

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

MINUTES

November 6, 2025

Online Only via Teams

RECONVENE: 9:05 a.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Nohelani U'u-Hodgins, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member (left at 2:15 p.m.)
Councilmember Alice L. Lee, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (left at 2:15 p.m.)
Councilmember Shane M. Sinenci, Member (left at 10:56 a.m.)
Councilmember Yuki Lei K. Sugimura, Member (arrived at 1:50 p.m.)

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

Residency Area Office (RAO):

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Roxanne Morita, Council Aide, Lanai Residency Area Office
Zhantell Lindo, Council Aide, Moloka'i Residency Area Office
Christian Balagso, Council Aide, West Maui Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Clyde "Buddy" Almeida, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office

ADMIN.: John (Kapono'ai) Molitau, Director, Department of 'Ōiwi Resources
Janet Six, Archaeologist, Department of 'Ōiwi Resources
Kate Blystone, Director, Department of Planning
Greg Pfost, Administrator Planning Officer, Department of Planning
Jacky Takakura, Long Range Division, Planning Program Administrator,
Department of Planning
Danny Dias, Division Planning, Planning Program Administrator, Department of
Planning
Jordan Molina, Director, Department of Public Works
Diane Yogi, Deputy Director, Department of Transportation
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation
Counsel

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OTHERS: Others (30)

Resource Persons:

Representatives of Ho'onani Village Mixed Use development Project:

Jeff Ueoka

Matthew Pennaz, Project Manager

TC Campbell, PDG, Project Consultants

Emily Murai, PDG, Project Consultants

CHAIR PALTIN: . . .*(gavel)*. . . Will the recessed Disaster Recovery, International Affairs, and Planning Committee meeting of November 5th reconvene on November 6th, at 9:05 a.m. If everyone can please silence their cell phones or other noise-making devices, that'll help our cause. Welcome back to the recessed meeting of November 5th, 2025. 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. My name is Tamara Paltin, and I'll be your Chair for today's DRIP meeting. Side note that the West Maui Residency Area office will be closed due to unforeseen circumstances, but testimony is also closed at this time, so that's okay. With us this morning we have Committee Vice-Chair U'u-Hodgins, aloha kakahiaka.

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

CHAIR PALTIN: And Councilmember Tom Cook, aloha kakahiaka.

COUNCILMEMBER COOK: Aloha kakahiaka, Chair.

CHAIR PALTIN: And Councilmember Gabe Johnson, aloha kakahiaka.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, community members. I'm alone on my side of the office. I'm here and ready to work. Thank you.

CHAIR PALTIN: Thank you. And Councilmember Alice Lee, aloha kakahiaka.

COUNCILMEMBER LEE: Aloha kākou. I'm home alone in my workspace with my minor feline.

CHAIR PALTIN: Thank you. And Councilmember Keani Rawlins-Fernandez, aloha kakahiaka.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka kākou mai Moloka'i nui ahina. I'm at my private residence, alone here. That's it. Yup. Mahalo, Chair.

CHAIR PALTIN: Thank you. And Councilmember Shane Sinenci, aloha kakahiaka.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair. I'm here at my home office. I have an

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adolescent canine. But I am also jumping -- I need to jump off at 11:00 for the WIR meeting. Thank you.

CHAIR PALTIN: Thank you. And Councilmember Yuki Lei Sugimura is going to be a little bit late today. So she's excused at this time. This meeting of the Disaster Recovery, International Affairs, and Planning Committee of the Maui County Council is located on the traditional 'āina of the 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 US, as documented in a 2021 scholarly article for the National Lawyers Guild Review by Andrew Reid, Adjunct Professor of Law at the University of Denver Sturm College of Law. Generations of Kānaka Maoli and their knowledge systems have sustainably cared 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 the Indigenous people of Hawai'i are using to protect their lands and their communities and commit to dedicating time and resources to working in solidarity. From the Administration today we have a guest appearance by Director of Planning Kate Blystone, aloha. We also have with her Greg Pfost, Administrative Planning Officer from Planning; and Danny Dias, Planning Program Administrator of the current Planning Division from the Planning Department. Online, we'll have Director of 'Ōiwi Resources Kapono'ai Molitau, and I've been told Dr. Six is online as well. Deputy Corporation Counsel Mike Hopper. One of the Directors from Public Works, hopefully. Deputy Director of Transportation Diane Yogi and possibly somebody from Housing and Water Supply. I'm not sure if they're able to join. From the project, we'll have Mr. Jeff Ueoka, Mr. Matthew Pennaz, Ms. Emily Murai, and TC Campbell. These individuals were designated as resource persons under Rule 18A of the Rules of the Council on November 5th, 2025, and we'd like to continue to have them as resources if there is no objection

VICE-CHAIR U'U-HODGINS: No objections.

COUNCILMEMBER COOK: No objections.

CHAIR PALTIN: Our Committee Staff today, we have Senior Committee Secretary Yvette Bouthillier; Legislative Analyst Jarret Pascual, and Keone Hurdle; and Legislative Attorney Carla Nakata, as well as Assistant Clerk Lei Dineen.

BILL 163 (2025), BILL 164 (2025), AND BILL 165 (2025), TO AMEND THE MAUI ISLAND PLAN'S DIRECTED GROWTH MAP C5 (PULEHU ROAD), AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN DESIGNATION, AND CHANGE THE ZONING FOR 166.511 ACRES SITUATED AT KAHULUI, HAWAI'I (HO'ONANI VILLAGE) (DRIP-19)

CHAIR PALTIN: We still have one item on the agenda, DRIP 19, which consists of Bill 163, 164, and 165, which are to amend the Maui Island Plan, the Community Plan, and

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change the zoning for 166.511 acres situated at Kahului, Hawai'i, to be known as Ho'ōnani Village. As a reminder, oral testimony was closed on November 5th, 2025, but written testimony will continue to be accepted. Members, we will continue where we left off from yesterday's discussion. Before we start with giving Members time for questions I just wanted to know if any of the Departments wanted to provide any updates since our last meeting. You can raise your hand or get my attention in some way if there's any updates from the last meeting. Seeing none. Okay. Let's see if...if Members don't mind if...if I start off with one question or...the question session. I think one of the most significant questions that we have after reviewing the answers from the Departments on page 6 of Planning's response -- so this would be a question for the Department of Planning, is that it seems you...you folks don't think that if the Community Plan designation gets changed to Business/Multi-Family that it aligns with the M-1 Light Industrial zoning. I'm at the bottom of page 6 in the Planning Department's transmittal dated November 3rd, 2025, and it says that you feel that B-2 or B-3 is more in alignment with that Community Plan designation that's being asked for the Business/Multi-Family. And so, legally, we have an issue when the Community Plan designation does not align with the zoning designation. It's all agriculture right now, but if...if we're going to change the Community Plan, and we're going to change the zoning, we need them to align, I think, legally. So I guess, maybe first, someone from Planning and then maybe, depending on the answer, maybe Mr. Ueoka. I know that the project wants it that way so that it's sufficiently broad for all the businesses that they anticipate would want to be there. But if they don't align, then we have a legal issue, I believe.

MS. BLYSTONE: Mahalo, Chair for your question. So, let's...let's start from the beginning. So the Business/Multi-Family in the Kahului Community Plan states that this includes a mixture of retail, office, and commercial services, which are oriented to neighborhood service, and single family and multi-family residential uses. So based on the...the...the description of the...the project from that...the project proponent, this...this totally aligns with what they're intending to do. Light industrial, which is the...another community plan designation, says this is for warehousing, light assembly, service, and craft type industrial operations. So that's a foundational thing for us to understand. In the uses that are allowed in light industrial...so what we have here in Maui is very strange, it's not a practice that is...is utilized much anymore. It's called stacked zoning, and what this does is it says this...this zoning designation includes all of these uses plus all of these uses from these other designations plus a bunch of other things. If the intent is to do what the project proponent describes, the most appropriate zoning designation, and this is what we say in the letter, the most appropriate zoning designation is B-2. We oppose M-1 because once the...once you make this decision to rezone this property to M-1, the property value goes up significantly because the range of uses you can do is in that space, do in that space, is significantly greater. Of course, you can do that with conditions of zoning, but I've been in front of this body perhaps a thousand times, it feels like, arguing that conditions of zoning are a bad way to do things, that you should you apply the zoning that you want and live with the consequences of applying that zoning. So if you apply M-1 zoning then...then you live with the consequences of that zoning. And in this case especially, this is the last discretionary approval you will have,

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unless you do a 201H project, which I'm still not certain where that is going to go. So this is the last discretionary approval you'll have, which means that all of the uses, they're allowed outright in light industrial, will be allowed. So if this project proponent...and I'm not saying they will. But if this project proponent wanted to, they could say, you know, this project isn't going to pencil out, so we'll just do light industrial across the entire property. And I think that's something that the Council should consider. We believe B-2 is a more appropriate designation and more in alignment. If you think about M-1, the appropriate alignment from M-1 is light industrial, and if we were looking at the map objectively without a project, and we saw that the zoning was...was M-1, we would automatically imply that there would be a light-industrial designation on top of that. So as far as consistency, light industrial M-1 is more consistent with light industrial in the community plan designation, to answer your question, Chair. Mahalo for the ability to monologue a little bit on this subject because it's kind of important.

CHAIR PALTIN: Okay. And then I guess my question to the project proponent is, is M-1 Community Plan designation something that you're interested in or B-2, B-3 zoning if not M-1 Community Plan so that they align. Or no, you want to stick with what you have?

MR. UEOKA: Thank you, Chair. We...we felt what we were proposing lines up, but we would prefer to stick with the M-1, and we do feel it passed our...the uses would be consistent with the Business/Multi-Family community plan designation.

CHAIR PALTIN: Okay.

MR. UEOKA: We would meet the M-1 and be able to match the underlying community plan designation. And I have a very strong feeling, since the Wailuku-Kahului Community Plan is underway at this point, this property would probably be pushed into small towns center or something to that effect anyway moving forward.

CHAIR PALTIN: Okay. And then, Planning Director?

MS. BLYSTONE: Mahalo, Chair. I would just encourage the Council to dive in a little bit when you, if you're getting into conditions of zoning, into the uses that are allowed in M-1 that wouldn't be allowed in B-2 that they are looking to achieve because as far as I can tell all of the things they described are...are B-2 uses. And I...I don't understand. I would...I would want to know what uses in light industrial they're planning for. I...I, I respectfully disagree with the project proponent. I don't think it's an appropriate zoning designation for Business/Multi-Family.

CHAIR PALTIN: Okay. If possible, I would like to talk to our legislative attorney, Ms. Nakata. Is there legal issues? What...what would be the legal issues of, and who gets to decide if the zoning and the Community Plan designation doesn't align? Like, is it the Planning Director? And if it doesn't align, what are the legal issues that we have?

