

January 24, 2023

Interim Council Chair Tasha Kama
Council of the County of Maui
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

RECEIVED

2023 JAN 24 PM 2:43

OFFICE OF THE
COUNTY CLERK

RE: A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.08, MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS (Bill 97, CD1, FD1(2022))

Aloha Chair Kama and Members of the Council,

I am submitting this testimony as a resident of Wailuku, on behalf of myself, my family, and my neighbors, in hopes that this council might be able to help us with an ongoing issue. For over two years now, residents on Linekona Place, in the neighborhood of Paukukalo, have been forced to live beside industrial activities against their will, and in violation of the language of the zoning ordinance. Specifically, we have been subjected to the roaring forge, pounding hammer, and grinding metal associated with blacksmithing. But, the County and State have refused to address this industrial activity in residential zoning because it is being called “a hobby.” This makes no sense when it comes to the plain language of the law, and I urge you to add further clarifications in Bill 97 that would help protect your residents moving forward.

Section 19.08.010 of the Maui County Code speaks of the residential districts generally as: “areas for single-family dwellings are established to provide for harmonious residential neighborhood **without the detraction of commercial and industrial activities**”(emphasis added). Moreover, Section 19.04.020 (as amended by Bill 97) explains, “In the zoning districts, three categories of uses are permitted: principle, accessory, and special. **Any use that is not expressly listed as a permitted principle, accessory, or special use is prohibited.**” Blacksmithing, and other such industrial activities, are not listed as permitted principle, accessory, or special uses in the residential districts, and should not be conducted in the residential districts. Such activities are meant to be prohibited because of their disruptive nature and potential harmful effects on the residents around them, not because of their pecuniary value as businesses. However, the County of Maui has refused to stop such activities when they are claimed as “hobbies.” This is absurd, and it has led to continued anguish for many Maui residents.

According to the Comprehensive Zoning Ordinance, a “machine shop or other metal working shop” is a permitted use in the light industrial districts, not the residential districts. Even still, having lived next to a blacksmith for over two years now, I can attest that such activities are better suited for the Restricted Industrial District, as those permitted uses include: “In general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like, and not allowed in any other district.” Regardless, today I implore you to do something to keep such activities out of the Residential districts.

Industrial activities can be hugely disruptive to everyday life, and prolonged exposure to the sound, vibrations, and fumes associated with such activities has devastating physical and psychological effects on people. For over two years now, dozens of residents of Paukukalo, an R-

1 neighborhood, have been forced to live beside such activities, and we have received no assistance. I know for a fact that similar problems are occurring in other neighborhoods as well. Please take this opportunity to clarify the language of the Title 19 to ensure that zoning enforcement can occur and this unlawful use in residential zoning can finally be stopped. A person's home should be a safe and peaceful place, where they are given the right to quiet enjoyment, but many of us are being robbed of that opportunity, and we need the County's help.

Mahalo,

A handwritten signature in black ink, appearing to read 'Jason A. Economou', with a stylized flourish at the end.

Jason A. Economou

County Clerk

RECEIVED

From: Ashley Hooks <Ashley.Hooks@co.maui.hi.us>
Sent: Wednesday, January 25, 2023 7:11 AM
To: County Clerk
Subject: Fwd: Testimony

2023 JAN 25 AM 9:36

OFFICE OF THE
COUNTY CLERK

>>> Ash Hooks <ash_hooks@yahoo.com> 1/24/2023 4:09 PM >>>
Good morning,

My name is Ash Hooks and I am testifying in opposition of the vetoes of Bill 103 and 154 by the previous mayor, Mike Victorino. These actions are not in the best interest of the public. The local community will benefit from these new ordinances if they were to be passed.

I also am testifying against the appointments of Alice Lee as chairperson of county council and Richelle Kawasaki as legislative attorney for council services.

