

**DISASTER RECOVERY, INTERNATIONAL AFFAIRS,
AND PLANNING COMMITTEE**
Council of the County of Maui

MINUTES

March 11, 2026

Online Only via Teams

CONVENE: 1:35 p.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Nohelani U‘u-Hodgins, Vice-Chair (Out 3:12 p.m.) (In 3:40 p.m.)
Councilmember Kauanoë Batangan
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member (Out 3:12 p.m.)
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (In 1:45 p.m.)

STAFF: Jarret Pascual, Legislative Analyst
Keone Hurdle, Legislative Analyst
Carla Nakata, Legislative Attorney
Criselda Paranada, Committee Secretary
Jean Pokipala, Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Keomailani Hirata, Council Aide, Molokai Residency Area Office
Christian Balagso, Council Aide, West Maui Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Makawao-Ha‘ikū-Pā‘ia Residency Area Office

ADMIN.: Oliver Vaas, Fire Captain, Department of Fire and Public Safety (DRIP-23)
Ana Lillis, Deputy Director, Department of Planning
Greg Pfof, Administrative Planning Officer, Department of Planning
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: *Resource Personnel:*
Curt Otaguro, Deputy Director of Transportation for Airports, State Department of Transportation (DRIP-5)
Marvin Moniz, Maui Airport District Manager, State Department of Transportation (DRIP-5)

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Testifiers

Christopher Salem

Testifier 1 (The Royal House of Hawai'i) (DRIP-5)

Tom Croly (DRIP-23)

Greg Rylsky (DRIP-23)

Others (30+)

CHAIR PALTIN: . . .*(gavel)*. . . Will the Disaster Recovery, International Affairs, and Planning Committee meeting come to order. The time is March 11th...or 1:35, March 11, 2026. If everyone can please silence their cell phones, that will help our cause. My name is Tamara Paltin, and I will be your Chair for today's meeting. Members, in accordance with the Sunshine Law, if you are not in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Also, please see the last page of the agenda for information on meeting connectivity. With us, we also have Committee Vice-Chair Nohelani U'u-Hodgins. Aloha 'auinalā.

VICE-CHAIR U'U-HODGINS: Aloha, Chair. I'm at my private residence. The only adult I can name is my husband, Koa Hodgins, is also here, but I do have a couple minors that I won't name. Thank you.

CHAIR PALTIN: Thank you. We also have Voting Committee Member Kauanoe Batangan. Aloha 'auinalā.

COUNCILMEMBER BATANGAN: Aloha 'auinalā kākou.

CHAIR PALTIN: And Member Cook was going to be joining us from the South Maui Office. Oh, there he is. Aloha 'auinalā.

COUNCILMEMBER COOK: Aloha 'auinalā, all. I made it. Glad to join you. Thank you.

CHAIR PALTIN: Thank you. And we also have Councilmember Gabe Johnson. Aloha 'auinalā.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, community members. There's no testifiers at the Lāna'i District Office, and I'm here and ready to work. Thank you.

CHAIR PALTIN: Thank you. And we also have Council Chair Alice Lee. Aloha 'auinalā.

COUNCILMEMBER LEE: Aloha, Chair, and kahée from the Crow Indian Nation. I'm here in my workspace alone, ready to go. Thank you.

CHAIR PALTIN: Thank you. And we also have Member Shane Sinenci. Aloha 'auinalā and kahée.

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COUNCILMEMBER SINENCI: Aloha ‘auinalā iā ‘oukou pākahi a pau. Here at my private residence. And I’m here with one unnamed minor canine. And there are no testifiers in Hāna, Chair.

CHAIR PALTIN: Thank you. And we also have Councilmember Keani Rawlins-Fernandez. Aloha ‘auinalā.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha ‘auinalā, Chair. Aloha ‘auinalā kākou. I’m at my private residence alone here right now. I’ll likely be joined by my two children who are minors in about an hour, as well as my husband, Makena Fernandez, who is not a minor. And there are currently no testifiers at the Molokai District Office. Mahalo, Chair.

CHAIR PALTIN: Thank you. I’ve heard that Member Sugimura is driving to her residence Upcountry, so we’ll probably see her a little bit later. This meeting of the Disaster Recovery, International Affairs, and Planning Committee of the Maui County Council is located on the traditional ‘āina of Kānaka ‘Ōiwi, who never ceded their sovereignty to the United States. We recognize that Her Majesty Queen Lili‘uokalani yielded the Hawaiian Kingdom to the U.S. in duress under threat of violence to avoid the bloodshed of her people. We further recognize that Hawai‘i remains an illegally-occupied nation-state by the U.S., as documented by a 2021 scholarly article for the National Lawyers Guild Review by Andrew Reid, Adjunct Professor of Law at the University of Denver Sturm College of Law. Generations of Kānaka Maoli and their knowledge systems have sustainably cared for Hawai‘i and continue to do so. We are grateful to occupy this space and learn the ways in which we can contribute. As a Committee, we seek to support the varied strategies that indigenous people of Hawai‘i are using to protect their land and their communities, and commit to dedicating time and resources to walking...working in solidarity. From the Department of Planning, we have Administrative Planning Officer Greg Pfof. From the Department of Fire and Public Safety, we have Fire Prevention Bureau Captain. From Corporation Counsel, we have Deputy Corp. Counsel Michael Hopper. We did invite MEMA but they were unable to attend today’s meeting. From the State Department of Transportation, we have Deputy Director of Transportation for Airports Curt Otaguro and Maui District Airport Manager Marvin Moniz. Members, without objection, I will designate individuals mentioned as resource persons under Rule 18(A) of the Rules of the Council. The...the property is owned by the State Department of Transportation with Deputy Director Otaguro overseeing all airports in Hawai‘i and Mr. Moniz managing airports in the Maui District. No objection?

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. We also have DRIP Committee Staff with us this afternoon. We have Committee Secretary Criselda Paranada, Legislative Attorney Carla Nakata, Legislative Analysts Keone Hurdle and Jarret Pascual, Assistant Clerk Jean Pokicala...Pokipala, and Ambassador of Aloha Ryan Martins. We have two items

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on today's agenda. DRIP-23, Bill 47, Amending the Comprehensive Zoning Ordinance on Off-Street Parking Requirements for Housing, and DRIP-5, Bill 21, CD1, Conditional Zoning for Emergency Airstrip Operations at Kapalua Airport. We can take testimony upfront and then after opening remarks and presentations. If there are no objections, I would like to take DRIP-5 relating to Bill 21, CD1, 2023 first, followed by DRIP-23 to accommodate State DOT, who has another meeting to attend this afternoon.

COUNCILMEMBERS: No objections.

**BILL 21, CD1 (2023), CONDITIONAL ZONING FOR EMERGENCY AIRSTRIP
OPERATIONS AT KAPALUA AIRPORT (DRIP-5)**

CHAIR PALTIN: Okay. So, on the airport, this was a request from the West Maui Taxpayers Association back in 2021-ish. And so, we scheduled this item because at the end of last term, we got it all the way to second reading, and then it was recommitted a little bit because of the way the unilateral was written. The Council referred a proposed bill to amend Kapalua Airport's conditional zoning to the Maui Planning Commission in November 22 via Reso 22-213, CD1. And...sorry. Prior to that, we held a online townhall because we were still in COVID times, and that was held on November 16th, 2021. And we talked about defining emergency use, emergency air transport, medical supplies, evacuation, and who would pay. We had originally been told that the FAA would pay, but that's not the case. The Maui Planning Commission recommended approval of the proposed bill in February 2023. The 2023-2025 DRIP Committee recommended passage of the proposed bill, now Bill 21 (2023), on first reading. The DRIP Committee last discussed the Bill 21 on August 7, 2024 after State DOT proposed revisions to clarify that they are not responsible for providing funding for the installation of runway lights. Although the Committee recommended this revision and passage of the bill on first reading, several updates occurred. It was found that the property is 57.296 acres rather than 50 acres. It was also found that only three TMKs comprise Kapalua Airport rather than four. In April 2025, State DOT provided a draft revised unilateral agreement with a new paragraph on emergency lighting installation requirement, which required the County to assume various obligations and costs, and a duty to defend the State for claims on the lighting systems design. This was determined not to be appropriate in a unilateral agreement, nor were they discussed at the last DRIP meeting. The requirements were more appropriate under an intergovernmental agreement. In response, State DOT provided a revised draft unilateral agreement on February 27, 2026 under Granicus number 18 with amendments specifically to paragraph 5 with the heading emergency lighting installation. Concerns rose...arose about the proposed 10 million runway lighting system at Kapalua Airport, with emphasis on fiscal priorities amid community recovery. Kapalua Airport has never required nighttime use even during emergencies like the Lahaina fire evacuations. County funds should prioritize urgent community rebuilding over costly airport upgrades with uncertain necessity, and this stance reflects a pragmatic approach to budgeting amid shrinking Federal support and competing social services needs. Congressional delegation discussions indicating Federal funding for

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Hawai'i's social services is shifting towards defense spending, decreasing support, and this financial reality underpins concerns about committing local funds to airport infrastructure. That being said, we did meet, within the last couple weeks, with Manager Marvin Moniz, and he had found solar FAA-approved lighting that he estimated to be about \$120,000 as opposed to 8.4 or 10 million. I'm not sure if the updated unilateral agreement language is acceptable for...to Corp. Counsel, so at this time, I'd like to receive any opening comments from the State DOT and Corp. Counsel, and if Planning had any. So, Mr. Otaguro or Mr. Moniz, did you have any opening comments? You can either sit up here at this desk or...or stand at the podium, whichever you feel more comfortable with. *(pause)*

MR. OTAGURO: Thank you, Chair. Good afternoon, Councilmembers. Curt Otaguro, Deputy Director for Airports. With me is Marvin Moniz, our Maui District Manager. First and foremost, we just want to thank you for the opportunity to...to be here today. I know it's been a long time coming to find the right balance between safety, fiscal responsibility, as well as practical sense for our community in Kapalua. And so, we...we've been considering different alternatives, as you mentioned, and so we believe we have a...a suitable alternative since this would be for emergencies only, and...and we can explain what...what that solution would be that will be much more fiscally palatable, I believe, for...for this purpose at this point.

CHAIR PALTIN: Thank you.

MR. OTAGURO: Mr. Moniz?

CHAIR PALTIN: Mr. Moniz, did you have any opening comments?

MR. MONIZ: No, just...

CHAIR PALTIN: Oh, just press the button. Yeah.

MR. MONIZ: Okay. Good afternoon, Chair and Councilmembers. We also want to thank you guys for making time today in your busy schedules. And we're...we're very excited for this project, and I think hats off to you, Chair, that we looked at this after the Lahaina wildfires and also the time during the COVID period. So, again, we just want to say thank you for being here today, and yes, we're open for any type of suggestions or ideas as well. Thank you.

CHAIR PALTIN: Thank you. At this time, I did want to recognize Member Sugimura has joined us online, Kihei...or Kahée and Kahee and aloha 'auinalā.

COUNCILMEMBER SUGIMURA: Aloha 'auinalā. I'm in Kula in my office by myself. Nice to see Marvin Moniz here.

MR. MONIZ: Thank you.

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CHAIR PALTIN: Thank you. Mr. Hopper, did you have any opening comments? Would we be able to accept the revised unilateral agreement?

MR. HOPPER: Thank you, Chair. Yeah. The...I wanted to sort of back up and remind everybody what the...what...what this involves. This was a zoning condition amendment. Originally, the...the zoning for the property, which designated the property as airport-zoned, had several conditions on it that...that...as com...that's common with any sort of zoning change that you...you may have. Those are conditions as authorized by the County Code to mitigate the impacts of the Change in Zoning. That's what the conditions do. And conditions are set forth in a unilateral agreement, so a document that is signed by the...the property owner, and that's it. It's approved by Corporation Counsel as to meeting the...the requirements of the County Code, but the landowner signs that agreement, and that's recorded on the property to require the landowner to comply with the conditions. The conditions were...there was a proposal to amend the current conditions, and as you have probably already seen, the original condition stated that the airstrip operations are limited to one, half hour after sunrise to 6:30 p.m., unless...and then the amendment stated, unless extended for emergency airstrip operations, and then defined emergency airstrip operations. So, initially, the airport was not allowed to operate past 6:30 p.m. The conditions were amended to allow--not require--but to allow the airport in the condition of zoning to operate past 6:30 p.m. in certain situations. The condition, however, it...it's a condition of zoning, so the...the zoning granted the change to airport with the condition you can't go past 6:30 p.m., and then that condition was amended to allow you to go past...or allow the owner to go past 6:30 p.m. in certain circumstances. It does not require any lights to be installed. It does not require any emergency operations. It's a County-zoning condition that previously limited the operations and now allows the landowner to do certain operations past that time...but again, creates no obligation of the landowner to do so. And so, unilateral agreement's essentially a form document that a landowner signs to basically state it will follow all of the conditions, and then that's recorded on...on the property. A...a...a unilateral agreement, as authorized by the Code, could not create obligations on behalf of the County to do...to do anything, and I'd be concerned with talking about any type of intergovernmental agreement under this agenda item, because this deals solely with the zoning condition change. So, I think the...the decision before the Committee, and for...for the State, is...you know, is this an appropriate change to the condition? If the State can't execute the unilateral agreement, which again simply says it will abide by the conditions, which are in this case less restrictive as amended than they would have been before they were amended, then the conditions would remain and state that operations are limited to 6:30 p.m., and couldn't go beyond 6:30 p.m. as far as the conditions of zoning are concerned. And that's certainly an option for the Council to not extend that. But, you know, that...that's the option, I think, before the...for...before the Committee, and eventually the Council, is, should there be an amendment to the condition to allow operation beyond 6:30 p.m. in certain cases, or should that condition remain? And again, changing the condition, which is...currently limits the operations to 6:30, to allow operations after that for emergency purposes doesn't create an obligation on anybody. If...if there is not funding available for that, if that's not feasible, that's not a breach of the condition. The condition doesn't say you

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shall operate emergency...for emergency purposes. It allows that for...for hap...to happen. So, you know, I...I wanted to just note that the forum for...and...and separately, I'm not sure of what mechanism there would be for the County to participate in funding State infrastructure improvements. That's...that's sort of a separate issue. But again, that's, I think, the scope of the agenda item. I think the Council and the Councilmembers have been through zoning conditions and this...the zoning process before and are familiar with that process, but I wanted to sort of state that for background as to what...what this ordinance amendment was and what the unilateral agreement is for those. So, if you have questions, I can answer that, but I think this is probably a recap for many of you.

