

AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION COMMITTEE

Council of the County of Maui

MINUTES

March 9, 2023

**Online via BlueJeans
Council Chamber, 8th 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

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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

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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.

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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

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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

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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 Kaipo Kekona.

CHAIR JOHNSON: Yeah, let's start with Kaipo. I'm...I'm sorry, I thought he...I thought I saw him on. Okay. Let's go with Kaipo. 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

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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

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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

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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.

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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

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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

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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. 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. 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?

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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

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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

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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

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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

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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.

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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

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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.

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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 gouge '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

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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 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

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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.

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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 . . .

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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?

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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.

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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...

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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

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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.

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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.

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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.

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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.

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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)*.

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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

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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.

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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.

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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.

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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

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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.

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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

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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-foot 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.

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COUNCILMEMBER COOK: So, if it's 20-feet 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.

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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.

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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

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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

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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.

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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.

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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 see.

CHAIR JOHNSON: -- an amendment that I would propose.

MS. AOKI: Okay.

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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 --

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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

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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 AMI 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 AMI. 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 --

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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.

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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.

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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.

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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?

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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.

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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

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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.

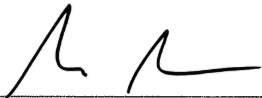
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CHAIR JOHNSON: Okay. Having said that, the ADEPT Committee of 3/9/2023 is adjourned. Good job, everybody. . . .*(gavel)*. . .

ADJOURN: 4:29 p.m.

APPROVED:



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

adept:min:230309:jcm

Transcribed by: Daniel Schoenbeck

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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