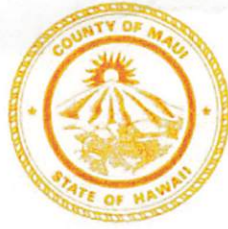


RICHARD T. BISSEN, JR.
Mayor

KATE L. K. BLYSTONE
Director

ANA LILLIS
Deputy Director



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DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

June 27, 2024

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Richard T. Bissen, Jr.

Mayor Date 6-28-24

For Transmittal to:

Honorable Alice Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Council Members:

**SUBJECT: AN ORDINANCE AMENDING SECTIONS 19.08.020 AND 19.08.040
TO INCREASE THE ALLOWABLE DENSITY IN THE R-1, R-2
AND R-3 ZONING DISTRICTS**

The Planning Department (Department) has initiated the attached ordinance proposing to amend Maui County Code, Title 19-Zoning, to increase the allowable density in the R-1, R-2 and R-3 Residential Zoning Districts to expand housing opportunities in Maui County.

Background Information

It is well known that there is a very limited supply of available housing units in Maui County, and what is available is cost prohibitive for many residents. The destruction caused by the wildfires in August 2023 has only exacerbated the issue, and a significant number of residents displaced as a result of the wildfires are currently in search of housing. As shown in the attached report prepared to the Planning Commissions, the General Plan offers a number of policies encouraging the County to seek innovative ways of addressing housing for the community.

The County Council has directed the Planning Department to embark upon a significant effort to rewrite Title 19-Zoning of the Maui County Code, which will include proposed changes to housing density comparable to those presented here for the residential zoning district. While that effort is

Honorable Richard T. Bissen, Jr.
 For Transmittal to:
 Honorable Alice Lee and Members of the Maui County Council
 June 27, 2024
 Page 2

underway, it is a large and complex undertaking and will take a number of years to complete. Recognizing the need for housing, especially as a result of the August 2023 wildfires wherein property owners will soon engage in re-building, the Department proposes this legislation with the intention of creating more housing.

As shown in the attached draft ordinance, the Department is proposing to increase the allowable density within the Residential Districts as follows:

District	Existing Density (1)(2)	Proposed Density (2)
R-1	1 dwelling unit/6,000 square feet of lot area	1 dwelling unit/2,500 square feet of lot area
R-2	1 dwelling unit/7,500 square feet of lot area	1 dwelling unit/2,500 square feet of lot area
R-3	1 dwelling unit/10,000 square feet of lot area	1 dwelling unit/2,500 square feet of lot area

Notes:

- (1) The Code currently allows for approval of a duplex beyond the existing density allowed with approval of a Special Use Permit by the Planning Commission.
- (2) ADUs would continue to be permitted in addition to the density noted according to the existing Code, which for Maui Island permits 1 ADU for lots less than 7,500 square feet, and 2 ADUs for lots 7,500 square feet and greater. For Lāna‘i Island and Moloka‘i Island, 1 ADU is permitted for lots 7,500 square feet and larger.

While the Department believes this proposal is appropriate and necessary, it is important to frame expectations by pointing out that the cost of construction to increase density on a lot that already contains a single-family home can be significant, and that development of potential units will occur over time. Further, existing development standards (setbacks, height, limits on impervious surface and required area for parking) and infrastructure availability (water and wastewater management) will still control the number and type of units a lot can physically support. It is expected that property owners trying to provide housing for multiple generations or extended family will take advantage of the proposed density increase, specifically families in the fire affected areas needing to re-build multigenerational housing, which would not be permitted without these proposed changes.

Planning Commission Recommendations

The attached report to the Commissions was provided by the Department with its analysis and recommendation of approval for the proposed ordinance.

Public hearings were held by the Lāna‘i Planning Commission on February 21, 2024, the Maui Planning Commission on February 27, 2024, and the Moloka‘i Planning Commission on March 13, 2024. Attached are the minutes from each of these meetings. The following is a brief summary and action taken during each meeting:

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Alice Lee and Members of the Maui County Council
June 27, 2024
Page 3

- **Lāna‘i Planning Commission Meeting:**
 - February 21, 2024: The Commission voted to recommend approval of the proposed ordinance to the Maui County Council. The vote was 5-1.

- **Maui Planning Commission Meeting:**
 - February 27, 2024: The Commission voted to recommend approval of the proposed ordinance to the Maui County Council. The vote was 6-0.

- **Moloka‘i Planning Commission Meeting:**
 - March 13, 2024: The Commission voted to recommend approval of the proposed bill with an amendment that would require that any additional homes beyond the first home be provided for-sale or rental as affordable in perpetuity, and if that amendment is not added, then exclude Moloka‘i from the allowable density increase by adding the following text “except for Moloka‘i”. The vote was 5-0.

Amendments Proposed Post-Planning Commission Hearings

While the Department acknowledges the affordability issue raised by the Moloka‘i Planning Commission (see above), the Department does not believe that requiring affordability in perpetuity would be cost effective for property owners and if applied would hinder the development of additional units. The purpose of the Department’s proposal is to enable additional unit development on lots owned by individuals, rather than to lower the threshold of affordable housing contribution requirements. Further, the Department believes that increasing allowable density will result in smaller and relatively more affordable units, and therefore, to a limited degree, achieving similar results. As such, as requested by the Moloka‘i Planning Commission, the attached draft ordinance excludes Moloka‘i from the density increase. However, at the request of the Moloka‘i Planning Commission, the Department recommends the Council consider the Moloka‘i Planning Commission’s proposal and direct the Department to change the attached draft ordinance if desired.

Additionally, since the Planning Commission meetings, the Department has identified a slight error in the proposed table revision under Section 19.08.040. The “Dwelling type” for R-1 should be the same as R-2 and R-3 to read “Single family, Duplex, and Multi-family” instead of just “Single family and Duplex” for R-1. The attached ordinance includes this minor revision.

Thus, with all recommendations and proposed modifications by the Planning Commissions listed above for Council’s consideration, the Department has attached a proposed revised bill for an ordinance that will result in the most effective amendment of the sections addressed, for the implementation of the County’s land use guidance system.

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Alice Lee and Members of the Maui County Council
June 27, 2024
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Thank you for your attention and consideration. Should further clarification be necessary, please feel free to contact me.

Sincerely,



KATE L.K. BLYSTONE
Planning Director

Attachments: Proposed Ordinance
Department Transmittal Letter to PC
Lānaʻi PC Minutes (excerpt), February 21, 2024
Maui PC Minutes (excerpt), February 27, 2024
Molokaʻi PC Minutes (excerpt), March 13, 2024

cc: Jordan E. Hart, Planning Program Administrator (pdf)
Gregory Pfof, Administrative Planning Officer (pdf)

S:\ALL\APO\19.08 residential\2024 revisions\Council Transmittal Report Residential Density #2.docx

RICHARD T. BISSEN, JR.
Mayor

KATE L. K. BLYSTONE
Acting Planning Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

February 21, 2024

MEMORANDUM

TO: MAUI PLANNING COMMISSION
MOLOKAI PLANNING COMMISSION
LANAI PLANNING COMMISSION

FROM: KATE L. K. BLYSTONE, Acting Planning Director 

SUBJECT: AN ORDINANCE AMENDING SECTIONS 19.08.020 and 19.08.040 TO INCREASE THE ALLOWABLE DENSITY IN THE R-1, R-2 AND R-3 ZONING DISTRICTS

The attached ordinance proposes to increase the allowable density in the R-1, R-2 and R-3 Residential Zoning Districts to expand housing opportunities in Maui County.

Background Information

It is well known that there is a very limited supply of available housing units in Maui County, and what is available is cost prohibitive for many residents. The destruction caused by the wildfires in August 2023 has only exacerbated the issue, and a significant number of residents displaced as a result of the wildfires are currently in search of housing.

The General Plan offers a number of policies encouraging the County to seek innovative ways of addressing housing for the community. These include:

Countywide Policy Plan:

Policy E.1.a. Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- to moderate-income families, and ensure that all affordable housing remains affordable in perpetuity.

Policy E.1.b. Seek innovative ways to lower housing costs without compromising the quality of our island lifestyle.

Policy E.2. Implementing Action a. Revise laws to support neighborhood designs that incorporate a mix of housing types that are appropriate for island living.

Policy E.3.a. Recognize housing as a basic human need, and work to fulfill that need.

Maui Island Plan:

Policy 5.1.1.e. *Use planning and regulatory approaches to provide higher housing densities.*

5.1.1-Action 1. *Amend development codes to facilitate different types of housing, including mixed use, mixed housing types, clustering, and conservation subdivisions.*

5.1.2.b. *Utilize the following approaches to promote resident housing and to minimize offshore market impacts: (1) Ensure that the future housing stock is composed of a mix of housing types (multifamily, small lots, ohana units, co-housing, cottage houses, etc.); (2) Encourage new housing in proximity to jobs and services, in places that are conducive/affordable to island residents.*

The County Council has directed the Planning Department to embark upon a significant effort to rewrite Title 19-Zoning of the Maui County Code, which will include proposed changes to housing density. While that effort is underway, it will take a number of years to complete. Recognizing the need for housing, especially as a result of the August 2023 wildfires wherein property owners will soon engage in re-building, the Planning Department (Department) has taken the initiative to bring this proposed legislation forward.

Discussion

Currently, in the Residential Zoning Districts, the Maui County Code (MCC) establishes the number of allowable dwelling units (or density) primarily based upon the size of the lot. For example, the MCC allows for one single-family dwelling per 6,000 square feet of lot area in the R-1 District, one single-family dwelling per 7,500 square feet of lot area in the R-2 District, and one single-family dwelling per 10,000 square feet of lot area in the R-3 District. Additionally, with Planning Commission approval of a Special Use Permit, the R-1, R-2 and R-3 Districts allow for a duplex (two independent dwelling units in one building) beyond the allowable density noted above. Further, in addition to the primary single-family residence, the MCC also allows for one accessory dwelling unit (ADU) per lot under 7,500 square feet, and up to two ADUs per lot that is 7,500 square feet or greater.

While the MCC currently allows for some increases in density beyond the typical one dwelling unit per lot, and allowing for ADUs has resulted in an increase in the number of dwelling units countywide (585 ADUs between 2012 and 2022), the construction of additional dwelling units has been positive but not sufficient. Housing costs can also be particularly burdened by the type of dwelling units being constructed. For example, larger homes are typically priced out of range for those that are in need of housing the most - those workers who are critical to the economy and community, such as health care providers, public safety officers, and teachers, whom cannot afford the high cost of available market-rate housing. By providing for a range of for-sale housing types that fit between single-family detached homes and mid- to high-rise buildings, more affordable options may be provided.

As shown in the attached draft ordinance, the Department is proposing to increase the allowable density within the Residential Districts as follows:

District	Existing Density (1)(2)	Proposed Density (2)
R-1	1 dwelling unit/6,000 square feet of lot area	1 dwelling unit/2,500 square feet of lot area
R-2	1 dwelling unit/7,500 square feet of lot area	1 dwelling unit/2,500 square feet of lot area
R-3	1 dwelling unit/10,000 square feet of lot area	1 dwelling unit/2,500 square feet of lot area

Notes:

- (1) The Code currently allows for approval of a duplex beyond the existing density allowed with approval of a Special Use Permit by the Planning Commission.
- (2) ADUs would continue to be permitted in addition to the density noted according to the existing Code, which permits 1 ADU for lots less than 7,500 square feet, and 2 ADUs for lots 7,500 square feet and greater.

If approved, residential lots would see an increase in the number of units able to be constructed on an existing lot. The table below provides the number of dwelling units and ADUs that could be permitted on a standard size lot per District:

District	Lot Size	Existing Code – Maximum Number of dwelling units permitted	Proposed Code – Maximum Number of dwelling units permitted
R-1	6,000 sq. ft.	1 dwelling unit and 1 ADU	2 dwelling units and 1 ADU
R-2	7,500 sq. ft.	1 dwelling unit and 2 ADUs	3 dwelling units and 2 ADUs
R-3	10,000 sq. ft.	1 dwelling unit and 2 ADUs	4 dwelling units and 2 ADUs

Given the limitations on existing lot size, the increase in density in most cases are anticipated to result in structure types of single-family, duplex, triplex and/or four-plex, but unit capacity does increase on larger lots as noted in the table above. Additional units developed on a property will need to comply with all other development standards; including setbacks, building height, impervious surface limitations and off-street parking. The increase in allowable density creates the opportunity for additional units countywide and thereby assist the “missing middle” in more affordable housing opportunities.

While we believe this proposal is appropriate and necessary, it is important to acknowledge that the cost of construction to increase density on a lot that already contains a single-family home can be significant, and that development of potential units will occur over time. Further, existing development standards (setbacks, height, limits on impervious surface and required area for parking) and infrastructure availability (water and wastewater management) will still control the number and type of units a lot can physically support. However, in the long-term, the proposed ordinance will provide more affordable housing opportunities that will be beneficial to residents.

Further, it is expected that property owners trying to provide housing for multiple generations or extended family will take advantage of the proposed density increase, specifically

families in the fire affected areas needing to re-build extended family or multigenerational housing, which would not be permitted without these proposed changes.

Additional Information:

It should be noted that in the current 2024 State Legislative session, two companion bills (Senate Bill 3202 and House Bill 1630 HD1) are moving through the legislative process, that if approved and signed by the Governor, would increase housing density statewide. Specifically, SB 3202 would prohibit county zoning ordinances from not allowing four or more residential units per residential lot within an urban district, and allow for the subdivision of parcels with a minimum lot size of 1,200 square feet. On the other hand, HB 1630, as currently proposed through amendment HD1, would allow for the development of at least two “missing middle” housing units accessory to any dwelling on a lot, and allow for the subdivision of parcels with a minimum lot size of 2,000 square feet. Both bills include various provisions that consider issues related to infrastructure, flood zones, special management areas, and development standards.

These two bills are still being discussed at the legislature. The Department will continue to monitor this legislation. If approved and signed by the Governor, it will most likely result in changes to the MCC, which will be brought back to the Planning Commissions and County Council for future consideration as necessary.

Recommendation and Options

The Department is recommending approval of the proposed ordinance as drafted. The Commission has the following options:

1. Recommend approval of the proposed bill to the Maui County Council.
2. Recommend approval of the proposed bill with amendments to the Maui County Council.
3. Recommend denial of the proposed bill to the Maui County Council.
4. Vote to defer action on the proposed bill in order to gather specific additional information.

Attachments: Draft Ordinance

xc: Jordan Hart, Planning Program Administrator – ZAED (pdf)
Jacky Takakura, Planning Program Administrator – Long Range Planning (pdf)
Danny Dias, Planning Program Administrator – Current Planning (pdf)
Scott Forsythe, Interim Program Planning Administrator – Plan Implementation (pdf)
Jordan Molina, Director of Public Works (pdf)
Lori Tshako, Director of Housing and Human Concerns
Gregory Pfof, Administrative Planning Officer (pdf)

ORDINANCE NO. _____

BILL NO. _____ (2024)

A BILL FOR AN ORDINANCE AMENDING SECTIONS 19.08.020 AND 19.08.040, MAUI COUNTY CODE, RELATING TO DENSITY WITHIN RESIDENTIAL DISTRICTS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The purposes of this ordinance are to

SECTION 2. Section 19.04.040, Maui County Code, is amended to add the following new definitions:

SECTION 3. Section 19.08.020, 19.08.030 and 19.08.040, Maui County Code, are amended to read as follows:

19.08.020 Permitted uses. Within residential districts R-1, R-2 and R-3, the following principal uses and structures are permitted:

A. ~~[Single family dwellings]~~ **Long-term residential dwelling units.**

B. Greenhouses, plant nurseries, and the raising of plants, flowers, fruits, or vegetables for subsistence or commercial purposes; except for retailing or transacting of business on the premises, unless allowed by chapter 19.67.

C. Parks and playgrounds, noncommercial; certain commercial amusement and refreshment sale activities may be permitted when under supervision of the government agency in charge of the park or playground.

D. Publicly or privately owned and operated elementary, intermediate, high schools, and colleges, which may include on-campus dormitories.

E. Buildings or premises used by the federal, state, or county governments for public purposes.

F. Accessory uses and structures located on the same lot, the use of which is customary, incidental, usual, and subordinate to that of the main building or to the use of

the land. The initiation of accessory uses and the erection of accessory structures are not contingent on the existence, and may be in advance, of the main building or use of the land.

G. Accessory dwellings under chapter 19.35.

H. Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in private homes used for child care services. These facilities shall serve six or fewer children at any one time on lot sizes of less than seven thousand five hundred square feet, eight or fewer children at any one time on lot sizes of seven thousand five hundred or more square feet but less than ten thousand square feet, or twelve or fewer children at any one time on lot sizes of ten thousand or more square feet, or as otherwise required in accordance with chapter 46, Hawaii Revised Statutes.

I. Bed and breakfast homes, subject to the provisions of chapter 19.64.

J. Home businesses that meet the requirements of sections 19.67.030 and 19.67.040.

K. Short-term rental homes, subject to the provisions of chapter 19.65.

L. Family child care homes, hospice homes, adult residential care homes, and adult family care homes, as required in accordance with chapter 46, Hawaii Revised Statutes.

19.08.030 Special uses. The following uses and structures require a County special use permit, obtained under section 19.510.070, except that an application for a special use permit may not be denied on the basis of the content of protected expression associated with the proposed use:

A. Churches, including any accessory buildings, including, but not limited to, a parsonage, Sunday school, nursery school, thrift shop, or office, except that subsections 19.510.070(B)(4) and (5) do not apply.

B. Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in private homes used for child care services serving more than the number of children defined in subsection 19.08.020(H).

C. Hospitals; provided that written consent of 75 percent of the property owners within five hundred feet of the property to be used for such purpose, has been obtained.

D. Nursing or convalescent homes and domiciliary facilities operated and maintained to provide nursing or supporting care that do not meet the criteria of section 19.08.020(L).

E. Housing for the aged, operated by governmental or nonprofit organizations if the normal unit density is increased by more than 25 percent.

F. Housing for low- and moderate-income families, operated by governmental or nonprofit organizations that do not meet the criteria of subsection 19.08.020(L), or if the normal unit density is increased by more than 25 percent.

G. Public utilities substations, which are not and will not be hazardous or a nuisance to the surrounding areas.

H. Domestic-type businesses in the home that do not meet the definition of home business or home occupation, including group instruction of traditional Hawaiian practices, such as lei making, ukulele classes, hula classes, and lomi lomi, provided that there will be no detrimental or nuisance effect upon the neighbors, and further, provided that off-street parking is available to participants.

I. Home businesses that meet the requirements of sections 19.67.030 and 19.67.050.

~~J. Two family dwelling units or duplexes beyond the density allowed under section 19.08.020, subject to the setback standards in section 19.10.050.~~

~~J.[K.]~~ Retail food and beverage establishments excluding liquor stores of two thousand square feet or less gross covered floor area.

~~K.[L.]~~ Modification of the minimum lot area development standard of section 19.08.040 may be reduced to no less than four thousand square feet subject to the following requirements:

i. The project is designed to meet the needs of low, below moderate, and/or moderate-income families, and deed restrictions are recorded to ensure owner-occupancy and the prevention or limitation of speculation.

ii. Shared use paths crossing through the subdivision are provided for bicycles and pedestrians to connect to adjacent lands on all sides of the project, such as existing shared use paths, roadways, parks, commercial areas, and vacant land that may be developed or further subdivided.

iii. The commission may increase the impervious surface requirement to no more than 75 percent of the total lot area.

19.08.040 Development standards, height regulations and setback lines.

	R-1	R-2	R-3	Notes and exceptions
Minimum lot area (square feet)	6,000	7,500	10,000	
<u>Dwelling type</u>	<u>Single-family and Duplex</u>	<u>Single-family, Duplex, and Multi-family</u>	<u>Single-family, Duplex, and Multi-family</u>	<u>Accessory dwellings under chapter 19.35 are permitted in all Residential districts in addition to the density standard</u>
Single-family dwelling <u>Maximum density</u>	<u>1 dwelling unit per 2,500 square feet of lot area</u>			
Minimum lot width (in feet)	60	65	70	
Maximum building height	Building height must not exceed 30 feet			
Setback lines (for any portion of a building up to and including 15 feet in height as measured from the natural or finish grade, whichever is lower)				
Front (in feet)	15			
Side/Rear (in feet)	6			
Setback lines (for any portion of a building more than 15 feet in height as measured from the natural or finish grade, whichever is lower)				

Front (in feet)	15
Side/Rear (in feet)	10
Surfaces	For dwellings constructed pursuant to building permits applied for after January 1, 2023, the impervious surface area of a zoning lot must not exceed 65 percent of the total zoning lot area

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY

Department of the Corporation Counsel
County of Maui

1 said that Commissioner Kaye could not vote without
2 her camera on. As long as there is a quorum with
3 cameras on and Commissioner Kaye has her audio, she
4 can still vote. Sorry about that.