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MS. NAKATA: Thank you, Chair. I'm also happy to request Mr. Hopper's opinion on this. But generally speaking, we would advise, as Staff, that your community plan, district boundary, and zoning all be in alignment with each other, and it has proven to be a legal issue in the past when your community plan and zoning are inconsistent. I believe that the Planning Director is the individual charged with making that determination and assisting the Council in that determination. And it does seem as though, based on her written response as well as the comments she's just made, that Planning does not, given the information they currently have, believe the two to be consistent. Thank you, Chair.

CHAIR PALTIN: Thank you. Mr. Hopper, did you want to add anything to that?

MR. HOPPER: The 2.80B zoning report requires zoning ordinances to be consistent with the Community Plan, with the General Plan, which includes the Community Plan. So you would want to have that consistency. There is the ability, in subdivision approval, to have a consistency determination subdivision by the Public Works Director with consultation with the Planning Director to say, okay, not all of the uses are consistent, but we're going to require a unilateral agreement be recorded that states what uses are...are permitted in the event that, you know, there's an inconsistency. But I think under 2.80B, the requirement is that the zoning be consistent with the...with the Community Plan. So that's...that's a general requirement of 2.80B. And so, you know, the Council would want to be making that finding that it's a consistency, that you do have that consistency between the two.

CHAIR PALTIN: If...if I could just follow up, and then...and then I'll yield. So if the Planning Director, as stated in the response, says that they're not in alignment, and you, based off of what you just said, would you be able to sign off on this, then, because of what you just said, or, I mean, I would like a signed bill.

MR. HOPPER: Yeah. That I mean among the other concerns I had raised on...on procedure, yeah, I think that would...would raise a concern. I think we would want to resolve that consistency issue because, again, the zoning adopted has to be consistent with the...with the General Plan. The code 2.80B says all zoning ordinances have to be consistent with the...with the General Plan, which would include the Community Plan. So I don't know if that's a request to have the Community Plan be the...the amendment instead of going to Business/Multi-Family to go to M-1 Light Industrial or to take some other action there. I...I know that the Planning Commission is going to look at it. Perhaps that's something they could deal with in the recommendation, and you could look at for a revised bill coming back. There's sort of notice issues with that happening at this meeting, but I think if that goes to the Commission, and there's a different recommendation, that...that's something that could be revised in the bill and...and notice posted. I don't think that would be an issue if, again, once the Commission, they made that recommendation and it changed, or I don't know if there's additional discussions with the Department on this. But yeah, generally you would want to have on the record a finding of consistency, that the zoning you're going to is consistent with that plan designation. It's not now, and...and you're amending it, so I would recommend amending because you got the power to make the changes. You don't have to, normally.

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You're not in this situation where you can make the changes, you're just the Planning Department looking at existing zoning and community plan designations. You have the ability to make the changes now. So I think, after Planning Commission review, you would have the ability to look at that, and if you wanted to go to a different zoning district or...or have the community plan be a different...be changed to something different so that the M-1 zoning is clearly consistent with it, then that would be advisable.

CHAIR PALTIN: Sorry. I guess I misspoke. That's not my last question. Oh.

MS. NAKATA: Chair. Chair, if I could also add, if you don't mind. Charter Section 8-8.3 also talks about the Planning Director's authority, and it states the Planning Director shall serve as the chief planning officer of the County and as the technical advisor to the Mayor, Council, and Planning Commission on all planning and related matters. Thank you, Chair.

CHAIR PALTIN: Thank you. And then to go back to what Mr. Hopper said, the notice issue is if we change what we're going to in the community plan to Light Industrial instead of Business/Multi-Family, we didn't post that on the agenda. Or if we change what the zoning is going to, from M-1 Light Industrial to B-2 or B-3, we didn't post that on the agenda. Is that the notice issue you're referring to?

MR. HOPPER: Yes. I think, generally, if you post a bill saying you're going to change zoning from something to something or community plan from something to something it...that's the notice that you're giving. So if you're going to change it to something else, I think, generally, you advise posting that revised bill. I'm not saying you couldn't do that, particularly after Commission review. But at this meeting, you're giving the public the notice you're going...I mean, you wouldn't want to have a, you know, notice we're going to change, I don't know, something from Conservation to Agriculture and then at the meeting say instead of going to Agriculture we're going to do, you know, Heavy Industrial and then just pass that out. That would be the Sunshine Law concern I'd have. This isn't quite as...you know, it's the same type of project, so I don't think the notice is quite that traumatic of an issue, but that's the type of issue I'd be concerned about.

CHAIR PALTIN: Okay. And then one hopefully one last follow-up. Director Blystone, as Mr. Ueoka stated, maybe small-town center, do you know of any of the new designations that are being adopted in South Maui and West Maui Community Plan that would align with M-1 and zoning and do what they'd like to...they've represented as them liking to do?

MS. BLYSTONE: Mahalo, Chair. So if this were changed to Light Industrial, so M-1--

CHAIR PALTIN: Zoning.

MS. BLYSTONE: --zoning, if we were changing to M-1 zoning then the, you know...Jacky Takakura's online as well if wanted to ask her this question. But what I...I would say,

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having been through this process twice now with the long-range team, we would look at that, and we would say that project is light industrial, therefore employment center would be the appropriate designation for that space. This is why it's really important, the words that we use matter. And so, if the intention is to put Business/Multi-Family type uses, the appropriate designation for that would be B-2 or B-3. Again, I would...I would question whether or not there are light industrial uses that are intended, and perhaps that we should be more thoughtful about where in...in the phasing that the project proponent put up there. Perhaps there are some places that are appropriate for light industrial if their intention is to create a complete community here. And if that's their intention, yes. But so, the answer to your question would be employment center, based on the zoning, for the consistency reasons.

CHAIR PALTIN: And would employment center, in your knowledge, I guess, align with M-1 zoning business center community plan? Or sorry, employment center community plan designation, could that align with M-1 zoning?

MS. BLYSTONE: Yes. So employment center would align with M-1 zoning. But if we were going with Business/Multi-Family and B-2, which is what we recommend that you do, it is likely we would end up with something like urban center corridor. No, that's the old name for it, a transit-oriented corridor. Sorry, I got transported into the way-back machine there for a second. Transit-oriented center or small-town center transit-oriented corridor or small-town center.

CHAIR PALTIN: Would align with B-2 zoning?

MS. BLYSTONE: With alignment of B-2 zoning, and that's in a more...it's more appropriate. And let me just confirm that...that is not a message from Jacky telling me I'm wrong. I'm fairly certain we're correct here.

UNIDENTIFIED SPEAKER: Yeah. All good.

CHAIR PALTIN: Good. Okay. All right. Oh, hey, Jacky. I think we'll just all have to marinate on that for a little while. And I'll yield to a hand raise. Members...Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just a couple of follow-up questions to your line of questions. For any short-term rentals, would also be allowed in B-2 or M-1...M-1?

CHAIR PALTIN: I don't...I don't believe so. They used to be an allowed usage, and then we changed it. But I do see Ms. Takakura on, and she's...hi. Did you want to add some or...

MS. BLYSTONE: I would like to just --

CHAIR PALTIN: Okay. Director.

MS. BLYSTONE: And so, for the Councilmember, the letter...on page 6 of the letter we...I...we

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addressed this question directly at the very bottom. Based on the representation of the Committee at the Committee, it appears that if they're intending to do hospitality, that would not be allowed in B-1, B-2, B-3, or M-1 zoning districts. So that's all short-term rentals.

COUNCILMEMBER SINENCI: Oh. Okay. And then, is there a difference in heights from B-2 or M-1?

MS. BLYSTONE: Excellent question. Greg is frantically pulling up the code for me. Yeah. So in B-2, it's 90 feet, and in M-1 it is...I think it's 60 feet. Yeah. It's 60 feet. There are some conditions. You know, if you take a look for a different community plan areas, we've limited the height, and I suspect when you talk to HDOT they will ask you to limit that height because of where it is. So just be prepared for that.

COUNCILMEMBER SINENCI: Okay. Thank you for that. That's all I had for now, Chair. Thank you.

CHAIR PALTIN: Member U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Thank you, Chair. This is maybe for Corp. Counsel, but I'm looking at Resolution 25-132, which the Council passed, sending all of these, which was supposed to go to Planning Commission, as I said. And in the last paragraph, paragraph two, it says that the certified copies of this resolution are to be transmitted to the Mayor, the Planning Director, Maui Planning Commission, and Axe Holdings, LLC. So considering that this was directed to Maui Planning Commission, but it was never, I guess technically, sent to Maui Planning Commission, can you describe where the 120 days begins, or if it doesn't, what happens? And then, Chair, I may be requesting executive session so that we can understand if any liability is on us. And this is the...this is exactly the reason why I was hoping it was going to be sent to the MPC, so that all of this could be figured out before it comes to us, which is what, again, I intended to do. So maybe Mr. Hopper can answer that question, and maybe we can discuss going into executive session. If, in case we do decide to take action on this, I would want to understand where we need to go or if we should.

CHAIR PALTIN: We can totally do that because my awesome Staff included that --

VICE-CHAIR U'U-HODGINS: Yes.

CHAIR PALTIN: -- information in my notes.

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

CHAIR PALTIN: So if that's necessary, and we have the required votes to do it, we can totally do it.

VICE-CHAIR U'U-HODGINS: Okay. Thank you so much.

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CHAIR PALTIN: Go ahead.

MR. HOPPER: Thank you, Chair. And yes, I'm certain we can go to executive session if we need to discuss more specifically. But the Charter provision, it states that this is 8-8.6 subsection 2. I think the relevant language is, "or fails to make its report within a period of the 100" ...and this is a typo in the charter, but "or fails to make its report within a period of the 120 days after receipt of the referral, the Council may nevertheless pass such resolution". So receipt of the referral is the issue that I think we're dealing with. And there's, I think, two arguments here. One would be receipt of the referrals by the Commission staff. The other, if you're the Planning Commission, is the...we never saw this on our agenda at all. This should start from the time we receive it on our agenda. There's also a code provision in 19.510 that states that upon receipt, the Planning Director is required to schedule a public hearing no later than 60 days after receiving it. And then also...but then it says, "and then the Planning Commission shall take action within 120 days after receipt". And so, to me, does the receipt mean by the Commission or by the...by their staff at that point? So I think there's enough of an ambiguity there that given the record here, without the Commission having it on its agenda at all, that I think my best advice to you is that if it is...if it is to have the Commission review and...and give you a recommendation because that would stamp out any potential argument that there was a procedural step missed. And I think that's the best advice I can give now. Down the line, in the future, I mean, the best...the...there can be legislation to clarify this, but I do think there's no misapprehension now. I think, under Council-initiated changes like this, that there's not a separate requirement to have a particular application. And then it still has to be sent, whether or not there's certain things available, and that can be discussed and perhaps clarified to...to assist that. But that's...that's what the Charter and the code say and the language that we looked at. So the best I can say is based on the record, the advice is to...is to have that done and have that in the records so that you would not have an argument that there was a missed step here. If we want to go to executive session to flush out all of the potential legal arguments along those lines, I'm happy to do that, but I think in open session that's as clear as I can explain it at this point.