CHAIR PALTIN: Thank you so much, Mr. Hopper. I totally neglected the historical...another part of the piece of the historical puzzle is Kapalua Airport was, I believe, built by like Hawaiian Airlines as a private airport initially. And so, it...it...in the change in conditions, the...the main ones, I believe, is like no military, no helicopters, no night flights. Then, when Hawaiian Airlines started being less profitable, I think the State picked it up. And I actually used to work at Kapalua Airport for Island Air, and I guess what I would say is in my time living and working in West Maui, despite the conditions, I...I've seen like Black Hawks land at Kapalua Airport. It wasn't a State-declared emergency, I think it was just an emergency for them. I've seen helicopters land and take off there after August 8th. I haven't seen night flights, but when I brought this up at the last community meeting, one of the original pilots who did like the first crash simulation thought that she could land a flight there at night with truck headlights, but I...I won't speak to that. But just...because we don't...the conditions of zoning doesn't allow those things like helicopters, military night flights, it's not like an FAA airport, and that's why they wouldn't pay for the upgrades because it's...doesn't comply with all the FAA types of things that they do. It started off as a private airport, and then I believe the State acquired the airport, and as we know, the conditions of zoning run with the land regardless of who the owner is. So, I think that's a comprehensive update and historical trek. Mr. Pfof, did you want to add anything to the opening comments?

MR. PFOF: No, I don't have anything to add, Chair. I just also...I would mention, though, that Deputy Director Ana Lillis is also online virtually in case we need to reach her.

CHAIR PALTIN: Oh, great. Thank you. Welcome, Deputy Ana Lillis. So, I think that's it for opening comments. We will now move on to public testimony for DRIP-5. Written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas. Testifiers wanting to provide oral testimony should join the online meeting via the Microsoft Teams link printed on today's agenda or call in to the phone number, which is also on today's agenda. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button near the top of...top right of your screen. For those calling in, please follow the prompts via phone. Staff will add names to the testifier list in the order testifiers sign up for...or raise their hands. For those on Teams, Staff will lower your hand once your name is added. Staff will then call the name you're logged in under or the last four digits of your phone number when it is your time to testify. At that time, Staff will enable your microphone

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and video. Please ensure your name on Microsoft Teams appears as the name you prefer to be referred to as or as anonymous if you wish to testify anonymously. If you are in person, please notify Staff that you would like to testify anonymously, otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you are done testifying, or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. Before we call on our first testifier, Staff, do you mind testing the ringer and we can have our online Members let us know if they can hear it? Sorry, I just sprang that on them.

COUNCILMEMBER BATANGAN: I see my colleague shaking their head. . . .*(timer sounds)*. . . That's because there's no music yet.

CHAIR PALTIN: You heard that one?

COUNCILMEMBER COOK: I heard that.

CHAIR PALTIN: Okay. Perfect. Yeah, I kind of sprang that on them, so it took a sec. Okay. At this time we will call on testifiers wishing to testify on DRIP-5.

MR. HURDLE: Thank you, Chair. The first testifier is The Royal House of Hawai'i, to be followed by Christopher Salem.

CHAIR PALTIN: Royal House, are you ready and available for your opportunity to testify?

MR. HURDLE: They're promoted on our end. They just need to enable their microphone and camera. If not, we can circle back.

CHAIR PALTIN: Oh, okay. Royal House, do you have your microphone enabled? It's the thing on the top right next to your camera button. Okay. We can circle back.

MR. HURDLE: Okay. Then we'll go to Christopher Salem on Teams. *(pause)*

CHAIR PALTIN: Has he been enabled?

MR. HURDLE: Yeah, he's enabled on our end. I see his microphone is on.

. . . OPEN PUBLIC TESTIMONY (DRIP-5) . . .

MR. SALEM: Okay. Good afternoon, Councilmembers. The first item I'll be testifying on is the issue relating to parking, and a very small comment on the airport matter. So, I support the Council's efforts...

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MR. PASCUAL: Chair, sorry, I apologize. I believe at this time we're only taking testimony on Kapalua Airport, DRIP-20...DRIP-5.

CHAIR PALTIN: Oh, my...my apologies. I think I misspoke at the beginning. We're...we're on the airport item now.

MR. SALEM: So, the procedures are not like they normally are where you can either go upfront or just prior to the item?

CHAIR PALTIN: Yeah...no, it's at each item.

MR. SALEM: At each item. Okay. Well, I'll just make a small comment related to the airport, which was not what I was meaning to call about today. But some of the information you've just provided, Councilmember Paltin, is valuable and new information. For those of us who went through the Lahaina fires and obviously manned the relocation from the Civic Center up north and then ultimately all the food aid and supplies at our facilities up here. How this all ties together at the airport, my father was a colonel in the United States Air Force, and it was very perplexing at the time as we looked over to Bellows and other...other bases that I used to visit with him on O'ahu that there wasn't emergency aid flying in immediately thereafter. And maybe I'm wrong in that because we were all scrambling to assist people who were really, really in trouble. But how we all were in a place of...which I consider celebration, and we teach this to our children. We can all look at government in that situation there in Lahaina as being at fault, or we can focus on the solutions of being part of the solution, which all of our children were in being with their close families and friends, and being part of the aid all the way down to the aquatic center that we mucked out ourselves because the Administration refused to. At the end of the day, it...it still remains a question as to why there was not relief being fluted...flown in en masse when you're staring at O'ahu compared to people sitting in line in cars as we went over to get diesel for our neighbors and throughout this community. You know, the...the tragedy of all of this, and to a certain degree the PTSD that's within all of us, that I apologize if some of my testimony is not exactly user-friendly, but Junya Nakoa convinced me to start doing this, but it's not something that I feel makes any difference, let alone is something that'll make any changes. I said that twice. So, that's my point on the airport. I think that unfortunately there'll be no discovery in this litigation, only a billion dollars to attorneys. The whole thing is just depressing and leads to...well, we just all have to look towards the light instead of the darkness. So, I'll wait and talk to the parking at a later time. Thank you so much.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Seeing none. Thank you for your testimony. I do see The Royal House of Hawai'i has their hand up, so if you could enable them for their testimony, we're circling back around.

MR. HURDLE: Yeah, Chair, they're enabled on our end. They can go ahead and unmute their microphone and camera and they can begin their testimony.

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TESTIFIER 1: Aloha. This is The Royal House of Hawai‘i and an allodial land tenant, resident, and holder, yeah. And I’m testifying on this, and I’m wondering how...how is this airport able to operate and all of that? Or is...yeah. And if any of the descendants of that said lands, those royal-patented lands, allodial-titled lands, been contacted? Because I don’t think they’ve been contacted. Because the original title holders, descendants, are the true owners, yeah? And...yeah, I wonder...I was wondering how it’s legal to operate that kind of place over there, I guess. And if...and if the descendants are going to be contacted and be returned the lands? And...wait...and all the lands from Kamehameha III, Mahele, yeah. And yeah, because the descendants haven’t been contacted again, and the descendants say no to any kind of aircraft in the air or anything like that. Because we saw the boats, and the boats can...was helping everybody over there, so I mean, we don’t need the airplanes, yeah. Yeah. . . .*(inaudible)*. . . And mahalo and thank you. That’s my testimony.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Seeing none. Thank you for your testimony. Are there any other individuals wishing to testify on this item?

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

CHAIR PALTIN: Thank you. Members, I would like to open the floor for discussion. I propose as many rounds of questions as we need.

MR. PASCUAL: Chair? Sorry, if there’s no objections, could we close public testimony for DRIP-5?

CHAIR PALTIN: Yes. Any objections on closing public testimony and accepting written testimony into the record?

COUNCILMEMBERS: No objections.

. . .CLOSE PUBLIC TESTIMONY (DRIP-5) . . .

CHAIR PALTIN: Okay. Closed. Then, yeah, we can start off with five minutes, if you want. I’ll start off with Member U‘u-Hodgins.

VICE-CHAIR U‘U-HODGINS: Thank you, Chair. This answer was probably said in the beginning of your explanation of the bill, but there’s a lot of words. I understand the solar lighting is an option, but remind me, who is going to pay for the lighting, us? But then my...Corporation Counsel, Mike Hopper, said we shouldn’t do that. So, where are we at?

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CHAIR PALTIN: We're just...the purpose of the 7(B) was an update of where we're at. We got up to second reading, but then it was recommitted at the end of last term. So, this is just a refresher because we do have new Members. And I guess part of it is, can we even move to first and second reading with the unilateral as it's written --

VICE-CHAIR U'U-HODGINS: Okay.

CHAIR PALTIN: -- is...is the main question I had.

VICE-CHAIR U'U-HODGINS: Got it. Then, I really don't know if I have too many questions then, other than who's going to pay for what, but it doesn't seem like a huge cost. So, okay. Thank you.

CHAIR PALTIN: Next up, I'll go Member Sinenci down this way. So, Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. In your talk about the...the history of the...the Kapalua Airport, when you mentioned that the State had taken over the private Kapalua Airport; is that correct?

CHAIR PALTIN: Yes.

COUNCILMEMBER SINENCI: And so, it now falls under Department of Transportation?

CHAIR PALTIN: Yes.

COUNCILMEMBER SINENCI: And so, it is...my question is, so it is, I guess, kind of a legal State airport?

MR. OTAGURO: Yes. To answer your question, the State owns five...and operates 15 airports Statewide. We're familiar with five commercial airlines flying to those, the main ones, but we have 10 commuter and general aviation airports as well. Kapalua would be one that was considered a commuter airline.

COUNCILMEMBER SINENCI: Okay. And then, Kapalua would be considered kind of like a rural airport, a commuter airport, like the Hāna Airport?

MR. OTAGURO: That is exactly correct. And...and the reason for the State supporting that, obviously, is for the topics that we're discussing today. Rural areas of our State are in need of air support, whatever that may be--passengers sometimes, cargo, emergencies. It's become a big topic of discussion, not just on this island, on the Big Island, as well as areas like in Hāna, as you say. So, the air ambulance and...and medical assistance is a big thing for us and getting people to healthcare as immediately as possible. So, that's...that's the reason why the State continues to operate at a loss, I might say. While the State will generate in excess of 700-plus million for 15 airports, Kapalua by itself will lose about 2...over \$2 million a year. But it...it is something that the State is committed to, to serve our communities.

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COUNCILMEMBER SINENCI: Yes, we...we appreciate that. And I know the...the Hāna Airport doesn't really open planes that do land. They...the pilots are...just check in everybody. So, there's nobody at...at the terminal there. However, after hours, we do have the lighting, but it looks like the pilots can activate the emergency lights from their...from the...their aircrafts?

MR. OTAGURO: That is correct.

COUNCILMEMBER SINENCI: Okay. As the district representative, I do receive...not calls, I guess, from neighbors because there has been two separate activities that kind of interfere. One of them, residents have expressed that military exercises do happen at the commuter airport, as well as parachuting. And...and sometimes, the parachuting, on...on certain days of...of large weather events, we have...in fact, we did have a fatality last year. And we also had several rescues into the ocean where the...the commuter airport is right next to. So, those are some...even though we do...Hāna Commuter Airport is the largest for emergencies, rural areas, we are appreciative. But there are some other things that kind of...that we also attract as a commuter airport. Maybe that is to supplement the...the operations of the airport? I'm not sure.