5 CHAIR GIMA: Okay. Thank you, Selina.

6 COMMISSIONER ATACADOR: So move, Chair.

7 CHAIR GIMA: Okay. Is there a second?

8 COMMISSIONER MANNA: I Second.

9 CHAIR GIMA: Okay. It's been moved by
10 Commissioner Atacador, seconded by Commissioner Manna
11 that we recommend approval of the proposed bill with
12 amendments made by Commissioner Kaye to the Maui
13 County Council.

14 All right. Any further discussion?

15 All right. Hearing none, all in favor,
16 please raise your hands.

17 COMMISSIONER KAYE: I'm raising my hand.

18 CHAIR GIMA: Okay. All right. Thank you.

19 All -- all opposed? Any abstentions?

20 Okay. Motion is unanimously approved. All
21 right. Thank you.

22 Okay. Moving on the agenda:

23 A bill for an ordinance to
24 amend Section 19.08, Maui
25 County Code, relating to

1 residential districts.
2 Ms. Kate Blystone, Acting
3 Planning Director,
4 referring to the Maui,
5 Molokai, and Lanai
6 Planning Commissions, a
7 proposed bill to amend
8 Maui County Code 19.08
9 relating to residential
10 zoning districts to
11 address housing needs.
12 Proposed revisions will
13 allow for duplex uses in
14 R-1 zone and duplex and
15 multifamily in the R-2 and
16 R-3 zones.

17 All right.

18 MR. PFOST: This is Greg again. I'm going
19 to go ahead and give this presentation, Chair?

20 CHAIR GIMA: Okay. Go ahead.

21 MR. PFOST: Let me share my screen again
22 here, and hopefully you can all see that slideshow?

23 CHAIR GIMA: Yes, we can.

24 MR. PFOST: Thank you. Yes, this is a --
25 Chair, members of the commission, this is another

1 ordinance that is being initiated by the Department
2 of Planning to increase the density in residential
3 districts.

4 As you are all aware that -- there's a
5 limited supply of available housing units in Maui
6 County and the rental and for-sale market housing is
7 very cost prohibitive for many residents. And the
8 August 2023 wildfires have definitely impacted the
9 housing supply and cost.

10 You may be aware that the department is
11 moving forward with a rewrite of its zoning code, or
12 Title 19 of the County Code. And that rewrite was
13 going to -- is going to include similar
14 recommendations for density increases in the
15 residential zones to address the affordable housing
16 issue. Unfortunately, the time line of that effort,
17 we don't expect that -- that project to actually get
18 to council until sometime in 2026.

19 And so given the -- the -- what's happened
20 with the recent wildfires in -- and the issue that
21 exists in regards to the affordability issue of
22 residential rental and for-sale market housing, the
23 department has taken the initiative to move forward
24 with this at this time.

25 The proposed bill would expand housing

1 opportunities and affordability in Maui County by
2 increasing allowable density in the residential
3 zoning districts. You may know within the General
4 Plan, the Maui Island Plan, and the Community Plans,
5 there are discussions regarding housing and
6 identifying the issue of affordable housing and the
7 need to come up with a variety of housing
8 opportunities to address that need. I've listed a
9 variety of policies here.

10 I'm not going to go through all of them,
11 but there are some interesting ones such that --
12 especially in the General Plan that talk about
13 seeking innovative ways to lower housing costs,
14 revise laws to support neighborhood designs that
15 incorporate a mix of housing types, so forth.

16 The Maui Island Plan includes actions such
17 as amended development codes to facilitate different
18 types of housing including mixed use, mixed housing
19 types, clustering, and conservation subdivisions
20 ensuring that the future housing stock is composed of
21 a mix of housing types such as multifamily, small
22 lots, ohana units, co-housing and cottage houses, et
23 cetera.

24 Each of the Community Plans, as I
25 mentioned, goes into housing and the need to find

1 housing opportunities for each of the different
2 communities -- excuse me -- for example, West Maui
3 Community Plan talking about supporting missing
4 middle housing types, multiunit or clustered housing
5 types compatible in scale with single family homes
6 such as ohana, duplex, triplex, fourplex, courtyard
7 apartments, et cetera; and increasing the inventory
8 of long-term housing units, whether owner-occupied or
9 long-term rental, whether they're single family or
10 multifamily.

11 I'm not going to go into each of the
12 community plans, but I will point out to the Lanai
13 Community Plan which -- I'm sorry, this is not in
14 your packet. I did give you this slide presentation
15 yesterday that, hopefully, you've had a chance to
16 look at. If not, that's part of your -- the
17 information that was provided to you.

18 But the Lanai Community Plan, there's some
19 housing policies that also address housing choices
20 such as identifying if:

21 There is a lack of housing
22 choices at different price
23 levels and housing
24 sizes -- and housing
25 sizes; encourage new

1 development to include a
2 variety of lot sizes,
3 housing types, tenure and
4 price points that
5 accommodate the full
6 spectrum of household
7 compositions and life
8 stages and income levels;
9 encourage development of a
10 mix of quality multifamily
11 and single family housing
12 units to expand housing
13 choices and price points;
14 support opportunities for
15 multigenerational housing
16 and efficient use of
17 existing infrastructure
18 through the development of
19 ohana units on Lanai.

20 And so just wanted to point out, I think
21 it's important that it's not the department just
22 going off on itself and trying to do this, but we
23 really do look at the General Plan and community
24 plans when we were proposing legislation such as this
25 and recognizing the needs in the community of -- need

1 for affordable housing, the need of understanding
2 that there's a lot of multigenerational housing in --
3 in -- on the islands and the need for addressing
4 that.

5 So -- excuse me -- so the department is
6 proposing to increase the allowable density of
7 residential units within the -- each of the
8 residential districts of R-1, R-2, and R-3. And the
9 table at the top shows what the existing density
10 requirements are, basically one dwelling unit per
11 6,000 square feet for R-1, one dwelling unit per 7500
12 square feet of lot area for R-2, and one dwelling
13 unit for 10,000 square feet of lot area for R-3.

14 And you'll see the proposed density on the
15 right hand side of that upper table indicating that
16 we're proposing that it allows just one dwelling unit
17 per 2500 square feet of lot area.

18 I should note that it's interesting that
19 the code currently allows an increase in density up
20 to a duplex in all of these zones with approval of a
21 Special Use Permit by the planning commission.

22 Also -- I would also remind the commission
23 that accessory dwelling units are permitted on all of
24 these properties with the exception of -- I'm not
25 sure if you're aware of it -- in Maui County -- in

1 Maui Island, I'm sorry, you're allowed one accessory
2 dwelling unit for lots less than 7500 square feet and
3 two accessory dwelling units for a lot 7500 square
4 feet or greater.

5 That's not the case on Lanai and Molokai
6 which only allow one accessory dwelling unit on lots
7 greater -- 7500 square feet or greater. So I wanted
8 to make that point, and I apologize for not making
9 that point within the report or on this slide that
10 there is a little bit of difference in accessory
11 dwelling unit requirements or allowances on Lanai and
12 Molokai.

13 The second table below on the lower table
14 describes -- gives an example of R-1. And these lot
15 sizes are the minimum lot sizes in the R-1, R-2, and
16 R-3. That's why I use that -- that amount.

17 So the existing code, for example, in an
18 R-1 lot would allow one dwelling unit and one ADU,
19 although on Lanai it would only be one dwelling unit
20 because it's less than 7500 square feet. And the
21 proposed code amendment would allow, then, up to two
22 dwelling units and one ADU.

23 And you can see the differences in allowing
24 or increasing the density in all three of the zones.
25 And, obviously, as the lot sizes change, you'll see a

1 difference in what those individual lots can support
2 based upon the density proposal of one dwelling unit
3 per 2500 square feet of lot area.

4 So what are some of the results and
5 expectations as a -- as a result of this proposed
6 code amendment? Well, we'll increase the number of
7 rental and for-sale units countywide; the units
8 will -- should be smaller and more affordable --
9 therefore, more affordable. Additional units can be
10 used for multigenerational and extended-family
11 housing which is a need that's identified within the
12 county.

13 The fire-affected areas will obviously see
14 the most immediate benefit during reconstruction as
15 those lots are currently vacant. And as property
16 owners move forward trying to reconstruct, they will
17 be able to address things such as extended family or
18 multigenerational needs that we know were being
19 experienced in the Lahaina area.

20 You'll see a variety of structure types
21 such as single family still and -- but also duplex
22 and triplexes and fourplexes. As I mentioned, the
23 unit capacity will increase with larger lot sizes.
24 So it depends on your size of your lot -- depending
25 on how -- what the density will be.

1 We're not proposing any changes to the
2 existing development standards for the residential
3 districts. So there will be no changes to setbacks,
4 height, impervious surface requirements, or
5 off-street parking. And, importantly, this will not
6 result in any more short-term rentals. They cannot
7 be used as short-term rentals as their -- the number
8 of short-term rentals are restricted per each
9 community.

10 Expectations -- well, we'll probably see if
11 this ordinance does pass in some form. We'll see
12 some development of additional units, but we expected
13 that would occur over some period of time.
14 Naturally, construction costs will limit an existing
15 property owner's ability to move forward with
16 increasing density on their property.

17 Obviously, development standards that I
18 mentioned which are not changing such as setbacks,
19 height, impervious surfaces requirements, and
20 obviously parking requirements, and also
21 infrastructure availability, water and wastewater
22 management will control the type and number of units
23 a lot can support. So there's a lot that goes into
24 it, but some lots, we imagine, will be able to
25 increase in density.

1 Of course, Lahaina, as I mentioned, will
2 have an immediate benefit as those lots are vacant
3 right now, and it would be able to move forward with
4 trying to increase density provided they meet all of
5 the code requirements.

6 The department is recommending approval of
7 the proposed ordinances. As I mentioned, it will
8 create more housing units for rental and for sale in
9 the county. It will most likely lead to more smaller
10 and affordable units in the county. And we believe
11 it's consistent with the direction in the General
12 Plan, the Maui Island Plan, individual community
13 plans.

14 And, therefore, the Planning Commission has
15 options tonight of recommending approval of the
16 ordinance, recommending approval with amendments,
17 denial of the ordinance, or vote to defer action for
18 more additional information.

19 And that concludes my presentation. And I
20 and Jordan should be available for questions. Thank
21 you.

22 CHAIR GIMA: All right. Thanks, Greg. So
23 at this time, I'll open it up for public testimony.

24 Leilani, anyone wishing to testify on this
25 agenda item?

1 MS. RAMORAN: Thank you, Chair. There's no
2 one in the conference room, and no one has signed up
3 on the chat. Thank you.

4 CHAIR GIMA: All right. Thank you.

5 How's about you, Roxanne?

6 MS. MORITA: Okay. There we go. Hi. No.
7 No, there's nobody here to testify.

8 CHAIR GIMA: Okay. Thank you. So at this
9 time, I will close public testimony.

10 All right, commissioners, questions,
11 comments for Greg and/or Jordan?

12 Go ahead, Sally.

13 COMMISSIONER KAYE: Yeah. Thank you. I
14 have two questions that you -- you know, you noted
15 that the restrictions on Lanai, Maui, and Molokai are
16 different. If this would pass, would that preempt
17 the restrictions that are in place for those two
18 islands?

19 MR. PFOST: The restrictions that are in
20 place for the two islands are in reference to the
21 number of accessory dwelling units permitted on the
22 islands, and so that, we're not proposing to change.
23 However, the density requirements that you see here
24 would apply countywide that we were proposing.

25 Lanai has R-1 lots, R-2 lots, and R-3 lots.

1 And so, subsequently, those lots would be allowed a
2 density increase to one unit for every 2500 square
3 feet of lot area. So that would apply as currently
4 written to the other islands. Yes.

5 COMMISSIONER KAYE: Okay. Thank you. The
6 other question I have is you referenced two bills.
7 And I checked, they're -- they're still active at the
8 state legislature.

9 So regardless of what happens here, if
10 those two pass, that would preempt anything that the
11 county or specific island plans would choose to do;
12 is that correct?

13 MR. PFOST: That is correct. So we would
14 probably be coming forward with another code
15 amendment if those bills do pass to adjust our code
16 in compliance with state law.

17 COMMISSIONER KAYE: Okay. Thank you.

18 CHAIR GIMA: Great. Sandi, Michelle,
19 Nikki, Manna, Erin? No?

20 Okay. Let's see. So, Greg, was the
21 planning department moving on this proposal even
22 before the wildfires, and the wildfires just kind
23 of -- just fast-tracked it? Is that accurate?

24 MR. PFOST: That is accurate. We were
25 moving forward with the proposal within Title 19

1 rewrite to increase densities. And there were a
2 variety of changes that were going to occur in the
3 Title 19, including moving the R-1, R-2, R-3 and kind
4 of breaking them down into two separate districts
5 instead of three.

6 And so there's a variety of changes, but
7 the intent was to increase density as well to address
8 the housing (indiscernible) issue. Just that, as I
9 mentioned, because of the wildfire, we wanted to try
10 and get a jump on allowing properties to potentially
11 increase the density now as a result of there --
12 there's a lot of rebuilding that's going to occur.

13 So -- and that Title 19 effort's not going
14 to go to council probably at least until 2026. So we
15 thought we'd move forward on this now.

16 CHAIR GIMA: Okay. Thanks. And then this
17 proposal seems to me that it's designed to increase
18 housing supply. Is that an accurate assumption?

19 MR. PFOST: That is correct. It's intended
20 to increase housing supply. But I think what you
21 will also see is an increase or increase in smaller
22 units as well because you can only fit so many units
23 on a property.

24 So that would increase probably, you know,
25 not only housing supply for for-sale market but also

1 rental market as well. But as you'll see, it's
2 probably smaller units.

3 CHAIR GIMA: But it's not -- it's not
4 designed to have a causal relationship between
5 increased supply and increased affordability. Was --
6 I mean, two -- those are two separate discussions;
7 right?

8 MR. PFOST: They are two separate
9 discussions. I think, as a result of seeing smaller
10 structures, you might see more affordable units
11 because you're going to have smaller structures
12 and -- but also increasing the number, yes.

13 CHAIR GIMA: And in this proposal, is -- is
14 it aimed towards more existing lots of structures?
15 Or is it aimed more for new development? Or both?

16 MR. PFOST: I don't think it's aimed at
17 either. It's really aimed at both. I think it's not
18 specifically aimed at either one. But, really, for
19 both, I think the -- the immediate benefit that
20 you're going to see is actually in Lahaina.

21 Obviously, if there was a code change to
22 allow more density, you would see those lots given
23 that they are currently vacant, and you're going to
24 see rebuilding. So you'll see an initial benefit for
25 new lot -- new development within the Lahaina area.

1 I think, over time, you'll see additional benefits
2 throughout the entire county, but that's over time.

3 CHAIR GIMA: And Your references to
4 duplexes, triplexes, and fourplexes, those -- are
5 those considered multifamily units or just --

6 MR. PFOST: A multifamily unit is defined
7 as three units or more technically, by our code. So
8 a duplex is two units and single family is obviously
9 one unit, but multifamily is three units or more that
10 are connected.

11 CHAIR GIMA: So that -- I mean, does that
12 have any bearing on what you guys are proposing?

13 MR. PFOST: The only bearing is that
14 within the -- and I'm sorry, I'm trying to find it
15 real quick here -- within the -- within the bill
16 itself, if -- within the actual ordinance within the
17 table, it actually defines within R-1 as being --
18 there's certain dwelling types.

19 So in an R-1, within the ordinance itself,
20 it would allow for single family and duplex, and the
21 R-2 would allow for single family, duplex, and
22 multifamily, and the R-3 would allow for single
23 family, duplex, and multifamily.

24 And the reason for that is the R-1 laws are
25 typically smaller minimum lot sizes, 6,000 square

1 feet. The R-2 and R-3 lots tend to be larger
2 sometimes and so allowing for multifamily units on an
3 R-2 and R-3.

4 CHAIR GIMA: Okay. Thanks. And my last
5 question is with -- with the proposal, I mean,
6 obviously, you're increasing density.

7 And is that for -- how consistent is that
8 with the planning department's overall planning in
9 terms of how housing is -- I mean, housing density in
10 general? Because, I mean, possibly, you -- we --
11 this will allow more vertical construction.

12 MR. HART: Chair? If I could respond, I
13 want to -- I want to address the last comment that
14 was made regarding R-1 and duplex. There was some
15 supplemental conversation that we had in the
16 department after posting the notice of public hearing
17 that we would like to try and basically add more
18 flexibility.

19 So whether that -- what I'm getting at is
20 that there are unsubdivided R-1 lots that are -- that
21 can be larger than the minimum lot size. So it may
22 be easier to just focus on the number of units per
23 square feet rather than specifying that the housing
24 unit needs to be configured in a duplex
25 configuration.

1 For example, there could be an R -- there
2 are R-1 lots that are over 6,000 square feet. They
3 could be, for example, 7,500 square feet but be R-1
4 rather than R-2.

5 If the focus was just emphasized on number
6 of units per square foot, you wouldn't have to be
7 limited to the duplex, for example, configuration.
8 So you could either put them all together or you
9 could have three separated single family dwellings.
10 I wanted to add that.

11 And then the other question that you had
12 raised is -- is about focusing density, whether or
13 not that's consistent with the county's or the
14 department's -- well, let's say the county's
15 long-range planning documents. I believe that it is.

16 I believe that there is a lot of language
17 about concentrating our existing small towns and the
18 county being a community of small towns and on the --
19 basically establishing urban growth boundaries and
20 trying to -- trying to focus on our existing urban
21 cores rather than the frontiers of development trying
22 to urbanize new chunks of land.

23 And so I think that this does provide the
24 opportunity for every individual lot owner to see if
25 they want to add some more units rather than -- you

1 know, there's an existing need. You know, the
2 county -- the council adopted a very aggressive,
3 affordable housing plan that basically was calling
4 for 5,000 units in 2021.

5 I don't think that we nearly hit that, and
6 then we had the fire that took out roughly 2,000 more
7 housing units. So we're in the hole, and then we've
8 been put deeper in the hole. Meanwhile, we have
9 displaced people.

10 So the thought was that -- basically kind
11 of democratize the issue and that every individual
12 can try to do what they think is appropriate for
13 their family or their property to take a crack at
14 addressing the overall issue.

15 Now, there's -- this doesn't address height
16 at all; it doesn't change height. So there's not --
17 there's no vertical change in construction that will
18 happen for this, but there will be more density. And
19 it's the option for more density, it's not the
20 requirement for more density. But if you want to do
21 more, then you'll be able to do more.

22 And again, this is the issues identified by
23 the audit of the County Code Title 19, and then the
24 draft rewrite is pushing the residential zoning
25 district in this direction. And so we were already

1 discussing pulling this out with the director prior
2 to the fire, and then the fire happened, and then we
3 began to hear the conversations about how our
4 existing land use regulations won't allow for the
5 reconstruction of Lahaina including the
6 multigenerational housing and things like that that
7 were occurring.

8 And so this -- this item on the residential
9 density and then the next item on the kitchenettes
10 were basically put together to try and specifically
11 address those -- those existing issues in the County
12 of Maui and then specific issues compounded by the
13 fires.

14 CHAIR GIMA: Okay. Thanks, Jordan.

15 All right. Commissioners, last call on
16 comments, questions for Jordan or Greg?

17 All right. So hearing, seeing none, I will
18 then --

19 COMMISSIONER FUJIE-KAAUAMO: Sally has a --
20 Sally has her hand up.

21 CHAIR GIMA: Oh, I'm sorry. Sally, go
22 ahead. Sally, is that your raised hand from your
23 first couple of questions or --

24 COMMISSIONER KAYE: So sorry. I'm so
25 sorry. I forgot to unmute. No, this is -- this is

1 now. Yeah. No, I just have a comment, and I don't
2 know if it's appropriate to do it now. I can wait.
3 But since you can't see me, I raised my hand.

4 CHAIR GIMA: Yeah. Go ahead.

5 COMMISSIONER KAYE: Okay. I don't quite
6 know what to think about this. I look at the lot
7 that I'm on, and it's 6,000 square feet. And the
8 notion that you could put two more houses, two more
9 units of some kind, I just think this is going in the
10 wrong direction, that we're shoveling too many human
11 beings in too small of a space when there are too
12 many vacant homes on the islands -- all the islands
13 in Maui County, that for, you know, tax purposes are
14 allowed to stand vacant. So I -- I don't know that
15 I'm -- I would be in favor of voting for this tonight
16 at all. So that's just my comment.

17 CHAIR GIMA: Okay. Thanks, Sally.

18 Commissioners, comments on what Sally had
19 to say?

20 It is somewhat consistent with a note I had
21 when I first read this bill. And the note I had was
22 that this is just treating the symptom and somewhat
23 like rearranging the deck chairs on the Titanic.

24 So that being said, any -- any further
25 questions or concerns? Okay. Hearing none, I will

1 then entertain a motion to approve the proposed bill
2 to the Maui County Council.

3 COMMISSIONER ATACADOR: I -- I'd go ahead
4 and move that, Chair, and then if I could just add my
5 comments as well.

6 I respectfully disagree with you and
7 Commissioner Kaye. I think that this is a proactive
8 way. And like Jordan said, it gives people the
9 option to do it. It's not requiring them to.

