

PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

February 12, 2020

Council Chamber, 8th Floor

CONVENE: 9:02 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Tamara Paltin, Chair
Councilmember Shane M. Sinenci, Vice-Chair
Councilmember Alice L. Lee (in 9:31 a.m.)
Councilmember Michael J. Molina
Councilmember Yuki Lei K. Sugimura

EXCUSED: VOTING MEMBERS:
Councilmember Kelly Takaya King
Councilmember Keani N.W. Rawlins-Fernandez

STAFF: Ana Lillis, Legislative Analyst
Clarita Balala, Committee Secretary

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Jordan Hart, Deputy Director, Department of Planning
Kathleen Aoki, Planning Program Administrator, Department of Planning

OTHERS: Zandra Amaral Crouse

Allison Mouch, Orion Planning + Design
Bob Barber, Orion Planning + Design

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

PSLU-1(6): UPDATE ON THE MAUI COUNTY CODE TITLE 19 ZONING REWRITE (Rule 7(B))

CHAIR PALTIN: ...*(gavel)*... Will the Planning and Sustainable Land Use Committee meeting of February 12th at 9:02 a.m., please come to order. If everyone in the room

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can please silence your cell phones or other noise-making devices. My name is Tamara Paltin and I'm the Chair of the Planning and Sustainable Land Use Committee. Today we have a special presentation on an off week. So, with us we have our Vice-Chair Shane Sinenci.

VICE-CHAIR SINENCI: Aloha kakahiaka, hauoli wau ma ane i.

CHAIR PALTIN: Aloha kakahiaka, hauoli wau. And we have Councilmember Molina.

COUNCILMEMBER MOLINA: Aloha and good morning, Madam Chair.

CHAIR PALTIN: We also have Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning.

CHAIR PALTIN: Good morning. And non-voting Members Riki Hokama and Tasha Kama are welcome to join us at any time. For Deputy Corporation Counsel today we have Michael Hopper.

MR. HOPPER: Good morning, Chair.

CHAIR PALTIN: And Deputy Director of Planning today we have Jordan Hart.

MR. HART: Good morning.

CHAIR PALTIN: Good morning. And from Planning also we have the Planning Program Administrator Kathleen Aoki.

MS. AOKI: Good morning, everyone.

CHAIR PALTIN: Good morning. And we also have the consultant team representatives from Orion Planning and Design, Allison Mouch and Bob Barber.

MR. BARBER: Good morning.

MS. MOUCH: Good morning.

CHAIR PALTIN: Good morning. Committee Staff today we have Clarita Balala, the Committee Secretary, as well as Ana Lillis, the Legislative Analyst.

MS. LILLIS: Good morning.

CHAIR PALTIN: Our District Office Staff, on Molokai we have Zhantell Lindo; Lanai, Denise Fernandez; and in Hana, we have Mavis Oliveira-Medeiros. Today, we have one item on the agenda PSLU-1(6) Update on the Maui County Code Title 19 Zoning Rewrite. So, at this time I'd like to open public testimony. For individuals testifying in the Chamber please sign up at the desk just outside the Chamber door. If testifying from

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one of the remote testimony sites, please sign up with District Office Staff. Testimony will be limited to the item on the agenda today and pursuant to the Rules of the Council each testifier will be allowed to testify for up to three minutes per item. When testifying, please state your name and the name of any organization you may be representing. If you are a paid lobbyist, please inform the Committee. We have established a connection to the Council District Offices, however there is no one signed up to testify in the District Offices or the Council Chambers. So, if there is no objections --

COUNCILMEMBER MOLINA: No objections.

CHAIR PALTIN: --I'll close public testimony.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. So, first agenda item is PSLU-1(6) Update on the Maui County Code Title 19 Zoning Rewrite. In accordance with Rule 7B of the Rules of the Council the Committee intends to receive a presentation relating to an update on the status of the Maui County Code Title 19 zoning rewrite project by the Department of Planning and consultant Orion Planning and Design. And I scheduled this item at the request of the Planning Department being that the consultants were only here these two days yesterday and today, otherwise I would have fit it in the regularly scheduled schedule. So, thank you, Members, for coming on an off week and providing quorum so we don't have to cancel this meeting. I think it's really good to get this documented and out to the public and all the Members to be aware of how come there's changes coming. So, at this time if the consultants can proceed with their presentation it's my understanding that they're okay with anybody wanting to ask questions throughout their presentation, you can just raise your hand and I'll acknowledge you and then we don't have to ask questions at the end. Okay. Go ahead. Shoot.

MS. MOUCH: Good morning. Thank you again for coming on an off week, we feel very privileged and grateful to be able to meet with you this morning and really kick off this important and exciting project. Again, my name is Allison Mouch, I am a partner with Orion Planning and Design. I am based in Missoula, Montana, so it's lovely to be here. It is snowing back home. But this morning what we would really like to do is accomplish a couple of things with you all. As I mentioned we're kicking off this project. This is our first of many trips and meetings with you over the course of probably the next four years, it's going to be a long but appropriately so process to get to a new Title 19. And so, this morning what I'd really like to do is introduce you all to our broad consultant team, talk a little bit about the audit that was conducted in 2017 and '18, the outcomes of that which is really the basis for where we're starting. And then talk through the process that we'll be undertaking to update Title 19 with your participation and the public's participation and what that looks like over the next four years. So, today you have myself and my colleague Bob Barber who are representing the Orion Consultant team, we are the lead consultant on this project and we work with communities like yourselves from coast to coast, we're a national firm and our partners who actually, Carol Rhea, who is the co-project manager with