VICE-CHAIR U'U-HODGINS: Sure. I hear you. I probably would like to go into executive session because it's not a missed step on us at all; we did exactly what we needed to do. And I feel like we're being hamstrung into not doing anything, which I don't appreciate. And so, I'm not saying this is the situation, but I'm concerned about the precedent that this sets. If, then, the Council can continue to do the work on the floor, as we're supposed to, we follow the charter, and then we have a Planning Department or a Planning Director...and I'm not...this is not the case that I'm saying this is what happened. But I'm saying if it happens, we could have, then, one person and one department effectively hamstringing us from doing what we need to do, and we play this double Dutch of 120 days. And what this means and going back and forth without ever getting anything done. That's my concern. And so, when we talk about what our role is as the Council...and we are two separate branches of government. When one branch can override us in this situation, and we're unable to do anything, that's my

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concern. And so, we scheduled this meeting, . . .(timer sounds). . . we're having this meeting, it's costing us as a County a whole bunch of dollars to have this meeting, to not do anything sucks; it's unfair to the public. And we've, again, already waited 120 days. I would love to discuss if we can do anything because I don't want to waste time, and I don't want to waste public dollars because we already did that. So I would love to have a clear pathway forward. I would love for us to understand if we make a decision today what that means, if we don't make a decision today what that means, how we're going to protect ourselves as a Council from being hamstrung by any Department in the Administration, whether it was intentional or not. I'm concerned that we just aired all of our biases for or against this project before it even goes to MPC. For them, how are they going to have a neutral comment. All of this could have been discussed. However, there was no discussion between the project proponent and the Department or Administration to even get to this point where it's relatively flushed out. And now, we're just airing out all of our dirty laundry on the floor. So I would love to figure out how we're going to move forward effectively because I thought we had one, decided how we were going to do that, and two, we have the most ineffective way to figure out entitlements.

CHAIR PALTIN: Uhm. Before somebody answers.

VICE-CHAIR U'U-HODGINS: Uh-huh.

CHAIR PALTIN: I agree with almost what you said except for the part about it being neutral when sent to the Maui Planning Commission because usually, when it gets introduced to us and then it goes to Committee, we would have done what we're doing right now with this.

VICE-CHAIR U'U-HODGINS: Uh-huh.

CHAIR PALTIN: And then it would have been reported from Committee to Council and then from Council to the MPC. So this part of it, them getting a neutral or unbiased thing, is...is okay.

VICE-CHAIR U'U-HODGINS: Sure.

CHAIR PALTIN: Yeah.

VICE-CHAIR U'U-HODGINS: I'm okay with having our deep discussions, but I just feel like half of the discussions has gone, well, because we didn't get any of this information, but we didn't have any of this information because it was never formerly requested.

CHAIR PALTIN: Yes.

VICE-CHAIR U'U-HODGINS: That's the part that I think is...is I'm having trouble with.

CHAIR PALTIN: Yeah.

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VICE-CHAIR U'U-HODGINS: It feels like it was intentionally held when that wasn't the case.

CHAIR PALTIN: Yeah. And one other thing, that it may... because August 8, 2023, happened, and Director Aoki was the Director prior to Director Blystone. One thing that they had told us in the past is they prefer these things to go to Committee so that they have something to --

VICE-CHAIR U'U-HODGINS: Sure.

CHAIR PALTIN: -- be able to present to the Planning Commission. I guess when we waived Committee referral, and we just sent it, for me, I didn't realize we were only sending the resolution with no other information, which, like you said, if that wasn't enough information, it should have been formally transmitted, at least to you as the initiator. But sorry to interrupt.

VICE-CHAIR U'U-HODGINS: No. That's okay.

CHAIR PALTIN: I just wanted to clarify that point that --

VICE-CHAIR U'U-HODGINS: No. I don't disagree with you for sure.

CHAIR PALTIN: -- and then shoot, I'm sorry, what was the rest of it you wanted an answer from in executive session?

VICE-CHAIR U'U-HODGINS: I think so. I think that's our best bet. I would hate to expose ourselves to any liability if we decide to make a decision, and I think it's...it's worth it to have a discussion on what to do if we don't and what to do if we do. And we can maybe have that discussion in executive session because I think it's...it's...it is a quite complicated situation. I don't want to miss a step. I don't want to put us in a situation where we're legally vulnerable. I want MPC's opinion, which is why I intended to send it to them. And so, I just want to understand, if we do something today and, again, if we don't, what does that mean for us.

CHAIR PALTIN: Okay.

VICE-CHAIR U'U-HODGINS: Legally.

CHAIR PALTIN: So then we want to do that before we ask any more questions because it...it makes sense to get that out of the way.

VICE-CHAIR U'U-HODGINS: I think so because then if we cannot do anything, and if our body chooses not to do anything, then we can save our questions for after it comes back from MPC, and we don't have to continue, as much as we love to hang out with each other, spending our time in this Chambers. And I know...I know everybody has, like, such a stacked day, and I...I...I thought...I thought you folks were going to be in CRC. You're

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not? I'm happy you're here. Don't get me wrong, I just was, like, expecting you to go...

MS. BLYSTONE: So was I. So was I. We were cancelled because of quorum --

VICE-CHAIR U'U-HODGINS: Oh no.

MS. BLYSTONE: -- issues. We always have quorum issues --

VICE-CHAIR U'U-HODGINS: Oh, no.

MS. BLYSTONE: -- and this...this was a very last-minute cancellation --

VICE-CHAIR U'U-HODGINS: Oh. No.

MS. BLYSTONE: -- this morning. Yeah. It's soul crushing.

VICE-CHAIR U'U-HODGINS: Yeah, because both of you were supposed to go.

MS. BLYSTONE: Both Jacky and I were supposed to go.

VICE-CHAIR U'U-HODGINS: And Mr. Hopper.

MS. BLYSTONE: Oh, and Mr. Hopper, that is correct.

VICE-CHAIR U'U-HODGINS: Even though he was trying to figure out accommodations.

MS. BLYSTONE: This is the problem with having all-volunteer boards and having so many of them.

VICE-CHAIR U'U-HODGINS: So many of them.

MS. BLYSTONE: Yeah.

VICE-CHAIR U'U-HODGINS: I agree with you, 110 percent.

MS. BLYSTONE: Whole other . . .*(inaudible)*. . . Thank you.

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

CHAIR PALTIN: I don't mind entertaining a motion. I...I did want to just, if we go to the Planning Commissioner whatever and all of that, state some of the other concerns about at least just two of them, is the order of operations. Based on what Director Agawa said, if you...if you don't mind me getting two other concerns out there so in case it goes to the Planning Commission? Mr. Ueoka, based on the information that we received from Director Agawa, have you made, or your project made the decision that you are going to go with the packing plant, or still undecided?

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MR. UEOKA: Thank you, Chair. No. We have not made any decisions at this point. We're...

CHAIR PALTIN: Oh. Okay.

MR. UEOKA: Yeah. And sorry just to address this too. There's a general concept here. We're hoping the, again, the project, just the land gets zoned as M-1 and the uses that are appropriate within M-1 are put in there, and they should be in concert with the community plan. We believe that's the case as that's what we're going to do. But we wanted the ability because we don't know what that business owner or potential business...we don't know who's going in to want to do something in Ho'onani Village, and we just wanted that broad...the broadest availability of uses possible. And we feel that the M-1 zoning already contemplates housing, multi-family housing, so it...it's a good fit with each other. Those uses, the M-1, additional M-1 uses, and the multi-family are a good fit. So can't disagree with Director Blystone, of course. She's not wrong. We're just hoping for a broader interpretation and that's just our hope. So, thank you.

CHAIR PALTIN: And then just the other concern to get on record is what we got from the Water Director as to what the needed water would be, and what we got from you folks was also not in alignment. And I believe that if the wells you're using from the Pā'ia aquifer are from the Pā'ia aquifer, I think they said that the sustainable yield is seven million gallons and what is being pumped daily, what is being pumped right now is 13.6 million gallons, so that's a little bit of a concern. Is the wells that you're using now, where is that water going, or they're not using the water yet?

MR. UEOKA: Thank you, Chair. We don't believe the wells are...they were in use, we don't believe they are currently in use, like, today.

CHAIR PALTIN: Uhm.

MR. UEOKA: And our hope is those matters will be resolved as we start building units. We're going to have to comply with 14.12 Show Me the Water when we actually get moving on our building permits. Right now, yes, we understand there's going to be a lot of difficulties with water. I think the County has a lot of difficulties with water in Central...actually everywhere.

CHAIR PALTIN: You might be part of the next Pulelehua, fully entitled with no water. . (chuckling) . .

MR. UEOKA: Yeah. Hopefully we don't end up there. But yeah, that's...we...we do understand the difficulty. And as far as our calculations, that's what we came up with based on, you know, our understanding of what the full build-out will look like, you know. But it's all just a guess at this point --

CHAIR PALTIN: But that --

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MR. UEOKA: -- except for the 1,608 multi-family units.

CHAIR PALTIN: -- that 13. Section of the code, it would be similar, that the Water Director is the authority on how much water you need, or you can just say how much water you need?

MR. UEOKA: So I believe the requirement is to show that we have a long-term, reliable supply of water available, and that's the requirement under Chapter 14.12, and it'll have to be approved by the Department of Health, State of Hawai'i Department of Health.

CHAIR PALTIN: Oh. So it's the Department of Health that...

MR. UEOKA: They essentially would say, yeah, you're good on water, yeah.

CHAIR PALTIN: Oh, okay. Okay. All right. Those were the other two that I wanted to clear up. Anyone else have any burning situation before...if we make a motion to go into executive session? No.

MR. HOPPER: Chair?

CHAIR PALTIN: Yes.

MR. HOPPER: Just to clarify, it sounds like the purpose of this is to discuss the...the rights, duties, and liabilities of the...of the...of the Committee and the Council, and it's not to net...it's not to, you know, deliberate on the project. Obviously, it's for legal questions to and from the attorney, just for the public's notice on that.

CHAIR PALTIN: Yes. Okay. Oh.

VICE-CHAIR U'U-HODGINS: Member Rawlins-Fernandez.

CHAIR PALTIN: Oh. Go ahead, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So I was looking at the M-1 and the B-2 to see what...side by side, what the differences are because I...I guess I don't fully understand what it is that M-1 has that B-2 doesn't have that the developer wants.