Ms. Lee is abusing her position to appoint Moana Lutey as a highly overpaid clerk. As I am a county employee, I know first-hand how hard it is to change a pay scale and position title. For Ms. Lee to go out of her way to do so for a single employee, it's showing an ulterior motive. Ms. Kawasaki, Ms. Lutey's previous deputy in corp council, being appointed to another deputy position to Ms. Lutey is obviously calculated.

In a timespan of less than week in late December of 2022, Ms. Lee replaced her initial appointment to Ms. Lutey. (With this new administration, I would like to believe that the county council is set up to be upfront, to be honest, and with good-intentions. Ms. Lee's and Ms. Kawasaki's appointments do not give me the confidence in the Maui county council.

Please send conformation email that you have received my testimony,
Mahalo for your time,

A. Hooks

Pipefitter 1/Leak Detection
Water Treatment Operator 4

[Sent from Yahoo Mail on Android](#)

County Clerk

From: mary drayer <mdrayerhome@msn.com>
Sent: Wednesday, January 25, 2023 9:30 AM
To: County Clerk; Maui_County Council_mailbox
Subject: Re: Support for Council to Over-ride Veto of Bill 103

RECEIVED

2023 JAN 25 AM 9:36

OFFICE OF THE
COUNTY CLERK

Sorry – thought i sent this last night...was saved as a “draft”....

Sent from my iPad

On Jan 24, 2023, at 12:21 PM, mary drayer <mdrayerhome@msn.com> wrote:

Aloha awakea kākou,

I am in strong support of the Maui County Council to override the veto of bill 103 executed by former Mayor Michael Victorino. The Council passed this bill last year, and i can't think why you would not stand by your previous decision. Our housing situation is even more dire now. Maui News headline of 1-23-2023: “Native Hawaiians flock to Las Vegas for affordable living”. PLEASE HELP.

Mahalo for the opportunity to submit my testimony via email. I do appreciate it.

Mary Drayer

557 Imi Dr Wailuku Hi 96793

Sent from Mail for Windows

County Clerk

RECEIVED

From: mary drayer <mdrayerhome@msn.com>
Sent: Wednesday, January 25, 2023 8:25 PM
To: County Clerk; Maui_County Council_mailbox
Subject: Support for Maui County Council to Over-ride veto of Bill 154

2023 JAN 26 AM 7:47

OFFICE OF THE
COUNTY CLERK

Aloha all,

I am submitting my support for the Maui County Council to over-ride the veto of Bill 154 - Cultural Overlay Mapping, and Improved Permitting Process. As with Bill 103, it was previously approved by the Council, and I have not seen anything that could have altered that very recent action of approval.

Mahalo nui,

Mary Drayer
557 Imi Dr
Wailuku, Hi 96793
(age 75 - 67 year maui resident - 60 years at current address)

Sent from my iPad

From: Michelei Kahae <micheleik@yahoo.com>
Sent: Wednesday, January 25, 2023 10:59 PM
To: County Clerk
Subject: CC 23-1

2023 JAN 26 AM 7: 47

OFFICE OF THE
COUNTY CLERK

You don't often get email from micheleik@yahoo.com. [Learn why this is important](#)

Aloha, I would like to start first by voicing my support for Keani Rawlins-Fernandez to continue as the Chair for the budget, finance and economic development committee.

2nd I would like to also voice my support for Council Member Gabe Johnson to continue as the Affordable Housing Chair. He has done a ton of work that will help ensure healthy housing for many residents of Maui County. I say healthy because we are at a point where the workforce class won't be able to afford a home, and choosing to live in multigenerational homes or the beaches and bushes. AND that's not healthy at all. Therefore I thank Council Member Paltin for introducing Bill 103 and I ask all the members of Maui County's Council to override the veto of Bill 103 relating to workforce housing.

Mahalo,
Michelei Tancayo

County Clerk

RECEIVED

From: John Brown <aapmaui@gmail.com>
Sent: Thursday, January 26, 2023 8:43 AM
To: County Clerk
Subject: Bill 103, Bill 154

2023 JAN 26 AM 9:08

OFFICE OF THE
COUNTY CLERK

[You don't often get email from aapmaui@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Aloha,

I'm sending this email to support Bill 103 and Bill 154. These bills are important to the preservation of Kānaka Moali heritage and to protect housing for local long term residents of Maui County and their children.