MR. OTAGURO: The military here in Hawai'i is extremely important for national security. It is...their...the Federal Government's a...a good partner. As you know, part of the FAA, the State does receive Federal grants. And as...as a result of receiving Federal grants, we are bound to abide by the grant assurances associated with the funding that is provided by the Federal Government. That funding is what's driving some of our ability to finance or not finance things.

MR. MONIZ: Yeah. And that...you know, I'll add to that. I think when you look at Kapalua West Maui Airport, because that airport has the restrictions that was imposed with the County back in the early '80s when Hawaiian built...owned . . .(timer sounds) . . . and operated that airport, the FAA says, you know, you...you won't qualify for any funding because of the restrictions that's in place. So, as...as Deputy Director mentioned earlier, with 15 airports throughout the State, that's the one that we don't have any Federal funds until such time the restrictions is lifted and the airport turns over to State control. So, because of that, that's been the challenge for us in Kapalua, is getting any type of Federal funding. And for Hāna...and I agree with you, we've had issues in the past with skydiving. And again, Hāna qualifies for the Federal funding. So, we went down that road. I think when Councilman Carroll was in...in Hāna, and a lot of conversations we had, and we tried our best to...for safety reasons, looking at limiting skydiving activity. But FAA, you know, made it clear that we could not, you know, stop recreational activity. Although we, the local community, knew that, you know, it was pretty risky out there with the high winds. And we call them pupule winds because they come from all over. But we did make attempts back then. And not to say that, you know, down the road we can't make another attempt to go back to the FAA and say we as a community, we're concerned about activity, that type of recreational activity. So, yeah, we...we'd support any help --

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COUNCILMEMBER SINENCI: Okay.

MR. MONIZ: -- that we could do for that.

CHAIR PALTIN: Yeah, and --

COUNCILMEMBER SINENCI: Mahalo for that.

CHAIR PALTIN: -- maybe one or two years ago, a State legislator from O'ahu proposed to open up Kapalua for helicopter tours, I guess, in the aftermath of the fires because they had been going in and out. I happened to see that on the legislation list and posted it, and they immediately got hundreds of testimony against it. Also, in my meeting with the West Maui Taxpayers Association, Mr. Rick Nava did concur he didn't believe that the community would be supportive of military or helicopter or regular night flights. So, we're just trying to change the conditions of zoning to simply allow night flights in the case of an emergency. Next up, Member Cook, for your opportunity?

COUNCILMEMBER COOK: Thanks, Chair. I don't have any questions at this time.

CHAIR PALTIN: Okay. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. No questions now. I supported it way back...back whenever we were doing it and almost got it through, and I support it now. Mahalo.

CHAIR PALTIN: Thank you. Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. So, I think, for me, the...the only questions I would have is in regards to the night operations for emergency only. And I was trying to look up who pays for our air ambulance. And in my research--now, correct me if I'm wrong--it's like we partner with the State and we share the cost for the air ambulance. Is that correct? Or is...maybe you guys can help clarify that.

MR. OTAGURO: No, the air ambulance service is private. There are grants that provide for funding, State funding --

COUNCILMEMBER JOHNSON: Okay.

MR. OTAGURO: -- for specific routes, essential air service type of activity. But yeah, the airport --

COUNCILMEMBER JOHNSON: Essential air service.

MR. OTAGURO: -- the airport...yeah, the airports would not fund it.

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COUNCILMEMBER JOHNSON: Okay.

COUNCILMEMBER BATANGAN: Chair . . .*(inaudible)*. . .

COUNCILMEMBER JOHNSON: Yeah, please.

COUNCILMEMBER BATANGAN: So, that is through the State Department of Health. The County gives a grant to the State Department of Health, who then manages the air ambulance contracts Statewide. So, we give them a...a sum of money each year. They do the...they then contract it out and oversee the...the maintenance of that contract.

COUNCILMEMBER JOHNSON: So, th...this is where I'm kind of...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, and Chair?

CHAIR PALTIN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then there's two. There's a private and then there's the Department of Health one.

MR. OTAGURO: That's correct.

CHAIR PALTIN: Yeah.

COUNCILMEMBER JOHNSON: Okay.

CHAIR PALTIN: I did get a note about going off course with the discussion and may wanting to focus on the unilateral agreement and DOT's requested language. But...

COUNCILMEMBER JOHNSON: I'm only asking because I'm trying...okay. Let me get to where I want to stay on course. If you can...if...in here it says, only operation at night if it's an emergency. And I thought life flights would fall under that. And that's where I was getting into. Is...is that how it works? I mean, what happens if you have an emergency? Can they use the Kapalua Airport and life flight somebody out?

MR. OTAGURO: The short answer is yes. The FAA will allow any emergency landing at any airport regardless if it's open or closed.

COUNCILMEMBER JOHNSON: As well as takeoff.

MR. OTAGURO: Well, they have to leave as well, right.

COUNCILMEMBER JOHNSON: Right. So...

MR. OTAGURO: They don't have to be stationed there.

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COUNCILMEMBER JOHNSON: That's...that's where we get into this rural issue where there is no life flight waiting on...at Kapalua, or waiting at...at OGG. They're...they're in O'ahu and they got to come here to pick up the person and take them back. And you're saying that FAA allows you to do that. You don't need the lights to do that.

MR. OTAGURO: You don't need lights to do that.

COUNCILMEMBER JOHNSON: Is that safe?

MR. OTAGURO: That's a determination that the pilots...

COUNCILMEMBER JOHNSON: The pilots decide.

MR. OTAGURO: Yeah.

COUNCILMEMBER JOHNSON: Okay. I'm just going down all the questions that I had. And I seen...that...I'm trying to keep it in the narrow scope here on...on the topic. But that's really where I was go...going for. Is like if...for me personally, as a Councilmember who's in charge of a billion six (*phonetic*) budget, if there's a way that we can help to have life flights come to Kapalua and safely...and if there's a budget thing that we need to talk about, I'm willing to discuss it to keep our community safe. Once again, women cannot give birth on the Island of Lāna'i because of this one particular hurdle, because there's no life lights for them in case something bad happens. That's something that always goes in my mind when we talk about this type of smaller airports because we...we can't really help. And the hurdle is this life light thing. So, I...it's just something I wanted to bring up to you guys. I want to stay on topic, but thank you for that. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Johnson. Okay. And then, Chair Lee?

COUNCILMEMBER LEE: I have no questions. Thank you.

CHAIR PALTIN: Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. I support this, and I look forward to seeing the day that...I guess we have to pay for the lights and help with installation. So, I look forward to the day that we, you know, see it in our budget.

CHAIR PALTIN: Oh, cool.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Great. Member Batangan?

COUNCILMEMBER BATANGAN: Thank you, Chair, both for this opportunity to ask questions, and for holding this in your Committee. I appreciate the opportunity to get up to speed

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on this issue. First question, can I confirm that CD1 is the latest version of the bill? I...I just want to make sure I'm looking at the latest version.

CHAIR PALTIN: Yeah, the bill hadn't been changed. What was changed was the unilateral agreement couple times, and I guess that's where the issue is around. Like, would Mr. Hopper sign off on the unilateral agreement as it stands, or would DOT allow the condition of zoning without the requirement that the County pay for and install lighting and discuss that as step two? So, that's kind of what --

COUNCILMEMBER BATANGAN: Okay.

CHAIR PALTIN: -- we're trying to find out, if we can proceed to first reading, or if there needs to be more things. Like, does the unilateral need to be changed? Should we do the...like, what is the cart, and which is the horse, and which one comes first?

COUNCILMEMBER BATANGAN: Okay. I guess I'll stick to my questions on the bill for now. Under condition 4, we're proposing to add a definition for emergency airstrip operations, but I don't see any mention of who is responsible for declaring a...an emergency, if anybody. Is that...has that been contemplated already?

CHAIR PALTIN: I think at the time when we discussed it, it would be like, you know, the...through an emergency proclamation, or through the DOT, they could declare an emergency. It wouldn't be like me or you, it would be...

COUNCILMEMBER BATANGAN: Or an operator.

CHAIR PALTIN: Oh, Mr. Hopper.

COUNCILMEMBER BATANGAN: Mr. Hopper.

MR. HOPPER: Yeah, and then I would also add, like I think that's...I think that's...I think it's not just a declared proclamation necessarily, because it does say any occasion or instance that warrants action to save lives and protect property and public health, and shall include emergencies declared pursuant to a Governor's proclamation. So, in my mind, the...there...there doesn't necessarily have to be a proclamation in a...in a given case for there to be an emergency. I don't know...if there's like a pilot in distress or something like that that was...was in mind, perhaps, but I think this would...I mean, because if there is a...a proclamation in place that suspends...if it's, for example, a...a Mayoral proclamation that suspends Title 19 of...of the zoning...you know, the zoning ordinance, then that would potentially supersede zoning conditions that would be restrictive anyway. But if you don't have such a proclamation, I think this condition could say, in certain cases, you can operate after hours. One example is, it does say, include emergencies declared pursuant to the proclamation, but that's not the only instance that there would be an emergency. So, I think that's a really good thing to clarify.

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COUNCILMEMBER BATANGAN: Thank you. Okay. I don't think I'm looking at the most recent version because what I pulled up was the latest ASF that I saw in Granicus, and there is...I was missing the last sentence that Mr. Hopper had read. So, mine reads, emergency airship operations are defined as any occasion or incident that warrants action to save lives and protects property and public health, but I don't have any mention of a proclamation of any sort. So, I get...I think I'm working off of outdated information here. So, just feel free to correct me if my questions are as a result of that. Okay. Next question has to do with the proposed Condition 17 related to the lighting. Does the bill itself, or I guess the accompanying agreement, need to say who is not responsible for funding these lights? Wouldn't it be enough in the legislation to just say that runway lights at the airport are permitted for emergency airships operations only? Like wouldn't it make more sense to just say what the...what we're enabling or...yeah, what we're enabling rather than who's not responsible for paying for it?

CHAIR PALTIN: I believe that was added in at the request of the State Department of Transportation to get to the unilateral agreement, but then they also wanted to put in the specific wording in the unilateral agreement to say that they weren't going to pay for it. But I'll defer to either the State or our Corporation Counsel to give you a more legit answer.

MR. HOPPER: In my opinion, it's...it's not necessary, and it's...it's a pretty unusual condition, but I don't think necessarily makes it illegal because there's no...there's no funding obligations created by this...this condition. So, I mean, to...you know, the...the County wouldn't necessarily require...the...the...the ordinance doesn't require lighting . . .(timer sounds). . . to be installed anyway. It just says if you do install them, they're allowed for emergency purposes anyway. So, I...I don't think it's a necessary condition. I think it came to the point where the State said we...we...it...it's important. So, I didn't think that made the agreement illegal. I think the other proposed changes would, but I don't think that...that condition makes this illegal. But I...I do think it's highly unusual, and ideally wouldn't be in...in a zoning condition.

COUNCILMEMBER BATANGAN: Yeah. It just seems like an odd practice with legislative drafting. I think it reads cleaner without it, but if that's where we needed to be to make this work, then, you know, sure. Can you...sorry, Chair, I heard the timer, but I did have a follow up.

CHAIR PALTIN: Yeah, go ahead.

COUNCILMEMBER BATANGAN: Okay. Mr. Hopper, you said there were other conditions that you thought might be problematic. Can you ex...

MR. HOPPER: I mean, the changes to the unilateral agreement.

COUNCILMEMBER BATANGAN: Oh, okay.

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MR. HOPPER: Those were...I mean, those were...those...those were not part of Title 19 or anything to do with the agreement. Something like that would be in a unilateral...or in a...a intergovernmental agreement separately agendized and discussed, and there would have to be, you know, budgeting involved in that before there'd be a funding obligation. So, yeah, I think it was significantly beyond the scope of the unilateral agreement that is authorized by Title 19.

COUNCILMEMBER BATANGAN: Thank you. And then I guess...if I may, Chair? So, this question is for you. So, I understand the bill before us. I don't understand how it's tied to the unilateral agreement and why they have to go before Council together. Why would one hold up the other in terms of our operations?

CHAIR PALTIN: Anytime we do a Change in Zoning or condit...amending conditions in Change of Zoning, a unilateral agreement has to be signed. And I think in previous councils, we wouldn't get to second reading without a unilateral agreement, but maybe now it's you can't get to first reading without a unilateral agreement. But I'll let our legislative attorney opine on the specific specifics.

MS. NAKATA: Thank you, Chair. Yes, whenever there's a...a bill to either grant a Change in Zoning or to change an existing condition of zoning, which is what this one is, as the Chair mentioned, a unilateral agreement is required. That's required to be signed in order to have the bill posted for first reading, generally. And then between first and second reading, the unilateral agreement would be recorded with the Bureau of Conveyances before second reading could occur. Typically, the unilateral agreement is a form agreement, and then we attach the conditions that were recommended by Committee. In this case, the State DOT has returned a draft revised UA that incorporates within the body of the UA itself over a page of verbiage. That's a new paragraph 5 requiring the County to agree to fund certain improvements at the airport. It is a UA. It's signed by the landowner only, not the County. Thank you, Chair.