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me, she is on Molokai this morning presenting to their planning commission. But we also have a very strong design team in Oliver Seabolt and Ron Slade who will be assisting us in the update as we look at land use and design considerations. Our team is supported by three sub-consultants: Carlsmith Ball who will be heading up the legal consultation for the code rewrite, Rundell Ernstberger who will be assisting us with outreach and code drafting, and then PBR Hawaii based out of Oahu will also be assisting with much of the public outreach, code drafting, environmental and cultural aspects of the Title 19 update. So, we have a lot of people that will be present here throughout the course of the next four years and will really be key components of this update alongside our team. So, a little brevity to start the morning, for those of you who may be familiar or may have had a chance to read through the Title 19 audit that was completed in 2018 you probably have some understanding of the age of the code that we are currently working with. So, to provide a little bit of perspective as we think through the update, Hawaii became a State in 1959 and shortly thereafter Title 19 was adopted. And so, almost 60 years ago was the last comprehensive update if you will of that zoning code. In the interim there've been a lot of events that have happened that have changed the course of our world and how we operate in it, the moon walk, a number of technological advancements, a really important piece of the puzzle for those familiar with form-based codes and character-based codes, the institute was created in 2004 and that really set planning and zoning on a different path. We've got the first iPhone which of course is a watershed, and finally in 2017 the Planning Department began to consider a comprehensive rewrite, a comprehensive update and what the needs of Title 19 really should be as we move forward. How it can guide growth and development in the span of the 60 years of change that have occurred. So, that's where we are today. Our objective again is to go through this process and have a new code, an updated code by 2023 and there's a lot of steps and a lot of things that need to happen between now and then that I'll walk through this morning. So, some background on where the code audit stemmed from, obviously that 60-year span of time was a really critical I guess launch point to say we really have an outdated zoning code guiding our growth and development in an age that looks much different than it did in 1960. So, that was really the impetus for going through a code audit and looking at how the code could be improved upon given current scenarios, how the code itself works with your community plans. Community planning is a really important foundation for any zoning code and given the changes that have occurred, given the community plans that have been updated again in that span of time it was important that the audit look at that relationship and how the code could really inform those planning documents both today and moving forward. And of course looking at the best practices in zoning, again the form based considerations that have changed our approach as planners over the years but looking at best practices within the islands as well as nationwide to say how can Title 19 be improved to meet the needs of your community today and into the future. So, those were the objectives that we approached the code audit alongside the planning office and really looked at kind of shaping the findings and outcomes of that audit. So, over the course of the 18-month process in which Title 19 was audited there were a number of activities. We spent time on all three of the islands in Maui County observing some of the development patterns and current issues that the code was addressing or not addressing, obviously we've conducted a very in-depth review of Title 19. We

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interviewed numerous stakeholders, we spent about a week meeting with groups representing the agriculture community, economic developers, tourism, the design community, neighborhood councils and community members, environmental groups and all of those inputs are represented in the final audit document. Having conversations with them to understand what their unique issues were and then using that input to really inform where there were a lot of overlaps and people were having similar issues with the code as it currently stands. That...

CHAIR PALTIN: Sorry, Ms. Mouch, I had a question and then --

MS. MOUCH: Absolutely.

CHAIR PALTIN: --you said that we could ask questions.

MS. MOUCH: Yeah.

CHAIR PALTIN: So, I just was wondering if you could e-mail the Committee the list of the specific groups that you worked with, like their titles.

MS. MOUCH: Yeah. Absolutely.

CHAIR PALTIN: Just in case, you know, there's some folks that...is it possible for groups to still be involved, their input?

MS. MOUCH: Yes. And that will be part of this process, we'll use those original stakeholder contacts through the audit but they can be built upon certainly.

CHAIR PALTIN: Okay. So, and then you'll email us a copy of the list?

MS. MOUCH: Uh-huh.

CHAIR PALTIN: Right on. Thank you. Anybody else had any questions so far?

VICE-CHAIR SINENCI: Just a general question, Chair.

CHAIR PALTIN: Vice-Chair Sinenci?

VICE-CHAIR SINENCI: I get how long this process is, so you're saying that it'll end in 2023?

MS. MOUCH: Well, that is our hope.

VICE-CHAIR SINENCI: Okay.

MS. MOUCH: That's the target date, we expect about a four-year...

VICE-CHAIR SINENCI: Four years. Okay.

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MS. MOUCH: Yeah.

VICE-CHAIR SINENCI: Thank you.

CHAIR PALTIN: Okay. Thank you. Please proceed.

MS. MOUCH: Okay. Thank you. So, those stakeholder interactions that were part of the audit were then followed up with a survey of code users and that was both for external stakeholders as well as internal stakeholders, staff that work with the code, to again understand the myriad issues that folks are dealing with, with the current code. All of that information was compiled in conjunction with our team's review of the code and review of best practices again that helped us develop and draft a series of recommendations for improvements to Title 19. Key findings that came out of this process that probably you are quite familiar with in your work with Title 19, the code itself is pretty challenging to read, it's a long document, it's very wordy and there aren't very many illustrations, so if you need some good nighttime reading to put you to sleep, Title 19 is probably the place to go but, you know, for the outside user, for a member of the public that's a really hard document to navigate the way that it's currently structured. So, that was a pretty key finding that across the board and all stakeholders and even with staff the recognition that there are improvements there that need to be made. Similarly that readability influences flexibility, a lot of codes that don't go through regular updates kind of get piecemeal cobbled together aspects where you're trying to address a specific problem that then adds a layer of complexity and might result in long-term inflexibility and I think our assessment is that some of the project districts that have occurred over time are a result of feeling as if Title 19 is not flexible enough or does not provide enough options within the base zoning districts and so, you know, thinking outside of the box in a project district is the only opportunity to create that flexibility. And so, so that becomes an issue when you start to have, you know, all of those layers on top of one another and it's kind of a chicken-and-egg scenario where inflexibility creates weakness in readability and vice versa. Again, we heard from a number of stakeholders that the processes weren't clear and transparent. All of this is very interrelated, when you can't understand a code, when it isn't readable, when it isn't workable, it's hard to understand the processes that are in place whether they're for applications or permits. It becomes challenging for the user to really understand the expectations that are set and the process that they will have to undertake. Not only that, the processes can take a very long time and so that is a challenge that was expressed as well. The text and maps, zoning maps are difficult to read or they're inaccessible, again that gets back to clarity, and I think the County is undertaking a mapping exercise where in conjunction with this update having the zoning maps be available online and a little bit more approachable will be a huge, huge benefit and these two things go hand in hand so that's, I believe they're pretty close to having that established and that will be of huge benefit and really add to the workability of the Title 19 update. And not shockingly, we heard from quite a few stakeholders and members of the public that housing affordability is a huge issue on Maui and that while the code itself is not the panacea, it's not going to solve that issue, there are a number of things that can be done within the update to the code that can help alleviate some of those concerns. Additional

