the general plan about preserving agricultural use. So, we had recommended it and working with the Councilman on looking at whether or not we could have a distance requirement or something like that and when Councilman proposed 500 feet we said, well maybe it should be further than that, so we have these further apart. That was how that process worked. The Planning Commission disagreed with that and said no, we don't believe that there should be any distance requirement between food trucks.

CHAIR JOHNSON: And as it was stated before, this was fine since 2016 and there was never any proliferation, but only recently has ZAED come down really hard on this and then...so if there was a chance to proliferate, they had plenty of time to do it and it never really panned out that way. But that's...I just want to throw that in, so...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for that response. Did anyone maintain a list of, like, all the trucks and where they were located?

CHAIR JOHNSON: Mr. Pfof.

MR. PFOF: No. I'm aware that we have, I think, only one or maybe two registrations of food trucks that have been submitted over the years that I'm aware of.

CHAIR JOHNSON: Wow.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. So, even though it was operating for eight years, there wasn't really any tracking of them?

CHAIR JOHNSON: Mr. Pfof.

MR. PFOF: Yeah, actually eight years meaning since 2015 when the original ordinance was adopted that allowed for commercial ag structures, so that's when the original ordinance came out that you have before you, before this revision which didn't mention...only mentions structures and didn't mention mobile food trucks. So whether or not there were mobile food trucks or the intent in 2015, I'm not sure. So maybe I understand from this from the speakers that they believe the intent was to allow mobile food trucks. It was just until I think around 2022 or 2023 in which the Department actually said, well, no, these...the Code does not say mobile food truck, it says structure. And so, subsequently we were interpreting...the Department was interpreting that mobile food trucks are not permitted unless you get a special use permit. That's basically how that whole process worked.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay and my final question. So, the distance, like when there are large TMK's, then they wouldn't be so much a concern necessarily, but in testimony, especially particularly Hāna, if there are TMK's that are closer to each other then that's where the concern comes in.

MR. PFOF: That is correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. PFOF: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification. Mahalo, Chair.

CHAIR JOHNSON: Thank you. We have a question from Vice-Chair...Vice Committee Chair Sinenci.

VICE-CHAIR SINENCI: Mahalo, Chair. I just need clarification. So of the four, Mr. Pfof, if the farmer chooses two food trucks, which they can, both of them need to be 500 feet apart?

MR. PFOF: Yes, as the...yes, that is correct, 500 feet on the same property. That is the bill before you, but I understand there may be a change on that moving forward.

VICE-CHAIR SINENCI: Oh, okay. And then just some basic questions. If there is gray water that comes from the food trucks, does the food truck have to dispose of that gray water or...differently?

MR. PFOF: Yes.

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VICE-CHAIR SINENCI: Or maintain it in tanks?

MR. PFOST: Yes. They would and every food truck would require Department of Health review and permitting, so all of that would be assessed during that process.

VICE-CHAIR SINENCI: Okay. So they would also need the food handlers' license?

MR. PFOST: That's correct.

VICE-CHAIR SINENCI: And then like the food establishment, they would require a percentage of food products from the farm.

MR. PFOST: Not necessarily. Currently, the food establishment doesn't establish a certain percentage. The description is actually within the...within the description of the bill. It actually says, "that prepares and serves food at retail using agricultural products grown, raised, or caught in this State or County and valued added products that were produced using agricultural products grown in Hawai'i". So that's the current language.

VICE-CHAIR SINENCI: Okay, thank you for that. And then, since this is a moveable truck, does the farmer have to pay the County vehicle tax?

CHAIR JOHNSON: Mr. Pfof.

MR. PFOST: That I'm sorry I cannot answer that one. I'm not familiar with how the County establishes that vehicle tax. I don't know how that works. I assume that they are registered. Typically, mobile food trucks are registered, so I assume they are paying that tax, but I could not verify that.

VICE-CHAIR SINENCI: Okay. And then last question, Chair. Since a lot of them use propane fuel for cooking, they also need to adhere to a fire code?

CHAIR JOHNSON: Mr. Pfof.

MR. PFOST: That would be true, yes. And all of that within itself contain food truck would have some sort of registration or certification that would require that.

VICE-CHAIR SINENCI: Okay. Thank you for those answers. Thank you, Chair.

CHAIR JOHNSON: Thank you. You know, Members, it's 4:30. I'd like to find out if Mr. Pfof did find the definition of a lot and, you know, I kind of want to respect your time and move forward with this. Mr. Pfof, are you...we keep asking you questions so you can't look up the --

MR. PFOST: I did find it. Thank you.

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CHAIR JOHNSON: Oh, look at him--

MR. PFOST: Thank you for your question.

CHAIR JOHNSON: --multi-tasking.

MR. PFOST: I did find the answer, that it is...it is two agricultural structures per lot that is what the code language says. Now I'm actually going to the definition section and seeing if we have a definition for lot. If you can bear with me.

CHAIR JOHNSON: And I just...oh, go ahead, Chair Lee.

