

AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION COMMITTEE

Council of the County of Maui

MINUTES

July 25, 2024

Online Only via Teams

CONVENE: 1:32 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Gabe Johnson, Chair
Councilmember Shane M. Sinenci, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Alice L. Lee, Member (Out 2:30 p.m.)
Councilmember Nohelani U‘u-Hodgins, Member

NON-VOTING MEMBERS:

Councilmember Tamara Paltin, Member

EXCUSED: Councilmember Yuki Lei K. Sugimura, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member

STAFF: Samantha Tanck, Legislative Analyst
Ellen McKinley, Legislative Analyst
Maria Leon, Committee Secretary
Carla Nakata, Legislative Attorney
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Roxanne Morita, Council Aide, Lāna‘i Residency Area Office

ADMIN.: Gregory Pfof, Administrative Planning Officer, Zoning and Enforcement Division,
Department of Planning (All)
Rogerene “Kali” Arce, Director, Department of Agriculture (All)
Shayne Agawa, Director, Department of Environmental Management (ADEPT-15)
Cecile Powell, Recycling Grants Manager, Environmental Protection and
Sustainability Division, Department of Environmental Management
(ADEPT-15)
Nahulu Nunokawa, Deputy Corporation Counsel, Department of the Corporation
Counsel (All)

OTHERS: Keiki-Pua Dancil, Pūlama Lāna‘i (ADEPT-15)

Testifiers

Gretchen Losano, West Maui Green Cycle (ADEPT-15)
Diane Preza (ADEPT-15)
Roger Alconcel (ADEPT-15)

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

(12) additional attendees

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

CHAIR JOHNSON: . . .*(gavel)*. . . Aloha. Will the Agriculture, Diversification, Environment, and Public Transportation Committee Meeting of July 25, 2024 please come to order. Time is now 1:32 p.m. Members, in accordance with the Sunshine Law, if you're not in the Council Chamber, please identify by who...by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Also, please see the last page of the agenda for information on meeting connectivity, and remember to silence all cell phones. Good afternoon, everybody. I look forward to chairing a productive meeting. I'm Gabe Johnson, your Committee Chair. Also, *(audio interference)* and Hoku are all in the *(audio interference)* copy *(audio interference)* well, let's turn it over to some other Councilmembers. Vice-Chair Shane Sinenci, aloha.

VICE-CHAIR SINENCI: Hey. Aloha 'auinalā kākou from Hāna. I am here at my home office. I'm here by myself, and no testifiers, Chair.

CHAIR JOHNSON: Thank you so much. Let's move on to Council Chair Alice Lee.

COUNCILMEMBER LEE: Good afternoon, Chair Johnson. I am here alone in my workspace. Sorry, but I have to leave after the first item.

CHAIR JOHNSON: Okay. Thanks for that, Chair Lee. Let's move on to Committee Member Tom Cook. Aloha, Councilmember.

COUNCILMEMBER COOK: Aloha. Good afternoon, Chair.

CHAIR JOHNSON: *(Audio interference)*. We don't see Councilmember Keani Rawlins-Fernandez today. She's excused. Committee Member Yuki Lei Sugimura is excused. And let's move on to Committee Member Nohelani U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Hello, Chair.

CHAIR JOHNSON: Hello. Of course, our Non-Voting Members are always welcome. Councilmember Tasha Kama is always welcome, and joining us today is Councilmember Tamara Paltin. Aloha, Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha 'auinalā. I am alone in this room, and there's all sorts of folks outside. Thank you so much for scheduling my legislations. And we can go over just the first one if we lose quorum, and that would be outstanding. Thank you.

CHAIR JOHNSON: Yes, Councilmember, that is the goal. Okay. Let's move on to our Administration, who are joining us today. Department of Agriculture, Director Kali Arce

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

may join us virtually. We also have Department of Environmental Management, Environmental Protection and Sustainable...Sustainability Division, Director Shayne Agawa might attend virtually. Cecile Powell, Recycling Grants Manager; Department of Planning, Zoning and Enforcement Division, Gregory Pfost, Administrative Planning Officer, attending virtually. And from Corporation Counsel we have Nahulu Nunokawa, Deputy Corporation Counsel. The Committee Staff today is Sam Tanck, Legislative Analyst; Ellen McKinley, Legislative Analyst, Carla Nakata, Legislative Attorney; and Maria Leon, Committee Secretary. Today on our agenda we have two items: ADEPT-15, Bill (*audio interference*) Bill 100 (2024), Relating to Composting in the Agricultural District; and ADEPT-7, Bill 17 (2022), Prohibiting Private Restrictions on Small-Scale Agricultural Uses and the Keeping of Animals. The Committee may consider whether to recommend passage of Bill 100 (2024) and Bill 17 (2022) on first reading, with or without revisions. The Committee may also consider the filing of these bills and other related actions. These bills are intended to help farmers and support those who grow and provide our food. My hope was to finalized deliberations on these bills and any proposed amendments so that we can take a vote to pass out...pass these out of Committee today. However, we have the risk of losing quorum today, so we may need to recess if we run out of time, Members. Thank you, Members and Administration, for being here. And let's begin with public testimony on all the items of...of the agenda. But first, the...Staff, do we have any testifiers today?

MS. MCKINLEY: Yes, Chair. The first testifier is Gretchen Losano.

CHAIR JOHNSON: Okay. Let me read that first, and then we'll get into the public testimony. Oral testimony via phone or video conference will be accepting [*sic*] in addition to in-person testimony. Individuals wishing to testify in person may sign up with Staff member at the entrance to the Chambers. For those joining the meeting via Microsoft Teams, those (*audio interference*) testify can let Staff know by using the raise-your-hand function if you wish to testify. Once you have been added to the testifier log, Staff will lower your hand. Testifiers wanting to provide video or audio testimony should have joined the online meeting via the TinyURL link or by calling into the phone number noted on today's agenda. Written testimony is encouraged and can be submitted via the eComment link at maucounty.us/agendas. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, you...you will hear a second timer go off after 30 seconds, and I will kindly ask you to complete your testimony. We ask that you state your full name and organization, but if you prefer to testify anonymously, Staff will identify and refer to you as "Testifier." Please also indicate on the agenda item or items that you're wishing to testify on. Once you're done testifying, or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook Live, or maucounty.us/agendas. Thank you all for your cooperation. The Chair will maintain decorum at all times. Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Council meeting can, at the discretion of the presiding officer or a majority of present Councilmembers, be ejected or banned from Council meetings or, if participating remotely, muted or dropped from the meeting. Examples of disruptive behavior include heckling, shouting, use of profanity, threatening or slanderous remarks made to any Members of the Council, Staff, or

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

general public. Committee Members, I'll now proceed with oral testimony. Staff has been monitoring individuals joining today's meeting by phone, by video, and we will do our best to make each person's...take each person up in an orderly fashion. Staff, will you please call the first testifier?

MS. MCKINLEY: Chair, the first and only person currently signed up to testify is Gretchen Losano.

CHAIR JOHNSON: Ms. Losano, you're on the call. There she is.

. . . BEGIN PUBLIC TESTIMONY AT BEGINNING OF MEETING . . .