COUNCILMEMBER BATANGAN: Okay. So, in exchange for the County allowing for use of this airport after 6:00 or 6:30 or whatever it is, the County is being asked to fund improvements to the property. Am I understanding that correctly?

CHAIR PALTIN: More or less, yes.

COUNCILMEMBER BATANGAN: Can I...may I ask why? Because that seems odd, right? Like if the County is granting extended use of a property, why is the burden for the improvements on the County rather than on the landowner?

CHAIR PALTIN: Mr. Otaguro?

MR. OTAGURO: Thanks for that question. It's simple. It's the County, through zoning restrictions, don't allow the...the State to operate past a certain hour. And for that reason, the County is requesting for access to that for whatever purposes, and that

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would require lighting. Now, what...what we did uncover as we initially did our investigation, proper lighting, the full-on digging, cabling, installing was in excess of \$8 million, right? The permanent kind of lighting. This solution that has been researched and provided to by Mr. Moniz clearly shows that the purpose that you're...you...that you would like to do and the solution that we put before you now can still serve the same purpose. It's for emergency only when there's an authorization to do so, and that would require us to install battery-powered lighting at...at the locations for a much lesser expense.

COUNCILMEMBER BATANGAN: I see. Okay. So, I think I can...misunderstood the response that was given to Member Johnson because I thought the lights were optional, that they weren't required for operation.

MR. OTAGURO: Sure. The FAA, during emergencies, does not require lighting. The FAA would not...because it's restricted, so the airport's closed. Now, in the event of an emergency, a pilot in distress, as an example, will say that and...and can land. The helicopters have their own lights. But again, as Mr. Moniz said, it's up to the pilot to determine that...that they can do that. It's no longer the airport.

COUNCILMEMBER BATANGAN: Okay.

MR. MONIZ: And I'll add to that. So, for example, a coup...West Maui fires, had there been lighting, pilots, in conversations would say, no problem, coming in, taking supplies, emergency responders, et cetera. Without lighting, I think the pilots would not agree to it...majority wouldn't agree to it. You...you get those that might fly for 20 years, 25 years, they think they got sufficient lighting on a nose wheel of an aircraft that they can do it, take off and land. They'll do it, I've seen it. But I think majority, and even for insurance purposes, would say, hey, we're not putting down an aircraft on an...on an airfield without runway lights, so... But as Deputy Director mentioned, that's...at the end of the day, it's the...the pilot's call on his judgment to land or not.

MR. OTAGURO: And...and there's a difference, right, Councilman, with regard to a fixed-wing aircraft, a plane, a small plane that's carrying cargo versus a helicopter, who can also carry cargo, probably less amount. So, again, you're talking about different vehicles. In...in the future, what the State is also heavily involved in is looking at electric aircraft, right? Again, another venue for that.

COUNCILMEMBER BATANGAN: Okay. Thank you. So, Chair, to clarify, the County's the one requesting extended use of the airports in emergency operations. This wasn't a request that came from the landowner. As a result of the County making the request, the County is being asked to shoulder the cost of installing lighting that would make it safer for people to operate in the emergency.

CHAIR PALTIN: Almost correct. The constituents are asking the County, and the County is putting in to change the zoning to allow for the ask --

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COUNCILMEMBER BATANGAN: I see. Okay.

CHAIR PALTIN: -- of the constituents.

COUNCILMEMBER BATANGAN: Thank you. I...I didn't pick up on that when just reading the text of the bill. Okay.

CHAIR PALTIN: Mr. Hopper has something else.

MR. HOPPER: Chair, I think it's critical, though. There shouldn't be...the...this zoning change doesn't require anything or request anything. Zoning says...says you can currently not go past 6:30 p.m., and now the zoning would say you can go past 6:30 p.m. And that you can't...before you couldn't install lighting, now you can install lighting for emergency purposes. So, that's what's happened. If there's a separate issue with constituent requests and who's going to pay for that, that's one thing...but this document is a unilateral agreement required by Code that has to be recorded before the zoning change, which all that does is allow emergency operations past 6:30 p.m. to go through. If that UA can't be signed, then the ordinance can't be adopted, and then the zoning conditions anyway would not allow for operations past 6:30 p.m. So, I think that's where we're at right now. But the conditions themselves do not create an obligation to operate emergency...for emergency purposes at all.

COUNCILMEMBER BATANGAN: Thank you.

MR. HOPPER: If this condition changes and the airport says we...we're not going to operate past 6:30 p.m. anyway, then that's...there's not a violation of the zoning condition.

COUNCILMEMBER BATANGAN: Thank you, Mr. Hopper. Okay. So, for HDOT then, for the unilateral agreement, the department is insisting that we include language saying that you will not pay for any lighting that may...that may be necessary?

MR. OTAGURO: That is correct. The installation...the original purchase of the lighting and installation would be borne by the County. We have inserted language that says that while the County...this is the County's request or County's equipment, we are open to negotiating or discussing the ongoing maintenance. Obviously, Marvin and his people at the airport going take care of it. I mean, we're not going to ask the County to do that kind of stuff, right? So, there...on an ongoing basis, should this pass, State's more than willing to support the community first and foremost, and it only makes common sense for the airports to then to continue with that maintenance. But again . . .(timer sounds) . . . for further discussion.

COUNCILMEMBER BATANGAN: Thank you. Thank you, Chair.

CHAIR PALTIN: Sure. So, the way I see it is number 17, Condition 17 takes the onus off the State. The way that the State returned the unilateral agreement to us, our attorney is not willing to sign off on it. And so, if the unilateral agreement continues to hold the

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language that the County is going to pay for it, it seems like this bill is dead on arrival and it might auto file. So, that's kind of where we're at. That's why it's a status update bill. I did want to just...you know, and this is broadcast on television and...and that's the situation. If the State is unwilling to change the unilateral agreement, our attorneys are unwilling to sign off on the uni...un...unilateral agreement, I guess we've come to the end of the road is all that I know, unless somebody else has a better interpretation of how it is.

MR. OTAGURO: Chair, if...if the County would like the State to reconsider the language used in the unilateral agreement, then...based on what we submitted, then please provide those amendments and we will discuss it internally once again.

CHAIR PALTIN: Okay. I think the one that Mr. Hopper is willing to sign off is the original with the condition number 17, saying the State Department of Transportation is not responsible for providing funding for the installation of runway lights. Once we're able to pass the legislation that allows for it, then we can pursue next steps about how to go about it, is my understanding. Is that your...what you're saying, Mr. Hopper?

MR. HOPPER: I mean, the...the unilateral agreement's kind of a boilerplate form agreement. The change to Condition 17, I think, was voted on by Committee, if I'm correct.

CHAIR PALTIN: Yeah, I believe so.

MR. HOPPER: Yeah. Yeah, so that's something Committee approved. And I mean, it's an unusual condition, but it's the condition reflected. But unilateral agreements are pretty much the same for all of the landowners, like the agreement itself, and then the recorded conditions are just what the conditions are. So, there's not a lot of leeway to...to change that form agreement. So, I...I mean, the options are to...to execute the form agreement that's required by Code or...or not, and then the zoning change doesn't happen. Or I mean, if there's something else that needs to be discussed, that could happen before the zoning change too. But yeah, there...there's not a lot of flexibility in the form of the unilateral agreement. It's something required by Code to...to have the conditions run with the land to make sure any future owners have to abide by the conditions. And...and there's not too much flexibility there under the Code. So, that's...I think that's where...where we're at with the UA. I think the one that was sent was pretty much what the...what those are in all of those cases. And if that's...I mean, it...it seems like the overall issue is the...the...I don't know exactly what the issue is. Because if the zoning conditions change, they'd be less restrictive than they currently are. So, I mean, if that's objectionable, and the owner...landowner doesn't want to sign that, I suppose then they could stay as they are, which is more restrictive. So...but as far as the...any funding issues, which are entirely separate from a zoning condition, which would allow more than what is allowed on the property now, I...I suppose that can...that discussion could happen beforehand. But I don't think there's any way to get the conditions imposed without the landowner approving the unilateral agreement so that it runs with the land.

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CHAIR PALTIN: So...so, basically, if the State is willing to sign the first unilateral agreement that was sent, we can move forward. If not, then we're done, kind of.

MR. OTAGURO: Okay. Chair, then let that be my to-do.

CHAIR PALTIN: Okay.

MR. OTAGURO: . . .*(inaudible)*. . . and review it.

CHAIR PALTIN: Okay. We'll communi...continue to communicate outside.

MR. OTAGURO: Yes.

CHAIR PALTIN: And if we can get to that step, then maybe we can get to first reading again. And we'll keep you guys updated.

MR. OTAGURO: Thank you, Chair.

CHAIR PALTIN: Thank you. All right. Committee Members, if there are no objections, the Chair will defer this item.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: YLS).

ACTION: DEFER pending further discussion.

CHAIR PALTIN: Okay. Thank you so much to our resources for being here. Thank you, Mr. Hopper. Do you guys mind diving right into DRIP-23? Okay. DRIP...thanks, guys.

**BILL 47 (2026), AMENDING THE COMPREHENSIVE ZONING ORDINANCE ON
OFF-STREET PARKING REQUIREMENTS FOR HOUSING (DRIP-23)**

CHAIR PALTIN: DRIP-23, Bill 47 (2026), Amending the Comprehensive Zoning Ordinance on Off-Street Parking Requirements for Housing. Let's see. The Committee is in receipt of Bill 47 (2026) entitled, "A Bill for an Ordinance Amending the Comprehensive Zoning Ordinance on Off-Street Parking Requirements for Housing." Bill 47's purpose is to use the number of bedrooms rather than square footage to determine the minimum number of off-street parking spaces for dwelling units used for housing. Correspondence dated March 5th, 2026, from the Committee Chair, transmitting to the Department of Planning...transmitting the Department of Planning's report and recommendations from Lānaʻi, Maui, and Molokai Planning Commissions and related documents. The Committee may consider whether to recommend passage of Bill 47 (2026) on first reading, with or without revisions. The Committee may also consider the filing of Bill 47 (2026), and other related items. Upon gaveling in, Ms. Parana did upload and

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distribute a amendment summary form that we will be working off of. And I did schedule this item because a lot of members of...of West Maui, in the aftermath of the fire, they initially were bringing it up nearly every meeting, and now, you know, I've been telling them for over a year, I'm trying to work on this. So, administrative delays impact constituent safety after the August 2023 wildfire. The...the main concern is our resident's safety, that as fire engines enter a neighborhood that may have a fire, that people will also be able to leave simultaneously. In a lot of our neighborhoods right now, when people park on both sides of the street, it creates kind of a one...one lane in, one lane out situation. Like in my neighborhood, we kind of drive along on top of the double yellow because there's cars on both sides. Luckily for us, I live in a loop subdivision, but if you live in a dead end subdivision, there has been instances in West Maui post-fire where I think the Fire Department had to come at a fire from the road above because they couldn't make it in to the exact road. This approach is meant to balance procedural requirements with public safety urgency, reflecting constituent concerns. During the agency review of the original proposed bill, the Department of Fire and Public Safety and Office of Recovery supported the bill. Bill 47 incorporates some of the modifications provided by the Department of Planning that the planning commissions also recommended. The modifications recommended by Planning that are incorporated in Bill 47 include adding the definition of bedroom...however, the definition only applies to Section 19.36B.020 to avoid potential impacts to other provisions of Title 19, allowing tandem spaces for ADU and kitchenettes, requiring off-street parking for dwelling units with a wet bar. For the full report by Planning and planning commission's recommendations, please see Granicus number 2. Bill 47 also contains separate off-street parking requirements for dwelling units in subdivisions with either an HOA prohibiting overnight parking on roads with a minim...or roads with a minimum of 50-foot right-of-way. But a CD1 version was uploaded to Granicus as number 5 to adjust these requirements based on comments from the Department of Planning, which they may note in their presentation. So, at this time, if there's any opening comments from the Department of Planning?