COUNCILMEMBER LEE: I just want to remind everybody that most farms are not, like, 10,000 square feet. You know, the minimum is two acres and very few farms that I know of are that small, so it's usually multiple acres we're talking about. So please don't be thinking, you know, you're going squeeze two trucks on the same lot as if you're living in Maui Lani, you know. We're talking about a farm, everybody. Okay. Thank you.

CHAIR JOHNSON: You know, after I...let me speak a little bit before I recognize you, Councilmember Rawlins-Fernandez. You know, we put in so much effort to support our farmers. We give them ag microgrants. We give...we have...we created the Department of Agriculture. I mean, we have been bending over backwards for our farmers because we know the food insecurity we face. I would hate to kind of impede any kind of way...creative ways that they come up with to help make that farm pencil out. We often hear that term penciling out. The food truck bill is another way for farms to pencil out. So I just think it would be...if we're sticking with that momentum of supporting farmers, helping farmers, then this bill is really one way to do that. So if we're going to give them microgrants, if we're going to give them all these monies, we want to help them succeed, so I just wanted to throw that in there. Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I found the word lot in our code.

CHAIR JOHNSON: Oh, good.

COUNCILMEMBER RAWLINS-FERNANDEZ: 18.04.220, lot means a parcel of land intended as a unit for transfer of ownership or for development, and that's the only definition I could find in our Code.

COUNCILMEMBER PALTIN: So, it could be a CPR'd unit of a TMK, or...but a CPR is a TMK because it has its own unique identifier, right?

CHAIR JOHNSON: Mr. Pfoست.

COUNCILMEMBER PALTIN: Like 0001.

CHAIR JOHNSON: Oh, yeah.

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MR. PFOST: I'm sorry, I'm not sure I could answer...I'd have to look into that one in a little bit more detail and also I just wanted...I did point out there is a separate definition of a lot...different than what you just mentioned in Title 18 that's also in Title 19 in the definitions, which means a parcel of land considered as a unit and enclosed within defined boundaries. So that doesn't really help us either in defining whether we use TMK or lot.

CHAIR JOHNSON: Let's speak to Corporation Counsel Nelson. Corporation Counsel, you got something to add to this in the weeds conversation we're having right here.

MR. NELSON: I just wanted to add that, yeah, I saw that as well in 19.04.40, definition section. The definition for lot, and I would interpret that to include a CPR'd area of larger lot if that makes sense. So, you know, it says that a building site having the required area for certain use, so if you CPR a two-acre ag lot, you'd have, you know, enough space to put the two farm dwellings that are accessory uses. So anyways if that makes sense.

COUNCILMEMBER PALTIN: Maui Lani, here we come. Just kidding. I don't mind.

CHAIR JOHNSON: Okay. We have Councilmember U'u-Hodgins who hasn't spoken yet.

COUNCILMEMBER U'U-HODGINS: This is a very interesting conversation. It's a great question because it gives us an opportunity to understand what's allowable. But I always assumed that the...for ag, regardless if you CPR it, it still needs to comply with the zoning laws as if it's one lot, not TMK, not separated. So, for instance, we live on three acres. If I was to CPR our lot and we did a two-acre, one acre, it still doesn't allow more than the one farm dwelling and one accessory farm dwelling regardless if it's CPR. So I would assume that it would be something similar where we wouldn't allow anything more than what's allowed in a lot. CPR is...it matters if you are doing...if you're going to mortgage and you can mortgage separately, but it doesn't disallow you from complying to zoning lots.

CHAIR JOHNSON: So the TMK would...is the firmer route to go or is it the --

COUNCILMEMBER U'U-HODGINS: Well, TMK would...TMK would then allow you to change it for a CPR lots, but not necessarily lot. Lot is the big portion --

CHAIR JOHNSON: So lot is is the way to go.

COUNCILMEMBER U'U-HODGINS: I would prefer lot --

CHAIR JOHNSON: Yeah.

COUNCILMEMBER U'U-HODGINS: Because then it's bigger. It's the bigger portion of land.

CHAIR JOHNSON: Right.

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COUNCILMEMBER PALTIN: I think it can be whatever we collectively decide on, right? I mean I just was trying...I didn't really care one way or the other, I just wanted to clarify what it is we're doing.

CHAIR JOHNSON: A lot is going to be the bigger one, I think. We've got a lot of hands, but I'm partial to go lot. Okay. Let's...come on back, team. Let's get back to order here. Councilmember Cook, followed by Chair Lee.

COUNCILMEMBER U'U-HODGINS: I'm not trying to split hairs, I'm just saying, but I'm okay with pretty much whatever as Chair Lee --

CHAIR JOHNSON: Five o'clock I turn into a pumpkin.

COUNCILMEMBER U'U-HODGINS: -- said it's ag lands is the smallest you can be is two acres, so majority of them are bigger than that and even if a CPR lot were to happen, it still...you need to comply with zoning laws. It really is just a dotted line on a piece of paper.