10 And I commend Jordan and his team for
11 taking this step and being prepared for what comes
12 next once people are ready to build with -- with
13 Lahaina. So I recommend approval of this -- of the
14 proposed bill with strong support.

15 COMMISSIONER MANNA: I would second.

16 CHAIR GIMA: Okay. It's been moved by
17 Commissioner Atacador, seconded by Commissioner Manna
18 that we recommend approval of the proposed bill to
19 the Maui County Council.

20 Any further discussion?

21 COMMISSIONER KAYE: I would just add that I
22 agree -- I agree with Erin. But this isn't limited
23 to Lahaina. And I know it's -- it's what prompted
24 it, and I know that they were in discussion, but I
25 don't think it's appropriate.

1 We're already jammed in pretty close with
2 single-wall construction on this island. And
3 somebody will maximize it, not for multigenerational
4 purposes but for, you know, unrelated humans living
5 very close together. And so I just -- I just think
6 it could be better structured. So thank you.

7 CHAIR GIMA: So Jordan and Greg, is this
8 another one that the planning department had
9 considered time-limited or area-specific?

10 MR. HART: Chair, no, it's not. And I'll
11 provide a little bit further background. So
12 basically, my -- my post-disaster assignment was to
13 work on a permitting process -- an expedited
14 permitting process to help with the fire recovery.

15 And so -- so when we were hearing the
16 testimony that was going on at council, we were
17 basically looking for ways that we could -- we could
18 help the situation because obviously there's the --
19 there's the fire-affected area, but then there's also
20 the properties that are not affected by the fire,
21 where they -- potentially there's an option for them
22 to start building and maybe even start building
23 sooner to create units to kind of alleviate the
24 overall problem.

25 But, no, this -- this, the reason -- the

1 reason I brought up the council's adoption of the
2 affordable housing plan is because it's an ongoing
3 housing shortage in -- I'm going to say it's the
4 County of Maui. I mean, I believe it's on Lanai,
5 too. I mean, I'm hearing the testimony that -- or
6 not the -- it's not testimony -- I'm hearing the
7 comments right now, and I understand the concern.

8 But, basically, you know, we're in the
9 planning department. This is consistent with the
10 audit that was done on our zoning code. It's -- it
11 is consistent with our long-range planning documents.
12 I totally hear what you're saying, as far as
13 there -- there are potential other ways to address
14 the issue.

15 But from the planning department, whether
16 or not those other options are feasible or will be
17 executed, you know, I don't know the answer to that.
18 And this is -- this is an option that we can put
19 forward that is feasible.

20 And I'll just add some more -- you know, in
21 the hearing, you know, we monitor these things and
22 are the commenting agency on proposed projects. And,
23 essentially, it seems that there's a waiting for the
24 silver bullet, that there'll be this big project that
25 will solve the problem. But that new big project

1 needs to go either to the state Land Use Commission
2 or council to urbanize some big chunk of land, and
3 they're actually fewer and farther between than --
4 than people would hope.

5 And so because of the scale, you know, the
6 costs are -- they're going to have to be
7 proportionate to the unit you're looking at. So, you
8 know, you're not talking about massive scale. So
9 this is an option that can be created.

10 And then, again, you know, there are people
11 that, you know, they want to house their own family,
12 and they don't have other land. And so this is an
13 option to address that.

14 It's definitely not the solution to Maui
15 County's problems. But it's basically, I think, a
16 legitimate option that's consistent with our -- our
17 overall plan for development of the county in the
18 context of infrastructure, walkability, preserving
19 open space, steering away from the urbanization of
20 further land.

21 So, anyway, that's -- that's my little
22 elevator pitch on -- on why I think it's rational.

23 CHAIR GIMA: Are we the first planning
24 commission to go over this?

25 MR. HART: It'll be much more polished by

1 the third one.

2 CHAIR GIMA: I asked just to see what
3 Molokai and Maui planning commissioners had to say.
4 Right.

5 We still have the motion on the floor. Any
6 further discussion from the commissioners?

7 Any questions for Greg and/or Jordan?

8 Okay. Hearing none, all in favor of the
9 motion to approve the proposed bill to the Maui
10 County Council, please raise your hand. One, two,
11 three, four, five. Okay.

12 Those opposed?

13 COMMISSIONER KAYE: I'm raising my hand.

14 CHAIR GIMA: Okay. So the vote is five to
15 one, so the motion is approved. All right.

16 MR. HART: Chair. Thank you very much for
17 the comments. We'll -- we'll pass these comments
18 forward, as you know.

19 CHAIR GIMA: All right. It is ten after
20 6:00. Usually we break around 6:30, but we got two
21 more, so why don't we take a ten-minute recess,
22 convene -- reconvene at 6:20, and take the third
23 ordinance on our agenda. So be back at 6:20.

24 (Whereupon, a recess was held
25 from 6:10 p.m. to 6:20 p.m.)

1 right. On to B2.

2 Director, who is the planner for that?

3 COMMISSIONER HIPOLITO: Chair?

4 CHAIR PALI: Oh, yes?

5 COMMISSIONER HIPOLITO: Could I request for
6 a five-minute break? I need to address something.

7 CHAIR PALI: Absolutely. Okay. We will be
8 back in five minutes, 10:30.

9 (Whereupon, a recess was held
10 from 10:25 a.m. to 10:30 a.m.)

11 CHAIR PALI: Okay. Thank you. Welcome
12 back to the Maui Planning Commission. It is still
13 Tuesday, January (sic) 27th. It's 10:33. And we are
14 now on Public Hearing B Item 2.

15 And planning director, I'll let you
16 introduce it.

17 ACTING DIRECTOR BLYSTONE: Sure. This is a
18 bill for an ordinance to amend Section 19.08 of Maui
19 County Code relating to residential districts.

20 We have Gary Pfost -- or Greg, sorry --
21 Greg Pfost again. Sorry, Greg.

22 MR. PFOST: That's okay.

23 ACTING DIRECTOR BLYSTONE: And by Jordan
24 Hart as well. So same -- same group.

25 CHAIR PALI: Great.

1 MR. PFOST: Yes. Thank you, Kate, Chair,
2 members of the commission. Again, I have a
3 PowerPoint presentation, so let me share my screen
4 here. Hopefully, you all can see that.

5 MR. PFOST: Again, this is -- this is a --

6 CHAIR PALI: There's nothing on the screen
7 yet.

8 MR. PFOST: There's nothing on the screen.
9 Let me try that again.

10 CHAIR PALI: Okay. It looks like it's
11 starting. There we go.

12 MR. PFOST: Okay. There we go.

13 CHAIR PALI: Great.

14 MR. PFOST: So, again, thank you. This is
15 also a planning department-initiated amendment to the
16 zoning code. It's a proposed ordinance to increase
17 density in the residential districts.

18 Maybe start off with a little bit of
19 background. Obviously, the issues at hand here,
20 there's obviously a limited supply of available
21 housing units in Maui County, and the rental and
22 for-sale market housing is -- is very cost
23 prohibitive for many residents.

24 The wildfires that occurred in August 2023
25 have only impacted the housing supply and cost even

1 further. And I'm not sure if you're aware or not
2 that the department is moving forward, through a
3 rewrite project of Title 19, the zoning code. And
4 within that project, we were moving forward with
5 increasing residential densities to address these
6 housing issues.

7 That project is -- is not slated to get to
8 council until 2026. And based upon the recent
9 disaster that occurred and understanding the need for
10 housing now, the department took the initiative to
11 move forward with this proposed ordinance which would
12 expand housing opportunities and affordability of
13 Maui County by increasing the density in the
14 residential zoning districts.

15 A little bit more background, if you're not
16 aware, there's a variety of policies within the
17 General Plan, the Maui Island Plan, and the community
18 plans and discussion within those plans to discuss
19 affordable housing and the need for different types
20 of housing opportunities.

21 I'm not going to read all of these, but
22 I'll go through just a couple in the General Plan.
23 We have policies such as seeking innovative ways to
24 lower housing costs, revising laws to support
25 neighborhood designs, incorporate a mix of housing

1 types.

2 And in the Maui Island Plan, use planning
3 and regulatory approaches to provide higher housing
4 densities, amend the development code to facilitate
5 different types of housing including mixed use, mixed
6 housing types, and then ensure the future housing
7 stock is composed of a mix of housing types,
8 including multifamily, small lots, ohana units,
9 co-housing, cottage houses, et cetera.

10 Each of the community plans I've noted here
11 has some policies that talk about increasing or
12 looking at housing policy -- housing opportunities
13 including the West Maui Plan which talks about
14 supporting missing -- missing middle housing types
15 which are multiunit or clustered housing types
16 compatible in scale with single family homes such as
17 ohana, duplex, triplex, fourplexes, and so forth.

18 So, I'm not going to go through all of
19 these policies. Hopefully, you have the PowerPoint
20 presentation which I provided to you earlier, that
21 there's a variety of policies in each of the plan to
22 talk about increasing housing opportunities to
23 address the affordable housing issue in Maui County.

24 What is being proposed is to increase the
25 density within the residential R-1, R-2, and R-3

1 residential zoning districts. The table that's at
2 the top of my slide here describes what the existing
3 density is required in the current code, and the
4 proposed density in all of the districts is to allow
5 for one dwelling unit for 2500 square feet of lot
6 area.

7 Currently in the R-1 and R-2, R-3 -- excuse
8 me -- they're based upon one dwelling unit per. And
9 those are the minimum lot sizes in those districts,
10 so that's where they come up with that density
11 requirement.

12 I might note that currently in the code,
13 the duplexes are allowed in -- in the R-1, R-2, and
14 R-3 with approval of a Special Use Permit by the
15 planning commission.

16 Additionally, accessory dwelling units are
17 allowed on all of those R-1, R-2, and R-3 lots. For
18 lots less than 7500 square feet, you can have one
19 accessory dwelling unit or ADU; and for lots that are
20 7500 square feet or greater, allow for two ADUs.

21 I might note -- and it doesn't indicate
22 this, not in the staff report, that for Lanai and
23 Molokai, they're only allowed one ADU per 7500 square
24 feet or greater since (indiscernible) on those
25 islands.

1 What this results in -- or the proposed
2 before you (indiscernible) amendment is on this lower
3 table. I provided some examples in the R-1, R-2, and
4 R-3, and I took the minimum lot size requirement you
5 need for those districts as an example.

6 And so the existing code in an R-1, for
7 example, a 6,000-square-foot lot size would allow for
8 one dwelling unit and one ADU. The proposed code
9 would -- amendment would allow for two dwelling units
10 and one ADU, and so forth.

11 And you can see the changes here in the
12 different zoning districts, and it's basically based
13 upon -- the size of the lot is going to increase the
14 amount of density that you're allowed.

15 What are the results and expectations of
16 this proposed amendment? Well, we believe it will
17 increase the number of rental and for-sale units
18 countywide. Units will be smaller and more
19 affordable.

20 Additional units can be used for
21 multigenerational, extended family housing which we
22 see here on the island and throughout the state. Of
23 course, the fire-affected areas of Lahaina will see
24 the most immediate benefit because there's going to
25 be reconstruction, and it will address those extended

1 family and multigenerational needs.

2 You'll see varying structure types, just
3 single family, duplex, triplex, and even fourplex
4 depending upon the size of the lot. Excuse me.

5 There will be -- there's no proposed
6 changes to the development standards such as
7 setbacks, heights, or impervious surface requirements
8 as a recent requirement required, or off-street
9 parking.

10 We will not see any increase in short-term
11 rentals as an increase in density as those are still
12 restricted to the code on issuing of short-term
13 rental permits and the number of permits that can be
14 issued per community plan area. The department does
15 not expect that we'll see development of these
16 additional units per immediately.

17 We'll see something that -- this will
18 probably occur over time. And that's basically
19 because the construction costs will obviously limit
20 some existing properties from moving forward
21 immediately on this.

22 Additionally, the development standards are
23 not being changed, and the infrastructure
24 availability will also control the number and type of
25 units that a lot could support. So we don't expect a

1 vast change to occur, but I think over time you may
2 see some occurring of changes.

3 Importantly, Lahaina will have the most
4 immediate benefit of taking advantage of this
5 opportunity as reconstruction occurs.

6 The department is recommending approval of
7 the ordinance as it will create more housing units
8 for rental and for sale in the county. It'll create
9 more smaller and more affordable housing units in
10 county. And we believe it's consistent with the
11 General Plan, the Maui Island Plan, and individual
12 community plans.

13 Again, the commission's options today on
14 this department-initiated ordinance are to recommend
15 approval of the ordinance to the council, recommend
16 approval with amendments to the council, recommend
17 denial of the ordinance, or vote to defer action to
18 gather more specific information.

19 That concludes my presentation. And,
20 again, Jordan Hart is also here available for
21 questions as well. Thank you.

22 CHAIR PALI: Great. Thank you. Okay.
23 We're going to go to public testimony. We are on
24 Item B2. And if you'd like to testify, use the chat
25 function, and we'll get to you in a little bit.

1 And if you're here visiting with us in
2 person, you may go to the podium when called. So
3 we're on B2, and the first testifier is David Goode.

4 David, if you could unmute yourself and say
5 hello, and as soon as you start talking, our
6 three-minute timer will begin. Thank you.

7 MR. GOODE: Good morning, Chair. Can you
8 hear me?

9 CHAIR PALI: I can, loud and clear.

10

11 David Goode testified as follows:

12 MR. GOODE: Great. Good morning, Chair,
13 members of the commission, Planning Director, and
14 staff. I'm David Goode of Ledcor Maui, and I'm in
15 support of Item B2 to allow more density on
16 residentially sold lots.

17 There's a few technical items to also
18 consider which Greg touched on, so let me expand on
19 that. The first are -- is fixture units. For those
20 of you that aren't familiar, fixture units are a
21 Department of Water Supply limitation on the number
22 of plumbing fixtures served by a water meter
23 regardless of who's in the building.

24 So here's an example of a triplex where
25 each unit would have two bathrooms and standard

1 appliances, and you need about 46 of these fixture
2 units. This cannot be done with a standard
3 5/8ths-inch meter. You need a 3-quarter-inch meter
4 which could be difficult to obtain, especially
5 Upcountry and West Maui.

6 If you go to the bigger example of four
7 homes and two ohanas, you actually need a 1-inch
8 meter. A 1-inch meter is \$33,000 plus lateral and
9 meter box upgrades.

10 I would ask the commission to consider
11 asking the department to coordinate with DWS on how
12 these meter upgrades can be done and that their
13 fixture-unit calculations be modified to better
14 accommodate this concept.

15 The next is available lot area. In the
16 slide deck that was presented, it was noted that
17 setbacks, height, et cetera, would all not change.
18 Each of these standards has a limit on what could be
19 built.

20 For example, parking alone takes up a lot
21 of space. So I'm -- I'm looking at height where if
22 you could add a few extra feet, say 5 feet up to
23 35 feet, then you could actually get in a third floor
24 more practically.

25 Also, the impervious surface area

1 limitation of no more than 65 percent of the total
2 zoning lot area is a practical limitation on how many
3 units can get built. Trying to get all the buildings
4 on-site plus the parking, driveways, walkways, et
5 cetera, could easily take up more than 65 percent of
6 the property.

7 So as you discuss this, consider going to
8 80 percent impervious areas for these three-or-more
9 greater units and consider allowing buildings up to
10 35 feet high.

11 Construction codes, when you have three
12 units or more, it's more complicated building and
13 fire codes. A fourth dwelling would trigger
14 subdivision-related improvements. Parks fees can
15 also get kicked in on the additional units which are
16 actually up to about \$20,000 each in West Maui.

17 So, again, broader coordination here
18 between the other affected departments like Parks,
19 Public Works, and Fire on these codes is going to be
20 key to actually getting units built.

21 Bottom line, this bill is a great start to
22 encourage smaller homes in areas where there is
23 infrastructure. There'll be extra costs per square
24 foot associated with these types of concepts, but
25 with the greater density and keeping the floor area

1 manageable, it should be built with overall costs
2 that will help the missing middle home buyer --

3 ACTING DIRECTOR BLYSTONE: Three minutes.

4 MR. GOODE: -- and renters find a home that
5 is new and much more affordable than a single larger
6 home on a 10,000 square foot lot. Thank you.

7 CHAIR PALI: Okay. Great. Commissioners,
8 questions? Okay. Vice-Chair Thayer.

9 VICE-CHAIR THAYER: Thank you. And thank
10 you for your thorough testimony. I was taking notes
11 as you were writing (sic), and I missed, I think, the
12 point you made about the lot coverage with impervious
13 surfaces. Can you go through that part again?

14 MR. GOODE: Sure, Commissioner Thayer. So
15 the -- the code that was passed about a year ago
16 states that no more than 65 percent of the lot can
17 have impervious surface. So that's roof, hardscapes;
18 I think even swimming pools are counted in that,
19 although I don't know why.

20 And so, you know, if you could imagine a
21 lot that's a 10,000 square foot lot, it's typically
22 80 feet by 130 feet. You take off 10 feet off the
23 sides, 10 feet off the back, 15 off the front. You
24 don't -- you're not left with much; right? You can
25 barely get three -- three homes in there, it seems.

1 So by allowing some more impervious surface
2 which won't be used that often so it's overall net
3 effect on drainage is minimal, you just have more
4 flexibility in how you build the buildings and add
5 things like patios and -- and other devices.

6 VICE-CHAIR THAYER: Understood. Okay,
7 thank you.

8 MR. GOODE: Thank you.

9 CHAIR PALI: Commissioners, any other
10 questions?

11 Mr. Goode, I've got a couple. So you gave
12 us -- I think I listed about four really great ideas.
13 But I'm going to need your help. When we -- when
14 we're looking at this and we -- if we decided we
15 wanted to incorporate some of those ideas, it's
16 helpful to, like, point specifically to the areas in
17 which we would do it.

18 And I'm very familiar with the water and
19 fixtures; I've done a couple of those myself. But I
20 didn't even see a section where we'd add it.

21 So just to clarify, are you recommending
22 that we add these -- these items to what we have
23 already? Or did you see a specific reference to
24 where we needed to tease out some recommendation?

25 I did see the 65 percent versus the

1 80 percent, but -- yeah. Do you have comment on
2 that?

3 MR. GOODE: Well, I believe you probably
4 can't take it up because you're looking at Title 19
5 only. So this is more of a recommendation to the
6 department to coordinate with these other -- other
7 departments --

8 CHAIR PALI: Oh, okay.

9 MR. GOODE: -- because you really need the
10 full package. If someone's going to do this, they
11 need relief in other areas as well. And maybe their
12 department's doing this already, so we'll hear from
13 them when they speak.

14 CHAIR PALI: Okay.

15 MR. GOODE: But the height and the
16 65 percent is in that same code that you're looking
17 at today.

18 CHAIR PALI: Yeah, I did see that. That
19 was the only one I could find. Okay, good.

20 So, basically, you're just saying, hey, if
21 we're going to make these changes which could be
22 great, if we're not letting this piece of the puzzle
23 be shaped in a way that fits functionally to what's
24 already happening with their items, then it may not
25 be very workable at all. Okay.

1 MR. GOODE: Right.

2 CHAIR PALI: Understood. Thank you. Thank
3 you for your time.

4 MR. GOODE: Thank you.

5 CHAIR PALI: Okay. Next up for testimony
6 is Casey.

7 MR. LAMB: Hi. Can you all hear me?

8 CHAIR PALI: Yes.

9

10 Casey Lamb testified as follows:

11 MR. LAMB: Hi. Thanks to all of you for
12 your time today. My name is Casey Lamb with Ledcor
13 Maui, testifying in support of Item B2.

14 Speaking to my background, I graduated with
15 a degree in real estate and urban land economics from
16 the University of Wisconsin and hold my real estate
17 license here in Hawaii.

18 The existing residential code promotes
19 larger format homes, only allowing one main dwelling
20 unit and one to two accessory dwelling units,
21 depending on lot size. Keeping density down promotes
22 the highest and best use for that lot to build one
23 main large home roughly 2000-plus square feet and one
24 accessory dwelling around 900 square feet.

25 And it's typical that these units are then

1 sold together as a package where the ADU is an income
2 generator for the main house. This keeps supply low
3 and drives market prices up.

4 This amendment, in turn, promotes a
5 different highest and best use, particularly for new
6 subdivisions and even on existing infill lots with
7 supporting infrastructure that allow for greater
8 density.

9 This promotes smaller and more uniform
10 units that are affordable by design. It promotes
11 missing middle housing such as duplexes, fourplexes,
12 townhomes, and other product types that could be
13 built in a condo property regime, or CPR format,
14 within a single family lot to provide diverse housing
15 choices.

16 A great example of this I saw was a
17 particular lot in Haiku. The owner consolidated two
18 R-3-zoned lots to create one 24,000 square foot lot.
19 The owner then created a 4-lot CPR with one existing
20 900 square foot home and three lots pre-packaged with
21 a home plan -- home plans ranging from 720 square
22 feet up to 1200 square feet.