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findings, Maui is very auto-centric and the code does nothing to help kind of stem that centricity, there's no...very little mobility standards and mobility is not talked about in terms of land use very, very well within the code. You have what we call stacked zoning that allows all uses kind of in a pyramidal structure that has been found not only in Maui but in other jurisdictions to maybe not be as beneficial as it once was originally intended. There's a difference between stacked zoning and mixed use zoning that we can talk a little bit about and with the stacked zoning we heard from a number of folks in the development community that the outcomes maybe were not getting at the highest and best use not only for their purposes but also for the public good. Also, found that the existing Title 19 doesn't necessarily help preserve or protect some of the historic character or allow some of that historic character to continue or be reflected in new development and again that's something that's really important in terms of recognizing the unique qualities that are present in individual communities and islands within the County that the current code just isn't doing a good enough job of helping to reflect and move forward. Short-term rentals and the regulations that accompany them are fairly burdensome and that was something that came out of our conversations, and the processes to enforce and administer have been quite a challenge for both staff and stakeholders. Again, part of the theme in terms of character and how character is or is not well reflected in the existing code is that there's very little context or design character reflected in the current standards. And finally, we spent a lot of time with many stakeholders talking about the agricultural zoning districts and the desire and intent to protect that resource and how the existing code isn't again maybe getting at that goal in the best possible way, that there are some results that were ill conceived or just not being accomplished in the manner they were intended. So, all of that is presented in much greater detail in the content of the audit report which I hope you'll have a chance to read or have read and that was all kind of funneled into a set of core recommendations in terms of how the County should proceed with updating Title 19. Obviously, the creation of a simplified code, that organizational structure, taking into account character and context and place is how we would recommend getting at a hybrid code that looks at not only use but also that character and that form. Obviously, there are things that can be done through this update to promote housing affordability, to remove barriers to different housing types and a mix of housing types in more districts and so that was a key recommendation to get at the affordability issues that continue to be experienced. Addressing specific needs and use needs and issues through again site design and specific design standards that could be better integrated into Title 19 through the update. And using the update to really promote multimodal transportation options to again just open the door to what could be and maybe alleviate some of that, that auto-oriented development in ways that we're seeing successful in other jurisdictions. And as part of sort of the underpinning of this update looking at the plan relationship again and the processes that go alongside the community planning efforts in terms of how this, the Title 19 can better reflect the existing plans and future planning efforts, really better synthesizing that relationship was a key recommendation that we're hoping will come from this update. So, as we start the update process one thing that we find really important is thinking about zoning in terms of balancing the needs of the Maui community. Obviously, you have a set of public priorities that are most reasonably expressed through those community plans and the County plan. But we

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also have to think about private property rights, that's a very important issue and making sure that where guidance is not expressed explicitly through the plan or code that those rights are balanced with the public needs and public priorities that have been determined. And of course in thinking about a code update we have to also consider local capacity and that is capacity not only of staff, capacity of volunteer boards and councils like yourselves, but also the capacity of the public to interact with the new code and the new processes that come forth. So, all of that is gonna be part of our role in sifting through and drafting this update and our target is that sweet spot right in the middle that is, you know, always the goal and always the challenge. So, what I would say is as we begin it's important for you all to recognize that we're not, we are not drafting this code for you, we are drafting this code with you and that balance, that sweet spot is really going to be driven by the relationships that we have with you, with the Planning Commissions, with staff, the public, and stakeholder groups over the course of the next four years because our goal is to reflect the needs of the County and to provide a document and help walk you through that drafting process. We don't start code drafting for any community with a template, with a preconceived idea of what the code's gonna look like, it all comes from scratch. We might use and suggest things that have worked in other communities, but they are suggestions as a starting point to kind of craft what is going to work best for Maui County. So, I'd like to walk through just very briefly some examples for your consideration as we begin the amendment process and thinking about those key findings to kind of reflect where we're gonna start and some of the inputs that we'll be looking for. Code organization as I've mentioned has been very important and was a key finding and a key recommendation, so currently your zoning code is what we would call, well it's a Euclidean code that separates based on use and it's again very wordy and very traditionally organized and so on the left-hand side you can see how the permitted uses are currently reflected by district and we would look again to reinforce that clarity at creating a more comprehensive use table that would better reflect and allow folks to compare the whole suite of uses allowed in the County but look at by district. So, as an applicant or a developer, if you had a piece of property or were looking for a piece of property to do a specific activity on, you would be able to look at this comprehensive matrix and identify the districts that maybe you would want to target or understand the limitations or possibilities in your current location given that use table. So, it's just again a different way of representing information but aimed at being as clear and concise as possible.

CHAIR PALTIN: I had a question, Ms. Mouch, is it possible during the rewrite process to put like say a cultural overlay on the zoning for, you know, areas where there's traditionally found burials and like geographic features like sand dunes per se, is that like something that could have its own zoning?

MS. MOUCH: It can definitely be a part of the conversation and I think that is something that we are working with PBR and we'll be talking through the drafting process and how to address those site considerations and the existing resources that are out there. There's a lot of different ways that they might be approached and an overlay might be one or integrated standards within base districts might be another way. So, again I,

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we're at the very, very tip of the spear right now so I can't, I wouldn't want to say one way or the other but please know that will be a consideration.

CHAIR PALTIN: It's possible but it might not be something we do or something like that?

MS. MOUCH: I think it's absolutely possible and I just don't know what it would look like at this point.

CHAIR PALTIN: Okay. And then what if something along those lines ends up being considered by some people as a taking?

MS. MOUCH: Well, I think that is where our legal counsel and the County's legal counsel is gonna be really critical in identifying the best, the best way to approach and I guess deal with those resources within the code, how it would...where we would want to avoid creating a set of regulations that would lead to that being the perception.

CHAIR PALTIN: Okay. Good luck and more power to you.

MS. MOUCH: Yes.

VICE-CHAIR SINENCI: Chair?

CHAIR PALTIN: Yes, Vice-Chair Sinenci?

VICE-CHAIR SINENCI: Thank you. Just along those lines of questioning. So, we received the report, that sand mining report --

CHAIR PALTIN: Yeah, sand mining.

