

RECEIVED

May 9, 2024

2024 MAY -9 PM 4: 27

OFFICE OF THE  
COUNTY COUNCIL

MEMO TO: HLU-30 File

F R O M: Tasha Kama, Chair  
Housing and Land Use Committee



SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO  
BILL 71 (2024), AMENDING SECTION 19.30A.050, MAUI  
COUNTY CODE, RELATING TO THE SIZE OF FARM DWELLINGS  
IN THE AGRICULTURAL DISTRICT (HLU-30)**

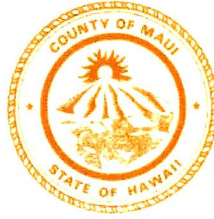
The attached informational document pertains to Item 30 on the Committee's agenda.

hlu:ltr:030afile01:pmg

Attachment

**RICHARD T. BISSEN, JR.**  
Mayor

**KATE L. K. BLYSTONE**  
Planning Director



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



OFFICE OF THE  
COUNTY CLERK

2024 FEB 29 PM 3:22

RECEIVED

February 28, 2024

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

APPROVED FOR TRANSMITTAL

*Richard T. Bissen* 2-29-24  
Mayor Date

For Transmittal to:

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

Dear Chair Lee and Council Members:

**SUBJECT: A BILL FOR AN ORDINANCE TO AMEND SECTION 19.30A.050(B), MAUI COUNTY CODE, TO INCREASE THE ALLOWABLE SIZE OF SECOND FARM DWELLINGS IN THE AGRICULTURAL DISTRICT**

The Planning Department (Department) received Resolution 23-36 (attached), adopted on September 15, 2023, transmitting a proposed bill to amend Maui County Code Section 19.30A.050(B) to increase the allowable size of a second farm dwelling from one thousand (1,000) to one thousand five hundred (1,500) square feet of developable area.

#### **Background Information**

On March 9, 2023, the Agriculture, Diversification, Environment, and Public Transportation Committee (ADEPT) held a meeting to consider Resolution 23-36, which would refer to the Lanai, Maui and Molokai Planning Commissions a proposed bill to increase the allowable size of a second farm dwelling from 1,000 to 1,500 square feet. The Committee forwarded the resolution to the County Council for consideration.

On September 15, 2023, the County Council adopted Resolution 23-26, with direction to refer the proposed bill to the Planning Commissions for appropriate action and transmittal of their findings

Honorable Richard T. Bissen, Jr.  
For Transmittal to:  
Honorable Alice Lee and Members of the Maui County Council  
February 28, 2024  
Page 2

and recommendations to the Council. The Council also requested that the minutes from the March 9, 2023 ADEPT meeting be provided to the Commissions along with the resolution.

The Department reached out to various agencies for their comment on the proposed bill, including the State of Hawaii Department of Agriculture, Maui County Farm Bureau, County of Maui Department of Housing and Human Concerns, County of Maui Department of Agriculture, County of Maui Department of Fire and Public Safety, and the U.S Department of Agriculture.

### **Commission Recommendations**

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

Public hearings were held by the Lanai Planning Commission on December 13, 2023 and January 17, 2024, the Molokai Planning Commission on December 13, 2023, and the Maui Planning Commission on January 9, 2024. Attached are the minutes from each of these meetings. The following is a brief summary and action taken during each meeting:

- **Lanai Planning Commission Meetings:**
  - December 13, 2023 Meeting: The Commission voted to defer the item to their following meeting so that the Department could provide additional information pertaining to the following questions:
    - 1) How many farms on Lanai would be impacted by this proposed bill?
    - 2) What would be the economic impact as a result of this proposed bill on a 2-acre Agricultural zoned property?
    - 3) Can the County Department of Agriculture comment on the proposed bill?
  - January 17, 2024 Meeting: In response to the Commission's questions from the December 13 meeting, the Department provided the Commission with the attached Memorandum, dated January 17, 2024. After hearing the Department's summary of the Memorandum, the Commission voted to recommend approval of the proposed bill to the Maui County Council. The vote was 5-1, with 2 absences.
- **Molokai Planning Commission Meeting:**
  - December 13, 2023: The Commission voted to recommend approval of the proposed bill with an amendment that would add the following text: "except for Molokai". In general concerns were expressed regarding the potential for additional structure growth on agricultural land and the bill's applicability to Molokai. The vote was 8-0, with 1 absence.
- **Maui Planning Commission Meeting:**
  - January 9, 2024: The Commission voted (5-0, with 4 absences) to recommend approval of the proposed bill with the following comments and amendment:

Honorable Richard T. Bissen, Jr.  
For Transmittal to:  
Honorable Alice Lee and Members of the Maui County Council  
February 28, 2024  
Page 3

- Commission comment to Council: Consider the impacts of the bill on those properties that are currently and proposed to be CPR'd (Condominium Property Regime).
- Commission comment to Council: Consider if the bill will increase "Gentleman Estates" or lead to an increase in non-agricultural uses. Encourage the department to increase training, inspection and enforcement measures to address "gentleman estates".
- Commission comment to Council: The Commission pointed out that within the County Council ADEPT Committee meeting minutes, Councilmember Paltin had asked the Planning Commission to specify if the bill should apply countywide or just to Maui island. The Commission recommended that it apply to Maui island because they are the Maui Planning Commission and the context of their discussion has been related to Maui island issues.
- Amendment to bill: The Commission voted to recommend approval of the bill, which would increase the allowable size of the second farm dwelling from 1,000 to 1,500 square feet, with the added provision of removing the 10% developable area cap on the combined size of both farm dwellings and adding a specific size cap. Regarding the specific size cap, the Commission voted on a maximum 5,000 square foot cap for both dwellings combined, but in further discussion were open to a cap of up to 7,500 square feet.

Thank you for your attention and consideration. Should further clarification be necessary, please feel free to contact me.

Sincerely,



KATE L.K. BLYSTONE  
Planning Director

Attachments: Department Transmittal Letter to PC  
Planning Department Memorandum dated January 17, 2024 to Lanai PC  
Molokai PC Minutes, December 13, 2023  
Lanai PC Minutes, December 13, 2023 and January 17, 2024  
Maui PC Minutes, January 9, 2024  
Resolution 23-36

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

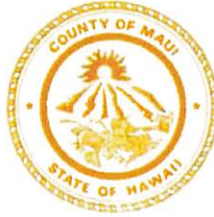
S:\ALL\APO\19.30A\2023 Reso 23-36 to increase 2FD size\Council Transmittal Report Ag 2nd Farm Dwelling Size.docx



**RICHARD T. BISSEN, JR.**  
Mayor

**KATHLEEN ROSS AOKI**  
Director

**GARRETT E. SMITH**  
Deputy Director



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

December 13, 2023

**MEMORANDUM**

**TO:** MAUI PLANNING COMMISSION  
MOLOKAI PLANNING COMMISSION  
LANAI PLANNING COMMISSION

**FROM:** KATHLEEN ROSS AOKI, Planning Director

*KRA*

**SUBJECT: A BILL FOR AN ORDINANCE TO AMEND SECTION 19.30A.050(B),  
MAUI COUNTY CODE, TO INCREASE THE ALLOWABLE SIZE OF  
SECOND FARM DWELLINGS IN THE AGRICULTURAL DISTRICT**

The attached bill proposes to amend a specific section within Title 19 of the Maui County Code in order to increase the allowable size of second farm dwellings from one thousand (1,000) to one thousand five hundred (1,500) square feet of developable area.

**Background Information**

On March 9, 2023, the Agriculture, Diversification, Environment, and Public Transportation Committee (ADEPT) held a meeting to consider Resolution 23-36, which would refer to the Lanai, Maui and Molokai Planning Commissions a proposed bill to increase the allowable size of a second farm dwelling from 1,000 to 1,500 square feet. The Committee forwarded the resolution to the County Council for consideration.

On September 15, 2023, the County Council adopted Resolution 23-26, with direction to refer the proposed bill to the Planning Commissions for appropriate action and transmittal of their findings and recommendations to the Council. The Council also requested that the minutes from the March 9, 2023 ADEPT meeting be provided to the Commissions along with the resolution (attached).

### **Discussion**

Retaining and encouraging agricultural lands in the County of Maui is imperative as described through the General Plan, Maui Island Plan and the Maui County Code. For example, amongst many policies, the General Plan 2030 Countywide Policy Plan, indicates:

- *"F.2.b. Prioritize the use of agricultural land to feed the local population, and promote the use of agricultural lands for sustainable and diversified agricultural activities.*
- *F.2.e. Support ordinances, programs, and policies that keep agricultural land and water available and affordable to farmers.*
- *J.2.a. Protect prime, productive, and potentially productive agricultural lands to maintain the islands' agricultural and rural identities and economies.*
- *J.2.c. Discourage developing or subdividing agriculturally designated lands when non-agricultural activities would be primary uses."*

Further, the Maui Island Plan indicates:

- *"Core Value E. Preserve rural and agricultural lands and encourage sustainable agriculture.*
- *2.1.3-Action2 Amend regulations to provide additional protection of lands that are important for traditional native Hawaiian uses including subsistence food gathering, traditional access, agriculture, and religious uses."*

The Maui County Code implements these policies primarily through Chapter 19.30A of Title 19, Maui County Code, which regulates the County's Agricultural District (District). The stated purpose of the District is to:

- 1) *"Implement chapter 205 of the Hawaii Revised Statutes and the goals and policies of the Maui County General Plan and Community Plans;*
- 2) *Promote agricultural development;*
- 3) *Preserve and protect agricultural resources; and*
- 4) *Support the agricultural character and components of the County's economy and lifestyle."*

Further, the intent of the District confirms the importance of agricultural use through the following statements: *"1) Reduce the land use conflicts arising from encroachment of nonagricultural uses into agricultural areas; 2) Mitigate rising property values of farm lands to make agricultural use more economically feasible; 3) Discourage developing or subdividing lands within the agricultural district for residential uses, thereby preserving agricultural lands and allowing proper planning of land use and infrastructure development."*

The District's development standards and list of permitted uses implements the District's purpose and intent of retaining and encouraging agricultural use by incorporating standards that regulate the development, subdivision and use of agricultural lands. For example, the required minimum two-acre lot area for the subdivision of agricultural lands is significantly large when

compared to all other minimum lot sizes found in other land use districts; thereby preserving larger agricultural lots. Further, the development standards control the amount of developable area for farm dwellings on an agricultural lot to a maximum of ten percent of the total lot area. Additionally, the District's permitted "Principal uses" are mainly those of an agricultural nature, such as "Agriculture," "Agricultural land conservation," "Agricultural parks," and "Animal and livestock raising," amongst others. Interestingly, and appropriate for a land use district with a purpose to encourage agriculture as the primary use, structures that support the principal agricultural uses are identified as "Accessory uses" that are incidental or subordinate to, or customarily used in conjunction with, the permitted principal use of agriculture. As related to the subject of this proposed bill, the District's "Accessory uses" include "farm dwellings."

While retaining and encouraging agricultural use is also important to the State as evident in the Hawaii Revised Statutes (HRS) that regulate agriculture, the HRS does not regulate the size or number of farm dwellings. The HRS however does specify that farm dwellings are permitted as an accessory to a "farm" and that they are considered "single-family dwellings." The County currently defines "farm" (Section 19.04.040) as *"a lot on which the majority of the land is used for and the predominant activity is agriculture and/or agricultural land conservation."* As such, in order to have a farm dwelling on a farm, a majority (at least 51%) of the lot must be involved in active agriculture. Since the State is silent in regard to the size and number of farm dwellings, the County is responsible for establishing these standards, while importantly, considering the purpose and intent of the Agricultural District.

According to County code sub-section 19.30A.050(B)(1), currently, two farm dwellings are permitted per lot, one of which must not exceed 1,000 square feet of developable area. The only other current code regulation governing the size of farm dwellings is within sub-section 19.30A.030(D), which requires that the maximum developable area of farm dwellings shall not exceed ten percent of the total lot area. According to Section 19.04.040, "developable area" is defined as *"the total area, in square feet, of all enclosed living areas of dwellings."* Hence, while the current code regulates the total number of farm dwellings to two, and the size of a second farm dwelling is restricted to 1,000 square feet, the other farm dwelling, sometimes referred to as the main farm dwelling, may be of any size provided that the total developable area (enclosed living area) of both farm dwellings combined does not exceed ten percent of the total lot area.

Initially, one could be concerned that increasing the size of a second farm dwelling from 1,000 to 1,500 square feet may be inconsistent with the District's purpose and intent to reduce development activity and promote agricultural use. However, the proposed additional 500 square feet appears to be insignificant given the existing requirement that the total developable area of farm dwellings cannot exceed ten percent of the lot area. For example, in the current code, a two-acre (87,120 sq. ft.) lot in the Agricultural District would be permitted to have a total developable area (enclosed living area) of farm dwellings to be a maximum of 8,712 square feet. In this example, under current code, a property owner could build up to a 7,712 square foot main farm dwelling and a 1,000 square foot second farm dwelling. Under the proposed bill, this would change slightly by allowing the main farm dwelling to be built to 7,212 square feet and the second farm dwelling at 1,500 square feet. Thus, since the ten percent requirement will not be changing

with this bill, there will be no resulting effect on the total developable area for farm dwellings on a lot and therefore there should be no impact to the area of a lot devoted to agricultural use.

The code defines “Farm dwelling” as *“a single-family dwelling that is located on and used in connection with a farm.”* There is no code definition for a second farm dwelling so it is difficult to understand the code’s intent on permitting a second farm dwelling that is limited in size. Since the current code restricts the size of a second farm dwelling to only 1,000 square feet but does not restrict the size of the main farm dwelling, it appears that the code intended a second farm dwelling to be incidental to the main farm dwelling, common to what is found with an accessory dwelling unit permitted in other land use districts through Chapter 19.35. There could be a concern that increasing the size of the second farm dwelling departs from this intention and is therefore inconsistent with the purpose and intent of the Agricultural District. However, the proposed amendment still provides for a maximum size of a second farm dwelling thus maintaining its incidental use.

#### **Agency Comments**

The Planning Department reached out for comment on this draft bill to various agencies within and outside of the County. The following comments were received:

- State of Hawaii, Department of Agriculture – no comment on this proposed bill, however, the State did provide comments on the proposed bill amending the definition of “farm” and “farm labor dwelling”, which is a separate item on the Planning Commissions’ Agenda.
- Maui County Farm Bureau – support for this proposed bill (see attached letter).
- County of Maui, Department of Housing and Human Concerns – support for the proposed bill.
- County of Maui, Department of Agriculture – No comment at this time, but requested to be kept informed as to status of bill.
- County of Maui, Department of Fire and Public Safety – No comment on this matter as it will not change the way we review the permit.
- U.S. Department of Agriculture – No comment at this time, but requested to be kept informed as to status of bill.

#### **Recommendation and Options**

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

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

**Maui Planning Commission  
Molokai Planning Commission  
Lanai Planning Commission  
December 13, 2023  
Page 5**

**Attachments:    Resolution 23-36  
                         20231114 Commentp Letter from Farm Bureau  
                         Comment Letter from Mr. Paul Brown**

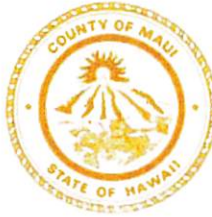
**xc:            Garrett Smith, Deputy Director (pdf)  
                 Jordan Hart, Planning Program Administrator (pdf)  
                 Gregory Pfof, Administrative Planning Officer (pdf)  
                 Ann Cua, Planning Program Administrator (pdf)  
                 Danny Dias, Planner VI (pdf)**

**S:\ALL\APO\19.30A\2023 Reso 23-36 to increase 2FD size\Commission Rpt Ag 2nd Farm Dwelling Size\_20231213.docx**



RICHARD T. BISSEN, JR.  
Mayor

GARRETT E. SMITH  
Acting Director



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

January 17, 2024

**MEMORANDUM**

TO: LANAI PLANNING COMMISSION

FROM: GARRETT E. SMITH, Acting Planning Director *GES*

SUBJECT: **Agenda Item B-1: January 17, 2024 Lanai Planning Commission Meeting – Additional Information**

At the December 13, 2023 Lanai Planning Commission meeting, the Commission reviewed an agenda item related to a proposed Council initiated Bill that would increase the size of a second farm dwelling from 1,000 to 1,500 square feet. The Commission voted to defer the item to their next meeting so that the Department could provide additional information. Specifically, the Commission posed three questions, which are identified below with the Department's response.

**1. How many farms on Lanai would be impacted by this proposed bill?**

Department Response: The Department does not have statistics on exactly how many farms are located on Lanai. However, there are 1,459 Agriculturally zoned parcels on Lanai. Per the code, an Agriculturally zoned parcel may have two farm dwellings located on them, one of which would be limited to the current code requirement of 1,000 square feet or up to 1,500 square feet if the bill is passed by Council. However, it should be assumed that many of the Agricultural zoned parcels on Lanai may be undevelopable given site constraints, access or lot size. It should also be assumed that multiple parcels would be owned by the same ownership entity; although ownership does not affect the number of farm dwellings that may be permitted on a lot. Further, it is important to remind the Commission that while the first farm dwelling may be permitted provided that the owner files a Declaration agreeing to "farm" the subject property in accordance with State and County laws, the second farm dwelling would be permitted only after an inspection verifies that farming is occurring on the property.

**2. What would be the economic impact as a result of this proposed bill on a 2-acre Agricultural zoned property?**

Department Response: This question is difficult to answer as the Department does not have staffing resources readily available to assess the potential economic impact without hiring consultant staff. The Department did consult with the Real Property Assessment Division of the County's Finance Department for assistance in determining how the assessed value of

structures would change in such a scenario. The Division was able to confirm that for an average construction type of a 1,000 square foot residential structure, the County assessed value would be \$200,100. For a 1,500 square foot residential structure, the assessed value would increase to \$216,300. While this provides some evidence of a minimal increase in value of structures according to the County, it seems to represent an apparent insignificant economic impact to farming as related to the proposed Bill. The Planning Department assumes that there would be an equivalent expected increase in the market value of property as well, but of course many other assumptions would need to be considered, such as; location of property, type of construction (average to luxury), infrastructure availability, and availability of land to “farm” (at least 51% of lot) to accommodate farm dwellings. In summary, while the Planning Department believes that constructing a 1,500 square foot second farm dwelling may be more desirable for some than constructing a 1,000 square foot second farm dwelling, and thus agricultural land valuation may see a slight increase knowing that a buyer can build a larger second farm dwelling, based upon the information above, the Department believes the economic impact to farming would be insignificant.

**3. Can the County Department of Agriculture comment on the proposed bill?**

Department Response: Since the December 13, 2023 Lanai Planning Commission meeting, the Department reached out to the Director of the County’s Department of Agriculture to request additional feedback on both proposed Bills as requested by the Commission. In response, the Department of Agriculture has provided the attached correspondence directed to the Maui Planning Commission for their meeting on the same topic, which was held on January 9, 2024. As shown in the attached correspondence, the County’s Department of Agriculture is supportive of the proposed Bill to increase the size of the second farm dwelling to 1,500 square feet.

Hopefully, these responses address the Commission’s questions. To move forward to the Council with the Commission’s position on this proposed Bill, the Department recommends that the Commission take one of the following actions:

1. Recommend approval of the proposed bill to the Maui County Council.
2. Recommend approval of the proposed bill with amendments to the Maui County Council.
3. Recommend denial of the proposed bill to the Maui County Council.

If the Commission has additional comments or recommendations to provide to the Council, then as part of their action, the Commission, with majority vote, may direct the Department to forward those comments to the County Council for consideration.

Attachments: Correspondence from Maui County Department of Agriculture

xc: Jordan Hart, Planning Program Administrator (pdf)  
Gregory Pfost, Administrative Planning Officer (pdf)  
Danny Dias, Planning Program Administrator (pdf)

1/16/24, 11:33 AM

**From:** Rogerene Arce  
**To:** planning  
**Date:** 1/9/2024 11:11 AM  
**Subject:** Testimony

Aloha Planning Committee,

I am submitting written testimony for January 9 Planning Committee meeting for the proposed bill to amend Maui County Code Section 19.30A.050(B) and a proposed bill to amend the Maui County Code Section 19.04.040.

The County Department of Agriculture supports the suggested amendment of Section 19.30A.050 of the Maui County Code. We are seeing a decrease in family farms and many agricultural operations are unable to hire agricultural labor. Various reasons support this. Non-competitive wages for agricultural work, coupled with the high cost of living, will likely not afford an ag worker the cost of housing. While some multi-generational farm families who have members still active in the farm operation are not able to subdivide or pass on land to children. A little bigger second dwelling will provide more living space necessary for a family. For a multi-generational family who have an integral part in the farm operation, having a second dwelling would keep our farm families in agricultural production and continue contributing to Maui County's food security while not exceeding the 10% of the total lot area.

The County Department of Agriculture also supports Section 19.04.040, Maui County Code. Defining the percentage of land use for farming, ranching or conservation activity makes it clear to the land owner to be accountable and obligated to perform those activities. To have steady or increased production, a labor force is needed. Providing an ag dwelling for farm laborers and ranch hands on the property is an added benefit that can contribute to a stable workforce in a time when housing is limited or not affordable. Other benefits are that the ag worker is not having to travel to work, reducing the carbon footprint while residing on the farm potentially reduces or eliminates ag theft and vandalism.

Since Covid, the food insecurity was heightened leading some to grow some of their food while some individuals have changed careers to become food producers. The tragic fire, has increased the need for housing and to some extent, affected people needing new employment. Farm labor comes in various forms. The term "intern" usually refers to people in a workforce program that a farm or host work site agrees to provide hands on experience for a specified term in a contract of which, at the end, the intern will receive a stipend from the workforce program, not from the farm or conservation operation. Examples of workforce development agencies are Americorp and KUPU. Comparatively, an "apprentice" usually has a college or trade school education and gets hired as an apprentice trainee at a farm/ranch or organization in the industry to further develop and hone their skill set sometimes as an entry level worker. This person receives a paycheck from the agriculture operation, is an employee at will, applying for employment and is able to resign or be terminated. A farm dwelling may incentivize ag workers to continue working on the farm/ranch and attracts new ag workers.

Mahalo,

R. Kali Arce, MS  
Director of Agriculture  
Maui County  
Office phone (808) 270-8278  
Cell (808) 495-5649

**MOLOKAI PLANNING COMMISSION  
REGULAR MINUTES  
DECEMBER 13, 2023**

**A. CALL TO ORDER AND ROLL CALL**

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Laakea Poepoe, at 11:06 a.m., Wednesday, December 13, 2023, at Department of Planning's Molokai Office, 100 Ainoa Street, Kaunakakai, Molokai, Hawaii 96748 and via BlueJeans Meeting No.: Meeting ID: 400 298 545.

A quorum of the Commission was present. (See Record of Attendance.)

Chair Poepoe: Alright. Welcome everybody to today's Molokai Planning Commission meeting of December 13, 2023, beginning at approximately 11:06 now. I'll begin with Item A., Call to Order and Roll Call, so call this meeting to order now and roll call will be members present at today's meeting, beginning with Commissioner Lindo.

Ms. Lindo: Here.

Chair Poepoe: Okay. Thank you. Commissioner Hanapi Hirata?

Ms. Hirata: Aloha aina kakou. Keomailani Hanapi Hirata here.

Chair Poepoe: Commissioner Mowat? Thank you. Commissioner Phifer?

Mr. Phifer: Here.

Chair Poepoe: Commissioner Bishaw-Juario?

Ms. Bishaw-Juario: Aloha. I'm at home alone.

Chair Poepoe: And myself, Commissioner Poepoe. Excused are Commissioners Kaahanui and Albino. And, we have quorum. And, we move on to -- before we move on, is there any members wishing to -- oh, Commissioner Kelly? I sorry.

Ms. Kelly: Yeah, I'm here. I'm in the office, but I have my earphones on.

Chair Poepoe: Sorry. Are there any members wishing to make amendments to our agenda? Seeing none, we can move on to item --

Ms. Lindo: Chair, I just wanted to let you know that I going leave at 1:00 'cause I get one other really important meeting with the Department of Health, and so if --

Ms. Albino: Hello?



Ms. Lindo: Hopefully, we get quorum but just letting you know.

Chair Poepoe: Okay, thank you, Commissioner Lindo. So, moving on to Item B., Public Hearing, number one:

*Chair Poepoe read the following agenda item description into the record:*

**B. PUBLIC HEARING (Action to be taken after public hearing.)**

**1. A BILL FOR AN ORDINANCE TO AMEND SECTION 19.30A.050(B), MAUI COUNTY CODE, TO INCREASE THE ALLOWABLE SIZE OF SECOND FARM DWELLINGS IN THE AGRICULTURAL DISTRICT**

**Ms. Kathleen Ross Aoki, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions, a proposed bill to amend Maui County Code Section 19.30A.050(B), to increase the allowable size of a second farm dwelling in the Agricultural District from 1,000 square feet to 1,500 square feet. (G. Pfof)**

**The entire text of the proposed bill for ordinance is available at <https://mauicounty.gov/DocumentCenter/View/143751/RESO-23-36-Referring-a-Proposed-Bill-Related-to-Farm-Dwellings?bidId=>**

Ms. Lindo: Chair? Chair, Commissioner Albino is unable to connect to the internet right now. She's trying to get it fixed. Can she attend by phone?

Chair Poepoe: That's a Corp Counsel question 'cause we -- it appears to be fine if we have quorum, yeah?

Mr. Nunokawa: Yeah, as long as she's not needed for voting or to make quorum, she can attend via phone.

Chair Poepoe: Okay. So, the Planning Director referring to the Maui, Molokai and Lanai Planning Commissions -- thank you. Where was I? Referring to the Planning Commissions the proposed bill to amend the code stated previously to increase allowable size of a second farm dwelling in the agricultural district from 1,000 square feet to 1500 square feet, and there's a bunch of links under Item 1, and we can have the Planning Department, the presentation on it.

Mr. Pfof: Yes. Hi, my name is Greg Pfof. Can you see me? Yeah? I'm the Administrative Planning Officer, for the Planning Department. I just actually just -- I'm recent to the County of Maui, I've been here since August, so I thought maybe I'd give you a little bit of background. As Administrative Planning Officer, I'll probably be showing up to more Planning Commission meetings as legislative items come forward to -- for Planning Commission review. I've been here since August, and I actually was in a public sector planner for over 30 years and in Southern California area for coastal communities,



I was recently the Community Development Director for the City of Laguna Beach, and Deputy Director for the City of Rancho Palos Verdes, and interim directors for a couple of other cities. I'm happy to be here on Maui now and working with the County Maui, so you'll be seeing me a few times here, I think over the years, and so I just thought I'd introduce myself and give you a little bit of my background.

I'm going to go ahead and share my screen for the item. I have a bit of a PowerPoint presentation here, and bear with me for a moment. Can you see that screen?

Mr. Smith: Yes. Thank you.

Mr. Pfost: Yes. Okay, thank you. The item before you is -- is a proposed bill to increase the second farm dwelling from a thousand square feet to 1500 square feet. It would be a revision to the agricultural district in Title 19, in the zoning code. In March of 2023, the Council's ADEPT Committee discussed the item and forwarded a resolution to the County Council, and then in September of this year, the County Council adopted the resolution and referring the bill to the planning commissions for action and transmittal of their findings and recommendations to the Council. Importantly, the Council requested the -- that the ADEPT County -- the ADEPT Committee meeting minutes be attached to the bill, and they are, because there was quite a lot of discussion in their March meeting, so those are attached to your -- to your information, to your packet.

I want to start off really, before we get into the bill, is just remind everybody the importance of retaining and encouraging agricultural lands in the County and how imperative that is, as described within the General Plan and the Maui Island Plan, within policies within both of those documents ensuring that agricultural resources are -- are encouraged in -- within the -- within the entire County. This is important as we look at not only the bill that's being proposed in this agenda item, but the next agenda item as well. In implementing the policies of the General Plan and the Maui Island Plan, the Maui County Code, within the zoning district of agricultural, which is Chapter 19.30, also includes purpose and intents of that district of the zoning district, which implements the goals and policies of the General Plan, and again, you can see that the purpose and intent of the district, of the agricultural district is to preserve and protect agricultural resources and -- and related to that. So, in addition, the Maui County Code on the agricultural district furthers this -- this effort to preserve agricultural resources and encourage them by breaking up the principle uses and accessory uses within the district that are permitted in agricultural lands. As you can see, the principal uses for primarily of agricultural use and its only the accessory uses that are incidental and subordinate to these principal uses that are allowed, and this gets more into the accessories, gets more into the development activities such as farm dwellings and farm labor dwellings, which we're going to be focusing on today.

The Maui County Code also includes a list of development standards for agricultural district, like other zoning districts. It has a minimal lot area of two acres, so it's a very relatively larger lot size than other districts. There is a maximum developable area in agricultural lots, 10 percent of the -- 10 percent of the total lot area for farm dwellings,

and, of course, there's other setback requirements and so forth in regards to development standards.

The State, Hawaii Revised Statute also encourages agricultural development throughout the Hawaii Revised Statutes and -- and importantly, as we talk about farm dwellings, it does not regulate the size of farm dwellings, the County does, and it specifies that farm dwellings are accessory to farms and there are single-family residences.

So, I also want to talk about, a little bit about farm dwellings and farm labor dwellings. As I was reviewing some of the -- the meetings that had occurred prior to this one, I found that some people have -- are confused sometimes between what a farm dwelling is and a farm labor dwelling, and I'll go into this in a lot more detail in my next presentation on the next item, but, basically, a farm dwelling is considered a single-family residence and there's no occupant restrictions. A farm labor dwelling, on the other hand, is occupancy only for agricultural employees. So, there's -- there is a difference between the two -- between the two terms.

As pertaining to the item before you, farm dwellings, you're allowed up to two farm dwelling units on a -- on an agricultural lot. The farm dwelling must be located on and used in connection with a farm and -- and per that definition of a farm, 51 percent of a lot area must be used for agricultural use. One of the two farm dwellings can be no larger than 1,000 square feet; the other farm dwelling does not have a limitation on size, and that is what is before you is the definition -- that change in definition to 1500 square feet. And then, farm dwelling units are -- the total, the maximum developable area of all farm dwelling units on the property, the first one and the second one, cannot exceed 10 percent of the total lot area. The ordinance before you is shown here at the top and it's basically taking the farm dwelling and, as noted, you're allowed two farm dwelling units per lot and it's changing the -- the maximum size of this, what we call the "second farm dwelling," to 1,500 square feet from 1,000 square feet.

When the Planning Department looks at and reviews legislative action, what's important is to look at the base policy of what -- what governs agricultural uses, and that's in the General Plan, the Maui Island Plan, and the purpose and intent of the Maui County Code, and which I went over earlier in this presentation, and so when we look at -- when we look at legislative actions such as this is will there be an impact to agricultural resources as a result of the action. With this proposed -- with this proposed bill, the Planning Department supports the proposed bill because the Planning Department feels that increasing the size by 500 square feet for a second farm dwelling unit only will not significantly impact agricultural uses, and the reason why I say that is because we still have the requirements in the code that says that all developable area of farm dwellings cannot exceed 10 percent of the lot area, so that code section still applies so no matter what, if we increase the second farm dwelling, we'll still be restricted to no more than 10 percent of the lot area for developing farm dwellings. I provide an example here that shows just a two-acre lot, which would allow, as 10 percent, 8,712 square feet of farm dwelling developable area, and the current code would permit up to a thousand square-foot second farm dwelling

and up to a 7712 square foot main farm dwelling unit on the property. The proposed code actually would just decrease that slightly or actually increase the second farm dwelling to 1500 square feet, and then would only decrease the main farm dwelling to 7200 square feet. In essence, the total amount of developable area will remain the same because of the 10 percent lot area requirement. The second farm dwelling will also be incidental to the main farm dwelling by retaining its smaller size. So, those are the reasons why the Planning Department supports this bill for this relatively minor change.

The Planning Commission option -- options today are to recommend approval of the proposed bill to the County Council, recommend approval of the proposed bill with amendments, recommend denial of the bill, or vote to defer the action to gather specific additional information. And that concludes my presentation and I'm available for any questions that you may have. Thank you.

Chair Poepoe: Thank you. Members, any questions?

Ms. Lindo: Chair, I like reserve my questions to hear any public testimony on this, on this item first.

Chair Poepoe: Okay. Let's go ahead and open this item --

Ms. Lopez: Hi, Chair. This is Sybil Lopez with -- we do have a few testifiers in the Molokai office. I know it looks like we have some technical difficulties so please bear with us. Mahalo.

Chair Poepoe: Okay.

Ms. Lindo: I also think that the testifiers are -- are here to testify on the Hawaii teleport communication item, but I think if they understand what we're talking about now, maybe they would have input too. Not sure.

Chair Poepoe: Yeah, we -- we testifying on Item B.1. If there's any members in the public wishing to testify, please state your name and be sworn in by myself.

Ms. Esmeralda: Hi, Chair. This is Suzie. I have one person, Paul Brown, who signed up.

Chair Poepoe: Alright, we can hear from Paul Brown.

Mr. Brown: Hi. Good afternoon. Is it my time to testify now?

Chair Poepoe: Yeah. Paul Brown, do you swear to tell the truth in your testimony?

Mr. Brown: Yes, I do.

Chair Poepoe: Okay. Go ahead.

Mr. Brown: Terrific. Thank you, ladies and gentlemen. I appreciate you taking the time to hear this. This matter. I've been in communication with the Planning Department and the Council since it first came up in 2018, when the – when the accessory dwelling legislation changed for residential lots. My family and I live on a three-acre parcel in West Maui, it is ag land, and we are trying our best to have agricultural operations, it's a little difficult 'cause we don't have water, we're working on getting water, but we do live in a thousand square-foot cottage on the property. It's my wife and myself and our two teenage kids. And, having the experience living in a two-bedroom with a boy and a girl that are teenagers, I hope you can appreciate how a little bit extra space, the 500 square feet of space, would make a big difference so that they could have separate rooms when they are here. One of the things that – that – that I did recently was, right after the West Maui fires, was I got in touch with the Council and asked them to go ahead and push on making this change, and simplify it, and get away – get rid of all the regulations that they were trying to put with it to restrict it, and simply pass it, because I feel it will also, besides helping people like me just with our families, will open up more housing opportunities for fire victims. Our plan is we've got plans ready to go, as soon as this gets passed, that we're going to add 500 square feet. It's actually not going to add any square footage to our structure. We're going to use one of our garage spaces and add that, get it permitted to do that, and we hope to actually house somebody, maybe a single mom or something like that, in that extra space. And, so that's been our goal. My son is off to college now so we're able to have that. And so, again, I just hope that you will support this. As a West Maui resident, I know it doesn't, you know, I don't maybe have pertinence to Molokai, but I do hope that you will support it so that the Maui Planning Commission and the Council will go ahead and pass it. Thank you.

Chair Poepoe: Thank you. Members, any questions for the testifier? Commissioner Mowat.

Ms. Mowat: Hello. Can you hear me? Okay.

Mr. Brown: Yes, ma'am.

Ms. Mowat: Okay, I just need a little bit understanding. Right now, you're in a home, which is your home and not a – a farm dwelling. You're in a one – right?

Mr. Brown: It is not a farm labor dwelling. It is a farm dwelling. I believe that any residence on ag land would be a farm dwelling, based on what the legislation was that he was talking about at the opening of the meeting.

Ms. Mowat: Okay, so but – but you're – you're wanting us to pass this so you could add a room or change your garage into a dwelling extension to house like people from the outside, not necessarily anything to do with your farm.

Mr. Brown: I would hope that they would participate in what we are doing on our property and -- and be part of our ohana there on the property.

Ms. Mowat: 'Cause you were specific by saying that you wanted to open and rent it out or whatever to a single mom, so that's a mother with a child.

Mr. Brown: Potentially. Potentially. Yes, ma'am.

Ms. Mowat: Okay. Alright. That's -- I just wanted to clarify and make sure I was hearing right. Okay, thank you.

Mr. Brown: Yes, ma'am.

Chair Poepoe: Any other members have questions for the testifier?

Ms. Albino: Aloha, everyone, this is ...(inaudible)... through on internet, but I'm here.

Chair Poepoe: Okay, thank you. I did have one question. Sorry if I got distracted during the previous question, but I wanted to maybe have clarified if your -- the dwelling that you described is your primary dwelling, owner occupied.

Mr. Brown: Yes, sir. Yeah, we're the owner occupants of the dwelling, of the -- we have a thousand square-foot cottage. We do not have a main house on the property. Honestly, we can't afford to build another house so --

Chair Poepoe: Also, then this one wouldn't be regulated by a change in ordinance regardless if this is still your primary residence, right?

Mr. Brown: If, well, if we added 500 square feet to our house now that we have, then we -- the only other dwelling that we could build would be something under a thousand square feet if this resolution isn't passed. So, at this point, we -- we don't -- we're not able to build a main residence, but if the resolution passes, then we can, then it's going to go up to 1500 square feet and we can add that without exceeding the -- the maximum for an ohana.

Chair Poepoe: Can you repeat the -- the acreage of the property?

Mr. Brown: We're three- and-a-quarter acres.

Chair Poepoe: Okay. Anybody from staff can do the math quickly to see how much 10 percent of a property of that size would make up in square footage?

Mr. Pfof: If you can bear with me, I'll -- I'll do the math real quick here. I think it's about 13,000 square feet. I believe three-and-a-quarter acres is about 130,000 square feet, approximately, so 13,000 square feet of dwelling would be allowed on that. Certainly not



something that we would do. I think, in the ballpark, he's -- he's correct. Yeah, somewhere in there, and that would be up to 13,000 square-foot would be able to accommodate both farm -- both farm dwellings on the property, so it'd be a -- that would be the maximum total developable area for both structures on the property.

Chair Poepoe: Okay, that's --

Mr. Brown: If I could add also, part of our reason for not wanting to exceed the maximum of whatever the square footage is, whether it's a thousand or fifteen, is we want to be able to reserve to build that main residence at some point in the future, hoping that when our kids grow up and they have a family, that they'll be able to come in and -- and build the main structure there and have family close by so --

Chair Poepoe: Thank you. Any other members have questions for the testifier? Commissioner Mowat.

Ms. Mowat: I'm sorry. Are you farming anything now? No?

Mr. Brown: Right now, we are just trying to start with -- with farming, we don't have County water, we don't have any water source except catchment, and so we catch all of our rainwater off our roof and we have holding tanks, and that's about enough to supply for our residential use. We have to truck in every once in a while, water, to cover our residential use. But, we have been planting. We're planting avocado, citrus, lychee, breadfruit. We also have chickens. We've -- we started doing a mobile chicken operation where we're having movable pens so that we could raise eggs and chickens and sell those. Unfortunately, our neighbor's dogs busted into those and killed all our chickens, but we're starting again. We just got a new, more secure coop, and so we're working on that. Our intent is definitely to use this as an agricultural operation. I don't know that we're ever going to make money with that, but we want to be able to -- to raise food for our family, for our neighbors, for the -- we have a farmers market that happens right at the bottom of our hill, we want to participate in that, and very interested in that -- that farm worker dwelling information as well because I have wanted to try to seek somebody that would want to live on the property and help develop the farming operation as well, so if that's something that can be done, it would be great as well. My -- both, my wife and I both work full time and so it's limited what we can do. And again, until we get County water, we can't really grow crops. We're hand watering. I've got water totes that I'm now collecting rainwater on little roofs on each of those so that we can water the trees and things like that. So, we're doing what we can. We can't build another residence until our ag operation is in place, and that's gotta be 51 percent of the property is gotta be in active ag operation to get another building permit for another residence. So, and again, we don't have any plans on doing that until my kids grow up and have a family of their own.

Ms. Mowat: Okay, thank you and good luck with your farm.

Mr. Brown: Thank you, ma'am. I appreciate it.

Chair Poepoe: Thank you. Any other testifiers in attendance wishing to testify on Item B.1.? Okay, seeing none.

Ms. Lindo: Actually, I have a recommendation, Chair.

Chair Poepoe: Okay. Commissioner Lindo.

Ms. Lindo: Yeah, I like -- I would like to make a motion to approve this with the following conditions that the --

Chair Poepoe: Hold on. Commissioner Lindo, we're still in public testimony.

Ms. Lindo: Oh, shucks. Oh, sorry. Okay. Let's get out of public testimony and get to --

Chair Poepoe: Yeah, so all I had to say was we'll close public testimony for Item B.1. and move on to B.2., a bill or an ordinance to amend Section 19.440, Maui County Code, to revise the definitions of -- wait.

Ms. Lindo: We going to take this up two separate items, yeah?

Chair Poepoe: Okay. Okay. I'm sorry. That's my mistake. The floor is open for a motion. Thank you.

Ms. Lindo: I wanna make -- I wanna make a motion to include the language, "except for Molokai," and then if somebody seconds, we can discuss.

Ms. Albino: I second the motion.

Ms. Lindo: Okay, my pitch to this, my rationale is that our -- our Hawaiian people, they didn't come in to conform the land to fit their needs. They -- they utilized creations to help it enhance human life. And, in agriculture, the purpose of agriculturally zoned areas and farming areas is farming, period. Long time ago, a few years ago, there was a big push for smart -- for smart growth, to stop urban sprawl all over, not just Hawaii, but all over the United States, to stop the idea of having buildings be put up in areas where they're never meant to be. And so, we're dealing with that in other areas of our island, and it's detrimental to not just our land, but to the future and to our resources. So, I saw one written testimony by Glen Teves and -- and I love -- I going to use one of the phrases he went use about having fake farms. I not into fake farms. And so, I feel like -- but, I also not one farmer so I don't want to spread my wings, I not comfortable saying that we should blanket and totally deny because what I do know is that I was there for the Council and committee meetings where this was taken up in County Council and there's a large push by big landowners for this, so I think if our Commission just denied it, we would be unsuccessful. And so, strategically, I feel like I would be okay with us saying, hey, if Maui wants it, Lanai wants it, that's up to them, but I would like to include language saying,

"except for Molokai." And, I know that, on Molokai, there is very little, if any, large lands, agricultural lands, where we don't need this type of growth. Actually, DHHL is probably the biggest area and they, under State code, have the ability to format their -- their buildings and how they want to do on their own and their lessees and beneficiaries can do what is best for them. But as far as the preface we under and -- and under this County and the jurisdiction, I have several concerns, one of which is -- does such amendments to this really work with the existing Planning Department restrictions and guidelines and what we oversee in our jurisdiction. Are we -- is -- has it been thoroughly looked at to ensure that this Commission is not going to be set up to fail, like in other areas where they increase these sizes? And, I cannot pinpoint them right now, but that's my concern. The second thing is farming is meant for farming, and -- and I cannot see any benefit to Molokai, zero, by increasing one secondary home size for anything that doesn't specifically say that it has to contribute to making the farm better and more productive for food security. And so, for that reasons and -- and the ones I stated, especially that I think if we denied outright, we would lose, and so to benefit Molokai, I would suggest that we approve with the following recommendation that it include the verbiage saying, "except for Molokai."