MR. PFOST: Yes, thank you, Chair. I have a real brief presentation really quick just to go over what's occurred on this bill so far. Next slide, please. So, you may recall that back in July, as the Chair mentioned, that the County Council actually moved Resolution 25-152 to the planning commissions for review. Both the Maui and Lānaʻi Planning Commissions heard this back in October, and then the Molokai Planning Commission finally was able to hear it in just this last January. As mentioned, the purpose of the bill is to change the parking requirements from what is currently required based upon the size of the structure to the number of bedrooms within a dwelling unit. Next slide, please. When the Department received this bill, it conducted some analysis on it and prepared the analysis in a report that's before you, it's the October 14th report to the planning commissions. And the Department looked at this and was really looking at a bigger perspective of some of the reasons why we have parking impacts related to our neighborhoods, some of the existing neighborhoods. And we believe it's kind of a nuanced issue related to a...a number of factors that deal with mainly how the pattern of development on Maui County has occurred over time, where we have long distances between...or not . . .(inaudible). . . maybe long distances, but distances between our

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homes and our jobs and our schools and recreational areas that really causes a need for the...need for vehicles. And a variety of other things, such as lack of affordable housing. Over...a little over 20 percent of our housing is doubled-up or overcrowded, meaning that we typically have more adults in our housing than we do, which represents that we typically maybe have more vehicles in our housing units than we do. Limited availability of on-street parking, reduced parking requirements from the past to...actually, prior to 1982. Dwelling units only required one parking space. So, some of our dwelling units probably only have one parking space that's on their property. And so, subsequently it leads to more parking impacts within the street. Other things such as insufficient driveway length. Interestingly, our front yard setbacks for residential are only 15 feet, yet a...a parking stall is really 18 feet. So, that leads to park...cars that sometimes are parked not efficiently on the driveway, extending out over the curb or sidewalk or into the street. We also have things such as...the next item was multifamily housing being developed with the single-family parking standards. I think the Chair alluded to this. We have recently issued, for example, a building permit in Lahaina area for actually a ten-bedroom home with a two-bedroom accessory dwelling unit. And that, by existing Code, only required three parking spaces on site. And so, you can see...and...and if you actually look at the...the plans for that home, you'll see that it's actually probably going to be used as a more of a three-bedroom...or three-unit building instead of a single-family dwelling when you look at the ability to use wet bars and so forth. And so, you can imagine that something like that is going to have a significant number of vehicles that will be parked on streets and elsewhere. Also, we've noted that tandem parking spaces are not explicitly identified as being allowed for ADUs and kitchenettes. So, you'll see some modifications in the Code in that. And then sometimes a lack of...purely a lack of on-street parking regulations and enforcement. Next slide, please. So, all of those factors were kind of identified within a report to the Planning Commission, which led to the Department's recommendations. And we came up with six recommendations. We support the bill, and the recommendations that we...we...we recommended were to add a new definition of bedroom. Since we're changing now to bedroom, we need to define what a bedroom is. Decrease the requirement for four bedrooms to two spaces instead of three. The bill indicates that a four-bedroom unit would have three spaces. And we recommended it be two, which would be more consistent and conforming to what the existing Code is right now. Under the existing Code, a single-family dwelling unit that is 3,000 square feet or less only requires two parking spaces, and you can clearly get four bedrooms in a 3,000-square-foot dwelling unit. So, we thought it would be more consistent, that's why we were recommending two spaces. Allowing for tandem parking. As I mentioned, for spaces for required ADUs and kitchenettes, which each require a parking space. So, just noting that those can be tandem spaces, I think, will be a benefit. Requiring an additional parking space for wet bars. In that example that I just mentioned, the new dwelling unit that we...we saw in Lahaina, you can clearly see in that dwelling unit the wet bar is used...is going to be used, at least we can imagine, for a separate dwelling unit. And so, we were recommending that a wet bar, similar to a kitchenette, be required to have an additional space. The fifth requirement was changing the definition of dwelling unit to require rooms to be internally connected. Right now, our Code does not require bedrooms to be internally connected within the same dwelling unit. So, you can

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actually walk outside of your dwelling unit to access a bedroom somewhere else. And so, what that leads to is, in that same example that I mentioned in Lahaina, we have structures that will have perhaps a kitchen on the bottom floor, an exterior stairway going up to a second floor with bedrooms up there. And so, it leads really into really kind of subdividing a...a dwelling unit into multiple units, leading then to more additional cars. And then finally, increasing the front yard setback for garages and carports from 15 feet to 18 feet to allow for more parking on driveways. This is currently within some of our project districts within the Code or actually incorporate this type of a Zoning Code requirement for setbacks. Next slide, please. So, as those were presented to the Planning Commission, the Planning Commission...Maui Planning Commission, back in October, their recommendation was to recommend approval of the Department's modifications with ex...with exception to modification number 5 regarding their internal access only. The Lānaʻi Planning Commission basically followed the exact same recommendations as the Maui Planning Commission in their meeting in October. And then the Molokai Planning Commission recommended all of the Department's modifications, including number 5. And then both the Maui Planning Commission and Molokai Planning Commission had some other related comments that are noted within the report. Next slide, please. And the Chair mentioned a couple of things re...related to an earlier CD1 version or...that was prepared that references a Homeowners Association and referencing a...a right-of-way width and reducing the amount of parking spaces for a four-bedroom and larger if your Homeowners Association indicated that you were not providing on-site parking in the evening. And if your right-of-way was large enough to support on-street parking that you could reduce actually the bedroom count. The...the only concern that the Department had was in regards to the Homeowners Association requirement, as the Department does, nor does the County enforce, regulate, or monitor any CC&Rs in Homeowners Association. So, we didn't want to have to have that within the actual Code. So, we were recommending against that. I received the ASF this afternoon, and I believe that incorporates the Department's concern with that specific aspect. So, the Department would be in support of the ASF. That concludes my presentation, and if you have any questions, hopefully I can answer them for you. Thank you.

CHAIR PALTIN: And just to add on to his presentation, we didn't accept recommendations 5 and 6 because...we didn't have any objection to it, but maybe Ms. Nakata can specify. I think it had to do with we didn't want to impact other areas of the Code that we didn't consider? Ms. Nakata, is that about correct reason for number 5? We didn't have any objection to number 5 and 6, but we thought that it should be a standalone bill because people that think that this bill is about parking when we're changing garage, carport, and internal access, or...is that...

MS. NAKATA: Thank you, Chair. I believe your...

CHAIR PALTIN: Let's let you hear it from the expert.

MS. NAKATA: I believe your rationale was, as you stated, that it may be more appropriate for a standalone proposal that's adequately noticed so that people who have an interest in

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an amendment to the definition of dwelling unit, which in this case, it was suggested to be placed in the general definitions for Title 19, and we didn't have the means to, I guess, evaluate what unintended consequences might occur beyond this off-street parking bill or whether people might have been interested in coming to testify on it if it were noticed that way. So, the concerns were really on the amendments that arguably were outside the scope of the off-street parking bill. So, one was the amendment to the general definition of dwelling unit, and for that reason, Chair opted to place the definition of bedroom not in 19.04.040, but within the confines of Chapter 19.36B. Same concern for the increased setback for garages or carports... not having a means to evaluate what else it might impact if the change to the length of the driveway were to in...you know, increase whether people would have had adequate notice of it as part of this off-street parking bill. Thank you, Chair.

CHAIR PALTIN: Thank you. Yeah, she said it way better than I ever could have. And then I'd like to go to Captain Vaas if he has any opening comments.

MR. VAAS: Thank you, Chair. Yeah, as you know, we definitely support the off-street parking. But just to make it clear for everyone, the Fire Department's requirement is just simply for us to have 20-foot-wide access, which would allow for a car to go in one direction, the fire truck in the other. And in the places where we do need to operate, a 20-foot clearance gives us the room to operate adequately. So, one thing that I've always stumbled on with the County and Public Works was using the term right-of-way. So, that does not necessarily mean a drivable surface. It's just the amount of real estate dedicated to the roadway, and what we like to say is either curb-to-curb or paved area. So, the 50-foot thing is not a number for us, it's just you can park as long as you park outside of that 20, and how that gets enforced, also, not with us. The other thing I wanted to mention as far as the driveways go, we were all picturing kind of the Lahain...Lahaina neighborhoods where we have most of the houses, you know, within 20 feet of the street. So, the fire truck would just park on the street and operate from there. But in our flag lots and in the situations where we have longer driveways, the actual requirement is for the fire truck to be able to park within 50 feet of the house. So, the designer would need to keep this in mind. If they pepper their entire driveway full of the required parking spots, that gives the fire truck no access. So, this shouldn't really impact your bill, but it should be considered because when the plan comes in in the future, and we're having people actually draw their cars in their driveway, if we see that on a plan review, it...we might consider that not accessible by the fire truck if it should be that we need to actually use the driveway to access. So, just a little consideration there for when we push this bill through that we know what the impacts are. Other than that, we, of course, support this...this bill, and I also agree that changing the setback from the house to the street might cause resistance that could possibly slow down the acceptance of the bill of the off-street parking. So, it does seem cleaner, but that's outside of my scope. Thank you for the opportunity, Chair, to...to give comment on this.

CHAIR PALTIN: Thank you, Captain. Mr. Hopper, did you have any opening comments?

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MR. HOPPER: No, Chair. Thank you.

CHAIR PALTIN: Thank you. So, now we'll move on to public testimony for DRIP-23. Staff, is there anyone wishing to testify on DRIP-23?

MR. HURDLE: Thank you, Chair. Our first testifier is Christopher Salem, to be followed by Tom Croly.

CHAIR PALTIN: Is Mr. Salem been promoted and ready to...

MR. HURDLE: Yes. His --

CHAIR PALTIN: Okay.

MR. HURDLE: -- he's enabled on our end, so he can go ahead and unmute his microphone and camera and begin his testimony.

CHAIR PALTIN: Thank you. Go ahead, Mr. Salem.

. . .OPEN PUBLIC TESTIMONY (DRIP-23). . .

MR. SALEM: Thank you, Councilmembers. I'm...I'm definitely going to hold to three minutes as I'm heading into a webinar to try to get financial aid to be able to put my children in college. So, another consequence of all of this is poverty, for no other term. Councilmember Paltin, you know, listening to you today, I truly feel maybe we should reach out to Wilmont for some form of a...a ho'opono healing between you and I. I truly believe our spirits and our motivation as it relates to communi...serving our communities are aligned. Unfortunately, there's individuals in the room who are now conflicted that I think have caused all this under the umbrella of...of supposedly protecting the County. With that said, I'll leave that up to you, but I truly believe we should focus on the things we can do good together because obviously my resume could be very valuable in this process. As it relates to parking on Hui Road F, same thing would apply. We have attorneys concerned with liability about taking those roads over under the County's wings, no pun intended to the recent airport issues, but the matter is, is that they're...they're putting lives at risk while they're focused on...on things that don't exist and solutions that we easily could bring into play on parking on that street and others. Again, I believe that I could show you those solutions graphically, and...but then again, I'm...it seems like I'm boxed out of my own community as far as assistance goes. So, in terms of this today on the...on the parking goes, you know, this...this definition that's being brought up about what constitutes a bedroom. That's already in...that's already by reference. This is not...I mean, thank you for the clarification, but a bedroom is...I'll point out, the Maui County Building Code adopts nationally-recognized model codes developed in the ICC, International Code Council. It used to be the UBC. Again, I've...I've built 450 residential units in my career. I've built...I wouldn't say miles of roads, but I'd say pretty close. So, I understand the

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standards. I understand how all this comes into play, and I also would reach out the same thing to Councilmember Cook, hearing you yesterday. I also feel that you and I could, especially through William Snipes, find some sort of alliance in all of this and drop the nonsense. So, the bottom line is, a bedroom's already adopted in those areas. Now, we're going to further clarify it because of some form of manipulation by our good friend Greg Brown, but how the County Building Department and plan checkers and Planning Department will turn a blind eye towards . . .(timer sounds). . . media rooms and all that other nonsense-- I'll wrap it up. The bottom line is, thank you for what you're doing, but I'll let the Council know that the Planning Director has been given formal notice of ten days to make a determination on the Brown development based on the new evidence, and that will give us the rights to escalate that either to appeal or to celebration where she's getting...the Coun...the Planning Department's getting a second bite of the apple to redo what's right by the citizens. And I think they...Councilmember Paltin, if you'd assist me in that area, I think they'd throw a parade for you, to be honest with you. In my community, I know that's true. So, that's my...that's my read of the current matter relating to parking. So, thank you. I need to go to matters at hand to see if I can get my daughter in college. Thank you so much.

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

MR. HURDLE: Chair, the next testifier is Tom Croly on Teams.