MS. LOSANO: Aloha, Councilmembers. . . *(laughing)*. . . I am very sunburned and calling in from my compost facility. I am representing West Maui Green Cycle. And you might be able to hear the big truck behind me *(audio interference)* are moving our facility right now. We're actively moving it right now. Sorry, that's a big, big truck moving beautiful compost. So...so, I called...I called one of my friends who's on the...who's in the Planning Department, and I really specifically wanted to know from them--and this was so that there was no...you know, this is not meant in any disrespectful kind of way at all, it's more just a technical question is...you know, the qualification--if...if the Planning Department is going to have additional block...blockades for people who have already gone through the process of getting a Department of Health permit, if they are indeed like very specifically qualified to assess the harm...the relative harm to either the land, the water, or the people in the areas surrounding where a compost facility would be. Because in order to get a Department of Health composting permit, which any of the...you know, any commercial compost facility has to have a Department of Health permit, that's just like standard. And...and you can't get any assistance from the County or the State with any of your compost facility needs if you don't have a Department of Health permit or oversight from the Department of Health. Like some sort of like very pili interaction with the Department of Health. Because this is a really big deal, you know, composting could...you know, could be dangerous if you're doing it wrong. But the Department of Health permit is like beyond adequate, and the people in the Department of Health that are assessing these permits are...are very, very qualified to these very specific areas of, you know, water health, 'āina health, human health, that would enable them to be able to make those very qualified decisions about whether a person in an area was suitable for composting. So, I called my friend to ask her like if there was any like requirements for people on the Planning Department...in the Planning Department to be able to assess in those ways, like the Department of Health. And she was like oh, yeah, like that's a good...that's a good question because actually, there isn't. And so, I was like, you know, I don't see why then there would be additional barriers for the zoning. It...it's...it's having to get like a special use permit for composting in an agricultural area. Because composting is absolutely an agricultural operation. We compost so that the farmers can have good soil, you know, to grow the food that we need. And if we're going to...if we're going to move toward, you know, our goal of 90 percent food security, like we need to remove all unnecessary barriers to doing

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

so. And one of them is having to get a special use permit. Because I don't . . .*(timer sounds)*. . . believe people are qualified to be able to make decisions over what the Department of Health is already qualified to do. You guys know what I'm saying? I..I'm...I'm not trying to insult anybody in the Planning Department. They're super qualified for a lot of things, but particular to human health and safety, and...and the water health and safety, I don't think that they have...they're more qualified to decide those things than the Department of Health. And --

CHAIR JOHNSON: Okay.

MS. LOSANO: -- we have already made it an allowable ag-zoned operation on a State level, and that was with the input of the Department of Health already. And . . .*(timer sounds)*. . . so, I think that...I'm...I'm definitely in full support of Bill 100, I'm really excited about it. And, you know, there's not like a whole bunch of rogue composting operations going on on the --

CHAIR JOHNSON: Yeah.

MS. LOSANO: -- Island of Maui.

CHAIR JOHNSON: Okay.

MS. LOSANO: You know, like composting is hard.

CHAIR JOHNSON: Thank you, Gretchen.

MS. LOSANO: Yeah.

CHAIR JOHNSON: Thanks. I...I just got...before you go, let's see if there's any clarifying questions from Members because I might have one. Members, do we have any clarifying questions for our testifier? We do have one from Councilmember Paltin.

COUNCILMEMBER PALTIN: I just wanted to clarify. You know what you're talking about in terms of the Department of Health permitting because you achieved that. It's not --

MS. LOSANO: Yeah.

COUNCILMEMBER PALTIN: -- just you're saying, like this is what I think, you actually have a Department of Health permit for composting.

MS. LOSANO: Yeah. So, I've been through the process. And so, I'm actually working directly with the Department of Health. We're doing an EPA study for PFAS in compostable food serviceware containers. And we are--this is very exciting for the future of ag--we are also doing a PFAS study relating to the use of R-1 water in composting and agriculture. So *(audio interference)* --

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

COUNCILMEMBER PALTIN: Awesome. Thank you. So just wanting to qualify your testimony, that you actually --

MS. LOSANO: Yes, *(audio interference)* --

COUNCILMEMBER PALTIN: -- do have that.

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR JOHNSON: Thank you. Ms. Losano, quick question for you. How many tons do you guys produce, or over...in a year, do you...do you know that number?

MS. LOSANO: Well, we just scaled up quite a bit. We are in the process *(audio interference)* like we are...our compost equipment...currently we're able to produce like 700 tons right now with our composting equipment. We have on order another system that's going to double that, so that's, you know, 1,400 tons, but like we are doing...I...I think tons is...is not a great...that's not great because people can't really imagine what that looks like. But in pounds...I will just tell you that we just...we just took on an account, a hotel account, and in two weeks we have processed 35,000 pounds of food waste from this one hotel in two weeks. Like that's a lot.

CHAIR JOHNSON: Okay. That...that's really helpful, Gretchen. Thank you. 35,000 in two weeks. I think I had another question from Councilmember Sinenci. Councilmember Sinenci.

VICE-CHAIR SINENCI: Mahalo, Chair. And mahalo, Gretchen, for joining us this afternoon. I was just curious. With your Department of...the State Department of Health permit, you can sell your compost.

MS. LOSANO: Yes. Yeah.

VICE-CHAIR SINENCI: Okay. All right. I just wanted to --

CHAIR JOHNSON: Okay.

VICE-CHAIR SINENCI: -- get that clarification. Thank you.

CHAIR JOHNSON: Thank you. All right. Thank you for your testimony. Any other clarifying questions for our testifier? Seeing none. Thank you once again for your testimony. Staff, will you call the next testifiers, please? And just want to remind everybody, Members, we...we do want to move this along because we...we...we might lose quorum here shortly. So, Staff, will you call next testifier?

MS. MCKINLEY: Chair, the next testifier is Diane Preza, to be followed by Keiki-Pua Dancil.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

CHAIR JOHNSON: Ms. Preza, are you here?

MS. MCKINLEY: Chair, she is unmuted on our end. Ms. Preza, if you want to touch the microphone icon. If that doesn't work, you can hang up and rejoin the meeting . . . *(inaudible)* . . .

MS. PREZA: Okay. I'm so sorry. Thank you so much. Thank you so much. Aloha, everyone. I'm Diane Preza. And aloha, Chair Johnson, and Vice-Chair Sinenci, and Members of the Committee. So, I'll be brief. I'm just here to...in support of Bill 100 (2024). I'll just explain because, Gabe, you understand about our composting facility, our green...green waste facility. So, for those of you that don't know, we have one on Lānaʻi, and our entire community...a lot of people use it. And we can take the trash from our yard, the green waste from our yard, and we're also able to purchase compost at a very reduced price, so...and I...my family has done it, my friends have done it. And it's actually a really good value. They'll load...I have a Chevy truck, it's really big, and then they'll put one whole truckload of compost for like less than \$50. I mean, if you go to the store, one small bag is like \$20. So, it's very affordable. And, you know, on Lānaʻi we're always talking about sustainability because it's the right thing to do, but a lot of it, for us, is out of necessity. We're so removed from everything that we have to take care of ourselves. So, just so you know, that our green waste facility is very important to our community. And they...Pūlama Lānaʻi operates it, and they will not only sell it to the community and take in the...the green waste, but they'll also donate it to the school to—so, the community gardens, I can just tell you a quick story. That this gentleman I talked to, he is saying that he needs that compost because he has raised beds, and so, he can't afford to just buy one bag of compost, he needs the truckloads of it in order to grow vegetables in his garden. And then we also...the Culture Center [*sic*] does place-based activities there at the community garden and Pūlama Lānaʻi will donate compost. And then same thing with Lānaʻi High and Elementary School, they have a māla and they're doing place-based learning, learning about native plants. And the company will donate truckloads of compost for free. And so, without the compost, it would be very hard for us, I think. And so, what happened was a group of us collectively got together and wrote up...drafted up a letter, and then with lightning speed, yesterday we talked to people like face-to-face and we shared...we shared the bill that Tamara introduced. And they were all...like it was for them, everybody, it was a no-brainer. And they were just, yeah, where do I sign? Where do I sign? Please don't...please, we need this. We need this. So...and I...I emailed you all a copy of the letter and the...the signatures. So, it was over 300 signatures in like probably eight hours because we were just hustling, and trying to talk to small groups of people, and sharing. And we...that's like 10 percent of our community. So, I mean, if...if I were to go again, today...or we were to go again today, it would be a lot again. So, that's all I had to say, but thanks for your time. . . . *(timer sounds)* . . .