23 Doing some market research, once built,
24 these homes would likely sell at a range of 720,000
25 up to a million dollars. This example, for some, may

1 not sound like it's affordable, but I'd like to
2 highlight January 2024 market stats published by
3 Realtors Association of Maui. The median condo --
4 condo price is 795,000 versus median single family
5 price of 1.3 million.

6 So, in this example is 2 lots -- two single
7 family lots. Each home would likely be built with
8 one large, main house and a smaller ADU packaged
9 together and sell for around 1.3 million or more,
10 rather than the four properties now as a condo regime
11 with a median price of 795,000 each, which is more
12 attainable.

13 The uniformity and home sizes and the
14 density within the CPR itself puts downward pressure
15 on the market value by increasing supply and making
16 it affordable by design. Had the zoning code been
17 updated to allow additional density in this Haiku
18 example, assuming the owner could upsize the water
19 meter, this would allow for a max density of
20 12 units, putting additional downward pressure on the
21 market value of the units.

22 As the memo points out, density flexibility
23 will be most beneficial in areas like Lahaina and
24 newer subdivisions that can plan for additional
25 density rather than existing subdivisions that are

1 limited in their capacity.

2 In closing, promoting additional density
3 across all residential zoning types begs for a CPR to
4 be established on those zoned properties and will
5 promote more affordable units in the missing middle
6 housing segment. Over time this will lead to smaller
7 homes, increased supply, and put downward pressure on
8 housing prices across -- across Maui County.

9 Thanks for your time.

10 CHAIR PALI: Great. Thank you. One
11 second. Commissioners, any questions?

12 Seeing none, thanks, Casey, for your
13 testimony today.

14 MR. LAMB: Thanks.

15 CHAIR PALI: Noelani, are you there?
16 You're next on the list here. If you can hear me,
17 unmute yourself and say hello, and your three minutes
18 will begin.

19 MS. PARESA: Hello.

20 CHAIR PALI: Hello.

21 MS. PARESA: Can you hear me okay?

22 CHAIR PALI: Yes, I can. Hello.

23

24 Noelani Paresa testified as follows:

25 MS. PARESA: Okay. Mahalo. My name is

1 Noelani Paresa, and I'm here to testify on behalf of
2 my ohana. We are seventh generation here on Maui,
3 and we appreciate you guys' time and dedication to
4 improving the lives of our lahui and our community as
5 a whole.

6 I want to cite lack of infrastructure as
7 far as agenda Item B2 and for B3 as I'm not sure if
8 I'll be present.

9 Lack of infrastructure to ensure safety of
10 citizens during an emergency, this is my focus of my
11 conversation. B2 and B3, depending on how they are
12 interpreted, may create hazardous environments for
13 our elderly who may not be able to escape hazard in
14 emergency.

15 Most of the zones referenced in these two
16 agenda items for the bill include areas that are one
17 way in and out, including Waihee which is the home to
18 many of my kupuna. I'm concerned with the increased
19 population -- increased population density in already
20 overpopulated areas on Maui.

21 I'd like to reference Maui Ordinance Number
22 10-48-020 for obstruction of traffic, and it states:

23 No person shall park any
24 vehicle upon a street or
25 alley in such a manner or

1 under such condition as to
2 leave available less than
3 ten feet of the width of
4 the street or alley from
5 the free movement of
6 vehicular traffic.

7 Today, most of you folks are in Kahului at
8 the county building for this meeting. If you'd
9 please take some time to maybe show up at areas on
10 Papa Avenue between Puunene and Kamehameha Avenue or
11 on Puukani Street between Puunene and I believe it's
12 Alamaha. Or if you'd like to check out Kahiki
13 Street, the block immediately next to Christ the King
14 Church, you can see the consequences to the
15 amendments of these bills in action.

16 Anytime during the day, it is difficult for
17 even one vehicle to pass through these places,
18 causing a hazard to the community, to the kupuna, to
19 the keiki.

20 I'm asking that -- first, that you defer
21 these motions for these bills and so you're able to
22 better educate yourself, first, in the state
23 constitution and the county ordinances that are
24 already in place for infrastructure. And if you're
25 referencing community plans, I'd appreciate if you

1 would not chop it up and please reference all of the
2 community plan's recommendations that were accepted
3 by the community.

4 And, also, if you're thinking about time
5 frames for the disaster and you need more information
6 on what would be acceptable --

7 ACTING DIRECTOR BLYSTONE: Three minutes.

8 MS. PARESA: I'm sorry?

9 ACTING DIRECTOR BLYSTONE: Three minutes.

10 CHAIR PALI: Yeah, just finish your
11 sentence, Noelani. Go ahead.

12 MS. PARESA: I'm sorry.

13 CHAIR PALI: You can just wrap up.

14 MS. PARESA: You can look at Haiti, Puerto
15 Rico, and New Orleans for the time it took for them
16 to rehabilitate and rebuild after their -- these
17 disasters.

18 And I'd like to take the time to let you
19 guys know that I am dedicating this testimony to my
20 kupuna o Lahaina that were lost in the disasters and
21 to the kupuna who are still unhoused.

22 I hope if you guys are more aware of the
23 legislation and the repercussions and consequences of
24 these actions all over the county, that would be much
25 appreciative. Mahalo.

1 CHAIR PALI: Thank you, Noelani. Hold on
2 one second. Let me see if there's any questions.

3 Commissioners, any questions? All right.
4 Seeing none, thank you for your testimony today,
5 Noelani. Our condolences. Okay.

6 So that was the last person signed up for
7 testimony. If you can hear me or you're online or
8 you are just calling in via phone and cannot use the
9 chat function, if you would like to testify, we are
10 on Item B2. Please unmute yourself and say hello.

11 MS. NISHIKI: Hello. Kai Nishiki. I'd
12 like to testify, please.

13 CHAIR PALI: Please.

14 MS. NISHIKI: Kai Nishiki testifying on my
15 own behalf. Do we still have to say we promise to be
16 truthful? Or I promise to be truthful?

17 CHAIR PALI: This is a non-contested case;
18 you're fine.

19 MS. NISHIKI: Oh, okay. Okay. Sorry.

20 CHAIR PALI: Yes, please proceed.

21

22 Kai Nishiki testified as follows:

23 MS. NISHIKI: Okay. Thank you. Let's see,
24 so I think this bill is a great -- is -- is great.

25 With increased density, mixed use, infill, these are

1 all things that we talked about during the West Maui
2 Community Plan.

3 I am -- I -- I think that very often people
4 are already doing this. So I'm just kind of
5 figuring -- trying to find out from planning
6 department, like, after-the-fact permits for all the
7 family compounds that we build, like, how that's
8 going to work out? I would like to see protections
9 then.

10 I know that this is intended for long-term
11 rentals, but I think that enforcement is often an
12 issue when it comes to that. So I would love to see
13 conditions put that this is -- that these are deed
14 restricted to be rented at 80 percent and below AMI,
15 prioritize the renters by length of residency, and
16 that there be adequate parking and infrastructure
17 to -- to, you know -- like it's one thing to allow
18 this.

19 But then, like, we really need things to be
20 facilitated and supported so that, you know, there's
21 sidewalks and roads and underground utilities and
22 cesspool conversions and evacuation routes. And that
23 kind of goes back to, you know, fast-tracking
24 rebuild.

25 If you don't address these things first, we

1 won't be able to allow things like this to actually
2 occur. They'll just be kind of like, it's allowed
3 but nothing's there to support it.

4 And then also to look at the plumbing code
5 so that we can allow R-1 dual lines for toilet
6 flushing, then that, you know, makes it so there's
7 more potable water available, and then also changing
8 that plumbing code so that R-1 can be used in, like,
9 these multifamily situations like this.

10 I would like to be cautious about how
11 height increases might affect view planes.

12 And I -- you know, I hear the discussion
13 about the impervious versus pervious areas. And it
14 would be really nice for pervious parking situations
15 that people just want to throw asphalt down, but, you
16 know, like, we really need to promote pervious pavers
17 and things like that so that we're not contributing
18 to runoff that eventually, you know, impacts our --
19 our oceans.

20 But overall, you know, fully support this.
21 I just think that those protections for the long-term
22 rental which is, you know, what this is supposed to
23 address, that we really need to look at those -- at
24 the enforcement and then, you know, deed restricting
25 these things so that, you know, it doesn't --

1 ACTING DIRECTOR BLYSTONE: Three minutes.

2 MS. NISHIKI: I'll finish -- it doesn't
3 increase property values for people to just make
4 money off of -- off of these things, and that it
5 really does support our long-term residents. Mahalo.

6 CHAIR PALI: Great. Thank you.
7 Commissioners, any questions for Ms. Nishiki? Okay.
8 Seeing none, thank you for your testimony.

9 We are just finishing up on public
10 testimony for item B2. If you're interested in
11 testifying, please unmute yourself and say hello.
12 Okay. Seeing none, we will close public testimony.

13 Commissioners, any question on staff
14 planner -- for staff planner regarding what's in
15 front of us? Again, it's another recommendation to
16 county council.

17 We have Jordan Hart on the line. I see him
18 to answer questions, and also Greg from the planning
19 department.

20 Commissioner Deakos?

21 COMMISSIONER DEAKOS: Thank you, Chair.
22 And thank you, Mr. Hart, for being here.

23 I -- so my question, I -- I understand the
24 intent. Obviously, we want higher -- you know,
25 higher density is -- is good if done properly. We

1 want to give the families the ability to -- to have
2 additional structures, especially multifamily.

3 I'm concerned with how -- I mean, this
4 is -- we're significantly increasing the density.
5 How -- when you talk about things like, you know, the
6 water -- the water -- the additional water usage, the
7 reduction, I know you guys didn't propose it, but
8 there was a proposal for reducing the impervious
9 surface.

10 And how does that align with sort of the
11 existing conditions with, you know, stormwater, brown
12 water events, lack of water percolating through the
13 aquifer, the low aquifer, you know, the lack of -- of
14 water in Lahaina, is there -- and the infrastructure
15 to support the increased density of wastewater,
16 things like that?

17 Is there a -- do we need the infrastructure
18 first? And -- and -- is there a way -- is there --
19 is that going to happen? How do we -- how do we
20 address the additional demand?

21 MR. HART: Chair, thanks -- thanks for the
22 opportunity to respond. So I -- it's pretty
23 fortuitous that Dave Goode, former Director of Public
24 Works, was here -- former deputy director of Public
25 Works as well with long experience in administering

1 and doing development in the County of Maui, pointed
2 out all of the infrastructure constraints that are
3 existing situations.

4 I've tried to be clear in talking about
5 this previously that it is constrained by
6 infrastructure and that not everyone will be able to
7 do -- just because there's these numbers on the board
8 doesn't mean that that's what's going to happen
9 because there is the County of Maui's existing
10 capacity to produce water.

11 There is the cost of infrastructure
12 upgrades. There is the -- I don't want to call them
13 subdivision improvements but the infrastructure
14 improvements that are triggered by -- for dwelling
15 units, all of those, from a planning perspective, we
16 don't propose to change any of those.

17 And in doing that, we ensure that growth
18 doesn't get ahead of the infrastructure capacity.
19 So, basically, the infrastructure agencies will not
20 approve permits if there is not water in the pipes or
21 if there is not capacity in the wastewater treatment
22 facilities.

23 Something else to bring up, you know,
24 there's a discussion of Haiku properties. You know
25 the State Department of health administers individual

1 wastewater systems. And so they will require that
2 you have 10,000 square feet for a leach field, and
3 that will accommodate five bedrooms in no more than
4 two units.

5 So, if you really dig into all the rules
6 which we've been doing in this post-disaster permit
7 working group, you'll see that properties that are
8 served by county water and county sewer and are not
9 subject to associations that -- that limit these
10 types of situations are where this capacity can
11 happen, but it will be subject to expense by the
12 landowner. If that's their goal, you know, they will
13 have to do water meter upgrades, if there's capacity
14 in the system in that area.

15 So, like, we have the Lahaina system. We
16 have the central system that runs from -- essentially
17 out towards Waihee all the way to Makena, and then we
18 have the -- and to Paia. And then we have the
19 Upcountry system, which is upper Paia and the rest of
20 Upcountry. So there's no spare water in the
21 Upcountry system.

22 The CWRM regulates West Maui and there's --
23 there's some capacity in the central system. Before
24 there's significant -- before there's significant
25 either wells or treatment upgrades, that will

1 constrain, you know, any sort of quick development of
2 increase in density.

3 But ultimately, I believe that the County
4 does have to provide those services and, you know,
5 the council adopted a -- a -- an affordable housing
6 master plan in 2021, and it was proposed to develop
7 5,000 units in -- within the year of 2022. So then
8 we also had the fires which destroyed approximately
9 2,000 more dwelling units. So -- so we have a real
10 housing issue already, and then we have a fire.

11 The other thing to bring up is that, you
12 know, there is expression of concern that there is
13 multigenerational housing or extended family housing
14 and that our zoning code has no way to accommodate
15 that. So what the planning department is trying to
16 do is provide a way to legally accommodate that.

17 Now, whether or not they're -- the
18 individuals who would like to do that are willing to
19 pay the costs that already exist on the books for
20 doing that scale of development, that's -- that's an
21 individual decision. Maybe they cooperate with
22 family members or, you know, family groups that want
23 to go in with them or maybe they have to decide that
24 this is feasibly, because of economics, beyond their
25 capacity, but we wanted to provide the opportunity.

1 And, basically, you know, everybody's aware
2 that there was an audit of the zoning code Title 19,
3 and it was concluded that our zoning code is far
4 behind the times. It needs to be rewritten. And so
5 council invested with a consultant to rewrite the
6 zoning code.

7 And in the draft that's -- that's quite
8 away from public evaluation is the proposal to go to
9 multifamily in the single family districts. I think
10 that that is consistent with -- you know, we have our
11 Island Plan urban growth boundaries.

12 And, you know, there's a lot of conflict
13 and concern whenever any new project is proposing to
14 urbanize a whole bunch of new land that's currently
15 ag. So by looking back inwards and providing the
16 opportunity for density on a parcel-by-parcel basis,
17 there's creating capacity to relieve pressure on the
18 boundaries of development.

19 So, you know, there's no -- this stuff is
20 complicated. That's the short answer. But -- but
21 this is a way for people who have the situation that
22 works for them to -- to take advantage of
23 opportunities.

24 COMMISSIONER DEAKOS: Okay, I appreciate
25 that. Yeah.

1 CHAIR PALI: Thank you, Jordan. So,
2 Commissioner Deakos, did you have any other
3 questions?

4 COMMISSIONER DEAKOS: I'll wait.

5 CHAIR PALI: Well, we're going to --
6 there's -- let's not. Go ahead and finish up. And
7 we're just going to do one round so we can get
8 through this.

9 COMMISSIONER DEAKOS: Okay. I -- I was
10 just curious, is there -- so there are ways to build
11 that alleviate a lot of the pressures; right?

12 We can build with water efficiency and
13 energy efficiency. We can build with impervious --
14 or pervious surfaces. You know, you can improve mass
15 transit.

16 So there are ways to sort of increase
17 density but not build the old way that has all the
18 negative impacts. Is any of that -- can that -- any
19 of that get incorporated?

20 I don't know how it would be incorporated.
21 It's probably a separate ordinance where you're
22 providing incentives like that, but I never see any
23 of that in these things where we want to encourage
24 more housing, encourage more affordable housing, but
25 there never seems to be anything addressing the --

1 the negative aspects of the built environment.

2 CHAIR PALI: Jordan, I'm going to let you
3 do a very short answer to this because now we're
4 talking about, like, how it's built, best management
5 practices, things like that, that are not out of --
6 that are outside of our purview.

7 But I do want you to give a quick short
8 answer to Commissioner Deakos on, you know, the
9 current codes and who's -- who does that and where
10 that's located. And then we have to move on.

11 MR. HART: Sure. So we do have energy
12 codes on the state level and the county level. We
13 have stormwater treatment. You know, we're not
14 proposing to increase -- or reduce the
15 (indiscernible) surface from the planning
16 department's proposal.

17 My opinion is that our codes are pretty
18 sound in evaluating environmental impacts and doing
19 our best to mitigate them. And I think the
20 incentive -- if you ask a lot of people, the
21 incentive is the chance to get a housing unit.

22 So that's challenging right now, and here
23 is a way to -- to get a unit. And so I think that
24 bearing the impact costs that are associated with
25 that is appropriate. Our infrastructure has to be

1 financed. This is the way we do it.

2 CHAIR PALI: Great. Any other questions,
3 Deakos?

4 COMMISSIONER DEAKOS: I'm good. Thank you.

5 CHAIR PALI: Okay. Commissioner Kealoha,
6 any questions?

7 COMMISSIONER KEALOHA: I don't have any
8 questions. Thank you.

9 CHAIR PALI: Okay. Commissioner Hipolito,
10 any questions?

11 COMMISSIONER HIPOLITO: Yes, Chair.

12 Mr. Hart, trying to formulate my questions.

13 So -- and shared by some of the testifiers,
14 and you kind of mentioned -- I get it, increasing
15 density. A lot of the questions or concerns or
16 clarification needed is the infrastructure, water,
17 sewer, parking, fire, impervious -- 65 percent
18 impervious area, parks.

19 And so -- as this ordinance, as it's
20 written right now, it's an ordinance to allow
21 organizations, individuals, families that have the
22 potential to incorporate these -- this ordinance, if
23 approved today or amended and to ensure that the
24 permitting process will not get circumvented, that
25 they still have to go through all this process, DWS.

1 I -- I think that's what I would like to
2 hear from you. And I think there's -- a lot of the
3 testifiers would like to know because they are asking
4 questions about already codes and regulations that
5 there -- that's already there. Yeah?

6 I've tried to put my question as best as I
7 can. If -- if you need more clarification, let me
8 know.

9 CHAIR PALI: No, you did a good job. Can
10 you -- brief response, Hart, but thorough?

11 MR. HART: Sure, Chair. So, you know, what
12 was -- what was described by some of the testifiers
13 is largely unpermitted expansion, converting single
14 family lots into multifamily, adding kitchens.
15 That's all without review. And so when you see those
16 parking impacts, that's because none of the parking
17 is being provided on-site.

18 So we are requiring parking. Now, when
19 Maui totally gets geared up with a reliable mass
20 transit system, maybe that can be changed in the
21 future by the council -- or, you know, commission's
22 proposal to council.

23 But at this time, if you're -- if you're
24 conducting whatever business on Maui, you need a
25 vehicle, basically, at this time. And so -- so we're

1 proposing that they need to find a place on-site
2 where they can park if they're proposing to do this
3 many units.

4 And then, again, that all the reviewing
5 agencies are reviewing the proposed plans and then
6 doing the construction inspection so that everything
7 is -- is safe, compliant with fire code, health and
8 safety issues are addressed.

9 That was why I brought up individual
10 wastewater systems with the state Department of
11 Health. Like, you have to handle your wastewater
12 safely. It all has to go through inspections. And
13 if you don't happen to be able to meet the criteria,
14 you're not going to be able to use this.

15 But quite a few people already are doing
16 this illegally. So they can do their after-the-facts
17 and come into compliance. Or people were doing it
18 illegally and now their house is gone, but these
19 families are still here and they still need a place
20 to go. Now, they can reconstruct legally.

21 I want to -- just one final thing on the
22 vehicle access, like, fire apparatus access in the
23 fire-affected area. So the -- what was discussed
24 recently in the prior item was the post-disaster
25 building permit process 16.25 -- Maui County

1 Code 16.25.

2 So that does include a section where if the
3 roadway fronting the -- the proposed units is
4 substandard for fire access, that -- that there will
5 need to be a dedication. And so there's also an
6 evaluation of emergency traffic flow and escape
7 routes being done by Fire and Public Works with the
8 Army Corps of Engineers. And that's going to result
9 in an evaluation of further escape routes in the
10 area.

11 And then, finally, we're going to go back
12 through and add all of the areas that cannot allow
13 for parking physically to exist beyond the no-parking
14 areas. And then that's -- that's going to be
15 enforced by the police.

16 And so by, basically, bringing cars off the
17 street, widening the roadways, creating more escape
18 routes, and enforcing no parking, that's how we're
19 proposing to address those -- those issues.

20 CHAIR PALI: And if I may jump in, Jordan
21 Hart, that process happens when the person is
22 applying to then build their units. The planning
23 department -- and just -- if you can validate what
24 I'm saying or correct me where I'm wrong, they're
25 going to be looking at those proposed plans and

1 saying, hey, do you have enough on-site parking?

2 Are you meeting this? Because if they
3 cannot meet that, the permit will not be issued. So
4 you guys are going to be regulating it prior to it
5 even being built; is that correct?

6 MR. HART: Right. It'll need to -- the
7 parking will need to be on-site. The impervious
8 surface we're proposing will need to be complied with
9 as is. So if it needs to be pervious surface parking
10 or whatever adjustments they need to make --
11 basically, there's -- there's a lot of different
12 boxes that have to be checked. And if you can fit
13 your proposed project into the requirement, then --
14 then we'll support it to proceed, but you still --
15 you have to meet responsible criteria.

16 CHAIR PALI: So the criteria is not
17 disappearing because you're allowing for potential
18 build. You're saying, hey, we're allowing for
19 potential build, but you still have to meet all of
20 these requirements that, to be honest, have been in
21 existence for a while.