Please confirm receipt.

Mahalo,
Sir John Brown K.C.
VP North America AANC
Aloha Aina Party
808-344-1977
www.votealoha.org



OFFICE OF THE
COUNTY CLERK

2023 JAN 26 PM 2:20

RECEIVED

January 26, 2023

TO: Councilmember Tasha Kama, Chair
Members of the Maui County Council

FR: AMERICAN RESORT DEVELOPMENT ASSOCIATION – HAWAII (ARDA-Hawaii)

RE: CC 23-2 Vetoing Bill 154 - A BILL FOR AN ORDINANCE TO ESTABLISH A CULTURAL OVERLAY MAP, CULTURAL SENSITIVITY DESIGNATIONS, AND RELATED REVIEW PROCESSES TO PRESERVE CULTURAL RESOURCES AND PROMOTE CAREFUL PLANNING

Hearing date: Friday, January 27, 2023, at 9:00AM

Thank you for allowing ARDA-Hawaii to submit testimony providing **Support for CC 23-2 Vetoing Bill 154 - A BILL FOR AN ORDINANCE AMENDING TITLES 18, 19 AND 20, MAUI COUNTY TO ESTABLISH CULTURAL OVERLAY DISTRICTS**. Bill 154 sought to create cultural overlay maps to identify cultural sensitivity designations and related review processes to preserve cultural resources and promote careful planning.

ARDA Hawaii has previously expressed concerned with the impacts of this measure which sought to establish cultural overlay districts intended to create greater oversight for archaeological and historical review. We agreed with Mayor Victorino's justifications for vetoing the measure which included the creation of a duplicative layer of review by the Principal Archaeologist on top of the review conducted during the discretionary SMA approval phase. Such a requirement would cause unnecessary delays.

Furthermore, there are significant concerns relating to a situation in which SHPD and the Principal Archaeologist provide conflicting recommendations. This lack of clarity needs to be further vetted prior to the cultural overlays being instituted. Bill 154 would have further prolonged the already lengthy wait times (7 months to a year) and worsened an already difficult and cumbersome process by creating confusing requirements that the county won't be able to manage efficiently.

ARDA Hawaii also agrees that too much discretion and authority is being was given to the Principal Archaeologist, creating the possibility of arbitrary reviews, further delaying reviews. In particular, the bill allowed for the Principal Archaeologist to make recommendations about what

type of conditions should be imposed on permits based on the mere chance or possibility that there may be a cultural impact, not based on actual evidence.

Additionally, the criteria for the cultural overlay designations are unclear and over-broad. Specifically, Section 19.46.030(A) lays out ten enumerated criteria which create an overreaching scope of areas that may be deemed culturally sensitive requiring review by the county archaeologist. For example, Section 19.46.030(A)(6) is vague and unclear stating:


“The area has the potential to reveal further information about the County’s pre-or post-contact history as determined by the principal archaeologist or the State Historic Preservation Division (SHPD).”

This requirement fails to create an identifiable criterion and could be interpreted to apply to vast portions of Maui. The creation of these criteria could ultimately lead to significant portions of Maui Island being unnecessarily deemed culturally sensitive. Finally, we agree that additional impacts of the mapping are unclear without more definitive criteria.

ARDA Hawaii supports the veto of Bill 154 due to the concerns with ambiguities in the criteria and potential delays in reviews which are already significantly long.

Thank you for your consideration of my comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'M. Imanaka', with a long horizontal line extending to the right.

Mitchell A. Imanaka
ARDA Hawaii Chair

County Clerk

RECEIVED

From: Maui_County Council_mailbox
Sent: Thursday, January 26, 2023 2:45 PM
To: lindseydrayer@hotmail.com; County Clerk
Subject: FW: Bill 103

2023 JAN 26 PM 3:07

OFFICE OF THE
COUNTY CLERK

Aloha Ms. Drayer,

Forwarding your testimony to the County Clerk's office as the email used is incorrect.