CHAIR JOHNSON: Okay. Perfect timing, Diane. I want to thank you for those 300 test...signatures. That took a lot of work, a lot of effort, and I totally agree with a lot of the points you made. So, thank you for all your hard work. Members, do we have any

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

questions for our testifier? Seeing none. Thank you once again for your hard work, Ms. Preza. Staff, will you call the next testifier, please?

MS. MCKINLEY: Chair, the next testifier is Keiki-Pua Dancil, to be followed by Roger Alconcel.

MS. DANCIL: Aloha, Chair Johnson (*audio interference*) Vice-Chair Sinenci, Members of the Committee. Mahalo again for the opportunity to allow us to provide our mana'ō. Just like Ms. Losano that testified earlier, we Pūlama...we have a compost facility, and it is the only compost facility on island. It's been in operation since 2014. And Councilmember Paltin, we do have a solid waste management facility, compost facility permit, from the State Department of Health. This is a...quite a extensive application, like I said, it was established in 2014. And why it was established is because we were already...you know, we have ag operations already on the parcel. And so, this was an accessory. We were composting our...we were composting all the green waste so we don't have to put in the landfill. This is a good use of reuse of green waste. And we were producing compost for ourselves. If we applied for the State's composting facility, we are able to take in green waste, just like Ms. Losano, from other TMKs, and also provide it to the community. So, that's what we did. And as testified, and the signatures that you saw, this is a very needed valuable resource for the community. We're in the process of renewing our permit right now, and Planning has said unless this is declared a principal use, we will have to have additional steps. So, thank you, Councilmember Paltin, for adding this as a principal use. Is...and just like Ms. Losano said, what is the value add that we're going to get as a special use permit? It's one more hoop to jump through. You get...you guys just went through WAI this morning, you guys had all those great questions, and she had great questions to ask as well. What additional steps are necessary that the Department of Health, who has scientists, engineers, reviewing this? And we also have to provide reports, tonnage. We have to provide biology reports. I mean there's...it's extensive compliance. And so, again, please, let's be efficient. This is already in operation, providing a valuable resource to our community. We don't want to have a break in service, and having this as a principal use just makes it that much easier. So, I encourage you to just pass this as is. Mahalo. And I'm here if you have any questions. And I can be available as a resource because we've been in it for ten years, and we just went through the renewal.

CHAIR JOHNSON: Thank you, Dr. Dancil. Members, do we have any questions for our testifier? Seeing that we have one from our Non-Voting Member, Councilmember Paltin. Go ahead.

COUNCILMEMBER PALTIN: I would love to have Dr. Dancil as a resource, if the Members are all right with that.

CHAIR JOHNSON: Members, without objection, I'll designate Dr. Keiki-Pua Dancil as a resource person under Rule 18(A), given her expertise in composting. Any...any objections, Members?

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: Okay.

MS. DANCIL: Mahalo.

CHAIR JOHNSON: Duly noted. Thank you. Staff, will you call the next testifier, please?

MS. MCKINLEY: Chair, the next testifier is Roger Alconcel, and he is currently the last one signed up to testify at the beginning of the meeting.

MR. ALCONCEL: Hi. Can you hear me?

CHAIR JOHNSON: Yeah.

MR. ALCONCEL: Oh, yeah, sorry, I'm --

CHAIR JOHNSON: Loud and clear, Roger.

MR. ALCONCEL: -- I'm not sure if my camera is on, but, yeah, I'm...I'm a Lānaʻi resident. And I'm support [sic] of the compost. I have stuff to trash, and I would rather go to the compost area instead of trashing it at the landfill. And trust me, I got lot of trash, and the...and I am hoping it doesn't go to the landfill. So, that's all, just want to support this bill. Thank you.

CHAIR JOHNSON: Okay. Thank you, Mr. Alconcel. Members, do we have any questions for our testifier? Seeing none. Thank you for your testimony. Staff, will you call the next testifier, please?

MS. MCKINLEY: Chair, there's currently no one else signed up to testify. If anyone would like to testify, they can raise their hands on Teams. Chair, seeing no one.

CHAIR JOHNSON: Okay. Members, seeing there are no more individuals wishing to testify. I'll proceed with the agenda.

. . . CLOSE PUBLIC TESTIMONY AT BEGINNING OF MEETING . . .

ITEM 15: BILL 100 (2024), RELATING TO COMPOSTING IN THE AGRICULTURAL DISTRICT

CHAIR JOHNSON: And this is ADEPT-15, Bill 100 (2024), Relating to Composting in the Agricultural District. Members, we have before us Bill 100 (2024). This bill was referred to the Planning Commissions by Council Resolution 23-195. The Planning Department report summarizing the Planning Commissions' recommendations which was received on June 5th, 2024. That correspondence can be found in Granicus under this item.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

This...the bill on the agenda today is up for consideration by this Committee, and is a version that was introduced by Councilmember Paltin at the July 5th, 2024 Council meeting. It amends Title 19 so that composting and co-composting operations, subject to the restrictions of Chapter 205, Hawai'i Revised Statutes, be permitted as a principal use in the Agricultural District. I...I believe this bill will significantly help farmers find and grow healthy and affordable soil, which has the potential to save them money, remediate our soils, lessen invasive species, and the need for water and chemical inputs, and increase crop yields. As a farmer myself, I know the challenges of finding good compost and mulch these days. It's especially important to create our own compost on our islands so that we reduce the risk of transporting invasive species. If you recall, last year, September, the State Department of Agriculture found a dead coconut rhino beetle in a compost bag at a big box store. That was a close call, but a risk that can be mitigated if we...if we locally grow and support our compost. I'd like to turn it over to Councilmember Paltin, the introducer of the bill, for any opening comments. Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you so much, Chair Johnson. Everything you said plus. So, the idea for this came to me, actually, from Rory Frampton, who was a consultant for a composting operation. I'm not sure why he chose to call me up, but he called up kind of fired up that...like, you know, the State has all these requirements, and why is the County making us go through additional hoops, and things like that. And I...I kind of had no idea what he was talking about. And so, I had to look into it and see. And I was like yeah, why...why are we doing this, you know? And so, we worked on the bill, we got it sent through the Planning Commission, it came back with the recommendations. And, you know, I just want to say that in the current situation, I feel it's a little bit unreasonable to put this additional hurdle on people that just want to do composting. Right now, they have a hard time making quorum. They're down seats. I just got a bill from Grace Baptist Church that's trying to do rezoning past its 120-day deadline. So, we're just moving ahead, you know. And so, I don't think that people that want to try and do composting should have to wait 120 days, or however long, just for people on the Planning Commission to say yes, you can do composting on ag land. And, you know, we have requirements for people to be environmental. We have our requirement for someone to be cultural. But we don't have any requirement that the Planning Commission have expertise in composting because the Department of Health is taking care of that permitting process. So, length of time, additional regulatory burdens, the things that the Planning Commission really should be focusing on, like change in zoning, it's just going to, you know, add this additional regulatory burden. And I...I let Rory Frampton know that we got it back, we want to do this. I talked with Gerry Ross, and Rory Frampton said, you know, my client already found his own solution. So, I mean, just to try and fix his problem, he found a different workaround because we took so long to get to this point right here. And so, you know, really, composting is also about diversifying the economy, it's about sovereignty...food sovereignty, and other things. I know that there is some concerns about neighbors and things, but what is agricultural land for? Its primarily [*sic*] purpose is to do agriculture. And if we're...there is a complaint process through the DOH. The DOH is complaint-driven, so if neighbors make complaints on composting operations, it