Chair Poepoe: Thank you, Commissioner Lindo. Members, any discussion?

Ms. Lopez: Chair, this is Sybil.

Chair Poepoe: Go ahead, Sybil.

Ms. Lopez: But I -- I just wanna make sure that the testifiers in the Molokai office is not testifying on this agenda item. I apologize if you guys did close testimony, but I do have our staff Nina trying to confirm which item that they want to testify on. So, is -- is that okay, Chair? I'm so sorry.

Chair Poepoe: Oh, they can confirm really quickly.

Ms. Lopez: Okay, thank you. Give -- give us a moment while the unmute and I just wanna confirm that if this was the item that they wanted to testify on.

Mr. Ritte: Yeah, the guys in the Molokai office supports what Zhantell is doing and we're not here really to testify on this, on this issue. You go, girl.

Chair Poepoe: Thank you, Uncle.

Ms. Lopez: Okay, thank you.

Chair Poepoe: Okay, Members, any discussion on Item B.1., the inclusion of a provision stating an exception for Molokai?

Ms. Lindo: Yeah, so the motion should just say, "except for Molokai," yeah? And, we've done it before so I'm sure that the Planning Department knows exactly what I mean.

Chair Poepoe: And, it's going to be consistent with staff recommendation with the exception? Okay. If no more discussion, we can call for a vote. All members in agreement with the -- with the motion on the floor, please raise your hand. And, okay, are we including Commissioner Albino? Commissioner Albino --

Ms. Albino: Aye for the motion.

Chair Poepoe: Okay. Motion unanimous.

Ms. Albino: Thank you.

**It has been moved by Commissioner Lindo, seconded by Commissioner Albino, then unanimously**

**VOTED: to recommend approval of the proposed bill and include the language, "except for Molokai," to the County Council.**

(Assenting: L. Albino; K. Bishaw-Juario; K. Hirata; D. Kelly; Z. Lindo; B. Mowat;  
J. Phifer; L. Poepoe)  
(Excused: S. Kaahanui)

Chair Poepoe: Pass, for the record. Moving on to Item B.2. now:

*Chair Poepoe read the following agenda item description into the record:*

**2. A BILL FOR AN ORDINANCE TO AMEND SECTION 19.04.040, MAUI COUNTY CODE, TO REVISE THE DEFINITIONS OF "FARM" AND "FARM LABOR DWELLING"**

**Ms. Kathleen Ross Aoki, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions, a proposed bill to amend Maui County Code Section 19.04.040, to revise the existing definitions of "farm" and "farm labor dwelling." (G. Pfost)**

**The entire text of the proposed bill for ordinance is available at <https://mauicounty.gov/DocumentCenter/View/143752/RESO-23-220-Referring-a-Proposed-Bill-to-Amend-the-Definition-of-Farm-and-Farm-Labor-Dwelling?bidId=>**

Chair Poepoe: And, I'll hand it over to staff. Thank you.

Mr. Pfost: Yes, thank you. Thank you, Chair. Again, I have a staff report presentation to do on this item as well. It's a little bit longer than the last one. I'll try and be a quick here. Let me share my screen. Hopefully, you can all see that screen. Yes. In regards to the

Ms. Atacador: Okay, understood. Commissioners, any suggestions or motions or completely disagree and you guys would like to motion something else? All right, Butch, and then Negus, please.

Mr. Gima: Well, I'll yield to, I'll yield to Negus first.

Ms. Atacador: Okay. Negus?

Mr. Manna: Yeah, I move a motion to, to direct the staff to craft language, to provide the Lanai Planning Commission with final authority on the minor permits and recommendations.

Mr. Gima: Second.

Ms. Atacador: Alright, it's been moved by Negus to ask the Planning Department to craft language restating the SMA rules having the Lanai Planning Commission be the final authority, and seconded by Chair Butch. All right, is everyone good with that? Oh, so sorry. All those in favor say aye? Raise your hand please?

Mr. Gima: Aye.

**It was moved by Mr. Negus Manna, seconded by Mr. Reynold Gima, then unanimously**

**VOTED: To direct the Planning Department to craft language to amend the Lanai Planning Commission Special Management Area Rules to give the Commission final authority on the SMA Minor Permits.**

*(Assenting: N. Alboro, E. Atacador, Z. de la Cruz, R. Gima, E. Grove, M. Fujie-Kaauamo, N. Manna, S. Rabaca)*

*(Excused: S. Kaye)*

Ms. Atacador: Alright, unanimously moved.

Ms. Thackerson: Thank you, Commissioners. Thanks for the homework. And thank you for taking my item early. I'm going to scoot out now, but, but thank you so much.

Ms. Atacador: Alright. Thank you, Candace, we appreciate your time.

**B. PUBLIC HEARING (Action to be taken after public hearing.)**

- 1. A BILL FOR AN ORDINANCE TO AMEND SECTION 19.30A.050(B), MAUI COUNTY CODE, TO INCREASE THE ALLOWABLE SIZE OF SECOND FARM DWELLINGS IN THE AGRICULTURAL DISTRICT**



**Ms. Kathleen Ross Aoki, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions, a proposed bill to amend Maui County Code Section 19.30A.050(B), to increase the allowable size of a second farm dwelling in the Agricultural District from 1,000 square feet to 1,500 square feet. (G. Pfost)**

**The entire text of the proposed bill for ordinance is available at <https://mauicounty.gov/DocumentCenter/View/143751/RESO-23-36-Referring-a-Proposed-Bill-Related-to-Farm-Dwellings?bidId=>**

Ms. Atacador: All right. So now moving on to agenda item B.1., the first bill. Chair Butch, would we hear public testify, testimony first before we start discussing or open --

Mr. Gima: No, Planning, Planning Department will make their presentation, and take --

Ms. Atacador: Understood. My apologies.

Mr. Gima: Yeah.

Ms. Atacador: Okay, so we'll go ahead with the presentation from the Planning Department on Item B.1., an ordinance to amend Section 19.30.

Mr. Gregory Pfost: Yes, thank you. My name is Greg Pfost. I'm the Administrative Planning Officer for the Planning Department and I'll be giving this presentation today. I'm actually relatively new to the County of Maui, and I thought just real quick by introduction, I'd give you a little bit of background on where I come from. I've actually been a public sector planner for over 30 years for actually jurisdictions or cities in Southern California. I've just come to Maui actually in August and started working here with the County. Of recent, in Southern California, I was a Community Development Director for the City of Laguna Beach and the Deputy Director for Rancho Palos Verdes. And then I served as Interim Director for a couple of other cities while they were looking for their Director positions. And so I've got quite a bit of experience in planning, so hopefully I'll be a good service here with the County of Maui. As administrator planning manager, I basically will be handling legislative matters such as what's on your agenda now. And so you'll be seeing me from time to time on various legislation matters that would come before the Commission. So with that, I'm going to go ahead and share my screen with the presentation that I have here. And hopefully you can all see the presentation slide. Yes?

The proposed bill is a request to increase the size of the second farm dwelling, second farm dwelling from 1,000 square feet to 1,500 square feet. And the, the bill was heard by the ADEPT, Council's ADEPT Community Committee on March of this year. They forwarded the Resolution to the County Council, which in September of this year, adopted the Resolution and referred the bill to the planning commissions. The County Council also requested that the committee meeting minutes be attached to the bill, which are part of your packet, as it was a fairly extensive extent and discussion on this particular bill.

Before I actually get into the bill itself I did want to spend a few moments here because I think this is important to discuss really agricultural land use in the County and Maui, and the importance of retaining and encouraging agricultural lands in the County. As specifically as described within the General Plan and the policies, within the General Plan, as well as the Maui Island Plan to ensure that agricultural lands are encouraged throughout the County. The Maui County Code or the Zoning Code, or in Chapter 19.30A is our agricultural zoning district. And importantly, the purpose and intent also follows with the policies of the General Plan and the Maui Island Plan in preserving and protecting agricultural resources, encouraging those and encouraging reductions, and not as much development, but more the agricultural activity.

The Maui County Code also like all other zoning districts, has list of permitted uses and accessory uses in compliance with policies of encouraging agricultural use. As you'll see, the principal uses in the agricultural district are primarily of agricultural nature and it's the accessory uses that are incidental and subordinate that you'll find the development activity that can occur alongside of the principal uses or is subordinate to but used in conjunction with the primary uses of agriculture.

With this, with this bill and also the agenda item that will be following, or you can, you can see this as accessory uses, farm dwellings, and farm labor dwellings or structures that can be permitted and tied with the principal uses.

Of course, the agricultural zoning district like other zoning districts, also has development standards that describe how properties can be developed when it has development activity. And in this particular case, agricultural lots are required to be a minimum area of two acres, thereby showing the need for agricultural resources to be actively pursued on those lots. Maximum developable area is ten percent of the total lot area. This applies to farm dwellings, and I'll go into this further as my presentation goes on further. Of course, there's other development standards, such as setbacks and building height limits that apply to, to structures.

And the State, also we'll walk through Hawaii Revised, the Hawaii Revised Statutes, does not specifically regulate farm dwellings, but it does specify that farm dwellings are accessory to farms and they are considered single-family residences. I might also note that, you know, after reviewing some of the testimony that was provided at the Council meeting and the committee meeting, I noticed that sometimes folks have a difficult understanding the differences between farm dwellings and farm labor dwellings, as there is a difference between the two. And as we discussed, both farm labor dwellings and farm buildings in this item, and in the next item, I want to make sure that we are all talking and speaking the same language.

Farm dwellings are considered single family residences. There's no occupancy restriction related to them. So the farmer can live there, or the property owner can live there, his family can live there, both in the first and second farm dwellings, as well as an employee can live there. Farm labor dwellings, on the other hand, are restricted only to agricultural employees.

So in the context of this proposal, which is really only dealing with farm dwellings, the code indicates that you can have up to two farm dwellings and they must be located on a farm, and that farm must have at least 51 percent of the lot area being used as active agricultural use in order to have the farm dwellings.

One of the two farm dwellings can be no larger than a 1,000 square feet. The other farm dwelling, sometimes called the main farm dwelling, can be of any size, provided that both farm dwellings combined do not exceed ten percent of the total lot area. That's one of the development standards I mentioned earlier.

So the proposed ordinance that is before you today is to increase the size of the second farm dwelling to 1,500 square feet, as opposed to what is currently at 1,000 square feet, and that the ordinance revision is shown in this slide here at the top. And the Planning Department reviews and any kind of changes to the code, what we look at is whether or not that change is consistent with the General Plan, and the Maui Island Plan. And the purpose and intent of the Maui County Code specifically relates to the agricultural district in this, in this particular item, and whether it be any impacts the agricultural resources. That's the main thing that we look at and we follow that policy that's been established to make sure that the changes are consistent with that policy.

In this particular case, the Planning Department's recommendation is to support the proposed bill because we feel that increasing the size by 500 square feet will not have a significant impact upon agricultural uses on properties. And I say that because the, as I mentioned earlier, the total developable area of farm dwellings still cannot exceed ten percent. So that's a separate code requirement. And so in this particular example that are provided on this slide, where you would have, as an example, a two acre lot, the maximum development area for farm dwellings on that level would be a 8,712 square feet. The current code would allow a 1,000 square foot second farm dwelling and up to a 7,712 square foot main farm dwelling. With the proposed code amendment it really changes the second farm going to 1,500 square feet, and therefore the main dwelling would have to be reduced slightly. But the overall developable area of the farm dwellings would still have to comply with the ten percent requirement, and therefore we do not see that this would impose an impact to agricultural uses on the property. Additionally, the second farm dwelling is still maintained as an incidental or the smaller size than the main farm dwelling, so it doesn't change that intent within the zoning district.

With that the Planning Commission has options to recommend approval of the proposed bill to Maui County Council; recommended approval of the bill with amendments; recommend denial of the bill; or vote to defer the option to gather specific additional information. And that concludes my presentation. I'd be available for any questions.

Ms. Atacador: Thank you, Gregory. Great presentation and welcome to Maui County.

Mr. Pfost: Thank you.

Ms. Atacador: Um, Commissioners, any questions?

Mr. Gima: Erin, are we going through public testimony first before commissioners comments and questions?

Ms. Atacador: Yes. My apologies. We'll go ahead and open it up to public testimony. Leilani, do you have anyone signed up to testify?

Ms. Ramoran-Quemado: Thank you, Vice-Chair. I do have Paul Brown wanting to testify.

Ms. Atacador: Okay, Paul Brown, this is your time to testify. Please unmute your video and audio. Paul Brown, are you there? All right, final call for a testifier Paul Brown. I see, I -- oh, he just left the chat. Are we able --? Roxanne, do we have anyone signed up to testify in the Lanai Councilmember office?

Ms. Morita: No, ma'am. There's nobody here to testify.

Ms. Atacador: Thank you. I think I seen Paul Brown just rejoined. Paul Brown, are you there?

Mr. Paul Brown: Yes. Hi, good evening. Thank you. I just had to sign back in. It was frozen there, so thank you --

Ms. Atacador: No problem.

Mr. Brown: -- for allowing me to still testify. And thank you for your service, to your island Lanai, and to the County, thank you very much, ladies and gentlemen. My name is Paul Brown. I'm a property owner on West Maui, and I live on a three and a quarter acre lot in Napili, one of the few agricultural lots up that very far north, north end of West Maui. My family and I, my wife and my two teenage children and I live on our property and we are --. My wife and I both work full time, but we are trying to do agricultural activities. We're limited at a bit right now because we don't have water from the County. We only operate with catchment, which supplies our home, but we're planting trees, raising chickens, doing everything we can to do agricultural operations. We do live in a 1,000 square foot ohana, and we would certainly like to ask for your support in approving this change. I know it's a bit of a moot point for Lanai because there's very few agriculture lots that are actually occupied by residents. But I would like you to offer your support when it -- so when it comes back to Council, they see your support.

A little bit of history on this. This discussion first came up when the County changed ohana regulations for residential lots and allowed for accessory dwellings on smaller lots or a second accessory dwelling on a little bit larger residential lots. And when that happened, the agricultural community said, well, what about us? I've got a five acre lot and I can only have a house and a cottage, but a 10,000 square foot lot can have a house in two cottages. And

the Planning Commission replied and said, well, we can't change the number of dwellings, but we could change the size of the ohana and raise it from a 1,000 to 1,500. So that has been discussed now for about five years and it's been going back and forth. And then and I've been staying in touch with the Planning Commission and the Council on this, and encouraging them to move forward with it. It was discussed in Committee for a very long time. They wanted a bunch of regulations tied to it about how you could do it and how it could be used in the future and things like that. And it had stalled in Committee because of that.

Shortly after the fire in Lahaina, I wrote to all of the Council Members and asked that they pass this with a simple change of just changing the number from a 1,000 to 1,500 square feet. I truly feel that it will benefit families like mine that live on agricultural land and allow them to have a little bit more space to either, you know, their families that they have or bring in ohana that needs additional housing, especially with a shortage of housing in West Maui now that we have this fire situation. So again, I hope that we'll get support from you. I testified at the Molokai Planning Commission meeting earlier this afternoon and they approved it and but they did --

Ms. Ramoran-Quemado: Three minutes.

Mr. Brown: -- they did make it Molokai exempted from that. And I guess Lanai could do the same, but again, just wanted to share my support. So thank you very much. Aloha.

Ms. Atacador: Thank you Mr. Brown. Commissioners, any questions for the testifier? Seeing none, thank you so much, Mr. Brown. We appreciate your time. Commissioners, any discussion or questions regarding this, this bill? Yes, go ahead, Zane.

Mr. de la Cruz: It's for the Planning Commission, I just would like some clarification on the definition of developed area for the, in terms of ten percent of the land that's allowed to be developed.

Mr. Pfost: Sure. The definition of a developer, if you can bear with me for a moment, it applies to, the ten percent applies to only the developed area of the, of the two second dwelling units. So that's, that's what we're talking about here. Developed area means is defined as a total area in square feet of all enclosed living areas of the dwellings. So for the two, the two farm dwellings, the, the, the enclosed living area of those two farm dwellings cannot exceed ten percent of the lot area.

Mr. de la Cruz: Thank you.

Ms. Atacador: Thank you, Zane. Commissioner Manna?

Mr. Manna: Thank you. Gregory, question. Is there any restrictions on these second dwelling being rented out?

Mr. Pfost: They could be rented out for long term basis that if you rented them out for a short term you would have to get a permit to do that. So that requires a permit. You can do that, but it requires a permit to do it. And that's listed in -- if you look at within the, the agricultural zoning section, that's where it talks and lists that short term rental is permitted but getting a permit to do so.

Mr. Manna: I would move, make a motion to --. Well, let's --. Does any other commissioners have comments?

Ms. Grove: I have a question, but I'm not positive that it can be answered tonight. And I was just, I saw that Keani Rawlins-Fernandez voted against this. I don't believe she's here, but she's a thoughtful person who cares a lot about agriculture and housing. And I just curious to understand why she voted no. But it may be --

Mr. Pfost: And I'm not, I'm not sure I could answer that question for you. I'm sorry.

Ms. Grove: She was the no vote. I was just curious to try to understand what her rationale was so I could be educated. But I kind of figured no one would know because she's not here.

Mr. Pfost: I'm sorry. I don't recall. I can't remember where she the no vote at the Council or at the . . . (inaudible) . . .

Ms. Grove: She was, I think she was not at --. She didn't participate in one, and then she voted no on this one. But --

Mr. Pfost: Oh, okay.

Ms. Grove: It's sort of caught my eye. But thank you.

Mr. Pfost: I'm sorry.

Ms. Atacador: Thank you. Um, Corp Counsel, are we allowed to have testifiers answer questions after we moved on? No? Okay, understood. I think --. Sorry, Mr. Brown. Selina?

Ms. Pannell: Yeah, that's correct. I'm sorry about that you closed public testimony is . . . (inaudible) . . .

Ms. Atacador: Okay. Understood. Thank you. Alright, Chair Gima, I saw you raised your hand. Do you have any questions or comments on this matter?

Mr. Gima: Yeah, I have a bunch of questions on the content of the agenda item. But first of all, procedurally, I have some questions for Greg. So Greg, um, number one, are the two bills before us tonight dependent on each other? And I ask that because it was confusing as hell.



And if they're not depended on each other, maybe we should have bifurcated and had one bill this month and the second bill the next month.

Mr. Pfof: They are not dependent upon each other so they can act independently.

Mr. Gima: Okay. Um, thank you. So Molokai Planning Commission deliberated today, we're deliberating it now, and then Maui Planning Commission. It's my understanding after the Maui Planning Commission that it goes to County Council, and if County Council make some further amendments, then will it come back to the Planning Commissions?

Mr. Pfof: I believe, and if Corp Counsel can answer that question, I'm relatively new to the County, I thought that sometimes when they do make certain revisions, it does come back to the planning commissions. But I could be wrong on that and I'm just not familiar with that process yet.

Ms. Pannell: And, you know, I don't think that happens quite often. And so I would have to double check before I give you a firm answer. I think, though, that if it was significant. Well, for example, if you were, if your suggestion is to not include Lanai, it may not come back to you because it would not affect you in, in that way, in meaningful way. Certainly, if it included your island, then it would. I'm sorry, I can't give you a more specific answer than that. I would have to look into it.

Ms. Atacador: Danny, I see you popped on.

Mr. Danny Dias: Yeah, Danny Dias, Planning Department. Um, Butch, from what I've seen in the past is because the County Council is the final authority, and basically when they bring this item to the Commissions, they're, they're asking for your input, but they don't necessarily have to take that input, right? Generally, they do. So, you know, they, they could essentially vote on it without bringing it back. I think once in a while they will if they feel like it's substance enough or they that like, well, you know, the Lanai Planning Commission felt strongly about this, we're about to go against it, you know, they can vote to say, well, let's bring it back to the Lanai Planning Commission. But ultimately it's up to them.

Mr. Gima: Okay, thank you.

Ms. Pannell: If they agree with you, then they, they wouldn't bring it back.

Mr. Gima: Chair, I have a bunch of questions, but maybe I want to give the other Commissioners a chance to comment and question since I got about six.

Ms. Atacador: Okay, thank you. I see Negus and then -- are you raising your hand, Michelle? No? Sorry. The blur is making it look like you're raising your hand. Okay, my apologies. Commissioner Manna?

Mr. Manna: Thank you, Chair. My question is to Corporate Counsel. What would be the result if recommended for deferral to gather more information on the impacts? What would be the -  
-

Ms. Pannell: Well --

Mr. Manna: Would that impact bounce back, bounce back to us?

Ms. Pannell: Um, it would depend on what kind of, I guess, input you wanted. You know, Candace mentioned in her previous presentation that the TIG, that investigative group that you all could form. Couldn't form it tonight, but we could put on an agenda for next time. It just has to be -- it can be more than two members of the board. It's one of the exceptions to that, but it does have to be less than a quorum. And then you folks could go out together, gather information, come back and present it to the entire board. So that, that's what typically what that means. Whether that means attending other meetings, you know, as long as it's less than a quorum, then you folks could go out and do your own investigation. Then present the information you gathered to the board the, the following meeting after that. So we would be talking three meetings from that.

Ms. Atacador: Commissioner Manna, any questions?

Mr. Manna: Oh, I'm sorry, I was on mute. Thank you. Yeah, my question was, so if I understand you correctly, if we did a vote to defer that would be equivalent to creating a TIG?

Ms. Pannell: Well, no. So, um, you can just motion to defer. You can ask other people to come next time. You know, other people may want to come and testify on this further. I mean, there are --. A motion to defer doesn't necessarily implicate a TIG, but that's what it implies. And Danny, if you have any additions, please go ahead.

Mr. Dias: Yeah, I would have to --. Greg, do you, are you aware of like a certain timeline? I know generally the Council, when they refer something to Commissions, it can't just kind of float out there forever, right? Is there a certain timeframe when it has to go back to Council?

Mr. Pfost: There is a, there's a timeframe, but it's, it's, it's tied to after the planning commissions review it. So I think technically if, I think, if the question is to defer this perhaps a month to, if there's questions, for instance, for staff to research and come back with, then we can put this on to the next agenda and then then hopefully we reach a conclusion. But there is a timeline from which after the planning commissions have reviewed it; I believe it's 120 days that it now needs to go back to the Council for a determination. I just can't remember the exact timeframe, but I think if the Commission is simply deferring it to get more information, then that kind of stops the timeline, so to speak.

Mr. Dias: Thank you.

Ms. Pannell: Yeah. And then just to clarify what I said too. Sometimes things are deferred because, you know, there's a person that wanted to vote is not there. There's not a certain, you know, quorum. There's lots of reasons for a deferral. I, I was kind of assuming you were mentioning, you were thinking in the investigative portion of it, but you could certainly defer for many reasons.

Mr. Manna: Yeah, my, my, my concern is the impacts on property value for Ag land. You know, we don't want the Ag land to --. It's already pretty expensive to access, and adding more dwellings with larger dwellings seems like it would increase the, the price points access the agricultural lands, so that's my concern. Thank you for your assistance.

Ms. Atacador: Thank you, Commissioner Manna. Commissioners, any other questions before we go back to Chair Gima? Alright, Chair Gima, your six questions. We'll hold you to the six too.

Mr. Gima: Okay, Greg, this is something I've asked most every planner when we get the bill in front of us. What, what was the problem statement or what prompted this change to be recommended? So it gives me and hopefully the other Commissioners some context on why we're, why we have this before us.

Mr. Pfof: Um, as this was a Council initiated bill. It's not a planning department initiated bill. This came from Council, and so my understanding was is simply to see for a larger second dwelling unit consistent with almost what the speaker had talked about on regards to the second dwelling units or accessory dwelling units for other properties in residential zoning districts, for example, are allowed to increase in size. So I think this kind of maybe did stem out of that conversation. But beyond that, I don't know anything, whether or not there's actually a problem statement other than just wanting to increase the size of the second dwelling unit. So I'm not sure. I'm not privy to some of those conversations, those earlier conversations, so hopefully that helps them.

Mr. Gima: Not really. But for, for future, for future presentations, it would be helpful to me when if you and the rest of the planners are able to state what the, what the problem statement is or what prompted, you know, the bill coming before us. Thank you. The second one is, is this, does the Planning Department see this as primarily a Maui Island issue? And if so, how many farms would this bill impact?

Mr. Pfof: It's, I --. I'm not necessarily --. Regarding whether it's a Maui Island issue or not, I, I'm not sure I could answer that question either. Because I mean, really, the bill does affect all of the islands on that I'm not sure why it would be on an island, only a Maui island issue. On all three islands you can have two second dwelling units on an agricultural zoned lot, so it would affect all three. And I'm sorry, the second part of your question?

Mr. Gima: How many farms would this bill or bills impact?

Mr. Pfost: And I do not have any answer for you on how many farms have second dwellings.

Mr. Gima: Okay, I'll move on to my --. I'll move on to my --.

Mr. Dias: Can --?

Mr. Pfost: I do have --

Mr. Dias: Can I take a stab at it, Greg, real quick?

Mr. Pfost: Yeah, sure.

Mr. Dias: So Butch, your, your first question, similar to Greg, I don't have a specific answer, but I do know that for years, you know, people with ag properties because they're limited to a 1,000 square feet, you know, that's not a very large house. And so there's always been a push like, oh, can we build a bigger house? So . . . (inaudible) . . . because people with ag properties would want the second dwelling to be a little bigger.

Your second question about, you know, how many farms would be impacted? I do think, in a sense, it is more of a Maui Island issue, but that's simply because there's more ag properties here. And so how many farms would be affected? I don't have an answer to that, but basically any two acre property that zoned ag would be affected, and I would assume we have hundreds of them on this island.

Mr. Gima: Thanks Danny. So third question, Greg, how would this bill specifically affect Lanai, if any?

Mr. Pfost: Well, the bill would allow a second farm dwelling units that would be proposed on any agricultural lot to be increased from 1,000 to 1,500 square feet. I do know that the number of parcels on Lanai that are in the ag district are, is actually there are 1,400 parcels. However, I'm sure some of those are multiple owner, or I mean, similar or the same owners. So I don't know exactly. I can't give you a number of how many second dwelling units would, would be proposed or increased, but it does affect Lanai and it allows second farm dwellings to increase to that, that 1,500 square feet.

Ms. Atacador: Butch, you're on mute.

Mr. Gima: Sorry. So the current language in the ordinance, there are no conditions on who can live in the second farm dwelling. Is that accurate?

Mr. Pfost: That is correct. Except for short term lodging, you would have to have a separate permit to do that. But that is correct.

Mr. Gima: And there, there is no language in the current ordinance that is related, that relates to farm dwelling to farm operations. Is that accurate?

Mr. Pfost: No. There is language within the Code that ties the farm dwelling to farm operations. Um, a farm dwelling is, is by definition located on a farm both in State and County code. And because it's located on a farm, and when you look at the definition of a farm, a farm is, is, is property that is at least 51 percent or a majority of the lot is used for agricultural purposes. So in order, if you have a farm dwelling, you have to have 51 percent of your lot being used for . . . (inaudible) . . . So there is a link to a farm dwelling and, and farming, yes.

Mr. Gima: Okay. My next question is tied to the one. Um, how, how does this bill, or was it prompted by concerns about fake farms on the island of Maui? Because there's no reference in, in, in the packet about that. I mean, fake farms obviously is my, my, my wording. I hope you know what I'm referring to.

Mr. Pfost: Yeah, yeah. I don't know about that, to consider your first question, I don't know what actually prompted this bill other than what Danny indicated and what I indicated earlier. I don't know what else has prompted that bill. Sorry, I can't help you more on that.

Mr. Gima: So, um, can, can you talk to me more about how this bill does or does not affect these fake farmers?

Mr. Pfost: Well, I, I suppose for any property in the agricultural district, the bill does allow that second farm dwelling to be increased to 1,500 square feet. How we deal with, for example, when someone comes in to actually pull a permit for your first dwelling, we actually require that property owners sign a declaration that indicates that they'll comply with State and County law in regards to these kind of requirements. Also meaning that they need to farm their property to 51, to 51 percent. When they come in with any subsequent application for a building permit, we actually conduct an inspection to determine whether or not they are farming. So when they come in for a second dwelling unit, if they want to increase that size, we would actually conduct an inspection to ensure that they actually are complying with the farm plan and implementing that farm plan. So there is ways that we currently, although, I'll, I'll, I'll be honest, it is difficult an enforcement method because we do deal with farmers that are, are interested more in putting the dwelling unit than they actually do in the farming. I agree with your statement, and that's, so it is difficult. We come across those issues. And even in the next agenda bill, I'll talk about that a little bit further, but that is an issue. And through our enforcement and inspection and building permit process is how we try and, try and regulate that to ensure that the farm dwelling and the second farm dwelling are in compliance with actually operating farm on the property. But that is, it is a challenge from an enforcement perspective sometimes.

Mr. Gima: Several meetings ago, well, one of the Commissioners asked the Planning Department about enforcement and the Planning Department's response was that it is basically a complaint generated action. That if nobody --

Mr. Pfost: Most --

Mr. Gima: -- if nobody complains about the fake farmers, you guys don't go out.

Mr. Pfost: Most enforcement actions that we do our on complaint basis. However, with the exception of, um, when it comes to agricultural properties, when you are required to have a farm plan and be, and farming on your property, we do do an inspection and review when we issue, when we, upon issuing the building permits. So there is a process. But you're right, in regards to enforcement that the County, most of it is actually reactive enforcement, which I call, as opposed to proactive enforcement. That is correct.

Mr. Gima: Okay, so the last question is mainly procedural. What's the upside or the downside not amending the language before us?

Mr. Pfost: I suppose the downside is for those property owners that would like to increase the size of their farm dwelling. And the -- I'm not sure if there is an upside. As I mentioned in the report, uh, the Planning Department didn't have an issue probably because the ten percent requirement on developable area is still being met. So you're still going to have the same amount of developable area of farm dwellings whether or not this bill passes or not. You will either have -- you could have a larger main farm dwelling and a smaller second farm dwelling, or a little bit larger second farm dwelling and a smaller main farm dwelling. So you still end up with the same developable area. And so therefore the impact to agricultural use is it's not, we did not find that as significant. I'm not sure of the upside of denying the request. I'm not sure.

Mr. Gima: Okay, thanks Greg. Thank you, Chair.

Ms. Atacador: Thank you, Chair Butch. Uh, Michelle, go ahead.

Ms. Fujie-Kaauamo: Can I, or I guess after listening to Uncle Butch's questions and then also considering Manna's questions as well, um, I think that before moving forward there is a lot of unknowns or where the Commission or where the Department could not answer some of our questions. One of which, I think, that before making an informed decision, I would like to know how many Lanai farms would be impacted should this language go through. And then two would be could we get like a concrete example of what the change in property value would look like on Lanai if a two acre farm chose to develop a second dwelling. So that way we can actually sort of kind of look at that. Or, is that not something that the Commission would be able to give us? So granted, here is this two acre farm that can develop or has a dwelling on it, what would the change in property value be if there were a second dwelling put on there? Because I mean, property taxes on land that are kind of high considering our rural community. And so I think I go back with what Manna was saying terms of needing some concrete examples of what that would look like. I do realize, as I think Danny shared, that it is sort of like a Maui specific issue. And so to be able to make a decision for Lanai, um, I, I would like to see more Lanai specific information.



Ms. Atacador: Thank you, Michelle. My only -- not only --. But one comment that I have regarding what you are saying is could be potentially do something like Molokai did and where we say we approve it but exempt Lanai from it. Because if this is a very Maui centric issue, then, yeah. Is that something that the Commission would want to move towards is something similar to what the Molokai Commission did?

Ms. Fujie-Kaauamo: Yes, sorry, Vice-Chair, can I comment on that as well? So that was what I was kind of going towards as well. But if we exempt it, then does it not benefit from it as well, right? So I know on Molokai they have a lot of ag land where they could have benefited from this, and I don't know if they had more time to kind of look at weigh the pros and cons. But I think on Lanai we have, uh, you know, I think like, was it 14,000 parcels? And so what does that actually look like for us? You know, it might, we might actually be able to benefit from that. Or is it, you know, where we could encourage more farmers to be able to develop property on their farm lands? So that was my other thing. I don't want to exempt us and then we miss out on that as well.

Ms. Atacador: Understood. Thank you. Go ahead Manna.

Mr. Manna: Thank you, Chair. Yeah, I would, I would be okay with recommending approval, but with amendments. You know, because this bill seems very, very rough, very like rudimentary. It's not very refined, especially with the enforcement. So I would like to see some language in there that's going to protect our agricultural lands from skyrocketing.

Ms. Atacador: Got it. Thank you. Did you want to put a motion on the floor?

Mr. Manna: Um, not yet.

Ms. Atacador: Okay. Sorry, go ahead, Butch. I see you raise your hand.

Mr. Gima: Yeah, I mean I think you and Michele brought up so good points in terms of the impact on Lanai. I, I was hoping some of our farmers, you know, Steve and Dave, and even Sensei Farms would comment. I mean Sensei Farm already has approved farm -- I don't know if they're farm dwellings or farm laborer dwellings. But yeah, it would have been good to get feedback from them in terms of how it would impact if, if we did not approve or whether we approved it. So maybe that's, you know, if somebody chooses to defer so we can bring those people into to talk about how this would impact maybe that would be helpful in terms of us making a decision.

Ms. Atacador: Thank you, Butch. Zane?

Mr. de la Cruz: Um, I'm just curious because with my understanding of current land ownership, there's really only one entity that this would matter to and that's Pulama. Um, so this discussion, like, it's not --. I mean, granted, things could perhaps change in the future, but

historically speaking, you know, with Lanai having one majority land owner, it's not, there aren't a lot of parties that could really comment on this.

Mr. Gima: Good point, Zane.

Ms. Atacador: Yes. Lisa, I see your hand.

Ms. Grove: Um, I was going to say the same thing. Um, this, this doesn't have a huge impact on us. I'm supporting it. I, I think the housing crisis and the ag crisis in Maui, looking at all of the testimony from the many, many people and the pages and pages of testimony to me was compelling.

In terms of property values, it does diminish the, the size of the main house to get the extra 500 feet in the second dwelling. So it's not like we are adding 500 feet to the, the housing portion of the real estate on the ag land. Um, and to me, that, that made me feel more comfortable about it. And it just feels like, and when you look at a lot of the folks that are testimony, including some of the Maui HUD people and others, you know, we do have a workforce housing problem. We have, especially on Maui, we have a housing problem. And we also need to be increasing our food security and growing as much as we can. And it just feels like letting --. And, and we're, we are losing the legacy of family farms. You know, there's no such thing anymore because people can't afford to live or don't have enough room to live on the land in Hawaii. And I think that the more people are exposed and the more the keiki are exposed to farming even, you know, as a result of where they're living, increases the potential for more farming and more security, food security in the future.

Ms. Atacador: Thank you, Lisa. Um, Zane, I think I seen you raise your hand. Yes, go ahead, Zane.

Mr. de la Cruz: So that, so one of the things that kind of doesn't make too much sense for me, the case of an argument is that, you know, we're swapping 500 feet from one dwelling to another. So the maximum allowable for a two acre with one single unit is over 7,000 square feet. Like, I'm not sure how many of -- that's a huge house -- and like how many dwellings are actually like moving, like swapping those pieces back and forth? I guess, is that really a feasible thing? Like, you know, let's say you have a house that's, a main house that's 5,000 square feet, which is still a very large house. And then they want to extend the 1,000 to 1,500, you are losing more land, right? Like, it's not --. Just because it's less than the total maximum allowable square footage, I still think in general, you will be losing more ag land. I'm not saying that that's necessarily something that kills the bill, but I think using that 500, 500 swap is a bit, is a bit misleading.

Ms. Atacador: Understood. Good point, Zane. Um, Butch, did I see you hand raised earlier?

Mr. Gima: Yeah, I think we have to be mindful of, of the fact that I believe the tax rates on ag land are much lower than tax rates on urban, right? And maybe even, even rural. And, and I

-- in the best case scenario, the change in the language in this bill would increase economic diversity, would increase employment, and increase food security. But there is nothing in the bill that, that demonstrates that. My take on this is many of the homeowners, yeah, they want to increase the size, but that will increase the property value for them. And while I can understand individually why they may want that, it doesn't, it doesn't go to the greater good of what the ag, ag, um, um, language is about, and specifically what I just said. It doesn't contribute to increased food security, it doesn't increase employment, and it doesn't increase economic diversity.

Ms. Atacador: Thank you, Butch. Commissioner Manna?

Mr. Manna: Thank you, Chair. Yeah, you know, my thinking is, I mean, I support developing housing for farmers, but I don't think there's a limit on farm labor dwellings, right? So there's a difference. We have farm dwellings and then farm labor dwellings. So if the farmer, if the farmer who has the farm dwelling is farming and they need to bring in seasonal workers, I don't see anything stopping them for building farm labor dwellings to, to meet their capacity, to meet their need, the demand. But, you know, I mean, if someone's able, if they're able to use ten percent of their land and they said two acres, I mean, that's 8,000 square feet that they're able to build of land. I mean, unless they're maxing out that, that first house say, if it's only like 5,000, and they need, and they said they had another kid or a family member move, an elderly family member moved in, I mean, they could expand their first dwelling. So I don't really see a need for a second dwelling, but I do see a need for farm labor dwelling.

Mr. Gima: It's a separate bill.

Ms. Atacador: Yeah, that one, I think they go to a little bit more in that second bill about the differentiating between the farm, farm dwelling and farm labor dwelling. This first one, I, I think, is just regarding the size of the dwelling; increase the allowable size of second farm dwelling in agriculture district. So I think we'll get more into those details with the second bill. Alright, how do we feel, Commissioners? Do we feel like making any motions at this time or deferring? Any suggestions or feedback?

Mr. Gima: I'm not, I'm not going to make a motion at this time. But, you know, based on my testimony, you can tell that I'm in opposition of this bill.

Ms. Atacador: Thank you, Butch. Yes, Manna?

Mr. Manna: Yeah, I would make a motion to defer to gather more information.

Ms. Atacador: Alright, so it's been motion by Commissioner Manna to defer agenda Item B.1. to the next planning commission meeting. Oh, I'm sorry, I see Danny and Greg pop on. Go ahead, Danny.

Mr. Dias: Uh, maybe I'll defer to Greg. Greg, I assume you're going to ask specifically what type of information you folks want from us, right?

Mr. Pfost: It's exactly what I was going to ask.

Ms. Atacador: Thank you. I, I think that Commissioner Fujie's questions were very, very specific questions that, I think, would help us. Would answer a lot of questions for us that we have regarding this bill.

Ms. Grove: Can I add another one? I would just like to know why the County of Maui, Department of Agriculture, had no comment on this. It would be nice to have them on the record to help advise us.

Ms. Atacador: Got it. I think this could be a different scenario, Lisa, but I kind of asked that question at a meeting regarding a separate item a while back, and I was told that when creating the bill, they get the feedback of the different departments and then that final one is just if they have any final thoughts. So if they contributed to creating the bill, they might not have any further ones. That's, that's just what happened the last time because I had a similar question regarding a separate bill a few meetings ago, and that was the response that I received. So that made maybe it. Alright, Michelle, would you mind repeating the questions that you had just for, for notes for, for Gregory and Danny?

Ms. Fujie-Kaauamo: Sure. So the first one was how many Lanai farms would it impact? And then the second one was if we could get an example of what would a change in property value look like on Lanai did we have a farm that added on a second dwelling given the, the, I guess, the new numbers versus if it just stayed the same as a 1,000 foot versus 1,500 square foot.

Mr. Dias: Um for that question, just to kind of forewarn you, it might be a little hard for us to answer because that's almost like a like a real property appraiser, right, you know, like, say, a two acre property, we have a 5,000 square foot house, 1,000 square foot second dwelling, what's the value of now that 1,000 square foot becoming 1,500? But we'll try our best.

Ms. Fujie-Kaauamo: Yeah, I don't think it needs --. I mean, like, as long as we can just see the difference or maybe take an existing property that we have on Lanai, whatever its current value is. And then if we were to add a 1,000 feet second dwelling versus a 1,500 foot second dwelling would be helpful.

Ms. Grove: But aren't, aren't those only just the Sensei farms? We don't have any farm dwellings on our properties because Pulama owns all of the ag lots.

Mr. Manna: But we are going to be developing 140 acres possibly with some agricultural land on it.

Ms. Grove: Right. Good point. Thanks.

Ms. Atacador: Zane, did I see you raise your hand?

Mr. de la Cruz: Well, just thinking back to the Sensei Farm one, I'm pretty sure, if not both, at least one of them is a farm labor dwelling because we had a discussion about, like, the size they could make it. Because if I remember correctly farm labor dwellings, their size limitation is based purely on the size of the tax map key.

Ms. Atacador: Got it! Thank you, Zane. So with those questions Michelle posed, did anyone have any other questions they would like to, to ask specifically when we defer this item?

Mr. Manna: I liked Lisa Grove's question about the DOA.

Ms. Atacador: Okay. For sure. So including why the Department Ag had no comment on this bill. Chair Gima, go ahead.

Mr. Gima: Yeah, Chair, we have an open motion on the floor, just the motion right now.

Ms. Grove: I'll second it.

Ms. Atacador: Sorry, I was confused. I thought we were getting the questions that were going to be included in the motion because that's when Danny and Gregory kind of popped in and asked what that information was. So I'm just kind of making sure we get all of that included. Is that correct? Okay. So my apologies. So the motion is, I believe, it was Commissioner Manna to defer it pending the answering of these questions that we posed to the Planning Department. Selina, I seen you pop on. Please go ahead.

Ms. Pannell: Oh, no, just that the motion can stand as is. The clarification questions could happen after, but, you know, it's fine that they happen now.

Ms. Atacador: Alright. Thank you for the clarification. Do we have a second? Second by Commissioner Grove. So we have the movement of the floor by Commissioners Manna, seconded by Commissioner Grove. Um, may I have a vote please by show of hands? One, two, three, four, five. Alright, so that's, um, six in support, two opposing. So I need to list out the two opposed, the opposed?

Ms. Pannell: Uh, yes, since there are opposing, if you could do a roll call.

Ms. Atacador: Okay, my apologies. Um, if I could do a roll call vote starting with Commissioner Alboro. Please yay or nay?

Ms. Alboro: Nay.

Ms. Atacador: Thank you. Commissioner Rabaca?