CHAIR PALTIN: Is that a question for Mr. Ueoka?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MR. UEOKA: Well, thank you, Councilmember Rawlins-Fernandez. Haven't looked at it in depth in a long time, to tell you the truth, but we were hoping for those more, like, light-industrial types, like the...I'm not sure, but like a retail lumber yard, potentially, warehousing that type of stuff versus I don't believe...I could be wrong but when we first looked at it, we didn't think those were quite allowed on the same level in B-2.

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COUNCILMEMBER RAWLINS-FERNANDEZ: It's pretty expansive, B-2. It does have multi-family --

MR. UEOKA: Oh yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- which is one of the things, and it has, like, different commercial operations.

MR. UEOKA: Yep.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm still looking at it side by side, and maybe I'll ask AI to do a comparison for me and give me the differences.

CHAIR PALTIN: Mr. Ueoka, that area is, like, surrounded by M-1 zoning, right?

MR. UEOKA: Correct. Yeah.

CHAIR PALTIN: Okay.

MR. UEOKA: Right behind it is the Maui Business Park Phase II.

CHAIR PALTIN: And...and those are open to be utilized by new businesses, or they're all full?

MR. UEOKA: I think there's still some empty lots within the Maui Business Park Phase II, or Phase I too.

CHAIR PALTIN: Okay. Do Members...ready for...okay. The Chair will entertain a motion to convene in executive meeting in accordance with Section 92-5(a)(4), Hawai'i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee. An affirmative vote of two thirds of the voting members present, provided the affirmative vote constitutes a majority of Members to which the board is entitled is needed to convene. So we'll need six votes.

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

COUNCILMEMBER COOK: Second.

CHAIR PALTIN: Moved by Member U'u-Hodgins, second by Member Cook, to enter into executive session for DRIP-19. Any further discussion? No. Okay, seeing none. All in favor of the motion please say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, I see six "ayes", zero "noes", two excused, Members Johnson and

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Sugimura. Motion passes.

VOTE: **AYES:** **Chair Paltin, Vice-Chair U 'u-Hodgins, and Councilmembers Cook, Lee, Rawlins-Fernandez, and Sinenci.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Johnson and Sugimura.**

MOTION CARRIED.

ACTION: **RECESS open meeting and CONVENE executive meeting**

CHAIR PALTIN: Okay.

MS. NAKATA: Chair.

CHAIR PALTIN: Yes.

MS. NAKATA: Before we go into executive session, could you please state on the open record who will be permitted to attend and their titles.

CHAIR PALTIN: Sure. Uhm...shoot. I have question. If Member Johnson and Member Sugimura are not here now, they're not permitted to attend if they show up in the middle? Oh, Member Johnson is here. Okay. So if Member Sugimura isn't here now, she can't come in late, right? Okay. Okay.

UNIDENTIFIED SPEAKER: . . .(inaudible). . .

CHAIR PALTIN: For the record, the following personnel will be attending the executive session meeting. All Councilmembers in attendance, myself, Committee Chair Tamara Paltin; Committee Vice-Chair Nohelani U'u-Hodgins; Councilmember Tom Cook; Councilmember Gabe Johnson; Council Chair Alice Lee; Councilmember Keani Rawlins-Fernandez; and Councilmember Shane Sinenci. Office of Council Services Staff Carla Nakata, Legislative Attorney, and Yvette Bouthillier, Senior Committee Secretary. May I please ask Corporation Counsel to state who from the Department of the Corporation Counsel or Administration will be in executive session, as well as your titles, please?

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MR. HOPPER: Well, I believe it would be myself, Michael Hopper, and I don't see anybody else from Administration that would stay in attendance.

CHAIR PALTIN: Okay. So just Deputy Corporation Counsel Mike Hopper from Corp. Counsel and no one from the Administration. At this time, the Chair would like to call for a recess of...how much minutes you guys want, five? Five minutes recess to 9:56 a.m. We will reconvene...or we will convene in an executive meeting. This meeting of the Disaster Recovery, International and Affairs, Planning...International Affairs and Planning Committee will be in recess. My understanding is everybody online, don't do nothing. Somebody will move you to the meeting, so don't touch your computers. Just sit there. Put your hands up. Don't touch anything. We'll now be in recess. . . .(gavel).

..

RECESS: 9:52 a.m.
RECONVENE: 11:32 a.m.

CHAIR PALTIN: . . .(gavel). . . Will the regular open session of today's DRIP Committee meeting return to order. The time is 11:32. If I can ask our Legislative Attorney to provide the things that she needs to provide in accordance with Act 19, Hawaii Revised Statutes, Section 92-4, the summary.

MS. NAKATA: Yes, Chair, thank you. In accordance with Section 92-4(b), Hawaii Revised Statutes, Staff gives this report of the discussion occurring in today's executive meeting of the Disaster Recovery, International Affairs, and Planning Committee. The DRIP Committee discussed matters relating to the rights and liabilities of the County, Council, and Committee with its attorney. Individuals present were Committee Chair Tamara Paltin, Vice-Chair Nohelani U'u-Hodgins, and Councilmembers Tom Cook, Gabe Johnson, Alice Lee, Keani Rawlins-Fernandez, and Shane Sinenci. Deputy Corporation Counsel Michael Hopper, Senior Committee Secretary Yvette Bouthillier, and Legislative Attorney Carla Nakata. No other individuals were present at the executive meeting. No votes or final action were taken during discussion. The Committee discussed legal issues with their attorney concerning the proposed General Plan amendments and change in zoning on today's meeting agenda, including the procedural posture of the bills, requirements under the code in Section 8-8.62 of the Charter, and legal actions available to the Committee today. Thank you, Chair.

CHAIR PALTIN: Thank you, Ms. Nakata. And I think...anyone correct me if...if they recall differently, but I think or think differently that our intended course of action to go forward is to potentially change the Community Plan designation as posted from whatever it was to Business/Multi-Family, to change the Maui Island Plan to include it in the Urban Growth Boundary. And we have time to still discuss the change in zoning. But we do understand that Light Industrial, as is, is not, by the Planning Director's advisement, in alignment with Business/Multi-Family unless it's limited, bound with conditions of change in zoning, which isn't the preferred route of the Planning Department, but it's not illegal and not...not in alignment. And so, it seems as though the project proponent's preference would be to limit Light Industrial M-1 zoning to those

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that we feel are intersecting and that that wouldn't be illegal. Is that what direction the Members, the project proponent wants to go in, moving forward today?

MR. UEOKA: Yes. Thank you, Chair. We would appreciate that, if at all possible. I'm not sure how it would work. I'm sure Mr. Hopper and the others have an opinion on it, but if the Community Plan designation is ever updated to allow a broader scope, including those other matters that are going to be deleted today, would that be a possibility, to bring them back, or would they be completely eliminated forever?

CHAIR PALTIN: The...the different things in the M-1 zoning, you mean?

MR. UEOKA: So also...

CHAIR PALTIN: We're...we're a little bit far from that.

MR. UEOKA: Oh.

CHAIR PALTIN: Like, we probably won't get to committee recommendation on the zoning today, but we don't feel rushed because of the DBA situation. We can continue that conversation on the CIZ. I guess one question that we did have is if the Planning Commission would still take up all three bills together when...when they take it up, hopefully January 13th, and confirm that the intention is January 13th. And I see the Planning Director, so those...those are our thoughts coming out of executive session and...and we're open to hearing your feedback.

MS. BLYSTONE: Mahalo, Chair. Can you hear me, okay? I never know, with this microphone.

CHAIR PALTIN: Yes. We can hear you.

MS. BLYSTONE: Okay. Great. So, our intention would be to bring this to Commission, the entirety of it. So all of it would go to Commissions. Since that was how the resolution was transmitted to us, we have to carry that out. So we would take it all to Planning Commission, and fortunately we were thinking about the materials. We would also do a transmittal to all of the agencies, including State agencies, soliciting their feedback. So we'll collect that information and provide all of that to the Planning Commission at the meeting on January 13th, would be our target. Of course, we are subject to quorum issues as well. We are in much better shape now that we've got eight, which is awesome. So thank you for that, for all your help with that. But we will have to make sure that we can meet that quorum, and then we will discuss all of those items with them at that time. And if it is the Council's desire to hold off on the CIZ, we can...we can explain that to the Commission. And so, they can make a recommendation based on that as well.

CHAIR PALTIN: Uhm. It's not our desire for the Planning Commission to hold off on the CIZ. We're going to take a little bit more time before we pass the CIZ out of Committee because we're not in a rush because we're not going to pass it out of full Council until

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the DBA by the LUC, so we're not in a rush today to address the CIZ component. Also, I mean, you guys got to...Planning Commission now also has to give an opinion on that as well. One other question we had was all the information from today's meeting and yesterday's meeting, there were some initial condition proposals for CIZ that have been uploaded to Granicus, one from myself as well as one from Member U'u-Hodgins. Our minute deadline is, like, 45 days after this Committee adjourns, so we wouldn't be able to provide you guys the minutes for 45 days, which could coincide with January 13th. But is there a way that you can transmit all this knowledge, as well, that happened the last two days to the Planning Commission, so they know kind of what we've been discussing?

MS. BLYSTONE: Yeah. Absolutely. We'll do our best to transmit it. When we've had situations not exactly like this in the past, we've been able to kind of share those suggested conditions of zoning with them or conditions of approval with them. So we'll...we'll do that. We will also include the PowerPoint presentation that was provided by Mr. Ueoka yesterday because that is context. We'll route that around so that folks have more than just the resolution to go off of.

CHAIR PALTIN: Okay. Cool, cool. Uhm for me, in that Mr. Ueoka, my preference would be that the hospitality site be removed from the site map because it's not allowed in M-1, B-2, B-3, and we don't want to...I personally, I guess the other Members can say how they feel, but I don't want a future people, if something happens to us or we term out or whatever, to say oh, it was always intended to be a hotel. So if we all know that M-1, Bs don't allow it, and you're going to go about it in the future to do it, can we take it off the site map at this time?

MR. UEOKA: Yes, Chair. We included it primarily for the kind of exact opposite reason of what you were talking about. We didn't want to come in with the site plan and, later on, be told you never told us you were going to try and put hospitality here. So --

CHAIR PALTIN: Uhm.

MR. UEOKA: -- that's why we put it in, for full disclosure. But we're okay with it being taken out and, you know, with the understanding that we might one day possibly come in, so...

CHAIR PALTIN: And then it'll stand on its own two feet --

MR. UEOKA: Exactly.