MR. CROLY: Aloha, Committee. Tom Croly, testifying on my own behalf here. My experience with this parking issue is from about helping more than 100 people with their bed and breakfast and short-term rental permits. And oftentimes, I have to say, the parking that you have on your property is not compliant with the Code and so forth. So...so, I've...I've evaluated hundreds of homes in this regard, and helped scores of people try to create the proper parking that they would need. I have five comments and suggestions on the proposed requirements. Number one, accessory dwellings that have more than one bedroom should have more than one parking space. That's pretty simple. If you have a two-bedroom accessory dwelling, it needs two parking spaces. So, hav...leaving...leaving something in there that...that allows them to get away with one, and with the increase in size that we've recently made to accessory dwellings that can be up to 1,000 square feet, you can have a three-bedroom accessory dwelling. You can't have one parking space. So, the accessory dwelling should be evaluated under the same criteria that you're proposing for the...the primary homes. Second, I agree with the original version of the pla...of the plan that called for three parking spaces for a four- or five-bedroom home, not leaving a four-bedroom home at just two spaces. Again, I've...I've been to enough places and I've seen when you have four bedrooms, you have three cars at least. So, that should...that should be in there. And then one additional parking space for every bedroom over five makes a lot more sense than the current Code that...that uses square footage. The requirement for additional parking spaces for a wet bar or kitchenette is actually now unnecessary. If we're going to require a parking space for every one of those bedrooms, the concern about the wet bars was that we're turning a bedroom into a studio, ergo another dwelling in here. Well, if we're already covering

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that here with the parking spaces that are required per bedroom, I don't see that being necessary. Maybe, maybe it's necessary in a two-bedroom/three-bedroom house where we're currently only requiring two parking spaces and maybe they would add a wet bar and then split it off, but it's redundant and we don't really need it. And I really don't like that...the idea that we're accepting that they're going to use the house in a way that's outside of Code to...when we...when we give them a wet bar. If it's a wet bar, it's a wet bar. And I've seen a lot of wet bars ju...that are exactly that. They're just used as wet bars, they're not kitchens. So, we shouldn't be kind of penalizing someone who puts a wet bar in their living room. The comments that were made about the setback and the interior connections, I agree that those things should be discussed outside of this bill. I happen to think if you were discussing the setback increase, it should be to the entrance to the garage or...or carport. Because I can...I've seen many garages where you enter . . .(timer sounds). . . from the side, so you don't need that. You wouldn't have that extra driveway space in the front. One of the things I would suggest whenever you do this is that you bring in an experienced plan checker to tell the...the Council, this is how I would administer what the change you're going to make is because there's probably things we haven't thought of that the plan checkers see all the time. And the head of the Department, they don't know that. They don't check plans all the time. So, I really suggest that when...when you make these kinds of changes to Code, that you request someone who actually looks at these and approves them to tell you how they would change what they do based on this Code. I think you'd learn a lot more. Thank you for the opportunity, Chair.

CHAIR PALTIN: Thank you, Mr. Croly. You're singing my language. My clarifying question is, did you hit all the five points that you wanted?

MR. CROLY: Yeah, my...my...my number 4 and number 5 were the setback and the interior connections. So, yeah --

CHAIR PALTIN: Oh, okay.

MR. CROLY: -- I think I hit all --

CHAIR PALTIN: Got it.

MR. CROLY: -- all of those. Yeah.

CHAIR PALTIN: Members, any further questions, clarifying questions for Mr. Croly? Seeing none. Thank you so much for your input. I found it very valuable.

MR. CROLY: Thank you.

CHAIR PALTIN: Anyone else wishing to testify?

MR. HURDLE: Chair, the next testifier is Greg Rylsky on Teams.

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CHAIR PALTIN: Has Mr. Rylsky been allowed? Okay. So, we're ready for your testimony.

MR. RYLSKY: Here I am. Can you...can you guys hear me?

CHAIR PALTIN: Yes, we sure can.

MR. RYLSKY: Is my audio...okay. Awesome. Thank you very much. My name is Greg. I am a resident of Lahaina. I am a tenant of FEMA, and I am a guest of the occupied Kingdom of Hawai'i, and I appreciate the opportunity to testify today on parking. In my community, Puamana, we have more...we...we have more homes than we have parking. And I know it's a different community, and I know there's a different section for private streets, but I'm just wondering if...you know, some of the...the things that I have gathered during the rebuild process is clearly people are saying, well, no, this is not a bedroom, but you can totally sleep people in it. And so, when I see things about, you know, how are we classifying where people stay and how they stay, I just get a little worried because, you know, people are always going to break the rules on this, and I don't know how you do compliance, but we...we already have people who clearly have dens or offices and all of these other things that are going to be bedrooms. You know, this is just how they kind of got around that because of the Minatoya, you can't add a bedroom to have a TVR, and so they're like, oh, no, it's not...today, it's not a bedroom, and we won't tell you when it is one. You know, we do also give people two parking spaces. Well, you get one parking space, so then you can park there, but you're on your own, right? So, at one point, that gate that was illegal for like 25 years got an after-the-fact building permit, and as part of the conditions of the building permit, they had to reluctantly provide access to the shoreline, which is where we are. So, then that took away spaces. So, even then if...if you say, oh, well, you require two spaces, in our community, we don't even have that, right? And we already know that we...we have people building way more. We have one bedrooms that have turned into five bedrooms. We have all these additional bathrooms. So, parking...parking is a big deal. I...now, in Kilohana, I get to walk through the Wahikuli neighborhood. I don't even know what to think. There are so many monster houses going up, and those streets are already littered with...with vehicles. Even in Kilohana, we have people parking on the sidewalk. You know, they wait until after dark when there's no more enforcement, but their...vehicles are...I honestly never...never thought there'd be so many vehicles on Maui. I've seen so many abandoned ones, and now it makes sense that like they're abandoned because people get another one or two to replace those. So, looking at this...at...at the parking situation, it is a quality of life. It's something that...that the residents will have to face every single day. If it's a vacation rental, it's a little annoying, but you know what? Maybe they just Uber. Maybe they do other things because they don't have to live here. They're only staying here for a few days. But to live here, have adequate parking, really focus in on like what...what is a bedroom? What about people that stay in the living room? The living room, you know, technically is part of the...the common area that wasn't originally considered, but in our particular complex, we have had no shortage of 12 people staying in a two-bedroom. Because you have the bedrooms, you have the living room, and they . . . *(inaudible)*. . . with multiple cars, and

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then they're shocked when they're told you can only have two cars. . . .(timer sounds). . .
They have more. Anyway, thank you very much for listening to me.

CHAIR PALTIN: Thank you so much, Mr. Rylsky, for your testimony. Members, any clarifying questions for the testifier? Seeing none. Thank you for your testimony. Is there anyone else ready...wanting to testify?

MR. HURDLE: Chair, that's all the individuals signed up, so I'll provide a last call for oral testimony. If anyone would like to testify, please come up to the podium or raise your hand on Teams if you would like to testify. The count is three, two, one. Seeing none. Chair, no one has indicated they wish to testify.

CHAIR PALTIN: Thank you so much. At this time, I'd like to close public testimony and accept any written testimony into the record. Any objection, Members?

COUNCILMEMBERS: No objections.

. . .CLOSE PUBLIC TESTIMONY (DRIP-23) . . .

CHAIR PALTIN: I did want to go straight into if the Planning Department could address the Testifier Croly's comment about the kitchenette and wet bar, if those would still be necessary?

MR. PFOST: Yes, thank you, Chair. I...I think Mr. Croly does make a good case. Since we are changing this to bedrooms as opposed to what it was in square footage, that he does make a good case that if we're just counting parking spaces for bedrooms, that whether or not...I...I agree most...mostly with the wet bar. I'm still not sure about the kitchenette, because kitchenette still implies more adults in the...on the property than a wet bar. Our concern was wet bars are turning into kitchenettes. They're being used, in the example that I mentioned, as actually really kind of quartering (*phonetic*) off another unit, but not calling it a kitchenette, but a wet bar instead. So, it does...it is leading to more adults, but I...I do see Mr. Croly's point that we're now counting towards bedrooms, so...

CHAIR PALTIN: Okay. And then any comment about AD...his other testimony that ADUs with more than one bedroom should have more than one space, similar to, I guess, you know, the main dwelling?

MR. PFOST: I would tend to agree with that.

CHAIR PALTIN: Okay. Okay. Great. Mr. Hopper, was that sufficient discussion after the testimony to take a recess or do we need more discussion than that?

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MR. HOPPER: Hey, Chair, I...I would check with OCS on this. Our...we don't have a...a standing requirement for levels of discussion before...before taking a recess . . .*(inaudible)*. . .

CHAIR PALTIN: Oh, okay. Ms. Nakata, do you think that was sufficient discussion, or should we have more discussion before a recess?

MS. NAKATA: Yes, Chair.

CHAIR PALTIN: That was sufficient?

MS. NAKATA: Yes. Thank you.

CHAIR PALTIN: Okay. Members, any objections to taking about...like come back at 3:30, which would be like an 18-minute recess? No objection? We're all for it?

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. So, let's take an 18-minute recess and come back at 3:30 because you guys have done such stellar work up to this point. Recess. . .*(gavel)*. . .

RECESS: 3:12 p.m.

RECONVENE: 3:31 p.m.

CHAIR PALTIN: . . .*(gavel)*. . . Will the DRIP Committee return to order. The time is 3:31. Thank you for your promptness. I took the first opportunity on questions. Chair Lee had to leave, and it looks like maybe Member U'u-Hodgins as well, or maybe Member U'u-Hodgins and Member Cook are coming back. I'm not too sure. But let's start on this side this time with any discussions or questions. I did want to fill folks in, during the recess we...we did speak with the Administrative Planner as well as our Analysts and Attorney about how we could incorporate Member...or Mr. Croly's recommendations in so we...we are ready to do that if the Members would like to. But discussions, suggestions, whatever you want. We'll go a couple rounds, maybe three minutes, starting with Member Batangan.

COUNCILMEMBER BATANGAN: Thank you, Chair. I first want to thank you for giving the purpose and intent for this bill. That was...the context was really helpful for me in understanding where you're coming from with this. I also want to thank the...the Administration for their very thorough presentation. We don't always get that. Sometimes departments will come and say, I'm just here to answer questions, and it doesn't help me understand where they're think...what they're thinking, what their concerns may be. But, you know, hearing the history of this bill, especially the work that the Planning Department put in, was...was really helpful because I came into this with some concerns, and I guess I would...I'm...I'm sharing my thinking. I...I hope I'm not coming across as a critical, but when I first read this, I had concerns because

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generally, I'm against parking minimums, as they increase the cost of housing and available land that's...could be used for more housing or other public purposes. I also worried that this would primarily impact people who are trying to abide by the law, whereas a lot of the on-street parking issues are caused by people who are breaking the law when it comes to development on their houses. So, there is that. But as we went through the presentation, I said...it...I was better able to, you know, articulate my thoughts on why I was initially uncomfortable with this, and that's because I see the issue with on-street parking as one, an enforcement issue, and two, a result of the lack of affor...affordable housing on the island. People are cramming into smaller and smaller spaces because they need to. And when I thought about the impacts of this bill, we're making housing more affor...or more expensive, therefore, more people have to cram into, you know, the available inventory, therefore, we're compounding the problem of off...on-street parking. So, I...I...I wasn't sure on, you know, what this bill was aiming to achieve or if we were attacking the problem in...in a way that might be fruitful. And I think I got some of the answers I was looking for. I...I will say I still do have some reservations because of that...that loop that I had just described, but I guess...just focusing on the text itself, can I ask the Administration if they had...one...one of the things I was confused about when I first read through this was going from a fixed floor area, which is, you know, standard across any dwelling, to number of rooms, which varies. Was there any consideration in the various Planning Department conversations or Planning Commission hearings on what that would mean? Because like, you know, I grew up sleeping on a tatami mat in our living room that was one size. You know, I had cousins who had an actual bedroom that was a different size. And if we're going by bedrooms rather than like something fixed, was there any...I worry that we're not going to have clear guidance for...for aligning parking stall needs with...with our Building Code.

MR. PFOST: That's a...that's a good question. Thank you. I...I think what...when...when we...we were looking at this issue, and...and I know it was mentioned by Mr. Croly to speak to some of the plans examiner Staff...and incidentally, that's one of my other jobs is, I'm actually the supervisor of the plans examiners. And so, we did talk about this amongst the Planning Department, and we actually went through this a lot. And that's why this bill has a lot of analysis if you look at the...at the Department's recommendation to the Planning Commission, touches on a lot of things of why we see these parking problems. And I...I think the...one...one thing that came out of it was including a definition of bedroom. If we're going to go down this path of...of allowing this to be counted by bedrooms, it's important to have a definition for bedroom and to define what that is and what it is not. Because what we assumed and what we talked about was that a bedroom equates to potentially . . .(timer sounds). . . people that are adults that are sleeping there and...and residing there. And you're exactly right, there are other rooms that you could use for sleeping quarters that...but you have to kind of draw a line. And we kind of use this then as an example against that...for example, that ten-bedroom home that we issued a permit for in Lahaina, which under the proposed ordinance or the bill that was proposed would have required nine parking spaces, ten with the ADU instead of the three that the current Code provides...which I think is more equitable in what that size of a structure and number of bedrooms and what it...the way

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it appeared when you look at the plans and that it's actually really a four-unit building on there. And you know that you're going to have a significant number of adults there. So, I think that is a better way to capture the number of vehicles that I think are really going to be tied to that...that particular instance. At the same time, we were concerned about creating too many nonconformities as well, right? As...as we're changing from the square footage to a number of bedroom count, and what...what does that do to existing homes that have maybe a four-bedroom house and...and/or a three-bedroom house and a den and things like that. So, we were concerned about that too, but I think it...the...the provisions on the bedroom count and...and where it's really going to affect, it's going to affect the...the larger homes, the very significantly larger homes that I think are really kind of addressing the context of what the Chair mentioned. And I think this really gets to that point. I mean, the other ones, I think we have a little bit of nonconformity. There's a section change, the nonconforming section that says if you are nonconforming and you add a bedroom, you'll have to add one parking space. You don't have to bring the whole thing into conformity, just the had to add an additional parking space for that bedroom. You could add onto your living room, onto your kitchen, or add a bathroom would be fine, so that wouldn't affect. So, I'm not sure if I'm addressing your question, but there was a lot of thought...