Ms. Pannell: I'm sorry, did --? My computer screens a little small, but was the camera on for that vote?

Ms. Atacador: Yes.

Ms. Pannell: Oh, I see you now, Ms. Alboro. Sorry about that.

Ms. Atacador: Alright. Commissioner Rabaca?

Ms. Rabaca: I voted yay. Yeah.

Ms. Atacador: Thank you. Commissioner Grove?

Ms. Grove: Yay.

Ms. Atacador: Commissioner Fujie?

Ms. Fujie-Kaauamo: Yay.

Ms. Atacador: Commissioner de la Cruz?

Mr. de la Cruz: Yay.

Ms. Atacador: Chair Gima?

Mr. Gima: Nay.

Ms. Atacador: Alright. Commissioner Manna?

Mr. Manna: Yes.

**It was moved by Mr. Negus Manna, seconded by Ms. Elisabeth Grove, then**

**VOTED: To defer and requested further information as discussed.**

*(Assenting: E. Atacador, Z. de la Cruz, E. Grove, M. Fujie-Kaauamo, N. Manna, S. Rabaca)*  
*(Dissenting: N. Alboro, R. Gima)*  
*(Excused: S. Kaye)*

Ms. Atacador: Alright. And then for myself is yay, so that's one, two, three, four, five, six. So six in favor, two opposing.



**LANA'I PLANNING COMMISSION  
REGULAR MEETING  
JANUARY 17, 2024**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Mr. Reynold Gima, Chair, at approximately 5:00 p.m., Wednesday, January 17, 2024, online via BlueJeans videoconferencing platform, Meeting No. **979 971 630**; and at the Current Planning Conference Room, One Main Plaza, 2200 Main Street, Wailuku, Hawaii, 96793.

A quorum of the Commission was present. (See Record of Attendance)

Mr. Reynold Gima: Okay. Good evening, everyone. I want to welcome everyone to the January 17<sup>th</sup>, 2024 meeting of the Lanai Planning Commission. Let the record show that we do have a quorum. I want to give a shout out to Sandi Rabaca, who's attending the meeting while in her vehicle on Oahu. So Sandi, is there anyone in the vehicle with you?

Ms. Sandi Rabaca: Yes, I have my son and my mom.

Mr. Gima: Okay, thank you. Sally, anybody in the room with you?

Ms. Sally Kaye: No.

Mr. Gima: Okay, thank you. How's about you, Nikki?

Ms. Nicole Alboro: No, I'm alone.

Mr. Gima: Okay, thanks. Zane, how's about you?

Mr. Zane de la Cruz: I'm also alone.

Mr. Gima: All right. Thank you. Negus?

Mr. Negus Manna: Hi. I'm alone.

Mr. Gima: All right. Thank you. Michelle?

Ms. Michelle Fujie-Kaauamo: I'm alone.

Mr. Gima: Okay. And I too am alone. Okay, moving on. Let's see, Roxanne, are you on --? Do we have the Lanai Council Member's office available today, Leilani?

Ms. Leilani Ramoran-Quemado: Thank you, Chair. No, Roxanne notified me about a couple of weeks ago to say that they would be unavailable because they're actually on Oahu for the open legislation so they could not be there to have that facility as a public hearing site.

Mr. Gima: Okay, thank you. All right. So the public will be able to provide public testimony throughout the meeting on the different agenda items. If you so choose to want to testify, please notify Leilani in the chat. Please give her your name and which agenda item you wish to testify on. It would be limited to three minutes of your testimony. Until you are called will you please mute your audio and video. So tonight we will only have public testimony through the Planning Department.

Okay, let's see. We have several Planning Department staff here. Who – Selina, are you our Corp Counsel tonight?

Ms. Selina Pannell: I am. Hello everyone.

**B. UNFINISHED BUSINESS (Action to be taken.)**

**1. A BILL FOR AN ORDINANCE TO AMEND SECTION 19.30A.050(B), MAUI COUNTY CODE, TO INCREASE THE ALLOWABLE SIZE OF SECOND FARM DWELLINGS IN THE AGRICULTURAL DISTRICT**

**Ms. Kathleen Ross Aoki, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions, a proposed bill to amend Maui County Code Section 19.30A.050(B), to increase the allowable size of a second farm dwelling in the Agricultural District from 1,000 square feet to 1,500 square feet. (G. Pfof) (*Public Hearing was conducted at the December 13, 2023 LPC meeting.*)**

**The entire text of the proposed bill for ordinance is available at <https://mauicounty.gov/DocumentCenter/View/143751/RESO-23-36-Referring-a-Proposed-Bill-Related-to-Farm-Dwellings?bidId=>**

Mr. Gima: Alright, thank you. Okay, moving on to unfinished business, number one, a bill for ordinance to amend section 19.30A.050B, Maui County Code to increase the allowable size of second farm dwellings in the agricultural district. Ms. Kathleen Ross Aoki, Planning Director, referring to the Maui, Molokai and Lanai Planning Commissions, a proposed bill to amend Maui County Code Section 19.30A.050B, to increase the increase the allowable size of a second farm dwelling in the agricultural district from 1,000 square feet to 1,500 square feet. At this time, I'll turn this over to you, Greg.

Mr. Gregory Pfof: Yes, thank you. Can you hear me, all right? Yeah, I'm going to go ahead and share my screen here. I don't have an extensive power point presentation like I did last meeting, but I just have a short one to kind of summarize what has occurred since your last meeting. I hope hopefully you've also received today two memos from the Department on both on this item, B.1. and B.2., that kind of summarizes what's occurred over the last month. Attach to those, those letters or the Department's memorandums are also responses from the

County's Department of Agriculture on each item as well. So I'll summarize that information real quick and let me share my screen with hopefully the power point presentation.

Okay. One moment here. Okay, hopefully you can see my screen okay. Yes, the Item B.1. is in regards to the proposed building increase the size of the second dwelling, the second farm dwelling from a 1,000 to 1,500 square feet, and I am on the wrong slide. Let me move through these real quick. There we go. And if you recall, right here, I identified in the upper portion of the slide the proposed ordinance amendment that was initiated by the Council. Basically just changing the size of a second farm dwelling from 1,000 square feet to 1,500 square feet.

You may recall that you're allowed two farm dwellings on an agricultural zone parcel provided that they are located on a farm that is doing 51 percent agricultural use.

You may recall the Planning Department's recommendation was to support the proposed bill because we do not feel that increasing the size by 500 square feet would significantly impact agricultural uses. Additionally, the size increase of both the proposal and then also the first and second dwelling unit combined would still have to be in compliance with the ten percent lot coverage of the, of the two units together. So that's not changing.

We also felt that it was consistent with the Maui County's Code intent to keep the second farm dwelling incidental to the main farm dwelling by restricting it's size. So therefore, the Department was supporting the bill at last month's meeting.

You may recall at the end of the meeting the Lanai Planning Commission at the end of this, this item posed three questions to staff for additional information. These are -- I've addressed these in the Department memo that was given to you today, but I'll go through them real quick. The first -- and summarize -- the first question was how many farms in Lanai would be impacted by the proposed bill? It's difficult to indicate because one, we do not have, we have -- we're not sure exactly the number of farms that are on Lanai. But we do know that there's over 1,400 agriculturally, agriculturally zoned parcels on the Lanai. However, you know, 1,400 seems like a lot. Those are probably, these are undevelopable, given various site constraints, lack of access, or the parcel size themselves they could be very small or narrow parcels that aren't really usable for agricultural uses. Also, you have to assume that multiple parcels on Lanai are, are owned by the same entity. And although ownership does not have an effect on the number of farm dwelling, dwellings permitted because you can have up to two farm dwellings per lot. So sorry, I couldn't give you more information on this, but that's basically what we've been able to, to come together on how many lots there are on in regards to, on Lanai.

Again, I just want to remind you, though, in regards to farm dwellings, when we're talking about farm dwellings, they must be located on a farm, which means 51 percent of the lot needs to be used for agricultural use. So I think that's important also to, when you look at how many farms would be, would be affected here.

The second question would, was about economic impacts as a result of the proposed bill, on an example, two acre agriculturally zoned property. Unfortunately, the Department doesn't have the staffing really to do a good economic impact. We would -- . Nor do we have the availability or ability to hire a consultant to do such. We did, however, contact the County's Real Property Assessment Division as those are numbers that the County uses. You can see here the difference between an assessment on a 1,000 square foot residential structure in Ag land compared to a 1,500 square foot residential structure. You can see that the assessment is fairly insignificant. Of course, this is just the County's assessment of that, but of course, market rate valuation would vary, but there's a lot of assumptions when you look at market evaluation, and properties will vary from one to another based on location, type of construction, whether there's infrastructure availability, and availability, the availability of land to farm, meeting that 51 percent.

Overall, the Department believes that there would be a slight increase in value as a result over this proposed bill, but we do not believe it's insignificant to do farming or being inconsistent with the policies of the General Plan and Maui Island Plan.

The third item was can the County Department of Agriculture comment on the proposed bill? Well, attached to the memo that you received today was a January 9th, 2024 letter that was addressed to the Maui Planning Commission from the Director of the Department of Agriculture. Within that letter, you can see that the Department of Agriculture supports the proposed bill as they feel that it they supports of farm labor and multi-generational farm families, therefore contributing to Maui County's food security while still meeting the ten percent lot area requirement for farm dwellings. So it's not to impact agricultural uses.

That concludes basically our response to the questions that the Lanai Planning Commission had. So for tonight the Commission can either recommend approval of the proposed bill, recommend approval of the bill with amendments, recommended denial of the bill, or if the Commission desires and still has additional comments or concerns, we would recommend that as part of your action tonight that the Commission by majority vote direct the Department to forward your concerns to the County Council for consideration. And that will keep the bill going to the Planning, to the County Council. That concludes my presentation.

Mr. Gima: Okay. Thank you. Thank you, Greg. Selina, we do not have to take public testimony since we did that at our last meeting. Is that accurate?

Ms. Selina Pannell: Yes, that's correct. Public testimony, I believe, was closed at the last meeting.

Mr. Gima: Okay. Thank you. That being said, Council Members, Commissioners, any questions for, for Greg? And especially the three points that, I think, were carryover questions from our last meeting? Go ahead, Negus.

Mr. Manna: Thank you, Chair. I don't have any questions, but I just wanted to say thank you for your work to getting those answers for us. Much appreciated.

Mr. Gima: Michelle, we need you on camera.

Ms. Fujie-Kaauamo: Am I not? I can see myself.

Mr. Gima: No, I can't, I can't see you.

Ms. Fujie-Kaauamo: Can anybody see me? Oi. That's weird. I wonder --. Okay, maybe I switch, switch cameras.

Mr. Gima: Okay.

Ms. Fujie-Kaauamo: Can you see me now? Okay, sorry. I'm looking this way, but it's because I have a dual screen. So I think originally it was -- yeah. I don't, I don't have any questions and thank you for doing that additional research. I feel like the questions that were asked have been sufficiently answered.

Mr. Gima: Let's see. Sally, since you weren't here at last meeting, do you have any questions, comments for, for Greg?

Ms. Kaye: No, not on this one. Thank you.

Mr. Gima: Okay. Since there are no questions, comments . . . and I'm not hearing that anybody wants to introduce any types of amendments. That being said, I will entertain a motion to recommend approval of the proposed bill to the Maui County Council.

Ms. Kaye: I'll move that.

Mr. Manna: I second.

Mr. Gima: Okay. It's been moved by Commissioner Kaye, seconded by Commissioner Manna, that we recommend approve of the proposed bill to the Maui County Council. Any further discussion? Hearing none, all in favor will you please raise your hands? Okay, all oppose, raise your hand?

Mr. Gima: Sandy, what is your, what is your vote, yay or nay?

Ms. Rabaca: Uh, nay for is that the expansion of adding the extra square footage, right?

Mr. Gima: Yeah, we're talking about --

Ms. Rabaca: Yeah.



Mr. Gima: -- increasing --

Ms. Rabaca: I don't -- yeah, nay -- I don't that to happen.

Mr. Gima: Okay, we have one --

Ms. Rabaca: I think it defeats the purpose. Yeah.

**It was moved by Ms. Sally Kaye, seconded by Mr. Negus Manna, then**

**VOTED: To recommend approval of the proposed bill to the Maui County Council.**

(Assenting: N. Alboro, Z. de la Cruz, M. Fujie-Kaauamo, S. Kaye, N. Manna)  
(Dissenting: S. Rabaca)  
(Excused: E. Atacador, E. Grove)

Mr. Gima: Okay, so motion is carried with five yays and one nay. Okay, thank you much.

**2. A BILL FOR AN ORDINANCE TO AMEND SECTION 19.04.040, MAUI COUNTY CODE, TO REVISE THE DEFINITIONS OF "FARM" AND "FARM LABOR DWELLING"**

**Ms. Kathleen Ross Aoki, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions, a proposed bill to amend Maui County Code Section 19.04.040, to revise the existing definitions of "farm" and "farm labor dwelling." (G. Pfof) (Public Hearing was conducted at the December 13, 2023 LPC meeting.)**

**The entire text of the proposed bill for ordinance is available at <https://mauicounty.gov/DocumentCenter/View/143752/RESO-23-220-Referring-a-Proposed-Bill-to-Amend-the-Definition-of-Farm-and-Farm-Labor-Dwelling?bidId=>**

Mr. Gima: Um, moving on to unfinished business item two, a bill for ordinance to amend Section 19.04.040, Maui County Code, to revise the definitions of farm and farm labor dwelling. Ms. Kathleen Ross Aoki, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions a proposed bill to amend Maui County Code Section 19.04.040 to revise the existing definition of farm and farm labor dwelling. Okay, Greg, it's all yours again.

Mr. Pfof: Thank you very much. Again, and I apologize for the lateness, but you should have received also a Department memo on this item as well, B.2. with two attached letters from the County Department of Agriculture. One of the letters is the same one that was on B.1.. But



1 things get in.

2 So that could be a good practice so that  
3 when you get up here and you realize you have timed  
4 out but you have so much to say, it will help you  
5 prioritize your testimony. And I feel like that  
6 could be a helpful tip for the people who testify.  
7 Okay.

8 So let's move into our first agenda item.  
9 Garrett, who's going to introduce this?

10 ACTING DIRECTOR SMITH: Good morning. We  
11 do have staff from the Department of Planning to  
12 provide a presentation. Greg is our administrative  
13 planning officer helping us navigate all sorts of  
14 legislative fun items. He's here to provide both  
15 presentations for the public hearings Item Number B1  
16 as well as B2.

17 So I will go ahead and hand it off to you,  
18 Greg, for the first item.

19 MR. PFOST: Yes. Thank you. Can everybody  
20 hear me? Can you hear me okay? Good. Thank you  
21 again. Thanks, Garrett.

22 My name is Greg Pfof. As he mentioned,  
23 I'm the administrative planning officer for the  
24 Planning Department.

25 Just to give you a little bit background, I

1 mean, since I'm new here with the county. I've  
2 actually been here with (no audio) over 30 years of  
3 planning experience both in California really, and  
4 as -- most recently as the planning director for the  
5 City of Laguna Beach, and I've served as planning  
6 directors for other organizations in Southern  
7 California.

8 So, happy to be here on Maui and hopefully  
9 I can help you out here with some of the things that  
10 we're reviewing today. I apologize for not being  
11 there. I'm a little under the weather today, so  
12 hopefully everything goes smoothly here. Let me see  
13 if I can share my screen. Can you see that?

14 ACTING DIRECTOR SMITH: Yes. Thank you.

15 MR. PFOST: Good. So the first item is a  
16 proposed bill to increase the size of a farm dwelling  
17 from 1,000 square feet to 1500 square feet.

18 In March of 2023, the ADEPT Council  
19 Committee discussed and forwarded a resolution to the  
20 city council for this request. In September of 2023,  
21 the council adopted resolution referring the proposed  
22 bill to the planning commissions for action and  
23 transmittal of their findings to the council.

24 The council also requested that the ADEPT  
25 Committee meeting minutes be be attached to the

1 resolution, which they are part of your packet which  
2 includes a more detailed discussion of the items so  
3 you can review those with more detail.

4 Before I actually get into the actual item,  
5 I wanted to start with a little bit of background on  
6 agricultural land use in the County of Maui and  
7 making sure we have a really good understanding that  
8 retaining and encouraging agricultural lands in the  
9 county is imperative, and it's very important  
10 specifically as identified within our General Plan  
11 and our Maui Island Plan through various policies  
12 within those plans looking at protecting agricultural  
13 resources.

14 Additionally, the Maui County Code which is  
15 Chapter 19.30A, which is our agricultural zoning  
16 district, discusses the purpose and intent of the  
17 agricultural district, again emphasizing the need to  
18 preserve and protect agricultural resources. And  
19 even in the agricultural zoning district, it breaks  
20 up the potential uses in the agricultural zoning  
21 district between principal uses and accessory uses,  
22 noting that the principal uses are primarily  
23 agricultural-based, and then the accessory uses are  
24 those that are incidental or subordinate to the  
25 principal uses.



1           And in the case of what we're going to be  
2 talking about today, both the construction of  
3 dwelling units and farm labor dwelling units are  
4 actually accessory and incidental to the principal  
5 uses of agriculture uses.

6           The Maui County Code and the agricultural  
7 zoning district also discusses various development  
8 standards for the agricultural zone, including a  
9 minimum lot area of 2 acres for agricultural lots, a  
10 maximum developable area of 10 percent of the total  
11 area for farm dwellings, and then other, of course,  
12 setbacks and lot widths and building height limits.

13           The state also discusses agricultural  
14 regulations related to farm dwelling units. However,  
15 they do not regulate the size of farm dwellings, but  
16 they do specify -- the state does specify that farm  
17 dwellings are accessory to farms and they are  
18 considered single family residences. This is similar  
19 to what our code of Maui County also discusses.

20           Let me get into the -- a little bit of  
21 background on farm dwellings and farm labor  
22 dwellings. As I've been reviewing some of the  
23 correspondence in past meetings by council, sometimes  
24 there seems to be a little bit of confusion on the  
25 differences between farm dwellings and farm labor

1 dwellings.

2 I'm going to talk about this now, but also  
3 as my presentation in the subsequent item on today's  
4 agenda as well, I'll get into a little bit more  
5 detail.

6 But a farm dwelling is basically considered  
7 a single family residence, and it has no occupancy  
8 restrictions. It can be occupied by the owner of the  
9 property, the owner's relatives. It can be occupied  
10 by agricultural workers. However, farm labor  
11 dwelling is occupancy only for agricultural workers.  
12 That's an important distinction.

13 For the purposes of this item today, up to  
14 two farm dwellings -- that's what we're talking about  
15 today -- are permitted on a lot, provided that the  
16 farm dwelling is located and used in conjunction with  
17 the farm. And this is an important aspect because a  
18 farm is defined as having at least 51 percent of the  
19 lot area used for active agricultural uses.

20 And one of the two allowable farm dwellings  
21 can be no larger than 1,000 square feet as currently  
22 in the code. And, as you know, this is being  
23 proposed to be changed to 1500 square feet for the  
24 other -- for the one farm dwelling. The other farm  
25 dwelling, the -- sometimes we refer to it as the main

1 farm dwelling -- can be of any size provided that  
2 both farm dwellings together do not exceed 10 percent  
3 of the total lot area. And the proposed bill as  
4 shown here is to increase the size of the second farm  
5 dwelling from 1,000 to 1500 square feet.

6 When the planning department reviews and  
7 does its analysis in determining whether or not a  
8 code revision or new legislation should be moved  
9 forward, what we do is make sure that it's consistent  
10 with the General Plan and the Maui Island Plan and  
11 the purpose and intent of the Maui County Code, which  
12 I discussed earlier in the presentation, and the  
13 importance of that in making sure that whatever, in  
14 this particular case, that's being proposed does not  
15 impact agricultural resources.

16 And so, in doing so, the department feels  
17 that we can support this proposed bill that changes  
18 from 1,000 to 1500 square feet because increasing  
19 only by 500 square feet will not significantly impact  
20 agricultural uses on the property. And that's  
21 particularly -- because the existing code requires  
22 that 10 percent of the lot area not be exceeded for  
23 both farm dwellings. So that existing code  
24 regulation will stay intact. So no matter what we  
25 have, if we increase the second farm dwelling, we'll

1 still have to maintain that 10 percent.

2           So I've provided a little example here of a  
3 2-acre lot, noting that the maximum dwelling  
4 developable area would be 8700 square feet -- 8712 --  
5 which is 10 percent of the 2-acre lot. The current  
6 code would permit a 7712-square-foot main farm  
7 dwelling and a 1,000-square-foot second farm dwelling  
8 whereas the proposed change would just change the  
9 slight -- slightly the main farm dwelling. The  
10 maximum size would be reduced to 7200 square feet,  
11 and the second farm dwelling would be increased to  
12 1500 square feet.

13           We also believe that the -- it's consistent  
14 with the Maui County Code and that the second farm  
15 dwelling will still maintain its incidental use to  
16 the main farm dwelling by restricting its size.

17           With that, that concludes my presentation.  
18 The planning commission has options to consider here  
19 today. One is to recommend approval of the proposed  
20 bill to the council or recommend approval of the  
21 proposed bill with amendments, recommend denial of  
22 the proposed bill to the council, or vote to defer  
23 the proposed bill in order to gain specific  
24 additional information.

25           That concludes my presentation, and



1 hopefully I can answer any questions you may have.

2 CHAIR PALI: Thanks, Greg. I'm going to go  
3 to public testimony first, and then I'll circle back  
4 and have the commissioners have an opportunity to ask  
5 you questions.

6 MR. PFOST: Thank you.

7 CHAIR PALI: So we'll start with Eve Hogan.

8 Eve, if you can hear my voice, please  
9 unmute yourself. And if you want to share your video  
10 as well, that's fine. And let me know --

11 MS. HOGAN: Can you hear me?

12 CHAIR PALI: Oh, I can. Yes, thank you.  
13 Just state your name for the record

14 MS. HOGAN: Sorry. This is Eve Hogan. I'm  
15 trying to get my video to open, but it's not doing  
16 it. I wanted to testify about -- primarily about the  
17 50 percent, 51 percent of farmland.

18 Is that B1 or is that B2?

19 CHAIR PALI: Well, you can pose your  
20 question to the commission, and the commission then  
21 can ask questions for you.

22 MS. HOGAN: Okay. So thank you. My name  
23 is Eve Hogan, and I own the Sacred Garden in Makawao,  
24 and I'm a member of the Ag Working Group.

25 And I'm primarily passionate about the 51

1 percent of the usable farm being -- the word "usable"  
2 being added into the amendment of the code because my  
3 husband and I -- and this is not just a relevant  
4 issue for me, it's relevant for every farmland  
5 probably east of Makawao all the way to Kipahulu and  
6 most of West Maui as well, and that most of those  
7 properties are not traditional farmland.

8 My husband and I bought a property in  
9 Makawao that's in the bottom of Maliko Gulch. And in  
10 2012, we installed a huge nursery along the side of  
11 the stream bed in what would be considered the most  
12 usable piece of our property. And in 2013, we had a  
13 huge flood that washed the whole thing away.

14 And when I was applying for my farm plan,  
15 the Department of Planning said we had to replant the  
16 entire area to meet the greater than 51 percent of  
17 the entire parcel of land. Meanwhile, the tax  
18 department said the majority of our property would be  
19 considered wasteland because of the inundation zone,  
20 but the planning department continued to insist that  
21 it had to be 51 percent of the entire parcel.

22 Our parcel is made up of steep cliff walls  
23 from the Maliko Gulch, rocky river bottom, and  
24 inundation zone. So we had to go to Mayor Arakawa at  
25 that time, and he said that the intent of the code is

1 51 percent of the usable land, and that if the  
2 county -- and I quote on this -- "if the county  
3 forced us to plant in dangerous or unusable areas,  
4 that the county would be liable for the damages that  
5 happened."

6 And so we went to bat for this, and they  
7 began with -- the planning department used the word  
8 "usable." For the last 12 years, they've used the  
9 word "usable," and then suddenly with some change of  
10 the administration and the passing of the ag  
11 declaration form, "usable" got dropped.

12 And I just want to really, really encourage  
13 you to make sure "usable" gets put in there because  
14 it's absolutely impossibly difficult for farmers to  
15 farm on land that is not farmable. I think when you  
16 think of farmland, you think of what Mahi Pono is  
17 planting on. But if you were to see my property, you  
18 would go, how are you supposed to farm here? It just  
19 isn't a feasible thing.

20 We're doing it anyways, but we're doing it  
21 at our risk, not because the county is forcing us to.  
22 So I would really like to say I'm in favor of the  
23 increase in the size of the farm labor dwelling. I'm  
24 in favor of the --

25 UNIDENTIFIED SPEAKER: Three minutes.



1 MS. HOGAN: -- (indiscernible) members and  
2 family members being able to live there. And I  
3 really, really beg you to put "usable" back into the  
4 code as it has been.

5 CHAIR PALI: Okay. Thank you, Eve. Thank  
6 you so much. Commissioners, any questions for Eve?

7 Yes. Vice Chair Thayer, please.

8 VICE CHAIR THAYER: Thank you, Chair. I --  
9 sorry. I think I missed it. You said you're a  
10 farming operation. Was -- you have a nursery?

11 MS. HOGAN: I do. I have a nursery and a  
12 diversified farm. We have two side-by-side  
13 properties, and the whole thing runs between Maliko  
14 Gulch and the road. It's really a very  
15 unusual-shaped property and an unusual terrain.

16 VICE CHAIR THAYER: Okay. And so would you  
17 be able to tell me the, like, total size of your  
18 property and then the percent that you are able to  
19 farm on?

20 MS. HOGAN: Yeah. So we have two  
21 properties side by side, and one is where the Sacred  
22 Garden is. I don't know if you've ever seen it.  
23 It's 4 acres, and a portion of it has a  
24 10,000-square-foot greenhouse which -- knock on  
25 wood -- so far has been safe from inundation, and

1 it's a flat area that we can use.

2 VICE CHAIR THAYER: Okay. So your  
3 greenhouse is your whole farming operation?

4 MS. HOGAN: No. That's on one property.

5 VICE CHAIR THAYER: Okay.

6 MS. HOGAN: On the adjacent property is  
7 4.5 acres. And the majority of it is either steep  
8 cliffs or the -- if you look, it's -- or the area  
9 between the two steep cliffs which is technically  
10 river bottom, but the main channel of the river runs  
11 through part of it.

12 But when it floods, it runs through the  
13 whole thing and washes our whole farm out. And it's  
14 happened twice since we've owned it.

15 VICE CHAIR THAYER: Okay. So -- sorry.  
16 Just to make sure I'm understanding correctly, you  
17 have a four acre and a four and a half acre?

18 MS. HOGAN: Adjacent. Yeah. So it's  
19 eight and a half acres total.

20 VICE CHAIR THAYER: And then you have the  
21 10,000 square feet greenhouse.

22 MS. HOGAN: On one of them, yes.

23 VICE CHAIR THAYER: That's all your usable  
24 farm area?

25 MS. HOGAN: Well, we have other things

1 planted. I mean, you can plant things, but you can't  
2 guarantee they won't get washed out. And we're doing  
3 ag anyways, but we shouldn't have to do ag in a river  
4 bottom.

5 And, you know, it's problematic because  
6 it's environmentally sensitive. We can't till the  
7 soil. We can't fertilize, and we can't do pest  
8 management because it's right next to the stream.

9 It's also culturally sensitive because  
10 there's agriculture, both on my property and my next  
11 door neighbor's property and -- you know, so we have  
12 to be careful not to disturb the agriculture.

13 And it's also dangerous, because my  
14 neighbor actually rappelled down the cliffs to plant  
15 coffee to try to get her farm plan to be approved  
16 because they said she had to plant everywhere, and  
17 she has steep cliffs. And it's also hazardous  
18 because of the inundation zone and the rock outcrops.  
19 So it's just not what you think of when you think of  
20 farmland.

21 We're doing ag anyways; I want that  
22 perfectly clear. I'm a member of the Ag Working  
23 Group. We're doing ag anyways, but to be able to get  
24 any sort of permit, we should not be forced to do ag  
25 because when the stream flooded and all my ag washed



1 away, I tried to get my farm plan, and they said I  
2 had to replant the whole thing before I could get my  
3 farm plan approved. And Mayor Arakawa said that just  
4 is not the intent of the code.

5 VICE CHAIR THAYER: Okay. Got it. But you  
6 said you have ag that's untouchable? You're meaning  
7 that you have ag land that's just not --

8 MS. HOGAN: I didn't use the word  
9 "untouchable", so I'm not sure what you mean.

10 VICE CHAIR THAYER: Okay.

11 CHAIR PALI: Well, I was also going to just  
12 mention that there is other more specific areas in  
13 this code that would address this particular issue of  
14 usable land, but this bill today in front of us is  
15 not a place to do it. But there is -- there are some  
16 revisions coming up. So, Eve, I hope that you can --

17 MS. HOGAN: There actually is -- isn't that  
18 part of Councilmember's -- Johnson's bill is to amend  
19 the usable --

20 CHAIR PALI: So like I said, today's agenda  
21 doesn't cover this, but we do appreciate your  
22 testimony on the item specifically for these  
23 particular ordinances in front of us.

24 VICE CHAIR THAYER: Well, the next item --

25 CHAIR PALI: There's better uses, there's

1 better places where -- so do you have any questions,  
2 commissioners? Any questions for Eve? Okay.

3 Commissioner Deakos, please.

4 COMMISSIONER DEAKOS: I think Mr. Hopper's  
5 trying to talk, but it's addressed in the next -- the  
6 next item, that definition.

7 CHAIR PALI: Okay. All right. Well, do  
8 you want to -- okay.

9 MS. HOGAN: (Indiscernible) or do I have to  
10 testify again?

11 CHAIR PALI: Okay. Well, actually, I think  
12 you've -- I think you've been clear in putting your  
13 testimony in record, but if you'd like to come back  
14 in a minute to testify on the next item --

15 MS. HOGAN: No. I actually am not the one  
16 who determined it was B1. Whoever the planning  
17 commission person is when I said I wanted to testify  
18 on this --

19 CHAIR PALI: Oh, okay. All right. I  
20 thought -- we're on B1 right now, but it's okay. If  
21 your -- we will -- you did testify on the 1500, so we  
22 do appreciate that.

23 MS. HOGAN: Okay. Well, you guys heard me.  
24 I'm assuming that you all understand the issue.

25 CHAIR PALI: Yes, we do. Thank you very



1 much, Eve. Thank you. Okay.

2 Any other -- yes, Commissioner -- Hopper?

3 I can't hear you, Hopper. I can't hear you, Hopper.

4 MR. HOPPER: Okay. Is that better? Is  
5 that any better?

6 CHAIR PALI: Yes.

7 MR. HOPPER: Okay, just wanted to make sure  
8 just for audio. Yeah, I think everything you said  
9 was correct. I think the testifier intended to  
10 testify on the second item. I suppose you could just  
11 take that testimony as for both the items.

12 But, yeah, the first item is for the 1500;  
13 the second item is for several other items. You're  
14 correct.

15 CHAIR PALI: Yes. Good. Okay. I just  
16 didn't want to get off track on the first item.  
17 Okay. Great.

18 Any other commissioner questions? No?  
19 Okay. Great -- oh, Commissioner Lindsey?

20 COMMISSIONER LINDSEY: Eve, I would  
21 encourage you to listen to the presentation that they  
22 have for us for the next one and possibly testify  
23 then after the -- hearing what the planning  
24 department has to say about it.

25 MS. HOGAN: Okay. Thank you.

1 CHAIR PALI: Okay. So to reiterate for my  
2 testifiers, we are taking testimony on B1 right now.  
3 And if you are intending to testify on B2, we will  
4 open that up after the presentation.

5 So our next testifier is Paul Brown. Paul  
6 Brown, are you there?

7 MR. BROWN: Yes, ma'am.

8 CHAIR PALI: Okay. And would you like to  
9 testify on B1?

10 MR. BROWN: Yes, I would.

11 CHAIR PALI: Great. Okay. So state your  
12 name for the record, and your three minutes will  
13 begin.

14 MR. BROWN: Good morning. My name is Paul  
15 Brown, and I would like to testify in support of  
16 Resolution 23-36. I apologize. I tried to put on my  
17 video but it's not working, but I'll get through  
18 this.

19 I wrote detailed written testimony  
20 addressing most of the concerns in the history of  
21 this resolution and some of the concerns that were  
22 raised on the Molokai and Lanai Planning Commission  
23 meetings, and I hope everybody had an opportunity to  
24 read that testimony. It does provide a lot of detail  
25 on this.

1           Most of the pushback has been against  
2   wealthy landowners getting a bigger house, the  
3   so-called gentleman farmers. And I'd like to relate  
4   that I think that the vast majority of agricultural  
5   land on Maui is owned by local families living on the  
6   property and trying to use their property for  
7   agricultural purposes. So I ask that you not punish  
8   all of those simply because you want to restrict a  
9   wealthy landowner from having a slightly bigger  
10   ohana.

11           One of the concerns that was raised was how  
12   will it negatively affect our island, and I don't  
13   believe that there is any negative effect on this.  
14   If you're talking 500 square feet, that's a  
15   22-by-22-foot area. Of a 2-acre lot, that's  
16   0.5 percent of the land. On a 5-acre lot, it's  
17   0.2 percent of the land. It's really negligible, the  
18   difference.

19           Also, as Greg mentioned earlier when he was  
20   presenting the resolution, if you do increase your  
21   ohana size, that reduces the amount of available  
22   building space for any other buildings, including  
23   barns, garages, the main house.

24           So you have -- 10 percent of your land can  
25   be covered with buildings, so if you increase your

1 ohana size by 500 square feet, that reduces your  
2 overall size of any other buildings that you can put  
3 up. So there already is a restriction on how much  
4 building can be put in.

5 One of the concerns raised at council was  
6 by Councilmember Fernandez, and she was concerned  
7 that it was being rushed through. And the fact is  
8 this item has been discussed for about five years.  
9 It came up in 2018 when the residential  
10 ohanas were changed to allow ohana on smaller  
11 properties and two on larger properties in  
12 residential land. And ag owners asked for some kind  
13 of a change, and the planning commission brought this  
14 forward.

15 Also, the planning commission -- I'm  
16 sorry -- the planning department brought this  
17 forward. Also, they have been very much in support  
18 of it, the planning department has been. So is not  
19 being rushed; it's been discussed extensively.

20 I'd really like you to focus on the  
21 benefits of this. One is that most of the people  
22 it'll benefit are families who will be able to  
23 provide additional housing space for their ohana on  
24 their ag land. The change won't require any  
25 additional work for county employees to administer --



1 UNIDENTIFIED SPEAKER: Three minutes.

2 MR. BROWN: -- and it will increase housing  
3 very quickly and at zero cost to the county. Thank  
4 you very much. If there's any questions -- I've  
5 followed this in detail for the last five years, so  
6 if there's any questions for me, I would certainly  
7 appreciate time to answer them. Thank you.

8 CHAIR PALI: Great. Thanks, Paul.  
9 Commissioners, any questions?

10 Sure, Vice Chair Thayer.

11 VICE CHAIR THAYER: Thank you. Just a  
12 quick question. Paul, are you a farmer?

13 MR. BROWN: I live on ag land. We built  
14 our ohana on the ag land, and we are slowly trying to  
15 increase our agricultural activities.

16 One challenge is that I don't have county  
17 water, so we live on catchment in Napili. So we  
18 barely have enough to support our household use,  
19 and -- but we are gradually increasing plantings of  
20 orchard. I raise poultry. We have tons of wild boar  
21 that I harvest and butcher and distribute to the  
22 community.

23 So our intent is definitely to have this  
24 agricultural property that supports our family, our  
25 neighbors. We have a farmers market down the street

1 that I want to be able to sell product at.

2 It's just very challenging without water,  
3 but I'm doing as best I can. I'm bringing in water  
4 totes. I'm setting up little catchment systems on  
5 each of my water totes so that I can then water from  
6 those water totes.

7 So it's a challenge because I don't have  
8 water. I hope to soon. All of my neighbors do, but  
9 my intent for me personally is definitely -- it will  
10 be agriculture. That's the main purpose of living on  
11 this property.

12 VICE CHAIR THAYER: Okay. And you think  
13 you would be able to have enough water to support  
14 another dwelling and to do all your farming when the  
15 time comes?

16 MR. BROWN: Well, if I ever go to build  
17 another dwelling, if I haven't gotten a water meter  
18 by then, then that one will have its own separate  
19 catchment system. We have 24,000 gallons of  
20 catchment that we catch off of our roof of our home.

21 If we build another home at some point --  
22 which I doubt because we can't afford it because it's  
23 so expensive -- but if we do, that would have its own  
24 catchment if we haven't gotten a water meter by then.

25 VICE CHAIR THAYER: Okay. And are you

1 going to testify on the next item also?

2 MR. BROWN: No, ma'am. I'm mainly  
3 concerned with the ohana resolution.

4 VICE CHAIR THAYER: Okay. Okay. Thank  
5 you.

6 MR. BROWN: Thank you.

7 CHAIR PALI: Commissioners, any other  
8 questions? Okay. Seeing none, thanks, Paul.

9 MR. BROWN: Thank you.

10 CHAIR PALI: Okay. So Georgia -- Georgia  
11 Pinsky -- or Pinsky maybe. Georgia, if you're  
12 online, you can unmute yourself, please.

13 MS. PINSKY: Hi. Aloha. Good morning.  
14 Thanks for having me. My name is Georgia Pinsky.

15 CHAIR PALI: Perfect. Yeah. State your  
16 name for the record. Thank you.

17 MS. PINSKY: Yeah. My name is Georgia  
18 Pinsky. I work in ag support and ag advocacy. I  
19 serve as the chair of the sustainable ag committee  
20 for the Maui Tomorrow Foundation, and I operate the  
21 Maui Farmer Network.

22 I'm here today to support the increased  
23 size of the second farm dwelling to 1500 feet. It  
24 can influence and possibly reduce the overall size of  
25 the main dwelling, and I think that that would be a

1 good thing.

2 I support that the second farm dwellings  
3 could be constructed as side-by-side duplex units,  
4 each at 700 square feet. This could have the  
5 potential to increase housing options for our local  
6 residents without increasing the workload for the  
7 county.

8 It's so expensive to build houses at this  
9 point that we need to allow folks to build a little  
10 bit larger houses to make room for families. Thank  
11 you. That's all.

12 CHAIR PALI: Commissioners, any questions  
13 for Georgia? Vice Chair Thayer.

14 VICE CHAIR THAYER: Sorry. I'm just going  
15 for context with all the testifiers, but are you a  
16 farmer, too?

17 MS. PINSKY: Yes, I am.

18 VICE CHAIR THAYER: Okay. So do you  
19 have -- or would you have another dwelling on your  
20 farm? Like, would this help you out?

21 MS. PINSKY: No, I would not. It does not  
22 benefit me directly, but I work with about 40 to 60  
23 small and beginning farmers across the island. And  
24 there are definitely some farmers who would benefit  
25 from this.



1 I also -- you know, as a community member,  
2 I'm watching the housing struggle, and I think that  
3 this would benefit the overall problem of the housing  
4 shortage that we're experiencing. And I have two or  
5 three farmers in particular who are working on  
6 housing plans for their newly purchased properties,  
7 and I think that this would make it more feasible to  
8 look at those home-building expenses in the long  
9 term.

10 VICE CHAIR THAYER: Okay. So I hear you  
11 saying that this would benefit housing in particular.  
12 Can you say from your perspective how this would  
13 benefit farming?

14 MS. PINSKY: I think it would benefit  
15 farming because it would make more of a sustainable  
16 income source as renters would come into that second  
17 dwelling. Maybe you could have a family in there  
18 rather than just a couple.

19 And so I think that a lot of our farmers  
20 also have to have a day job or have to have another  
21 source of income because farming is not a sustainable  
22 income source. And so it allows them to offset their  
23 overall farming expenses and participate more fully  
24 in agricultural operations.

25 VICE CHAIR THAYER: So this would be a way

1 that they could have second income by renting out  
2 this second dwelling to supplement their farm income?  
3 Is that what you're saying?

4 MS. PINSKY: Yes, possibly. And also to be  
5 able to allow extended family members to have housing  
6 on Maui and not be leaving the island. So there's --  
7 it's a -- you know, it's got multiple benefits.

8 VICE CHAIR THAYER: Okay. All right.  
9 Thank you.

10 CHAIR PALI: Okay. Commissioners, any  
11 questions? Okay, thank you. Thank you for your  
12 testimony, Georgia. Okay.

13 Autumn? Autumn Ness? If you can hear me,  
14 please unmute yourself and state your name for the  
15 record. And you've got three minutes.

16 MS. NESS: Aloha, commission. My name is  
17 Autumn Ness. I wasn't going to testify on B1, but I  
18 decided to jump in and just offer some thoughts as I  
19 watched this bill go through the process.

20 I'm on the fence about this one. I --  
21 sorry. To qualify, I work for Member Johnson, so  
22 I've been able to see this. This is not necessarily  
23 Member Johnson's opinion, but I just wanted to offer  
24 some context.

25 So I think there may be value to this, but

1 in seeing the people who have advocated for it  
2 strongly and spent a lot of time pushing for it, it  
3 is mostly people who bought ag land knowing the  
4 parameters of what can be built on ag land, and now  
5 they want a bigger ohana. And, generally, they are  
6 not farmers, active farmers.

7           However, I do see value for active farmers  
8 in possibly making the second home larger. It  
9 worries me to do that if we do not limit the total  
10 square footage of both buildings.

11           Most people that I know that are in active  
12 farming already are like, no need, you know? The  
13 current second housing, that's fine. That's plenty.  
14 The people who are advocating for it bought the land,  
15 knew the rules, and now want a bigger second house.

16           So, again, if the commission decides that  
17 this is something they want to approve, I really ask  
18 that the other thing -- I think it's mentioned in the  
19 council notes as well that we limit the total square  
20 footage to max 5,000 because that's going to  
21 eliminate some -- some abuse. That's all I have to  
22 offer. Thanks, guys.

23           CHAIR PALI: All right, commissioners. Any  
24 questions for Autumn? Commissioner Lindsey?

25           COMMISSIONER LINDSEY: Thank you for your



1 testimony today. Was -- is that 5,000 number, like,  
2 drawn from the air? Or did you -- is there some --

3 MS. NESS: You know, great -- great  
4 question. I believe it was offered up by Member  
5 Paltin, and I don't know where she got that. I would  
6 be actually okay with making it maybe less. But  
7 that's just what I was referencing, was in the -- in  
8 the notes from council.