CHAIR PALTIN: -- at that time. Okay. All right, that's cool for me. So then, I think what we would do going forward today is put the change in zoning stuff to the side because we have more time, although we did have a burning question for, probably, the Director about laundry. I did want to know the answer to that although it's kind of a CIZ question, it's a burning question. Go ahead, Member U'u-Hodgins.

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VICE-CHAIR U'U-HODGINS: Thank you. This is for whoever is able to answer. So in reviewing some of the allowed uses in M-1 Light Industrial, it has commercial laundries, and, as we know, laundromats are such an issue. I don't see that language in B-1, B-2, B-3, so I just wanted to know if you could tell me what commercial laundry is defined as. Is it like Alii Linens, where it's super huge or is it like a laundromat?

MS. BLYSTONE: So I know that Greg Pfost has this code directly in front of him right now, so I'm going to defer to him --

VICE-CHAIR U'U-HODGINS: Perfect.

MS. BLYSTONE: -- to see if he can respond more quickly than I can and if...there he is.

CHAIR PALTIN: Mr. Pfost.

MR. PFOST: Thank you for the question. Yeah. You're right, it is a land use, one of the uses permitted in the M-1 is commercial laundries. And it's a good question of how that is defined, and I was trying to look real quick in the definitions to see if we have that defined. Typically, within an M-1 zone, a commercial laundry could be something...something quite larger than what you're typically thinking of maybe as a laundry that does its own onsite stuff. Sometimes, I know onsite laundries send it out to a larger facility, and that's typically what I'm thinking of is a larger facility, and I don't see a definition of that either. So it's a good question. I tend to think of commercial laundries as larger facilities, especially since it's in M-1, meaning that it could do the laundry for many different facilities. Or...or sometimes the commercial laundries are those that serve, for example, hotels and do the laundry for larger...larger facilities. So they...it's a bigger establishment is typically what I see it as.

VICE-CHAIR U'U-HODGINS: Do we have laundry that...or language that is just like a regular laundromat. Like, I grew up in Pā'ia when we had just a laundromat that no longer exist anymore. We have a laundromat in Pukalani that's more for residential use. Member Paltin has been arguing for more laundromats in...in Lahaina. I don't see that elsewhere unless I missed it, but I couldn't find it on B-3, which is the most lenient version of all the Bs.

MS. BLYSTONE: Chair, if I may.

MR. PFOST: Yeah. I...go ahead, Kate.

CHAIR PALTIN: Go ahead.

MS. BLYSTONE: Yeah. Thank you. So, you know, commercial...the other place that commercial laundries are listed in the code is in the Wailuku Redevelopment area, Chapter 19.39, and it's listed among other small craft assembly plans and things of that nature. So I'm guessing that the intent with commercial laundry was this larger-scale laundry facilities. We have laundromats all over the place.

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VICE-CHAIR U'U-HODGINS: Uh-huh.

MS. BLYSTONE: So I think that there's a definition. Laundromats are listed in B-1, according to --

VICE-CHAIR U'U-HODGINS: Okay.

MS. BLYSTONE: -- Danny, but it is not specifically listed in B-2 or B-3.

VICE-CHAIR U'U-HODGINS: Oh.

MS. BLYSTONE: But that doesn't mean it's the end of the world. I got to take another peak here, and --

VICE-CHAIR U'U-HODGINS: Yeah...yeah...yeah.

MS. BLYSTONE: -- maybe Greg has the . . . *(inaudible)* . . .

MR. PFOST: The only thing I would add is if it's...if it's a laundromat in B-1 that...that's typical, so that would be allowed in the...in the M-1 because --

VICE-CHAIR U'U-HODGINS: In the M-1.

MR. PFOST: -- that's all B-1, B-2, B-3. But then --

VICE-CHAIR U'U-HODGINS: Yeah.

MR. PFOST: Yeah. Then you see the...you see the distinction between...between commercial laundromat and just a laundromat. See, it's usually the larger.

VICE-CHAIR U'U-HODGINS: Larger facility.

MR. PFOST: Yeah.

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

CHAIR PALTIN: Okay. Thank you. That was just a burning question. We...we did kind of intend to take the standard lunch break, 12:00 to 1:30, and...and I...I think our focus will be on the Community Plan amendment, Maui Island Plan amendment. Member Cook, you had your hand up?

COUNCILMEMBER COOK: I had a question in so far as allowed used in B-1 or B-2 would...or B-2 and B-3. A commercial electric station, like we're transitioning from filling stations to fast charging electrical stations, what would that be categorized as?

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MS. BLYSTONE: Again, Greg, if you have the code right up handy, you can answer that question, but I'll take a peek as well.

MR. PFOST: Okay, thank you. So are...are you talking like...so I'm sorry, and I kind of missed it. So electrical vehicle basically is what we're talking about, charging?

COUNCILMEMBER COOK: Correct. I mean we are...we're basically mandating electric chargers in parking lots but there are also, like, fast charging where people will put in seven or eight fast chargers, high voltage, quick charge, which is kind of like a filling station, which wouldn't necessarily be in a parking lot, would be a commercial endeavor that someone would invest, build, and be able to quickly charge cars. Does that fit within B-2, B-3?

MR. PFOST: I believe that would fit within B-2 and B-3, yes.

MS. BLYSTONE: Yeah. I...I would concur. There's a...parking lots are structures, are allowed, which may include solar energy facilities. I think the other thing is other similar businesses or commercial enterprises are activities that are not detrimental to the welfare of the surrounding area. I would argue that that fits this category.

MR. PFOST: B-2 also allows automobile services, so I think it --

MS. BLYSTONE: Yeah.

MR. PFOST: -- somewhat like that. But yeah, I think it would definitely...it would be permitted in B-2.

COUNCILMEMBER COOK: Okay. Thank you, Chair.

CHAIR PALTIN: Okay. I did...since they were on and maybe we can let them possibly go after lunch, I did want to see if Dr. Six had any cultural concerns on this TMK, based on, like, her HICRIS data or personal knowledge. If Dr. Six is on the call, or Director Molitau.

MR. PASCUAL: Chair, I do see Director Molitau online, but it looks like Dr. Six dropped from the call.

CHAIR PALTIN: Oh shoot. Okay. Maybe they had an opportunity to discuss. Director Molitau, are you there? Uhm. Okay. Maybe after lunch, in that case. Maybe...is Deputy Director Yogi on?

MR. PASCUAL: Yes, Chair, she appears to be online.

MS. YOGI: I am here, yes.

CHAIR PALTIN: Uhm. Thank you. In terms of transportation, I guess where...is this close to your folk's hub?

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MS. YOGI: It is very close to our hub, yes. I...I believe it's separated by a drainage basin.

CHAIR PALTIN: Okay. And so, you think that there would be a possibility of serving...having a bus stop nearby?

MS. YOGI: Oh, yes. Absolutely.

CHAIR PALTIN: Okay. I...I do see Director Molitau, sorry. Sorry to cut you off, Deputy Yogi.

MS. YOGI: No problem.

CHAIR PALTIN: Okay.

MS. YOGI: Thank you.

CHAIR PALTIN: We were...we know Dr. Six may not be on the call right now, but did you have an opportunity to discuss if she has any concerns with amending the Community Plan or the Maui Island Plan designation?

MR. MOLITAU: Aloha.

CHAIR PALTIN: Aloha.

MR. MOLITAU: Aloha kākou. Thank you very much for the question, Chair. I didn't get an exact opportunity to have that discussion, but she did go ahead and submit in HICRIS the mappings of the exact space with all of the different responses in...in terms of cultural sensitivity sites. I'm not sure if you folks received that.

CHAIR PALTIN: Uhm. Staff, did we get something from Dr. Six? Oh, I guess maybe the Mayor needs to sign off on it still, maybe.

MR. MOLITAU: I got you. Okay. So that is, I guess, forthcoming, then. And then, also, I have my own input --

CHAIR PALTIN: Oh.

MR. MOLITAU: -- also coming your way.

CHAIR PALTIN: Okay. Great. Did you want to share any of it with us orally?

MR. MOLITAU: Sure. Yeah. End it.

CHAIR PALTIN: Okay.

MR. MOLITAU: Let me just pull it up right now. So in regards to the Department of 'Ōiwi

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Resources, we'd like to share the following insights for the proposed Bill 163, 164, and 165. The area of the aina, or the land that is situated in the space known as Puunene, which is the terminology that means sifting...shifting mound, which relates to the movement of the sand dunes in the land due to the strength of the makani koa'e the trade winds in that area. The lands also reside within the bays of Pi'ikea, otherwise known as Nā Hono a Pi'ikea, was the sister of Pi'ilani, high chief of Maui. Within the district of Wailuku, the proposed Ho'onani Village would have cultural significance land view scapes. Haleakala to the east, Pu'u Kukui to the west, the trade winds known as Moa'e kolo, Moa'e holo, and Moa'e kū are significant in this area. Other significant land views would be Pi'iholo in the east and Pu'u Koa'e in the west. Department of 'Ōiwi Resources recommends significant discussions with our County archeologist, Dr. Janet Six, you know, should there be an understanding of the possible areas that need to be looked at further. Potential impacts that we've noticed to the proposed bill would be the natural resources already challenged by the ever-present state of our resources, and what our environment can provide for us, and how we currently care for the significance of this resource. Also acknowledging the space for its ever-present trade winds that can enhance the use of capturing wind technology for this proposed area. Along with solar energy and the use of technology, limiting the carbon footprint would be a step in caring for our Maui nui and its resources for the future. 'O ia iholo ko kākou mana'o. That concludes our mana'o from the Department of 'Ōiwi Resources. And this letter will be sent over to you as soon as we get approval.

CHAIR PALTIN: Thank you so much. Members, any questions for Department of 'Ōiwi Resources at this time? Okay. And then, I just was looking over Transportation's response to us where they...they do say it aligns pretty much with the Hele Mai Maui Plan. They do want the project to continue to coordinate with the MPO, DPW and Planning Department to ensure consistency, I think, with the Long-Range Transportation Plan, and the TIP. We haven't really talked about pedestrian safety and sidewalks and things like that. Is there any commitment to those types of things, allowance for multimodal transportation?

MR. UEOKA: Oh. Yeah. Thank you, Chair. We'll be required to follow, you know, subdivision standards when we submit our construction plans to, you know, lay out this . . .(inaudible) . . . I believe sidewalks are included in there. They're at the Director's discretion, so they are a requirement. And we'll probably get comments from the various Departments when, you know, on our construction plans and stuff and good chance that...that multimodal transportation will be included. And it's something we have...we represented today also.

CHAIR PALTIN: Oh. Okay.

MR. UEOKA: Or yesterday, I should say.

CHAIR PALTIN: Cool, cool. Sorry to keep going back and forth, but I just did receive word that Dr. Six is online. Oh, and it looks like Director Molitau is raising his hand. Go ahead, Director.