VICE-CHAIR SINENCI: --last week, and so in the report it just had a...it showed a high concentration of found burials in the --

MS. MOUCH: Okay.

VICE-CHAIR SINENCI: --site and it was just concentrated along where there was a lot of sand dunes.

MS. MOUCH: Okay.

VICE-CHAIR SINENCI: So, it's not everywhere, but it's concentrated in certain parts of the island.

MS. MOUCH: Okay.

VICE-CHAIR SINENCI: And so, you know, talking about some type of overlay or some kind of zoning --

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MS. MOUCH: Yeah.

VICE-CHAIR SINENCI: --that at least kept those areas away from development, I guess.

MS. MOUCH: Yeah. That would be really helpful information to have if that report is available. Okay, great.

CHAIR PALTIN: Okay. Yeah, and maybe...we didn't actually get a chance to present the report, we just had it on the agenda so, maybe I can schedule it for next week again so that we can make the presentation, you guys can watch it on the internet or something.

MS. MOUCH: Yeah, that would be great. Yeah. Thank you.

CHAIR PALTIN: Okay. If it's okay at this time, I'd like to recognize Chair Lee made it.

COUNCILMEMBER LEE: Good morning.

CHAIR PALTIN: Good morning. That's all?

COUNCILMEMBER LEE: Yeah.

CHAIR PALTIN: Okay. Good morning, that's the new language for her today. Please proceed.

MS. MOUCH: Okay, great. So, again just another example of the reorganization that we might consider through the update, uses, also thinking about dimensional...the massing and site design standards. Again, what's currently in Title 19 organized based on independent districts, very text heavy and segmented and an alternative might be to again organize based on all of the design standards located in one location so you can compare and contrast what the requirements are depending on what district you are focusing on and see the similarities and differences. Again, it's a way of presenting information so that the user has all of it at their fingertips and doesn't necessarily have to go back and forth between 30, 40, 50 pages. And then of course the content in the update will be critical, I mean the update is really going to be focused on not just restructuring but updating content to better reflect existing conditions. Your current code has a lot of zoning districts, many, many zoning districts. This list it's kind of hard to see up on the screen, but suffice it to say that Maui County has possibly the most zoning districts that we've seen in a community and, you know, it's an interesting place to start especially with the project districts and all of those unique qualities that we have to take into consideration. And so, really our objective in these first few months is to think about those districts, again their alignment with the community plans, their unique qualities and characteristics and work towards maybe representing them in a way and refining them to be more approachable. When you look at a list like this, even as a planner it's pretty overwhelming. When it's then reflected when each of those districts has a very text heavy list of permitted uses and again the considerations specific to each of those

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districts it all becomes a little challenging to wade through if you're looking for a particular quality or regulation. And so, the alternative that we work in is to move towards a more illustrative representation of districts where again those dimensional standards are represented in graphics, in examples of development patterns, not only aerials but then also site-specific standards where someone can look at where a building might be placed, the height of that building, the setback, the build-to zone, all of those elements can be we think better reflected through illustration and not relying as much on text. The other aspect of content development as we go through this update will be to really integrate many of those issues that came up through the key findings. First and foremost, I mean the Maui County and the Hawaiian Islands are at the forefront in terms of the discussion on climate change and adaptation. Right now the, you know, you see, you witness many of the development pressures occurring in the coastal areas in the areas most prone to climate change today and, you know, 5, 10, 20 years from now that's gonna look a lot different. And so right now the code does not speak to what development should do in the eye of that change that's coming that has already started and how existing development possibly needs to shift into the future to adapt to the geographic changes that will occur. So, we'll be looking really closely at how this amendment process can better integrate some of those considerations into design standards and development standards moving forward. Again agriculture, short-term rental, housing affordability, all of these issues are going to be important to be reflected through the content update. I mentioned earlier that a code by itself is not going to be the solution to the housing affordability crisis, but there are many things that we can look at when drafting a code, when thinking through process, when talking about use and design in various districts that opens the doors for there to be a wider range of housing options within the code, within independent districts and just kind of remove again some of those barriers that may be present right now in the code that are inadvertently leading to affordability issues. Did you have a question?

CHAIR PALTIN: Vice-Chair Sinenci?

VICE-CHAIR SINENCI: I was, I wanted to add about renewable energy because those are some of the things that we're looking at by 2045. So, you know, places to put, you know, PV, photovoltaic farms, those types of things, so.

MS. MOUCH: Absolutely.

VICE-CHAIR SINENCI: It's also, you know, another issue that we've been also dealing with.

MS. MOUCH: Yeah.

CHAIR PALTIN: Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. And good morning, Ms. Mouch, and thank you for your, you know, review of this and welcome to Maui from the big sky country of Montana also. Madam Chair, I think maybe we should consider a site visit to Montana one of these days.

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MS. MOUCH: Yeah. You're welcome anytime.

COUNCILMEMBER MOLINA: But, you know, you mentioned you found it that it was quite interesting that we have so many zoning districts and that you mentioned that regarding Title 19 that it's a challenge to wade through. I would hope that as you do this analysis and redoing this that you make it as user friendly as possible because I don't know if it was done by design from way back in the '60s that only the technocrats or the people with expertise in this field can understand it and legal professionals whereas the common everyday person would have a hard time. So, how does this compare, like you mentioned you're from Missoula, which is one of the, well I guess your most populated city is it Billings?

MS. MOUCH: Yes. Billings is one, Missoula is two.

COUNCILMEMBER MOLINA: How does this compare to what you have in Missoula as far as a code similar to Title 19?

MS. MOUCH: Well, no, there is...it's hard to compare zoning codes because everyone is just a little bit different. We are actually working in Missoula with Missoula County right now on their code update. So, there's some great comparisons that are occurring in our work between the two. You know, they are in a similar position in terms of the number of districts, they don't have as many as you but the districts that they do have we are looking at collapsing those because, you know, the real...there are things that can be done to streamline or organize districts differently where you have repetitive, you know, if you have three of the same districts there's just one small thing that might be a little bit different between the three. The question we ask ourselves in places like Missoula, places like Maui County is what is the purpose of having three independent districts? Is there a way that we can create one district that reflects the needs and have there be criteria that if a condition is present that one thing that is unique changes and that changes through an administrative review process or it just, it's how you think about again segregation of unique districts and is it necessary, is it beneficial. Sometimes it might be, the answer might be yeah, we have to keep all of these separate. But a lot of times we find yeah, there's really no reason that we need 15 when we can have 5.