22 What I also heard you say, if you can just
23 confirm, is that maybe some of what we do see with
24 the off-street parking and the issues with bad water
25 pressure are when people decide to build nonpermitted

1 structures or build without permits. So they're sort
2 of skipping the particular process for codes and
3 building permits and -- and plumbers and electricians
4 going out and doing the right thing and realizing
5 that they need to upgrade.

6 So they're not doing those things because
7 they're just building that as they've been building.
8 And then they put -- they build it, it's illegal, and
9 then now they have extra people that need to be
10 pushed to the street because it wasn't managed
11 through the building permit process through the
12 department.

13 Is that what I heard you -- you didn't go
14 into detail, but you said that you believe the
15 testifier might have referenced those issues, but
16 maybe for people who were coming in for, like,
17 after-the-fact permits or built things illegally. Is
18 that what I heard you say?

19 MR. HART: I did. I do think that I did
20 hear reference to -- to overparking outside of
21 properties. And I was basically trying to address
22 that we are requiring stalls for the additional
23 units.

24 And -- and the next item that's coming up,
25 we're requiring stalls there, too. So -- so,

1 basically, we're not trying to support people
2 externalizing their impacts; right? They're going to
3 do a development, and then they're just going to go
4 make everybody park in front of other people's
5 mailboxes and trash cans and stuff like that.

6 Like, you're welcome to -- to expand if
7 that's what you're proposing to do, but you have to
8 meet your infrastructure criterias and -- and you --
9 you have to -- you have to accommodate some of your
10 vehicles on property.

11 Like, obviously, people nowadays, they
12 have -- sometimes they have more vehicles than --
13 than may be actually necessary, but we're proposing
14 that the number of vehicles that would be necessary
15 to occupy these units are -- are going to be required
16 on property. And that -- that will benefit the
17 overall issue that's being seen in the community,
18 basically, at least islandwide.

19 CHAIR PALI: Okay. Thank you. Director,
20 do you have a comment?

21 ACTING DIRECTOR BLYSTONE: I do. I just --
22 for the commissioners' benefit. I -- I want to just
23 pop up a little higher for a minute. This is -- this
24 is a big system, the housing. The system that
25 creates or doesn't create housing is a big system,

1 and it has a lot of pieces. And we're exploring some
2 of those just in the comments that were made today.

3 But doing this change as we're proposing
4 would set the stage for the other departments to go,
5 okay, now we can shift some things, too, so increased
6 infrastructure availability directing transit towards
7 higher-density areas, increasing pedestrian and
8 bike -- bicycle options so we don't have so many cars
9 parked everywhere.

10 So I just want to say that the planning
11 department, should I be confirmed tomorrow, we'll be
12 working with other departments to try to realize
13 these things. That's part of our job as planners is
14 to try to realize a better system. So I wanted to
15 say that out loud for your benefit.

16 CHAIR PALI: Wonderful. Thank you so much.
17 Commissioner Hipolito, any further
18 questions?

19 COMMISSIONER HIPOLITO: No, Chair. Thank
20 you. Thank you, Mr. Hart.

21 CHAIR PALI: Great. Okay. Just wrapping
22 it up here. Commissioner Thompson?

23 COMMISSIONER THOMPSON: No questions,
24 thanks.

25 CHAIR PALI: Great. And Vice-Chair Thayer?

1 VICE-CHAIR THAYER: Yeah, just a couple of
2 questions. Thank you. So on the note of
3 coordinating with, like, Department of Water Supply,
4 Parks, Fire, Public Works, has -- have they been
5 asked to provide input on this yet?

6 ACTING DIRECTOR BLYSTONE: (Indiscernible)
7 to Jordan and Greg.

8 CHAIR PALI: Okay.

9 MR. HART: Sorry about that. So -- so
10 we've been -- we've had a running permit working
11 group, and we've discussed proposing these things
12 multiple times in those meetings which includes
13 Department of Water Supply. Thank you.

14 VICE-CHAIR THAYER: Okay, more to come.

15 CHAIR PALI: The departments have been
16 collaborating in a working group.

17 VICE-CHAIR THAYER: Okay. Okay. And my
18 other question is just to, like, clarify the
19 implications of this because, like, what I'm seeing
20 in the slides and what I'm seeing, like the table we
21 have in front of us, I -- I'm not super clear on.

22 So like, in -- well, let's put it this way.
23 So in the table in, like, R-2 and R-3, in the
24 dwelling type, it says "single family, duplex" and
25 "multifamily." So just in practice, what we would

1 potentially see is, like, a multifamily structure
2 could be built plus two additional units?

3 Well, like the -- the table in the slide
4 deck says, like, an R-3, 10,000 square foot lot,
5 there could be four dwelling units and two ADUs?

6 MR. HART: Chair, yeah. I'd like to
7 address that because we do have a proposed change
8 that we would like to do to simplify this -- this
9 table. It's still going to be relatively
10 complicated, but I -- we think it will simplify it a
11 little bit.

12 So what we're trying to do is basically
13 take the position that one primary dwelling unit
14 would be permitted per 2,500 square feet. And then
15 after that, whatever accessory dwelling units are
16 permitted by your parcel are also permitted.

17 And so the configuration proposal is
18 whatever works best for the applicant is what we're
19 trying to get to. So we're trying to provide maximum
20 flexibility.

21 So like Dave Goode had mentioned, when
22 you're building multifamily, essentially you're
23 triggering a different kind of building code like the
24 commercial building code, basically. So that's three
25 units together.

1 If you're building -- let's say you're
2 building six total small houses that are detached
3 single family dwellings. Those are all single family
4 dwelling residential construction type. You will
5 still trigger the lot frontage improvements, but the
6 construction of the units is -- is under the
7 residential zoning code.

8 So, anyway, there's all these moving parts,
9 and so we're trying to provide maximum flexibility so
10 that these people who are trying to pursue a project
11 can make their way through as it suits them best.

12 And so we're trying to say they can either
13 be attached or detached in this density and that
14 density is one main dwelling unit per 2,500 square
15 feet plus the ADUs that may be permitted for your
16 parcel.

17 VICE-CHAIR THAYER: Okay, got it. Thank
18 you for that. Appreciate it. That's all my
19 questions.

20 CHAIR PALI: Okay, great.

21 Yes, Commissioner Deakos?

22 COMMISSIONER DEAKOS: Just to follow up on
23 something that the director mentioned, and I -- and I
24 do hope you get approved tomorrow. I'm rooting for
25 you.

1 But -- so you mentioned that the additional
2 density would be the precursor to lighting the fire
3 for the infrastructure, like the mass transit and the
4 water, where it seems to me that those
5 infrastructures are already overburdened. And
6 they -- it almost would make sense to have those in
7 place, or have some strategy -- put them in place
8 before you increase the density.

9 I don't know if you can clarify. Am I
10 missing something?

11 CHAIR PALI: Yes, I believe so. I heard
12 her say that we have to put the code in place which
13 is what we're trying to do today, and then once the
14 code is in place, then she can start to plan and
15 build for the code. Putting the code in place
16 doesn't pop up a bunch of units.

17 So I think what you're saying is, we don't
18 build the density first, then build for the
19 infrastructure. So it is a little backwards. We're
20 just simply talking about paper and text right now.

21 Building, setting the stage for code --
22 because this is -- you know, even if -- even if this
23 passed us, went to county council and passed in a
24 couple months, and then someone decided to trigger
25 this, they're going to be stuck in permits for 10 to

1 12 months. There's nothing that's going to pop up in
2 a year.

3 And so, what she's saying is we've got this
4 one-year lag, and I'm just -- maybe I should just let
5 you talk for yourself. But go ahead.

6 ACTING DIRECTOR BLYSTONE: Yeah, I can.
7 So, I mean, really what I'm talking about when I said
8 that -- and thank you for your question,
9 Commissioner -- really what I'm talking about is that
10 when -- when infrastructure is in place, it's nice to
11 have the code in place so we can go, so we can build
12 those units.

13 CHAIR PALI: Yeah.

14 ACTING DIRECTOR BLYSTONE: So this is just
15 putting the code in place so that when those -- those
16 elements that are needed to approve these kinds of
17 developments are in place, you know what I'm saying?

18 So it's -- you can do it in any order. I
19 think it's going to be faster to have the code in
20 place so then when infrastructure is in place, then
21 we can go.

22 CHAIR PALI: Yeah. Code, infrastructure,
23 and then popping up build.

24 ACTING DIRECTOR BLYSTONE: Yes.

25 CHAIR PALI: So -- so --

1 COMMISSIONER DEAKOS: But the code allows
2 the density. So once the code is approved by the
3 council, that density -- sure, they may be restricted
4 by, you know, some of the issues that aren't resolved
5 yet, but they can technically move forward with
6 density if they get approved.

7 CHAIR PALI: Yeah. So Jordan Hart
8 confirmed that they're not going to approve it if
9 it's -- like, depending on the area, if that area is
10 already burdened in tax, they can't approve it just
11 because the code allows it.

12 ACTING DIRECTOR BLYSTONE: Right.

13 CHAIR PALI: So -- so he's already said,
14 like, the code is there, if there's areas that are
15 more burdened than others or they don't have the
16 infrastructure like Lahaina, then they won't be able
17 to actually approve it just because the code allows
18 it.

19 COMMISSIONER DEAKOS: Right. But that's
20 kind of saying existing code prevents the situation
21 we're in now. Obviously, the code doesn't protect
22 from the traffic issues, the water issues that, you
23 know -- so, anyway, I understand that, and I
24 appreciate the -- the comment. Thank you.

25 CHAIR PALI: Yeah. I think what you're

1 talking about is when they apply, it's the building
2 permit and the review of the planning department at
3 that time is what is doing what you're looking for,
4 enforcement, overseeing, oversight, those things
5 which are all good things, but that's at the
6 department level. Yeah. Okay.

7 So if there's no further questions, we'll
8 have Greg, staff planner, just confirm that the
9 department is recommending this, and then we'll take
10 this just like the last item.

11 MR. PFOST: (No audio.)

12 CHAIR PALI: Greg, we can't hear you.
13 Sorry. Yeah, if you -- do you want to try and say a
14 word? Yeah. He's not trying to speak, so I don't
15 know. Yeah.

16 Greg, can you -- there you go. Okay. I
17 can't hear you. So Director will take it for you.

18 ACTING DIRECTOR BLYSTONE: Sure.
19 Commission, your options are for -- you can recommend
20 approval of the proposed ordinance to the Maui County
21 Council. You can recommend approval of the proposed
22 ordinance with amendments to the county council. You
23 can recommend denial of the proposed ordinance to the
24 Maui County Council, or you can vote to defer action
25 on the proposed ordinance in order to gather specific

1 additional information. The department recommends
2 approval of the attached ordinance.

3 CHAIR PALI: Okay. Great. So I guess we
4 will do it a little differently. We'll take the
5 motion. Okay.

6 Well, let me just -- by raise of hand, is
7 there anybody that has a -- an amendment or something
8 that they may want to consider adding or changing?
9 Okay.

10 I'll just open the floor for a motion. Oh,
11 Vice-Chair Thayer.

12 VICE-CHAIR THAYER: I am wondering -- I
13 don't know, because this touches on a different
14 chapter, but park -- off-street parking, if there
15 could be some allowance for that not to have to be
16 paved or impervious surface.

17 MR. HOPPER: I mean --

18 VICE-CHAIR THAYER: Yeah, go ahead.

19 MR. HOPPER: This is really, really -- I
20 don't think that's really germane to this. It would
21 be tough to go to a different section.

22 From time to time, I think we can do things
23 like that, but I don't think, in this case, that's
24 really something that's part of this. I -- I guess
25 in your comments, you could include something along

1 the lines that, you know, consider this, if you're
2 increasing density, you may need to do this.

3 But actually doing a substantive amendment,
4 I would -- it would be cleaner to propose that as
5 like a new -- new amendment --

6 VICE-CHAIR THAYER: Okay.

7 MR. HOPPER: -- is what I think.

8 VICE-CHAIR THAYER: Okay. Sure. That's
9 why I asked.

10 CHAIR PALI: And, you know, Vice-Chair, it
11 sounds like there's other things that we want to kind
12 of tell council on that are outside of this, but it
13 would -- changing this would imply that these things
14 might need to also be supported, so we can add that
15 on.

16 VICE-CHAIR THAYER: Sure.

17 CHAIR PALI: Okay, cool. Commissioners, so
18 the floor is open for a motion. I'm thinking we can
19 just get a motion on the floor, have a second, open
20 it up for discussion, and make changes that way.

21 VICE-CHAIR THAYER: I will move to
22 recommend approval as presented by the department.

23 CHAIR PALI: Okay. Do I have a second?
24 Thompson, second. Okay. Discussion, movant.

25 VICE-CHAIR THAYER: I guess to me, this --

1 well, you know, speaking towards the larger issue of
2 housing on this island, like, we are, of course,
3 constrained by our land area that has infrastructure
4 built to it already.

5 And this would be a way or a step forward
6 of making use of our available resources and, you
7 know, we cannot build out forever or else we will,
8 like, build across the whole island which I think a
9 lot of the community has spoken up against.

10 And so the only alternative to that is
11 increasing density, which is done in, like, many,
12 many, many parts of the world. And it would
13 represent, I think, a change in what we are used to
14 our residential neighborhoods being on this island,
15 but if we're all going to be able to keep living here
16 with all of our ohana and our keiki who are going to
17 grow up, I think this is a step in the right
18 direction to explore.

19 CHAIR PALI: Okay. Dale?

20 COMMISSIONER THOMPSON: Thanks, Chair. I
21 believe there will be some unintended consequences to
22 most of these things that we're doing, but more
23 importantly, it's doing the intended consequences.
24 So I'll support this.

25 CHAIR PALI: Any discussion? Yeah,

1 Commissioner Deakos?

2 COMMISSIONER DEAKOS: Yeah. I always seem
3 to follow my Commissioner Thompson. Yes, there is
4 cost to development.

5 I'm -- I totally support density
6 improvements. It's definitely the way to go,
7 multimodal, all of that stuff. I just don't think
8 the -- you know, I don't think this -- I won't be
9 supporting the motion because I think we have time to
10 get some of the other things in place.

11 Like you said, we've lost 2,000 homes in
12 Lahaina. Just to get those 2,000 homes back doesn't
13 necessarily require increasing density. I guess it
14 could; I guess some lots could compensate for other
15 lots.

16 But, you know, I live on a 10,000 square
17 foot; I can't imagine four units and two ADUs. That
18 is -- that is some serious density.

19 So, I just think there's time to get the
20 other stuff, sort of a better vision, maybe there's
21 conversations happening where we get the
22 infrastructure improvements before we just add more
23 density. And even though we have code, like we said,
24 that's supposed to protect from the congestion and
25 the lack of water and the -- the lack of impervious

1 surface, and all of those issues that we have with
2 increasing density, I just think this is a bit ahead
3 of the game.

4 And if we -- you know, maybe it could be
5 revisited later once there's momentum on the rebuild
6 and there's time to address some of those greater
7 infrastructure conversations, then I think this would
8 be a great time to look at that. So I -- I won't be
9 supporting the motion. Thank you, Chair.

10 CHAIR PALI: Great. Commissioner Kealoha
11 or Hipolito, any comments? Commissioner Hipolito.

12 COMMISSIONER HIPOLITO: Yeah, comment. I
13 will support the -- the motion. You know, we have --
14 over the years, we have worked on rules and
15 regulations and, to the point and explained by
16 Mr. Hart, that we have departments that's going to be
17 reviewing.

18 Not anyone can build if they don't have the
19 capabilities or the capacity to increase. But this
20 gives our community the opportunity -- who can
21 provide supportive housing for our community, I think
22 this is a good -- a good ordinance to have, as
23 mentioned by Commissioner Thompson.

24 We learn there will be challenges, there
25 will be opportunities. But I feel, after explained

1 by Mr. Hart, that we have in place other rules, other
2 codes that will be implemented and not just buildings
3 just built just to build, but for the safety, to
4 help, and to provide our community with potential
5 additional housing. Thank you.

6 CHAIR PALI: Commissioner Kealoha, any
7 comments? I got a couple. Trying to just see how to
8 properly formulate my thoughts.

9 Things, commissioner, you can --
10 commissioners, you can consider. It would be typical
11 if you wanted to start a business that you would
12 formulate the plan for the business and the budget
13 and understand the cost and do all the homework for
14 the business before you actually go and get the
15 financing for the business.

16 So the way I see this code is -- and what I
17 hear from Director is, you can't really ask for money
18 without the plan. Or maybe she can, it's just going
19 to take longer. So there's that aspect.

20 The other thing is my family has a lot in
21 Lahaina that hopefully will be cleared in the next
22 two weeks from the Army Corps. And they're old
23 already. My dad and my mom, they're old.

24 They're -- they don't -- they're not going
25 to be here much longer, so they're already thinking

1 of, well, let's see, we get two kids my side, three
2 kids your side. Three get house, two don't. They're
3 probably not going to want us to do the standard
4 single family or a single family and cottage. They
5 might want to pop four little cottages so the two
6 kids and the grandkids, they all get place to live.
7 So there's that.

8 If we wait and we don't pass something like
9 this now, then it's going to be years before we
10 circle back. They'll have this four-year window to
11 build. They're going to miss it, but there's no
12 reason to delay something like this.

13 Just because we put it there doesn't mean
14 you're going to have 2,000 people popping up
15 six units on their -- their 10,000 square foot
16 acreage or 10,000 square foot land size. So -- so
17 I'm just saying, like, we can put it out there.

18 We're still regulating how many people are
19 actually going to get permission to build. We're
20 still being thoughtful. We're still depending on the
21 review of the planning department, all of the
22 regulation of code, building, permits, flood, fire,
23 all of those things. They're all going to be taken
24 into consideration. This is not a pass the code and
25 it's a free-for-all.

1 I don't know how many people you have
2 living with you, Commissioner Deakos, and I'm not
3 trying to single you out, but we need to create
4 housing for our people right now. And delaying
5 something like this that could open doors for people
6 who have homes that they own, that they live in
7 comfortably, and instead of waiting two to four more
8 years for them to build Lahaina, we can provide
9 spaces for our family.

10 I just got a final permit on my own small,
11 little, 500 square foot detached cottage I popped up
12 in the back of my Kihei lot. If it wasn't for Uncle
13 Bob Carroll at the county council that allowed them
14 to put two units on a 7,500 square foot, I wouldn't
15 have been able to build it.

16 He passed that thing, like, three to five
17 years ago. I only got my final when I did it because
18 I couldn't afford it when it happened.

19 But my point is I've done it, and I see how
20 it's providing housing, and I can see that this is
21 going to pave the way. You're not going to have
22 stuff pop up in the next two years. This is going to
23 take time, but we need to build the way now. Enough
24 is enough. We've just waited too long.

25 I'm not trying to -- there's no personal --

1 I'm just very passionate. I'm living it out. I'm
2 seeing it. My family's affected and so is my
3 community, and this is a really good avenue, but I
4 agree with you we need to do it thoughtfully.

5 We need to make sure that we're not just
6 popping a bunch of stuff up and making things worse.
7 We want to be very careful for emergency services.
8 All those things I'm on board with you, but I highly
9 disagree that this should be waited. So that's --
10 that's all I got to say.

11 Okay. Any other comments? And feel free
12 to join the discussion. We can -- but I just want
13 you guys to consider those things.

14 Yes, Commissioner Deakos.

15 COMMISSIONER DEAKOS: Yes, thank you. And
16 I appreciate the comment, and -- and the need to
17 allow people to build. I think there's a disconnect,
18 obviously, between our perspectives of -- you know,
19 we've been saying this for decades, we just need more
20 inventory. That will fix the affordable housing
21 crisis. We just need more; if we just get rid of the
22 rules and we build more.

23 And we can see that it doesn't work. We
24 get, you know, those that don't need it move in, get
25 those places. So I don't see how this is any

1 different.

2 If there were measures in here that allowed
3 for the local families to build extra ADUs or
4 whatever on their properties that protected that,
5 those were in perpetuity so they didn't get sold to
6 market housing, like, the issues that have plagued us
7 up to this point.

8 So I do not want to restrict any local
9 family's ability to -- to go in there and -- and
10 build what they need and -- and have extended housing
11 for additional family members at all. So this is not
12 a delay, but I don't see that. This -- this to me,
13 the way it's been expressed, it just basically is the
14 same as usual. And so I expect to see the same
15 response as usual.

16 If someone can convince me how this
17 protects affordable housing and the local families
18 from more of the abuse that we've seen over the
19 years, I would -- you know, I might be convinced.
20 But under -- the way it's -- the -- what what I read
21 from it, I don't see those protections in place
22 that -- that give those families that long term --
23 and local residents that long-term protection.

24 So thank you for allowing me to respond.

25 CHAIR PALI: Thank you. I think if

1 we're -- I like -- I like -- I like pictures. I
2 think if we want to enjoy the apples, we should enjoy
3 the apples and not worry if the peaches are being
4 eaten or not.