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MR. MOLITAU: I was just going to say Dr. Six was available and online. Mahalo.

CHAIR PALTIN: Oh. Great. Dr. Six, did...if you wouldn't mind sharing with us your transmittal because it hasn't been signed off by the Mayor yet.

MS. SIX: Hi. Can you guys hear me, okay?

CHAIR PALTIN: We sure can. Thank you.

MS. SIX: Actually, I worked...Jeffrey reached out to me, the project proponent, a week or so ago to talk about this parcel. And I did just a real cursory search of what's known about the area. I knew this was the battle of Pu'unene in this area. And we know from construction at Target and American Savings Bank that iwi had been encountered in the area, and on this parcel the only iwi that's currently documented looks like it was in the secondary context from probably sand from the Sand Hills being brought in during laying of some utilities for Target. There is a heiau, remnant heiau on this property. So, often times when we look at these kinds of agricultural areas that are kind of denuded during the plantation era...see it's important to understand, you know, and I am, I'm happy to hear that there has been a consultant hired, and they will follow all the rules because often times we talk about previously disturbed areas, and we can do the 6E-42 and not have SHPD review. But I think in this case SHPD review would be warranted. Although it's a previously disturbed context because we know so was Kamehameha III Elementary and we know what we found under there. So let's just be mindful of what Kaponio, excuse me, Director and Kumu Kaponio'ai Molitau had shared with you folks about his knowledge and then just what I know about the area and what is known by SHPD. So that's all I have.

CHAIR PALTIN: Okay. Thank you. Members, any questions? Oh, Mr. Ueoka.

MR. UEOKA: Oh, so sorry. Dr. Six, just to clarify. As we discussed, the heiau site is not on our project site, it's...it's more west.

MS. SIX: It's adjacent.

MR. UEOKA: Yeah. No...no...no yeah...yeah, just --

MS. SIX: It's still in the immediate area, which means okay, you know, when you got a church and a steeple, you got all the people. So, like, you have to think about when you have a remnant of something like that what it meant on the landscape, right? So yeah, the rest has been kind of scrubbed away by plantations and years of agriculture. But if they had that there, --

MR. UEOKA: Oh.

MS. SIX: -- that tells you an importance of the place. And I would again defer to my cultural

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practitioners as to the status of, you know, anything that went on at that heiau. But just remember that those sometimes are not...they're never in isolation; they're never just by themselves. There's other infrastructure that's now gone. So just be mindful, and there's also lots of historic camps in that area. I know we're talking about a specific parcel, and I talked to Jeffrey about, you know, concerns about staying above ground as possible always and, you know, having...you know, you're going to probably be required to do an AIS on this parcel even though one was done. I'm just trying to give people a heads up. But I wouldn't recommend saying that this is totally disturbed context and doesn't need to have any oversight if they're going down substantially below 10 inches because that's kind of the plow zone. But yeah, no, I appreciate Jeff...I didn't mean to say it was on your parcel because you were very clear that where you're looking at is not on that. But I...just looking at what's in the immediate area, like on Target and in the area that has been found during construction in the last, you know, 10 – 20 years.

CHAIR PALTIN: Thank you. Members, questions for Dr. Six? Okay. Seeing none. Thank you so much, Dr. Six. And then to follow up with Mr. Ueoka, what types of things are planned to address the concerns of Dr. Six and Kapono'ai Molitau Director? Is it there's going to be a updated AIS, cultural monitors? What...what are the mitigations that are intended?

MR. UEOKA: So we...we plan on complying with whatever, you know, SHPD requires for this...for this property. We do understand that immediately adjacent, the Maui Business Park Phase II project was done and Lowes was done, so there has probably been a lot of archeological studies. So our cultural consultant and archeological consultant have been looking at that, and they feel at this point it's a pretty safe place to move forward, of course. But of course SHPD, and we'll have to follow their lead, and we will consult with 'Ōiwi Resources before moving forward.

CHAIR PALTIN: So you are going to have SHPD review?

MR. UEOKA: If...I'm assuming so, but it'll...it's not really our call. We don't determine that, it would be the County would determine, 6E requires when a permit comes in. The County makes the determination whether or not this would affect historic properties.

CHAIR PALTIN: And --

MR. UEOKA: Then we send it to SHPD after they send us that letter.

CHAIR PALTIN: -- at...at what point would that letter get sent to you?

MR. UEOKA: Probably during the construction plan review for the...for backbone infrastructure.

CHAIR PALTIN: Okay. So it's like a ministerial kind of thing?

MR. UEOKA: Yes. It's Chapter 6E Hawai'i Revised Statutes.

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CHAIR PALTIN: Okay. All right. It is 12:00 so, temperature check. Everybody, you want to come back at 1:30, 2:00 o'clock, 2:30? What time? 1:30, 1:00 okay?

UNIDENTIFIED SPEAKER: . . .(inaudible). . .

CHAIR PALTIN: So 1:30.

COUNCILMEMBER LEE: 1:30.

COUNCILMEMBER PALTIN: 1:30. So I'm...I'm more good with 1:30. Nohe, 1:30; Yuki, 1:30; Alice, 1:30; and Gabe, 1:30, so we do have a quorum of five at 1:30. Okay. So we'll...we'll take a lunch recess until 1:30, and then we'll come back. Everyone okay? No questions? Okay. And...and just to remind everyone, the intended plan is potentially passing out a Community Plan amendment to Business/Multi-Family, a potential Maui Island Plan amendment to include in the Urban Growth Boundary. All three will be heard by the Planning Commission as soon as possible, hopefully January 13th. And we still have a lot of time to talk about the CIZ, so we don't necessarily need to pass that...that part out today. No questions? Good. Okay. All right, recess at 12:02 to return at 1:30. Thanks guys. . . .(gavel). . .

RECESS: 12:02 p.m.
RECONVENE: 1:50 p.m.

CHAIR PALTIN: . . .(gavel). . . Will the DRIP Committee meeting, reconvened meeting of November 6th, return to order. The time is 1:50. We did have some quorum issues and yeah, but we have quorum right now. We're at bare quorum. If anyone needs to pause for the cause for any reason, we can call a quick recess and excuse folks, but please let me know so that we don't break any laws. So where we left off, we heard from Dr. Six, Director Molitau, Deputy Director Yogi. Is Planning still on? Anyone from Planning, Mr. Dias or Ms. Blystone? Okay. Director Blystone. So we heard your advice on the Urban Growth Boundary, which it seemed like we weren't going to follow. In terms of the Community Plan, we were wondering, what types of things do you look at that are policy and what are not policy in terms of amending the Community Plan that we should be considering?

MS. BLYSTONE: Mahalo for the question, Chair. So this is a Maui Island Plan amendment that you're going for. If you're changing the Urban Growth Boundary, if that's what you're asking about, correct? Okay. So there is a policy, and I cited it in my...in the letter. It's, like, eight...it's, like, on page seven, I believe, in the letter, and it lines out the criteria that we need to be thinking about when we're adding new areas to the Urban Growth Boundary. And then we lay out some...some of the reaction to that criteria in our letter. And that's the rationale for why we think this is not a justified expansion of the Urban Growth Boundary.

CHAIR PALTIN: Okay. And so, that will be your recommendation to the Planning Commission.

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If they agree with you, then we would need six votes to overcome at Council, and if they disagree with you, we'd only need five votes to overcome to pass it in Council. Specific to the Community Plan --

MS. BLYSTONE: That's right.

CHAIR PALTIN: -- is there anything else that we should be considering? Community Plan I guess Ag to Multi-Family Business.

MS. BLYSTONE: Yeah. Ag to Business/Multi-Family is the...is the transition, and I believe there's some language. The...the Planning...the Long-Range Division...yeah, the Long-Range Division prepared an item that described all of the consistencies and inconsistencies. It's...it's attached to our letter. It's the last, I don't know ,13 or so pages of our letter that describes all of the different policies and how they comply or don't comply...how this project complies or don't...doesn't comply. And so, we will of course be providing that to the Planning Commission for their assessment and recommendation. There are some ways, of course, where it complies wherein then the...are others...assuming that the underlying project actually happens, there are places where it complies and other places where it is not consistent. And so, we made note of that in the...there are several places. There's too many to go over, but yes.

CHAIR PALTIN: Okay. And then the Planning Commission doesn't really address if there's water or not water because that's what the Show Me the Water Bill is about. And then, like sidewalks, multimodal transportation, and things like that, Public Works gives ministerial permits if they're in compliance with that?

MS. BLYSTONE: Correct. I mean, if this was a 201H, and if the 201H does come before the Council for some reason, we would...we would comment on sidewalks because that is something that Planning very much cares about. It's something that's connected with our connectivity. But ultimately, it's Public Works that'll make that call.

CHAIR PALTIN: Okay. And from what we've heard from the project proponent, they still yet are not sure if they're going to be requesting County sewer hook-up regardless of what we had heard specifically from Environmental Management about capacity and lineal feet of expand...of expansion for larger size. Is there anything in...if they do need to or decide to go with a private packing plant facility and then the trigger for an EA, does any of that come into play for the purposes of the Island Plan or the Community Plan amendment?

MS. BLYSTONE: So there are certainly policies in both the Community Plan and the Maui Island Plan discussing infrastructure being developed, like, at the same time as a project, you know. But once you make the decision to turn this into whatever zoning and Community Plan designation, there is not another moment for...for our plans to be consulted. So this is the time. If you want to consult the plan, this would be the time, which is why we prepared that initial analysis for you.

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CHAIR PALTIN: Okay. Members, is there anything more else that you folks need to see? I don't think Ms. Blystone is our only resource, but she's the one shepherding the...the bills through the Planning Commission. So is there anything else that you guys can think of? No? Yes, Chair Lee.

COUNCILMEMBER LEE: I think she already mentioned when she plans to schedule the meeting in January, right?

CHAIR PALTIN: Uh-huh

COUNCILMEMBER LEE: Do we have a...Kate, do you have a estimate when you'll be done with the...the process on your side and send...and ready to send it back to the Council?

MS. BLYSTONE: Yeah. Mahalo for that question. So there...our hope would of course to get complete with the review on that January 13th. There are also three other resos on that committee...on that Commission meeting that we're also hoping to get to and meet our deadlines for, but it depends. We will probably push this to the first item on the agenda so that they have a better chance of getting it complete. And if we can get it done in one meeting, we will. I cannot predict whether or not the Commission will be comfortable to move forward because they often will say we need more information before we can make a recommendation. So I can't predict, our hope would be to get it done in one meeting.

COUNCILMEMBER LEE: And then how...and if that were to happen, how soon could we get it back?

MS. BLYSTONE: We would turn around the transmittal as soon as we can. Usually, it takes a...a...a couple weeks, at least, to get all of our agendas and all of our minutes collected and...and we try to transmit that with it so that you can see the discussion. So maybe a couple of weeks, two or three weeks, tops.