COUNCILMEMBER MOLINA: Good. I appreciate you looking at efforts to streamline them and good luck 'cause I know so...quite a challenge for you.

MS. MOUCH: Yes.

COUNCILMEMBER MOLINA: Thank you. Thank you, Madam Chair.

CHAIR PALTIN: Thank you. Yeah, I got yelled at one time because the permit process and like that and I'm like I just got here, and then like to hear that you guys are experts and you think it's gonna take four years kind of makes me feel better, like what did they think I was magician or something, you know. Like the lady was yelling at me, you gotta fix the permit process. Side story, sorry, continue.

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MS. MOUCH: So, and as we talk about, this is kind of the part of the presentation where I'll start to go into what the next four years look like. We...our team has a very full plate in terms of beginning this update process. Obviously, we'll be leading in terms of the drafting, but that's not to say and I hope to reiterate that drafting is really done in concert very closely with staff, the Planning Commissions, and with your input. So, we'll be finalizing a public engagement strategy with staff in the coming weeks and that looks at how we're going to connect with and work with all aspects, all members of the stakeholders and the public over the course of four years so that there's comfort in how and when they will be engaged and have an opportunity to participate. In the coming trips we will be again conducting stakeholder interviews and hosting public workshops as well and I'll get into that here briefly. Again, working very closely with staff, with all of the Planning Commissions, with County Council, and we have a technical advisory committee that will also help us through this process and be guiding the discussions and guiding the outreach. We'll be meeting with them later this week. We have a project website that will be launched here shortly. Again, we're just kicking this off, but that will be a key component to share information with the public and for the public to provide feedback to us and I believe we have a project specific e-mail that has been established so that we can accept comments at any point throughout the process. We'll be using again those best practices and examples to begin drafting the code and there'll be multiple drafts that we will be bringing forth for consideration, and towards the end of the process, the end of that four years, one really important aspect of our approach is that we'll be creating a user's guide because in all honesty this code's gonna look a lot different than the code that you have today and it's gonna be important, especially as processes might change that the public understands kind of how to use this new code and how to interact with it. So, that'll be kind of the final piece of the puzzle that we'll get to you towards the end of those four years. The code will also be in an online format, very rarely do people print, you know, 3 - 400 pages of code and read through it. It's very important again in terms of that user friendliness that the code is structured in a way that you can navigate online to cross reference easily and so that will also be the outcome that you will have a code that could be printed, but the basis for which you would want to interact with it will be online and we have a number of examples where that's been very successful and it's kind of the way that the world is moving anyway, so. I'll get into roles and responsibilities for the County and for you it's really important to us again as you're part of the team and this amendment process, that there's support for what's being done. This is very critically important and you have a role in representing your community members in sharing information, in building support. It doesn't mean that you have to support everything that's brought forward and we would encourage that you provide us input and feedback if there's something that doesn't work or that you hear from constituents doesn't work. But more so it's support for our process and interaction with the process, we will have a number of opportunities throughout the course of the time we're here where there will be different ways the public and stakeholders can interact with us and the more that you are able to convey to the public how they can participate, where they can find information, how to provide us feedback, that just really helps us reach as many folks as possible and allow them to communicate their needs to us effectively and early in the process so we can make sure the drafts are representative. When we get to the review point, having timely

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reviews of the materials provided will again help speed up the consideration and adoption and so I would just note that that'll be really important as we get towards the end so that we can hope to maintain that four-year timeline knowing that things shift and change with the wind, so. In terms of the process very quickly, we're at the again the very, very beginnings so over the course of the next few months and really the next year we'll be compiling inputs on issues and directions as we create that first draft. Then we will be...there are three kind of main drafting periods, although...or in each one kind of coincides with a public review process and kind of testing ground. So, there'll be three drafts total prior to formal consideration for adoption, and then again, the user's guide and workshops relevant to how to use the new code will be at the very end of our process. Generally speaking the next four years are divided into seven phases and again this is a little bit small on the screen but we are in phase 1 as you see, we are...we've drafted an annotated outline from which to work from, we are on our first trip for this project to gather information and to kick things off. But over the course of the next two years that's really the meat of our drafting process and so you'll see that there will be drafts produced and then field testing where we'll be back and conducting workshops all over Maui, as well as on Molokai and Lanai to test the drafts, and to ask the questions and to get public feedback on does this work, does this work in these situations, is this accomplishing the goals, is it reflective of your community plan. So, those conversations, there'll be two very specific rounds in the course of the next two years where we're field testing the drafts. And then we'll be back with a third draft based on the outcome of those field tests for your consideration and then, or the Planning Commissions' considerations and then a final draft produced for your consideration. So, this and I believe the presentation can be made available after this meeting, but you'll be able to see this and study the phasing of our process.

CHAIR PALTIN: I had a question. You know, for West Maui, the District I reside in, they're going through the community plan update right now. Have you at all like been involved or been following what's going on over there?

MS. MOUCH: Yes.

CHAIR PALTIN: Oh, Mr. Barber?

MR. BARBER: Very...am I good? We have been following it and we've been following it with great interest because you're using a technique there that we think is very...will be...is going to be very, very helpful to the future of Maui which is a place type process. It gets at character of areas and more precise understanding of how particular areas ought to function and develop or be preserved, whatever the case may be. But I'm on the distribution list for the e-mails and so there was a meeting this week, but it had to get cancelled. I was very much looking forward to that. So, yes, we're following that with interest, in fact, we were at the planning conference, Hawaii Congress of Planning Officials --

CHAIR PALTIN: HCPO.

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MR. BARBER: --and did a presentation with your staff related to this very thing. So, yes, yes.

CHAIR PALTIN: Okay. Cool. Thanks. Proceed.