9 Whatever the commission -- whatever the  
10 commission decides, I think limiting the total square  
11 footage of the two units together is a good idea. I  
12 leave that number to you folks, but I think limiting  
13 it is important.

14 COMMISSIONER LINDSEY: Thank you. No more  
15 questions.

16 CHAIR PALI: Okay. Commissioner Deakos?

17 COMMISSIONER DEAKOS: Thank you, Chair.

18 Thank you for your testimony, Ms. Ness. So  
19 the current bill does state the 10 percent limit. So  
20 it's 10 percent of the property size, but you're  
21 saying it would be better to limit the size of the  
22 buildings?

23 MS. NESS: Yeah. I think so because what  
24 if you're a -- not a farmer that bought a -- quite a  
25 large piece of ag land? And we've seen, you know,

1 the first house can be sometimes, like, redonkulous,  
2 you know, like this huge structure. And they're not  
3 farming.

4 So I just think -- that was how this  
5 original conversation came up, I think, by -- yeah,  
6 there's got to be a limit of the total -- of the  
7 total building structure in some way. Yeah.

8 COMMISSIONER DEAKOS: Wouldn't that apply  
9 also the other way? So you have a large farm parcel,  
10 and you're actually farming. A benefit of using a  
11 10 percent might benefit a real farmer? Because I  
12 don't know if the 10 percent rule also penalizes the  
13 farmer or if there's a maximum farm dwelling size  
14 that really should cover any farmer?

15 MS. NESS: Right. Yeah, good question.

16 COMMISSIONER DEAKOS: Okay. All right.  
17 That's all I got. Thank you, Chair.

18 CHAIR PALI: Okay. Commissioner and Vice  
19 Chair Thayer?

20 VICE CHAIR THAYER: Thank you, Chair. And  
21 thank you for your testimony. I'm glad you're here  
22 to provide context. It was helpful to have the  
23 council notes, the council minutes from the meeting  
24 you were at with them.

25 And so you said you have spoken with a

1 bunch of farmers, and I just want to make sure I  
2 heard you correctly of their feelings on, like, how  
3 much this increase in the dwelling size would make a  
4 difference for them? Because the whole point is to  
5 support whatever ag is going on.

6 MS. NESS: Yeah. I mean, I don't want to  
7 say it's exhaustive, you know? Like, I haven't  
8 spoken to every farmer, but in the context of this  
9 conversation, you know, I look for patterns, who  
10 shows up in support and who doesn't.

11 And in this case, like I said, the people  
12 who are pushing it are not active agriculture. Not  
13 to say that it wouldn't benefit, but I just -- it  
14 raises some red flags that the people that are in  
15 support of it are generally, you know, real estate  
16 and not farmers, and the people who I have spoke to,  
17 which is not everybody, who are farmers are like, you  
18 know, either way, kind of a thing.

19 So again -- so if it decides that -- if the  
20 commission decides this should be passed, I just want  
21 to keep that in mind and build in some protections  
22 because, you know, patterns speak volumes to me.

23 VICE CHAIR THAYER: Okay. And then would  
24 you be able to, you know, give us context of the  
25 origins of this increase?

1 MS. NESS: I can't speak to it. It didn't  
2 come out of our office. It came out of Member  
3 Sugimura's office, so I can't -- yeah, sorry.

4 VICE CHAIR THAYER: Okay. No. Thank you,  
5 appreciate it.

6 MS. NESS: Okay. Thanks, guys.

7 CHAIR PALI: Great. Commissioner Thompson?  
8 Okay. Thanks, appreciate your testimony.

9 And if you are on the phone and you did not  
10 get a chance to testify and you're interested in  
11 testifying on B1, this is would be a time to unmute  
12 yourself and say hello. Also, I do see the --

13 MR. GREENLEAF: Hello?

14 CHAIR PALI: Oh, hi. Can you introduce  
15 yourself? State your name for the record, and then  
16 your three minutes will start. We're on B1.

17 MR. GREENLEAF: Hi. My name is William  
18 Greenleaf, and I've been farming since 2005. And  
19 I've been very involved in the agricultural community  
20 as a Maui Farmers Union president, a founding member  
21 of the Ag Working Group, helped develop the FAM  
22 program, and I've been very involved the whole time  
23 in -- with young people wanting to farm.

24 We've got some good advances right now.  
25 The Department of Education wants to use local food;



1 we have to provide a lot more.

2 And having a place for workers is really  
3 important because we have three workers that are in  
4 good situations, but I hear about people all the time  
5 whose workers have lost their home and the farm can't  
6 help them out and it creates a lot of problems.

7 You can't really grow your farm when you're  
8 struggling yourself to have enough workers while  
9 you're doing all the things it takes to farm, you  
10 know, doing the starts, building the fertility,  
11 planting, culturing, working on the culture of the  
12 land. So I support this.

13 Now, I hear the negatives, and I want to  
14 address that in this way. We have a new Department  
15 of Agriculture. We have inspectors. They have never  
16 been trained properly, and Ag Working Group has  
17 complained about that forever.

18 The way to control people who want to game  
19 the system is by managing the rules and requirements  
20 we already have for farming. And if inspectors go do  
21 that and we develop sufficient sanctions for people  
22 that do -- that don't do the system correctly, that  
23 are gaming it and trying to make more money, that  
24 will be the deterrent.

25 And trying to deter it now by turning it

1 down or saying there's too many people that want to  
2 game the system, that's going to stop the agriculture  
3 from moving forward as a companion industry to  
4 tourism.

5 And when I say "companion industry," I'm  
6 talking about value-added. We have a lot of people  
7 now using Maui ingredients that are selling all over  
8 the West Coast. And Maui is just like Napa,  
9 Provence, Tuscany; it's a one-word brand. We have a  
10 brand.

11 And to empower farmers, we got the Food  
12 Hub. And the Food Hub has metrics now that show how  
13 much farmers have increased in their growing since  
14 the pandemic began.

15 We've also gotten grants from the county  
16 for farmers as they took -- as tourism money wasn't  
17 necessary during the pandemic, they reprioritized it,  
18 and we've seen growth in agriculture. Growth in  
19 agriculture is not lip service. This is a really  
20 important step. And I would say put aside all the  
21 worries --

22 UNIDENTIFIED SPEAKER: Three minutes.

23 MR. GREENLEAF: -- people are going to game  
24 the system. We can control that, and we should. And  
25 we should have all along. So --

1 CHAIR PALI: Great. Thank you. Your three  
2 minutes has just ended. If you want to just finish  
3 your sentence, please do.

4 MR. GREENLEAF: Thank you very much for  
5 taking this up.

6 CHAIR PALI: Sounds great. And I  
7 appreciate you being here and speaking up on behalf  
8 of farmers. Okay.

9 MR. GREENLEAF: (Indiscernible.)

10 CHAIR PALI: Commissioners, any questions  
11 for William? Commissioner Lindsey and then Vice  
12 Chair Thayer have a few questions for you, sir.

13 MR. GREENLEAF: Thank you.

14 COMMISSIONER LINDSEY: Okay. So you said  
15 you were a farmer; right?

16 MR. GREENLEAF: Yes.

17 COMMISSIONER LINDSEY: Okay. Did -- do you  
18 currently house any of your workers on-site or do you  
19 have plans to?

20 MR. GREENLEAF: No. No, this will not  
21 benefit our farm. I'm involved with the greater  
22 community as past president of the farmers union and  
23 the other associations I work on. I see people's  
24 needs. And -- no, we're making enough money to pay  
25 three workers, \$25 an hour for two and 30 for the

1 other.

2 COMMISSIONER LINDSEY: So in your -- at  
3 that capacity, do you see this affect -- positively  
4 affecting other farmers who don't have that luxury, I  
5 want to say, of paying them who can't pay their -- I  
6 don't know. It will help other farmers house their  
7 employees possibly?

8 MR. GREENLEAF: Yeah. Well, so what I see  
9 is I see an ag requirement that you have to file --  
10 farm 51 percent of your farmable land -- that's in  
11 the code right now -- in order to get -- in order to  
12 build an ohana or any kind of accessory use  
13 permits -- to build a main house, you have to have a  
14 farm plan.

15 And you can build a main house and nobody  
16 really checks to see if you implemented it, but if  
17 you want to do more, they send out inspectors. Now,  
18 we have people -- because of the way the zoning is,  
19 if it's a 200-acre property, they can only put so  
20 many lots on it. So a bunch are at 2 acres, some are  
21 at 5, some are at sliding scale.

22 And so you get people with 15-acre  
23 properties coming from the mainland, and they aren't  
24 told by the Realtors that they're going to have to  
25 farm 51 percent of it to build their dreams. So I'm

1 looking for -- this is a new avenue for farmers to  
2 have relationships with landowners so that we're  
3 doing the real deal here.

4 Teya Penniman from USDA has helped me  
5 research some agreements between farmers and  
6 landowners so that it would be on a fair and  
7 understandable footing. And I really see the future  
8 of Maui with farmers partnering up with landowners.

9 And I think the rules are written perfectly  
10 right now to -- for that to be a benefit to both the  
11 landowner who's come here to build their dream house.  
12 Then they could have food security at their property.  
13 They can have -- farming's really interesting. It's  
14 a lot of fun, so --

15 CHAIR PALI: William, I'm going to just  
16 interrupt so I can stay on task, William. William,  
17 I'm going to interrupt real quick and just help  
18 Commissioner Lindsey clarify -- which you did say in  
19 your testimony.

20 Could you just clarify in your testimony  
21 that, yes, you did, in fact, state that although this  
22 might not benefit your farm, you represented the  
23 union and other farmers and you can see the benefit  
24 of this particular ordinance for other farmers? That  
25 was her question.



1 MR. GREENLEAF: Yes.

2 CHAIR PALI: Okay. Thank you.

3 MR. GREENLEAF: For rising farmers, I do  
4 see a big benefit from that. That's -- we have three  
5 farm mentoring programs on Maui right now that are  
6 churning out people that want to farm. And land's  
7 hard to get, and we've got a rule that makes it work.

8 CHAIR PALI: Thank you.

9 Lindsey, any other questions? Okay.

10 Vice Chair Thayer?

11 VICE CHAIR THAYER: Thank you, Chair.

12 And thank you for your testimony. So are  
13 you testifying on the next item?

14 MR. GREENLEAF: I will. But I'm testifying  
15 right now on the housing.

16 VICE CHAIR THAYER: Yeah. Okay.

17 MR. GREENLEAF: 1500 square feet, and --

18 VICE CHAIR THAYER: Yes, yes, yes.

19 MR. GREENLEAF: I don't like the idea of  
20 10 percent of the land.

21 VICE CHAIR THAYER: No, I -- my question  
22 is -- so you're talking about this being a benefit  
23 because, like, aspiring farmers would be able to have  
24 housing on farmlands to farm it; right? Am I hearing  
25 you correctly?

1 MR. GREENLEAF: Yes. And the new  
2 Department of Ag would provide an --

3 (Technical interruption.)

4 MR. GREENLEAF: -- so that they would be  
5 working together and Maui would have more food grown.

6 VICE CHAIR THAYER: Yeah, yeah, yeah.  
7 Right. Right. I get that.

8 So the next item is talking about farm  
9 labor dwellings which would house people who are  
10 employed by the farm to be able to live there. And  
11 as it's now, there's no restriction on the size of a  
12 farm labor dwelling.

13 And so, I guess, would that be a solution  
14 to what you're talking about versus this one?

15 MR. GREENLEAF: I think it's a reasonable  
16 solution.

17 VICE CHAIR THAYER: Okay. Okay. That's  
18 all.

19 MR. GREENLEAF: Farmers need to live on the  
20 land. It really helps.

21 VICE CHAIR THAYER: Okay. Thank you.

22 CHAIR PALI: I'm going to come in and clean  
23 some communication up a little bit.

24 William, it was in your original testimony,  
25 if you can correct me, that you are involved with

1 other farmers. You mentioned a title that you held  
2 with the farmers union, and I thought I heard you in  
3 that testimony before we had questions and you gave  
4 more information, that you believed that this would  
5 help current farmers that you know through the union.

6 Did I misunderstand that?

7 MR. GREENLEAF: No. That's one of the  
8 things I would say absolutely.

9 CHAIR PALI: Oh, okay. So you did say that  
10 initially, that it's for current farmers that you  
11 know? That you believe that they would benefit from  
12 this?

13 MR. GREENLEAF: Yes.

14 CHAIR PALI: Okay. And then as other  
15 commissioners asked questions, you went on to how  
16 this also could benefit other potential new farmers,  
17 young farmers, things like that.

18 MR. GREENLEAF: I might have crowded those  
19 two ideas together, but the new farmers that I am  
20 talking about, these programs have been going on for  
21 four or five, six years. So they are here, they are  
22 here.

23 CHAIR PALI: Oh, okay. Thank you. I just  
24 want to clean it up a little bit so we don't  
25 misinterpret what you're saying because I think our

1 goal is to help the current farmers and, obviously,  
2 pave the way for any other future farmers. But,  
3 obviously, our first priority is current farmers. So  
4 thank you, sir, for cleaning that up.

5 Okay. Any other questions for William?

6 Seeing none, thank you, sir. Thank you for  
7 your testimony.

8 MR. GREENLEAF: Thank you.

9 CHAIR PALI: Okay. I have a Jerry Weaver  
10 for B1. We are on B1.

11 So, Jerry Weaver, if you can unmute  
12 yourself and state your name for the record, your  
13 three minutes will start.

14 MR. WEAVER: Can you hear me?

15 CHAIR PALI: I can.

16 MR. WEAVER: Oh, thank you. Thank you for  
17 the hearing today. I have a property up off Omaopio.  
18 It's about a 3-acre parcel, a farmland growing field  
19 stock palms, quite a few varieties of palms and  
20 nursery stock with a covered area for the ornamental  
21 nursery stock.

22 I support the ordinance. A lot of people  
23 support the ordinance. We currently have a  
24 1400 square foot house on the property. This is an  
25 extended family farming operation, and we'd like to



1 build a second structure for my wife and myself.

2 And this will do that. It's certainly  
3 within reason. It will still be way below the  
4 10 percent coverage that's allowed and gives us the  
5 opportunity to make our farm more productive.

6 So with that, that's -- I would close and  
7 be happy to answer any questions.

8 CHAIR PALI: Great. Thanks, Jerry.

9 Commissioners, any questions?

10 Seeing none, thank you, Jerry, for your  
11 testimony.

12 MR. WEAVER: Thank you.

13 CHAIR PALI: So I just want to say that I  
14 know, Eve, you mentioned you wanted to testify again,  
15 but we're going to have to allow you to testify on B2  
16 since we took you for B1. So, unfortunately, I won't  
17 be able to let you do it again. But please feel free  
18 to add in whatever you'd like on the next time.

19 So, commissioners, this is the time now --  
20 oh, actually -- so anyone else on the line? Anyone  
21 else that could not testify via chat -- or let us  
22 know if you are just calling in by phone and you want  
23 to testify or anyone on the line that didn't get a  
24 chance to say they wanted to testify, we'll leave the  
25 floor open for a few seconds to allow any other



1     testifiers for B1.

2                 So we will be closing testimony for B1.

3     And so if you're interested in testifying, please  
4     speak up.   Okay.   Seeing none, let the record show we  
5     are closing public testimony.

6                 Commissioners, this is the time of the  
7     meeting where you would potentially -- wrote down  
8     questions if any of the testifiers brought something  
9     up that made you curious, and you would have an  
10    opportunity now -- we'll bring Greg back on.

11                Greg, are you still online?   He did the  
12    presentation earlier.   And this is an opportunity  
13    that you can ask to gain more data and more knowledge  
14    of what we're going to vote on.   You can ask him any  
15    questions you would like.

16                So I'll just go around, and I'll start with  
17    Commissioner Lindsey.   Do you have any questions for  
18    Greg?

19                COMMISSIONER LINDSEY:   Yes.   Thank you.   So  
20    how does this affect ag lots that have been CPR'd?

21                MR. PFOST:   That's a good question.   Thank  
22    you for the question.   It's -- I'm not sure.   I'm not  
23    sure.   I'd have to actually look into that.   I don't  
24    know how that would occur.

25                I think it's interesting because you're

1 allowed -- you're only allowed the two dwelling units  
2 per lot, and when it's CPR'd, I think you're still  
3 stuck with just the two. But I'd have to check into  
4 that legally.

5 I think you're still stuck with just the  
6 two, and at the same -- at those sizes, but I could  
7 be wrong. So I'd have to look into that further.

8 COMMISSIONER LINDSEY: Okay. Oh, wait.  
9 Are we doing one-one-one or we're just --

10 CHAIR PALI: Oh, no. Go ahead, girl. No,  
11 we're just going to go through this.

12 COMMISSIONER LINDSEY: So on really large  
13 lots, from testimony I understand that there isn't a  
14 limitation on house size; is that correct?

15 MR. PFOST: The only limitation on house  
16 size is the 10 percent of the total lot area. So --  
17 and that is for both units combined. So that's the  
18 only limitation right now, the code.

19 COMMISSIONER LINDSEY: And that in -- okay.  
20 Do you happen to know the average house size on ag  
21 lot or in Maui?

22 MR. PFOST: No, I do not. No. And just  
23 let me -- there was some discussion about a potential  
24 5,000-square-foot limitation. That was -- that was  
25 some comments that are in the minutes from the ADEPT

1 Committee meeting. There was some discussion about  
2 that. I think that did coming from Councilwoman  
3 Paltin, but, you know, there was no determination of  
4 that. So that was the only discussion. I think  
5 that's where that conversation came from.

6 COMMISSIONER LINDSEY: And then the last  
7 testifier referenced the Department of Ag. Have  
8 they -- I don't see them here today with us. Have  
9 they -- are they involved with this?

10 Are they -- are they -- who will be -- is  
11 it their jurisdiction to check? You know what  
12 I mean? How are they involved versus the planning  
13 after this stage?

14 MR. PFOST: Sure. The Department of Ag,  
15 the County's Department of Ag, I did check in with  
16 them to see if they had comments on this bill as well  
17 as the subsequent agenda item bill. I -- at the time  
18 before the Molokai and Lanai Planning Commission  
19 meeting, they didn't have any comment at that time.

20 I subsequently followed back because the  
21 Lanai Planning Commission wanted them to chime in.  
22 And, subsequently, I followed back, and I actually  
23 just did hear today -- and I checked my e-mail today,  
24 and they are supportive of this bill.

25 I had not received a comment on the second

1 bill that we're going to be talking about in the  
2 agenda, but they did say that they were in support of  
3 this bill. I just got an e-mail today because I  
4 asked her again -- the director again whether or not  
5 they would support this or not support it, or their  
6 comments. They are supporting this bill.

7 COMMISSIONER LINDSEY: Thank you. I think  
8 that's all my questions for now, Chair.

9 CHAIR PALI: Great. Thanks. Commissioner  
10 Deakos, any questions for Greg?

11 And also just to help with the testifiers  
12 online, we are not to use the chat function to  
13 provide comment because it sort of breaks our  
14 three-minute testimony opportunities, and it  
15 essentially is providing more testimony outside of  
16 that realm. And so I would ask that you would not  
17 use the chat function to provide information because  
18 the commissioners cannot even consider it. So it's  
19 just best not to use the chat function for  
20 information, please, other than just saying you'd  
21 like to testify. Thank you.

22 Commissioner Deakos?

23 COMMISSIONER DEAKOS: No questions.  
24 Thanks, Chair.

25 CHAIR PALI: Great. Thanks. Commissioner



1 Thompson?

2 COMMISSIONER THOMPSON: No questions.

3 CHAIR PALI: Commissioner Thayer?

4 VICE CHAIR THAYER: Yes. Thank you, Chair.

5 I do have a clarifying question for the department  
6 because it's come up in some of the testimony about  
7 the -- what the 10 percent maximum developable area  
8 applies to.

9 And from my read, that applies only to the  
10 farm dwellings, i.e., the main dwelling and this  
11 second dwelling of which we are deliberating the  
12 size; is that correct? Like it doesn't apply to,  
13 say, a barn or an equipment shed. That's extraneous  
14 of the 10 percent; right?

15 MR. PFOST: You are correct. That's  
16 correct. It only applies to those two units, the  
17 first and second farm dwelling is the 10 percent.

18 VICE CHAIR THAYER: Okay. Thank you. So  
19 does that mean that if you have, like, a 20-acre lot  
20 that you could have, like, many thousands of square  
21 feet of house?

22 MR. PFOST: If you had -- yes. If you had  
23 a 20-acre lot, you could have 10 percent of that --  
24 of 20 acres, so you could have two acres of first and  
25 second farm dwelling. Yes, you could.



1 VICE CHAIR THAYER: Okay. Thank you for  
2 that clarification. Appreciate it.

3 ACTING DIRECTOR SMITH: I guess another  
4 clarification, too, we don't want to penalize --

5 CHAIR PALI: Oh, let's get you in there.

6 ACTING DIRECTOR SMITH: -- we don't want to  
7 penalize a farmer who may have a large barn structure  
8 so even though it's a structure that's still  
9 ag-related as well, too -- so we're trying to make  
10 that distinction.

11 VICE CHAIR THAYER: Yes. Got it. Thank  
12 you. That's all my questions for now.

13 CHAIR PALI: Great. Commissioner Lindsey?

14 COMMISSIONER LINDSEY: Sorry. Since we're  
15 on that subject, are the barn and are the other farm  
16 structures regulated? Also, is there a maximum size  
17 for those?

18 MR. PFOST: No, there's not.

19 CHAIR PALI: Just remember, commissioners,  
20 that anything built, any structure, and I believe  
21 it's a 10-by-10, any structure is still going to  
22 require permits. So there's still preview with the  
23 departments, so although code might not have maximums  
24 on these barns, they're still going to have  
25 oversight.

1 VICE CHAIR THAYER: Sorry. Follow-up  
2 question.

3 CHAIR PALI: Yes, Vice Chair Thayer. Go  
4 for it.

5 VICE CHAIR THAYER: So like the -- if  
6 either the main dwelling or the second dwelling has a  
7 garage, does that count towards a house developable  
8 area versus, you know, being different from a barn or  
9 something?

10 MR. PFOST: No. The -- actually the -- and  
11 I'm sorry, I don't have the definition in front of  
12 me, but I think it's in this -- it's in the report.

13 The definition of a developable area is  
14 just the internal living area of the dwelling unit,  
15 basically. So the garage is accessory to that and  
16 does not count towards the 10 percent.

17 VICE CHAIR THAYER: Okay. Thank you.  
18 Thank you very much.

19 UNIDENTIFIED SPEAKER: That is not true.

20 CHAIR PALI: Okay. If you're speaking,  
21 please mute yourself. We can hear you. Okay.

22 Any other questions? So, Greg, I have a  
23 couple questions for you, and mine's sort of an  
24 opposite, reverse of Commissioner Lindsey.

25 So it's a two-part question. The first

1 question is because I know sometimes the actual code  
2 can get into some detail. We call it sometimes "the  
3 weeds," but I know that sometimes it's helpful.

4 So if a person were to purchase an ag lot,  
5 and then now we have a new code, which it sounds like  
6 just from my perspective today at our meeting almost  
7 everyone that testified were farmers, which is good,  
8 and they're saying that this is something that could  
9 be useful for them or their community, could we -- is  
10 there something in the code that then would impact  
11 their ability to CPR and sell off a portion? That's  
12 question number one.

13 And question number two, if there's nothing  
14 that would eliminate that if they go with the new  
15 1500 and build something new, is there something that  
16 we could insert into the code that would prohibit  
17 parceling off now the section of the new --  
18 newly-built 1500 square foot residence and then  
19 selling?

20 And the reason why I'm asking this is  
21 because although I agree that this could be very  
22 helpful and very useful and have multiple uses for  
23 farmers, I also am sensitive to accidentally  
24 motivating people to also find a way and a means to  
25 sort of build a larger new residence and then sell it

1 off.

2 And that might not even be bad if we're  
3 providing more housing and it goes to another farmer  
4 who really intends to farm, but I definitely want to  
5 protect our farms and protect our farmlands and make  
6 sure they're still in agriculture and farming.

7 And so I'm just trying to see if there's a  
8 way where we can sort of recognize that this could be  
9 a problem and maybe how to, I don't know, protect it.

10 MR. PFOST: It's a good question. Thank  
11 you for that. I don't think that -- in the first  
12 part of your question, I don't think that there's  
13 anything that -- in increasing it, the size of it,  
14 does not affect the CPR, but could you do something  
15 to restrict and to restrict further doing it? I  
16 suppose you could.

17 That's not part of what's being proposed  
18 right now, but I -- I'm sorry, but I just don't know  
19 much about the -- as much about the legality of that.  
20 I don't know if corporate counsel has any comment on  
21 that -- your question, but I just -- I'm not sure if  
22 I can help you with the answer to that question much.

23 CHAIR PALI: Okay. Yeah. So it just  
24 sounds like, you know, with sometimes all new things  
25 or even changes, sometimes there's just things that



1 we've just not yet discussed yet. So while I see  
2 that this is -- could be a very good thing, I also  
3 just think that it's -- may not be bad to put little  
4 things in there to protect or to open up a new  
5 category that we didn't consider. Okay. Great.

6 Commissioners, final round for questions?

7 Oh, you know, I have one thing, Greg. One  
8 of the testifiers mentioned a duplex. Is there  
9 something in the code that if somebody were to build  
10 a \$1500 -- a 1500 residence/second dwelling, that it  
11 would allow or not allow for a duplex?

12 I think duplexes, I guess by definition,  
13 are considered two units. And so I'm going to assume  
14 that the code doesn't allow it, but do you know off  
15 the top of your head?

16 MR. PFOST: Yeah. The code would not allow  
17 that. The code is -- in the agricultural district,  
18 it's very specific that you can have a farm dwelling  
19 and a second farm dwelling and that's it, basically.  
20 So a duplex would not be permitted.

21 CHAIR PALI: Great. Okay. Okay. I  
22 understand. Okay. Great. So if there's no further  
23 questions, we would have -- oh, Commissioner Lindsey.

24 COMMISSIONER LINDSEY: Sorry. Real quick.  
25 So what about an ADU? How does accessory dwelling



1 units fit into additional farm -- fit into  
2 agricultural lots with -- are they affected? I'm not  
3 sure where they're categorized after this would come  
4 through.

5 MR. PFOST: Actually, ADUs are not  
6 permitted in the agricultural zoning district. So  
7 that's why you have a main farm dwelling and a second  
8 farm dwelling. The second farm dwelling kind of acts  
9 more or less as an ADU, but it's -- so ADUs -- you  
10 couldn't have an additional ADU, in other words.

11 COMMISSIONER LINDSEY: Okay. Thank you.

12 CHAIR PALI: Okay. So, Greg, can you let  
13 us know what the department's recommendation is,  
14 please? And then we can put a motion and deliberate.

15 MR. PFOST: Sure. The department is in  
16 support of the proposed bill as currently written.  
17 So it's up to the commission on whether or not you  
18 want to recommend council approval, council approval  
19 with recommended changes, or council -- or denial, or  
20 want to defer for more additional information.

21 CHAIR PALI: Okay. All right. Commission,  
22 B1 is front of us. We've heard testimony. We closed  
23 testimony. We asked questions. And now we have the  
24 recommendation.

25 So is there a motion we can entertain?

1           And keep in mind that it sounds like we're  
2 not the final authority on this, so we're just  
3 recommending to council our thoughts and ideas.

4           And so actually what might be most helpful  
5 then is, as we've done in the past, if you have a  
6 thought that you would like to transmit to council,  
7 we'll just go out -- we'll go through the five of us,  
8 and if we agree on each thought, because we are  
9 recommending as a body, so we would have to agree on  
10 each idea and then we can submit those ideas and  
11 notes to the council.

12           Yes, Commissioner Lindsey?

13           COMMISSIONER LINDSEY: So one of my  
14 concerns is the -- how it will affect the CPR'd unit  
15 homes that are already CPR'd or, you know, are  
16 obviously with the intention of CPRing. I'm not sure  
17 how to forward that information to the -- I'm not --  
18 because we don't have the answer, I'm not sure what  
19 to do with that, you know.

20           CHAIR PALI: Well, we can warn them. Our  
21 notes can be, look at how it will -- we can -- not  
22 warn them, but we can just -- our notes could be,  
23 hey, we want to recommend that you look at the  
24 impacts for the currently -- current properties that  
25 are already CPR'd and look at the impacts of

1 properties that may then to want CPR.

2 So we can sort of just task them with not  
3 forgetting to look at that impact. In regards to you  
4 having an opinion on what the impact is, yeah, we'll  
5 miss our opportunity there. But we can do that.

6 COMMISSIONER LINDSEY: Well, whatever it  
7 is, as long as they -- you know, kind of somebody  
8 looks at it.

9 CHAIR PALI: Look at it. Okay. So we will  
10 have that as our -- well, let's agree. Who agrees  
11 that we are asking in our notes for them to look at  
12 the impacts of the currently properties that are  
13 CPR'd and the ones that in future would want to CPR?

14 Are you guys okay with adding that? Do we  
15 agree that we would want them to look at that? By  
16 show of hands.

17 I want them to look at it. I know  
18 Lindsey's wants them to look. I see Thompson. I see  
19 Thayer. So since it's not a vote, we don't need a --  
20 I mean, we don't need five, but it's a majority.  
21 So -- okay. So we'll add that for our first note.

22 Who's going to take notes? You want me to  
23 take notes? Okay. So Mr. Smithmith will take notes.  
24 So our first -- and our recommendation is, first, to  
25 consider --

1 MR. HOPPER: Chair?

2 CHAIR PALI: Yes, Mr. Hopper?

3 MR. HOPPER: Chair, I mean, you would --  
4 if it's going to be part of your actual action to  
5 send that as part of your recommendation, you  
6 generally would want to get unanimous consent or a  
7 vote. I mean, otherwise, you could have a  
8 disagreement over what comments you want to send to  
9 the council as your actual recommendation.

10 CHAIR PALI: All right. Commissioner  
11 Deakos, can you confirm that you did raise your hand  
12 on that one? Okay. Oh, Commissioner Deakos?

13 COMMISSIONER DEAKOS: Yeah. If we're in  
14 discussion -- I just want to add, are we in  
15 discussion? Because I don't think a motion was made.

16 CHAIR PALI: No. There's no discussion.  
17 What we're going to do is we're going to take this  
18 motion a little differently, Commissioner Deakos, and  
19 we're going to all throw what we would like to see in  
20 the recommendation. And then when we agree through  
21 the different changes, then we'll make the motion to  
22 adopt those changes that we worked through. So we're  
23 going to do it a little backwards.

24 COMMISSIONER DEAKOS: Okay. What I'm  
25 struggling a bit with is what's before us is simply



1 increasing that second dwelling size. I recognize  
2 there's a fake farms issue that's been around for a  
3 long time that seems like we're trying to tackle that  
4 in this somehow.

5 CHAIR PALI: Yeah.

6 COMMISSIONER DEAKOS: Mostly, I'm not sure.  
7 You know, that's a whole -- if we're going to try to  
8 shove stuff into this to try to tackle that broader  
9 thing when we're really just supposed to decide on  
10 the -- I mean, I think it will get complicated.

11 But -- so, anyway, I definitely think that  
12 the fake farm thing needs to be addressed. I'm not  
13 sure that's being addressed with the bill in front of  
14 us. I wish there was another bill that might address  
15 that more clearly. Right now, it's just expanding  
16 that other farm --

17 CHAIR PALI: Yeah. I think with looking at  
18 the notes, Commissioner Deakos, from the council, it  
19 looks like people are having the discussion. So the  
20 discussion isn't being not had.

21 And I think that we had the discussion  
22 here -- there was a particular testifier that brought  
23 that up, and I know Lindsey's bringing it up in her  
24 questioning, and I brought it up in my questioning  
25 because that is also in my forefront of making sure



1 that we -- if we're doing it, it's going to benefit  
2 the farmers. And then how can we just maybe put some  
3 safeguards in to make sure that it doesn't become  
4 something we did not intend it to become.

5 So I think we are discussing it. But since  
6 we're not the authority here, I think the council  
7 does want us to transmit something so we have to  
8 stand united in what we're transmitting.

9 So would you like to add that we want them  
10 to take a look at how we can sort of safeguard --  
11 that if this passes, that it does not create or  
12 support the -- like you said, fake farm gentleman  
13 estates? Or what can they add in the code for better  
14 oversight of that? Is that something that you're  
15 thinking you want to add there?

16 COMMISSIONER DEAKOS: I guess to the bill,  
17 I would say that, you know, we're trying to benefit  
18 farmers. So if we're going to -- if a larger  
19 dwelling is going to benefit the farmer, I definitely  
20 don't want to penalize them.

21 We do mention the 10 percent is not going  
22 to increase, so whatever mansions people can build  
23 are still going to be able to build them, it's just  
24 not as much on the accessory -- on the second  
25 dwelling.

1           So I don't want to -- and if there's a rich  
2 farmer out there that's farming 51 percent, and he's  
3 got the nice cars, then I don't think he necessarily  
4 has to be in the category of "struggling poor," so I  
5 don't -- so I find it's just the wrong way to tackle  
6 that.

7           But, definitely, if you're not a legitimate  
8 farmer, if we're going to make recommendations, yeah,  
9 there needs to be a way to eliminate those that can  
10 take advantage of this system.

11           CHAIR PALI: Well, there's always going to  
12 be people; right? There's always going to be people  
13 that try to take advantage, but we don't live our  
14 lives to those smaller percentages; right?

15           So I'm just chatting with the temp Director  
16 Smith on the side here, Commissioner Deakos, and  
17 today this Ordinance B1 is specifically on what we  
18 think of the increase to the 1500. And the good news  
19 is there is now an ag department, something that  
20 we've not really had. And so there's no doubt that  
21 the department itself is going to be taking up many  
22 issues, including that issue which is what we're  
23 talking about, fake farms.

24           So like you said, it's likely that we're  
25 not tackling that issue in this particular ordinance.

1 But I also think it's not harmful to let them know  
2 that it's on our minds, because increasing the size  
3 of a dwelling increases the value of that dwelling,  
4 increases the value of that land.

5 So there are some tandem themes here that  
6 this could trigger; so I don't think it's harmful to  
7 just mention, hey, look into this. But we're not  
8 tackling fake farms in this particular ordinance.  
9 There's going to be other places in the code, and  
10 hopefully the ag department will be looking closer at  
11 how they can look at that overall with inspections  
12 and oversight, like one of the testifiers mentioned.

13 COMMISSIONER DEAKOS: Yeah. So if there's  
14 a recommendation, I'd recommend that. Whatever the  
15 inspection that's being done, that those be tightened  
16 up. And that way we can get away from fake farming.  
17 Thank you.

18 CHAIR PALI: Perfect. Okay. Good. Thank  
19 you. I want to go back to Commissioner Lindsey, and  
20 I think we should just -- we have a whole list of  
21 things. Let's just go one by one and then we'll put  
22 them together.

23 Commissioner Lindsey, did you have anything  
24 else you wanted to add the the recommendation?

25 COMMISSIONER LINDSEY: Can you come back to

1 me? Let me look back at my notes. I have some  
2 notes, but I want to reread them.

3 CHAIR PALI: Okay. And, also, on your  
4 recommendation, I do need to hear you if you are  
5 recommending approval or denial on it as well. Okay.

6 Commissioner Deakos, do you have other  
7 things you want to list?

8 Interim Director Garrett Smith, can you  
9 add -- Commissioner Deakos's first request is that we  
10 would want to encourage the departments to increase  
11 enforcement. Is that the language kind of,  
12 Commissioner, that you would increase enforcement and  
13 inspections to sort of weed out the fake farmers? Is  
14 that what you said, Deakos?

15 COMMISSIONER DEAKOS: Well, I guess I don't  
16 know the procedure. Somebody's buying ag land, and  
17 they submit a farm plan or whatever process they have  
18 to do to imitate being a farmer when they're actually  
19 not a farmer, that we fix that. Obviously, it's not  
20 easy or we would have fixed it by now.

21 But whatever loopholes they're able to get  
22 through to not a real farmer, that they address that.  
23 It may have nothing to do with today's -- what we're  
24 dealing with on B1, but since we're adding those  
25 things in there, I'll add that.

1 CHAIR PALI: In the next -- B2, we will  
2 talk about definitions. Which I think a lot of the  
3 clarification is through the definitions because when  
4 someone says "farmer" and then "fake farmer," I don't  
5 know.

6 If I have a bunch of goats on my land and  
7 someone else has an orchard, am I more of a farmer  
8 because I have animals and livestock and they have  
9 plant -- like, you know what I mean?

10 So it's hard to -- I think that's  
11 subjective based off of what people's idea is of a  
12 real farmer and a fake farmer. So I think those  
13 are -- we get to the definitions of the codes at that  
14 point, and so -- okay.

15 So can you just repeat what you'd like to  
16 be transmitted, Deakos, in your thoughts? Like what  
17 would you want -- how could we transmit a  
18 recommendation in the line that you're --

19 ACTING DIRECTOR SMITH: And in my notes  
20 right now, what I have down is "encourage the  
21 department or departments to increase inspection and  
22 enforcement measures to address, quote, unquote,  
23 'fake farming.'"

24 COMMISSIONER DEAKOS: Yeah. I guess I  
25 defer to you guys. If I knew we were addressing that



1 today, I probably would have done a little more  
2 homework. So I'm not prepared.

3 CHAIR PALI: Well, we're kind of not  
4 addressing it, but it is in tandem with the increase  
5 of 1500; right? If we're like, okay, you're 1,000,  
6 you can increase it to 1500, is that going to draw  
7 more fake farmers? I don't know.

8 So I think there could be a connection, but  
9 there's not really a direct connection. But I think  
10 we're just thinking through it and talking about it.

11 COMMISSIONER DEAKOS: I think that sounds  
12 good. Thank you.

13 CHAIR PALI: Okay. Commissioner Lindsey,  
14 did you have other things you wanted to add? I saw  
15 your hand raised.

16 COMMISSIONER LINDSEY: Maybe we should use  
17 "gentleman estate" possibly or --

18 CHAIR PALI: Fake farmers.

19 COMMISSIONER LINDSEY: -- (indiscernible)  
20 fake farmers.

21 CHAIR PALI: Okay. I think the term has  
22 been coined, "gentleman estates." I just -- I don't  
23 even know that we've defined that as a definition.  
24 So I don't know if it means that they -- gentleman  
25 estates -- they meet the criteria of the farming

1 plan. But -- yeah, it gets a little vague. But --  
2 yeah, we could put that in there.

3 Is that okay with you, Commissioner Deakos?

4 COMMISSIONER DEAKOS: Sure.

5 CHAIR PALI: Yeah, yeah, yeah. Okay.

6 Okay. All right. So back on to more things for our  
7 recommendation list.

8 Commissioner Lindsey, did you have any  
9 other items you want to add? Oh, you said you want  
10 to come back to us -- to come back to you.

11 COMMISSIONER LINDSEY: No, I had a concern  
12 about that one because there -- is that jurisdiction  
13 of the ag department or jurisdiction of the planning?  
14 Because I know we are kind of in the county.

15 So, like, are we recommending that the  
16 council give more money to support somebody going out  
17 to this? Because I'm trying to read through right  
18 now what the Department of Ag -- what their  
19 jurisdiction is. I'm just -- I need a little more  
20 clarification there.

21 ACTING DIRECTOR SMITH: Thank you. Yeah,  
22 up to current time, the Department of Planning has  
23 been primarily the department dealing with this. You  
24 know, when someone submits a farm plan, it gets  
25 reviewed. Often we have our inspectors go out there

1 and verify on site what's being planted.

2 Again, the -- we do anticipate there's  
3 probably going to be sort of a partnership approach  
4 with the new Department of Ag. But it has been  
5 Planning up to this point in time.

6 One of the prior testifiers did identify  
7 that, you know, there likely has been circumstances  
8 where someone with a primary home has gone out there  
9 and may not be doing as much active agricultural as  
10 we would like. And, often, it ends up being that  
11 second farm dwelling ends up being the time that we  
12 really go out and confirm how much progress has been  
13 made.

14 As we know, again, another testifier did  
15 identify that not everybody has county water. And so  
16 sometimes the development of the farm takes a little  
17 bit longer when they're just relying on rainwater  
18 catchment and so forth. So it is something the  
19 Department of Planning is working on and will be  
20 helping the Department of Agriculture as they bolster  
21 their approach.

22 COMMISSIONER LINDSEY: Okay. So my goal is  
23 just not to saddle you with more work, but still, you  
24 know, get the gist of what is, you know, going on.

25 CHAIR PALI: All right. So just to bring

1 us back, because I feel like we have gone a little  
2 bit of a trail here, in front of us we are simply  
3 giving comment if we recommend or do not recommend  
4 that with the current code that's -- currently allows  
5 for an additional dwelling on farmland -- ag land  
6 that's currently allowing 1,000 square feet, if we  
7 agree or disagree to increase it to 1500.

8 And by increasing it to 1500, then they --  
9 because the total two buildings can only go up to  
10 10 percent, it would then also limit the size of the  
11 current and main building, main residential. So  
12 that's where we're at today. Get some comments down.

13 Yes, Commissioner Deakos?

14 COMMISSIONER DEAKOS: Chair, maybe this  
15 would be more aligned. So I think one of the  
16 testifiers mentioned -- and so did the director -- so  
17 when they apply for that accessory or labor dwelling,  
18 there's going to be an inspection to allow that; is  
19 that correct?

20 So I think they said -- one of the  
21 testifiers mentioned that the inspectors be trained  
22 to know -- better trained. So maybe that's what I  
23 would add to the language, that at least it ties into  
24 today's B1.

25 CHAIR PALI: Okay. So I do like the idea.

1 So there's -- there's code which is what we're trying  
2 to do today, like ordinances, laws, codes. Then  
3 there's people who fundamentally roll them out --  
4 departments. And then there's the enforcement side,  
5 usually under the mayor; right? Departments who then  
6 enforce and -- yeah, that they're applicable.

7 And so it's -- is it normal? It's not  
8 typically normal that we're putting in how they  
9 enforce because the code is the code. And then the  
10 administration, they enforce it.

11 And so it sounds like we're worried about  
12 the enforcement part which is great, but it's just  
13 not our purview today. Our purview is the code. So  
14 we have to determine what is the rule, what is the  
15 code going to be?

16 And so I don't want to focus so much on  
17 enforcement that we're not able to take care of our  
18 task today, which is code. We can write things into  
19 the code as an expectation so when enforcement gets  
20 it, they have a clear vision of what the code is  
21 intended. So we can do that, but dictating who is  
22 enforcing and how they enforce it and when they  
23 enforce it, that's not part of the code itself.