Mahalo,
Office of Council Services

From: Lindsey Drayer <lindseydrayer@hotmail.com>
Sent: Thursday, January 26, 2023 1:22 PM
To: unty.clerk@mauicounty.us; Maui_County Council_mailbox <county.council@mauicounty.us>
Subject: Bill 103

Some people who received this message don't often get email from lindseydrayer@hotmail.com. [Learn why this is important](#)

Hi,
I am in strong support of the Maui County Council to override the veto of bill 103 executed by former Mayor Michael Victorino. The Council passed this bill last year, and I can't think why you would not stand by your previous decision. Our housing situation is even more dire now. Maui News headline of 1-23-2023: "Native Hawaiians flock to Las Vegas for affordable living". PLEASE HELP.
Thank you!

Lindsey Drayer
(808) 385-5061

To: Maui County Council Members Maui County Council Meeting on January 27, 2023
From: Dick Mayer
RE: Resolution 23-4, and Resolutions 23-17 → 23-24
Maui County Council Committees and Chairs

RECEIVED
2023 JAN 26 PM 3:01
OFFICE OF THE
COUNTY CLERK

Aloha Councilmembers,

I very much appreciate the fact that you are receiving much input concerning the Council committee structure and Committee Chairs. Given my extensive interaction with the council over many years, please allow me to make some recommendations.

Tasha Kama would be an excellent Chair to represent the interest of our Hawaiian host culture by having a committee that deals with the new Oiwi Department, the new Human Concerns Department that will soon be divorced from Housing issues, and the introduction of Hawaiian language in our County government. The new committee might be entitled Hawaiian Affairs and Human Concerns Committee (HAHC).

I think that Yuki Lei Sugimura should Chair the Government Relations, Ethics, And Transparency Committee (GREAT) where she will be able to bring her many years of council experience into a leadership position on a committee that appoints all of the people on boards and commissions and formulates much our county government structure.

Keani Rawlins-Fernandez Budget, Finance, And Economic Development Committee (BFED) did a fine job with the often controversial and always problematic County budget. Keani lead the Council's important upgrading of our tax rate structure that increased county revenues and helped fund many important county activities. She probably would be able to add much more to the budget process, based on her considerable experience.

Gabe Johnson Housing, Parks and Environmental Management Committee (HMEEMP)
and

Shane Sinenci Agriculture, Water and Wastewater Committee (AWW) provided valuable leadership on their respective committees. They should be able to continue leading those efforts. They both started from zero and got a lot done, but need to finalize all of their ongoing initiatives: Housing Plan, Water Authority, new Ag Dept., etc.

Tom Cook brings extensive construction experience and would be an excellent Chair of an Infrastructure, Transportation and Public Works Committee (ITPW). It could include management of Maui County's lands and buildings.

Nohe UU-Hodgins may be best utilized on a new committee. She could Chair a Public Safety Committee (PS) that includes Police, Fire, Emergency Management, and Homelessness. Several of those departments/issues have not really had a council legislative direction and perhaps have drifted as a result.

Tamara Paltin Planning and Land-Use Committee (PLU) seems to have learned the ropes concerning the planning department and complex land-use issues. With a new planning director who has lived on the west side and perhaps still does, there is the potential that Tamara and Kathleen Aoki could form a good partnership and provide the needed leadership to guide Maui's long-term future.

This leaves one remaining chairmanship, and that is as Council Chair. I am very supportive of Alice Lee becoming Council Chair again because I've been amazed at how she has provided a steadying influence and strong direction to the Council over the past few years. Although I occasionally disagreed with Alice's votes, I feel that she has consistently made an effort to serve the needs of our county and its residents, as opposed to pushing her own personal agenda. That counts for a lot!

I wish you a very productive two years on behalf of our country and our residents.

Mahalo, Dick Mayer 808-283-4376