CHAIR JOHNSON: And it's something that this bill does not even talk about. If we want to change all that stuff, we'd have to have a new bill for that. Okay, so I'm kind of trying to keep us on track here, Members. If we're going to raise hands and talk, I'd prefer we don't talk about lots. But, go ahead, Councilmember Cook.

COUNCILMEMBER COOK: So, Chair I'd respectfully like to call for the vote. I think we've discussed this unless someone has something super substantial to discuss.

COUNCILMEMBER PALTIN: I just want to know what we're voting on. Like, I'm not sure, I just want to know what we're voting.

CHAIR JOHNSON: Okay. Yeah, certainly. I don't think Councilmember Cook was done. Now hold on with the hands. Councilmember Cook, are you finished? Okay. And now I understood what you said, Councilmember Paltin, we want to know what we're voting on. Chair Lee.

COUNCILMEMBER LEE: Okay. I suggest that you pick one, TMK or lot. We vote on it and in the interim have Staff decide which is the clearer, more legal term.

CHAIR JOHNSON: My preference is lot, okay. Okay. I see some nodding heads. Councilmember Paltin, you wanted to know --

COUNCILMEMBER PALTIN: I'm okay with whatever...I just didn't understand what...like, there were a couple definitions of lot --

CHAIR JOHNSON: Sure.

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COUNCILMEMBER PALTIN: -- and I know people said stuff. I just didn't understand yet, I just want to understand what we're voting on.

CHAIR JOHNSON: Yeah, I would...so the intent would be for lot. So, and that's not in the bill so we're just going to...not in the bill to talk about all the things that we just talked about. So, we're just going...okay, I see your . . . *(inaudible)*. . . go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Okay. I understood what you said it's lot?

CHAIR JOHNSON: Right. And we're going to keep it lot.

COUNCILMEMBER PALTIN: I understood you're going to go with lot.

CHAIR JOHNSON: Yes.

COUNCILMEMBER PALTIN: But I'm still not clear what that means.

CHAIR JOHNSON: Okay. Like what Chair Lee said, the Staff will come back to us if there were...if we need to. Okay? Because it sounds like it's written as lot, it makes sense to me. I say we move forward and then if this does get muddy, then we're going to have to come back and work on a bill that makes it un-muddy.

COUNCILMEMBER PALTIN: But nobody can explain what lot is is what you're saying?

CHAIR JOHNSON: We had at least two different definitions in two different sections of the Code, we've had all the Councilmembers trying to angle in and find the best route, I think we had a pretty good discussion on it, I'm going to call for the question. Okay? All right? Is that Councilmember Sinenci voting?

COUNCILMEMBER PALTIN: I don't feel comfortable voting if I don't know what I'm voting on, though.

COUNCILMEMBER LEE: Then don't vote.

CHAIR JOHNSON: I think we had the definition read twice, so Councilmember Sinenci. What are you...are you voting or you have questions? I hope it's not about lots.

VICE-CHAIR SINENCI: Thank you, Chair. Just before you call for the vote like Bill 75, I too, had an amendment to exempt this bill from the Hāna Community Plan. However, if this body will allow and would...from the request of the East Maui residents, then I would make every effort to have a meeting with them to discuss this and then at first reading hopefully come back if that's okay with this body.

CHAIR JOHNSON: Okay. Members, you hear that? I see nodding heads. It works for...it works for everybody here, so thank you. Members, all those in favor of this motion,

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raise your hand and say “aye”. Or is it....we want to do roll call? Is that...where did she go?

COUNCILMEMBER LEE: Roll call.

CHAIR JOHNSON: Okay, we'll do a roll call. Go ahead, Staff.

MS. MCKINLEY: Proceeding with the roll call vote. Councilmember Tom Cook.

COUNCILMEMBER COOK: Aye.

MS. MCKINLEY: Council Chair Alice Lee.

COUNCILMEMBER LEE: Aye.

MS. MCKINLEY: Councilmember Tamara Paltin.

CHAIR JOHNSON: Excused.

COUNCILMEMBER PALTIN: I'm not going to vote because I'm not clear on what lot is.

CHAIR JOHNSON: Oh, hold on. Okay. Just to clarify, we're voting on the amendment.

COUNCILMEMBER LEE: Her video isn't on.

CHAIR JOHNSON: Okay, so she's excused.

MS. MCKINLEY: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Yes.

MS. MCKINLEY: Councilmember Nohelani U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Yes.

MS. MCKINLEY: Committee Vice-Chair Shane Sinenci.

VICE-CHAIR SINENCI: My apologies, Chair. Was that the amendment for the 500 feet?

CHAIR JOHNSON: Yes.

VICE-CHAIR SINENCI: Okay.

CHAIR JOHNSON: Among other things.

VICE-CHAIR SINENCI: I will --





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CERTIFICATION

I, Terianne L. Arreola, hereby certify that pages 1 through 124 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 15th day of June 2025, in Makawao, Hawai'i.



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Terianne Arreola