24 One second, Commissioner Lindsey.

25 Mr. Hopper, can you chime in, please, and



1 help me get this back on track?

2 MR. HOPPER: Thanks, Chair. I mean, if you  
3 want to include that as a comment that you're raising  
4 concerns that the increased dwelling size may lead to  
5 an increase in non-agricultural uses, then I think  
6 you could note that. Certainly council --

7 CHAIR PALI: Yes, which --

8 MR. HOPPER: -- so that's fine.

9 CHAIR PALI: -- which we did, which we did  
10 15 minutes ago. We put it in there. It's in there.  
11 But now we're going down a bunny trail of  
12 enforcement, and, you know, I'm just -- I'm just --  
13 what can you shed --

14 MR. HOPPER: If you want more -- it's sort  
15 of up to the commission. If you want to know more  
16 about that before making a recommendation, that's up  
17 to you. But you're correct that the legislation  
18 itself wouldn't really directly address that.

19 But if there's questions the commission  
20 has, I suppose it can continue to ask those if it  
21 would be relevant toward whether you would recommend  
22 or not recommend the changes in the legislation. I  
23 think that's within your purview, if you find that  
24 important.

25 CHAIR PALI: Great. Thank you. Okay. So,

1 you know, I think I'm going to redirect this  
2 conversation, and I'm just going to open the floor  
3 for a motion. I thought it would be easier to go  
4 backwards, but I'm finding that it's not. So I would  
5 like to -- yes.

6 ACTING DIRECTOR SMITH: If I could  
7 interject, as the planning department does put forth  
8 the report to council, you know, Greg's been  
9 providing a synopsis of what occurred with Molokai.  
10 So they have the formal -- formal motion, but then,  
11 also, we can do a recap in our report --

12 CHAIR PALI: Yeah. Let's do that.

13 ACTING DIRECTOR SMITH: -- in terms of the  
14 language. So I want to make sure, again, if we move  
15 forward with the action on this right now, we can  
16 still include those -- those additional comments that  
17 have been raised.

18 CHAIR PALI: Can you read those for us?

19 ACTING DIRECTOR SMITH: Yes. So the first  
20 comment was like additional concerns or issues,  
21 again, for the request of the council to consider the  
22 impacts on currently CPR'd properties, and then  
23 encouraging the departments -- and I'll add a little  
24 language here, Commissioner Deakos -- to increase  
25 training, inspection, and enforcement measures to

1 address gentleman estates. So we can capture those  
2 in the transmittal report.

3 CHAIR PALI: Perfect. That sounds great.  
4 Okay. So I think -- do we all agree on those two  
5 things? Show of hands. Okay. Good.

6 Let the record show that everyone agrees.  
7 Okay. So we have those two things. We agree on  
8 these things.

9 Let's open up the floor for a motion so we  
10 know where we're going. Are we recommending approval  
11 or are we recommending denial? Are we recommending a  
12 stay? And then we can continue on with our list.  
13 Floor's open.

14 Commissioner Thompson? Oh, they can't hear  
15 you.

16 COMMISSIONER THOMPSON: Hello, everybody.  
17 I'd like to make a motion to propose a bill to amend  
18 the Maui County Code Section 19-30A-050B to increase  
19 allowable size of second farm dwellings in  
20 agricultural district from 1,000 square feet to 1500  
21 square feet. And the motion is to -- proposed to  
22 recommend that with the -- our attached comments.

23 CHAIR PALI: Okay. And Lindsey's going to  
24 second it? Okay. So now we can discuss it. So  
25 we're in the discussion phase. There's motion on the

1 floor.

2 And we can do friendly amendments -- oh.

3 Yes, first discussion, Kim -- Vice Chair Thayer?

4 VICE CHAIR THAYER: Oh, thank you. I want  
5 to propose an amendment, if possible, to limit the  
6 combined square footage of the two dwellings. And  
7 this is minutes where -- and it's been discussed in  
8 this meeting -- but about limiting the combined  
9 square footage to -- well, they had 5,000 square  
10 feet, but allowing the 1500 ohana unit. And my  
11 thinking is this --

12 CHAIR PALI: Real quickly, Commissioner  
13 Thayer. Are you going to give us a square footage of  
14 what you'd like or are you going to leave it up to  
15 them?

16 VICE CHAIR THAYER: Well, I guess just  
17 because it's been thrown out there by council and in  
18 this meeting is the 5,000 square feet.

19 CHAIR PALI: So you're going to go with --  
20 you're going to recommend 5,000 for both units?  
21 Okay.

22 VICE CHAIR THAYER: Combined, yes. And I  
23 can say why.

24 CHAIR PALI: Yes, please.

25 VICE CHAIR THAYER: Okay. So like the

1 department brought up in their presentation and  
2 report, part of the whole point is to increase the  
3 feasibility of farming on this island. And within  
4 that is making sure that ag land is affordable  
5 because that's part of what makes it so difficult to  
6 make farming work is that the land is so expensive.  
7 To be able to, like, pay for that via production is  
8 extremely difficult.

9           And one thing that concerns me is, yes,  
10 some of the oral testimony we heard today is from  
11 actual farmers, but a lot of the testimony from --  
12 that we got written testimony for and I believe  
13 testimony at the council meeting, a lot of it was  
14 from, like, Realtors and not entirely farmers. And a  
15 lot of the talk is to increase our housing stock on  
16 island, which I agree is very important, and this  
17 would be a way to do it.

18           But my concern is in a lot of, like,  
19 advertisements for land for sale, they say, oh, you  
20 can build this much and you can build a "this big"  
21 ohana unit which only contributes to increasing the  
22 price of agricultural land. So I'm very wary of  
23 opening the door for just compounding this existing  
24 problem we have on this island. And then it was even  
25 stated in the testimony that we heard today is that



1 so people can come and build their dream home.

2 And my question is what about the people  
3 who are already here who would love to get into  
4 farming and the land is too expensive for them to do  
5 so?

6 And I am sympathetic to the people who are  
7 already here and, say, their kids have grown up and  
8 want to have a house and be able to have a home big  
9 enough that can fit, you know, them and their  
10 children. And so, like, I see the utility of having,  
11 say, a 1500 square foot home versus a  
12 1,000 square foot home.

13 Now, for full disclosure, my house is 888  
14 square feet, and we have four of us living here.  
15 That being the case, we would love to enclose our  
16 lanai to have more living space.

17 But anyway, so these being my concerns,  
18 like, yes, allow for, say, your family to come in.  
19 So, yes, increase the 1500 square feet, but limit the  
20 combined total so that -- it's one way to curb the  
21 desire to, say, have a gentleman estate or a fake  
22 farm or whatever you may call it. I think 3500  
23 square feet is plenty comfortable for anybody to have  
24 their main dwelling at that size.

25 So this is where I'm coming from, to say

1 recommend approval for the 1500 square feet but to  
2 limit the overall size with the overall intent being  
3 to, yes, have your family live there, but make it not  
4 something that will increase the value of ag land to  
5 the point that it's actually not affordable for  
6 actual farmers.

7 CHAIR PALI: Great. Any discussion?  
8 Commissioner Deakos?

9 COMMISSIONER DEAKOS: Thank you, Chair.  
10 And I -- again, I support that. It's a bit  
11 challenging for me to restrict if we're thinking  
12 about the farmers.

13 You know, I don't know if they want to have  
14 four or five ohanas on there, and they're all doing  
15 ag. I hate to put a restriction, but I'm sure that  
16 5,000 square feet is going to be more than adequate.

17 And if we do get to a position where  
18 there's all these real farmers that are struggling  
19 with the 5,000-square-foot cap, then we can probably  
20 address it when they come and testify against it. So  
21 I'm fine with that.

22 Certainly, it could be a runaway train with  
23 the folks taking advantage of that, and I'm  
24 definitely cognizant of that. So I can support the  
25 friendly amendment.

1 CHAIR PALI: Commissioner Thayer, you have  
2 your hand up. Did you --

3 VICE CHAIR THAYER: Yeah, sorry. There was  
4 something I wanted to add, in that if you are  
5 actually farming and you do need to house workers on  
6 your farm, which I think is great, that's what the  
7 farm labor dwelling in our next item can do.

8 So, if you do need to house employees,  
9 having a limit to the dwelling and the second  
10 dwelling will not limit housing for your employees.

11 CHAIR PALI: Okay. I got a couple  
12 comments. While I absolutely appreciate the  
13 direction and agree on many of the talking points  
14 from my vice chair, I think there's a couple maybe  
15 pukas that I just don't want to consider.

16 The first one is I know a local family, and  
17 they labored and worked hard in little condos, and  
18 they went and bought a beautiful 2-acre parcel and  
19 built a 6,000 square foot home on it for them and  
20 their generational family housing. And they labor on  
21 that land.

22 And so even just thinking about a  
23 particular family that I know well, this would not --  
24 have not allowed them to do it. And so there's those  
25 kind of people, believe it or not. Some people do

1 love to live under one roof, and someone under their  
2 own roofs.

3 And I was very shocked that they built  
4 6,000 square feet; I couldn't imagine it. But since  
5 I've been up there, I see now how that all works for  
6 them.

7 And so I don't feel like we should exclude  
8 our local people that have a desire to do that  
9 because we are worried about other people, who aren't  
10 here yet, taking advantage of the situation. I don't  
11 think we should punish Peter to pay Paul, or whatever  
12 that saying is -- steal from Peter to pay Paul. So I  
13 feel like we have to be very cautious of the way we  
14 look at this, and I don't know that that's the best  
15 fit.

16 I do, however, also want to bring up, from  
17 a lending standpoint, the term "boarder." And I can  
18 see now, more than ever in Maui, that we would have  
19 lots of boarders.

20 And what it is is when you bring people,  
21 families, young people into your home, and you're  
22 letting them live in a room, like they're boarding in  
23 your home because we have a lack of infrastructure  
24 for housing, and there's not enough ohana units and  
25 cottages and townhomes and condos to put them in, so

1 they're moving in with other families. And they're  
2 not family, but, you know, in Hawaii, like we all  
3 kind of are family.

4 And so, you know, again, that would be  
5 another justification for a larger property is, you  
6 know, someone wanting to open their home for  
7 boarders.

8 Now, I do like the fact that the next item,  
9 we will be talking about additional dwellings for  
10 your workers. But now you're just assuming that this  
11 person has more money to build another structure,  
12 whereas if they had a slightly larger home for the  
13 people it fits, they wouldn't have to necessarily  
14 build a third structure because they can under the  
15 ordinance because that's -- we're talking a couple  
16 hundred grand now just to pop up something simple to  
17 house your workers, when what if you let them board  
18 with you? You let them move in and rent a room, or  
19 they get to live with you for free in your main home,  
20 and then the work is subsidized, the, you know,  
21 exchange of work and income.

22 And so I just don't want to exclude the  
23 potential. Like if we say we want this, then we have  
24 to acknowledge that we're cutting off these other  
25 potentials for other peoples. And we all can agree



1 that there's not one shoe that fits all. Everyone  
2 should have as many advantages and opportunity to  
3 make whatever their income, their lifestyle, their  
4 farm operations fit into whatever they can. And they  
5 should be able to have a sort of an advantage.

6 And so I feel like, unfortunately, limit --  
7 going from 10 percent allowable to just a cap at  
8 5,000, I feel like we could be cutting off some arms  
9 unintentionally. So if there's a middle ground, I  
10 would love to see it, but I don't necessarily agree  
11 fully with that approach. So that's where I'm at.

12 Yes, VP Thayer? And then Lindsey.

13 VICE CHAIR THAYER: Okay. Thank you. I  
14 appreciate this. I like the discussion. It's very  
15 good.

16 CHAIR PALI: Yeah.

17 VICE CHAIR THAYER: I would be curious how  
18 many cases there are of that, and I would entertain  
19 finding a more sweet spot limit, but I feel like that  
20 situation may be an exception versus the rule that is  
21 going on. And that is fantastic that they have  
22 achieved that kind of success.

23 But I'm thinking of -- again, like going  
24 back to how affordable the land is. And if you're  
25 able to build a giant house, that, like,

1 automatically will increase the value of the land  
2 beyond probably what most people would be able to  
3 afford.

4 And so that is where I'm coming from, and,  
5 again, I would entertain something reasonable above  
6 5,000 square feet. I mean combined, but -- and, yes,  
7 I think we're, like, legislating for a certain  
8 problem, but it is a very real problem that isn't  
9 going to stop and has not stopped and, arguably, has  
10 only proliferated.

11 And so if we continue the way we are with  
12 this status quo, and even allowing, like, a bigger  
13 ohana like this, I think there has to be some kind of  
14 balance put into place to curb the problem that is  
15 very real on this island.

16 CHAIR PALI: If I may, Lindsey, and then  
17 I'll jump to you. So we don't want to change the  
18 intent of the bill though; right? The bill is  
19 intended to help farmers be able to house more  
20 workers.

21 And then I hear you say, well, we want to  
22 keep the value of the farms low, so by limiting the  
23 square footage we can keep it affordable. If we're  
24 just being frank, if you look at homes that are on ag  
25 land that have farms that are 3500 square foot or

1 lower, I mean, they're in, like, the 2 million range  
2 right now.

3 So whether we limit it or not, 2 million is  
4 never going to be affordable. It wasn't affordable  
5 20 years ago. It's not affordable today, and it  
6 won't be affordable in 10 years. So if your intent  
7 to try to limit the square footage is to make farms  
8 affordable, I don't think that's the way you're going  
9 to achieve it.

10 So if that's what you're saying, that's  
11 where your intent is, there are other means and other  
12 areas where we should be limiting value by creating  
13 zones -- I mean, there's just such a bigger  
14 discussion on how we can limit values and  
15 subdivisions and keep them affordable for our  
16 families, but I don't know that using a code that's  
17 intended to help farmers is the place for this  
18 particular fight. So that's my response.

19 And I want to consider that what we're  
20 doing now is, like, we're looking at problems that  
21 we -- haven't occurred yet. Like in the future, we  
22 don't know what is going to happen to our values in  
23 the market and things like that.

24 And so I'm not saying -- I think I agree  
25 with you that my friend is an isolated incident, but

1 we definitely don't want to close the door if more  
2 families can achieve that. So that would just be my  
3 response.

4 You can counter if you want, and then we'll  
5 go to Lindsey.

6 VICE CHAIR THAYER: I'll let her talk and  
7 then --

8 CHAIR PALI: Okay. Commissioner Lindsey?

9 COMMISSIONER LINDSEY: Okay. For context,  
10 the Napili megamansion was just under 7,500 square  
11 feet. Also, a quick Google search says that the  
12 average house size in Maui County is 1,295 square  
13 feet.

14 So I agree with council -- with --

15 CHAIR PALI: Commissioner.

16 COMMISSIONER LINDSEY: -- member chair --  
17 commission member chair that -- commission  
18 co-chair -- whatever --

19 CHAIR PALI: Vice chair.

20 COMMISSIONER LINDSEY: -- Thayer --  
21 Thayer -- Vice Chair Thayer -- that 5,000 is rather  
22 generous. If we wanted to bump it up to 6,000 -- or  
23 I know some legislation happened since the Napili  
24 supermansion happened -- to that number that they  
25 set, that would be fine. But limiting it to a number

1 is definitely -- it will take -- to what you said,  
2 Chair, it will take every single little thing to fix  
3 all the housing problems, so.

4 CHAIR PALI: Of course, of course. So I'm  
5 actually in agreeance with you guys. I think  
6 bringing the number in -- but I just have to look  
7 at -- like remember, we're talking parcel, so we're  
8 saying, oh, a 2-acre parcel can have max combo of  
9 5,000 square foot and a 20,000-acre parcel, as an  
10 example, would still have that same limit.

11 So that's why I said there's just a  
12 disparity, and -- depending on what they're trying to  
13 do and their vision. So I'm just saying that I think  
14 we should -- I think we should just revisit -- like  
15 reconsider -- just think heavily of, like, what we're  
16 really saying.

17 But I'm not disagreeing with the reasons  
18 and the fact that we should take it away from  
19 10 percent. I don't think 5,000 would -- is  
20 one-size-fits-all with the 2 acre and 20 acre or  
21 whatever. Yeah.

22 Commissioner Deakos -- oh, sorry.  
23 Commissioner Lindsey, keep going.

24 COMMISSIONER LINDSEY: So if -- I agree  
25 with Commissioner Thayer in that we should limit it



1 to 5,000 also because the council already was  
2 discussing that number. So it is something familiar  
3 to them, and we won't be throwing out another number  
4 for them to consider.

5 I think that would just simplify things  
6 because we have a lot of reading to do, and they have  
7 exorbitantly more than us. So in order to help them,  
8 I agree in keeping it 5,000.

9 CHAIR PALI: Okay. Commissioner Deakos?

10 COMMISSIONER DEAKOS: Yeah. Thank you.  
11 And I think the interim director stated it's all the  
12 enclosed living space, so 5,000 doesn't include the  
13 garage and the lanais, so it does seem -- if you're a  
14 farmer doing -- that has the means to build a  
15 5,000-square-foot home, I think you're doing pretty  
16 good.

17 And if we get to the point where there's  
18 just testimony after testimony of farmers that need  
19 to go bigger than 5,000, then I'd love to see that  
20 happen. But certainly capping it, it made sense to  
21 me.

22 CHAIR PALI: Okay. Good. But to your  
23 point, though, it was discussed at council, but  
24 council didn't recommend it. So you have to then ask  
25 yourself, why wasn't it then recommended?

1           And because it wasn't on our agenda as  
2 recommended, then maybe these people weren't  
3 triggered to come speak about it because it wasn't  
4 recommended. And so there's that, too. Anyway,  
5 okay.

6           Any other comments? Commissioner Thompson?

7           COMMISSIONER THOMPSON: Yeah. I'm sort of  
8 lost. I think my motion was just to increase the  
9 size from 1,000 to 1500, and I didn't have anything  
10 to do with changing the speed limit on the highway.

11          CHAIR PALI: Okay. Sorry. Okay. Don't  
12 throw anything at me. Okay. Okay. So we have to --  
13 yes, Commissioner Thayer?

14          I think she was trying to do a friendly  
15 amendment, and we're just discussing because --

16          COMMISSIONER THOMPSON: Yeah. Well, that  
17 wasn't mine.

18          CHAIR PALI: Well, we have to take a vote  
19 on it if we're going to allow the friendly amendment,  
20 but since I disagree, we're not. And there's only  
21 five, which is the tough part of only five people  
22 showing.

23          Yes, Commissioner Lindsey?

24          COMMISSIONER LINDSEY: If -- okay. I guess  
25 I would rescind my second on that then, if that were

1 the case.

2 CHAIR PALI: So let's kind of map out where  
3 we're going because there's only five of us. So if  
4 we already are at an impasse, then there's -- there  
5 is no common ground, so -- on this particular issue.

6 But if you're saying -- if you don't have  
7 this issue, then you don't want to agree on the other  
8 two issues you've already agreed on, that's a  
9 different -- I'm not sure what your goal is by  
10 rescinding. We're still in the part where we're  
11 making additional comments and trying to agree to  
12 them to put them on the motion.

13 COMMISSIONER LINDSEY: Okay. I --

14 CHAIR PALI: So have you changed your mind  
15 on the two that we've already agreed on?

16 COMMISSIONER LINDSEY: I think we should --  
17 I agree on those two, but I can't move forward  
18 without limiting the square footage or recommending  
19 limitation on the square footage. So if that isn't a  
20 recommendation that we are going to put forward, then  
21 I would like to rescind my vote as a second.

22 CHAIR PALI: Okay. So noted. So it's  
23 possible that we would not be recommending anything  
24 today because we would not have the majority. Okay.  
25 That's probably not giving voice to what we want to

1 give voice to.

2 Commissioner Thayer and then  
3 Commissioner Deakos.

4 VICE CHAIR THAYER: Thank you, Chair. I  
5 just want to add, you know, another option. So, say  
6 you are so wonderfully successful -- so this is  
7 talking towards the 5,000-square-foot limit on the  
8 combined dwellings.

9 So, like, again, if you are an actual  
10 legitimate farmer and you want to house your workers,  
11 you can build whatever size other dwelling you want  
12 to be able to house your workers. Like as the code  
13 is written now, that farm labor dwelling has no size  
14 limits, so you can build something very comfortable  
15 for whatever actual workers you have working on your  
16 farm.

17 This is talking about an accessory, like a  
18 second dwelling that doesn't necessarily have to  
19 house any -- anybody associated with your farming  
20 operation. Like, this is solely a second home on an  
21 ag lot.

22 And if you are so successful that you are  
23 able to afford something larger, then, like, there is  
24 an avenue -- like, if -- if there's a limit of, say,  
25 5,000 square feet, there is an avenue to get a

1 variance for whatever unusual circumstance you have  
2 going where you need to have a larger house.

3 I need to have my grandparents in with me  
4 with their caretaker to be able to take care of them  
5 so we need a bigger house to house all of our stuff.  
6 There is an avenue for those kinds of extraneous  
7 situations to be able to happen.

8 (No audio) is to have viable farming  
9 operations on this island, and if you need to, say,  
10 have a second home that you're renting out to be able  
11 to supplement your income, like what one of the  
12 testifiers brought up, then 1500 square feet would  
13 enable you to do that.

14 But thinking about what is, like,  
15 reasonable and comfortable for a family working their  
16 land, having a 1500 square foot house and a 3500  
17 square foot house, I think is plenty reasonable to  
18 accommodate what you're doing. And, again, there is  
19 a avenue for you to have something larger.

20 CHAIR PALI: Okay. I appreciate that  
21 opinion. I just don't agree. I don't agree that if  
22 you can build a 5,000 square foot house or  
23 6,000 square foot house then that automatically means  
24 you have so much more money to build other units. I  
25 think that's not an accurate view of a reality of



1 people.

2 Now, when you are rich and you have a  
3 gentleman estate, then, yeah, those guys have  
4 unlimited resources and they can build 20 structures  
5 on their farm. But I'm not talking to those people.

6 I'm just saying I don't want to lose sight  
7 in giving local families a one-up -- an avenue and a  
8 space to be able to be better and to grow because  
9 we're so focused on the rich guy, like, taking  
10 advantage of it so we're cutting off our nose to  
11 spite our face.

12 I'm just saying that it might be a very  
13 limited or unique situation that my friend's  
14 family -- they did this, but if other families are  
15 positioned to do it, I just don't want to limit them.

16 I would be willing to compromise, though.  
17 I think 5,000 with the 1500 inclusive is just -- I  
18 just feel like there's not room to grow. But I would  
19 be open to, like -- I don't know.

20 Yeah, I was thinking 7500 -- 7500 total.  
21 Because, remember, we're not just saying it's for the  
22 2-acre parcel. We're saying it's for, like, the  
23 10-acre parcel and the 20-acre parcel.

24 Like, you know, we -- everything's in  
25 perspective; right? So we can't imagine what would

1 be sufficient because we don't have that life. Like,  
2 we're not that; right? So in our minds, oh, yeah,  
3 3500 should just be fine, but how are we to know what  
4 should be fine for that farmer and that family?

5 And so that's why I just -- I don't feel  
6 like I should take that position, especially when  
7 we're going from 10 percent overall down to  
8 5,000 cap. And so I'm just saying, let's pave the  
9 way for future generations to have the ability to be  
10 successful in that way, and if no one ever takes  
11 advantage of it, fine.

12 But I don't want to limit it just because  
13 we're trying to write code for the people who take  
14 advantage. So that's how I feel. I'm willing to do  
15 the cap. I'm not comfortable with the 5,000 total --  
16 5,000 total.

17 Commissioner Deakos?

18 COMMISSIONER DEAKOS: One thing is just --  
19 can you hear me?

20 CHAIR PALI: Yeah.

21 COMMISSIONER DEAKOS: Okay. So the  
22 labor -- the farm labor dwelling is totally separate.  
23 That is unlimited; that doesn't come into play as a  
24 part of the 10 percent?

25 CHAIR PALI: So apparently we're going to

1 talk about that next, but it sounds like it's not.

2 COMMISSIONER DEAKOS: Okay. So then we're  
3 talking about the main dwelling and an accessory  
4 dwelling which is what -- we're increasing the  
5 accessory dwelling by 500 feet. And what's on the  
6 table by Vice Chair Thayer is that that combination  
7 of the main dwelling and the accessory be capped at  
8 5,000? Okay.

9 My second clarification was so it's just  
10 the voting -- the quorum. What are we required --  
11 it's just a majority? It looks like we have five.  
12 So --

13 CHAIR PALI: So Hopper says all five have  
14 to agree for this.

15 COMMISSIONER DEAKOS: Okay. Thank you,  
16 Chair.

17 CHAIR PALI: So I'm throwing out the 7500.  
18 Are you guys just absolutely not okay? Because  
19 that's still limiting it hugely from what it is now.

20 I also think it's super unfair we're  
21 saying, hey, we'll give you 500 here, but we're going  
22 to take away thousands on the other -- you know what  
23 I mean?

24 I feel like this is going to grow. This is  
25 going to continue. We're going to monitor this.

1 This is not the end. This code can be changed as we  
2 have an ag department.

3 But I'm saying, hey, with anything that's  
4 going to be cut, like, we're not cutting it in half.  
5 We're cutting it by, like, 70, 80 percent.

6 I'm just saying, like, can we take  
7 increments here? And if we find that those families  
8 aren't here, and they're not needing the 7500, and  
9 that we are finding that there are more gentleman  
10 estates popping up, then there's no reason why we  
11 can't go back to the ordinance and say, hey, you  
12 know what? We started at 75. We gave everybody  
13 warning. Let's go down to 5 because that's not  
14 working for us.

15 I mean, there's -- this is not a permanent  
16 thing, but I think that it's just really tough as  
17 lawmakers and people of authority to just go in and  
18 go boom, cut it down like that. I think that's  
19 risky.

20 Yes, VP Chair? VP Thayer.

21 VICE CHAIR THAYER: I appreciate this  
22 discussion very much. So I would respond to your  
23 situation you brought up -- you know, if we, say, do  
24 7500 and it becomes a big problem, we can always  
25 change it back. I think at the same time we could

1 try with 5,000, and, like Commissioner Deakos said,  
2 if we get a whole bunch of local families that are  
3 like, we need something larger than this, then what a  
4 great problem that is to have.

5 And then we can come back and say families  
6 need larger than 5,000 square (no audio) with 5700.  
7 Like right now, you can have up to 8700, so cutting  
8 down to 7500 is not a huge cut. And I think that  
9 would just -- it's almost status quo.

10 And like, again, our status quo is what has  
11 brought us to this situation. Like if we don't make  
12 an actual change in this ordinance, we're not going  
13 to have an actual change on the ground. Like I think  
14 we need the courage to be able to do something.

15 And, again, if we have so much success of  
16 our local families, and I think people do -- nowadays  
17 do a great job of coming out and rallying testimony  
18 and community response about issues that really  
19 affect the local people here, then I think we would  
20 hear it loud and clear from local farmers.

21 If the 5,000 is not enough for them, I  
22 think we would hear their voices saying, we need  
23 something larger. But right now, a lot of the voices  
24 that are coming out are, again, like Realtors who  
25 their whole interest is in being able to sell land.



1           And there has been advertisements out there  
2 of, look at this beautiful piece of ag land. You can  
3 build up to this size square foot house and have an  
4 ohana. Like, that is in advertisements. It's how  
5 agricultural land right now is currently being sold.

6           And so, to me, something -- if we're trying  
7 to be, like, responsible of having affordable  
8 agricultural land on this island, I think this is  
9 something that we are, like, beholden to explore.

10           CHAIR PALI: If I may, I totally agree with  
11 you. But, again, I don't think this is the avenue.  
12 I agree with you, but there's also a premonition that  
13 you mentioned.

14           You know, the Realtor thing, they're  
15 selling what they can sell. I don't want to sound  
16 rude or whatever, but, you know, it's been tough in  
17 the last 18 months for the entire industry across  
18 America for Realtors and mortgage lenders and anyone  
19 in the business because rates went up. Everyone got  
20 2 percent. They're holding their properties; right?  
21 So it's tough everywhere.

22           Nobody wants to sell which is good for us,  
23 I think, but then people that don't have can't buy  
24 because what is selling is just really high and the  
25 rates are high, and so it just is really bad right

1 now for both homeowner that wants to sell and buyer  
2 that wants to get in.

3 But having said that, I think it's also  
4 important to wonder, you know, why didn't council  
5 take it up then if they agreed with the 5,000?

6 And the last piece I just want to make is,  
7 like, Thayer, you know what it's like to go through  
8 the planning department to bring up an item to  
9 finally get it on our agenda, to come and testify and  
10 to try to move it.

11 Like, I would never want to task families  
12 to go, hey, if and when you become successful, then  
13 you get the task and the journey to, like, hire  
14 people to put this packet and application together  
15 and get it in here and ask for all this stuff. Like  
16 I would never to want burden our local families on  
17 that.

18 And so I do respect your position. I'm not  
19 going to hold this tightly because, honestly, it's  
20 just a recommendation. So if the four of you agree  
21 on the 5,000, I'll bow down. That's fine.

22 Because I think -- as I mentioned in the  
23 beginning, I agree that it should be a number, not a  
24 percentage. I feel like 5,000 is way too strong and  
25 conservative.

1 I don't think the intent of this was to try  
2 to manage and mitigate values of property. I think  
3 it was to help and support farmers, and I feel like  
4 we've lost our way a little bit on this.

5 But I'll agree and -- so we can get moving  
6 on because -- yeah, I'll bow down to that. So with a  
7 show of hands -- Deakos?

8 COMMISSIONER DEAKOS: I was just -- I don't  
9 think the motion was seconded.

10 CHAIR PALI: Yeah. I'm going to -- oh,  
11 okay. Go for it.

12 Do you want to second the original motion  
13 and then we can continue to add on?

14 COMMISSIONER DEAKOS: I was going to second  
15 (Indiscernible.)

16 CHAIR PALI: Okay. Perfect. All right.  
17 So I'll let you second Thompson's first. And then  
18 with Thayer's recommendation -- she's recommending  
19 approval on the 1500 and then limiting the two units  
20 to 5,000 square feet.

21 Can I have a show of hands? And all who  
22 agree -- we don't even know where Thompson lies on  
23 this; he's been quiet.

24 Where do you lie on this?

25 COMMISSIONER DEAKOS: Sorry, just to

1 clarify. Sorry. Ms. Lindsey was second on --

2 CHAIR PALI: She withdrew that second.

3 COMMISSIONER DEAKOS: Not yet, no. So I'm  
4 second --

5 CHAIR PALI: Well, she officially withdrew  
6 it. But do you want to put it back in now that  
7 we've -- you might be in agreeance, Lindsey? Let me  
8 get Lindsey on --

9 COMMISSIONER LINDSEY: I said I would be  
10 in -- I would be -- I would rescind my second if we  
11 weren't putting a cap. If we're submitting to the  
12 council with a cap, then my second can stay, or he  
13 can take it. I don't need --

14 CHAIR PALI: So it was depending on where  
15 we landed. Okay. Okay. All right. So Lindsey will  
16 be second. And then all in favor for this third  
17 edition on recommending for council to reconsider --  
18 even though they've been considering it and they've  
19 not, we're going to say, from commission, we want you  
20 to consider adding this \$5,000 -- 5,000 square feet  
21 max cap, total combined living square footage main  
22 home and cottage.

23 Are we all -- show of hands for agreeing?  
24 One, two, three. Dale? Okay. Dale's on board, too.  
25 Okay.

1           So now any other items we want to put on  
2 this list before we take a vote? Any other big  
3 things? Let's go around the room real quick.  
4 Thayer?

5           VICE CHAIR THAYER: Just a note in the  
6 council minutes that Councilmember Paltin had asked  
7 when we give our recommendation that we specify if  
8 it's countywide or just Maui island.

9           CHAIR PALI: Do you have a thought on that?

10          VICE CHAIR THAYER: I'm thinking Maui  
11 island because we're the Maui Planning Commission,  
12 and I think the context that we've been discussing is  
13 Maui island issues.

14          CHAIR PALI: Okay. Does everybody agree?  
15 Show of hands, Maui island? Okay. It's all -- all  
16 in agreeance.

17          Any other details on this one? Yes,  
18 Commissioner Lindsey? Commissioner Lindsey.

19          COMMISSIONER LINDSEY: Sorry, I couldn't  
20 get it on. I -- after considering this again, I'm --  
21 and that local family that you had -- maybe we should  
22 do 7500.

23          Sorry for throwing this out again, but I  
24 just did the math on how many it would be with the  
25 average and then a 1500 square feet house, so I think

1 7,500 is enough square footage for generally most  
2 people. And it will also help our local families.

3 CHAIR PALI: And remember, it's for the  
4 2-acre parcel and for the 20 acres. So that's what  
5 I'm trying to say, like the cap is for -- no matter  
6 what the size is.

7 But are you withdrawing, then, your yes  
8 vote? Because we kind of just voted it, though.

9 COMMISSIONER LINDSEY: I'm just talking. I  
10 don't know where this goes into place. Thank you.

11 CHAIR PALI: Dale, how do you feel?  
12 Because everyone's had an opinion. And where are you  
13 at with this? Because we need to see.

14 COMMISSIONER THOMPSON: Yeah, I don't have  
15 a big house. So, yeah. But you make a very valid  
16 point. How many are there that are on ag lots that  
17 are bigger than that? Do those become legal  
18 nonconforming?

19 CHAIR PALI: They get grandfathered in.

20 COMMISSIONER THOMPSON: Yeah, they get  
21 grandfathered in. They just can't rebuild if they  
22 burn up or something. I don't know how many of those  
23 properties exist. I don't --

24 CHAIR PALI: So if you had the lot at 5,000  
25 or 7500, where would you be?



1 COMMISSIONER THOMPSON: 6.

2 CHAIR PALI: You're at 6. Are you saying  
3 okay on 6? I'd go 6.

4 Are you okay at 6, Lindsey?

5 COMMISSIONER LINDSEY: Well, so my thinking  
6 behind this is that you -- like now we have  
7 multi-generational homes in one dwelling. So  
8 grandparents, parents, kids, and potentially their  
9 kids, possibly four generations fitting in that.

10 So, like, Kahului did well in that  
11 expanding for families still maintaining their own  
12 privacy for their individual platonic family dynamic  
13 but also, like, living Hawaii with multiple families  
14 living on the same property in the same house, but  
15 giving them adequate space.

16 So thank you for the 6, but I -- 75.

17 CHAIR PALI: I'm just trying to find a  
18 compromise so we can move on with this.

19 So, Thayer, Deakos --

20 COMMISSIONER LINDSEY: But I'm fine --

21 CHAIR PALI: Go ahead, baby. Yes, Lindsey.  
22 Finish your thought.

23 COMMISSIONER LINDSEY: I mean, I will vote  
24 yes, either 5 or 75, but those are my thoughts that  
25 are coming through because after doing the math and

1 how much -- you know, how large families are and how  
2 we live now.

3 CHAIR PALI: So you already voted yes to  
4 five, so the only way we would consider changing it  
5 is if you withdraw that yes. And then we'd have to  
6 make sure Deakos and Thayer are going to be on board  
7 with 75.

8 But if you don't withdraw, then we're going  
9 to move on. I know I wanted 75, but I just -- I'm  
10 okay to go with the majority. It is just a  
11 recommendation.

12 I got an idea. Would you guys recommend  
13 that we consider capping at either 5,000 square feet  
14 or 75 thousand (sic) square feet? Are you okay with  
15 recommending either of those? That gives us the  
16 compromise and then we can move on.

17 Show of hands, no, yes?

18 It's really up to Thayer and Deakos because  
19 I feel like Thompson and Lindsey and I are okay with  
20 the 75. But it is three against two technically --  
21 although it's actually two against two, maybe,  
22 because Lindsey's either way. So, again, I think it  
23 will be great that council sees that we're wrestling  
24 with this, and that's actually a good thing. You  
25 know?

1 Deakos, where are you at, my man?

2 COMMISSIONER DEAKOS: Well, I thought we  
3 all voted on 5. I mean, it's --

4 CHAIR PALI: We did.

5 COMMISSIONER DEAKOS: And the fact that --  
6 I'm doing the math. I mean, you know, I lived --  
7 gosh, what was it, 15 years in a 400 square foot  
8 studio.

9 So to think that ten people each getting  
10 2,000 -- well, 2,000 square feet -- sorry -- five  
11 pairs each getting a thousand square feet, it seems  
12 like a massive amount of space. I can't see them  
13 walking on top of each other.

14 So -- but maybe I live in a different world  
15 and the world of -- you know, everybody getting their  
16 own thousand square foot exists out there, and that's  
17 going to be problematic. I find that that's great if  
18 that's the situation we're in on Maui, but I think we  
19 have bigger issues.

20 So I'm -- I think 5 is generous. And, like  
21 I said, if we find out we shorted all these farmers  
22 out there that are, like, baffled that we only  
23 granted them a 5,000 square feet, then I'll be happy  
24 that we have to revoke that. So, yeah, I think 5 is  
25 more than generous.

1 CHAIR PALI: Okay. And you are opposed to  
2 letting council know that we were split, half of us  
3 wanted 7500 cap, the other half wanted 5,000.

4 Are you opposed to --

5 COMMISSIONER DEAKOS: I'm not sure that's  
6 an accurate depiction. I think we all voted on 5,  
7 and then there was some more discussion. So I don't  
8 know if that's inaccurate, but.

9 CHAIR PALI: Okay. Yeah. I put it on  
10 record that I only did it to go with the majority.  
11 And then Lindsey put it on record that she's  
12 rethinking that as she was thinking about previous  
13 discussion. And Thompson actually never joined the  
14 discussion, and when we all voted, he realized -- he  
15 just decided to go with the majority.

16 Thayer, where are you at?

17 VICE CHAIR THAYER: I'm trying to arrive at  
18 a compromise that doesn't muck up our voting.

19 CHAIR PALI: Okay.

20 VICE CHAIR THAYER: So could we -- because  
21 we're providing a letter to the council; right?

22 CHAIR PALI: Yes.

23 VICE CHAIR THAYER: Okay. Because it's  
24 going to have those two points we talked about  
25 earlier, so can our letter to council say that we

1 have those two points, we took this vote to amend  
2 with the 5,000. However, with further discussion,  
3 members were open to a cap of up to 75.

4 CHAIR PALI: I like that. Yeah, I like  
5 that. But we need to make sure we're all okay with  
6 that comment.

7 Thompson is saying, if you're okay with  
8 that comment, you can raise your hand.

9 VICE CHAIR THAYER: Okay. And I guess --  
10 or maybe to clarify since Dale brought up 6,000,  
11 that -- to say that we -- no, you don't want to bring  
12 it up? I was just going to say that we had commented  
13 up to 75, I guess.

14 CHAIR PALI: But we need Deakos on board.  
15 Otherwise we can't put that comment there.

16 VICE CHAIR THAYER: Because it's a comment  
17 and not something we voted on.

18 CHAIR PALI: It really is just a comment.  
19 Yeah. Yeah, it's a comment.

20 Commissioner Lindsey?

21 COMMISSIONER LINDSEY: Okay. Just a little  
22 bit more context. I've lived with 14 of my adult  
23 relatives before, and we definitely needed that kind  
24 of space. So, like, it's not -- I've lived also in a  
25 small tiny house situation, so that was perfect.



1 But if I were to -- if I were to choose a  
2 lifestyle, I would choose my 14 cousins with me.  
3 So -- and that kind of space would be, you know, good  
4 for us. The other thing to consider is I believe you  
5 can only still have one stove. So all this big house  
6 still can only be with one stove.

7 CHAIR PALI: One stove and then couple hot  
8 plates. Two wet bars, I think. But, yeah, thank  
9 you.

10 Commissioner Deakos, what's your thoughts?

11 COMMISSIONER DEAKOS: I thought it was  
12 going to be a short day today.

13 CHAIR PALI: I did, too. I did, too.  
14 That's why I'm just like --

15 COMMISSIONER DEAKOS: (Indiscernible)  
16 discussion. Look, I -- originally my testimony was  
17 to support farmers with the larger dwelling unit. We  
18 kind of got into a bit of a rabbit hole, so we're not  
19 going to solve it. I'll -- I'll go with the  
20 majority.

21 CHAIR PALI: And the majority would be just  
22 like saying that we could not come to a conclusion,  
23 but how did you word it? Did you write that down?  
24 Kim worded it a really nice way.

25 Kim, what was your wording again?



1 VICE CHAIR THAYER: That we voted on 5,000  
2 and that vote passed, but in further discussion,  
3 members were open to a cap of up to 7500.

4 CHAIR PALI: That sounds great. That  
5 clarifies the record pretty good. Okay, thank you.  
6 That we're reducing -- we're removing -- we want them  
7 to consider removing the 10 percent cap and changing  
8 it to a physical number. We voted on the 5,000, but  
9 after further discussion, there were members that  
10 were open to 7500 total cap for units one and two.  
11 Okay. Great.

12 Can we vote on this already now? Or is  
13 there any other things we need to address? All  
14 right. So we have a motion. We have a second. And  
15 Mr. Smith, can you take a roll call vote, please, to  
16 transmit this to council.

17 ACTING DIRECTOR SMITH: Okay. Member  
18 Thompson?

19 COMMISSIONER THOMPSON: Aye.

20 ACTING DIRECTOR SMITH: Member Deakos?

21 COMMISSIONER DEAKOS: Aye.

22 ACTING DIRECTOR SMITH: Member Lindsey?

23 COMMISSIONER LINDSEY: Aye.

24 ACTING DIRECTOR SMITH: Vice Chair Thayer?

25 VICE CHAIR THAYER: Aye.

1 CHAIR PALI: Yes, aye. Gladly aye. Great.  
2 Okay. So I'm going to take a five-minute break, and  
3 then we'll go into B2 and then hopefully wrap up for  
4 the day. So we'll be back in five minutes. Thank  
5 you.

6 (Whereupon, a brief recess was held.)

7 CHAIR PALI: Okay. Thank you, and welcome  
8 back to the Maui Planning Commission. I'll give it a  
9 few seconds so my other commissioners can join.

10 It is January 9th. Let the record show it  
11 is 11:34 a.m. still. And we have one -- technically,  
12 we have a couple more items because of the Director's  
13 Report.

14 So we have our final big item, public  
15 hearing B2. And I will go directly to Mr. Smith to  
16 introduce that.

17 ACTING DIRECTOR SMITH: Hello again. We  
18 have a second public hearing today concerning more  
19 proposed amendments to consider regarding  
20 agricultural.

21 And, at this point in time, I'll be handing  
22 it off again to Greg Pfof, our administrative  
23 planning officer, to discuss proposed changes to  
24 Section 19.04.040, and it's pertaining to different  
25 definitions for "farm" and "farm labor dwelling."