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

jeopardizes their permitting, and their whole business model. So, it's in people's best interest, if they're doing composting on ag land, to work together with their neighbors. And like Dr. Dancil was saying, we...we spent the whole morning about streamlining permitting processes. And this is one where, you know, I don't think that we need to add that regulatory burden onto folks that simply want to do composting when it's well vetted by the Department of Health. Thank you.

CHAIR JOHNSON: . . .*(laughing)*. . . Thank you, Councilmember. Any clarifying questions for the introduction...introducer of the bill? We do have one from Committee Vice-Chair Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. I understand that there were some recommendations from the Planning Commission, but Member Paltin, were you open to --

COUNCILMEMBER PALTIN: Yeah.

VICE-CHAIR SINENCI: -- those, or you just want to push?

COUNCILMEMBER PALTIN: So, the recommendation was, although they no longer need like a conditional permit or something, they wanted them to get a special permit, which...conditional permit, it has to go through the Planning Commission and the Council. Special use permit, for the County level, just goes through the Planning Commission. And, you know, with their agenda, with the rebuild of Lahaina, with the lack of quorum, with all the issues we're dealing with, I just feel that's really an unrealistic burden and a duplicative effort. You know, we need to focus on the important things before us, which is, you know, all the SMA of Lahaina and just, you know, not impeding ag on ag land *(audio interference)*.

VICE-CHAIR SINENCI: And...and just another question, the compost can only be used on the farm.

COUNCILMEMBER PALTIN: With...without a DOH permit, that's correct. If you have a DOH permit for commercial composting, then you can accept compost from outside of your farm, and you can sell it to outside. So, that's what's required...or that's what is enabled by a DOH commercial compost permit. If you don't have that, you can just compost your own stuff. Like...I mean, I live in residential, but I got two compost bins going. I used to have some worms, and I didn't have any problems with that. It was...I never really used the compost because it kept going down, down, down.

CHAIR JOHNSON: Yeah.

VICE-CHAIR SINENCI: Okay.

CHAIR JOHNSON: Okay.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

VICE-CHAIR SINENCI: Okay. Thank you.

CHAIR JOHNSON: Thank you. All right. Let's move on to our departmental resource personnel. And we have Mr. Pfof here today. So, Mr. Pfof, if you're here, turn your camera on and unmute your thing. And here he is. Thank you for being here today. I know the Department of Planning would like to share some comments on this proposed legislation. So, the floor is yours, Mr. Pfof.

MR. PFOF: Yes. Thank...thank you, Chair, I appreciate the time, and Members of the Committee. I did have a brief slide presentation, if you want to go over that. I know your --

UNIDENTIFIED SPEAKER: . . .*(Inaudible)*. . . --

MR. PFOF: -- time, but maybe I can get a little bit more background, at least where the Department --

CHAIR JOHNSON: Sure.

MR. PFOF: -- was coming from. And I...I can't seem to share my screen, so I don't know if Staff can run that presentation...it looks like they are. Great. So, I...and before I start, just...I'll be...in...in regards to the comment from Ms. Losano, by all means, I am not a composting expert, nor...and...and she is correct, the Department does not have a composting expert. And I agree wholeheartedly that the Department of Health is really the expert. In any permitting, you need to go to...the Department of Health is more than adequate to what you need to do in regards to that...that type of composting. The special use permit that I'm going to be talking about that the Department was recommending is more related to more of a land use-related issue, and the potential...and I'm not saying that there always will be, but the potential for land use impacts to neighboring properties from perhaps truck traffic from large composting operations. And that's where the Department was coming from, where it was concerned, not the operation of the composting facility itself. Because we would rely also on the Department of Health in regulating the composting facility. So, if I may just go to the...the first slide, please. Next slide. Thank you. You may recall that the Housing and Land Use Committee discussed this, and then forwarded to County Council back in November of 2023. The County Council forwarded this then to the Planning Commissions, of which all three Planning Commissions reviewed this matter in their February and March meetings of this year. Next slide, please. As you may recall, when I presented other legislative matters regarding the ag district, I provided this slide that talks about the importance of retaining and encouraging agricultural lands. So, I just want to remind this because it is really the General Plan that provides the --

UNIDENTIFIED SPEAKER: . . .*(Inaudible)*. . . --

MR. PFOF: -- future direction and policy direction for us when we review legislative matters that change the Zoning Code. So, I like to present this, and just remind us all how

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

important that it is to retain and encourage agricultural lands in the County. Next slide, please. The General Plan also talks, and appropriately, has a lot of policies regarding waste disposal as well, and developing strategies to promote public awareness of waste disposal and...and...and doing things to reduce pollution and litter, including composting operations. So, just wanted to present these slides. So, I think the proposal that we're doing here, that...of this bill is in...in compliance with General Plan policy for the future. So, that's why I just wanted to set that up, and say that I think we're going in the right direction here with this policy of implementation tool for the Zoning Code. Next...next slide, please. The Zoning Code in the agricultural district is Chapter 19.30A. And the purpose of the ag district, and the intent of the ag district, is...follows, actually, the policies of the General Plan, so--as it should--as an implementation tool about preserving and protecting agricultural resources. Next slide, please. Now, importantly, the ag district, like any of the other zoning districts that we have in Title 19, lists the permitted uses that you're allowed in the ag district. It also lists the accessory uses there...you're allowed, and in most cases, also lists special uses that are allowed. And I'll just like to real quickly go over those in the ag district. So, the principal uses you can see here in the ag district are primarily ag-related type uses...animal and livestock raising, agricultural parks, agriculture, and so forth. Next slide, please. The accessory uses then are uses that are incidental or subordinate to, or customarily used in conjunction with the permitted principal use. So, you've got those principal uses that are the main uses of these...we'd want to see in the ag district which are ag-related, then we have the accessory uses, which then are incidental, or subordinate, or used with those and...such as our farm dwellings, our farm labor dwellings, commercial ag structures. Structures associated with ag uses such as barns, and other structures, and so forth, to support those ag structures, and a variety of things. These are the things that are accessory to the permitted uses...the principal permitted uses. Next slide, please. And as I mentioned, the ag district also includes a list of special uses. And these are uses or structures that would be allowed in the ag district with approval of a special use permit by the Planning Commission. These uses tend to be a little bit more intense. While they're permitted in the ag district, that...we want to have a little bit more review to address perhaps land use-related impacts to neighboring properties or...or the site itself. There's a variety of uses that you can do with a special use permit approved by the Planning Commission, including additional farm dwellings, or farm labor dwellings, different types of commercial ag structures that aren't noted in the accessory structures, all the way to things such as landfills, or mining and resource extraction, churches and religious institutions. So, there's a variety of more intense-type uses that you don't...don't normally expect to see in the ag district, but can be in the ag district with approval of special use permit so that we can add conditions to control those types of uses or the impacts to neighboring properties. Next slide, please. As you know, the proposal before you is to allow composting and co-composting operations subject to the restrictions of Chapter 205 by . . . *(inaudible)*. . . statutes in the Principal Permitted Uses section of the ag zone. And...and I'm not going to go into Chapter 205, but basically, it talks about the controlling the spread of invasive species by having ag uses that...or...or composting uses that you do on your property be used on your property, and if not, that you need to get a State Department of Health permit or approval, as was mentioned earlier. Next slide, please. The Department is in support