MS. MOUCH: Okay. We're almost done. Throughout...I just wanted to point out that throughout those seven phases there will be multiple opportunities for the public to participate and different ways in which the public can participate. We recognize that not everybody likes to come and speak publicly at meetings and so again the project e-mail, the opportunity to provide feedback outside of workshops and meetings that will be held will be continuous and available throughout the length of the project. So, what we need from you is again that support, a positive outlook. This is gonna be a very challenging four years, but we are approaching it as excited as possible because this is a really important thing for the County and your enthusiasm as we begin this and as it carries on through four years will be critically important and also again enthusiasm for sharing that information and getting the broader public involved. Sharing information, sharing your experiences, your feedback is as important as Councilmembers, as the public and so that will be critical as we proceed in getting perspective from you all on Title 19 and what you have seen and that's part of why we're here today. Review of drafts and summaries again will be important to us to get that feedback in a timely fashion, and providing that direction where you see us needing, you know, maybe a change, that's what we're here for and again you're part of our team in this drafting process. Your help in controlling any misinformation, obviously, you know, it's hard to navigate a public process that extends the life of four years and so to the extent that you're able again to direct the public and share information that we bring to you and share how to stay involved from their side of things and where to get information using the project website or speaking with staff will be important just so everybody knows exactly what's happening and when it's happening and why. And then certainly as we come back for those stakeholder workshops and meetings and the testing periods, making sure that everybody is aware of how they can be involved and stay involved and your participation in those will be helpful. So, with that we are opening it up to broader discussion that we can have this morning if you have questions or feedback or certainly if you need to think on everything that's been presented there will be opportunities as we move forward for this as well, but I'd just like to end today with asking the questions how maybe you have struggled, the opportunities that you have seen for improvements, and go from there.

CHAIR PALTIN: And so, with that I'll just go down the line starting with my Vice-Chair Member Sinenci.

VICE-CHAIR SINENCI: Thank you Chair. I guess my question was for you, my first one, I just was handed the 2018 audit, are you gonna upload the audit to Granicus?

CHAIR PALTIN: Oh, yeah. I'm sure we can do that.

VICE-CHAIR SINENCI: Okay.

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CHAIR PALTIN: We can do that right?

VICE-CHAIR SINENCI: Thank you.

CHAIR PALTIN: Okay.

VICE-CHAIR SINENCI: And then for Allison, I guess my first question was...thank you for your presentation. You mentioned Euclidean zoning types and I was just wondering how it mentions stacked zoning and interim zoning. What, if you can give an example of those or maybe a hybrid of those.

MS. MOUCH: Yeah. So, Euclidean zoning is not unique, many, many communities are under a traditional...what we call a traditional Euclidean zoning code and that, the term stems from a legal case back in gosh the '20s, I believe, where...over in Cleveland. The need to separate uses based on their impacts was seen as beneficial and that was really where zoning, the traditional development patterns and zoning regulations stemmed from, and so most codes that you see, especially codes that haven't been updated recently have that traditional separation of uses where you say in these areas residential is appropriate and just residential, and in these areas commercial is appropriate and just commercial and never the two shall meet. What we're seeing more and more through form based or hybrid codes is the recognition that there are actually uses that might be residential or commercial or even light industrial that are mutually beneficial and can exist, co-exist very well together if the right design characteristics are maintained and if there are considerations sometimes in how...we call them performance standards or design standards that can, you know, make sure that those uses co-exist in a manner that's...they don't have negative impacts. But we...the form-based movement in the early 2000's kind of moved from use separation to not talking about use at all and only relying on form, only guiding that development of form. And in our experience we have seen the most success kinda somewhere in that happy middle, because it's very challenging to go from a code that you have that is purely based on use to something where you throw use out entirely and say we're just gonna regulate the design of buildings. It poses challenges for staff, it proposes [sic] challenges for the public to understand that. It's just challenging and it's not always effective. And so, our approach is to really hybridize, use design, use performance to guide growth patterns to maintain character, but also continue to talk about use where it's appropriate, but just maybe broaden that conversation and so, you know, I think that again we haven't, we don't know yet we're just at the beginning of what that's going to look like for Maui County, but certainly moving away from only regulating by use, only separating or separating into those distinct districts is really not a best practice anymore. And so, I think generally speaking we'll be moving into more of that mix feel for the districts where it's appropriate.

VICE-CHAIR SINENCI: Thank you. My second question was that, you know, I really appreciated your timeline at the beginning of your presentation and I guess for Maui we're unique that we have a, you know, a long line of historical considerations, especially the plantation and then moving from agriculture into now more the present

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day. And so, I was just wondering how much of that historical impact is gonna be maybe part of this report?

MS. MOUCH: Yes, and I might turn it over to Bob to talk about it because he has actually been on the ground with one of our designers this week working on and establishing that...those character considerations. And do you want to...

CHAIR PALTIN: Mr. Barber?

MR. BARBER: Yeah. Sorry. Thank you. Briefly, we have been cataloging this week and will continue to catalog throughout Maui the various landscapes and development forms and understanding their history and why they're there. And also accounting for the manner in which these things are transforming or transitioning, understanding the pressures that exist today because obviously when the zoning Title 19 was created as you mentioned the timeline it's a very different context in what we're operating from today. So, to give a brief answer it's a...what we're doing is a process of understanding and what you just raised as historic influences on the landscape will be accounted for in the manner in which Maui exists today, and then when we think about development in the future how can that character, the best of Maui character, be preserved and extended where development is appropriate. And when I say development, I mean the full range of...so we would call rural, you know, the rural character in place type, how can that be preserved and maintained in its best form. To the other extreme your tourist-based development, saying what are the best forms and best practices there. So, I hope that's an answer that gets at it. We are cataloging, understanding it, and it will be used as input and heavily influence the outcome of Title 19 rewrite.

VICE-CHAIR SINENCI: Great. Thank you. I'm glad it's gonna be included. Mahalo, Chair.

MR. BARBER: Yeah.

CHAIR PALTIN: Thank you. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. First of all, you know, looking at your slide regarding the audit and the key findings, were there any number of issues in the findings that came as a surprise? I know probably the one, one of the findings which is housing is unaffordable for many, many people didn't come as a surprise when it comes to Hawaii, but any of the others caught your attention? Specifically, that stood out?

MS. MOUCH: You know, I wouldn't say...I think that the, probably the biggest surprise for us was in terms of the processes and the length of time that many of the processes --

COUNCILMEMBER MOLINA: As in permit processing?