COUNCILMEMBER LEE: Thank you.

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'm...I'm in a public place, so . . .
(inaudible). . . So my question is when it goes before the Planning Commission, will the State Department of Transportation and Airports Division folks be consulted about some of the concerns that we've heard in testimony?

CHAIR PALTIN: Director Blystone?

MS. BLYSTONE: Thank you so much. So I will...I can respond to that. So we will be transmitting this item around with, now, the...the document that Mr. Ueoka provided to all of the State agencies on our list and that includes HDOT. So among them will be all the other ones and all of our...all of our Departments as well.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. Mahalo, Chair.

CHAIR PALTIN: Thank you. And I know we're going to continue to work on the change in zoning as time permits, so we weren't going to focus too much on conditions. I did want to let folks know that Councilmember U'u-Hodgins did draft some of the conditions for people to look over as we continue to work on it. I drafted a super preliminary, so those are items 26 and 27 in your Granicus. In preparation for when we potentially go over conditions, again, there were some things that I had consulted briefly with Mr. Ueoka over break, and I would like to read it into the record. And he can respond with why he does or doesn't think that, that is necessary to be in the conditions. And one of them was about dual pane windows, like, because that was a...a potential solution to one of the decibel concerns. And I'll let Mr. Ueoka address his response about us putting in a condition about dual pane windows.

MR. UEOKA: Thank you, Chair. We...we prefer if we just stick with the State requirement, or I think it's the DOH requirement to get the decibel levels below a certain point and not be restricted to one building material type and just have the overall requirement to have the levels to a point where they're acceptable per with the State DOT, Airport standards, and probably Department of Health. Thank you.

CHAIR PALTIN: So it'll be, like, a requirement of DOH and DOT that the building standards be at an acceptable decibel level given the location in proximity to the airport?

MR. UEOKA: Yeah. And basically, we're...we're going to hire an acoustical consultant, and they're probably going to tell us what to do. And we'll follow what they say to get to that certain decibel level, to meet law.

CHAIR PALTIN: What about a condition ensuring that you hire a acoustical consultant or no, that would be hard to verify?

MR. UEOKA: I guess it wouldn't be difficult to verify. But if it just says acoustical consultant, then do we have a subjective standard there where, well, we don't think that's really, you know, an acoustical consultant, or we just don't want to have that back and forth. It'll behoove us to move it forward in the proper way to get people who specialize in this area to help us.

CHAIR PALTIN: Okay. For Member's consideration, the other one I asked about was because...what is it, Hansen and is it Pulehu or Puunene, Pulehu would likely need to be widened. I asked about a condition dedicating easements to the County for Pulehu and Hansen, and if you can give your response to that.

MR. UEOKA: Thank you. So we're going to be subject to Section 16.25.201, you know, that we've been discussing it with you guys regarding Front Street pretty frequently. So that would trigger when we start building the units there, and it would require the dedication of certain areas along, probably, Hansen and Pulehu. And our TIAR is come back in,

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and it's going to say certain things that need to be done here and there, and we'll be forced to comply with those for our construction plans review.

CHAIR PALTIN: And you mean Traffic Impact Analysis Report by TIAR?

MR. UEOKA: Yes. Sorry. Thank you.

CHAIR PALTIN: Okay. So what I'm hearing is we will not need to buy land from you to widen the road. That's going to be, probably, put on as a requirement.

MR. UEOKA: So in our very preliminary discussions with County traffic guys, the Engineering Division, they said basically from center of Hansen they're going to want, I think was total of 30 feet, you know. So whatever is there and then whatever extra they need to get there. And we understand that, and we'll...that'll work out during the construction plans.

CHAIR PALTIN: Okay. So we're not buying any of their property, guys. They're just going to hand it over. Animals, we heard a lot of animal testimony. Would you like to address any animal conditions?

MR. UEOKA: I really prefer not...or to have a very broad animal condition on the property. If it's worded, we...and we have some kind of reasonable requirement and it's, you know, not interpreted or looked at differently, we could have a problem where we would be, you know, not in compliance with zoning. But ultimately, you know, we want this project to be desirable, we want people to live there, we want to have community, so we're open to working with everyone and listening to the community. But I'd really like to avoid that being a condition of zoning. Like, that just seems so...how do I say this? It's so detailed for a, you know, zoning condition. So, appreciate it if we could avoid that, and there might be some other way we can figure something like that out, but I'd prefer not to be a condition of zoning.

CHAIR PALTIN: Okay work on it. Okay. And then the last one that I had was Parks and Rec said for a project like this they'd request like 10 to 15 acres of recreational facilities.

MR. UEOKA: Thank you, Chair. As we mentioned in the presentation, and we're willing for that to be a condition where all the units in here will be under 140 percent or less rented at rates for a 140 percent or less AMI. So while we don't want to be or we don't feel it's fair to classify ourselves as a 100 percent residential workforce housing policy because we want the ability to select certain, you know, farm workers, construction workers, health care professionals, those types of certain occupations to give preference to, we would hope that the County could recognize that and, you know, give an exemption. I think it's 100 percent residential workforce housing projects under 18.16.320, I think it's (i)(5) or something, unless it changed, would allow that for an exemption. We're hoping to utilize something like that. And if we do come back for a 201H, we would probably seek that also as a way to save costs. However, we do have a couple of...I think it's, like, four-acre blocks that are, you know...I'm not going to say going to be that

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because, again, this is just a comprehensive, like a plan that we're presenting today. We're...not, we're not. . .(inaudible). . .M-1 zoning for everything. You know, whatever we end up getting. We would be open to dedicating one of those four-acre parcels to the County for use as a community center or some type of other civic use like that.

CHAIR PALTIN: And then last few questions. You did intend to comply with the County's parking plan, including ADA parking, and you're not going to charge the residents for parking?

MR. UEOKA: So, we will comply and, um...with the park...County's parking requirements. And we'll work with Planning and everyone to make sure something smart happens there. As far as the charging, I don't think we're going to charge. But what is charging because obviously those...you know, there's going to have to be a maintenance program related to those stalls and/or the parking lots. So I would not want to commit to anything in regards to that. But again, please understand that at the end of the day we want to attract people to come and live at this place, so we have to make sure we are attractive to renters. So we'll do our best to make sure that it's an attractive product for people. So, thank you.

CHAIR PALTIN: Yeah. I may...I may be putting a no paid parking, but that does not exclude CAM fees or something. But I don't...I don't think it's desirable to pay for parking at your house, at your place where you live. And then you...I think there was a representation that there would be washers and dryers on site in the units; is that correct?

MR. UEOKA: They will certainly be onsite, and --

CHAIR PALTIN: Oh, may not be in the units.

MR. UEOKA: -- I believe they will be in units but I don't...you know, depending on what gets built moving forward and structure, like I'd hate to commit to something like that in case, you know, if a studio unit is like 500 square feet or 450 square feet, just might not be feasible to have a... you know, space wise. So I don't want to commit to anything that specific right now.

CHAIR PALTIN: But there will be laundry facilities available to the tenants?

MR. UEOKA: Maybe even commercial laundry facilities. No, I'm just kidding. Yes. . .
(laughing). . .

CHAIR PALTIN: Okay. So what about a condition that there will be laundry facilities available to the tenants?

MR. UEOKA: I...I think we could probably live with that. Yeah. I got some time to go back and talk --

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CHAIR PALTIN: Yeah.

MR. UEOKA: -- to the team, right?

CHAIR PALTIN: So those are the areas I was thinking of. Does anyone have any questions or...or you guy's ready to...I...was my recommendation was going to be to move forward 163 and 164, defer 165, and we can continue to work on that as time permits. I'm...I'm kind of open in December, but I think we're going to be busy. We're kind of busy the rest of November. I did request, I think, January, February-ish, for South Maui Community Plan. I know some other people may need to do some things within their...soon after that, we're going to go into budget and reminding folks that we are hosting HSAC, and we are hosting WIR.

VICE-CHAIR U'U-HODGINS: And mass nominations week.

CHAIR PALTIN: And mass nominations week prior to March 31st, I believe. So we have a pretty stacked year through May 10th where it's going to be boom, boom, boom, boom, boom. So just keep this in mind and all the other things that we need to do. Did...did you want to say something? You look like you were going to say something, Member Sugimura. No? Okay. So how do...temperature check, how folks feeling? What...what do they want to do at this point? More questions? Oh, now you want to say something? . . .*(laughing)* . . .

COUNCILMEMBER SUGIMURA: So moved.

CHAIR PALTIN: Wait, I got to wait...her...she's said something, go.

VICE-CHAIR U'U-HODGINS: I just...what I want to ask, I want to get clear for the record from either Corp. Counsel, probably Corp. Counsel and Planning. So are we beginning the 120 days again, or is there a timeline in which MPC must hear it? Because I don't want to be in this situation again; I don't want to wait. Now that our 120 days is already expired, there's no threshold for a timeline, and I don't want to...I don't want to wait for forever. I know they busy, too, but we busy too. Do we have a required timeline in which, now that the 120 days have been...have been done, how long do we give them?

MR. HOPPER: I think what I would advise on the Planning Commission is when...when they get it, the longest possible time they could possibly have after they received it is 120 days from the date it's on their agenda. However, because of the wording of the Charter, I think I would advise them to get their recommendations in as quickly as possible because there is the argument of receipt by the Department and that they're already passed the deadline, and I don't...I don't see that as being...I still see waiting for their recommendation to be the best course of action. But I think what I would be advising them is as soon as you get this on your first meeting, take action as quickly as possible.

VICE-CHAIR U'U-HODGINS: Okay.

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MR. HOPPER: The longest possible after that I think is 120 days after it's on their... their agenda at that point.

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

CHAIR PALTIN: And...and to clarify, also, when they pass it out or whatever they do with it, we should be good to do the committee report and place it on the agenda because we would've already passed it out of committee. And so, that won't be affected by the rest of the things, like the South Maui Community Plan or the budget, because we still have Council meetings throughout that. And we can still work on the change in zoning, I guess depending on if the LUC accepts is...accepts its role as the accepting authority, and then if you do a 201H at the LUC, or if they allow for that. So potentially, still keep the CIZ in the back of your mind because if the LUC...I don't know when their 45 day clock ends, but we would like to take in all the things that they said and be ready to go shortly after that, right? Okay. I thought I let Tom Cook in, but I don't see him, so I'll just keep going forward, progress. Everybody ready for me to read the recommendations?

COUNCILMEMBER SUGIMURA: Ready.

CHAIR PALTIN: Okay. Chair will entertain a motion to recommend passage of Bill 163 (2025) on first reading, incorporating any nonsubstantive revisions for clarity, consistency, and style.