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

of the bill that is before you on...as we believe it's beneficial and...and distinctly permitting this use. We believe it's consistent with the Maui General Plan, I mean, in...in regards to waste disposal, as well as the ag policies as well. However, the Department had just some slight concerns, and was proposing two recommendations. And the first one is in...as I mentioned earlier, is a concern that the use is a principal use. And the concern is...that the Department had is that it would be...it could...you could have a composting operation that could be a significant size composting operation...a large composting operation on a very small ag lot, or minimum lot size ag lots with two acres. So, you could have somebody propose something, a principal use, on a two-acre ag lot, and...and there may be potential land use-related impacts...impacts, such as truck traffic, things that the Planning Department does look at, and the Planning Commission is familiar with. I mean, I'm not talking about, as I mentioned earlier, Department of Health-related impacts on managing the composting operation. I believe solely that the Department of Health should continue to do that, and the Planning Commission or the Planning Department has no role in really the operations of such, but more as...I'm more concerned probably with any related truck traffic from a large composting operation. So, what the Department was recommending is that, one, moving the use from a principal use to an accessory use. So, it would be subordinate or accessory to an ag use. And so, any farmer can do composting, does not need a permit. As long as you're doing ag use on your property, you can do composting. That was the first recommendation that's an accessory, so it's not that principal use. The second option...the second recommendation was allowing or acknowledging that there may be a need for larger composting operations. However, let's have those large composting operations that are the sole principal use on an ag lot be regulated through a special use permit so that we can control any land use-related impacts, not Department of Health-related impacts. Those uses would still require to go to the Department of Health, but...and...but also, would require a special use permit for those sole operations, larger operations, on an ag lot. So, those are the two changes that the Department was recommending. Next slide, please. And as I mentioned, the three Planning Commissions reviewed the matter, or the three Planning Commissions supported...recommended approval of it with the Department's two recommendations included. The Molokai Planning Commission at their meeting--I'm sorry, that should say March 13th, 2023, not December--but the Molokai Planning Commission indicated that if the Council does not support the requirement for an SUP to allow composting as a primary use, then they would want that required at least of Molokai. So, that was their addition that they added in, in addition to the Department...the approval of the Department's recommendations. So, that concludes my presentation. Hopefully, I can answer any questions that you may have today. Thank you.

CHAIR JOHNSON: Okay. Thank you, Mr. Pfost for that presentation. Very informative, as usual. I just want to add here that I fully support allowing composting, co-composting operations to occur as an accessory use, in addition to when it is a principal use, which is what was originally proposed in Councilmember Paltin's . . .*(inaudible)*. . . of 100 (2024). I believe that requiring a special use permit for composting to occur as a principal use is asking a farmer to get a permit for farming, and I don't agree with that style of asking farmers to get a permit for farming. Special use permits cause

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

unnecessary costs and timely burdens on our already underfunded and overworked farmers, and may deter commercial composting. My concern is that if we incorporate this proposed revision, it will severely deter farmers from willing to take on this additional responsibility of creating affordable composting, something our local farmers are in dire need of. If...if the body decides that it does want to follow the Department of Planning's lead, I do have an amendment on standby to clarify the size of the operation that would require a special use permit. But again, my preference is to not require a special use permit. I do understand, though, that Molokai Planning Commission prefers the Department of Planning recommendation. And so, Members, do we have any clarifying questions? Okay. I see Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you. I guess, maybe as the subject-matter expert that went through an actual Department of Health...if you could clarify what Mr. Pfof said. Like my...my understanding is Department of Health requires these operations to be with...at least a half a mile away from housing. So, a two-acre ag lot doing commercial composting, would the DOH even allow that? Because my understanding is, it has to be at...for a DOH permit, you need to be at least half a mile away from housing.

CHAIR JOHNSON: Councilmember Paltin, that's for Dr. Dancil, yeah? Dr. Dancil.

COUNCILMEMBER PALTIN: Yeah.

MS. DANCIL: Aloha, Councilmember Paltin. I don't know the exact distance because we're so far...our facility is so far away from any...you know, where...where we located, we sited it where it was not near any residential operation. So, I...I don't have that, but they do have those things in place already. Yeah, there is a limit, but because ours is so far away, it...we didn't pay close attention to that. So, I apologize, I don't have that exact answer.

COUNCILMEMBER PALTIN: Oh, no worries. I guess, I got that from Ms. Losano texting me. It has to be --

MS. DANCIL: Okay.

COUNCILMEMBER PALTIN: -- at least half...half a mile away from housing.

MS. DANCIL: Okay.

COUNCILMEMBER PALTIN: So, that two-acre example, the DOH wouldn't allow. And I guess, she also mentioned that because of this special permit, all of these requirements, EKO Compost stopped composting for two years, and all of that green waste went into the landfill. So, I mean...I guess, you know, some traffic...if it was traffic for somebody like, you know, selling beef, would it matter if it's traffic for composting? Is it different than, you know, legit ag? And...and is short-term rentals legit ag, you know? So, I'm...I just...I'm saying like there's plenty of holes to poke through in that presentation.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

CHAIR JOHNSON: Okay. Thank you. Any other clarifying questions for --

COUNCILMEMBER PALTIN: Although, beautiful slides...beautiful slides.

CHAIR JOHNSON: . . .*(laughing)*. . . Okay. Nice...nice work there. Let's move on to...first off, I want to thank you again, Mr. Pfost. And we'll move on to our Department of Agriculture, Director Arce. Director Arce, if you're on the call, you can turn on your camera, and you can start with...so, your opening remarks. And...and there she is. Director?

MS. ARCE: Aloha, everybody. Chair, thank you for inviting me. Aloha, Councilmembers. The Department of Ag is in support of the bill as it is. But we're concerned with the potential repercussions that it would have on existing agribusiness' composting operations like...such...at County of Maui landfill and Pūlama Lānaʻi. I just feel like it might cause farmers and growers to import compost, which could bring in coconut rhinoceros beetle, which we don't have at the moment. But generally, we support the bill as it is. Thank you.