MOANA M. LUTEY  
County Clerk



RICHELLE M. THOMSON  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

September 18, 2023

23 SEP 18 10 57 AM '23

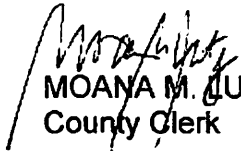
Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mayor Bissen:

Transmitted herewith is a copy of Resolution No. 23-36, which was adopted by the Council of the County of Maui, State of Hawaii, on September 15, 2023.

Prior to the adoption, Council requested that the Agriculture, Diversification, Environment, and Public Transportation Committee meeting minutes of March 9, 2023, be transmitted along with the resolution.

Respectfully,

  
MOANA M. LUTEY  
County Clerk

/lks

Enclosure

# **Resolution**

**No. 23-36**

## **REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED BILL RELATED TO FARM DWELLINGS**

**WHEREAS, the Council is considering a proposed bill to increase the size allowance for second farm dwellings in the Agricultural District; and**

**WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commissions must review proposed land use ordinances and amendments and provide findings and recommendations to the Council; now, therefore,**

**BE IT RESOLVED by the Council of the County of Maui:**

- 1. That it refers the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.30A.050(B), MAUI COUNTY CODE, ESTABLISHING ACCESSORY USES IN THE AGRICULTURAL DISTRICT," a copy of which is attached as Exhibit "1," to the Lāna'i Planning Commission, the Maui Planning Commission, and the Moloka'i Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, for review and comment; and**
- 2. That it respectfully requests the Lāna'i, Maui and Moloka'i Planning Commissions transmit their findings and recommendations to the Council as expeditiously as possible; and**
- 3. That certified copies of this resolution be transmitted to the Mayor, the Acting Planning Director, the Lāna'i Planning Commission, Maui Planning Commission, and Moloka'i Planning Commission.**

**Resolution No. 23-36**

**APPROVED AS TO FORM AND LEGALITY:**

*Stephanie Chen*

**Department of the Corporation Counsel  
County of Maui**

**paf:pmg:21-342f**

INTRODUCED BY:

  
YUKI LEI K. SUGIMURA



ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2023)

**A BILL FOR AN ORDINANCE AMENDING SECTION 19.30A.050(B), MAUI  
COUNTY CODE, ESTABLISHING ACCESSORY USES IN THE  
AGRICULTURAL DISTRICT**

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

**SECTION 1. Section 19.30A.050, Maui County Code, is amended  
by amending Subsection (B) to read as follows:**

**B. Accessory uses.** Uses that are incidental or subordinate to, or customarily used in conjunction with, a permitted principal use, as follows:

1. Two farm dwellings per lot, one of which [shall] must not exceed [one thousand] one thousand five hundred square feet of developable area."

**SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.**

**SECTION 3. This Ordinance takes effect on approval.**

**APPROVED AS TO FORM AND  
LEGALITY:**

---

Department of the Corporation  
Counsel  
County of Maui  
paf:pmg:21-342g

Exhibit "1"

# COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

## CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 23-36, was adopted by the Council of the County of Maui, State of Hawaii, on the 15th day of September, 2023, by the following vote:

MEMBERS	Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Nohelani U'U-HODGINS
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	No	Aye	Aye

  
COUNTY CLERK

# **AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**March 9, 2023**

**Online via BlueJeans  
Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 1:30 p.m.

**PRESENT: VOTING MEMBERS:**

Councilmember Gabe Johnson, Chair  
Councilmember Shane M. Sinenci, Vice-Chair  
Councilmember Tom Cook, Member  
Councilmember Alice L. Lee, Member (arrived at: 1:37 P.M.; Out 3:50 P.M.)  
Councilmember Keani N.W. Rawlins-Fernandez, Member (Out 3:05 P.M.)  
Councilmember Yuki Lei K. Sugimura, Member  
Councilmember Nohelani U'u-Hodgins, Member (Out 4:25 P.M.)

Councilmember Tamara Paltin, Non-Voting Member

**STAFF:**

James Krueger, Senior Legislative Analyst  
Leslie Milner, Senior Legislative Analyst  
Ellen McKinley, Legislative Analyst  
Richelle Kawasaki, Legislative Attorney  
David Raatz, Deputy Director of Council Services  
Jocelyn Moniz, Committee Secretary  
Stacey Vinoray, Committee Secretary  
Jean Pokipala, Council Services Assistant Clerk  
Lei Dinneen, Council Services Assistant Clerk

Dawn Lono, Executive Assistant to Councilmember Shane M. Sinenci  
Gina Young, Executive Assistant to Councilmember Shane M. Sinenci  
Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson  
Roxanne Morita, Executive Assistant to Councilmember Gabe Johnson  
Axel Beers, Executive Assistant to Councilmember Gabe Johnson  
Stacy N. Takahashi, Executive Assistant to Councilmember Tom Cook  
Jared Agtunong, Executive Assistant to Councilmember Tom Cook  
Evan Dust, Executive Assistant to Councilmember Tasha Kama  
Davideane Kama-Sickels, Executive Assistant to Councilmember  
Tasha Kama  
Lois Whitney, Executive Assistant to Councilmember Tasha Kama  
Michele N. McLean, Executive Assistant to Councilmember Alice Lee  
Angela R. Lucero, Executive Assistant to Councilmember Tamara Paltin  
Christi Keliikoa, Executive Assistant to Councilmember Tamara Paltin  
Krystal Cabilies, Executive Assistant to Councilmember Tamara Paltin

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

**March 9, 2023**

---

Braedon I. Wilkerson, Executive Assistant to Councilmember Keani Rawlins-Fernandez  
Noelani Ahia, Executive Assistant to Councilmember Keani Rawlins-Fernandez  
Sarah Sexton, Executive Assistant to Councilmember Keani Rawlins-Fernandez  
Vanessa Valencia, Executive Assistant to Councilmember Keani Rawlins-Fernandez  
Arthur A. Suyama, Executive Assistant to Councilmember Yuki Lei Sugimura  
Jordan T. Helle, Executive Assistant to Councilmember Yuki Lei Sugimura  
Jennifer F. Matsumoto, Executive Assistant to Councilmember Yuki Lei Sugimura  
Laura L. McDowell, Executive Assistant to Councilmember Nohelani U'u-Hodgins  
Susan M. Clements, Executive Assistant to Councilmember Nohelani U'u-Hodgins

Zhantell Lindo, Council Aide, Moloka'i District Office  
Denise Fernandez, Council Aide, Lāna'i District Office  
Mavis Oliveira, Council Aide, East Maui District Office  
Christian Balagso, Council Aide, West Maui District Office  
Bill Snipes, Council Aide, South Maui District Office  
Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia District Office

**ADMIN.:** Stephanie Chen, Deputy Corporation Counsel  
Keola Whittaker, Deputy Corporation Counsel  
James Landgraf, Deputy Director of Water Supply  
Kathleen Aoki, Acting Planning Director  
Jacky Takakura, Planning Program Administrator, Department of Planning  
Jordan Molina, Acting Director of Public Works  
Rogerene "Kali" Arce, Director of Agriculture  
Koa Hewahewa, Deputy Director of Agriculture

**RESOURCES:** Kaipo Kekona, HFUU President  
Autumn Ness, Cofounder Maui HUB  
Kyle Caires, CTAHR Extension Agent

**OTHERS:** **Item ADEPT-2:** Stan Riddle  
Jerry Weaver  
Tammie Paul  
Andy Paul  
Clay Taylor  
Rebecca Taylor

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

**March 9, 2023**

---

Ann Pitcaithley  
Barbara Berry  
Junya Nakoa  
Seth Weaver  
JC Law  
Additional attendees (3)

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

---

CHAIR JOHNSON: . . .*(gavel)*. . . Aloha. Aloha. And will the Agriculture, Diversification, Environment, and Public Transportation come to order. The time is now 1:30 p.m. on 3/7/2023 *[sic]*. I'm Gabe Johnson, and let's call this meeting to order. Remember, Members, to silence your cell phones. In accordance with Sunshine Law, if you're not in the Council Chambers, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. And also, please consider...or please see the last page of the agenda for information on connectivity. So, today we have myself, Gabe Johnson. There are no testifiers at the Lānaʻi District Office. And we have coming with us today from Hāna, Vice-Chair Shane Sinenci. Aloha, Councilmember.

VICE-CHAIR SINENCI: Aloha 'auinalā, Chair. Happy to join this first ever ADEPT meeting from my home office in Hāna. And Staff has indicated there are no testifiers at the Hāna District Office.

CHAIR JOHNSON: Mahalo for that, and aloha. Next we have Committee Member Tom Cook. Councilmember, aloha.

COUNCILMEMBER COOK: Aloha, Chair Johnson. And I'm really excited about being here for the first meeting, and I'm looking forward to the work. Thank you, sir.

CHAIR JOHNSON: Right on. Thank you. Council Chair Alice Lee will be here in about ten more minutes, so she's temporarily excused. Let's move on to Committee Member Keani Rawlins-Fernandez. Aloha, Councilmember.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā, Chair. Let's see. Okay. And reporting from the Molokaʻi Office, I believe there are no testifiers. Mahalo, Chair.

CHAIR JOHNSON: Mahalo for that. And let's move on to Committee Member Yuki Lei Sugimura. Aloha, Councilmember.

COUNCILMEMBER SUGIMURA: Aloha and good afternoon. Thank you very much for having your first bill be my bill. I appreciate that a lot. We've been waiting a long time. So, second farm dwelling and...and on ag...ag...ag lots, so appreciate it, Chair.

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

**March 9, 2023**

---

CHAIR JOHNSON: Yeah, definitely a hot topic. Okay. Let's move on to Committee Member Nohelani U'u-Hodgins. Aloha, Councilmember.

COUNCILMEMBER U'U-HODGINS: Aloha, Chair. Nice to see you.

CHAIR JOHNSON: Nice to see you. Now, today we also have Non-Voting Committee Member, Councilmember Tamara Paltin. Aloha, Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha 'auinalā. Would you like me to say where I am and who's in the room if I'm a Non-Voting Member as well?

CHAIR JOHNSON: Sure, let's just cover all the bases.

COUNCILMEMBER PALTIN: Okay. Broadcasting live and direct from sunny Lāhainā Town above of Nagasakos in the Old Lāhainā Center. I have with me Angela Lucero and Christian Balagso, and we have no testifiers waiting to testify at this time. Thank you.

CHAIR JOHNSON: *(audio interference)* for that information. Now, we're going to move on to our Administration folks that are here. So, first we have Deputy Director of Water Supply, Kimo Landgraf, he's in the Chambers today. We have Acting Planning Director Kathleen Aoki, she's going to be joining us online. Deputy Director...or Deputy Planning Director Garrett Smith, he'll be also joining us online. We have Acting Director of Public Works, Jordan Molina, he will be online as well. And then Deputy Director of the Department of Agriculture, Koa Hewahewa, and I think he's going to be online as well, I don't see him in the Chambers. And then from Corporation Counsel we have Deputy Corporation Counsel Stephanie Chen at 3:00, and then they're going to do a shift change and Deputy...Deputy Corporation Counsel Keola Whittaker will be coming from 3:00 p.m. on. From our Committee Staff we have Jocelyn Moniz, Committee Secretary; James Krueger, Senior Committee Analyst; Lesley Milner, Senior Committee Analyst; Ellen McKinley, Legislative Analyst; Richelle Kawasaki, Legislative Attorney; Lei Dinneen, Assistant Clerk; and Jean Pokipala, Assistant Clerk.

**ITEM ADEPT-2: RESOLUTION 23-36; REFERRING TO THE LĀNA'I, MAUI  
AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED  
BILL RELATED TO FARM DWELLINGS**

CHAIR JOHNSON: Our one item on the agenda today is ADEPT-2, Resolution 23-36, Referring to the Lāna'i, Maui and Moloka'i Planning Commissions...Related to Farm Dwellings. The purpose of this proposed bill is to increase the maximum development area of one of the farm dwellings on a lot in the Agricultural District from 1,000 square feet to 1,500 square feet. I've scheduled this item today to start the discussion on initiatives that will promote the island's food security by increasing accessibility to farm worker housing while currently tackling the affordable housing crisis. My intent for this meeting is not to take action, but to leave today with a list of everyone's



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

**March 9, 2023**

---

concerns, questions, and input on the various farm worker housing proposals in order to plant the seeds of future legislation. I hope to come back to this Committee after budget with legislation that addresses these concerns, and presents solutions for our farmers in our community. I'd like to start first by thanking Councilmember Sugimura for bringing this legislation forward, and receiving her opening comments as the author of the resolution. After Member Sugimura and I...or after Member Sugimura, I would like to hear comments from our designated resource persons, and then the departments, and then receive public testimony. So, Members, without objection, I would like to designate President of Kula Ag Park, Dr. Kyle Caires, who will be online with us today; President of HFUU, Kaipo Kekona; and Maui HUB Cofounder and President of the Board of...and the author of Bill HB1101(2019), Autumn Ness, as a resource person under Rule 18(A) of the Council, given their expertise in agriculture and advocating for small farmer and families. Any objections to making them resource folks?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR JOHNSON: No objections. At this time I'd like to recognize Council Chair Lee to the meeting. Aloha, Councilmember.

COUNCILMEMBER LEE: Aloha. Good to see you. Did you have a good ride coming over?

CHAIR JOHNSON: Oh, I flew --

COUNCILMEMBER LEE: Oh, you flew.

CHAIR JOHNSON: -- and it...it was rough.

COUNCILMEMBER LEE: I bet.

CHAIR JOHNSON: Not as rough as the boat though, they didn't even run for the past two days --

COUNCILMEMBER LEE: Oh.

CHAIR JOHNSON: -- so we had to take the plane over.

COUNCILMEMBER LEE: Sorry to hear that. Good afternoon, everyone. And if you're in the Bahamas, you would say da wybe. Aloha.

CHAIR JOHNSON: Thank you. So, before we get into public testimony, I'd like to recognize Councilmember Sugimura for your opening remarks on this. The floor is yours.

COUNCILMEMBER SUGIMURA: Thank you. Long awaited. I must tell you I've been getting emails regarding this one particular very simple bill that I proposed last term, and we actually deferred it, or waited on it because I was waiting for another bill, which was

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

**March 9, 2023**

---

put together by the...what I call the ag working group, that's how my office refers to them, for another bill to catch up with this. And it is still in Corp. Counsel, and I know with the change of Administration, that added to the delay of the ag working group bill getting heard. But just on my bill, I will tell you that agriculture is...there's a lot of ag land, especially in...in Upcountry where I...I live and represent, and that there are farmers who would like to build an ohana unit and have ag workers there. And so, this bill that we created was to just increase the size, it's very simple. When the ag working group bill...saw my bill they were surprised because when you see their bill, you're going to be really surprised at their wish list, which is in that long bill when we get it. So, Chair, it's really up to you how you want to handle it. This...my simple bill--which may not be simple after this meeting--but this simple bill, I thought we could defer it, and then have the two bills meet up, and then send it to the planning commissions because they could either add...you know, they could add to the discussion. But I will wait to hear what the Committee wants to do. I really appreciate you keeping your word. You said when you took this bill that you would hear it. And I know that there's a lot of people out there who are waiting for it to be passed and for something to be done. So, thank you very much.

CHAIR JOHNSON: Thank you for that opening remarks. Now...yeah, so again, this is...I think what...the most fruit will be borne today is the discussion because we can take these things and turn them into legislation after, but right now, let's focus kind of on the discussion part of this. So, after we heard from Councilmember Sugimura, I'd like to hear from our designated resource folks. We can start from...let's see, why don't we start...I'll just go down the list here, if you folks don't mind. Let's see, Mr. Hewahewa, would you like to start? And then followed by Autumn Ness. And we can just start like that. I don't know, I can find out. Oh. Okay.

MR. KRUEGER: Chair?

CHAIR JOHNSON: Yep.

MR. KRUEGER: So, Deputy Director Hewahewa doesn't appear to be online right now, but perhaps the Committee could start with Kaipō Kekona.

CHAIR JOHNSON: Yeah, let's start with Kaipō. I'm...I'm sorry, I thought he...I thought I saw him on. Okay. Let's go with Kaipō. Go ahead.

MR. KEKONA: Aloha. So, in light of our discussions amongst our networks is...Hawai'i Farmers Union, we...we hear the same concerns across most of our membership and other...and other organizations and farmers that we speak with in regards to the need for workforce housing. We also notice, you know, across the State of different operations that's working in that way. A lot of that has to do with the WWOOFing situations, and so we're looking to see how we can remedy a lot of those things and maybe even incorporate it within our County to address the need for housing itself. And maybe channel some of our resources towards that direction. I support some of the amendments that Councilmember Paltin has submitted. I like the first one that

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

**March 9, 2023**

---

limits the combined square footage to the two allowable farm dwellings. When we look into the bigger package there, she...in here she references the 19.30A...or 19.30A.050 section. Reading on that, it draws us to some concerns, so I'm really looking forward to just hearing out how do we move forward with this...finding what our farmers really do need, and I need...wanting to know some...from some of you folks where is it coming from, the communications. Like Councilmember Yuki Lei said, she'd been receiving emails. So, I'd like to know like who's the people that are speaking on this need, and...and helping to develop this language, and I'd like to have opportunities to sit with them. And I like to come more across the table as not this is what we're working on and does this work for you, I'd rather come to the table with how do you...what do you need and how can we help, and see where the conversation goes with that. So, I'd like to see just different challenges that many of you have been proposed with. I know this is not the first time that this conversation has been held at the Council Chambers. It's...I've heard this conversation for at least the past decade, so we should be able to know by now the challenges and obstacles that held us up all this time. And I'd like to commit and dedicate to finding those in our community. Find where those problems actually exist in the farming community and start to remedy those through this process. So, I'm just here to start to take notes and find out where we can get into the community, and see where we're in line with leadership and the people on the ground. Thank you.

CHAIR JOHNSON: Thank you. Okay. We're going to move on to our next resource, which is Autumn Ness.

MS. NESS: Hello? Hi, everybody. My name is Autumn Ness. Today I'm in my...here in my capacity as the founder of the Maui HUB, and as the director a program that really has spent the last couple of years advocating on behalf of our small farmers for Beyond Pesticides. How I got to this particular conversation was a couple of years ago, probably 2017, I did a Statewide small and medium farm tour, and we had a list of questions checking on, you know, the metrics for success for locally owned farms. That was the biggest thing, locally owned small to medium farms that were producing food for our consumption. And the question, what makes you guys successful and other farms is, what...why are you struggling, what...why are you not successful? And the difference was...it...it was so clear, the difference was being able to house workers on their land. And for a couple of reasons. One is, farmers can't pay the kind of wages that folks need to live here, so the...in exchange, they house them on their land. Well, technically, that's illegal. So, what we've created here is a situation where...is anyone here...are you guys familiar with the WWOOFing program? Anyone not...okay. Quickly, it's Willing Workers on Organic Farms [sic]. So, it's a program where anyone in the country can go on the website and sign up to be a volunteer on an organic farm in exchange for food and housing. It's not ideal, and I'll tell you why. Because...because it's illegal for these farmers to house small clusters, small groups of workers on their land, they end up setting up like, you know, tents, or these little 10x10 plywood boxes for people to stay in. And the workers love it because they come, they live in Hawai'i, they work on the farm, but then they go home. The turnover is really high. Or they stay, and they bring resources here, and buy up farmland and

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

**March 9, 2023**

---

create their own farm. So, neither one of those are really good outcomes. But the reason that the farmers can't employ local people on their farms--and this is not just one or two, this is like almost every single farm I talk to that we're using a small workforce like this--the reason they can't employ locals is because locals are not going to live in a tent under a bush, you know what I mean? So, that's our system. And I was like we can't...we can't build an ag system like this. So, we got together and we decided okay, we...there's layers of law on the State and County level to dissect in order to allow a small cluster of housing on ag land. So, we decided let's put a task force together to...to...to figure this out. And I wrote this bill--it's in Granicus under this item, number 4, if you guys can look at it--and took it to Senator Gabbard, and Senator Gabbard was like yes, let's absolutely do this. And this was in 2019, in the Legislative Session of 2019. Oh, wait, why is it blank here? Oh, never mind. There's some blank pages, but it works. Yeah, here we go. Okay. So, this went through the Legislature, and it actually passed, it unanimously passed in the Senate, and this is the first piece of legislation I've ever worked on in ag that 100 percent of the people who showed up were in full support. The Farm Bureau, the Farmers Union, like so many people showed up to these hearings and were so excited. And a couple of things were...were common, a couple of common threads. One, people were nervous that...we all know that if we start to allow increased numbers of units on ag land, we're going to be Launiupoko, right? Now we're attracting speculators and investors. So, everybody, collectively--it was really cool to see this process--decided that number 3 and number 4 in this reso were vital. And that is, that we give special consideration to modular, portable, and temporary employee housing which can be removed in the event a farm ceases commercial production or changes hands. And so, the reason we put this in here very specifically because even our County and our State planning and housing people, when you say home to them, they have a very limited view of what that is. They're thinking of Maui Lani, right? And I'm...a lot of folks, if you want to house two or three individuals or small families, you can't afford to build two or three Maui Lani style...like, you know, those kinds of homes. You're looking for something smaller and temporary and cheaper, you know, and so we added that. It also is not attractive to speculators, it doesn't up the value of the ag land that makes it prohibitive, you know, to a farmer. It doesn't raise your land tax, like all this kind of stuff. So, that made it into the bill. And then number 4 was really important, that we should create a separate legal designation in our Zoning Code for these kinds of structures. So, the...the...the outcome would be that, you know, you can have two farm dwellings on your land, plus one farm worker dwelling per five acres or four of these nonpermanent structures. It would have its own zoning designation, right? We're not going to count them as the same kind of unit. And everyone was really excited about that. The hiccup, when you talk to, for example, the Department of Health at the State is, they're like what are you going to do with your gray water, where is the sewer going to go? And when you say something like a composting toilet, everybody freaks out. Like they're thinking of the things in the '80s where you dig a hole and...you know, it's not like that anymore. But...so the task force was meant to kind of navigate that. Like to bring to all these departments hey, these are the solutions, these are the...we can put pocket gray water systems in there, and we can define all of this in the law, and...and create this new thing. And then it passed, and

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

**March 9, 2023**

---

we were so excited, and I was working with the State Planning Department and then COVID happened. And we all know what happened when COVID happened, everything just halted. So, when this came back up...I've been really excited, this has been on the side of my desk for a long time. I'm realizing that instead of asking the State to be the task force, maybe that's just something I should do. Maybe I just need to do it because waiting for the State to do things, we all know, we could die here. So, maybe...you know, that's...I'm excited to be part of this meeting to hear from you folks what kind of concerns you have if we were to go down this route in addition to something like Councilmember Sugimura is proposing. What kind of things would you guys like to see addressed before that comes to this body? So, when I...when we bring it back, we can make sure we've included all of that, if that makes any sense.

CHAIR JOHNSON: Okay. Thank you for that, Ms. Ness. Let's move on to Dr. Kyle Caires. He was on the call earlier. Let's see if he's...if he can turn on his camera and begin his testimony.

MR. CAIRES: Hello, Chair Johnson, Members of the Council. How are you? Aloha. Can you hear me okay?

CHAIR JOHNSON: We can hear you loud and clear.

MR. CAIRES: Okay. Relative to the...the...I guess the premise of the bill, not getting too much into the language, I think the expansion of the square footage from 1,000 to 1,500 is going to be something that, you know, farmers and ranchers are going to appreciate wholeheartedly. You know, farm workers, they have families too, and I think a little bit more space is a...is a good thing. I can't see...I can't really see any negatives here for the...for the intended users. I'd be happy to take any questions --

CHAIR JOHNSON: Okay.

MR. CAIRES: -- people may have. I know with the, you know, ag land there are a lot of farm and ranch families who have children, and it's difficult in some cases to subdivide and pass land to children, but we definitely have a labor issue, a workforce...workforce issue. Workforce development is like the buzzword that we keep hearing. There's a lot of programs out there trying to cultivate more people to go into various...various sectors, agriculture included nonetheless. But it's a tough deal, I mean, you know, it's a tough life, there's a lot of value in agricultural practice and being a part of that regardless if you're a conventional, organic, or anywhere in between. Housing is an issue, and I think this helps at least...not necessarily eliminate constraints, but help loosen things up a little bit to where more space is available for people to live and, you know, build their own little dream here on Maui relative to, you know, agricultural productivity.

CHAIR JOHNSON: Okay. Thank you so much for your...your words today. We're going to move on.

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

**March 9, 2023**

---

MR. CAIRES: Thank you.

CHAIR JOHNSON: And if you're willing to stay on, then we would love to have you as a resource. So, we're going to move on to the departments next. And I saw Director Arce on the call if...Director Arce, if you're on the call, you want to...you want to start, have any opening comments?

MS. ARCE: Hello. I'm trying to get my camera to come on. All right. Aloha, everybody.

CHAIR JOHNSON: Aloha.

MS. ARCE: Yeah, I...I echo the sentiment of those who have spoken before. And the small amount of farmers that we've had talk to in the last few months have expressed the similar needs for both farm workers, as well as dwellings. And we all know the cost to live in Maui County is a challenge, as well as having land. And I believe that having affordable housing is going to be an issue that interprets into farm dwellings. So, you know, I support the bill having...having dwellings on the land. And to also have the size appropriate to accommodate a family, if that is the case for the farm worker. We're...our County is turning out of a lot of new farmers as well, and if they so choose to move on to being successful producers to feed our County, they will experience the same needs as well. And I think if we start now to address this, and to see some successes now, I think we can better serve our community and meet all goals that we are looking at, housing people, feeding people, increasing our product yield, as well as creating and increasing our workforce.

CHAIR JOHNSON: Okay.

MS. ARCE: Thank you.

CHAIR JOHNSON: Thank you, Director. So, I'm just going to continue going down my Administrative list, and we'll start...we'll move on to next with Deputy Director of Water Supply, Kimo Landgraf. He's here in the Chambers. Mr. Landgraf, would you like to speak on this bill?

MR. LANDGRAF: Okay. As far as for the Water Department, basically increasing the size wouldn't really affect anything. We still would be looking at the same thing, what size meter you're...what size meter you have and the fixture unit count. So, that's what we would be looking at.

CHAIR JOHNSON: Okay. Thank you. All right. Let's move on to...if we can get Acting Planning Director Kathleen Aoki on...on...on the call. Let's have her speak, followed by Deputy Director of Planning Garrett Smith. So, Ms. Aoki...okay. There is she on the call. Mahalo. Thank you for joining us. The floor is yours.

MR. AOKI: Thank you. Good afternoon, Chair Johnson and Members. We're looking forward to the discussion. I know that there's a lot of desires out there when it comes



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

**March 9, 2023**

---

to residential use and the need for housing. Some of you may not realize that a year or two ago...well, probably two years ago, we expanded the number and size of accessory dwellings outside of the Agricultural District, so it kind of makes sense that, you know, the Ag District now would want to increase the accessory farm dwelling. Just for your information, for Planning, County Code Title 19, we do differentiate between an accessory dwelling unit and an accessory farm dwelling. So, if you hear me say that, that's why. So, looking forward to the discussion. Thank you.

CHAIR JOHNSON: Thank you. I know I...thank you, Director Aoki. I know I called under...Garrett Smith, but I assume he'll probably just say what you...you said? It...

MS. AOKI: Actually, today we...sorry for that, we don't have Deputy Smith on today --

CHAIR JOHNSON: Okay.

MS. AOKI: -- but I do have Jacky Takakura, the previous Planning Officer, with us today.

CHAIR JOHNSON: Wonderful. Thank you. Does...does have Ms. Takakura have anything to add or...oh, there she is.

MS. TAKAKURA: Yes, please. Thank you, Committee Chair Johnson. Just a few comments. I just want to make sure that what we do, we're...we're cautious about it because we want to remember the purpose and intent of the Agricultural District. We also want to remember that there's County zoning Agriculture, and there's State land use designation Agriculture. Whatever changes we make, we're consistent with the two different...the State and County designations. You know, we do see that there's enormous pressure on ag lands for local food production and local food security, for energy production, and for housing. So, those are going to be really important policy questions for you folks to think about. And, you know, we have been looking at this chapter for a while, so we know that there are some fixes that we need to make. You know, like for example, with the farm labor dwellings, making the criteria a little bit clearer. So, there's other things that we can do to fix this that we think could help also...you know, help solve the problem. So, we look forward to this opportunity to work on this bill with you and with the other departments. Thank you very much.

CHAIR JOHNSON: Well said, Ms. Takakura. Thank you so much. Okay. Let's move on to Acting Director of Public Works, Jordan Molina. Are you on the call? Director Molina --

MR. MOLINA: Hi. Good afternoon.

CHAIR JOHNSON: -- aloha.

MR. MOLINA: Hi. For the record, Jordan Molina, Acting Director with Public Works. I'll just say I don't know what the problem we're trying to solve with this bill is, but from a

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

**March 9, 2023**

---

Public Works' standpoint, going from 1,000 to 1,500 has no impact on Public Works' operations. Thank you.

CHAIR JOHNSON: Thank you. All right. We went round with the departments, now we're going to go to public testimony. I...I have a bit of a script here, so when we're opening up public testimony, just bear with me. All right. Let's begin with public testimony. Oral testimony via phone or video conference will be accepted. Please note that if you are signed in, you are on the list to testify even if you did not request to testify. Please let Staff know in chat if you are signed on and do not intend to testify. In accordance with the Sunshine Law, testimony can occur at the beginning of the meeting, but cannot be limited to the start of the meeting. The Chair will receive oral testimony for agenda items at the beginning of the meeting and as the item is called upon on the agenda. When testifiers sign up to testify, they must let Staff know whether they wish to testify at the beginning of the meeting or before an agenda item. Otherwise, Staff will assume the testifier will testify at the beginning of the meeting. Testifiers wanting to provide video or audio testimony should have joined the online meeting via BlueJeans link or phone number noted on today's agenda. Written testimony is encouraged, and can be submitted via the eComment link at [mauicounty.us/agendas](http://mauicounty.us/agendas). Oral testimony is limited to three minutes per item and will be accepted at the beginning of the meeting and prior to the Committee's deliberation on each item of the agenda. If you're still trying to testify beyond that time, 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 and assign you a number. Please also indicate that...the agenda items or items you are testifying on. You may indicate...indicate in the chat if you do not wish to testify; however, the chat should not be used for discussion or comments. Please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you are done testifying, or if you do not wish to testify, you can view the meeting on Akakū Channel 53, Facebook Live, or [mauicounty.us/agendas](http://mauicounty.us/agendas). Thank you all for your cooperation. Chair will be maintaining 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 and dropped from the meeting. Examples of disruptive behavior include heckling, shouting, use of profanity, threatening or slanderous remarks made to any member of the Council, Staff, or general public. As a reminder, the chat should be used only to sign up for testimony and not for public commentary on the meeting. It will be considered a breach of decorum for members of the public to use the chat for anything other than testimony sign-up. Committee Members, I will now proceed with oral testimony. Staff has been monitoring individuals joining today's meeting by phone and by video, and we will do our best to take each other's...each person up in an orderly fashion. At this time we'll call upon testifiers wishing to testify at the beginning of the meeting. Staff, can you please call the first testifier?

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

**March 9, 2023**

---

MS. MCKINLEY: Thank you, Chair. The first testifier signed up Stan Riddle, to be followed by Jerry Weaver.

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

MR. RIDDLE: Good afternoon, Chair and Councilmembers. My name is Stan Riddle. Yeah. Sorry. Yeah. Can you hear me now...is that better? Good afternoon. My name is Stan Riddle, and I want to testify in favor of the resolution and bill. Little bit about me. So, I grew up on Maui, I went to school here, graduated from Saint Anthony's. I live on the mainland now, and part of the reason for that is...is the cost of housing, the shortage of housing. Fifty years ago my parents, when they...when we all moved here they bought a piece of ag land in Upcountry, Maui, and their dream was to be able to live there and use it. And we haven't realized that dream yet, but we're working...working in that direction. They've passed away, but the family is bigger. So, there's...there's myself and my sister, her...her daughter, her kids, my son. So, there are now lots of people that would like to come back to Maui and have housing here. So, increasing that size from 1,000 to 1,500 I think just really makes sense. It's much more practical. You can have families and kids and grandparents, they all can be part of...part of that...that unit and be together. So, I...I think it's good for Maui. It really is an easy, practical, timely way of addressing the shortage of housing here. So, I encourage you to go ahead and move forward with the resolution.

CHAIR JOHNSON: Thank you so much for your testimony. Members, do we have any questions for our testifier? Seeing...seeing none. Thank you once again. Mahalo. Staff, will you call the next testifier please?

MS. MCKINLEY: Chair, the next testifier signed up is Stan Riddle...I'm sorry, Jerry Weaver, to be followed by Tammie Paul.

MR. J. WEAVER: Aloha. Jerry Weaver. I thank you, Chair, for setting this meeting in motion and hopefully pushing this bill forward. I own about three acres of ag land up in Kula off...about halfway up Omaopio. We've been there about five years now. We've started a nursery to growing nursery stocks. We have field palms of all varieties there. Planted a bunch of coconuts in the past few years, so things are coming along. My son and his wife live there permanently. My wife and I are trying to move there permanently. This...with multigenerational things, like the previous testifier spoke to, it's important to be able to have this opportunity. I have four decades of planning experience in Anchorage, Alaska. I was the planning director and the director of building and planning when I retired, so I do have some experience here. This is a very straightforward amendment to the Code that when you look at the square footages on my three acres, we have a 1,500-square-foot home there now, the additional 1,500 square foot would make a 2.35 percent footprint on the property. People are concerned about Launiupoko occurring. What really drives Launiupoko is another section of the Code, and...that allows 10 percent of lot coverage in the Ag District. So, if you're...want to address those kinds of issues, that's the section of the

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

**March 9, 2023**

---

Code that you should look at. This here will provide workforce housing, generational housing, and it's...I appreciate its simplicity. So, thank you.

CHAIR JOHNSON: Thank you so much for your testimony. Members, do we have any questions for our testifier?

MR. J. WEAVER: Thank you.

CHAIR JOHNSON: Seeing none. Thank you. Thank you so much. Staff, will you call the next testifier please?

MS. MCKINLEY: Chair, the next testifier signed up is Tammie Paul, to be followed by Andy Paul.

MS. PAUL: Aloha, Councilmembers. My name is Tammie Paul, and I would like to add my testimony in support of Resolution 23-36, increasing second farm dwellings from 1,000 square feet to 1,500 square feet. My family immigrated to Hawai'i in the late 1800s when Hawai'i was still a kingdom. With family living throughout the islands, I want my children and all my future generations of family to be able to live and raise their families here too. The lack of affordable housing makes it extremely difficult for them to purchase a home and live out this dream. We were fortunate enough to purchase two acres in Ha'ikū 30 years ago, build a house, and farm when prices were more affordable. I believe ours might have been the first fruit stand on West Kuiaha Road to sell our produce to the neighborhood and beyond. With my eldest unable to purchase property, mainly due to affordability and cash buyers from the mainland, we opted to CCR and sell her a little over half of our property. We plan to build a ground level ADA accessible two-bedroom, two-bath house, planning for the future when we might not be as mobile as we are now. a second bedroom for guests or God help us, a future caregiver. This is very difficult to do in 1,000 square feet. After...after our passing, we hope our second daughter will purchase the dwelling. Our property and our daughters will stay as dedicated agriculture, as we all want to continue the farm. We are farming goats and produce, and my daughter's raising these...has chickens and produce, is planning her own fruit stand. Not everyone's story is like ours, maybe parents want to build a place for their kids to raise a family, and once again, a family with two or three kids can fit in 1,000 square feet, but would be better suited to more. To put it in perspective, the additional 500 square feet is less than 1 percent of two acres of land. Thanks for listening.

CHAIR JOHNSON: Thank you so much for your testimony. Members, do we have any questions for our testifier? Seeing none. Thank you once again for coming to testify. Staff, will you call the next testifier please?

MS. MCKINLEY: Chair, the next testifier is Andy Paul, to be followed by Clay Taylor.

MR. PAUL: Aloha, Councilmembers. My name is Andy Paul, and you just heard from my wife so I'm not going to...hi, Tom. I'm not going to go ahead and rehash our personal

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

**March 9, 2023**

---

reasons for this, I'm just going to talk about the...the bill that is ahead of us here. And that's...it's not a new bill, it was 2019 when this thing came up under...I think it was PSLU-42. And so, for four years now, two separate different Council...Council groups, this thing has just been kicked around. You know, in the meantime, you know, affordable housing has gone nuts. It's...you get 30 percent increases in a year. It's extremely difficult. Anyway, Councilmember Yuki Lei Sugimura, thank you so much for this bill. I know you've been pushing for it this whole time, and I really, really appreciate what you've done. I guess in...in passing...or in closing I really urge the Council to pass this bill. I think it should be separate from the ag bill. It sounds like this is going to be taking a while. In the meantime, people are still waiting for housing. It takes probably a year or more to get it through planning if you have blueprints that you're trying to get through. I really think that now is the time, and I think this Council can make a statement for themselves by passing this bill. It's a good start. You don't have to get subdivision approval. NIMBYs coming here and telling you that they don't want it in their backyard. You know, everyone sounds like they're for it, so I just encourage you guys to pass it as soon as possible. Thank you so much, and aloha.

CHAIR JOHNSON: Thank you so much for your testimony. Members, do we have any questions for our testifier?

MR. PAUL: All right.

CHAIR JOHNSON: Seeing none. Thank you so much. Mahalo. Staff, will you call the next testifier please?

MS. MCKINLEY: Chair, the next testifier is Clay Taylor, to be followed by Rebecca Taylor.

MR. TAYLOR: Hello. Can you hear me?

CHAIR JOHNSON: Loud and clear, Mr. Taylor.

MR. TAYLOR: Okay. I'll keep it short, but I did have the pleasure of working with Yuki's ag working group, which was a great experience, and...and we went pretty deep into this, so I'm sure we'll hear more about that in future meetings. But...let's see, to add two things as far as commentary. You know, it's true, everything that they...that you will hear about farming and profitability. If we ever want to...you know, currently our farm is almost more of a charity than it is profitable. If I ever want to change that, a lot of what we're talking about today will help that greatly. We have, you know, four more additional acres that we would love to farm in the future. And, you know, if I were to pay somebody for helping us working with that, it would, you know, still be at a loss. So, you know, the...the practical issues that Autumn raised in her testimony are all very, very real with this...this community that we live in, and the...and the cost associated with it. Also, as I'm seeing a lot of and will continue to see a lot of are multigenerational families. You know, our farm, for example is...has a one-bedroom house on an 11-acre property, so it hardly, you know, is impactful whatsoever. And if

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

**March 9, 2023**

---

we want to be a multigenerational family with, you know, my parents living here as well, 1,000 square feet is just absolutely impractical. And if anyone's ever worked in architecture or worked with architects or any professionals in the field, you'll have unanimous agreement in the impracticality of that size. So, moving up to 1,500 square feet is a step in the right direction. And it's going to have...especially with the...the amount of agriculture land on Maui, it...I can see it being a major contribution to our housing crisis, which last I heard was negative...about negative 10,000 homes that we're short of to be out of a housing crisis. So, small steps like this, I think, would be critical towards solving those problems in the long term. So, that's my testimony. Thank you.

CHAIR JOHNSON: Thank you so much, Mr. Taylor. We have a question from [sic] you for [sic] Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you very much for testifying. So, your mother is Suzanne Taylor; is that correct?

MR. TAYLOR: Yes.

COUNCILMEMBER SUGIMURA: And she works for the ag working group, and they...they combined (*audio interference*) the bill that's forthcoming. But thank you very much for your family's participation. I know you were one of the ones that was in communication with my office. So, thank you.

MR. TAYLOR: Yes, you're welcome. And thank you so much for the opportunity. And the ag working group is a very impressive group of people, and everything that they're working on is well thought out, and they're contributing a lot. So, look forward to what they propose in the future.

COUNCILMEMBER SUGIMURA: And give your mom my best. Thank you.

CHAIR JOHNSON: Okay. And thank you, Mr. Taylor. Any other questions for our testifier, folks? Seeing none. Thank you for testimony. Staff, will you call the next testifier please?

MS. MCKINLEY: Chair, the next person signed up to testify is Rebecca Taylor, to be followed by Barbara Berry.

MS. TAYLOR: Hi. Aloha. Thank you. My name's Rebecca Taylor. I'm Clay's wife. I was born and raised here on Maui. I grew up in Kula. And I moved to the mainland for college, but it was always my dream to return home. And I studied culinary arts, and I love to work with local chefs, so it was a dream come true to get our farm. And we grow persimmons, so it's amazing to see our persimmons sold in Pukalani Superette and Down to Earth and Mana Foods and Maui HUB, and to work with local chefs, some of who are my former classmates at Seabury Hall. And get our fruits out to the community. And as Clay said, our...our home is...is quite small, and we want to grow



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

**March 9, 2023**

---

our family, so it would be amazing to have an additional 500 square feet. It's a very reasonable increase in the size, and I think that it would go a long way to help folks just like me, people who might have gone to the mainland, and now are able to come home, and to be able to stay here and increase their family size and have more places for family to reside. Thanks.

CHAIR JOHNSON: Thank you, Ms. Taylor. Members, do we have any questions for our testifier? Seeing none. Thank you for coming out and testifying. Thank you so much.

MS. TAYLOR: Thank you.

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

MS. MCKINLEY: Chair, the next testifier is Barbara Berry, to be followed by Tammy Yeh. And Tammy is the last person signed up currently.

MS. BERRY: Aloha, Chair Johnson and Committee Members. My name is Barbara Berry, and I'm a small organic farmer here in Ha'ikū. And I really support this Reso 23-36 expanding the allowable space for a tiny home, trailer, whatever can be used for housing farmers that are wanting to work land. This is really super important. There's a lot of people...I live on West Kuiaha as well, there's a lot of folks that have property that would probably be encouraged to put that land into production if they had a way to offer housing to a farmer and their family. So, I think that's really important. I've had permaculture students live here on my farm with me for short periods of time and help me, which was a huge, huge bonus for me because there's no way I could have done all that work myself. So, I...I...I've heard in the testimony some people wanting this for expanded family member lodging, but I really would like to see it focused on housing for farmers because farmers don't make a lot of money, and with the way rents are, it's extremely expensive to afford to farm and drive to the farm, spend the money on gas, wear and tear on the car. It...it's just...it makes just so much more sense to have someone living on the land that they're farming. And as almost a former Kula Ag Park commissioner, I have always felt like that offering some kind of housing to the tenants at the County ag parks would be something to really consider. Even though the water is nonpotable, that can be dealt with, and it would help to reduce vandalism, it would help to reduce theft, it would give farmers the chance to work first thing in the morning when it's cool, and come back later in the day and finish their day there without having to drive back and forth to the farm. And you know, I know that that's probably something down the line, but I'm just throwing it out there because like I've always thought that it would be a nice bonus for those folks that are taking on these leases and committing to growing for food for...for Maui County to have some housing security. Because if you don't have housing security, it's pretty hard to do much . . .(timer sounds). . . of anything. So, thank you so much for the opportunity to testify today. Mahalo.