5 And what I'm hearing is that you agree that
6 we want to create affordable housing, which these
7 units would do because they're littler, so they're
8 more affordable.

9 But you also, in the same breath, state
10 that you -- well, maybe I can allow it if we deed
11 restrict -- if we do deed restriction in perpetuity.
12 That's -- to me, that's control.

13 So it's like, oh, I'll let you build a
14 little cottage for your -- okay, so I'm just going to
15 expose myself here. Like, I just got back from
16 Chicago two days ago. I moved my 18-year-old
17 daughter who left Maui because it was too expensive
18 two years ago. She got married, she got two babies,
19 1 and six months.

20 They came home with me Sunday. They just
21 can't survive outside of the islands with no
22 community. Their whole life is here. So now they're
23 all shackled up with us and the additional family.

24 She came back, but no more -- there's no
25 affordable housing. I get to put her in this cottage

1 I built her because she can afford \$1800 dollars a
2 month in rent.

3 So when you say prove to you -- these
4 cottages going 1500 to 1800, she can afford that.
5 When she left, she can't afford a house for 4 grand.
6 So I don't know what more we need to prove to you.

7 But you're saying, we don't want to do that
8 unless you let me deed restrict you and control how
9 you -- what you do with your property. When -- when
10 does government come in and control what property
11 owners do? Like, I don't -- I don't get that.

12 That doesn't -- my dad bought that house in
13 18 -- 1989 for \$200,000 in Kihei. It was an
14 affordable housing project. He got it. It's been in
15 my family since 1989.

16 I -- I can sell it for \$1.5 million right
17 now. I would never do that because I'm here to stay.
18 My family is here to stay. Our generation, our roots
19 are here.

20 So this idea that there are people that
21 have sold, why are we worried about them and hurting
22 the people that need the housing?

23 Like, there's a trade-off. There's
24 peaches, people who sell and make money and drive up
25 the prices. Okay, they're going to do that anyway.

1 And there's people like me and my dad who passed it
2 to me. I'm going to pass it to them. They're going
3 to pass it to their kids. Why are they being
4 penalized for someone else?

5 Okay, I get it. I'm done. Sorry, just
6 very passionate. This is my life. This is how we've
7 been living, and people can live like that. And we
8 just can't ignore those people because of these guys
9 over here.

10 Now is there other -- well, other ways that
11 we can do those things and worry about the peaches?
12 Yes. Today we're talking about apples. That's all I
13 got. All right, sorry. I was hoping to convince you
14 because you said it.

15 Last thing I do want to just say is you did
16 use the word, "get rid of the rules." We're not
17 getting rid of the rules. We're just mitigating
18 them. We're mitigating them. We're regulating them.
19 We're saying, hey, let's review them. So that's all
20 I got.

21 Any other conversation? And then we'll go
22 to a vote.

23 VICE-CHAIR THAYER: -- offer something.
24 So, you know, seeing an example of this in real life
25 or not, I -- somebody in the neighborhood that I live

1 in, they have a house, and they built some, like,
2 accessory units. And they house quite a number of
3 people on their lot.

4 Like, they are -- they are not vacation
5 rentals. We are there all the time. They had a van
6 that was, like, parked in front of our yard for a
7 long time, but we talked to the homeowner, and he was
8 very gracious in having that moved away. So it
9 wasn't, like, affecting us. And they're not causing
10 any problems.

11 And sure, like, maybe it's more dense than
12 a lot of people would like to have in their
13 neighborhood, but it's -- it's serving a much-needed
14 purpose at essentially no impact to us. They're not
15 belligerent. They're, you know, using what's there.
16 There's families walking up and down the road with
17 babies.

18 Like, it's -- it's adding community to our
19 neighborhood, and maybe it wouldn't shake out this
20 way in all parts of the island. But in terms of, you
21 know, seeing what the need is in our community, we
22 need more housing for more people. And this is one
23 way of doing it.

24 And they're -- like Mr. Hart said, there
25 are, like, many, many eyes that review each

1 application to where it's not going to be rampant
2 building across the whole entire island. But those
3 who can hopefully will take advantage of this, and it
4 will make a dent in, like, the issue that is before
5 us, that is going to be before us for a long time.

6 And it was said that our zoning system is
7 archaic, and it is holding us back in a lot of ways,
8 and in a lot of ways, only contributing to more
9 sprawl across the island. So this is one way to,
10 like, contain our communities and, like, enable
11 families to live with their families on the island
12 that they are from.

13 And, yes, there are going to be kinks to
14 work out, of course. But if we don't do something
15 different, we're never going to have anything
16 different. And this is why I think this is an
17 important piece of legislation. Thank you.

18 CHAIR PALI: Okay. Is there any other
19 comments? Otherwise, we'll go to a vote.

20 COMMISSIONER KEALOHA: I'll just make a
21 quick comment.

22 CHAIR PALI: Okay, and then Deakos.

23 COMMISSIONER KEALOHA: Yeah. I -- I -- I
24 see the concern with this increased housing density.
25 Like, visually, that -- that can -- it's hard to

1 imagine that, but I've seen increased housing density
2 that looks really nice, too.

3 And so I'm going to support this and just
4 put, you know, my trust in the planning department
5 and our new planning director, Kate, that this will
6 be done in a way that's beautiful and that serves our
7 families on Maui and that is intended to do -- or
8 that does what it's intended to do. So thank you.

9 CHAIR PALI: Commissioner Deakos, please.

10 COMMISSIONER DEAKOS: So I don't know if
11 we're past -- can I get clarification? Was -- I
12 think there was mention that this only applies to the
13 emergency period, and does this only apply to
14 Lahaina? No. I see he's shaking his head. Okay.
15 This is -- this applies countywide indefinitely?

16 CHAIR PALI: Countywide, yes.

17 MR. HART: Chair, it does. I want to add a
18 couple more comments, though. You know, I had made
19 the comments about the wastewater systems. You're
20 going to see that that's really going to regulate
21 because many of the lots that are not on county sewer
22 are not larger than 10,000 square feet. So the state
23 Department of Health regulations will not allow them
24 to do more than two dwelling units with five total
25 bedrooms.

1 The other thing I want to point out, most
2 of the new developments are regulated by
3 associations. And many of them -- most of them do
4 not allow accessory dwelling units or more units than
5 were in the master plan project. So those mainly
6 out.

7 And then I also want to reiterate our
8 conversation on the -- our -- we got into an in-depth
9 conversation on nonconformities relating to the
10 Special Management Area. So one single family
11 dwelling plus one ADU that is not part of a larger
12 development is exempt from an SMA permit. Three
13 dwelling unit (indiscernible) SMA permit and you know
14 that that value is over \$500,000. That's an SMA
15 Major permit.

16 So these are basically -- what this -- what
17 this will most directly affect is older subdivisions
18 that are on county water and sewer that are outside
19 of the Special Management Area. So if you really
20 take a look at the -- our system and our land use
21 maps, it's basically going to be Wailuku-Kahului,
22 mauka Kihei because all of makai Kihei is in SMA,
23 potentially some Paia, and then Pukalani depending on
24 what their association regulations may permit.

25 So, like, in language, it seems very

1 daunting, but you hear what Dave Goode brought up,
2 here are all the automatic hurdles that you're going
3 to hit on infrastructure. That is real. You're
4 going to hit association regulations. You're going
5 to hit SMA.

6 So -- so, like -- I said this earlier, I
7 try to be really forthright with everybody. There
8 are limitations to this. It reads very aggressive,
9 and -- and it is aggressive. But how it can be
10 executed, where the rubber meets the road, it's --
11 it's going to take a lot of time.

12 And I do think that that is the way -- that
13 is consistent with our General Plan as far as looking
14 inward, not looking outward at claiming additional ag
15 land. It's -- all the language is talking about
16 focusing on the urban districts and making things
17 more efficient rather than expanding and consuming.
18 But anyway, that's -- thank you.

19 CHAIR PALI: Okay. So we're going to go
20 for a vote now?

21 ACTING DIRECTOR BLYSTONE: Sure.

22 CHAIR PALI: Thank you. Oh. Oh, I see.
23 Oh, I thought we had a motion. Oh, okay. We didn't?
24 Okay.

25 Commissioner Deakos?

1 COMMISSIONER DEAKOS: Thank you. And I --
2 and I understand there's probably a quorum issue.
3 That's why we're doing this battle and -- and I
4 appreciate it.

5 CHAIR PALI: We actually don't have a
6 problem, but I do -- I want to give you an
7 opportunity to process this. I'm trying to give
8 grace here to you processing this.

9 COMMISSIONER DEAKOS: I appreciate that. I
10 appreciate that. And I -- the last thing I want to
11 do is to -- to impede the people we're trying to
12 facilitate. So I appreciate the discussion.

13 You know, like you said, there are a lot of
14 hurdles to just go move forward and -- and build that
15 density. Hopefully those can get worked out with
16 some of the stuff we talked about.

17 You know, I will -- I think the discussion
18 was good, as annoying as it might have been for many
19 people. I'm -- I'm leaning towards supporting the
20 measure because I do think the part -- the smaller
21 parcels are more beneficial to local residents versus
22 those that are trying to, you know, sell these
23 mansions and make -- you know, make money off the
24 location. So I will support the measure, and I
25 appreciate the back and forth to -- to educate.

1 Thank you, Chair.

2 CHAIR PALI: Thank you, Commissioner
3 Deakos. All right. So we have a motion on the
4 floor. We are ready for the vote, Director.

5 ACTING DIRECTOR BLYSTONE: Commissioner
6 Hipolito?

7 COMMISSIONER HIPOLITO: Aye.

8 ACTING DIRECTOR BLYSTONE: Commissioner
9 Deakos?

10 COMMISSIONER DEAKOS: Aye.

11 ACTING DIRECTOR BLYSTONE: Commissioner
12 Kealoha?

13 COMMISSIONER KEALOHA: Aye.

14 ACTING DIRECTOR BLYSTONE: Commissioner
15 Thompson?

16 COMMISSIONER THOMPSON: Aye.

17 ACTING DIRECTOR BLYSTONE: Vice-Chair

18 Thayer?

19 VICE-CHAIR THAYER: Aye.

20 ACTING DIRECTOR BLYSTONE: Chair Pali?

21 CHAIR PALI: Motion carries, but I would
22 like my eye on the record. Thank you. Okay.

23 I'm going to give everyone a five-minute
24 break, and then we'll go to Item Number 3. Thank
25 you.

1 (Whereupon, a recess was held
2 from 11:53 a.m. to 12:07 p.m.)

3 CHAIR PALI: Okay. Thank you. Welcome
4 back to the Maui Planning Commission. It is still
5 February 27th. It's 12:07 p.m. Thanks for joining
6 us.

7 We are on Item B Number 3, a bill for an
8 ordinance to amend Section 19.04.040, and I will let
9 Director introduce it.

10 ACTING DIRECTOR BLYSTONE: Thank you. I'm
11 just going to turn it over to Greg again, and we also
12 have Jordan, so it's the same same team.

13 MR. PFOST: Thank you, Kate. Chair,
14 members of the commission, can you hear me okay?
15 Okay. Good, thank you.

16 Sorry for the technical difficulties
17 earlier. I had to switch offices here.

18 Let me share my screen for a presentation
19 again. Bear with me. And can you see the screen in
20 front of you? Yes? Thank you.

21 So, again, this is another ordinance that's
22 being initiated by the planning department. It's a
23 proposal to add a new definition of "kitchenette" to
24 the Maui County Code.

25 Bear with me. There we go. I'm sorry.

1 Five minutes, 12:55. Thank you.

2 (Whereupon, a recess was held
3 from 12:49 p.m. to 12:59 p.m.)

4 VICE-CHAIR KELLY: All right. So I'd like
5 to reconvene our recess and move on. We only have
6 about another 30 minutes if we could try to get it
7 done as soon as we can.

8 MR. NUNOKAWA: Sorry. Just one thing, I
9 was having some technical difficulties at the end of
10 when you were recessing.

11 So the last motion was proposed by
12 Commissioner Lindo, and who seconded that motion?

13 VICE-CHAIR KELLY: Commissioner Mowat.

14 MR. NUNOKAWA: Okay.

15 VICE-CHAIR KELLY: Okay. So the next item,
16 Number 3:

17 "A bill for an ordinance
18 to amend Section 19.08, Maui
19 County Code, relating to
20 residential districts."
21 And presentation by?

22 MR. PFOST: Yes.

23 VICE-CHAIR KELLY: Okay.

24 MR. PFOST: Again, thank you, Chair. Greg
25 Pfoست again with the planning department. And I'm

1 going to share my screen again real quick here.

2 Hopefully you can see that.

3 So, again, this is another item that is
4 initiated by the planning departments. And it's a
5 proposal to increase density in the residential
6 zoning districts.

7 As you're aware, and we're all aware of the
8 limited supply of available housing in Maui County,
9 and as a result, the increase of the housing costs is
10 prohibitive for many residents for both rental and
11 for-sale markets. The August wildfires only impacted
12 the supply and cost even further.

13 You may not know that the planning
14 department is currently moving forward with the
15 Title 19 which is the zoning code rewrite. And as
16 part of that rewrite process, we were initiating or
17 moving forward with actually increasing densities,
18 but that project won't come before council until
19 probably at least 2026.

20 And so, as a result of the wildfires that
21 occurred, we wanted to move forward with this in a
22 quicker process to see if we can increase density to
23 expand housing opportunities and affordability in
24 Maui County.

25 You may be aware that in the General Plan

1 and -- it includes a quite a lot of policies and
2 discussion regarding affordable housing and trying to
3 increase affordable housing within the County of
4 Maui. And it talks to things such as revising laws
5 to support neighborhood designs, incorporate a mix of
6 housing types, and other policies.

7 Maui Island Plan also provides for policies
8 and discussion regarding affordable housing and talks
9 about amending development codes to facilitate
10 different types of housing including mixed use and
11 mixed housing types, talking about ensuring the
12 future housing stock is composed of a mix of housing
13 types of multifamily, small lots, ohana units, and so
14 forth.

15 And not only that, but all of the community
16 plans also take up the topic of housing and the
17 importance of housing and trying to encourage
18 different types of housing units and housing
19 opportunities in the various communities. I'm not
20 going to go through each of the policies in an
21 interest of time, but there are quite a few that I
22 pulled here.

23 And maybe as I -- I might focus real quick
24 on -- on -- in Molokai housing, new issues are
25 identified as needing more affordable housing and

1 affordable residential building sites. There's a
2 lack of housing choices including ownership and
3 rental at different price levels and housing sizes.

4 Amending the zoning code to allow a greater
5 variety of housing types to address affordability
6 including mixed use, mixed housing types, co-housing,
7 and so forth, and looking at other types of housing
8 types including single family, ohana units, duplexes,
9 multifamily.

10 So it's with these policies that the
11 department looked at and is using to -- to move
12 forward with a potential increase in residential
13 densities.

14 The proposed code amendment and in this
15 upper table -- and this table is also in your -- in
16 your packet -- the staff report in your packet -- we
17 basically take the R-1, R-2, and R-3 existing density
18 requirements which are shown in this table, the upper
19 table, and then change that to one dwelling unit per
20 2500 square feet of lot area in each of the three
21 zones, R-1, R-2, and R-3.

22 What does this look like regarding existing
23 and proposed maximum number of dwelling units? Well,
24 in the R-1 and taking a 6,000 square foot lot which
25 is the minimum lot size, the current code on Maui

1 island would allow one dwelling unit and one
2 accessory dwelling unit. And then in -- in the
3 proposed code, it would allow two dwelling units and
4 one accessory dwelling unit.

5 You can see the same thing with Lanai and
6 Molokai, on that R-1 lot would allow one dwelling
7 unit whereas the proposed code would increase that to
8 two dwelling units on a 6,000 square foot lot.

9 I might note that in your staff report, I
10 indicate the table is more general in that it
11 actually doesn't really address the number of
12 accessory dwelling units allowed on Lanai and Molokai
13 which is -- has a restriction to only one accessory
14 dwelling unit for every 7500 square feet.

15 So I corrected that with this table here
16 and showing the differences in density increase with
17 the proposal. And the results and expectations of
18 this proposed amendment is we will see an increase in
19 number of rental and for-sale units countywide.

20 Units will probably be smaller and more
21 affordable as the density increases. Additional
22 units can be used for multigenerational and extended
23 family housing.

24 The fire-affected areas of Lahaina of
25 course will see an immediate benefit as they

1 reconstruct their properties. You'll see varying
2 structure types of single family, duplex, triplex,
3 and fourplexes.

4 There's no changes being proposed to
5 existing development standards of setbacks, heights,
6 and impervious surfaces or offstreet parking. And
7 expectations, we'll see development of additional
8 units would occur over time.

9 Of course, Lahaina will have an immediate
10 benefit as properties move forward with construction
11 and trying to take advantage -- and may take
12 advantage of an increase in density. However,
13 construction costs, of course, will limit any
14 existing property owners from moving forward
15 elsewhere.

16 And, additionally, development standards
17 such as I noted before are not changing. And
18 infrastructure availability such as water and
19 wastewater management will control the number of and
20 type of housing units that a lot could support.

21 So there's a lot of restrictions that are
22 still put in place that you're not going to see
23 density automatically increase naturally, but we
24 think this will provide some benefit at least
25 immediately to Lahaina residents as well as to the

1 county as a whole by increasing density and allowing
2 for more opportunities in rental and for-sale housing
3 in the county.

4 We believe it's consistent with the
5 direction of the General Plan, the Maui Island Plan,
6 and the individual community plans and, therefore,
7 the department is recommending approval of the
8 increases in density.

9 Of course, the planning commission options
10 today are to recommend approval of the proposed
11 ordinance to council, recommend approval with
12 amendments, recommend denial, or vote to defer the
13 action to gather more additional information. And
14 that concludes my presentation. Thank you.

15 VICE-CHAIR KELLY: Okay. Any commissioners
16 with questions? Concerns?

17 Sorry, is there any public testimony?

18 MS. LOPEZ: This is Sybil Lopez from the
19 Molokai office. There's no one here wishing to
20 testify. Thank you.

21 MS. ESMERALDA: Hi, this is Suzie. I don't
22 have anyone signed up to testify. Thank you.

23 VICE-CHAIR KELLY: All right,
24 commissioners. Commissioner Mowat?

25 COMMISSIONER MOWAT: I just want to make a

1 comment. And along with this, I kind of wanted to
2 say that there's houses but the rent is so incredibly
3 high nobody can afford them, so if they could do --
4 be something said or done to make it more affordable.

5 That was all my comments, because
6 everything is going towards building structures and
7 making more structures, but the issue is also rent.
8 That's all.

9 VICE-CHAIR KELLY: All right. Any other
10 commissioner?

11 COMMISSIONER LINDO: I was trying to wait
12 before I called the microphone again.

13 COMMISSIONER MOWAT: Go for it.

14 COMMISSIONER LINDO: Okay. Okay. Can you
15 give us, just for the sake of those listening on and
16 our commissioners, examples of R-1, -2, and -3
17 districts on Molokai?

18 MR. PFOST: Sure. It's interesting on
19 Molokai especially in the R-1 and R-2. It really
20 doesn't -- sorry. Bear with me. I'm reaching for
21 some paperwork here.

22 On Molokai, there -- actually there are no
23 R-1 lots actually on Molokai. There are a very
24 limited number of R-2 lots and as well as R-3 lots.
25 So, I mean, it's very limited in applicability to

1 Molokai given the -- the very few number of R-2 and
2 R-3 lots on Molokai.

3 In fact, there's only 15 R-3 lots on
4 Molokai.

5 COMMISSIONER LINDO: Can you name some of
6 those places, like just the area?

7 MR. PFOST: I'm not sure that I could. I
8 don't have a map in front of me. I --

9 MR. HART: Greg.

10 MR. PFOST: Go ahead.

11 MR. HART: I have a suggestion on how we
12 can address that. Let me -- let me get the real
13 property tax GIS system up and we can turn on the
14 zoning layer and take a look at what we're talking
15 about.

16 COMMISSIONER LINDO: While Jordan's looking
17 for that, this does not include -- this -- these are
18 specifically only for R-1, -2, and -3 and not for
19 agricultural?

20 MR. PFOST: That's correct.

21 COMMISSIONER LINDO: Okay.

22 MR. HART: One second. It's loading up.

23 MR. PFOST: Actually, Jordan, I do have --
24 Peter (phonetic) provided. I think I might be able
25 to pull up what Peter provided to me and share that

1 on my screen.

2 COMMISSIONER LINDO: So I recognize that,
3 like, Manila Camp and Ranch Camp, Kaunakakai are
4 interim, but is the future designation to be an R-1
5 or R-2 or R-3?

6 MR. HART: So what you're asking for,
7 Chair -- I'm sharing my screen now. So this is
8 some -- this is some R-3 residential zoning district
9 we're looking at. I believe that's that -- I don't
10 know the name of the road, but it goes mauka in
11 Maunaloa towards that, like, forestry area. That's
12 the residential there; that's R-3-zoned.