MS. MOUCH: --permit process, planning process, it...that is very unique given the other communities that we work in. Not insurmountably so, but just that was something

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that came through in our conversations, in those preliminary audit conversations that we I think were unprepared to hear. The other findings are not unique to Maui. I mean certainly practically everywhere nationwide people are struggling with housing affordability, we struggle with it in Montana, we struggled with it in the East Coast, we hear it from even the small communities in which we work and so that wasn't a shock, we were definitely expecting that it was going to be that much more elevated given that it's Maui. And similarly, the issues of mobility, not unique but maybe unique in terms of how it's impacting the island. A lot of the findings we see in other communities but I, in terms of how they're impacting you specifically is always unique, I mean there's...no one community is created equal and no one is the same, but definitely from my perspective and if Bob wants to chime in, the procedural considerations were a standout.

COUNCILMEMBER MOLINA: Okay. And I appreciate you mentioning that you'll be working with the Department on the public engagement process and I'm sure that they can share with you their experience of the diversities of the communities as you go around. Some communities are very vocal others, you know, maybe a little more passive, so that in itself should be an interesting experience for you.

MR. BARBER: Councilmember Molina, if I may?

COUNCILMEMBER MOLINA: Uh-huh.

CHAIR PALTIN: Mr. Barber?

MR. BARBER: I just wanted to reinforce the question about surprising findings, what Allison stated, on the complexity and the length of the process was quite striking, quite striking. But in another sense, it's almost a foregone conclusion to have a complex and lengthy process with the nature of the code that you're working with, the length of it, the manner in which its organized and so forth. I'm just reinforcing that answer.

COUNCILMEMBER MOLINA: Yeah, and I think that's probably a contributing factor to why we have a difficult time in developing housing and other issues yeah. And my last question, Madam Chair, getting back to that permit process, with this rewrite how do you believe it'll help with...cause sometimes the complaints we get is about the customer service aspect from not only this Department but other departments as well and also, you know, expediting the processing time of permits. So, how will this rewrite you believe will contribute towards improving these processes?

MS. MOUCH: Well, we hope that it will contribute to improving them. The administration of the code is part of the update, so we will be looking at similar to...ways we can collapse and streamline districts. We will be taking the same eye towards the processes that we might be able to improve upon. A lot of that might come from just making the districts and the standards easier to understand. If there's comfort level in the understanding of the code for both the external applicant, as well as internally with staff that might alleviate some of that pressure anyway. But the question I believe I presented earlier when we look at, you know, the why, why there are five

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unique districts, we'll be asking similar questions in terms of why is this process the way it is, is there a specific reason, what if we could do it this way, would it still accomplish the same goals and would it meet, you know, everybody's comfort level so, you know, that will definitely be part of the conversations that we have.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR PALTIN: Thank you. Chair Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. Allison, do you come across situations in other municipalities whereby the zoning is conditional as opposed to being standardized? Over here we have conditions you don't, wouldn't believe are put on a project, yeah, and so to me that raises the question of fairness number one, and exacerbates the issue of length of time and no wonder we're the least affordable place in the world, yeah, because some projects have a few conditions and others have a mountain of conditions. Like some projects take 12 years to, you know, to reach their final approvals and others might take 12 months. So, have you come across that before?

MS. MOUCH: Absolutely, but not, again to get back to what Bob was saying, not, truly not to the extent that I think we see in talking with the stakeholders and staff here. Conditional approvals are fairly common elsewhere and jurisdictions struggle with that in the same way you have struggled...

COUNCILMEMBER LEE: Actually, isn't that illegal?

MS. MOUCH: What do you mean?

COUNCILMEMBER LEE: Conditional, you know, case by case, you add for this project you add that condition, for that project you add that condition, you know.

MS. MOUCH: Well, it depends on the statutory...in Montana, for instance, cities are granted statutory authority to have conditional approvals, counties are not and so it's different state by state. So, the, in terms of Maui County and conditional approvals I think what we would look at are creating consistent criteria by which a project could be evaluated based on district, based on design characteristics, based on site considerations, that would help kind of apply approval, you know, you would have an even playing field in terms of the suite of options given.

COUNCILMEMBER LEE: So, that's one of your goals? Is to make things consistent?

MS. MOUCH: Yes.

COUNCILMEMBER LEE: Okay. Great, great.

MS. MOUCH: Absolutely.

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COUNCILMEMBER LEE: And then my second question is in other municipalities where you've, you know, reviewed their planning codes, do they have to receive state approvals for a Change in Zoning, you know, as well? 'Cause we have the dual issue of County and State, so other places go through the same thing?

MS. MOUCH: No.

COUNCILMEMBER LEE: No?

MS. MOUCH: That's very unique. Yeah. Very unique.

COUNCILMEMBER LEE: Okay. I think that's something we need to look at. Thank you.

CHAIR PALTIN: Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. Thank you. Thank you very much for your good work and we're glad to have you do this. I also just wanted to comment by reviewing your team it's good to see that you have PBR and with familiar names that have worked with us as well as from Carlsmith Ball with Craig Nakamura. I kinda grew up with him so he's been around for a long time. My first question is...well, I just wanna say that by working in this community and as you know we went through a big shift with our agriculture. I think in 2016 when HC&S went out, but even beside that we have a lot of ag land just because of the nature of, you know, the journey that our County has gone through from the as you say from the '60s to now. One of the things that I see out there is and if you would maybe be able to look into it, is there are ag properties that really should be rural and because of that it creates...and you've identified it as one of the problems of...audit key findings, agriculture zoning practices aren't working. And so, you have people saying I'm farming and they're planting trees, but they're really not farming, they just bought ag land and I feel for them because it's really hard work to be a farmer but yet they're trying to fit to the land they purchased right. And along with that is the second part of that is the concern about then you get the benefits of being, get real property tax that's less, get water that's less and so you have the greater community paying for a benefit of somebody who's trying to, you know, be a farmer. So, there's that, that I see in the community so it's rural, the rural question and how to get us to the right place. And then I'm grateful that you're talking to our employees because they certainly know from a frontline basis, you know, what the problems are and will you continue to do that? Or what is the process?