CHAIR JOHNSON: Okay. Famous last words, Director. The...Members, do we have any clarifying questions for our Director Arce? Thank you so much for joining us, really appreciate it. Okay. Let's move on to Ms. Powell from EP&S Division, if she's on the call. Ms. Powell, you can turn on your camera and unmute yourself. See if she's coming.

MS. POWELL: Aloha. Can you hear me okay?

CHAIR JOHNSON: Loud and clear. So, thank you so much. Ms. Powell, does the Environmental Management, EP&S Division, have any comments on this proposed legislation?

MS. POWELL: You know, I'm going to...thank you very much, Councilmember Johnson.

CHAIR JOHNSON: Yeah.

MS. POWELL: Yes. I mirror Director Arce's stance on...we support the...the Bill 100 as it was submitted, and are concerned with any break in services that this additional special use permit requirement would affect, like Pūlama Lānaʻi's operations, for instance. If they were required to have the additional special use permit, then we may not be able to provide those services for the community during that time when they're...they're acquiring that permit. So, we don't want to be --

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

MS. POWELL: -- counterintuitive. Sorry, thank you.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

CHAIR JOHNSON: Oh, okay. Thank you so much, Ms. Powell, for your...your opening remarks. Members, do we have any clarifying questions for the Department? Seeing none. Okay. Let's reopen public testimony for ADEPT-15. At this time, if there's anyone wishing to testify on this item, please use the raise-your-hand function, and we will call upon you to testify. Staff, is there anyone withing to testify this time?

MS. MCKINLEY: Chair, no one has signed up to testify yet.

CHAIR JOHNSON: Okay.

MS. MCKINLEY: Would you like (*audio interference*) --

CHAIR JOHNSON: Members, seeing there's no more individuals...uh-oh. I'm getting a little broken up here. Is that me? Can you guys hear me?

COUNCILMEMBER COOK: Can hear you now, Chair.

CHAIR JOHNSON: Okay. Members, seeing there's no more individuals wishing to testify, are there and any objections to closing oral testimony for ADEPT-15?

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: Now close testimony for this item,

. . . CLOSE PUBLIC TESTIMONY ON ADEPT-15 . . .

CHAIR JOHNSON: And let's enter discussion. I propose two minutes per Councilmember for each round of discussion. As a reminder, our resource personnel are here to answer any questions you may have. After we complete our discussion, I'll make my recommendation for a motion. So, let's...here's the list we'll go down. We'll...we'll go Vice-Chair Shane Sinenci, Council Chair Alice Lee, Committee Member Tom Cook, and then Committee Member Nohe...Nohelani U'u-Hodgins, myself, and then Councilmember Paltin, in that order. So, starting with Vice-Chair Shane Sinenci, the floor is yours.

VICE-CHAIR SINENCI: Mahalo, Chair. And I guess the question is, if...if we're...this bill doesn't require a Department of Health permit, then it's the farms that would be...they wouldn't be able to bring in compost from outside the farm. So, it would just be the farms composting their own waste, and then using it, and then recycling it again on the farm. Is that pretty clear...much it?

CHAIR JOHNSON: That's my --

VICE-CHAIR SINENCI: Okay.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

CHAIR JOHNSON: -- understanding as well. Mr. Pfof, is there anything...did he say anything...like that's it...exactly right, right, Mr. Pfof?

MR. PFOF: That is correct. Yes.

VICE-CHAIR SINENCI: Right. And...and that...I guess that addresses some of the...the invasive species. If it's...if you don't have anything on the farm, or you're not bringing in any outside waste, and you're keeping your compost pretty much clear of any invasive species that may be coming onto the farm.

MR. PFOF: That's correct. And if you're doing something different than that--selling the product or bringing something in from somewhere else--then you need it...Department of Health approval or a permit, depending upon what you're doing.

VICE-CHAIR SINENCI: Okay, great. Thank you. Thank you, Chair.

CHAIR JOHNSON: Thank you. Okay. Council Chair Alice Lee is next.

COUNCILMEMBER LEE: I have no questions. I'm ready to vote in favor. Thank you.

CHAIR JOHNSON: Okay. That's beautiful. Let's move on to Committee Member Tom Cook.

COUNCILMEMBER COOK: Thank you, Chair. So Chair, my question to you is, you had a proposal to vote for this without the restriction of...that the Planning Department requested?

CHAIR JOHNSON: My...yeah. Mine's a little different because overall, we're trying to make it so that the farmers don't have to go and get a permit.

COUNCILMEMBER COOK: Okay.

CHAIR JOHNSON: Or if they do have to get a permit, it's when they have to get the...the State permit, right. So, that's why I'm trying to find out if there's a threshold, and I think it's 3,000 tons per year, right? Three thousand tons per year, then you got to go get your...your State Department of Health permit. So, that's my understanding of it, and that's why I thought we...trying to avoid the farmers going before it and get a special use permit. And that's kind of the amendment I was thinking on.

COUNCILMEMBER COOK: I don't...I'm not supportive of the farmers having to get a conditional use permit *(audio interference)* --

CHAIR JOHNSON: *(Audio interference)* --

COUNCILMEMBER COOK: -- *(audio interference)* --

UNIDENTIFIED SPEAKER: Yeah, only if the . . . *(inaudible)*. . . --

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

CHAIR JOHNSON: Oh, yeah. That's only if you...if...right, exactly. It really is up to us. So, any other questions?

COUNCILMEMBER COOK: No. No, other questions, just basic...I'm supportive of this. And the more compost, more better.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

CHAIR JOHNSON: Amen to that. Okay. Let's move on to Council...Committee Member Nohelani U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. This question is for Planning. Out of curiosity, how long does a typical SUP take to permit? And then how often do people have to do it?

COUNCILMEMBER LEE: Once you roll the window . . .*(inaudible)*. . . to pick up speed.

COUNCILMEMBER U'U-HODGINS: Chair, we can --

MR. PFOST: I'd say . . .*(inaudible)*. . . --

COUNCILMEMBER U'U-HODGINS: -- just FYI . . .*(laughing)*. . . you might want to mute yourself.

MR. PFOST: That's a good question. I...I...I'm sorry, but I have not been with the County long enough to know how long an SUP permit takes. I imagine it does take a little bit of time since there's notification, it has to go to the Planning Commission, agenda'd, and so forth. An SUP is typically, I think, for however the permitted use is going to occur. Typically, it's a...it's associated with the use specifically. There could be a timing mechanism requiring a re-review of the SUP to make sure you're operating within the conditions of the SUP. But that's up to the Planning Commission on how that would be worded within the conditions of the project.

COUNCILMEMBER U'U-HODGINS: And then I'm sorry, I'm not too sure if you answered this, but do you know how often it has to be re-done? Because it's conditional. So, how often *(audio interference)* --

MR. PFOST: It's --

COUNCILMEMBER U'U-HODGINS: -- renew it?

MR. PFOST: Yeah, I'd have to...I'd have to look at the special use permit section. A lot of what I'm used to is special use permits are...are associated with that specific use and the operations of that specific use. And so...and from time to time, at least in my experience in other jurisdictions, the...the County may add conditions to operational --

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

UNIDENTIFIED SPEAKER: . . .(*Inaudible*). . . --

MR. PFOST: -- conditions where we want to check back with it in a year, or five years, to see whether or not the use is currently operating --

COUNCILMEMBER U‘U-HODGINS: Oh, okay.