13 What Commissioner Lindo was inquiring about
14 would be Community Plan designations which are the
15 future proposed zoning. We could -- I don't know
16 that I have a quick --

17 COMMISSIONER LINDO: So current -- so
18 current -- what is that, like R-1 or R-2 -- -2 or -3
19 zones, that was the yellow?

20 MR. HART: That's yellow. And I'll select
21 one of the parcels to see. So the largest one, for
22 example, is almost a full acre. Let's see, I'll tell
23 you how many square feet that is. So that's
24 40,728 square feet.

25 COMMISSIONER LINDO: So under the current

1 proposal, every 10,000 square feet would allow for
2 dwellings?

3 MR. HART: Right. So -- so just by zone,
4 that would allow for -- for 16 units. But the really
5 critical thing to -- to be aware of is that that's
6 only zoning. All of the other agencies' regulations
7 remain.

8 I'll stop sharing for now. We can look at
9 other areas if there's other areas you want to look
10 at.

11 But all other agencies' regulations remain
12 (no audio), the capacity of your water meter, the
13 capacity of your wastewater treatment system.

14 So like, let's -- let's say, for example,
15 these people, I believe they're on septic; right?
16 These people are not on -- on -- there's no sewer
17 system for this area, right? Like a private sewer.

18 COMMISSIONER LINDO: Not in the area that
19 you showed right now.

20 MR. HART: Right.

21 COMMISSIONER LINDO: They're on
22 (indiscernible) system.

23 MR. HART: So the Department of Health will
24 let you have five bedrooms or no more than two units
25 requiring 10,000 square feet of leach field. So

1 those kinds of things are going to be the limiting
2 requirements.

3 The other things that happen is that you
4 start to trigger different fire protection
5 requirements. If you bring more than three units on
6 the property and then start to connect them -- you
7 start to connect the units, you bring them into
8 commercial construction standards.

9 So while the zoning may allow, what's --
10 what's going to end up happening is that, basically,
11 the areas that are appropriately -- I don't want to
12 say appropriately served by infrastructure because
13 every every community is different and has different
14 densities, but the areas that are near intensive
15 infrastructure would be able to obtain the
16 construction permits to develop more. But if you
17 don't have that kind of infrastructure, then even if
18 your zoning says it, doesn't mean you can do it.

19 So like -- and I'll use another example.
20 There's buildings that are -- there's properties all
21 over the county that are zoned for more capacity of
22 development, but whether or not that individual or
23 the infrastructure that serves them is capable of
24 doing it, they don't build to the maximum capacity.

25 The intention of this is, first of all,

1 this is in the draft rewrite of the Title 19 zoning
2 code update. So it's the -- it's the direction that
3 the department is proposing to go in. But we have an
4 existing lack of housing and then we experienced the
5 disaster that put us further behind for the
6 deficiency of housing.

7 And then we also heard from the community
8 that there was multigenerational housing and extended
9 family housing that was going on that we can't
10 normally permit under existing regulations.

11 We can basically -- we can allow two ADUs,
12 but that's the extent of it. And if your parcel is
13 less than 7,500 square feet, we can only allow one
14 ADU.

15 So this item here, the -- the density
16 proposal is to address housing opportunities, as well
17 as the next one regarding the kitchenettes that we're
18 going to present to you next is basically trying to
19 provide opportunities for people to -- to house
20 additional people on their property legally, whether
21 or not they want to. Or if they have other
22 constraints, you know, that each individual would
23 have to evaluate those things and make their
24 decisions.

25 But what we're trying to do as far as the

1 Department of Planning is if somebody wants to be
2 able to and they're able to, they have the ability to
3 and they -- the infrastructure works out, then they
4 can proceed. We don't want to be the ones to say,
5 you can't do it; meanwhile, they have the resources,
6 they have the need, and they have the infrastructure.
7 We're trying to basically be able to say yes to those
8 kinds of things to provide more housing.

9 COMMISSIONER LINDO: What would be the
10 maximum size of the units allowed, the dwelling units
11 and accessory? Would that -- so in the current
12 descriptions, you have sizes of dwellings, 500 to
13 1200 square feet, depending on the size of the lot.

14 How, under this new proposal, would that
15 change? How would that work?

16 MR. HART: So another thing to bring up,
17 another set of constraints to be aware of is that we
18 have the existing requirement in the residential
19 district that you cannot have more than 65 percent of
20 your total parcel is impervious surface. So that
21 would be the roof or pavement. And then you need to
22 provide two parking stalls for every -- every unit,
23 every dwelling unit.

24 So not only you have to check what your
25 infrastructure situation is, you have to look at your

1 property and make your design so that you don't
2 exceed 65 percent impervious surface. So your roof
3 is guaranteed to be impervious because your house is
4 waterproof. Your parking, you may be able to do
5 pervious surface parking. You can do pervious
6 surface parking if you -- if you would like to.

7 So the size of the unit -- this is all a
8 roundabout way of getting to -- that depends on how
9 you want to try and fit things on your property.
10 Like you have the building code issues that you have
11 to deal with if you connect the units.

12 So you could make small houses that are
13 detached if you're -- if you're trying to stay in the
14 residential scale for fire protection, but that takes
15 away density. But if -- so if you want to connect
16 them all, it would be based on -- your setbacks and
17 height are the limitation plus your impervious
18 surface plus parking plus your infrastructure.

19 So there's no -- there's no specific -- I
20 can say this. Our existing capacity of your dwelling
21 size is height and setbacks as well as considering
22 impervious surface. So you can build that much
23 house. The number of units depends on how you may
24 break that up and what you can accommodate by the
25 infrastructure.

1 COMMISSIONER LINDO: Okay. So one of
2 the -- one of the challenges I have when come to any
3 types of -- any type of proposals in planning and
4 building is the way that fire is included in
5 approvals.

6 So fire department approvals is -- is
7 limited to the structure. So they come in, they
8 inspect the structure, they make sure it's all up to
9 code.

10 But what's missing from a lot of the
11 planning is the cumulative damage and forecast that
12 the department doesn't necessarily -- so when you
13 have one structure, they come in, they look at the
14 structure. They determine "Get the right fire
15 retardant walls, da, da, da, everything's good."
16 Okay, pass.

17 It doesn't take into consideration fuel
18 load, potential hazards, anything like that. That's
19 beyond their scope when it comes to the building
20 portion of the structure.

21 So now I'm on 10,000 square foot lot. We
22 possibly can have four structures that increase fire
23 load, that also potentially will have kitchenettes or
24 flammable or explosive, you know, potential, not to
25 mention if you're off grid or whatever, lithium

1 batteries, like all kinds of stuff.

2 So the cumulative effect of potential fire
3 hazards is not something that is necessarily looked
4 at when we dealing with individual structure.

5 So part of my challenge is when we're being
6 asked to look at and support additional dwellings on
7 a limited lot size, and even though they're going to
8 check all the boxes that say yes, there's enough
9 water, there's enough this and this and that, again,
10 fire only rates it based per unit structure.

11 So if the house has adequate water coming
12 through the faucet, it's okay. But it doesn't
13 necessarily say that get adequate water coming from
14 the hydrant that was already there to support this
15 many homes in this subdivision or this area that now
16 will have twice or three times as many as was
17 originally allocated for.

18 So -- so my question is did the department
19 address these kinds of concerns with the fire
20 department or with other agencies, including Public
21 Works and all that?

22 And do we have a plan -- if we were to
23 approve something like this and support it, do we
24 have a plan going forward of how we build -- at least
25 have a targeted buildout plan that what we creating

1 can be taken care of by our emergency services, our
2 infrastructure, maintenance crew, and all those
3 things that we're not building out past our capacity
4 to care for our residents and protect life and
5 property?

6 MR. HART: (No audio.)

7 MR. PFOST: You're muted, Jordan.

8 MR. HART: Sorry, Chair. I wanted to
9 clarify.

10 Commissioner, you're saying that the fire
11 department is approving building permits for -- or
12 that are surrounding hydrants with insufficient flow?

13 COMMISSIONER LINDO: No. I was saying that
14 when they come in to give an approval per structure,
15 they're not looking at cumulative effects of the
16 increase of structures on that one parcel because
17 they're only --

18 MR. HART: That's not my understanding.

19 COMMISSIONER LINDO: -- asked to review --

20 MR. HART: So the fire department
21 participates in the -- in the permit working group,
22 the post-disaster permit working group, and this
23 proposal was discussed.

24 My understanding is that they count the
25 number of dwelling units on each parcel and other

1 accessory structures, and there is a cumulative
2 analysis of the amount of fire protection and access
3 that's adequate. So, yeah.

4 No, I don't -- I'm not aware that they're
5 not assessing that and that they don't call for
6 things like sprinkling when you start to get more
7 dwelling units than -- than initially are anticipated
8 like the -- basically, so to touch on that briefly,
9 the reason that expedited the scope that's subject to
10 the expedited building permits is one -- one dwelling
11 and one accessory dwelling and the subordinate
12 accessory residential structures is because when you
13 add three dwellings to the -- to any single property,
14 that's when the fire department needs to do advanced
15 review and the Department of Water Supply also does
16 the same thing.

17 And then also if you have accessory
18 structures that are not just residential occupancy
19 like -- so that would be things like a shed or a
20 workshop or a garage -- if you're building two
21 dwellings plus, like, things like a shed or workshop
22 or garage, you can be accommodated by the -- your
23 existing hydrant provided you're within -- I believe
24 that it's 250 square feet of the hydrant right now,
25 but I'm -- this is not my area of expertise.

1 But after you get more dwellings than that,
2 then they -- they do a different level of review, and
3 they have supplemental requirements for you, and it
4 may be it may be things like sprinkling, for your --
5 for your proposed development. And then you gotta go
6 back to the water supply -- Department of Water
7 Supply and verify that you have the capacity in your
8 meter as well as any kind of storage tank that you
9 may need in order to sufficiently sprinkle that
10 you're proposing.

11 So I do agree with you that -- that our
12 capacity to fully analyze things, it's limited.
13 Like, for example, like, I've got cans of gas at my
14 house for my lawn mower and my -- my weed eater.
15 Obviously, that's not great. But everybody does
16 that. I need to mow my lawn. That's going to -- if
17 there's a fire, that's going to be a major problem.

18 So I agree that we're not capable of doing
19 a full comprehensive analysis of -- of everything.
20 But I -- but I do -- we did discuss this -- what
21 planning department was proposing to do in the
22 post-disaster permit working group, Fire was a member
23 of that. We did ask if there was concerns if these
24 things were done.

25 And my understanding is that basically,

1 depending on how you configure the structure, you may
2 be residential in scale, or you may trigger the
3 commercial building code and you go off in a
4 different direction.

5 But that all of these -- first of all, if
6 they can be done, if they have the capacity, they'll
7 comply with our -- our most current building and fire
8 code. And if they can't get sign-off by their
9 capacity or their configuration, then they just can't
10 do it.

11 And that would be all -- what I was saying
12 earlier about, like, you know, we picked that one
13 lot, and it's like, oh, you could build 16 units
14 there. It's like, well, just by the math of dividing
15 the total lot size by 2,500. That's -- that's step
16 one.

17 Step two is what's your water meter size?
18 Where's the nearest hydrant? What's your wastewater?
19 You know, all of those things go -- like it's --
20 it'll be a more complicated analysis to figure out
21 who can actually build what.

22 We did -- we did discuss this. And it
23 wasn't viewed as -- as being an outright hazard.
24 Obviously, the fire department's going to review the
25 building permits, and then that will be their final

1 take on whether or not they can approve something
2 based on our existing codes.

3 But for planning's part, when it's time to
4 say how many permits or units can be permitted on
5 this property, we would have the ability to say yes
6 to more, but there will be many -- in a lot of ways,
7 this can be misleading because you think you can just
8 go build. It's not that you can just go build, it's
9 that there's potential.

10 And in the context of the existing housing
11 issue that we have that's been compounded, we're
12 trying to provide these opportunities. But we don't,
13 we don't believe or expect that it's going to be done
14 in an unsafe way.

15 All of these existing agencies are here,
16 they're going to do their job for the proposal that's
17 put in front of them, and we're confident in that.
18 And that's the approach we're putting forward here.

19 COMMISSIONER LINDO: Thanks, Jordan. And
20 then just for clarity, so you have all these boxes
21 that you check. There's sufficient water, fire
22 inspects, everything's all good. And you have these
23 units all on this 10,000 acre -- 10,000 square foot
24 lot for dwellings, or whatever.

25 Does that -- do we have ordinances and

1 mechanisms in place for access to a development like
2 this? Because it's on the same lot, it wouldn't
3 necessarily be a subdivision.

4 So do we have verbiage that -- that
5 constitutes access so that these guys are -- are also
6 allowing for that kind of emergency response?

7 MR. HART: Chair, yeah. So I can respond
8 to that. So, right. So that's one of the things
9 that Fire does look at is is there sufficient access
10 or fire apparatus turnaround on the street?

11 So it's like if you have a dead end street
12 that doesn't have a cul-de-sac or a hammerhead, you
13 know, you don't have access. So, like, you need
14 access, you need water supply so that, you know, if
15 you have a -- there's a couple parts to this.

16 So if -- if the roadway that you live on is
17 substandard and you're not prepared to improve it for
18 everyone, you know, that's your problem with your
19 proposed project.

20 But also the way our code is written now
21 that you don't just trigger the -- the infrastructure
22 improvements by subdivision, you also trigger them by
23 number of dwelling units on property now.

24 So like if you build four -- if you -- I
25 believe it's when you get to four is when you start

1 to escalate, you start to kick in and it
2 incrementally increases.

3 The other thing I want to bring -- bring up
4 is that after you get to 10 units, you also kick in
5 affordable housing participation, too. So like that
6 also comes into play in this situation as well. It's
7 the number of units that you create.

8 COMMISSIONER LINDO: Okay. So I was
9 actually talking about like -- okay. So I get one
10 10,000 square foot property. And then the
11 cul-de-sac, get enough turnaround and it meets the
12 requirements.

13 But if I get four units on my -- that one
14 particular parcel, is there need to create language
15 that mandates the access into the parcel now that you
16 get more dwellings?

17 MR. HART: Oh, I understand what you're
18 saying. Fire already has that requirement.
19 Basically, it -- my understanding is it becomes --
20 it's -- it's the relationship to the nearest hydrant.

21 And then -- and then it -- like, let's say
22 the back of your lot is -- is too far, then they got
23 to be able to drive into your lot to get a certain
24 distance to your -- your structure, your dwelling.
25 And if you won't design it to make that the case,

1 then they just won't approve it.

2 MR. NUNOKAWA: Sorry. We've hit 1:30. So
3 we'll need to recess this and hop back into the other
4 meeting and either recess that one or go over the
5 items for the other meeting, if that works for
6 planning.

7 MR. HART: Chair, I would prefer to -- I
8 mean, I understand we have to do the procedural issue
9 of addressing the other meeting, but I would prefer
10 to finish. I would really like to have the input
11 from the Molokai Planning Commission to go to
12 council.

13 But there's also the mechanics of that
14 they're going to go into budget, so I don't know --
15 you know, I don't know if realistically we're going
16 to get to them before budget. So we might have more
17 time with you. But -- but I would like to conclude.
18 So I'll just say that.

19 COMMISSIONER LINDO: I agree. I mean,
20 Chair, I think we gave the -- I think we gave the
21 applicant and all those guys time to -- to say what
22 they needed to say. And, basically, we just going
23 move forward.

24 So if we can just finish this, that would
25 be good, too.

1 VICE-CHAIR KELLY: Okay. Can we do that?
2 Can we stay on this one? Do we have to go back?

3 COMMISSIONER LINDO: No, we would have
4 to --

5 MR. NUNOKAWA: No, we have to go back.

6 VICE-CHAIR KELLY: Go back.

7 COMMISSIONER LINDO: So can I make a motion
8 to recess this meeting until 1:45? Is that good? Or
9 one -- what is now, 1:32?

10 VICE-CHAIR KELLY: Yes.

11 COMMISSIONER LINDO: To 1:45. And then --
12 and then to -- to be able to reconvene the March 13
13 meeting and then recess out again?

14 VICE-CHAIR KELLY: Okay. So that's the
15 motion. Second? Okay, Commissioner Mowat.

16 Okay. So we are in recess. So go back to
17 the March 13th Zoom link. Okay. See you guys there.

18 (Whereupon, a recess was held
19 from 1:30 p.m. to 1:48 p.m.)

20 VICE-CHAIR KELLY: So, yes, we can
21 reconvene. Okay. I forget which one we're on.

22 COMMISSIONER LINDO: We're on the
23 dwellings.

24 VICE-CHAIR KELLY: The February. Yeah.
25 Okay. So we can continue. Okay.

1 COMMISSIONER LINDO: So part of -- it seems
2 to me that in order to be able to do this on any
3 parcel of land of property, it will cost a lot of
4 money. And I'm wondering how affordable -- I mean,
5 maybe it'll be affordable after you finish paying
6 them all off.

7 But how affordable really is affordable
8 when you look at the amount of things you have to do
9 in order to comply and, like, go through?

10 And -- and I'm worried that this will only
11 benefit people with money and people who are not
12 necessarily looking for -- it is there a component --
13 maybe my question is is there a component in here
14 that directly ties any development on this project to
15 maintain affordability in perpetuity?

16 MR. HART: Chair, so I think that it also
17 benefits people who are -- like are able to work and
18 (indiscernible) family members that can help them
19 build. There's that.

20 That's -- that was -- to me, that was a big
21 component of it, is that this -- like the way housing
22 happens generally is that we -- you know, we sit back
23 and we wait for a big project that's going to create
24 a number of units, and then that's going to be in the
25 ag district because that's where the cheap land is.

1 So they got to do all the land use designation
2 changes and then they do a big project.

3 By proposing this, there's an opportunity
4 for many different people to participate, and they
5 all have different situations. But like I live in --
6 in Dream City in Kahului. So I see family groups
7 getting together and building houses and things like
8 that. Like this -- this creates opportunity for
9 those kinds of people.

10 But it's not a promise of affordable
11 housing. If you're living in it yourself, and you
12 built it yourself, I think that it is affordable.
13 And if you try to build over ten units, you're going
14 to participate in the county's affordable program,
15 and you got to either produce a unit or contribute
16 resources.

17 But this specific measure isn't to
18 address -- isn't to require those kinds of things.
19 It's to provide opportunity. And that's -- that's
20 the (no audio) trying to do just in this thing.

21 I don't -- I don't -- I think that door's
22 open for council or for future proposals to make
23 other adjustments in the affordable housing sections
24 and things like that. But, no, we weren't proposing
25 to add anything beyond the opportunity to do.

1 COMMISSIONER LINDO: Thanks, Jordan. Yeah,
2 so -- so I'm stuck because -- maybe the next question
3 I have is by increasing the amount of dwellings, I
4 assume that you also increase property value -- or
5 the value.

6 And -- and then with that, would take you
7 into a different tax bracket or require the
8 Department of Finance or real property tax to now
9 reassess how we look at or what kinds of exemptions
10 can be given.

11 Because, in theory, you could have now four
12 separate dwellings, each owner-occupied, but how do
13 you tax this -- a project like this without
14 subdividing? And then what does that do? Or how
15 does that affect surrounding properties, income,
16 value, and taxes?

17 MR. HART: So my understanding of
18 Department of Finances' existing situation is that
19 you can have the -- the owner occupancy for the main
20 dwelling. And, as far as I know, one accessory
21 dwelling, but you can also have the long-term
22 exemption for the main and one accessory dwelling.

23 They could -- they could propose to make
24 adjustments for supplemental units for other
25 long-term residential reductions. And then there --

1 I would assume that there is an increase in -- in --
2 not the property -- so the -- so the way Department
3 of Finance assesses each property, there's the value
4 of the land and there's the value of the building.

5 I don't know if the value of the land would
6 increase. I think the value of the building would
7 increase because potentially the size of the building
8 or the number of units is increasing.

9 But then I would also say that the number
10 of groups -- you know, you could say families or
11 occupants -- are participating in that cost, whether
12 they all be related or whether or not they're one
13 homeowner and they're renting to other people there.
14 They can generate revenue to support their ability to
15 pay the increase in real property tax.

16 COMMISSIONER LINDO: I can see where that
17 makes some sense.

18 I guess my concern would be that we are in
19 a place in Hawaii where we're being outpriced.
20 And -- and without this being specifically for
21 affordable housing to attend to the needs of our
22 residents here, how do we ensure that we're not just
23 creating more housing for out-of-state purchases and
24 and create a bigger problem while we're trying to
25 maintain local population residential areas?

1 As opposed to attracting people from
2 elsewhere to buy or to -- to use this as a way to --
3 I don't know, capitalize rather than fill them up
4 with our local people?

5 MR. HART: So, basically, the -- what I --
6 this is -- personally what I see as the benefit to
7 this proposal is that people with a house already can
8 now build more.

9 So, you know, they can -- they can add
10 units. If they have family members, maybe they don't
11 have family members but they want to rent to
12 supplement their income, or it's part of their
13 retirement plan, they can add units.

14 And you can do it incrementally. Like you
15 don't -- you don't have to propose the maximum, you
16 could do it over time. That's one part of it.