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

COUNCILMEMBER SUGIMURA: Second.

CHAIR PALTIN: Moved by Member U'u-Hodgins, seconded by Member Sugimura. Discussion? Member U'u-Hodgins.

MR. HOPPER: Chair.

VICE-CHAIR U'U-HODGINS: I think deputy...

CHAIR PALTIN: Oh, yes.

MR. HOPPER: I'm sorry. I just wanted to note those type of changes, they would include changes to Section 1 that we discussed for, like, timeline purposes and things like that? I just wanted to make sure that was...

CHAIR PALTIN: I'm okay with that because it's going to be a change for accuracy. Did I say that?

MR. HOPPER: I mean, yeah, I think if I was looking to delete it, but I know a Member wanted that to just more... just be updated to reflect the record. So I...I think --

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CHAIR PALTIN: Do you have specific word verbiage that you'd like?

VICE-CHAIR U'U-HODGINS: I forgot about that one.

MR. HOPPER: I mean, yeah, that's the only thing because I would...it's not currently something I think I'd be okay signing off on, but not too hard to...I'd rather delete it, but if it's...if it's to change it to talk about the things that happened, I think we could work with OCS to do that instead.

CHAIR PALTIN: Okay.

VICE-CHAIR U'U-HODGINS: Yeah.

CHAIR PALTIN: So then I would entertain a motion to amend the main motion to amend Section 1 to accurately reflect what we've gone through over the past two days, and that would be the legislative intent. Is that good enough, Carla?

MS. NAKATA: Chair, Staff would ask Mr. Hopper whether he'd be comfortable with Section 1 by just deleting the last sentence of the section.

CHAIR PALTIN: Would you be okay with just deleting the last section of Section 1?

MR. HOPPER: Yes. I think...I mean, the rest...let me just double-check for my memory.
(silence)

CHAIR PALTIN: We're...we're getting ready to vote on 163.

MR. HOPPER: Yes. Those...those are all things that they're just factual statements. So if you delete the last sentence, I think that's fine. Yes.

CHAIR PALTIN: Okay. So I'll entertain a motion to amend the main motion by deleting the last sentence of Section 1.

COUNCILMEMBER SUGIMURA: So moved.

CHAIR PALTIN: Moved by Member Sugimura.

VICE-CHAIR U'U-HODGINS: I don't know how I feel about that.

COUNCILMEMBER COOK: Second.

CHAIR PALTIN: Second by Member Cook. Discussion? Member U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Thank you. Because it does say...the last sentence is, "Under the Charter the Council may pass the bill without the Planning Commission's review and report by informative vote of at least two-thirds of the Council's entire membership".

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Regardless if we pass it today or not, that still remains true. So I was just hoping that perhaps we would say we heard it in Committee on yesterday and today and we're resending it to the Planning Commission to be heard. I don't know if that's what we're...you're intending to do for it to be accurately reflected. But I...because of everything we just went through with the Planning Commission not even receiving it on the agenda, removing that language makes it...makes me feel like then we can't take any action if the Planning Department and the Planning Commission don't actually review it.

MR. HOPPER: Well, Chair, to an extent I would say this may be a bit moot. You are passing this out, and I know the language is important, but the bills aren't going to be adopted this way you're --

VICE-CHAIR U'U-HODGINS: Yeah.

MR. HOPPER: Ideally, you will get this from the Commission, and before this is passed as first reading you'll have...this will be different because you'll, you know, I believe reflect you got the Commission's recommendation on such and such a day and then acted after that. So, but I mean if the language is important, let's work it out. But I just want to make the point that this is not anticipated to be the final language in the Bill because --

VICE-CHAIR U'U-HODGINS: Okay.

MR. HOPPER: -- you're anticipated to get something. That's all.

VICE-CHAIR U'U-HODGINS: This is not the hill I'm going to die on. I'm going to be very clear, I...I'm not going to split hairs here, I'm totally fine if that's what we want to do. I just want to make sure that if, in case, it's not heard by MPC, we're still allowed to take action. That's really more my main concern.

CHAIR PALTIN: How about this plan? If they don't act within 120 days or when we're ready to take it up again say, like, March or I don't know when, then we, at first reading in full Council, we add it back in.

VICE-CHAIR U'U-HODGINS: Great.

CHAIR PALTIN: By amendment.

VICE-CHAIR U'U-HODGINS: That's totally fine.

CHAIR PALTIN: Everybody like that plan? Any further discussion? So right now, we're taking it out. If it applies at first reading, we can amend it and put it back in. So that's the plan we're going with. Is our legal counsel okay with that plan?

MR. HOPPER: Yes. Again, whether it's there or not, that...that's a legal requirement, so that if that fails under this, yes, you can pass it or put it back in. So, yes.

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CHAIR PALTIN: Okay. Voting right now on the amendment to Section 1. Member Cook, go ahead.

COUNCILMEMBER COOK: Thank you, Chair. I just want to make a comment as a seconder that taking that verbiage, taking the language out was with the...my understanding that the Planning Department hears the Council and will represent accordingly and move forward.

CHAIR PALTIN: Yeah. They're going to try and schedule this on January 13th and put it ahead of the other things on the agenda. They're hoping to pass it out that date, although I guess it's a bit like herding cats over there as well. And just for the record, are you alone in your vehicle?

COUNCILMEMBER COOK: I am alone in my vehicle, waiting for the dentist, and I didn't get a haircut because the wrong person was there. And so, I rescheduled. . . .(laughing). . .

CHAIR PALTIN: Oh, no. Okay. All right. So we're voting on the amendment to the language in Section 1. If circumstances change, we can amend it at first reading if necessary. Do I need a role call?

VICE-CHAIR U'U-HODGINS: No.

CHAIR PALTIN: Okay. All those in favor raise your hand and say "aye."

COUNCILMEMBER COOK: Aye.

MR. PASCUAL: Chair, I'm seeing five "ayes", zero "noes", three excused, Members Johnson, Rawlins-Fernandez, and Sinenci. Motion passes. You're back to the main motion as amended.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC : Count

and Silence.

Motor Control

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ACTION: APPROVE amendment to main motion

CHAIR PALTIN: Okay, back to the main motion as amended. Any discussion on the main motion as amended, which is to change the Urban Growth Boundary of the Maui Island Plan for something number five. Any discussion? Seeing none. All those in favor raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, once again, "five ayes", zero "noes", three excused, Members Johnson, Sinenci, and Rawlins-Fernandez. Motion passes.

VOTE: AYES: Chair Paltin, Vice-Chair U'u-Hodgins, and Councilmembers Cook, Lee, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Johnson, Rawlins-Fernandez, and Sinenci.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 163, CD1 (2025), by committee report

CHAIR PALTIN: Okay. Now the Chair will entertain a motion to recommend passage of Bill 164 (2025) on first reading, incorporating any nonsubstantive revisions for clarity, consistency, and style.

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

COUNCILMEMBER SUGIMURA: Second.

CHAIR PALTIN: Moved by Member U'u-Hodgins, second by Member Sugimura. Do we also want to amend Section 1 in the same way? I'll entertain a motion to amend Section 1 by removing the last sentence.

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

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COUNCILMEMBER SUGIMURA: Second.

CHAIR PALTIN: Moved by Member U'u-Hodgins, seconded by Member Sugimura. And I'm assuming, if...it'll be the exact same circumstance. If they do not hear it within that timeframe, we can amend it at first reading to put it back in.

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

CHAIR PALTIN: Okay. All...any further discussion? Seeing none. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, five "ayes", zero "noes", three excused, Members Sinenci, Rawlins-Fernandez, and Johnson. Motion passes.

VOTE:	AYES:	Chair Paltin, Vice-Chair U'u-Hodgins, and Councilmembers Cook, Lee, and Sugimura.
	NOES:	None.
	ABSTAIN:	None.
	ABSENT:	None.
	EXC.:	Councilmembers Johnson, Rawlins-Fernandez, and Sinenci.

MOTION CARRIED.

ACTION: APPROVE amendment to main motion

CHAIR PALTIN: Back to the main motion as amended. Any further discussion? This is for the Community Plan amendment from Agriculture to Business/Multi-Family. Seeing no further discussion. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, five "ayes", zero "noes", three excused, Members Johnson, Rawlins-Fernandez, and Sinenci. Motion passes.

VOTE:	AYES:	Chair Paltin, Vice-Chair U'u-Hodgins, and Councilmembers Cook, Lee, and Sugimura.
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NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Johnson, Rawlins-Fernandez, and Sinenci.**

MOTION CARRIED.

ACTION: Recommending **FIRST READING** of Bill 164, CD1 (2025), by committee report

CHAIR PALTIN: Okay. So we will hold this off. We'll hold off on the committee report and hold off going to first and second reading until either they hear it and report back to us, or they miss their deadline, apparently again. Anybody have any issue with that course of action? That's our most legal course of action. Okay. And then, so at this time we'll defer...the Chair will recommend deferring Bill 165. We can bring it back and continue to work on it, but that timeframe is pushed out depending on whether the LUC, they put in an application of a 201H. It'll be coming up within, like, 45 days of the LUC accepting that. Or if the LUC doesn't do the 201H, then it'll be longer, but there will be at least 45 days to work on that. So we can come back to that. If you guys want to look at the conditions that Member U'u-Hodgins put, they are the last item on Granicus. You can review the conditions we asked about and see if you want to do it. I'd like to have a no paid parking condition, but I'll say this doesn't include, like, any common area maintenance fees or anything like that, but we can marinate a little bit longer on that stuff. And then, it would be helpful to understand what the Planning Commission's recommendation on the change in zoning is as well, and that'll allow us to know how many votes we'll need at full Council if and when the LUC thing aligns and like that. So that one is a little bit further out, but having the report from the Planning Commission on their recommendation for the change in zoning will be helpful. So, no need to take a vote on deferring 165, right?

MR. PASCUAL: Chair, I believe it there's...if there's no objections, then you can just defer it.

CHAIR PALTIN: Any objections to deferring Bill 165 at this time and bringing it up at a later date? Okay.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: GJ, KRF, SS).

ACTION: DEFER

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CHAIR PALTIN: Okay, this concludes today's Disaster Recovery, International Affairs, and Planning Committee meeting. Thank you very much everyone. The time is now 2:24. This meeting is adjourned. . . .*(gavel)* . . .

ADJOURN: 2:24 p.m.

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Transcribed by: Cheryl von Kugler

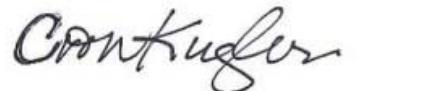
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CERTIFICATION

I, Cheryl von Kugler, hereby certify that pages 1 through 42 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 17th day of November 2025, in Wailuku, Hawaii



Cheryl von Kugler