CHAIR JOHNSON: Thank you, Ms. Berry. Let's find out if we have any questions from our Members. Any questions? We do have one from Councilmember Cook.

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

**March 9, 2023**

---

COUNCILMEMBER COOK: Excuse me. Thank you, Ms. Berry, for your...your testimony and your suggestion to having...for us being able to work it out so that people who have lease land for the farming can actually live on the land. There's...there's obstacles to that, but that's music to my ears. The best footsteps...the best fertilizer is the footsteps of the farmer, and it's really difficult for people to be able to actually be engaged in agriculture if they are having to commute to their land. Thank you.

MS. BERRY: Mahalo.

CHAIR JOHNSON: Okay. Any other questions for our testifier? Seeing none. Thank you, Ms. Berry. Thank you for coming. Staff, will you call the next testifier please?

MS. MCKINLEY: Chair, Tammy Yeh is no longer on the call. Our next testifier and currently the last one signed up is Junya Nakoa.

MR. NAKOA: 'Sup, gang. How you guys stay? You guys good?

CHAIR JOHNSON: Very good, Junya. Good to see you.

MR. NAKOA: Yassah. Sorry, brah, I been busy. Well, I not one farmer, I no more farmland, I no more big acreage like that, but some of you guys know I've been trying to get into the development of true affordable homes. So, I got educated about, you know, square footage of homes for a family of...one couple with one kid, you know, and all that kine stuff, and what kind square footage they need. Gabe Johnson, I'm glad you...and you in this Committee, you still talking about building homes. You know, I wish you was still the...the Chairperson for the Housing Committee, but never mind, you still doing some good work over here. And oh, maybe Yuki Lei went introduce 'em, but it's in your Committee. I just love what we doing. Want to be a part of the solution, not the problem. And, you know, just...and then yeah, and helping out the Maui HUB. All the food, generating our food, getting these farmers on the land so, you know, they can live over there for cheap. And like the testifiers was saying, they can get up early and they can go clean the...clean the place and take care of the farms early in the morning when nice and cool. And that's why we like going to Halawa in Moloka'i, and no matter how fun...how much fun we had the night before, we still get up early in the morning when nice and cool so we can do a lot of damage. And then when come 12:00, you know, it's beer-thirty. But it's awesome, you know. So, this...I going support this buggah, you know, big time. Let's take advantage of all these people who get this land for build more homes. No matter what, even for...for farmers or for their extended family. Just let's start building homes, you know, and that's what we trying to do here too, and all that stuffs. Because even the questions I get asked by all the...you know, by the Mayor, the departments, I talk to...talk about Public Works, Planning, Housing. I talk to the Housing just last week. I mean it's about, you know...you know, eh, we build one home, can we put one extension in the future, and say yeah, you know, we put the infrastructure in before so...you know, so if they need, ping, they just got to build the envelope and then they get one extension. So, this is

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

**March 9, 2023**

---

just like one unattached extension, you know, for the families. So, I love it. I love it. I love it. I just heard...I went turn the channel, I seen 'em, so I went jump on. But great job, I love this buggah. Yeah. No worry about the guys in Launiupoko. If they like build one 'nother house for somebody over there, that's one 'nother person they taking off of the housing waiting list, yeah. Shoots. You guys have one good one, Kanaks.

CHAIR JOHNSON: Okay. Mr. Nakoa, we do have a question...we have a few questions from [sic] you, so let's start with --

MR. NAKOA: Oh, no way.

CHAIR JOHNSON: -- Councilmember Paltin. Yeah. Councilmember Paltin, followed by Councilmember Sugimura.

COUNCILMEMBER PALTIN: *(Audio interference)* Chair. I'll yield to Member Sugimura. She's a Voting Member.

CHAIR JOHNSON: Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: So, because you have been out there and talking to departments, and I think you said Mayor also, one of the thoughts that the...the Chair of the Committee opened with was to defer this one item and take it up when the bigger bill, which my office calls the ag working group bill, comes up. Or do you think we should pass this out, get it going, and then take up the ag working group? I think it's going to take more than one meeting, it's comprehensive, and take that up later. It...it'll probably be after budget, I'm guessing.

MR. NAKOA: Well...

COUNCILMEMBER SUGIMURA: So, now or later?

MR. NAKOA: Okay. Yeah, I kind of got...I got the question. Thank you for that question. For me, think, of course, you like 'em now. You know what I mean? We like 'em now, but in the same breath, we like do 'em the right way. Let's be responsible about this. Let's not just go ahead and then jump the gun, let's do it right. You know what I mean? Like I said, of course I wanted...in fact, I wanted 'em yesterday, okay, but, you know, still yet let's look it over, make sure the buggah cherry, and we no get...we no get screwed up. Let's do...I say. So, you guys, you guys over there in that...in that Chambers, you guys going make one good decision on how you guys should do 'em, and you guys go figure 'em out. But make it right, that's all I ask, Yuki. And thank you for the question. Yassah.

COUNCILMEMBER SUGIMURA: Thank you.

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

**March 9, 2023**

---

CHAIR JOHNSON: Okay. Thank you, Councilmember Sugimura. Let's move on to Non-Voting Member Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Nakoa, for your testimony. I was wondering if you could clarify, when you said you were talking to the developer about the size of single-family homes and whatnot, like if you had learned what is like the average size of a single-family home?

MR. NAKOA: Yeah. Okay. Perfect.

COUNCILMEMBER PALTIN: In terms of square footage. Sorry.

MR. NAKOA: Yeah, yeah. No worries. Because again, we went...especially talking with the Housing...Housing Department, they went...you know, because they...they...Lori and Summer...Summer...Saumalu, they was asking what kind homes, yeah, and all the kine. Like single-family home, multiplex. I...I feel for, you know, one couple and one baby, we feel...I think collaboratively, we said maybe, you know, again, about 1,500 square foot would be...would be okay, but, you know, 200...the 2,000 square foot is the one, you know what I mean? It's...you know, you like make qualify of life, you know, like be able to live. You no like live in one sardine can, you know what I mean? And so we're tried to look at the square footage and to tell you, you know, all these developers yeah, they coming up with stuff and they just tell you, you win that...you win that, you're going to live in that house, whatever you...in...on that lot. What we trying to do is get lots, and whoever qualify, we build to their comfortability for fit their family and...and their budget. You know what I mean? So, we not turning them away because they not qualifying, they not...we not turning them away because they...they over qualified. So, we trying to figure out something like that.

COUNCILMEMBER PALTIN: So...so, basically an average would be about 2,000 square feet is what you're saying, average?

MR. NAKOA: Yeah. Yeah. Yeah. Yeah.

COUNCILMEMBER PALTIN: And then --

MR. NAKOA: To the...

COUNCILMEMBER PALTIN: -- when you were saying about Launiupoko, if they like build more houses there to house people, did you have a preference if it was going to be the people working on the farm or any kine people, and if it's any kine people or the farm worker, did you have a preference if the rent should be affordable or just going 'em?

MR. NAKOA: Well, again, okay, for...for Launiupoko, if they going...if they going build 'em for their farmers that they actually farming, you know what I mean, okay. Let's go...let's get more farming done up there. Okay. But if they going just get 'em for make one...you know, for the kine, for just make money or whatever or, you know, or the

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

**March 9, 2023**

---

kine, gouge 'em on the taxes or whatever you guys want to do or whatever...you know, whatever control you guys get for...for jam them up. Because there's...this...this --

COUNCILMEMBER PALTIN: For...

MR. NAKOA: -- I like...I like this for the helping, helping, you know what I mean?

COUNCILMEMBER PALTIN: Yeah. To clarify, if the...if they going rent that new house that they building out, can they charge whatever rent, or should the rent also be rented out affordably?

MR. NAKOA: Oh, heck no. Yeah, no, no...yeah, no. They going...going be for the kine, keep 'em affordable. Yeah.

COUNCILMEMBER PALTIN: Okay.

MR. NAKOA: Keep 'em...no let the landowner make money off of 'em just for more make money, keep it affordable.

COUNCILMEMBER PALTIN: Okay. Okay. All right. Thank you. Thank you for those clarifications. Thank you, Chair.

CHAIR JOHNSON: Okay. Members, any other questions for our testifiers? Seeing none. Thank you once again, Mr. Nakoa, for coming out and testifying. Staff, will you call the next testifier --

MR. NAKOA: Peace out.

CHAIR JOHNSON: -- if there is any? Oh, we do have one in the Chambers. If you can come on down and just state your name for the record if you'd like to state your name.

MR. S. WEAVER: Hi, good...hi. Is this working? Good afternoon. My name is Seth Weaver, my father testified earlier. And we live in Kula, and I appreciate Councilmember Sugimura reintroducing this ordinance and this bill that's very important, and I appreciate everyone that has testified in support of it to different degrees. And I want to stress the point that I think a comprehensive rewrite is very important. It would be very necessary, and it'd be a very good benefit to our community and our society. But things like that take a lot of time, and they've taken a lot of time up until this point, and there's a lot of differences between people about the...the cost and benefits within that particular ordinance, the comprehensive rewrite. And many different entrenched opinions about those different sides of the issue, and sometimes that can be difficult to navigate. And I think the importance of this particular bill is that it's a very small rewrite, first small change that would have a tremendous impact to workforce housing, to generational housing, to multifamily living quarters. And also address the concerns of the housing crisis for...for our kama'āina. And I think that just doing the small change now would...would...would be a significant benefit to our community. I...I

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

**March 9, 2023**

---

don't think we have time. I mean my...I mean my mom's always told me my whole life, time is money, time is the currency of life, and the more time that goes on, the more opportunity that we've lost, we can never recapture that. And I think we need to move forward on this with urgency because it will be a tremendous impact to our...our community. And finally, I'd like to close that, you know, Launiupoko has been talked about a lot, and I think that that's...this is comparing apples and oranges. You know, the current Code already allows a particular individual to build up to 10 percent of their land with a...with a...with a mansion, and that's what you see in Launiupoko. But this particular ordinance allows no more than 3 percent of a two-acre lot to be developed. 3 percent, and I think that's a very reasonable accommodation, a very reasonable change, and I encourage every one of you to support this in name of our community, workforce housing, multigenerational housing, and kuleana first. Thank you.

CHAIR JOHNSON: Before you leave the podium, we...we didn't catch your name. Can you state your name for the record?

MR. S. WEAVER: Seth Weaver.

CHAIR JOHNSON: Okay. Thank you so much. Members, we have any...oh, we do have some questions.

MR. S. WEAVER: Sure.

CHAIR JOHNSON: Councilmember Paltin, feel free.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Weaver. I just was wondering, clarifying, this bill would apply to the whole entire County, right? You understand that, not --

MR. S. WEAVER: Correct.

COUNCILMEMBER PALTIN: -- just Kula, Upcountry, right?

MR. S. WEAVER: Correct.

COUNCILMEMBER PALTIN: Okay. Just checking.

MR. S. WEAVER: Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR JOHNSON: Okay. Any other questions for our testifier? Seeing none. Thank you for coming out and testifying.

MR. S. WEAVER: Thank you.



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

**March 9, 2023**

---

CHAIR JOHNSON: Staff, do we have any other testifiers? I see Mr. Law coming down, is anybody before him? Okay. Mr. Law, the floor is yours.

MR. LAW: I took my red shirt off so I don't get you mad, Mr. Johnson. You're doing a pretty good job running the meetings, I was trying to distract you. Not heckle you, but distract, but you're doing a good job. Yeah, it's rule number one for the meetings is to have fun, right? So, Ho'omaika'i for you. I was going to skip this meeting because the agenda actually looked boring except for the...the word "farm" caught my eye. And then I was talking to people in the lobby and then it turned into 1:00 so I just stayed. So, I think more people should come to these meetings because this is where like the community gets things done. And so, this...this actually applies to my life in...in the 90 percent range because I was hoping that my Councilor Yuki Lei Sugimura could talk to a farm that I've been trying to work at before, which is I think you're friends with Nui up there, Nui Farm in Pulehu. And I think this would help them out because they need help up there and...with their people working on their farms. I don't know if it would be such...you might be able to do it, Mr. Johnson, being born the Year of the Ox, but I don't know if it's such a good idea for someone's whatever you want to call that, physiology, psychology or something. I don't know if I would like to work and live at the same spot. I would have to like get away from there once in a while. But it would be nice to have somewhere to...when it does rain or whatever, to keep stuff dry and...and to keep yourself dry at night and get a good night's sleep. So, yeah, if...if Auntie Yuki Lei would just see if she...oh, and I just...and speaking of seeing people in the lobby and stuff, I bumped into a girl that was looking to get the...the pallet homes from KHAKO. She's trying to get one or two of them somewhere in Pā'ia. So, yeah, if you could work on get...getting...see if you can get a...if Nui would be able to get one of...a couple of them pallet homes and maybe we could help her with her farm up there, Auntie Yuki Lei. Thank you.

CHAIR JOHNSON: Thank you. Members, do we have any questions for Mr. Law? Seeing none. Thanks for your testimony. All right. Okay. Staff, do we have any more testifiers?

MS. MCKINLEY: Chair, there are currently no more individuals signed up to testify.

CHAIR JOHNSON: Okay. Members, seeing there are no more individuals wishing to testify, are there any objections to closing oral testimony for ADEPT-2?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR JOHNSON: Okay. And introducing the written into the record. Members, I'll now close public testimony for this item, and move on to deliberations.

**... END PUBLIC TESTIMONY ...**

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

**March 9, 2023**

---

CHAIR JOHNSON: So, Members, I'd like to open the floor to discussion. You can ask questions of any of the resources and/or the Administration. And I propose two rounds of questions for five minutes each. Each Member has five minutes, and I'll allow an extra round if you need it. But before we get into that, I kind of want to draw your attention to a chapter in our Code, 19.30A, Agriculture Districts. In 19.30A.010 the purpose and intent, B, it is the intent of this chapter to number one, reduce the land use conflicts arising from encroachment of nonagriculture uses into agriculture areas. Number two, mitigate rising property values of farmlands to make agriculture use more economically feasible. And three, discourage development or subdividing lands within the Agriculture District for residents...residential uses, thereby preserving agricultural land and allowing proper planning of land use and infrastructure development. That's in our Code. So, that's something to consider as we start our discussions, Members. With this also in mind, please raise your hand, and I'll begin the first round. Okay. So, if anyone feels they want to speak first, we can just go with hands up. I see Councilmember...Committee Vice...Vice-Chair Sinenci, followed by Councilmember Sugimura.

VICE-CHAIR SINENCI: Mahalo, Chair. Yeah, my first question was for Ms. Ness. Ms. Ness mentioned the...the WWOOFer program, and I know for East Maui, we had farmers in East Maui that utilize this program. And like she had mentioned though, oftentimes when...when they don't return back to...you know, they're just temporary workers, and then we have this housing crisis, or then we're...we're starting to see more homeless camps in the bushes and stuff like that. So, my question for Ms. Ness is, is there some kind of regulations of these temporary workers, and can the County somehow regulate them?

MS. NESS: Thanks *(audio interference)*. It's not a regulated thing at all, which is kind of the problem. It's a lot like a dating site. Like I'm not kidding, like you go and you look on the site and you find the farm that matches your interests and you reach out to the farm and then they can invite you or don't, you know. And there's no like term limits. The...the farmer commits to providing X amount, you know, meals and lodging, but what that meals and lodging is even...looks like is even very, you know, fluid. So, it's just like literally an introduction site, and then what happens...so there are plenty of folks that come here, there are...I don't even know of local WWOOFers. There isn't from Maui that signs up to be a WWOOFer, it's all people that come here from somewhere else. And once they're here, we all know, it's real hard to leave. So, they either be...they either, like I said, bring resources here if they have wealthy parents, or...I can't tell you how many people I've seen this happen to, they buy up cheap ag land and decide to start their own farm, or become, you know, living in a van. No joke. You know #vanlife on Instagram, and look at how many people came here as a WWOOFer and are now living, you know, on the West Maui beaches in their van, thinking it's cute, and pooping in the bushes. So, I don't know if that answers your question. I don't know how we would regulate that besides just discouraging the entire fact that our local ag system rests so heavily on this labor force. You know, whatever we can do to not make that the best choice for labor is, I think, the best solution. Do you have anything to add to that?

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

**March 9, 2023**

---

VICE-CHAIR SINENCI: Mahalo, Ms. Ness. And then, Chair, my second question was for Mr. Landgraf. Mr. Landgraf mentioned about the requirements for adding the extra 500 square feet would not...I mean does it require a larger water meter, or did he mention something about fixture count?

CHAIR JOHNSON: Mr. Landgraf?

MR. LANDGRAF: Yeah. So, for a 5/8th meter, it's 31 fixture units. So, basically a 5/8ths meter is rated at 20 gallons per minute. Each fixture has its own flow. I'd say a kitchen faucet may be 1.6 gallons per minute, a toilet may be 1.2, and by the time you add them all up, they can't go over the 20 GPM for the 5/8ths. Each...each meter --

VICE-CHAIR SINENCI: Okay. So...

MR. LANDGRAF: -- has a different rating.

VICE-CHAIR SINENCI: Okay. So, if it...

MR. LANDGRAF: So, as long as...

VICE-CHAIR SINENCI: Oh, go ahead.

MR. LANDGRAF: So, as long as, you know, when you add the additional accessory dwelling you still were at 20 or below 20, we would be able to approve the permit.

VICE-CHAIR SINENCI: Okay. And then if it goes beyond, or if it needs an additional meter, does that now become part of the Upcountry water meter list?

MR. LANDGRAF: If you are Upcountry, it does, but we're not adding anybody else to the meter list, so you wouldn't be able to upgrade your meter.

VICE-CHAIR SINENCI: Any more than...than that equation? Yeah.

MR. LANDGRAF: Right. But there is another way. So, for a 5/8ths meter, you can add an additional eight fixture units, but that would be...so...and then you would pay \$389 per additional fixture unit which you could add on. But the engineer would need to look at it to make sure the...had...you know, the flow velocity and minimum pressures for that.

VICE-CHAIR SINENCI: Mahalo, Mr. Landgraf. Mahalo, Chair. I'll yield to my fellow Members.

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

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

**March 9, 2023**

---

COUNCILMEMBER SUGIMURA: Yeah, thank you. I was going to ask you that question, so thank you, Shane, for asking one of my questions. Because I tried to do some kind of legislation like now two years ago, but I always ran into a problem with what are we going to do about water and wastewater, so I haven't given up. On the WWOOFer situation...because I see a lot of them at the Upcountry farmers market, I'm guessing, right? Yeah. And I also heard from...is that not right? And I also heard from the...from people who are trying to create like these mobile home farm...mobile home, trailer home, whatever. And that they told me, and so, I want to hear what you have to say, that there are a lot of farmers who have people living in tents and whatever and so they could...they were striving to see a bigger need for these trailer homes. And I wondered if that's what you saw. Because I asked farmers, and they said oh, no, we don't have that. So, that...if you could just answer yes or no, and would this satisfy some of that, and then I have more questions.

CHAIR JOHNSON: Ms. Ness?

MS. NESS: *(Audio interference)* your question. You're asking if the farmers that I spoke to wanted something like a tiny home or like a trailer home as a solution? That's what...why that's in the resolution, to...to...because those things are very, very different than a house as we think of a house, right, so that's why we wrote it in here. That's kind of like the middle ground.

COUNCILMEMBER SUGIMURA: Okay.

MS. NESS: So, yes, I guess is the answer, I think.

COUNCILMEMBER SUGIMURA: Okay. So, when you start your task force I would love to participate. I just...

MS. NESS: The taskforce right now is just me, so...

COUNCILMEMBER SUGIMURA: Okay. That's two of us. That's two of us, Autumn.

MS. NESS: Okay. Great.

COUNCILMEMBER SUGIMURA: We can grow, look at all these people here.

MS. NESS: Okay. Great. Thank you.

COUNCILMEMBER SUGIMURA: And when is the Senate going to finish their study, or did they not finish it because of COVID?

CHAIR JOHNSON: Ms. Ness?

MS. NESS: That's the thing, because the...the Planning Committee...the Planning Department...

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

**March 9, 2023**

---

COUNCILMEMBER SUGIMURA: State Planning.

MS. NESS: State Planning Department, thank you. We started talks about how to even do this, right, and then COVID happened, and everything just got tabled. And so now, it's like the, you know, the institutional memory is so gone, I just...why don't we just do it ourselves --

COUNCILMEMBER SUGIMURA: Okay.

MS. NESS: -- at this point, you know?

COUNCILMEMBER SUGIMURA: So, let's do it.

MS. NESS: Yeah. Okay.

COUNCILMEMBER SUGIMURA: Yeah. So, the things that I have learned about housing now because there's the Governor with his emergency proclamation for the kauhale, right, which is really more tiny homes with a community kitchen and a bath and whatever. And that there are HUD regulations that I want to...our...our office is looking into based upon what we learned from Nani Medeiros, which is the person that works in the Governor's Office doing housing, so that we can put on our agenda to look at. But there is a huge need. And I'm kind of hearing what the testifiers, all that, you know, said--and Chair, I'm sort of leaning to--can we talk about this one bill, pass it out, and then take the ag working group? Really is...a good way of talking about it is comprehensive because it has swimming pools, it has short-term vacation rentals. It has all kind of different things that is not this simple, like the bill that, you know, is on the...on your table today. So, I would like to hear what the Members have to say, and just move this forward, and get it going because there will be a timeline to go through all the planning commissions, get the discussion out. Planning Department wants to know what we're thinking about this bill before it gets sent there.

CHAIR JOHNSON: Right.

COUNCILMEMBER SUGIMURA: But I'm kind of leaning to that. I...I really defer to your...you know, your...your ideas.

CHAIR JOHNSON: Okay. Well, let's...let's have that discussion --

COUNCILMEMBER SUGIMURA: Yeah, yeah.

CHAIR JOHNSON: -- let's talk about this. But I know that like this bill is not a simple we pass it and it goes on to the main Council. This bill is going to go down to the planning commissions, right, and then advance to the main Council, and then back to us. So, now, I think, would be a good time to, you know, get on that train because it's

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

**March 9, 2023**

---

going to take a while, right? So...okay. Do you have any more questions, Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: I do not. If you have a second round I might have, but...

CHAIR JOHNSON: Okay. Well, Members, I'm thinking it's a good time to take a ten-minute recess. Okay. And we'll just...we'll just convene at 3:00. Okay. So, it's a 12-minute recess. So, at this time the ADEPT Committee is now in recess until 3:00 p.m. . . .(gavel). . .

**RECESS:** 2:49 p.m.

**RECONVENE:** 3:02 p.m.

CHAIR JOHNSON: . . .(gavel). . . Will the ADEPT Committee come back to order of 3/9/2023. Thank you for that ten-minute recess, Members, to recharge our minds. And I notice a lot of folks wanting to go around and talk to our...our guests today, so hopefully that...that started some good conversations and good questions, and we can lead off to who would like to speak on this. We're going to do five-minute rounds. So, does anybody have anything to speak on? Any of our Members? Go ahead, Mr. Cook.

COUNCILMEMBER COOK: Does this raising it from 1,000 to 1,500 square feet, could you add a carport, or does that include the carport?

CHAIR JOHNSON: And that question is for who?

COUNCILMEMBER COOK: For Planning.

CHAIR JOHNSON: Planning? We see Ms. Takakura on the call. Ms. Takakura, can you answer that?

MS. TAKAKURA: Thank you, Chair Johnson. So, Councilmember Cook, garages, we have them defined separately. So, those would not be included. We look at living area and garage separate, so...

COUNCILMEMBER COOK: Okay. So, excellent. So, 1,000 square feet to 1,500 square feet of living area, and then the carport would not be included as an addition, it would be...it would be allowed?

MS. TAKAKURA: That is correct.

COUNCILMEMBER COOK: Thank you. One other question before...

CHAIR JOHNSON: Certainly.



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

**March 9, 2023**

---

COUNCILMEMBER COOK: Deputy Director for Water. Pertaining to currently the County doesn't allow a water tank, water catchment, water tank storage, and municipal supply together; is that correct?

MR. LANDGRAF: No, we...you can.

COUNCILMEMBER COOK: I'm saying on a private property. So, you could have a tank...

CHAIR JOHNSON: I'm sorry, real quick. Deputy Director, can you move your mic a little bit closer to you?

MR. LANDGRAF: Sorry.

CHAIR JOHNSON: Thank you so much.

COUNCILMEMBER COOK: Okay. So, it's not a problem. Somebody...somebody could have a 5/8ths-inch water meter, a 15,000-gallon water tank if they had a backflow preventer at their meter, maybe a check valve thrown in there for extra...

MR. LANDGRAF: Well, it would be required to have a backflow preventer.

COUNCILMEMBER COOK: Pardon?

MR. LANDGRAF: You would be required for have the backflow preventer --

COUNCILMEMBER COOK: Okay.

MR. LANDGRAF: -- at the meter.

COUNCILMEMBER COOK: So, with that...if that was the case, then you could have a water pump and would you...you...the fixture count, how would that come into play then?

MR. LANDGRAF: Okay.

COUNCILMEMBER COOK: If I have --

MR. LANDGRAF: So --

COUNCILMEMBER COOK: -- if I have a...

MR. LANDGRAF: -- so the catchment thing would not reduce your fixture count basically because you would still have the meter. So, everything we would base the permit on would be on the meter size and the amount of fixtures. So, having the catchment would not reduce it.

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

**March 9, 2023**

---

COUNCILMEMBER COOK: So, my question is, could you use and set the...could the...could you use your storage tank, like fill your storage tank with the meter?

MR. LANDGRAF: Okay.

COUNCILMEMBER COOK: I'm calling it a catchment tank for supplemental --

MR. LANDGRAF: Okay.

COUNCILMEMBER COOK: -- water, but could you have a 15,000-gallon water tank on an ag lot with...filling it with a 5/8ths-inch meter? And there's a backflow preventer, so there's no siphoning to contaminate the potable water supply. Would that be allowed?

MR. LANDGRAF: I have to go check with the engineer, yeah.

COUNCILMEMBER COOK: Okay.

MR. LANDGRAF: Okay. And the reason...because we're still going to look at fixture count no matter what, right?

COUNCILMEMBER COOK: Well, that's...

MR. LANDGRAF: Yeah, I know what you're saying. So, is below the fixture count, can I still fill my water tank now.

COUNCILMEMBER COOK: Yeah. So, if I fill water tank, basically I have storage, so I'm...

MR. LANDGRAF: Yes.

COUNCILMEMBER COOK: It's a...it's a...it's a creative way to get around --

MR. LANDGRAF: Yes.

COUNCILMEMBER COOK: -- the limitation of a 5/8ths water meter with doing it legally and --

MR. LANDGRAF: Okay.

COUNCILMEMBER COOK: -- not jeopardizing the integrity of the water supply because --

MR. LANDGRAF: Yes.

COUNCILMEMBER COOK: -- of the backflow preventer.

MR. LANDGRAF: I understand. I need to get...I would have to get back to you on that.

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

**March 9, 2023**

---

COUNCILMEMBER COOK: Okay. Thank you. Because that's one of the ways for...in ag...ag districts and the water meter list to do transparently to be able to increase the...the amount of habitat on it. I'm...this...to me, I'm super supportive of this. I'd like to push the envelope a little more in future times, whether you call it a bunkhouse or whether you call it a farm living quarters. Agricultural rates are historically low because of not being able to pay a lot and being able to be profitable. If you can eliminate the transportation costs, the insurance, and...and housing, that's, I think, one of the...a really viable way to enable us to develop a agricultural workforce from our local . . .(timer sounds). . . Is that my time up?

UNIDENTIFIED SPEAKER: *(Audio interference)*.

COUNCILMEMBER COOK: Okay. Anyway, that...that's a train of thought that I'd like us to pursue some...some way, to be creative of how we can do...do that. I want to preface it with, a lot of the negativity towards increased density of agricultural lots is because of the gentleman estates and the people of...being forced to just do a two-acre lot and not use it for agriculture. So, possibly, the Department of Agriculture could start managing this instead of the Planning Department because it would be more appropriate to do that because it isn't like a rural urban thing. Anyway, that's some of my thoughts.

CHAIR JOHNSON: Thank you for that, Councilmember Cook. Members, does anybody else have any...anything to add for this discussion? I see...okay. Councilmember U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thank you. I have a question for Planning.

CHAIR JOHNSON: Director Aoki?

COUNCILMEMBER U'U-HODGINS: Hi, Director. How are you? I'm wondering...

MS. AOKI: Good. Hi.

COUNCILMEMBER U'U-HODGINS: I'm wondering if it would be difficult for you folks to enforce, maybe with the help of Real Property Tax or Director of Finance, to include language that said like, you know, if the property had a homeowners' exemption. I know that in order to have your second farm dwelling as a permitted use, you need to have your land recorded with 51 percent ag, so that leaves 49 percent of, you know, open space, I guess. But would it be difficult for you guys to enforce that?

MS. AOKI: To enforce the homeowner exemption?

CHAIR JOHNSON: Director Aoki?

MS. AOKI: Sorry. Thank you, Chair.

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

**March 9, 2023**

---

COUNCILMEMBER U'U-HODGINS: Thank you.

MS. AOKI: To enforce...

COUNCILMEMBER U'U-HODGINS: Sorry. To ensure that *(audio interference)* who are allowed this extra space for their second permitted dwelling had the homeowners' exemption.

CHAIR JOHNSON: Director Aoki?

MS. AOKI: I...so, if you want to make it a requirement that the second farm dwelling be only allowed if the homeowner lives on the property, they're getting a homeowners' exemption?

COUNCILMEMBER U'U-HODGINS: Yeah. Is that difficult for you folks to *(audio interference)*?

MS. AOKI: That...that would be a requirement that would have to be changed in the Code because right now, you know, with zoning, you're allowed these uses, and there's nothing that's tied to whether you...you have to show that you have primarily agricultural use, but we're not going to regulate whether you're living there, or you're the homeowner, or whether you're renting it.

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

MS. AOKI: You're welcome.

CHAIR JOHNSON: Oh, okay. We got a question from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Hard to know when to jump in sometimes if the Voters are not asking questions. But my question would be just to clarify for Acting Director Aoki, so the second dwelling, it can't be built until they have all that farm stuff. As Member U'u-Hodgins said, they have 50 percent in farming. Is the second...the second dwelling, it doesn't have to be for a farm worker, or does it --

MS. AOKI: No.

COUNCILMEMBER PALTIN: -- have to be for a farmer? Anybody can live in that --

CHAIR JOHNSON: Ms. Aoki?

COUNCILMEMBER PALTIN: -- second dwelling? Okay. I just wanted --

MS. AOKI: Yeah. *(Audio interference)*.

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

**March 9, 2023**

---

COUNCILMEMBER PALTIN: -- to clarify that. And then I wanted...is it still okay to ask a question of Mr. Kekona?

CHAIR JOHNSON: Certainly.

COUNCILMEMBER PALTIN: Thank you. Mr. Kekona, I just wanted to ask, you know, a lot of the testifiers seemed to be from the Upcountry-Kula area, and I know you live on the West Side. And I just was wondering, have you noticed an issue with, I guess, you know, what's known in the community as fake farming, where people grow swimming pools and second dwellings instead of agriculture?

MR. KEKONA: Aloha. Thank you. Yeah, for me, that problem is really coming out of that 50 percent or 51 percent of the property needing to be in ag. We need to...I think...I'm not a politician and nowhere near policies, but you need to figure the language out to somehow regulate it to be producing a percentage of income. I like to go extreme because I know I'm going to cut down all the way. So, I say like two-thirds of your income needs to be generated by ag in order for you to qualify like a housing like this. And it can't be just that you have 51 percent because half of those people that I've seen across the board that were...if you want to talk about fake farmers, they're not even doing subsistence farming, they're not even gathering that food and distributing it into the community for free. They're just letting it fall and drop where it is, or their landscaping...hired landscapers are cleaning that up and getting rid of it in the trash can. I know, I used to do that for a living. So, you know, my caution is, and my fear is, that a lot of these...I'm totally in support of overall whether it's going to be true workforce housing for ag systems and operations, or even just allowing to expand for our family members that we...multigenerational families expanding in size of family, as well as moving into bigger housing systems and needs. I'm all support of it, I just want to make sure that it would be directed...if taking place on ag lands, it'll be directed to sustain our agricultural industry, or at least move towards that sustainable level that we're trying to acquire. Because in the end, we're just building houses for people to go and rent out. And then who's to say that that's going to rent...solve our...our houselessness because those...who's going to regulate those people to keep that at an affordable rent rate? And how do we define affordable rent rate within ag systems? I'm just...those are all the kind of questions that I'm looking forward to having Autumn look up, or I'm just --

COUNCILMEMBER PALTIN: Yeah.

MR. KEKONA: -- that's the concerns I had.

COUNCILMEMBER PALTIN: And then like, you know, some of the up...upper West Side ag subdivisions, they'll have like 10,000-square-foot houses or 8,000-square-foot houses, and I guess my fear is the 1,500-square-foot house would be the person living there that caretakes the empty house while they're not there. So, I mean that's kind of why I proposed my ASF. You know, like...and was asking about what the average size of a house is, you know. So, you know, if...if they already have a 10,000-square-foot

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

**March 9, 2023**

---

house, do they need a 1,500-square-foot house that's not necessarily going to be affordable, it's not necessarily going to be for farm workers? I would rather keep the second house at 1,000 square feet. But say, you know, if they have a 3,000-square-foot house, 3,500-square-foot house, sure, have your second house be 1,500 because that's like, you know, normal, we're not talking about fake farm luxury estates here, you know. And...and I think if we don't . . . *(timer sounds)*. . . we don't say that, it'll run rampant for West Maui. I'm...I'm not sure about Upcountry but, you know, this is a Countywide bill, and we're already seeing scofflaws in West Maui because, you know, the West Side is the best side. Nah, nah, just joking.

MR. KEKONA: Am I allowed to answer that real quick?

CHAIR JOHNSON: Go ahead. Go ahead.

MR. KEKONA: Yeah. So, absolutely. That is...yeah, I...I appreciate your submitted amendment. I was looking at that this morning. And I think a 3,500 square foot, if we limited it at 5, and then a 1,500-square-foot house is definitely something I could...I would...that, to me, is getting a lot closer to what we'd like to accept. I wouldn't say that I...I want that, but I do appreciate at least putting a cap on the...on the larger established dwellings because we all can agree that that's getting a little ridiculous.

CHAIR JOHNSON: Okay. Thank you. Now, before we go to second round, I just want to speak to Chair Lee. Chair Lee, did you...I'm sorry if I skipped you, but did you have anything? Okay. All right. So, I guess I'll do my round of questions. And I...you know, I'm happy to say a lot of my questions have been answered. This is a very fruitful meeting, no pun intended. So...thank you. So, in regards to Planning, this is my question for Planning, how many accessory dwelling units were approved in the last ten years? Director Aoki?

MS. AOKI: Hi. Thank you, Chair. Let me get that email. Staff did their best to try to put together some numbers for you. You know, with the KIVA being turned off and MAPPS being turned on, but miraculously, I don't know how they did it, but they did, they're great. So, for...I'm sorry, did you want accessory dwellings or the accessory farm dwelling?

CHAIR JOHNSON: The bill is --

MS. AOKI: I have both.

CHAIR JOHNSON: -- addressing...oh, start with the accessory dwellings.

MS. AOKI: Okay.

CHAIR JOHNSON: And if you can do both, yeah, go ahead and explain both if you can just do it all at once, sure.



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

**March 9, 2023**

---

MS. AOKI: Okay. So, as I mentioned, accessory dwelling units are going to be found in those zoning districts other than the Ag District, so R-1, R-2, R-3. So, I...I have years here, so I'm...so, let me just give you a caveat too. These are based on building permits that were applied for and granted. That doesn't necessarily mean these were all built, right? Because sometimes somebody might pull a permit and not build it, so, that's one of the caveats I just wanted to --

CHAIR JOHNSON: Thank you.

MS. AOKI: -- share.

CHAIR JOHNSON: Very important.

MS. AOKI: And this is also based on when the...the building permit was issued and not necessarily when the...it was when it was issued, not necessarily when they applied for it. So, in 2012 there were 24; in 2013, 36; in 2014, 39; in 2015, 44; in 2016, 58; 2017, 48; 2018, 60; 2019, 56; 2020, 79; 2021, 80; and then in 2022, it dropped down to 61. And this is based on a calendar year, so it's a rough estimate. Now, I'll share with you...

CHAIR JOHNSON: So...oh.

MS. AOKI: Oh, go ahead.

CHAIR JOHNSON: I'm...I'm sorry, I didn't mean to interrupt. Please continue.

MS. AOKI: I'll share with you the accessory farm dwelling, or the second farm dwelling. So, again these are permits that were issued that were 1,000 square feet, calendar year not fiscal year, by issue of permit, not when they applied for. So, let's see, 2012, we had 5; 2013, 2; 2014, 2; 2015, 1; 2016, 4; 2017, 6; 2018, 18; 2019, 9; 2020, 5; 2021, 5; and 2022, busy year, 25. So, what prompted that spike, I have no idea.

CHAIR JOHNSON: Okay. Thank you for that. I appreciate that. It's...it's...those are really important numbers because that's what we're talking about here, folks. All right. Thank you so much.

COUNCILMEMBER PALTIN: Chair?

CHAIR JOHNSON: How many...

COUNCILMEMBER PALTIN: Chair Johnson?

CHAIR JOHNSON: Oh, go ahead, Councilmember Paltin.

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

**March 9, 2023**

---

COUNCILMEMBER PALTIN: Point of information. Would it be possible for Acting Director Aoki to submit that to Granicus, the...what she was reading off of?

MS. AOKI: I...I can put it together --

CHAIR JOHNSON: Director?

MS. AOKI: -- for you, sure. Thanks, Chair. Sorry. I can put it together for you. It's just sort of in an email, so I'll clean it up for you.

COUNCILMEMBER PALTIN: Oh, thank you --

CHAIR JOHNSON: Thank you so much.

COUNCILMEMBER PALTIN: -- so much. Thank you, Chair.

CHAIR JOHNSON: So...okay. And this next question is still on Planning. How many agriculture parcels are there in the County? And maybe we could organize it . . .(timer sounds). . . by district.

MS. AOKI: Thank you, Chair. We were able to get the amount of parcels, but we were not able to separate it. I'm...I'm...I...I assume that question was by community plan district, was that what was meant by district?

CHAIR JOHNSON: I guess in...in...for this case is whatever is easiest for you to come up and explain to the Members, right. Because I know for Lānaʻi, we're...this does not benefit Lānaʻi, this will not build any new units or any new expansions. So, other districts, I'm curious on. It's...it's...what do you think, it would be easier for you to go by community plan districts, is that easier for you to *(audio interference)?*

MS. AOKI: Well, it was...

CHAIR JOHNSON: *(Audio interference)*.

MS. AOKI: Thank you, Chair. Thank you, Chair. We were able to get you one big number, we weren't able to divide it up into districts. So --

CHAIR JOHNSON: Okay.

MS. AOKI: -- for Maui, there are 43,718 parcels, which equates to 460,550 acres. Now, again, a caveat, this is...this is parcels, so this is...this is any sliver of land that could be zoned Ag. It...it doesn't necessarily mean they're buildable lots. It's any little parcel in --

CHAIR JOHNSON: Right.

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

**March 9, 2023**

---

MS. AOKI: -- the entire island. Okay. So --

CHAIR JOHNSON: Okay.

MS. AOKI: -- that's why it's such a big number.

CHAIR JOHNSON: Yeah. That...that just shows the overall. Thank you for that.

MS. AOKI: Yeah.

CHAIR JOHNSON: Could the...could the...

MS. AOKI: Chair?

CHAIR JOHNSON: Yes?

MS. AOKI: Chair, I also...I also have Moloka'i and Lāna'i, if you'd like.

CHAIR JOHNSON: Sure. Sure.

MS. AOKI: For Moloka'i it's 5,447 parcels, acres is 157,685. And just for your information, Chair, for Lāna'i, so you have it, there's 1,459 parcels equivalent to 90,246 acres. And I will include all of this in...in my information to you.

CHAIR JOHNSON: Thank you. I appreciate that, Director. Very good information. So, then it comes to the idea of like okay, if we allow this, what are the...is there any unintended consequences like, you know, the traffic stop at Pā'ia. Is all of a sudden Ha'ikū going to have all these extra, you know, growth, and then the...you know, those are my concerns. So, could increasing the size of a second farm dwelling impact traffic, infrastructure or any other smart growth...smart growth principles?

MS. AOKI: Thank you for that question, Chair. Anytime you add on square footage, you could potentially add on density, but you may not. You may have two people in a 1,000-square-foot accessory farm dwelling, or you could have two people in a 5,000-square-foot main dwelling, right? So, that's...that's sort of a crystal ball question that I don't have an exact answer to. Will it increase the number of accessory farm dwellings being built? I can't say whether someone would build one because now it's 1,500 square feet instead of 1,000. Maybe, maybe not. Someone could now potentially add on an additional 500 square feet, which obviously would make, you know, the size of it bigger. I think, as mentioned by Ms. Takakura and others, it just becomes more of a policy decision on what you're using that agricultural land for, and is it for...you know, is it primarily for farming, or is it being used for residential uses? Because it will be an expanded footprint of that. I think what I'd also like to share with the Members that I always find very interesting whenever we do our training to the planning commissions, State land use...so, as you know, there's the State land use layer, and we have County zoning. That information I gave to you

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

**March 9, 2023**

---

was all based on County zoning, but under State land use, 2016 data, the area of Agricultural...the Agricultural District is 242,720 acres for Maui Island, which is 52 percent of our lands. For Conservation, it's 194,836 acres, which is 41.8 percent of our lands. For Urban District, it's 24,191 acres which equates to 5.2 percent. So, the question becomes, do we put more housing on our ag land, or do we convert and change the, you know, unproductive ag land into urban and build those areas up with residential. Big policy question, just throwing it out there. But I think those numbers are really telling, I mean we got 5 percent in Urban. It's very low.