17 The other part of it is that I've thought
18 about this a lot. I don't know that there's any real
19 way to stop the demand for Hawaii, nationally or
20 globally. And I don't know of any legal way that the
21 Department of Planning can recommend that certain
22 type of people can live in any kind of unit that's
23 being built.

24 I think that there are ways that you can
25 increase the potential in the affordable housing

1 situations, where you can have -- like you could --
2 you could maybe make an educational program that's
3 required, and the educational program has to be --
4 like, occur over a period of time in the location of
5 the units that are going to be created where you can
6 be pretty certain that at least the people have been
7 there for some period of time.

8 But I don't, as far as I'm aware, just in
9 various different projects -- not this project --
10 where I've heard those proposals come up, Corporation
11 Counsel essentially said that there's -- you're not
12 able to basically, like, prohibit other citizens from
13 moving into the state and having housing
14 opportunities.

15 Now, there can be, like, various
16 qualification processes that are not directly
17 contrary to that, but -- but that's not what we're
18 trying to do here. We're basically just trying to
19 stay on the land use component of it.

20 If you have capacity through
21 infrastructure, through your own personal finances,
22 or through your ability to get financing, and you
23 have the need or the desire, then you -- we're
24 creating an opportunity where you can build more
25 units.

1 And we've heard the concern for the amount
2 of housing for increasing the density of our urban
3 areas in order to preserve open space and ag land
4 which is why this is in the draft Title 19 rewrite.
5 And it's -- it's happening in other areas of the
6 nation as far as the direction to go away from single
7 family, only because it's not a -- it's not the most
8 efficient use of land.

9 Now, everybody can still keep their single
10 family house only if that's what they would like.
11 They don't want to have people on their property or
12 they don't want to have a smaller unit, they can do
13 that.

14 But for the people who -- who don't have
15 other options, they're willing to live in smaller
16 units, or people who want to, you know, share with
17 whoever they choose, whether that be the family
18 members or people they want to rent to, they can go
19 in that direction. We're basically creating an
20 opportunity.

21 But how you -- how the state or any of the
22 individual islands in the county grow in population
23 over time, and whether or not that's completely
24 generated by prior residents or new people coming in,
25 that's a -- such a complicated thing. And I don't

1 know any way to -- to address that through what we're
2 doing here.

3 COMMISSIONER LINDO: Okay, so. Okay, let
4 me -- let me. Okay, so if -- hang on. I kind of
5 lost my train of thought, if anybody else get
6 anything to say right now.

7 VICE-CHAIR KELLY: Sorry. Sorry. I do
8 have a question. And I might have missed what you
9 were saying previously.

10 So the owners of the property will build,
11 you know, more units. Those units belong to the
12 current owner; right? If they were to sell those
13 units, that particular unit has to be subdivided out
14 of that parcel?

15 MR. HART: It wouldn't have to be.
16 There's -- there's such thing as condominiumization
17 which is where you create a way to legally transfer
18 ownership, but it's not a full subdivision.

19 So if you did something like that, you
20 know, you'd be sharing the water meter and you'd
21 probably have a common area element, but -- so
22 that -- those are ways of making things more
23 affordable.

24 Now, not everybody likes
25 condominiumization. I'm not personally -- like, I

1 don't -- I would prefer, personally, to stick to
2 actual parcels.

3 But if you do condominiumize -- so let's --
4 let's say you take a 10,000 square foot lot, and you
5 build units on it. So you -- each -- each lot has
6 2,500 square feet of land area around their -- their
7 structure. The structure -- each of the structures
8 still have to honor the side yard setbacks, fire
9 separation setbacks in between the structures, and
10 then you got to have all your parking.

11 But, anyway, you'll have -- you'll have,
12 like one person has (no audio) area and a house the
13 size that fits on that. If you subdivide or if you
14 condominiumize that, just because of the size of it,
15 it would sell for a cheaper price because it's a
16 smaller house.

17 So it creates an opportunity for people to
18 get in and own real property. And it will increase
19 in value. And if their family grows or whatever,
20 they can sell that and move on. But it does create
21 that opportunity.

22 And they will be more affordable. Not
23 affordable housing, but there'll be -- they'll be
24 more affordable than like -- if you look at what
25 developers are building right now, they're building

1 like three bedroom, two bathroom houses, or, like,
2 four bedrooms, master bathrooms, those are very
3 expensive houses.

4 But smaller -- you know, what used to be
5 just regular camp houses is -- you know, you could
6 build that size and they end up being cheaper because
7 you have to compare it with what else is on the
8 market.

9 VICE-CHAIR KELLY: Okay. You know,
10 something else to consider. All right.

11 COMMISSIONER LINDO: Okay. So my -- no,
12 that's -- that was good.

13 So has there been any thought to include
14 that if somebody didn't want to build additional
15 structures, that there was an opportunity to extend
16 the footprint of the existing structure so that you
17 could rent out rooms?

18 And, like -- or so that you could house
19 more of your -- because it's very cultural in Hawaii
20 for multigenerational families to live together. And
21 I think it's culturally appropriate to have that kind
22 of an option.

23 But is there a reason why that's not
24 included in in this?

25 MR. HART: The next item we're going to

1 present to you is for that, and it's just in a
2 different section of the code. So we made it two
3 separate bills.

4 COMMISSIONER LINDO: Okay. So the -- so
5 the next one would address extending the existing
6 structure? And then this one would be separate for
7 just individual structures?

8 MR. HART: So, yeah. So this one -- this
9 one creates -- can create different single units.
10 Like one -- one house is considered to be one unit in
11 the zoning code. So this one lets you create more
12 units, more main houses.

13 The next one that's being proposed would
14 let you (no audio) to two kitchenettes per unit. So
15 let's say -- let's say you didn't have the space to
16 allow fire access to the back of your lot. You could
17 add a kitchenette on a portion of your house so that
18 you -- somebody can have their own living space.

19 It's still one single family dwelling, but
20 they'd have their own living space, but we can talk
21 about that in the next one. But that's -- that's
22 what the purpose of the next one is.

23 COMMISSIONER LINDO: Okay. And then I
24 don't know if this is under you guys' authority. But
25 could there be or is there a way to add in some kind

1 of incentive for subdividing so that people could
2 actually have that expedited or cost efficient to be
3 able to have families actually own smaller parcels of
4 property?

5 MR. HART: The county does have the ability
6 to do that, but that would be outside of the planning
7 department. So I think that it's something that
8 could be brought up or proposed. If this passes and
9 it's in place, I think you could build on it to
10 create those opportunities.

11 But that -- but this -- we're just working
12 with what -- you know, what the tools that we have
13 right now. This is our proposal, but I think that it
14 creates the opportunity for that, for sure.

15 COMMISSIONER LINDO: Okay. Okay. Thank
16 you.

17 VICE-CHAIR KELLY: Okay. Any other
18 commissioners with questions? Concerns? Okay.

19 COMMISSIONER LINDO: I'm sorry, I have
20 one -- sorry. I get -- oh, no. This is for the next
21 one.

22 VICE-CHAIR KELLY: Okay.

23 COMMISSIONER LINDO: Wait, wait, wait. So
24 this is -- if the passing of SB 3202 and HB 1630,
25 would that affect this? Are we at the same one?

1 MR. HART: Can you -- so Greg's -- remind
2 me which ones those do?

3 MR. PFOST: Yeah. Those were -- that was
4 identified in the staff report, those two bills that
5 are moving forward in the legislature. They're still
6 moving forward in the legislature.

7 The one bill, the Senate Bill was brought
8 down to match the Assembly Bill, which is two --
9 allows for two additional units on a residential lot.
10 So if that's passed, then state law would require the
11 main dwelling and then two separate dwellings allowed
12 on -- on every residential lot in Hawaii.

13 So with this, I mean -- so then you would
14 get -- you're actually -- that bill then proposes an
15 increase in density that would be mandated throughout
16 the entire state. This bill then would -- may need
17 to be adjusted based upon whether or not that
18 legislation passes or not.

19 MR. HART: I'm sorry. Could you clarify
20 that -- was that the one that applied to every
21 district that allowed housing?

22 MR. PFOST: Yes.

23 MR. HART: And so just to clarify for the
24 commissioner is --

25 MR. PFOST: Every -- every district in the

1 urban district -- state urban district.

2 MR. HART: Right. Thank you. And what
3 we're proposing right now only applies to the
4 residential zoning district.

5 MR. PFOST: That's right.

6 COMMISSIONER LINDO: Currently, without the
7 proposed bill from the state, that's not permitted
8 anywhere in the state right now. So if we move
9 forward and pass first, we would -- I mean, we would
10 actually be creating this opportunity in Maui County
11 first?

12 MR. HART: I'm not aware that any of the
13 other counties allow this level of density in the
14 residential district.

15 COMMISSIONER LINDO: If the -- if this --
16 if the bills pass through the state that had that
17 requirement, would we be able to adjust to ensure --
18 so it would just make anywhere? Right now we're only
19 looking at these particular districts.

20 Is there a way to protect ourselves that
21 this cannot be done anywhere?

22 MR. HART: I'm sorry, I missed that. Could
23 you restate? I'm sorry.

24 COMMISSIONER LINDO: I was saying that
25 according to where I'm reading it in the staff

1 report, these bills would allow -- the specific
2 language allows for the increase of density in all
3 types of zoning.

4 I don't see that it specifies like -- like
5 the county does; is that correct?

6 MR. HART: So, okay. So like -- I don't
7 know the answer to that. Basically, I had thought
8 about that issue previously.

9 The way normal land use regulation works is
10 that the State sets the maximum. And then the
11 counties can come in under that -- they can either
12 accept the maximum, just be a pass-through and, like,
13 whatever the State says you can do, you can do.

14 Or they can come in and say, well, what the
15 State's doing is too much for us. So, Maui County,
16 we want to have this level, like lower level.

17 I -- my general understanding is the
18 intention of the legislation is that the -- the
19 counties have no ability to reduce that. But I've
20 not -- I've not personally -- (no audio) think of
21 another situation where the county doesn't have the
22 authority to regulate further.

23 But if that's what they're proposing, I
24 don't know. So I don't know the answer to that
25 question.

1 Greg, did you did you happen to read
2 further on how they --

3 MR. PFOST: Yeah. It's -- it's
4 basically -- it requires two additional units in
5 addition to the single -- to the existing unit, the
6 main dwelling unit. You're allowed to -- it requires
7 you to have two additional units for every
8 residentially -- every residential area within an
9 urban -- state urban district -- urban land use
10 district. And so, as a -- as a county, we cannot --
11 we cannot require less than that.

12 Now, there are provisions in there that
13 account for if there's lack of infrastructure
14 ability, if there are other issues related to flood
15 control districts, within SMAs -- it doesn't apply
16 within SMA areas.

17 So there are certain restrictions that --
18 that the state -- at least the legislation as
19 currently proposed -- that may change -- are adding
20 in there. So it was, at one time, four units; it's
21 reduced down to two units. But there are other
22 restrictions that are within the state -- within
23 state legislation that's being proposed.

24 But the county would not be able to say,
25 sorry, state, we don't want to do that. We want to

1 keep it our existing densities. So the county would
2 be limited on what we would be able to do.

3 COMMISSIONER LINDO: So, Jordan, does it
4 make sense for us to address this at this point?

5 Or to track the bill and -- like, defer
6 this item and track the bill and see if it -- so that
7 it's not necessary to -- to change again?

8 And -- or is it more beneficial for us to
9 include and pass legislation on our side that clearly
10 states Maui's intent so that we have some kind of
11 leverage to, I don't know, speak out and do what's
12 best for Maui?

13 How do you see this working out for us?

14 MR. HART: You know, I don't think there's
15 any guarantees in legislation. So I think that
16 Molokai Planning Commission should reach the
17 conclusion that you guys feel is best for Molokai.
18 And then we'll take it up to council, and council,
19 you know, reaches the conclusion that they feel is
20 best for the county.

21 And then if the state does pass the bills
22 that they're proposing to do, then we'll -- we'll
23 figure it out. But if they don't pass them, and
24 there's a desire for people in West Maui to have
25 multigenerational housing, then I would like us to

1 have this in place so that they can do that.

2 And then, again, I'll go back to our
3 existing draft of the Title 19 rewrite is proposing
4 this. So might as well do this test balloon right
5 now and see if it was going to ever pass. If it
6 was -- if it was never going to pass, then we know
7 the answer to that. Yeah.

8 But I wouldn't -- I don't -- I don't think
9 it's a good idea to rely on any legislative process
10 because you never know what's going to happen.

11 COMMISSIONER LINDO: Okay. Thank you,
12 Chair.

13 VICE-CHAIR KELLY: Okay. So any other
14 commissioners with questions? Okay.

15 Moving on, I'd like to entertain a motion.

16 COMMISSIONER LINDO: I try to be a team
17 player, guys.

18 Nobody else wants to make a motion?

19 COMMISSIONER ALBINO: I motion that we --

20 COMMISSIONER LINDO: Jordan's like, look at
21 that bully. She's like always making the motions
22 here.

23 COMMISSIONER ALBINO: I motion that we
24 accept the proposal presented by the Maui County
25 Planning Commission regarding Title 19.

1 And I don't know if there are any
2 amendments that were -- that we should include, but I
3 do approve for the plan to become soluble solutions
4 for families who cannot afford living quarters of
5 their own because of the cost of land and housing
6 materials go up all the time.

7 I live on homestead land so some of the
8 difficulties that are experienced on fee simple
9 properties do not directly apply to me and my family,
10 but that's how we're looking at progressing, by being
11 able to build ohana units, I would call them, where
12 we take care of ohana that cannot possibly live on
13 their own living in Hawaii and where they need to
14 move away.

15 So I think it's a good plan. I'm -- I'm in
16 favor, so I motion that we accept this plan.

17 VICE-CHAIR KELLY: Okay. Is there a
18 second?

19 COMMISSIONER LINDO: Chair, procedurally,
20 somebody would have to second, and then if I wanted
21 to make an amendment to the motion, I could propose
22 the amendment?

23 VICE-CHAIR KELLY: Yes.

24 COMMISSIONER LINDO: Okay. So I'll second.

25 VICE-CHAIR KELLY: Okay.

1 COMMISSIONER LINDO: Okay. But I would
2 like to also motion for an amendment to the main
3 motion.

4 I would like to motion to approve with the
5 following amendments: That the houses be
6 specifically for affordable housing units in
7 perpetuity; and that if such measure is not taken,
8 then that this bill is exempt, except for Molokai.

9 COMMISSIONER ALBINO: I like that.

10 COMMISSIONER LINDO: And then if I get one
11 second, then we can -- I can explain.

12 VICE-CHAIR KELLY: Okay. Commissioner
13 Mowat will second it, the amendment. Yes.

14 Okay. So we're in discussion.

15 COMMISSIONER LINDO: Thank you. Thank you,
16 Chair. Thank you. Thank you, commissioners.

17 I do -- I do understand the need for this.
18 I do. I do understand the very different kinds of
19 challenges that someplace like Maui has.

20 But I also do look at the idea that -- and
21 I know how expensive this can be to actually
22 materialize all these units on one particular parcel.
23 And I agree that this can be a super awesome
24 opportunity.

25 But if there is no mechanism to ensure that

1 our local people can afford to live in them, then all
2 we're doing is creating housing that further
3 increases property value, further increases the cost
4 of living. I see it also as a potential challenge
5 for us to, you know -- and -- and I love the idea.

6 I just want to ensure that we put in
7 mechanisms to ensure that it is for the population --
8 the targeted population of people who live and give
9 more to this place than they take.

10 And -- and I feel like it's a stretch
11 for -- for anybody to even agree with us on Molokai,
12 that we say, "I've never seen it done yet," that an
13 affordable housing project is in perpetuity, because
14 I do understand that the economic payback for the
15 amount of money that somebody's going to have to
16 spend in order to fund these projects is -- is
17 costly. So -- and I do understand that, and I know
18 they have to get their money back at some point.

19 But if we going continue to eat up our open
20 spaces, deplete our water resources, our natural
21 resources, put more people in communal, tight, living
22 situations, then there's a whole bunch of
23 conversation that has to go into one really great
24 plan. And I don't think those conversations have
25 been had yet.

1 And though I agree that this is a great
2 opportunity, I think we're at a point in time where
3 we have to start talking about communal living and
4 what that means to our emergency services, what that
5 means to -- to the changes that going happen in the
6 social and cultural structure of our -- of our
7 island.

8 When I -- you know, I'm not afraid to make
9 this motion because that -- if they don't agree, we
10 say except for Molokai, because we really don't have
11 R-1, -2, and -3 districts on Molokai.

12 For the little places that we do have, like
13 in Ranch Camp and Manila Camp, it's an interim
14 district so that it hasn't even been decided on, you
15 know?

16 And then the other portion that is in -- in
17 Maunaloa is now currently up for sale, and that's
18 scary too; right? I mean, we don't even know who's
19 going to buy that parcel of land.

20 And so to think that more unaffordable
21 houses, 16 could be erected in Maunaloa town and
22 have -- and we all know that they're going to have
23 opportunity for accessible water, sewage, and all
24 that. It's the prime place to build more housing in
25 that area of the R-2 district.

1 And to not have it be committed to local
2 people and our Community Plan that wants to
3 accommodate for the increase of housing for our local
4 people is really heartbreaking to me. And so I feel
5 like I want to support this. I want to -- I want to
6 understand and be empathetic about the struggles on
7 the island of Maui.

8 But for Molokai, again, my recommendation
9 just would be to support this in as much as we can
10 put the amendment in that the housing be affordable
11 in perpetuity. And if that's not a -- if the
12 amendment does not pass through, then the second
13 thing would be to exempt Molokai from this change.
14 Mahalo.

15 COMMISSIONER ALBINO: Mahalo. May I also
16 include (no audio).

17 VICE-CHAIR KELLY: Sorry. You're muted.

18 COMMISSIONER ALBINO: Mahalo, Commissioner
19 Lindo. You know, I think about development here in
20 Molokai and being here as a lifelong resident, you
21 know, two-thirds designation for water belongs to
22 Molokai's Hawaiian community culturally. And there's
23 not enough water.

24 So development on the West End tried, you
25 know, to access that portion of water that is

1 designated prior, you know, for Hawaiians who
2 homesteading and other Hawaiians on the island.

3 So Molokai sits apart. So in order to
4 sustain ourselves, water is necessary. There's a big
5 issue on Maui regarding water. So the land and water
6 have to be considered in its rightful place in order
7 for us to sustain ourselves.

8 And so I totally agree with -- with what
9 Commissioner Lindo talks about as we look to Molokai
10 and how we have sustained ourselves over centuries.
11 Maui has developed into a mega-tourism place.
12 Honolulu is already the example of overdevelopment;
13 there's nowhere to go but up, and even that is a
14 problem.

15 So for Molokai, I really want you to
16 consider if you don't include the amendments
17 presented to you that I don't want to be a part of
18 that plan for Molokai.

19 And I want it to be part of the record
20 because I am just fortunate to -- to live on
21 homestead land that my kupuna from Maui came and
22 developed without infrastructure. And so I have a
23 committed mission to make sure that we on Molokai
24 move forward.

25 And in order to maintain our

1 sustainability, we have to consider these elements of
2 water and land. Those issues affect our people in a
3 big way. And that's how come we fight big
4 development, big land take over from outside of
5 Hawaii.

6 So that's the -- that's the reason I
7 support her -- her plan. She's seeking objectively,
8 and you know, we need to think for the future because
9 we have a future with our families either staying or
10 leaving Hawaii, especially on Molokai, you will still
11 have a chance. So I am totally supportive of that
12 amendment.

13 VICE-CHAIR KELLY: Okay. Because we're
14 limited in time, I'd like to move this forward. If
15 everyone is in agreement, I'd like to call for the
16 vote.

17 COMMISSIONER LINDO: Yeah. Chair, just one
18 more last thing before we vote on the record.

19 I just wanted to get that I would encourage
20 the planning department in future -- in future
21 proposals that it would be good for Molokai, just
22 where I stand, to include regeneration and
23 restoration of our natural resources as part of any
24 development or changes in ordinance that help to
25 create more housing.

1 I think that's the missing component to any
2 of our housing projects is -- is that it only
3 addresses people in structures. And it does not
4 address carrying capacity of the island nor does it
5 address regeneration or natural resources and how
6 that will sustain us for the next 100 years. So
7 thank you.

8 VICE-CHAIR KELLY: Okay. Again, call for
9 the vote by the raise of hands. All in favor?

10 COMMISSIONER LINDO: Sorry, Chair. You
11 calling for the amendment first, yeah?

12 VICE-CHAIR KELLY: Well, yes. Well, okay.
13 We already was in discussion.

14 Okay, for the amendment. All in favor?

15 Okay, motion passed.

16 Now for the approval of the first motion to
17 approve the -- how was that worded?

18 COMMISSIONER LINDO: Just approving the
19 main motion. Yeah.

20 VICE-CHAIR KELLY: Okay. To approve the
21 main motion. Okay, all in favor?

22 Okay, unanimous voting.

23 Motion passed.

24 Okay. Next one, Item B4:

25 "A bill for an ordinance