COUNCILMEMBER BATANGAN: No, but it does help me think about like the implications in going from square footage to bedrooms. Thank you. Thank you, Chair.

CHAIR PALTIN: Sure. And if I could add on to it, we did also speak with Erin Wade, who was...had similar concerns, and...and that's when we really honed in and said this is about health and safety, and the access of the Fire Department. And that's why specifically like, you know, if the road is wide enough where people can park on both sides of the road and not impede...not affect that 20-foot road width that the Fire Department wants, we...we were like, well, let's loosen it there. And then we tried for HOAs, but you heard the situation with that. But then we also discussed, you know, the potential for a parking modification waiver from the Director in those cases because most HOAs I know are pretty strict on enforcement, whereas like the Fire Captain said, they need it, but they're not the enforcers, and our Police Department has been chronically short-staffed, and I'm not sure that we collectively want them to be focusing on parking enforcement or, you know, violent crimes and...and whatnot. So, just to add on to where we're coming from.

COUNCILMEMBER BATANGAN: Thank you, Chair.

CHAIR PALTIN: I...I do see Member U'u-Hodgins. I did want to give you your opportunity when it's best for you, so we can do it now or we can do it later, if...which one...whichever one works for you.

VICE-CHAIR U'U-HODGINS: Thank you, Chair. Now is okay. I am in my vehicle with my daughter. We...she has an appointment in five minutes, so after this, the service may be a little shoddy, but I really don't have too many questions. I do understand why we're doing this, and I know we all have to find our balance, and there's going to be a

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little bit of push and pull in what always works best or perfect or good, and, you know, that's what we strive for. I do appreciate the Planning Department's work on this bill to do so as well. I do appreciate the recommendations in changes...and for you as well, Chair, I saw your CD1, so I'm supportive. I have no questions right now. Thank you.

CHAIR PALTIN: Thank you. Sorry, Member Sugimura, I just seen her, and I knew she had a hair appointment, so I just wanted to get a flavor of her feelings. Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, no problem. I think it's pretty amazing when you . . .*(inaudible)*. . . *(echoing)*

CHAIR PALTIN: I'm not sure if you have multiple devices on, or...

COUNCILMEMBER SUGIMURA: Oh, you know what? *(echoing)*

CHAIR PALTIN: Can you...can you try talk now? *(pause)* Shucks, we can't hear anything. Can't...can't hear. Did you...did you re-sign in and have two...two apps open? Oh. . . *(laughing)*. . . I'm...I'm not sure if it's your computer in the Chambers. Oh, she'll come back. Okay. Member Johnson.

COUNCILMEMBER JOHNSON: Okay. So, thank you. And thank...you know, I think this bill went through all the planning departments *[sic]* and have...the Planning Department's here talking on it, hearing from, you know, the Mayor's Office, you know, Ms. Wade, the Fire Department. I think that's how legislation should be made, and I...I don't have any questions until we get to the amendments, so I'm here for the amendments. Nice work.

CHAIR PALTIN: Okay. Thank you. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Same. Mahalo, Chair.

CHAIR PALTIN: Oh, cool. Member Cook?

COUNCILMEMBER COOK: Good afternoon. And thank you, Chair. Thank you for all the work on this. This really strikes...anyway, I told you earlier, I mean, my road is side-street parking the whole way down. My truck is one of them. If I park my truck in their driveway and up against the garage door, when that is available, I block the sidewalk. I'm supportive of it for health and safety. You know, Captain Vaas and the Fire Department need us to do everything we can to enable them to do their job. So, when they speak about what they need, I have a hard time speaking against it. I do...I do want to point out a couple of things that I disagree. The...the new definition of what a bedroom is has been a problem with the Department of Health for a long period of time because if you have a cess...cess...cesspool and you're going to put in a septic system, then they count bedrooms. Five bedrooms is a 1,500-gallon system. And so, if you have a three-bedroom house and you want to build an 'ohana that has two, you can use the same system. And if you have...with the new definition, if you have a three-bedroom house, a den, and a library, and that's considered by the Planning

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Department as five bedrooms, then you would have to put in a...a separate system for that. Now, granted, we're talking about areas that are sewerred right now, so I'm just bringing to the atten...people's attention areas that don't have sewer that have a cesspool that needs to be converted, or they have a cesspool and they're not going to have sewer, this issue with how the Planning Department defines a bedroom is problematic in that regard.

CHAIR PALTIN: Member Cook, just to clarify, I...I believe those types of potential unintended impacts or consequences was the reason that we applied the definition only to Section 19.36B.020. So, it...my understanding, by doing that, it wouldn't trigger a Department of Health. But if Ms. Nakata or Mr. Pfof could clarify if that's correct interpretation, if...if you'd like.

COUNCILMEMBER COOK: Could...I mean, yeah, they've been calling it like that for a long time. I'm saying the Department of Health has made oftentimes their own determination, and...and now, the Planning Department is underlining to some degree...because they would say if it was...if it looked like a...if it looked like it could be a bedroom, sometimes they would call it a bedroom. And there's...there's a lot of different interpretations. It's not...you know, there's going to be situations where what I'm saying is inaccurate, and the situations of what I'm saying has been problematic with people with cesspools.

CHAIR PALTIN: Do you mind --

COUNCILMEMBER COOK: I'm supportive of it, but...

CHAIR PALTIN: -- Ms. Nakata --

COUNCILMEMBER COOK: No, go ahead, ask.

CHAIR PALTIN: -- clarifying if this is --

COUNCILMEMBER COOK: Please.

CHAIR PALTIN: -- only applicable to the parking portion of the ordinance?

MS. NAKATA: Thank you, Chair. At your direction, we inserted the definition of bedroom into a Subsection F under Section 19.36B.020, which starts off with, "for this section's purposes, bedroom means," and so this definition is intended to apply narrowly. Thank you.

CHAIR PALTIN: Primarily for parking purposes, not for cesspool or what...I mean, we don't control the Department of Health and how they do it, but...

COUNCILMEMBER COOK: Okay. I'm just...what I said in the beginning of that was that we could...a potential collateral impact of it, part of my resistance to it. I'll support the bill,

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but I just want to say this. We're not solving the problem of housing. We're not solving the problem of the...of why we have such density in areas that weren't necessarily designed for it. So, our job as the Council is to come up with legislation to enable...to approve projects to get more stuff built. So, I'll just leave it at that. I...I have a hard time restricting, restricting, restricting, restricting when we're not enabling, enabling, enabling. We all want to enable, but it's really hard to get a subdivision approved or a project approved to add to the housing. So, that's my time. Thank you, Chair.

CHAIR PALTIN: Thank you. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I just had one question about the setback from 50 to 80, I believe. Just what was the...the reasoning? Mr. Pfof can explain.

CHAIR PALTIN: Sure. Go ahead. But to clarify, we didn't incorporate that. We didn't have a --

COUNCILMEMBER SINENCI: Oh.

CHAIR PALTIN: -- objection to it, but we just thought it...it would be kind of deceptive because this was a parking bill, and now we're changing other things. But go ahead if you want, Mr. Pfof, to explain it.

MR. PFOF: Sure. The...the idea behind it is that our front yard setbacks for residential, including the garage, is only 15 feet, yet a parking space is 18 feet. So, that means that really, on a...on a typical subdivision for a driveway, you're going to see a...a car parked on a driveway will be hanging out over the sidewalk, over the curb, or into the street. So, the idea was to move the front setback for a garage or a carport to be 18 feet so you have a driveway length that could park a...a vehicle on the property. And I noted that some of our project districts actually do that. Actually, some project districts have a 20-foot setback requirement for their garage, and then a 15 or a 10-foot setback for the rest of the house. So, it's basically pushing the garage back on the property so you have sufficient room to park on the property.

CHAIR PALTIN: Like tandem you mean, right?

COUNCILMEMBER SINENCI: Yes, I'm definitely guilty...guilty of that here at my rental. I'm sticking out into the...okay. Thank you for that. Thank you, Chair.

CHAIR PALTIN: Yeah, we weren't opposed to it, we just thought it should be a standalone bill so that people would know what is going on. This is essentially a parking bill, and if we're changing other parts of the Code that people couldn't reasonably infer are being changed from a...a simple parking bill...or maybe not simple, but we...we felt that it...it's not as straightforward for folks to understand what they're either testifying or not testifying to. So, we're not opposed to it, but it should be properly agenda'd and noticed so people that have strong opinions on the matter could testify and weigh in on.

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COUNCILMEMBER SINENCI: Yeah. I'm...I'm finding that in the urban centers, like Kahului, you know, space is really getting limited versus coming from the country, you have a little bit more space, but here in the urban centers, yeah, I get...I definitely see that. Thank you.

CHAIR PALTIN: Yeah. Okay. Does anyone have need for a second round of questioning, or should we move on to the...oh, go ahead, Member Batangan.

COUNCILMEMBER BATANGAN: Thank you, Chair. I'm coming around on this bill, but I...I still have some discomfort, and...and part of that is because I still...well, I guess I'm concerned about the increased costs to housing and that feedback loop that I had described earlier. But I also am hearing based on...from...from the departments that a big part of this is a lack of parking enforcement. And so, I'm curious to hear whether or not there was any consideration on increased enforcement of our existing laws before we change anything on the books.

CHAIR PALTIN: So, as I...I...I can respond to that. As I mentioned, you know, right after the fire, when we had the weekly community meetings--and now like then there was a weekly and a webinar...or twice a month, webinar and weekly, and then now it's once a month--parking was one of the biggest issues, especially as people started to see these 10, 12, 16-bedroom units coming up, which are...we figure that will be multifamily houses on a single-family whatever. There were times when people would ask about enforcement of parking--and I'm just stating facts--at that time, the response from the Administration was the potential for Park Maui to be the enforcement in areas where the roads were substandard widths, like Mill Camp, or, you know, whatever have you. And...and then at one point, the Administration said, oh, if there's a...a red flag warning, then maybe we can do better enforcement, you know, because of the fire happening during a red flag warning. And then the last time it was brought up, I think this...this bill was kind of pointed to as a solution, and the Park Maui solution was nowhere to be found. As you know, our branch and the Mayor's branch do not tell the Police what to do, it's the Police Commission. And as long as I can remember, they've been short one-fourth. So, I mean, it's...it's difficult to say that. I know Member Sinenci at one time was backing like a citizen parking enforcement thing, but in the context of Hāna Highway. And I don't know if you'd like him to speak more towards that, if...if you recall, or no. Yes.

COUNCILMEMBER BATANGAN: I guess...

CHAIR PALTIN: Was that not your question?

COUNCILMEMBER BATANGAN: No, no, that was my question. I...I...sorry, I just heard you say something and then had another train of thought, and kind of lost where I was speaking as I was speaking. But I...I brought up the question because when I was with the Department and was working on Park Maui, we had worked with the State to allow for the Police Chief to deputize police enforcement officers through the Park Maui program. But we could conceivably expand that. There's...you know, the legislation

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passed, we have the agreement in place with the Police Department and the Director of Transportation to be able to enter into agreement so that they could contract out police enforcement...or parking enforcement, not done through a police officer, but through another program. And I would feel more comfortable taking a step like that prior to doing something like this, since part of what I'm hearing is that people are illegally parking on the streets, and I don't want to punish people who are legally trying to build a house for illegal behavior. And if we can achieve the same goal by taking a less invasive step, I think that would be my preference as a...but...

CHAIR PALTIN: If I may respond to that. I was a renter for many years in Lahaina. . . .(timer sounds). . . . And so, I had a landlord live on site, and...and my unit didn't have off-street parking. And, you know, sometimes I would get off my second job waiting tables at 10:00 at night, and I'd be circling the neighborhood looking for parking, and I'm like, it's 10:00 at night. I don't think anybody's going to be coming out and moving their car. So, after like maybe two weeks of doing that, I'm like, there's not going to be parking open up at 10:00 or 11:00 at night. And we...early on in my career here, we had a parking enforcement where they wanted to make one side of the street illegal to park on, which, you know, majority of Maui County, it's illegal for overnight parking. I think...to me, enforcement doesn't solve the problem. Because like even in Lahaina, 80 percent were renters. Going back, maybe more than 80 percent are renters. So, this is not the landlord's problem. This is the community's problem, and making it illegal or enforcing illegal parking doesn't help the community. Like where are they going to park? You know, like are they going to have to park at Safeway overnight and then walk up Lahainaluna Road...which Safeway doesn't want you to park in their parking lot overnight. The...the reality of the situation is many of the houses being built in West Maui right now has kind of let the horse out of the barn and now we're trying to close the door after the fact. But there are many, many, many members in Wahikuli, Lahainaluna, who are traumatized and afraid that like this 16-bedroom home, which might be a four multifamily illegal thing, is going to have eight cars per each illegal dwelling, and ticketing those people for parking overnight on the street isn't going to solve anything because they still live there, they still work there, they still need a way to get to work. And simply ticketing them isn't going to solve anything. It's just going to increase their cost of living. They might end up going to jail on a bench warrant, and then less productive members of society, and all through because the landlord didn't provide off-street parking. So, I don't...I mean, enforcement can be a...a solution, but for who? Not the renters whose landlord didn't provide any off-street parking for a 16-bedroom house that they want to rent each bedroom out to a couple, which each has a car, you know? So, I mean, there's...there's that side of the issue. Like if we enforce our community who's trying to get to work, trying to like do essential work, then where will they park? There's no place in Lahaina, there's no place where I was renting. I had to park like maybe three streets down and walk home at 11:00 at night, and that was still probably illegal. Oh, Member Cook, go ahead.