CHAIR JOHNSON: Okay. Your...your point's taken, Director Aoki. Thank you. And my time is up. So, we're going to go and do more round robins. I know Councilmember Sugimura had we're all going on a second round, so...oh, did I miss Councilmember Sinenci? Did you do a first round yet? Oh, you did? Okay. So, we'll start with second round, we'll go to Councilmember Sugimura, followed by Councilmember Sinenci.

COUNCILMEMBER SUGIMURA: So, I think Director Aoki has touched upon something that is also on my to-do list, which is to look at our lands and really address areas that maybe should be rural, and I know you said urban. But up in my country, there's...or across Maui, I guess, I've been hearing stories about how people have Ag zoning and how they figure out how to get, you know, the benefits of ag water and, you know, real property tax, and pretty creative, you know, some of the ways. And they're just trying to force themselves into that...that...that box. But I really believe there are areas that we should look at Rural, and we haven't, just by your percentages. So, please work with me on that for the future because I think then that will help us solve some of these problems, and...and really...I mean let...let it be what it should be, you know, so there isn't the abuse. But that's just my one thing. I...I...Chair, I really love this discussion, and I would like to hear from the rest of the Members, but I would like to take this bill that we're talking about today, amend it, do whatever we need to amend, and send it off to the Planning Department, which is the intent of this resolution, so that we can get this discussion going. The other bill, which our office calls the ag working group bill, is pretty comprehensive, as one of the testifiers, you know, called it, and it's...it's going to be more than one meeting, I think, if you do decide to take it up...just because it has things like swimming pools, short-term vacation rentals, I mean things that can...you know, needs to be discussed and...and...and it's going to be right in Water Department's concerns and...and more. I mean I don't mean...that's not...I'm just saying the variety that's in that bill versus how simple this one is. I would like to...if you could talk to the other Members and see if we can push this along and then take the other one up at another time. But...so, that --

CHAIR JOHNSON: Sure.

COUNCILMEMBER SUGIMURA: -- would be the...my second discussion. Thank you.

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

**March 9, 2023**

---

CHAIR JOHNSON: Okay. Thank you. Yeah, so we...we have a couple amendments. I know I...I had written about...spoke about some, and then Councilmember Paltin had some. So, let's move on to Councilmember Shane Sinenci to speak on this.

VICE-CHAIR SINENCI: Mahalo, Chair. And just continuing on the same lines of discussion for Acting Director Aoki. I...I didn't quite get the Maui numbers for Agriculturally-zoned parcels. If...if I may?

CHAIR JOHNSON: Director Aoki?

MS. AOKI: Sure. Thank you, Chair. Thank you, Member Sinenci. So, let's see, for Maui Island Ag...Agricultural-zoned lands, there's 43,718 parcels.

VICE-CHAIR SINENCI: Okay. And then...and then can you remind me, Acting Director, what qualifies the resident for Agricultural zoning?

CHAIR JOHNSON: Director Aoki?

MS. AOKI: Thank you, Chair. Well, they qualify for it based on the 1969...I forget what it was. The comprehensive zoning, you know, comprehensive zoning was done for all the State, for all the islands, for the County. But then, when the agricultural bill passed in the late '90s, that did a real sweep of comprehensive zoning for agricultural parcels that were community planned Agriculture. So, if they were zoned Interim, and they were community plan Agriculture, they got comprehensively zoned into Ag. So, that was a significant time when a lot of parcels got zoned Ag.

VICE-CHAIR SINENCI: Thank you, Acting Director. Does it require like a farm plan, or to show that your...your income also has to be, I believe I heard 50 percent farm?

MS. AOKI: Thank you, Chair. Thank you, Member Sinenci. So, if...if your parcel is undeveloped and you have an Agriculturally-zoned parcel and you come in for your first structure or your first building permit, we require you to fill out and file what's called an ag declaration. And essentially what that does is say, I, the owner, am aware that I am buying Agriculturally-zoned land, and I am required by State law and County law to abide by all agricultural, you know, regulations. When you come in for a second building...building permit, that's when...or a third one, or any kind of permit, building permit, we, as a Department, our...our inspectors will go out to the property to inspect that your parcel, your lot, is primarily agriculture, and that's where that 51 percent comes in.

VICE-CHAIR SINENCI: Okay.

MS. AOKI: It's that primarily ag, so that's 51 percent. That's the way it's been defined.

VICE-CHAIR SINENCI: Okay. Mahalo for that clarification, Acting Director. I know that Member Sugimura did mention about vacation rentals on farmlands. We did have

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

**March 9, 2023**

---

that problem in the past where we saw that a lot of those...those farm dwellings became vacation rentals. So, I'm looking forward to seeing how...how can this bill, you know, prevent that kind of illegal activities on Ag-zoned lands. Thank you, Chair.

CHAIR JOHNSON: Thank you, Councilmember Sinenci. Anyone else for their second round? Okay. We got Councilmember Cook.

COUNCILMEMBER COOK: Thank you...thank you, Chair Johnson. I have a question for Acting Director of Public Works Jordan Molina. Is he available?

CHAIR JOHNSON: Director Molina, are you on the call? There he is.

COUNCILMEMBER COOK: Good day, Director Molina. I'm curious about is there...are building permits for water tanks on Ag...is...does the building permit for a water tank vary any depending upon the zoning, whether it's Ag or Rural?

MR. MOLINA: No. And for reference, the Building Code does not differentiate by zoning.

COUNCILMEMBER COOK: Is there some...well, is there a tank size, or a dimensional relationship, to the threshold of when you would need to get a building permit for a water tank?

COUNCILMEMBER PALTIN: But I'm not sure if it's okay for distribution.

MR. MOLINA: Yeah so --

CHAIR JOHNSON: Director Molina?

MR. MOLINA: -- in the Code we heard earlier this week, there is an exemption for up to 15,000 gallons.

COUNCILMEMBER COOK: A follow-up question. The 15,000 gallons, could it be, you know, 10-feet diameter and whatever height it needs to be, or does it need to be...is there...is there any relationship to the gallon size, or it's just the...it's just the volume?

MR. MOLINA: It's volume and dimensions. Give me a quick sec.

COUNCILMEMBER COOK: Okay. Thank you.

CHAIR JOHNSON: Oh.

MR. MOLINA: So, the...the height to diameter ratio cannot exceed one to two.

COUNCILMEMBER COOK: So *(audio interference)*,

MR. MOLINA: But basically it's got to be wider than it is tall to be exempt.



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

**March 9, 2023**

---

COUNCILMEMBER COOK: So, if it's 20-foot diameter, it can't be more than 10-feet tall?  
And I know that's more than 15,000 gallons.

MR. MOLINA: Yeah, correct. That's the...that's the concept.

COUNCILMEMBER COOK: Thank you very much. That's...that's all my questions.

CHAIR JOHNSON: Members, if you'll allow, I need to take a five-minute recess. My computer has not been charging, and it's about to die, and I don't want to die in the middle of this meeting. So, can we do a quick five-minute recess? It is 3:37, we'll come back at 3:42. This meeting is in recess until 3:42. . . .(gavel). . .

**RECESS:** 3:37 p.m.

**RECONVENE:** 3:44 p.m.

CHAIR JOHNSON: . . .(gavel). . . Okay. Will the ADEPT Committee of 3/9/2023 come back to order for this short recess. I apologize, my battery was dying, and I didn't want to leave you hanging. So, now that we're here and ready to go, we can continue on. I think we...we just had Councilmember Cook ask some questions. I saw Councilmember Paltin's hand up. Before we go to Councilmember Paltin, this...this will be a second round, right? This is the second round? Does anybody else have any second round? I...I have a second round of...of questions. So, if you don't mind, Councilmember Paltin, I can do my second round, and we'll go to you? Is that all right? Okay. So, this next questions are going to be for the Department of Water. I should clarify which department. All right. So, Department of Water. So, some of my question were asked because that's really important about the water catchment and the meter. I...I thank Councilmember Cook for asking that question. The next question is, is what is the process for upsizing your water meter?

MR. LANDGRAF: So, basically you apply to upsize your meter, and I assume that's because you needed...you know, the fixture unit count...unit was over so you needed a bigger meter, so you just apply for a bigger meter. Just apply for a bigger meter.

CHAIR JOHNSON: Just as...how much is the application fee, is there --

MR. LANDGRAF: Well...

CHAIR JOHNSON: -- a waiting list, is there...oh, it's complicated?

MR. LANDGRAF: . . .(inaudible). . . If you're Upcountry, you cannot do it unless you're on the list.

CHAIR JOHNSON: Right.

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

**March 9, 2023**

---

MR. LANDGRAF: Now, also, say if you had a 5/8ths meter, and you needed to go to the . . . *(inaudible)*. . . So, some subdivisions have a limit. Like when the subdivision was built, say it was put in with a 5/8ths, the maximum you can go up to is 3/4, so that's the limit in that specific subdivision's specific area.

CHAIR JOHNSON: So, that specific subdivision, are those...those specific subdivisions, are...are they ag lands?

MR. LANDGRAF: Some of them...some of them are.

CHAIR JOHNSON: Thank you. Some of them are. So, that would be a concern because...

MR. LANDGRAF: Yes. Yes.

CHAIR JOHNSON: Okay. Because if we do expand on the house, they might need a bigger water meter, and if they need a bigger water meter, they're going to go to you guys and there's...there's a process for it, right?

MR. LANDGRAF: Yes, there's a process. So, right now the 5/8ths meter, the water development fee is \$12,000.

CHAIR JOHNSON: \$12,000.

MR. LANDGRAF: Yeah. So, you got to pay 12...so and the 3/4 is 18. So, if you had to upsize the meter from 5/8ths to 3/4, we would give you credit for the 12,000 on the 18, so you would only pay the additional 6.

CHAIR JOHNSON: Okay. Additional \$6,000.

MR. LANDGRAF: Yes.

CHAIR JOHNSON: Okay. Thank you for that. All right. So, my next question is, what's the process for qualifying for ag water rates? How do...you know, we want...we...the...the gentleman farmer conversation comes in every time we talk about this. So, how are we proving that this is a real farm, and how do they qualify for a real farm agriculture rate?

MR. LANDGRAF: So, when you come to the Water Department, we're going to ask you for your general excise tax license, the copy of the State of Hawai'i taxation G-45 form, a copy of your Schedule F, and you'll have to fill out a description of the commercial agricultural operation that would include the type of operation, anticipated monthly water usage, age of crop or stock, five-year timeline of projected annual gross income, site plan demarcating the commercial agriculture operation landscaping and dwellings, and proof of an annual gross income of at least 1,000 in the most recent year.

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

**March 9, 2023**

---

CHAIR JOHNSON: So, that sounds pretty substantial.. Are you confident that you weed out--no pun intended--you weed out --

MR. LANDGRAF: Well...yeah.

CHAIR JOHNSON: -- the...the folks who...

COUNCILMEMBER COOK: I love it.

CHAIR JOHNSON: Are you confident you...you weed out the folks who are...

MR. LANDGRAF: I'm not sure if we're going to weed them all out.

CHAIR JOHNSON: Okay. Okay. So, yeah, I know, that's why...how is Launiupoko getting these...these water rates?

COUNCILMEMBER COOK: That's private water system.

MR. LANDGRAF: They're not on the County system.

CHAIR JOHNSON: Oh, private water system. Thank you for that. Okay. So, how many...okay. Wait. What's the process for qualifying for ag rates, you did that. Now, I'm just curious about how many wells are on ag lands. Is there a way to sell...find out on...on...on...

MR. LANDGRAF: Yeah, I can find that out. I don't have that right now, but *(audio interference)*.

CHAIR JOHNSON: Okay. Because we often hear new source, and when the capacity is stressed, you know, and I'm just wondering how many wells are on ag lands, and do you keep those numbers?

MR. LANDGRAF: Yeah, we know where all the wells are.

CHAIR JOHNSON: Okay. So, maybe get back to us on that. Yeah.

MR. LANDGRAF: Yes, I will.

CHAIR JOHNSON: Thank you. All right. The...that's...those are my questions for the Department. The catchment one was already asked by Councilmember Cook. So, we...we did the catchment question. Now, I guess basically there was...there's no other Voting Members, let's move to Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Mine would be for Acting Director Aoki. I just wanted to clarify, when you were saying about converting unproductive ag lands to urban. A lot of the reason--for West Maui, at least--that ag lands are unproductive

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

**March 9, 2023**

---

is they don't have water. Like Kamehameha Schools, when we did the community plan update, they wanted to do ag, but they don't have water. So, just clarifying, if there's not water to do Ag, there's also not water to do Urban, right?

MS. AOKI: Thank you, Chair.

CHAIR JOHNSON: Director Aoki?

MS. AOKI: Thank you, Chair. Thank you, Member Paltin. So, there's many ways that you could look at where you would want to reclassify these lands. Unproductive could be based on their ALISH rating, so there's a lot of different factors that you could look at and try to make that determination on whether you would want to change Ag...Ag lands to Urban, right? You'd also want to look at where they're located. You want to look at what infrastructure is available.

COUNCILMEMBER PALTIN: Okay.

MS. AOKI: You don't want to just...right, so there's a lot of different parameters.

COUNCILMEMBER PALTIN: Just clarifying, we wouldn't just --

MS. AOKI: Yes.

COUNCILMEMBER PALTIN: -- willy-nilly --

MS. AOKI: Yes.

COUNCILMEMBER PALTIN: -- do it? Okay.

MS. AOKI: Correct. Yeah.

COUNCILMEMBER PALTIN: And then the other thing --

MS. AOKI: Thank you.

COUNCILMEMBER PALTIN: -- I appreciated Member Johnson's question regarding like how many accessory dwellings, how many accessory farm dwellings. I think, though, I would ask to get a more complete picture if we're the holdup by asking for the percentage. Like how many have been applied for and how many have been granted in any given calendar year, and then, you know, it would...it would give us a more complete picture if the County is holding up people from building accessory dwellings, or that's actually how much has been applied for, and then they're being given their building permits, or they're not being given their building permits. Like if 90 percent of the people that applied are getting their building permits, then we're doing a pretty good job, could do better, but if like 40 percent of the people that applied...I guess maybe we'd have to look into like why they didn't get the building permits, were they

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

**March 9, 2023**

---

not qualified or something like that. So, just...I don't know if...if...if we want to do a deeper dive into that, that might be helpful, the percentage that applied and the percentage that were approved. And then the other thing I wanted to ask about was, you know, when...when we grant the permit to even the first dwelling or the second dwelling, I heard you say about the ag declaration. And I just was wondering, like are we...I'm...I'm pretty sure we probably aren't responsible for telling people, maybe that's the realtor or something, but are we telling people if you're building your house on Ag, you're living in Ag, there will be ag being done and...and that's how it is. I mean not to throw the people that don't like to live next to the hemp farm under the bus or anything, but I mean when they came to meet with me, it was like well, hemp farming should be done on ag land, it shouldn't be done in residential. So, I mean I think that's kind of the conflict that Member Johnson was talking about with the Code and all. Like are we, when we're giving out these building permits, ensuring that like, you know, yeah, you can live here, but there might be farming going on, and don't...don't say don't do farming in ag because that's where farming should be done. Like are we...are we giving folks any of that kind of just a heads-up or a notification, or is it not necessary?

CHAIR JOHNSON: Director Aoki.

MS. AOKI: Thank you, Chair Johnson. All I can tell you is what the Planning Department does. I don't know what realtors do. You know, you would...there's all of that, right. The buyer beware of where you're buying. And if someone complains, we're a right-to-farm State, and that State and statute, HRS. And all the Planning Department . . . *(timer sounds)* . . . is kind of doing is letting people know that you need to comply, and are under the subject of HRS 205, and you're under the subject of our Zoning Code. So, it puts them --

COUNCILMEMBER PALTIN: Thanks...

MS. AOKI: -- on notice...it puts them on notice.

COUNCILMEMBER PALTIN: It's kind of their due diligence to find out what 205 even is?

MS. AOKI: I mean they sign it, they get a copy of it, they can read it, you know, it's up...it's their responsibility.

COUNCILMEMBER PALTIN: Yeah, yeah. But then we...we're the ones that hear it when they don't want to live --

MS. AOKI: Right.

COUNCILMEMBER PALTIN: -- right next to the actual farming.

MS. AOKI: Right. Very true.

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

**March 9, 2023**

---

COUNCILMEMBER PALTIN: Thank you.

CHAIR JOHNSON: Okay. Thank you. Members, we did two rounds of five minutes. I think we had a really good, robust discussion, and I want to thank the departments and all of our designated testifiers to come and...our resources to come and testify. Having said that, I...when I was thinking about this, when we had meetings about this, the conversation was very similar to what was happening in this room. We have one side we have an affordable housing crisis, we have the other...other side of the...the gentleman estates that the community has a kind of a bad taste in their mouth for it, they got burned. They feel that there's...that always comes up, it's always such a conversation that we have to start off addressing that. Then we have the idea of well, you know, how do we prove that there's...there's...this is going to be a farm, you know, a farm dwelling for a farmer on farmland, right? We...so we had all of these discussions. We came up with two...with two amendments to this bill, and I kind of want to ask Planning, so Director Aoki, you're...you're up again. And I'm just going to kind of read through this and just kind of ask you what your take is on what our...our proposed amendment would be. So, it would say the property owner or lessee provides at least two of the following. Proof of at least 35,000 of gross sales of agriculture products per year for the proceeding two consecutive years as shown by State general excise tax forms, including the G-49, which is really similar to what Water Department does when it says how do you do an ag rate for...you know, we need evidence of that. So, this is basically asking...that we would ask for proof that you're a farmer, give us your G-49s, that's the...the tax. And then...then it would also...certification by the Department of Water Supply that agriculture water rates are being paid for if the subject lot gets served by the County water system. So, you would just ask the County of...the Department of Water to say show us...are they getting ag rates. You...and then if they...if they go through that rigmarole, that should prove that they're getting ag rates, you could use that to help you weigh on your decision, Director Aoki. And the other one is, is proof of at least \$10,000 in annual agriculture charitable donations per year for the proceeding two consecutive years as shown by a copy of the filed IRS exemption organization business income tax return, Form 990-T. I don't want to get into the weeds of that kind of lingo, but basically the...the theory is, we have a section of farmers that are...are...that don't make money. They're...they're subsistence farmers, and we wanted to include the subsistence farmers into this, right? Because we talk about that generational farm. Well, subsistence farmers is...is a perfect example of why we need generational homes for these folks, right? So, that's my...that's would be my amendment, and I kind of want to ask you, is that, you know, what your take is on that, and then after that I'll ask the Members. Director Aoki?

MS. AOKI: Thank you, Chair Johnson. Could I clarify if you're...if you are suggesting that these amendments apply to the accessory farm dwelling? Because right now, in the Code, a lot of what you read applies to the farm labor dwelling, which is a whole 'nother type of...of structure, right. And for the accessory farm dwelling, you don't need to do what you described. So, I just want to clarify if that's what you're asking.



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

**March 9, 2023**

---

CHAIR JOHNSON: Yes, if...if it expands, right, we're trying to get expansion. So, if it expands, we want to cover the expansion to include those types of things so that it allows that this is really for farmers, and this really is...you know, include of all types of farmers, the subsistence farmers included.

MS. AOKI: Thank you for that question, Chair. I...I had not considered this at all, I'll be honest. That would be a complete diversion of...of what's being allowed now, as you know, to prove that --

CHAIR JOHNSON: Okay.

MS. AOKI: -- you know, all those additions.

CHAIR JOHNSON: And it's...I do want to clarify that if they don't want the expansion, they don't have to give that information, right. We'll leave it sananamai (*phonetic*) as they say in Japanese, we'll leave it as is. All right. But then if you go and you want an expansion, you got to prove you're a farmer, and you've got to prove you're a subsistence farmer, you've got to prove that you've, you know, donated X amount of product.

MS. AOKI: Thank you, Chair Johnson. So, if I'm understanding you correctly, if you wanted to come in with the existing 1,000-square-foot accessory farm dwelling, that would be okay, but if you either one, wanted to expand that anything above 1,000, or wanted to build a brand new 1,500...or anything above 1,000, you would have to meet this criteria?

CHAIR JOHNSON: You got it.

MS. AOKI: Yeah. You could...I mean that's a way to do it. We could...as long as you write it clearly in the Code so we can implement it.

CHAIR JOHNSON: (*Audio interference*) table when we...when we do that.

MS. AOKI: Yeah.

CHAIR JOHNSON: But that's...that's kind of what we're --

MS. AOKI: Thank you.

CHAIR JOHNSON: -- trying to do is...I mean that's what the --

MS. AOKI: I sec.

CHAIR JOHNSON: -- an amendment that I would propose.

MS. AOKI: Okay.

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

**March 9, 2023**

---

CHAIR JOHNSON: So...okay. Now, I'm going to have to...I...I don't...I don't want to call you back up as soon as...because we're going to go to Members next, but I want to actually talk a little bit about the...the second amendment, which is very similar to this. Because this says we want to make the home affordable, right? So, that's the other amendment I would kind of propose. Yeah, we...first we had it for farmers, now we're going to make it so it would be...for...to help the affordable housing crisis. Because that's what I hear a lot of people talking about, this is going to help us with our affordable housing concern. So, in the...in the Code, we would say the unit must not be rented for a period of less than 180 days, so it would be a long-term rental instead of a short-term rental, right? And the...the next thing would be the maximum monthly rental rate for the unit must be set by the Department of Housing and Human Concerns consistent with the U.S. Department of Housing and Human Concerns' urban development rent guidelines for households no more than 80 percent or less than the area median income...AMI. So, basically you could rent it out to anybody that's 80 percent AMI and below, and that would allow for the...help address the affordable housing concerns. And the...the last section is the use that qualifies a property owner for conditional lots must continue for a period of at least 20 years. Because we don't want to say you can rent this out for two years, and then boom, now you can rent it out at market rate, right? Because then that doesn't solve our problem. So, this...we were talking about having a 20 years...I don't think I'd call it deed restriction, but just that idea of rent it out for 80 percent AMI and below for 20 years, and you...you can have that extra-large dwelling. So, first off, Director Aoki, what say you?

MS. AOKI: Thank you, Chair Johnson. I think this kind of idea has been floated around in the past, and from my recollection, and just from an implementation standpoint, I think that would be difficult to do, quite honestly. If it...I would suggest that the Department of Housing and Human Concerns be at the table if that's, you know, something that's going to be presented and discussed. Because it's really not going to be the Planning Department that's going to be, you know, checking on this and enforcing this, it would...it would have to fall underneath...under the parameters of Housing, I would guess...or we can debate about that.

CHAIR JOHNSON: Okay. Well, I guess I just wanted to (*audio interference*) that out and show you both what the amendments were doing. So, having said that, Members, you guys have any...I saw Councilmember Sinenci's hand up. Committee Chair [sic] Sinenci?

VICE-CHAIR SINENCI: Chair, did you want to go ahead and...and make a motion, and then we can consider the amendments?

CHAIR JOHNSON: Okay. But we also have a third...a third amendment today by Councilmember Paltin. So, I just figured before we get...before we go, I'd like to have basically a discussion about this. Because like we said, it can get complicated --

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

**March 9, 2023**

---

VICE-CHAIR SINENCI: Okay.

CHAIR JOHNSON: -- and I figured we can bring in Councilmember Paltin's amendment too. So, maybe not just yet, Councilmember Sinenci, if it's okay with you?

VICE-CHAIR SINENCI: Thank you. And then just for clarity, this is to be sent to the planning commissions, yeah?

CHAIR JOHNSON: That's true. Whatever --

VICE-CHAIR SINENCI: Okay.

CHAIR JOHNSON: -- we do here...and I think that's kind of why I...I thought this might be an opportunity for us. If this has to go to the planning commissions, and then come back to us, let's do...you know, let's take some time and do some work on it so we don't got to do it twice, right? Or we have a bit more of a bigger bill that's got some teeth to it. That's...that's just, you know, my...my opinion on it. Because then I feel we'll be bringing it back, and then we got to send it out again. So, does that answer your question, Councilmember Sinenci? Okay. Anything else? Okay. Councilmember U'u-Hodgins, followed by Councilmember Sugimura.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I hear what you're saying. My...my comment is about your proposals. My concern would be how it affects like renters where in Makawao, and Kula, and Ha'ikū, you know, they don't really have product to sell unless maybe they're breeding horses or cattle. So, this would, I think, maybe negatively affect them, but just...just throwing out a small concern. Thank you.

CHAIR JOHNSON: Okay. So, in there, I...we have it so say tell us how much you make then because you'll be a true farmer, and then we also say how much do you donate would make you a true farmer. Are you saying there's some ranchers that they...they don't donate, or they...

COUNCILMEMBER U'U-HODGINS: No, no.

CHAIR JOHNSON: How would it affect them negatively? That...how...like how can we work...work that out?

COUNCILMEMBER U'U-HODGINS: Don't get me wrong --

CHAIR JOHNSON: Yeah.

COUNCILMEMBER U'U-HODGINS: -- I don't ranch, so I really can't answer the number questions. But I don't know how you could necessarily calculate what they would do. Because like a lot of them have property, and they have horses, and they participate in like rodeo, let's say, and that's considered ag. Or...right, that's considered ag? But then they're not necessarily selling product, but they are on ag land, and they would

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

**March 9, 2023**

---

maybe have children who would want to live in a house. And so, I hear you, what you're saying is you would have to qualify for this, this, and this in order to have 1,500 square feet. So, I'm just saying...that's all. It would --

CHAIR JOHNSON: Right.

COUNCILMEMBER U'U-HODGINS: -- it would be just a concern of mine.

CHAIR JOHNSON: Yeah. Okay. You know, we...we're going...like in this proposed...in this proposed amendment, we would ask for your taxes, right? So, maybe you're not selling weekly produce, but you're selling yearly horses, you know, or you're selling your...your animals at a...at an auction. Like usually that's how they would sell their...and then also, if they're doing activities like horseback riding...you know, I was a wrangler for many years. We didn't...we had horses, we didn't...we just...that's what...that was our moneymaker was, you know, selling horse rides. So, there was definitely money to be made in that...in that business. Okay. Let's see. Does anybody...oh, Councilmember Sugimura. Yes, thank you.

COUNCILMEMBER SUGIMURA: I understand where you're going with your thoughts and amendments, but you have just complicated this to be bigger than what simple thing that we're trying to do. I understand you're trying to...you're trying to do an AML and you're in the housing mode, right? So, this is like you're...you're creating a whole 'nother entity, and I think that people who want to go from 1,000 to 1,500, they're not thinking about is this going to be to the right AML. I mean you have just now discouraged possible ag people, I think. But I...I...I understand what you're trying to do. And I would kind of like us to, you know, go back to the simplest form which this bill is and maybe talk about Tamara Paltin's amendments. I think that Autumn Ness has some concerns about that, although I think your resources are done discussing. But I...I am concerned of us trying to now trying to make this a Planning Department...I mean...I'm sorry, Housing and Human Concerns issue because I don't think that's what this is about. So, I know your heart's there, you know?

CHAIR JOHNSON: Yeah. I...I...I mean I guess the...it...it sounds like the idea is...is bigger better, right, and then once...once we say it is...it probably would be...it would help, then let's get into the nuances of it, right? You know, are we...are we...are these truly farmers getting into these lands, you know, or getting into these homes? Are we solving that issue that people talked about is, you know, you can't hire the labor, right? So, that's...that's kind of the...the concern I'm trying to address, you know. So, there's...there's...there's definitely a...there's many aspects to look at this on this bill. I...I don't know if I could say bigger is better. Like that's the part that I kind of feel like let's have a bit more of a discussion. Should be a little bit...have more finesse on the bill. And say it is complicated, well, that's...that's why we're here, that's why we're debating. So, go ahead --

COUNCILMEMBER SUGIMURA: So --

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

**March 9, 2023**

---

CHAIR JOHNSON: -- Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: -- if...within the Planning Department, if you want to farm, I...I believe the Director kind of touched upon the things you have to do to qualify. Even in water, you know, because a lot of people...like you talk about fake farmers right, a lot of people want to have their land ag because of the benefits. But in order to get that, you...you need to qualify before. But now, you're trying to make it additional qualifications to go from housing from 1,000 to 1,500 square feet or whatever in case you have, you know, Tamara Paltin's amendment pass. So, I'm...I'm just cautioning for us not to get overzealous because it's already supposedly hard enough to get your water and the Ag, you know, zoning because it's attractive.

CHAIR JOHNSON: Yeah.

COUNCILMEMBER SUGIMURA: But it takes a lot of hard work.

CHAIR JOHNSON: That's true.

COUNCILMEMBER SUGIMURA: So, anyway, that's just my overall thought about...you know, I understand where you're trying to go with your amendment, but I want to take it back to being simple.

CHAIR JOHNSON: You know, I...the idea of expanding a house on farmland, I would hope the result would be, yes, housing and farm produce, or something out of the farm industry, right? Whether it be jobs or anything. So, that's why I'm kind of thinking if...if it's...if we're going to do this, then maybe we can guarantee there's...or at least really put our thumb on the scale, as they say, that...that these are truly farmers. Asking for a farmer's tax returns, is that...that's...that's...we...we're doing it for water, right?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: So, I don't...I mean that's why I'm thinking...

COUNCILMEMBER SUGIMURA: No, but the...the part that I'm questioning is the AMI part.

CHAIR JOHNSON: Okay. The second amendment.

COUNCILMEMBER SUGIMURA: You know, you're making it Planning, right, you're making it like...no I'm sorry, I keep on saying Planning...Housing and Human Concerns.

CHAIR JOHNSON: Yeah.

COUNCILMEMBER SUGIMURA: Or you just brought in a whole 'nother element which...which I may be wrong, maybe you need to, I don't know, but it just sounds like it just got really complicated.

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

**March 9, 2023**

---

CHAIR JOHNSON: So...so...okay. I'll...I'll speak a little bit on that, and then we can go around, and we'll...we'll...we'll bring up Councilmember Paltin's amendment --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: -- next. Okay.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: But, you know, the...the idea of like, yeah, I want multigenerational people in my...on my property, you know, we all...it's a family farm. We're going to give our aunty or our brother or our sister, whoever is living in our family at a discounted rate, right? You're going to charge your aunty market rate for these...for these...for your ohana? I...I don't see that happening. And so, the point is, if you are going to give them a discounted rate, that's wonderful, that's great news, right? Because you're...you're...have a family home. So, a discounted rate, to me, well, let's put it in writing, 80 percent and below AMI. That's...that's where I'm coming from. So...because I think most farmers...or most people who live on ag land who are putting their family in there will charge them...my daughter is available to my house anytime and she ain't going pay rent, right, like that's kind of the thinking. So we're going to bring family in and we're not going to charge them market-rate homes...or market rates for our...for our ohanas. So...okay. Having said that, I really appreciate you guys, that's a really good discussion. I...I say it all the time, if we're...if we're in a crisis we need to act like it, if your hair's on fire you better act like it. So, there's...those...those are the kinds of solutions I was coming up with. We'll bring on Councilmember Paltin next to talk about her amendment.

COUNCILMEMBER PALTIN: Oh, thank you, Chair. So, basically, you know, it's just a reflection of the fake farming in my district. You know, we have huge mansions. But it's kind of like Acting Director Aoki said, you know, sometimes only two people living in a...in a 8,000 square foot or...or bigger dwelling, and, you know, just trying to find out what an average size single-family home is without getting too crazy. Between 2,000, 3,500 square feet, I think, is regular working people, you know, bigger family from the 3,500 square foot in, on a smaller family 2,000 square foot, and then you can build your 1,500. It's just...you know, just trying to remember that the...the primary focus in ag lands is...should be ag. And that's pretty much it, I think. I mean it's adding simple to simple. I'm...I'm not opposed to the making it affordable idea. I...I would go up to like 140 because, you know, even people with the 140 AMI in Lāhainā, if we're...if we're bring in my district perspective, can't find a place to rent, you know, to save their lives. That's three-bedroom, 5 grand-plus. So, I would...I would do that. But I...I agree that, you know, look at our Housing Department, they're...there's like maybe 12 people on the housing side that aren't HUD. So, definitely something to work towards. But that was kind of in the vein of keeping simple simple, and just, you know, trying to...we know...we all know the problems with enforcement, and...and this is just one way to just keep it real, you know? That's it.

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

**March 9, 2023**

---

CHAIR JOHNSON: Okay. So, Members, we had...we have the main...the main bill that Councilmember Sugimura put up, we have a couple amendments to it. I think we had a really good discussion. I...my...my plan is and was to defer this, and take it back, and we can kind of incorporate these amendments, as well as the discussion. So, I've heard from the Department, you know, it would be hard...Director Aoki was saying it would be hard for them to do the affordable housing part, and maybe we should talk with DHHL about it. Point taken. I think...so, I kind of think now would be a good chance to allow everybody to speak on...on what Councilmember Paltin's bill is. So, we...what I did last time was I allowed...I...I gave my...my amendments, and then I had the Department speak on it. So, maybe we can bring up the departments again to speak on Councilmember Paltin's bill right now. And then after we do the departments, well, then we can ask Councilmembers if they have anything to add. So, we'll start with Director Aoki. What say you on Councilmember Paltin's bill? And then after we do Director Aoki, Councilmember Paltin, is there anybody...any other department you would want to ask, maybe Water or somebody?

COUNCILMEMBER PALTIN: Not really. I...I would like to hear from Ms. Ness if Member Sugimura thought she might have concerns as a resource.

CHAIR JOHNSON: Okay. Director Aoki?

MS. AOKI: Thank you, Chair Johnson. Regarding the combined...this is the amendment that it must not exceed 5,000 square feet for the two?

CHAIR JOHNSON: Yes, that's correct.

MS. AOKI: That's correct? Thank you. I have really no comment, other than we would just have to track it and we can do that, you know, within MAPPS to determine that they don't exceed that 5,000 square feet. Yeah. I...I don't really have any more...again, that's a policy decision of...of the Council to decide.

CHAIR JOHNSON: Okay. Let's move...thank you so much, Director. Let's move on to Autumn Ness, and then we can bring up Department of Ag Director Arce, if she's available, after this.

MS. NESS: Sorry, what was the question?

CHAIR JOHNSON: Okay. What was your concerns with this...with this amended --

MS. NESS: Oh.

CHAIR JOHNSON: -- amendment by Councilmember Paltin.



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

**March 9, 2023**

---

MS. NESS: No, I actually love the amendment to cap the total square footage. For exactly what you said earlier, like how big does your main house got to be? You know, so I totally...yeah, I love that part of the amendment.

CHAIR JOHNSON: Okay. Thank you, Ms. Ness. Director Arce, are you still on the call?

MS. ARCE: I...I am. Let me get my camera. Okay. Good afternoon.

CHAIR JOHNSON: Good afternoon, Director.

MS. ARCE: Yeah, I...I do support the bill. I am just...I just want to make sure that this is aiming to provide housing for farm employees, and not being rentals. And as far as the square footage size, I'm not an expert in that area, so I...I can't speak to that. But definitely want to make sure that it's conservative, and also enough space for a family to live if the farm worker does have a family. Thank you. Great job.

CHAIR JOHNSON: Okay. Thank you, Director Arce. All right. Councilmember Paltin? You're muted.

COUNCILMEMBER PALTIN: Thank you. Just to clarify to Director Arce's point, for the accessory farm dwelling, it is not necessarily for a farm worker, and that's how it is now. I think it has to be called a farm labor dwelling in order to be for a farm worker, and...and I agree with you, but that's...that's how it is now, and I think, you know, people could get upset if we do it that other way or something. I don't know. Sorry. Just...just didn't want you to think that that's what it was going to be. It's not necessary for the person living in the accessory farm dwelling to be a farm worker, so I just wanted to let you know that.

MS. ARCE: Okay. Thank you, Councilmember.

CHAIR JOHNSON: Okay. Thank you, Director. Thank you, Councilmember. All right. Members, we're going to go...okay. Councilmember U'u-Hodgins, go ahead.

COUNCILMEMBER U'U-HODGINS: Sorry, were you going to say something?

CHAIR JOHNSON: I was going to open it up to you guys to just talk.

COUNCILMEMBER U'U-HODGINS: Oh, okay.

CHAIR JOHNSON: So, feel free to...

COUNCILMEMBER U'U-HODGINS: Thank you. My question is for Planning. So, in 19.30A.30 in our district standards, paragraph D, it says the maximum developable area is 10 percent of the total lot. So, this would then conflict with...or this ASF would conflict with what it says here. So, would we need to then change this part, or how would we make this make sense to both sections?

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

**March 9, 2023**

---

CHAIR JOHNSON: Director Aoki?

MS. AOKI: Sorry. Could you tell me that section again?

COUNCILMEMBER U'U-HODGINS: Yeah. 19.30A.30, district standards.

MS. AOKI: Thank you.

COUNCILMEMBER U'U-HODGINS: Paragraph D. It...it does not apply to farm labor dwellings, but the maximum developable area is 10 percent of the total lot area.

MS. AOKI: Right. Correct. So, we would have to...even now, if you...if you have a...we would look at that. We always look at that to determine whether or not they're going in excess of that. 10 percent is a...is a...is a pretty large area because if you figure that...

COUNCILMEMBER U'U-HODGINS: It is.

MS. AOKI: Yeah. So, if you figure you've got 88,000 square feet in 2 acres, rough...you know, I'm...I'm, you know, rounding, 10 percent of that is 8,800 square feet. So --

COUNCILMEMBER U'U-HODGINS: Yeah.

MS. AOKI: -- it's not likely that if you limited it to 5,000...5,000 square feet, that that's going to conflict. If it did conflict, we'd go with the more stringent. So, if 10 percent only allowed you, say 4,000 square feet, that's what we would apply. Whatever is the most restrictive is what we adhere to.

COUNCILMEMBER U'U-HODGINS: Okay. But the minimum size ag lot is two acres unless they're existing nonconforming. So, that would be 87,120 square feet, and you're right, it would be about 8,000 square feet of developable land area. So, a 4,000 square foot would only be a one acre, and that would be basically existing nonconforming ag land.

CHAIR JOHNSON: Director Aoki?

COUNCILMEMBER U'U-HODGINS: Okay.

MS. AOKI: Thank you, Chair Johnson. that's absolutely true, Member U'u-Hodgins, you do have existing nonconforming lots that are not all two acres. So, this...like we say, we would go with the most restrictive.

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

MS. AOKI: Thank you.

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

**March 9, 2023**

---

CHAIR JOHNSON: Okay. Any...anyone else? Any other Members? We're kind of low on quorum here, we...and I know Councilmember U'u-Hodgins needs to leave soon. So, is there any final thoughts before your Chair defers the item? Anything...oh, Councilmember Cook?

COUNCILMEMBER COOK: I'd like to keep it simple as far as like I am very supportive of being able to increase it from 1,000 to 1,500 square feet. I understand and respect the intention to keep it for farm labor or for family member. I think I've said, and I will continue to say, I am very anti-speculative and would not want this to simply be an opportunity for somebody to sell the property for more money. But I'm concerned about it having criteria that the departments have to map because of the...their bandwidth. So, that...that's my main thing. It's...it isn't that I'm opposed to having any limitations, I'm concerned about the ability for the departments to actually be monitoring and enforcing these, and potentially it distracting them from doing reviews and approvals for affordable housing projects. So, that's my only comment, Chair.

CHAIR JOHNSON: Okay. Councilmember Sinenci?

VICE-CHAIR SINENCI: Thank you, Chair. Yeah, we've got this great system where we could send our bills to the planning commission for them and...and there's like three of them and...and the Hāna Advisory Committee, so actually four different agencies to weigh in on. So...so, not just us, but we've got all these people. And...and at all of these different planning commissions and advisory boards, we've got...we've got local people from their area that is going to be weighing in on this. So, not just us, but even more people to weigh in. And so, I'm...Chair, I'm supportive of sending all the amendments for them to weigh in on. And then...and then when it comes back, we can kind of look at what they approve of, or like some of the concerns that the other Members might have, they can kind of...you know, the different planning commissions can go ahead and do that. I think...and...and I understand Member Sugimura had her...her simple bill, but for...for us in East Maui, we had this problem about, you know, having these farm dwellings be used not for its...its specific use. So, I think by putting in these safe...safeguards, safety nets, then we can make it specific to what we really want this, which is for, right, like everybody wants, more housing for famers, generations, future generations, those types of things. So, thank you, Chair.

CHAIR JOHNSON: Thank you, Councilmember Sinenci. Anyone else? Okay. Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Mine...my comment would be more so on the process where it goes to the planning commission. Couple of things that I learned over the past four years or so, if Moloka'i, Lāna'i, or Maui is making a recommendation that is different from each other, if they can specify if their recommendation is meant to be only for their island, or if it's to be for the entire Code, that would clarify their recommendation back to us when we get it. We don't want a whole new bill, we just want their recommendations back to us, and then we can choose to incorporate it or not. And as we've seen in yesterday's DRIP meeting, if they have legal concerns, or if

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

**March 9, 2023**

---

they suggest something that the Corporation Counsel has legal concerns about, please let the planning commission know their legal concerns at the time it's in the planning commission. Because when we get their recommendation, if we want to go against their recommendation it's a higher standard that we have to meet, and if they're not...them, the planning commission as a client, is not getting the same legal advice that we're getting, it screws everything all up. So, that would be my comments on the process of sending things to the planning commission. We don't want a new bill, we want their recommendations, as it says in the Charter, and if they can specify if their recommendation is for Countywide or just their island, that would help. And then yeah, have Corporation Counsel treat the planning commission as their client the same way they treat the Council or the Committee as their client. Because if they're not getting the legal advice that we're getting, and they're giving different recommendations, it jams the whole thing up. So, that...that would be points that I...I would love to see adhered to, because it would make our jobs easier.

CHAIR JOHNSON: Okay. Duly noted for the record, Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you.

CHAIR JOHNSON: Members without objection, I'll defer this item.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR JOHNSON: Okay. So ordered

**ACTION: DEFER pending further discussion.**

CHAIR JOHNSON: We...I think that's at the end...we're at the end of the meeting. Let me ask Staff, is there anything else we need to wrap up? Staff?

MR. KRUEGER: Chair, there's no further business before the Committee.

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

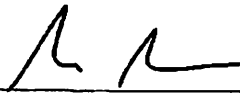
**March 9, 2023**

---

CHAIR JOHNSON: Okay. Having said that, the ADEPT Committee of 3/9/2023 is adjourned. Good job, everybody. . . .(gavel). . .

**ADJOURN:** 4:29 p.m.

**APPROVED:**



---

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

adept:min:230309:jcm

Transcribed by: Daniel Schoenbeck

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

**March 9, 2023**

---

**CERTIFICATION**

I, Daniel Schoenbeck, hereby certify that pages 1 through 58 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 13th day of April 2023, in Kula, Hawai'i



---

Daniel Schoenbeck