MR. PFOST: -- and we have to adjust it. Sometimes I've seen special use permits are...are just for that one-time use, and unless there's a problem, we won't revisit the SUP. So, I would have to look at the SUP section, and I'm not really sure if there's a mandate on timing in the SUP. I know the conditional permit section has a timing mechanism, I'm just not sure the special (*audio interference*) permit does.

COUNCILMEMBER U‘U-HODGINS: Okay. Sorry, I didn't look it up either, so I was just curious how long it took. I understand your point. However, I would...I would disagree in that compost is more similar to our traditional agriculture than, let's say, broadcasting satellite, or TVR, or anything like that. And I...I understand your point of wanting to ensure the use is as such, but I was honestly shocked that we don't just allow composting on ag land and we have to do all of this. So...but I...I appreciate your point, and I don't think it should require a...an SUP to do what I already thought most people did. I mean, I...like I said, I understand your point, but I guess I just grew up with everybody composting, and I'm shocked that it wasn't already part of the deal. But anyways, thank you so much. I'm happy to support this.

CHAIR JOHNSON: Okay. Thank you for that, Councilmember U‘u-Hodgins. Let's move onto our final person who would like to speak. Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I guess my question would be for Mr. Pfoست as well. In...in terms of setting the agenda for the Planning Commission, is it all the conditional permits go first, all the special use permits go, or is it in the order they come, or do sometimes, you know, like the...they get skipped ahead by the Department on what they want? Because I've had a couple Change in Zonings, Council-initiated Change in Zonings, which I think is a pretty big deal because, you know, you're changing zoning. And it's been over...for the Moku Roots, Chart House, I mean, we did that before the fire, and I...I haven't gotten that back. The Grace Brown Baptist Church...or Grace Baptist Church deadline was missed as well. And so, I just was wondering, is there a priority? Do things get pulled out? Because if those are examples, it would kill a business to wait around for that.

CHAIR JOHNSON: Mr. Pfoست?

MR. PFOST: Thank you for the question. And I'm not in the current Planning Division, I'm in ZAED Division, so I...I'm not exactly familiar exactly how they prioritize. My experience is, you know, you process things as you get them, and you move forward with them as you can. But obviously, some applications are more complicated and convoluted than

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

other applications. A zoning change, for example, is...is pretty...pretty unique, and requires perhaps an environmental assessment, or other kinds of information reports, or information from the applicant to process that. The special use permit process that we're talking about is strictly...I think would be only focused, really, on the land use-related matters of...of are there significant truck traffics related to this type of use that we have to worry about the roadways surrounding this property, and the impacts of those truck traffics related to that. That's really the...probably the most significant thing that I would...so, I assume that that SUP application should be able to be processed fairly quickly because it's just trying to understand the operation as it externally affects neighboring properties, or the roadways, and so forth. So --

CHAIR JOHNSON: Okay.

MR. PFOST: -- but I can't really (*audio interference*) --

CHAIR JOHNSON: I'm going to jump in...I'm going to jump in because I see Ms. Powell had her hand up from a different Department. Councilmember Paltin, would you like to hear from her? Ms. Powell, would you like to speak to the...the question?

MS. POWELL: Yes. Well, with the Recycling Section, we do submit special use permits in the past, and they take...they can take up to one to two years to process...for those asking about the timeline for these. Thank you.

COUNCILMEMBER PALTIN: That pretty much answers the extent of my questions. I...I did --

CHAIR JOHNSON: Right.

COUNCILMEMBER PALTIN: -- love hearing Mr. Pfoست say convoluted, though. That was a fun (*audio interference*).

CHAIR JOHNSON: All right. Members, I think...I think it sounds like we're ready to vote. I really appreciate the Members speaking directly on their feelings on this bill. So, it sounds like we're ready to vote. The Chair will now entertain a motion to recommend passage of Bill 100 (2024) on first reading.

COUNCILMEMBER U'U-HODGINS: So moved.

COUNCILMEMBER COOK: Second.

CHAIR JOHNSON: Moved by Councilmember U'u-Hodgins, seconded by Councilmember Tom Cook. Discussion, Members?

COUNCILMEMBER U'U-HODGINS: I have no discussion. I'm happy to support this.

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

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

large gallery. One sec. Give me a minute. Large gallery. Okay. So, are...are we at bare quorum right now? I...it looks like we can continue?

MS. TANCK: Yes, Chair. We are currently able to continue, but we are at bare quorum.

CHAIR JOHNSON: Okay. So, we're moving forward, and then we'll end...I'll try to get through this as fast as I can.

ITEM 7: BILL 17 (2022), PROHIBITING PRIVATE RESTRICTIONS ON SMALL-SCALE AGRICULTURAL USES AND THE KEEPING OF ANIMALS

CHAIR JOHNSON: Members, before...before us is Bill 17 (2022), which was transmitted to the Planning Department through Resolution 21-113. The Planning Department has submitted a proposed modified version of this bill, which was received on January 6th, 2022. This report, under the Commission's recommendation, is uploaded to Granicus under this item. Bill 17's purpose is prohib...is to prohibit instruments of conveyance from restricting small-scale agriculture and then keeping of animals...any rural district. It would not apply to conveyance of land exiting prior to the effective...existing prior to the effective date of this ordinance. This bill aligns with the purpose and intent of rural districts, and will help us, as they say, keep the country country. No one should be prohibited to grow food in rural areas. We need to support our food security, small farmers, and backyard gardeners, and not allow HOAs or deed restrictions to restrict them from producing food. So, we're going to go into Departments. Mr. Pfof, would you like to speak on this?

MR. PFOF: Yes. Thank you, Chair, Members of the Committee. The Department supports Bill 17 as currently written. This was actually recommended by the Planning Commission...I mean, the Planning Department, after review by the three Planning Commissions. And Bill 17, as currently written, is...is what the Department supports. So, that's all I have to really say on it. Thank you.

CHAIR JOHNSON: Oh, okay. Boy, this is tough. Okay. Thank you, Mr. Pfof, for that. Let's move...Members, any clarifying questions on his full support of the bill? Don't see any clarifying questions on that. Let's move onto Director Arce. Thank you again, Director Arce. It's your turn to speak on this bill, if you're available. Does the --

MS. ARCE: Yes.

CHAIR JOHNSON: -- Department of Agriculture have any comments on the proposed legislation?

MS. ARCE: The Department of Ag supports Bill 17. It will preserve and maintain the rural lifestyle, support small farms, provide diversified ag products, and allow raising of livestock, whereas livestock, including horses, are vital as farm labor. Thank you.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

CHAIR JOHNSON: Amen to that. Thank you for that. Direct...or Members, any clarifying questions for our Director? Seeing none. Thank you so much for speaking to...to the bill, Director Arce. Let's reopen public testimony now for ADEPT-7, public testimony. At this time, if there's anyone wishing to testify on this item, please use the raise-your-hand function, and you'll be called upon to testify. Staff, is there anyone wishing to testify?

MS. MCKINLEY: No, Chair. No one has indicated a desire to testify on this item.

CHAIR JOHNSON: Thank you so much. Last call. Members, seeing there's no more individual [sic] wishing to testify, are there any objections to closing oral testimony for ADEPT-7?