COUNCILMEMBER COOK: Thank you, Chair. Thank you for that description because basically you're talking about new dwellings in the reconstruction area and holding the builders accountable. That helps clarify it to me. I just want to share, as far as

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enforcement...and this is sort of a little bit sticking up for MPD. I've lived in the rental that we've been in...in Kihei for...like this is the sixth year. And when I first moved and there was...I'd never lived someplace with side-street parking. Fortunately, it was either country and we had land or there was enough parking stalls in Wailuku where I lived or in other places. But...so, I...I made a comment to one of the neighbors, I said, wow, everybody's parking on the side of the road and that's illegal. And they...and they...basically, they told me, hey, don't say nothing. If...if you...if you report somebody and the police come, they have to ticket everybody because it's you can't have pick and choose and selective. And he goes, somebody did that before and they regretted it. And when I say literally, you look at on my road, it's like three blocks long, and there are cars, choke, on the side almost all the way down. Not totally, there's a little bit room. So, I want to...for Maui Police, besides them being understaffed, the situation that we have is really unmanageable and...and it's like puts them in a hard spot. And one of my building inspector friends years ago said, if they enforced all of the...all of the rules, we'd have twice as much homelessness. And so, you know, turn a little bit of an eye for when these rentals and stuff. I'm just sharing that. I...I...we all want more homes for our people, and the Fire Department, but I hope you don't mind me sharing some of the pragmatic real world issues that we're...we don't want to make these rules and laws that are...hurt the people that we're trying to help. Thank you.

CHAIR PALTIN: Any further questions before we move on? Okay.

COUNCILMEMBER BATANGAN: E kala mai, Chair. I...I see somebody on screen.

CHAIR PALTIN: You see what?

COUNCILMEMBER SUGIMURA: Hi. Oh, can you hear me?

CHAIR PALTIN: Oh, Member Sugimura, go ahead.

COUNCILMEMBER SUGIMURA: Yeah. So, I'm...I'm listening to this, and part of what I've seen down in, like Member Sinenci calls it the urban area, but like in Kahului area, you have these really big monster homes coming up. And there's a house that was basically looked like a little home on a corner right across the commercial area. And that house now has this monster home. I just wonder where all the cars are going to be parking, but I wonder if the Planning Department can say something about those kind of situations. And if...I don't know if it's enforcement, but I'm sure with Planning, your...your approvals, you must have, you know, thought about that.

CHAIR PALTIN: Mr. Pfof?

MR. PFOF: Yeah, thank you for the question. You know, it's...it's interesting. Our...our Code doesn't allow, and...and probably should not allow us a lot of subjectivity in reviewing plans for new houses and large houses. So, we have our certain standards, right? Our...our...our development standards and setbacks and building height, and you can build to that. Provided that you build to that, we'll issue a building permit. And so,

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you're right, there are very large homes and...and especially the...the very large ones. And I think this is what this bill actually addresses is, it gets to the very large ones by now, actually...actually requiring what should be the...the amount and number of parking spaces for such a large home. So, you can park your...park on property as opposed to taking up all the...the off-street parking...I mean, the on-street parking. So, I...you know, I...I think this is one way to address that because those very large homes, if they cannot provide the amount of parking spaces, they're going to have to reduce the size of their homes, right? And...and actually reduce, and you'll actually kind of...kind of handle it from a different angle, really, more or less. But that's the only way we can do it. Otherwise, we don't have any, and...and nor do I think we should have any discretionary review of every single residential, you know, and looking at...that...that would throw a whole 'nother wrench into things, and I've worked in organizations that do that, and that's...I don't...I wouldn't recommend going that way. So, try to control it through your development standards, and I think now the park...these parking regulations will help control the size of those homes too.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Any...any further questions from the Members? Okay. The Chair will entertain a motion to recommend passage of Bill 47 (2026) on first reading. Member Sugimura, is that a motion?

COUNCILMEMBER SUGIMURA: So move. Yes.

CHAIR PALTIN: And then Member Johnson a second. Okay. The Chair will entertain a motion to replace Bill 47 with the proposed CD1 version distributed at today's meeting.

VICE-CHAIR U'U-HODGINS: So move.

CHAIR PALTIN: Moved by Member U'u-Hodgins, seconded by Member Cook. Okay. The proposed CD1 version amends the bill's preamble to conform with the revised exceptions to the off-street parking requirements for housing. In proposed Subsection E, deletes the exceptions under the use column for housing. Three, inserts an exception for the minimum number of parking spaces column for dwelling units with four or more bedrooms when the width of roadways fronting the dwelling unit allow two lanes of traffic flow and parking on each side of the roadway. Deletes proposed Section F in its entirety and adjusts subsequent lettering accordingly. These revisions were suggested by the Department of Planning after having expressed concerns about determining which subdivisions have HOAs with CC&Rs prohibiting overnight on-street parking and the enforcement of those CC&Rs. The Department also suggested replacing the 50-foot width with a description of the roadway's function instead. And then if there is the appetite, I also, based on Mr. Croly's testimony, would entertain an amendment on page 4 of the replacement to delete the section referring to "with a wet bar" because it's kind of already covered. And to also delete the section referring to accessory dwellings on page 4 and add accessory dwelling to the end of the housing description right after single-family dwelling on page 3. Those were two of the recommendations for...from

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Mr. Croly in his testimony because the wet bar part is redundant, and we checked with Mr. Pfof on that, and he's okay with it. And he...Mr. Pfof also was okay with the accessory dwelling unit being moved to page 3, and Mr. Hopper also said he was okay with it. So, if there is the appetite from the body...yes?

COUNCILMEMBER BATANGAN: Sorry, Chair. More of a point of order.

CHAIR PALTIN: Sure.

COUNCILMEMBER BATANGAN: Since we're operating under Rosenberg, I'm a little confused as to what the rules of operation are.

CHAIR PALTIN: Oh, I believe --

COUNCILMEMBER BATANGAN: Are we operating two deep?

CHAIR PALTIN: -- committees...committees are still Robert's Rules.

COUNCILMEMBER BATANGAN: Okay. That makes it...even more...I got to remember two? Okay. So, I guess I was just confused...

COUNCILMEMBER RAWLINS-FERNANDEZ: No, I think it's all Rosenberg, Chair.

CHAIR PALTIN: Oh, it's all Rosenberg?

COUNCILMEMBER BATANGAN: I was just confused as to what the practice is supposed to be if we're operating at two amendments in. I was going to ask if you could take up the first motion first...the first amendment first, and then we take up the additional round of amendments just so that I'd be clear on what...what the order of everything should be.

CHAIR PALTIN: Okay. You want to vote on the replacement first?

COUNCILMEMBER BATANGAN: Yes, please, just because I'm having trouble finding my notes in Rosenberg on how to go two deep.

CHAIR PALTIN: Any objection to voting on the replacement first?

COUNCILMEMBER JOHNSON: Can we hear for [sic] Corporation Counsel?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, Member Batangan is going to have to take it up with Mr. Rosenberg in California.

COUNCILMEMBER COOK: No objection.

CHAIR PALTIN: Ms. Nakata, did you...are you okay with that?

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MS. NAKATA: Chair, I...I think it's up to the body, but Staff would recommend that before you vote on the replacement that perhaps you could take up each of those amendments to the CD1 version individually and vote on those individually, then vote on the replacement as amended.

COUNCILMEMBER BATANGAN: Okay. Thank you, Chair. Can I just ask that you start the voting on the other side of the aisle?

CHAIR PALTIN: Sure. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I mean...okay. So, Rosenberg, Robert's...I prefer Robert's just because it's cleaner. My understanding, and this is...this is why it...it annoys me, is that there just doesn't seem to be that consistency because we're so accustomed to Robert's that Rosenberg kind of like threw us off this term. Because my understanding is under Rosenberg, we can do what Member Batangan is asking us to do, which is to vote on the substitute and then vote on the amendments after. *(pause)* I mean, it's whatever we decide, basically. There's no like wrong way because Rosenberg said that we can do it however we want to do it that makes sense to us.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's what he said.

COUNCILMEMBER BATANGAN: I'm sorry . . .*(inaudible)*. . .

CHAIR PALTIN: So, we...we could do the replacement first and then amend that, that...Rosenberg's cool with it?

MS. NAKATA: Chair, I think it's up to the body. It just seems a little more linear to take up the individual amendments to the CD1, but if the body would prefer to vote on the CD1 first and then make amendments to the CD1, that's fine.

CHAIR PALTIN: Okay. Only Mr. Batangan had a preference. Does anyone else have a preference? No? Okay. So, let's vote on the CD1...

COUNCILMEMBER BATANGAN: Member Rawlins-Fernandez was trying to get your attention.

CHAIR PALTIN: Oh, go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, mahalo, Chair. I was just going to say, since Member Batangan is the only one that has a...has a preference, that I'm supportive of...of going that way.

CHAIR PALTIN: Okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: All right. So, we're just going to vote on this ASF that was distributed right now. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, eight "ayes," zero "noes," one excused, Chair Lee. Motion passes.

VOTE: AYES: Chair Paltin, Vice-Chair U'u-Hodgins, and Councilmembers Batangan, Cook, Johnson, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Lee.

MOTION CARRIED.

ACTION: APPROVE substitution.

CHAIR PALTIN: Okay. I can do the two amendments one at a time if you'd prefer?

COUNCILMEMBER BATANGAN: Yes, please.

CHAIR PALTIN: Sure. Okay. I will entertain a motion to amend the CD1 version by striking the...the cell with "dwelling units: with a wet bar" as it's a little bit redundant.

COUNCILMEMBER JOHNSON: So moved.

CHAIR PALTIN: Moved by Member Johnson, seconded by Member Cook. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, eight "ayes," zero "noes," one excused, Chair Lee. Motion passes.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Lee.**

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR PALTIN: Thank you. And I’ll entertain a motion to, on page 4, strike the cell with “accessory dwelling units” [sic] --

COUNCILMEMBER JOHNSON: So moved.

CHAIR PALTIN: -- and move that to page 3 after “single-family dwelling.” Moved by Member Johnson, seconded by Member Cook. All those in favor...

MS. NAKATA: Excuse me, Chair.

CHAIR PALTIN: Oh.

MS. NAKATA: Just to clarify, so it wouldn’t be moving the cell to follow single-family dwelling under housing, it would...

CHAIR PALTIN: Yeah, it would be striking the cell and just moving the words “accessory dwelling” --

MS. NAKATA: Thank you, Chair.

CHAIR PALTIN: -- to after “single-family dwelling.” Everybody clear? Moved by Member Johnson, seconded by Member Cook. All in favor, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, once again, eight “ayes,” zero “noes,” one excused, Chair Lee. Motion passes.

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CHAIR PALTIN: Thank you, Members. This concludes today's...

MS. NAKATA: Chair?

CHAIR PALTIN: Yeah?

MS. NAKATA: Did you want to go back to the main motion as amended?

CHAIR PALTIN: Oh, I thought that was the main motion as amended.

UNIDENTIFIED SPEAKER: Yes.

MR. PASCUAL: Chair, I apologize. My understanding was that was the main motion as amended.

MS. NAKATA: Oh, apologies, Chair. I thought that was a vote on the CD1 as amended.

CHAIR PALTIN: Oh, I think we did that one first because Rosenberg said can, and then we amended it two times.

MS. NAKATA: Got it. Thank you, Chair.

CHAIR PALTIN: And then we went back to the main motion. That Rosenberg, huh? He's a tricky guy. Okay. Then...so, then this really concludes today's Disaster Recovery, International Affairs, and Planning Committee meeting. Thank you very much, everyone. The time is now 4:15...15 minutes on me as a gift to all of you. This meeting is adjourned. . . .*(gavel)* . . .

ADJOURN: 4:15 p.m.

drip:min:260311:crp:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 48 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 13th day of April 2026, in Wailuku, Hawai'i



Daniel Schoenbeck