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON ADEPT-7 . . .

CHAIR JOHNSON: Thank you. Okay. Let's get into discussion of this item. I propose two minutes per Councilmember for each round of discussion, if needed. As a reminder, our resource personnel are here to answer any questions you may have. After we complete our discussion, I'll make my recommendation for a motion. And we'll just do the same row as before. Members, if you're okay with that, we'll just go down just like we did before. So, starting with Vice-Chair Shane Sinenci, followed by Committee Member Nohelani U'u-Hodgins.

COUNCILMEMBER PALTIN: Chair --

VICE-CHAIR SINENCI: Chair --

COUNCILMEMBER PALTIN: -- did you want me to --

CHAIR JOHNSON: Oh.

COUNCILMEMBER PALTIN: -- provide background on this one too?

CHAIR JOHNSON: Oh, sure. Yeah.

COUNCILMEMBER PALTIN: Okay.

CHAIR JOHNSON: I...I...okay, that's great. We'll start with her, and then we'll go back to Councilmember Sinenci . . .(inaudible). . . --

COUNCILMEMBER PALTIN: Okay. I just wanted to share, I didn't introduce Bill 17, but I did introduce Bill 16, which is almost identical. And it came about...I was watching the Planning Commission once, and Commissioner Ashley Lindsey was saying that her

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

brother lives in a HOA on rural land, and he couldn't even do aquaponics because they didn't allow any kinds of animals on...and there was fish. I don't know if it was called aquaculture or aquaponics, but there were fish involved in his setup, and his HOA prohibited it, even though he was on rural-zoned land. And so, I drafted Bill 16, which got auto filed, but Corp. Counsel and the Planning Commission worked on Bill 17, which is the successor to Bill 16, but it was introduced by the Mayor because there was...I guess, you know, it wasn't worded correctly. So, that was the genesis of Bill 17, which came out of Bill 16 (2022). And I'm so thankful for Member Johnson for picking it up. I didn't recognize it at first, but we had some conversations, and we're like, you know, Bill 16 and Bill 17 are almost the same. And then I remembered the aquaponics story, and I...I love aquaponics. I'll...I eat trout, whatever, and watercress, whatever, you know, cilantro. And I thought that, you know, we can't have people prohibiting farming on rural...there's a State law prohibiting...people from prohibiting farming on ag, but not for rural. And rural...you know, I mean, if we don't do ag on rural for the people that want it, if we let HOA stop that, then we're doing a disservice to our country, our County, all of the above--people.

CHAIR JOHNSON: Well said, Councilmember Paltin. Okay. Vice-Chair Shane Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. Just a question for Mr. Pfof, and to Member Paltin's comments about rural and ag. Can you kind of...is there a significant difference if...in your opinion?

MR. PFOF: No, the...I'm sorry, thank you. No, the...the...Councilmember Paltin is...is correct, in that the same language is basically in our ag district already. It's just not in the rural district, so I think this replicates that. And I think it's a good...it's a good...it's a good choice to do this. Thank you.

VICE-CHAIR SINENCI: Okay, great. Thank you. Thank you, Chair.

CHAIR JOHNSON: Thank you. Okay. Let's move on to Committee Member Nohelani U'u-Hodgins, followed by Councilmember Cook.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I have no questions. I'm ready to support.

CHAIR JOHNSON: Okay. Councilmember Tom Cook, followed by myself.

COUNCILMEMBER COOK: I don't have any questions. I'm supportive.

CHAIR JOHNSON: And neither do I. Councilmember Paltin, Non-Voting Member, do you have anything to add?

COUNCILMEMBER PALTIN: I'm just feeling very elated. It's very –

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

COUNCILMEMBER PALTIN: -- rare that you have a day like this where you get...like something like this, and just...this is the kind of pick-me-up I needed.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

CHAIR JOHNSON: Well, you know...you know what, Councilmember Paltin? That's exactly what I was going to say at the very end. You know, this is how we get good legislation. When the...when we work with the Departments, when you...we have an experience...you see something in our community, you say something's wrong...like your discussion with the Planning Commission. You knew something was wrong with our...our policies. The Departments are on board. Councilmembers are understanding, we're all on board. I'm going to call for the question. Sounds like we're ready to vote. The Chair will entertain a motion to recommend the passage of Bill 17 (2022) on first reading.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER U'U-HODGINS: So moved. Second.

CHAIR JOHNSON: Moved by Councilmember Cook, seconded by Councilmember U'u-Hodgins. Discussion, Members?

COUNCILMEMBER COOK: *(Audio interference)* --

CHAIR JOHNSON: *(Audio interference)* see any discussion. Councilmember Cook. All right.

COUNCILMEMBER U'U-HODGINS: There is a lot of similarities between rural and ag, except rural, you can actually build bigger and more homes other than ag. And I find it surprising that you can't do ag, but you can build bigger homes. So, I'm happy to make --

CHAIR JOHNSON: . . .*(laughing)*. . .

COUNCILMEMBER U'U-HODGINS: -- it all make sense, and we can hopefully...as Member Paltin said, hopefully get just a little bit closer to some food security. So, stoked on this.

CHAIR JOHNSON: All right. So...Councilmember Sinenci?

VICE-CHAIR SINENCI: I just wanted to say, happy to keep the country country.

CHAIR JOHNSON: Yeah. . . .*(laughing)*. . . That's...that's words taken out of my mouth, I was going to say that. So, all those in favor of the motion, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

CHAIR JOHNSON: We got four “ayes.”

MS. TANCK: Chair, there are four (*audio interference*) --

CHAIR JOHNSON: Oh, go ahead.

MS. TANCK: -- and three excused, Chair Lee, Councilmember Rawlins-Fernandez, Councilmember Yuki Lei Sugimura. The motion passes.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Councilmembers Lee, Rawlins-Fernandez, and
 Sugimura.**

MOTION CARRIED.

ACTION: FIRST READING of Bill 17 (2022) by C.R.

CHAIR JOHNSON: Okay. Members, that takes us to the end of today's Agriculture, Diversification, Environment, and Public Transportation meeting. Thank you, everyone. Good luck tonight in your debates, or whatever you're getting into tonight, have fun with it. Water off a duck's back and what...what did Gladys Baisa say? Give 'em heck, and take no poop. . . .(*laughing*). . .

UNIDENTIFIED SPEAKERS: . . .(*laughing*). . .

COUNCILMEMBER U‘U-HODGINS: Yeah, that's extreme PC version.

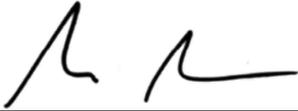
CHAIR JOHNSON: The time is now the time is now 2:39, and the ADEPT Committee is now adjourned. . . .(*gavel*). . .

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES**
Council of the County of Maui

July 25, 2024

ADJOURN: 2:39 p.m.

APPROVED:



GABE JOHNSON, Chair
Agriculture, Diversification, Environment,
and Public Transportation Committee

adept:min:240725min:ml:th

Transcribed by: Tricia Higa

**AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION
COMMITTEE MINUTES
Council of the County of Maui**

July 25, 2024

CERTIFICATION

I, Tricia Higa, hereby certify that pages 1 through 28 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 14th day of August 2024, in Wailuku, Hawai'i

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

Tricia Higa