MS. MOUCH: Yes. They will, they are a stakeholder in this whole process and so we will be working very closely, in fact we have a meeting on Friday with all staff --

COUNCILMEMBER SUGIMURA: Okay.

MS. MOUCH: --as part of their kickoff to this process and so they will be at the table with us through the drafting.

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COUNCILMEMBER SUGIMURA: Perfect. And to get you to what you call your sweet spot right, your targets, and by talking to all of these people you have local capacity, private property rights, public priorities, do you have a system in place that you could share with us? Or will that be part of your process that you'll share with us? Because it certainly is a challenge, you know, as we sit in these chairs just to hear the testifiers as well as the things that people send us to read and, you know, we get public opinion as well as data, you know, from...

MS. MOUCH: The...you know, I think in terms of and this question came up yesterday with the Planning Commission, you know, how to incorporate the comments received from the public and from the stakeholders, there's...it's challenging because a lot of the feedback that we get through a process like this is based on very personal experience with the code. And so, it's our job to take all of that into account, to hear all of that, to respond to it in a manner that's appropriate, but also, you know, everyone has varying opinions, even in this room everyone has varying opinions. And so, being able to express why a change is happening even if it is not a change in the code that maybe everybody likes, but if there's a rationale and that feedback has been considered, the most important thing when we work with communities is making sure that the public is heard and that those voices are addressed and they're addressed in a public manner so that we might not be able to make every change or every change might not be appropriate to make, but there's a reason that we can have a conversation about why an adjustment has been made or why it has not. And so, we'll be, I mean it's hard to say that we have a firm process for doing that. It's so nuanced for every community that it's not, you know, and if this then that, but certainly in terms of helping our team kind of organize responses to those comments and helping you kind of take and receive and respond to comments, that will be part of this relationship over the next four years.

COUNCILMEMBER SUGIMURA: Thank you, very important. One last question. Thank you, Chair. So, we're gonna get final product 2023 and you went through your steps and your draft edits and I wonder when we go through our community plan we have a specific timeline that we must complete the planning, the community, the process, the Planning Commission, and then the Council. So, in this case is there...maybe this is a Corp Counsel question or the Department question, but is there any formal process that we must go through so that Council needs to review it within a certain amount of time so we can keep this going or do we just get the final product and we approve it?

MR. HOPPER: The rewrite timeframe is whatever, you know, is agreed to in the contract, the time that you've got. The only timelines that I'm aware of is that are some timelines when the document is transmitted to the Planning Commission they've got some time to send to you and so that's where you get into timelines. But that's like with any other land use ordinance so I think we probably would have as a draft code at some point that would be, you know, a request to adopt that and that would go to the Planning Commission. I imagine a lot of other people would review it too, but I think once it's transmitted to the Planning Commission for review that does trigger some timelines, but there's flexibility even within those, you know, the Council could get it and send it back if it wanted to or other things like that. And I think the remedy is if

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they hold it for beyond that timeline is generally that the Council could act without their recommendation but, you know, there's been times where it goes pass that time and, you know, the Council can just choose to wait also. So, I don't think there's any anything specified in the Charter as far as reviewing this until it's transmitted to the Commission.

COUNCILMEMBER SUGIMURA: Okay. That's...you're fine.

CHAIR PALTIN: Mr. Hart?

MR. HART: Chair, all I was going to say is I presume you're wondering if there's something similar to 2.80B that outlines the Maui Island Plan and community plan, so the short answer is no, no specific framework like that. Thanks.

COUNCILMEMBER SUGIMURA: Okay. Thank you. That's it.

CHAIR PALTIN: Well, thank you very much. For me I think that you nailed the issues that is wrong and, you know, sometimes people like Member Molina kind of alluded to, people think that it's broken by design, but it's just maybe the historical situation and I was wondering why you chose 1960 as your starting point. For me I would say 1848, you know, at the point where the Great Mahele took place is definitely where I would kind of suggest starting and I appreciate that your recognition that Maui is a very unique place in terms of how the code is written and otherwise. And the reason that I think that 1848 is kind of important is because of I don't know if you had noticed the consolidation and re-subdivision process does also include not only TMKs but royal patents and Land Commission awards and so it seems that if that's gonna be the practice moving forward that we should fully realize and understand the source of those types of things that people are, some people are taking advantage of to, you know, without any kind of review that a normal project would have. It's kind of going a different way, sideways maybe or depending on your outlook or your perspective. In addition to that I really like about, you know, that the public should be heard and addressed in a public manner and I think, you know, that's kind of one of the common complaints we're hearing that is leading to us creating these or the desire of the community to create these advisory committees that Member Molina, as well as Member King are currently working on, like we're working on that thing that we had the issue agendized for the past three meetings and if it's possible any kind of feedback on that. Some of the main concerns that I had heard or the common complaints was that, you know, with the Planning Commission changing to this new way of taking testimony members of the public feel that they're not getting heard, you know, they can come during a workday and they won't be able to give public testimony until the agenda item comes up and there's no set timeframe. And so, now from going from just giving public testimony now there's a whole bunch of other stuff and there's other, you know, examples of what could be done, some people go as far as talking about neighborhood boards and realistically, you know, what we're trying to accomplish. So, I just was wondering if maybe at some time we could meet and if you could provide any feedback on advisory committees and things that you've seen. Like 'cause if we're going through this update and rewrite and we're currently adding like

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another layers simultaneously or separately from what you folks are doing, I think that it's gonna be like, you know, just trying to fix the problem by putting little Band-Aids while somebody else is doing open heart surgery is like what are you doing, oh I'm putting a Band-Aid, oh I'm replacing a femur or something, you know. So, just, you know, a comprehensive look at what historically happened to the present day and what we're currently doing to try to fix it, but it's definitely not a comprehensive fix and so how we can make sure that we're not like, that we're all paddling in the same direction so to speak. I also liked that you clearly laid out the roles and responsibilities of the Planning Department and your firm. And I...my last issue that I would like to make sure that gets addressed as part of the rewrite is, you know, like ceded lands and, you know, just a more clear understanding of the role that plays within zoning and whatnot. Okay, cool. Last chance, you have any questions for us? Or I guess you already asked the questions for us any...Vice-Chair Sinenci?

VICE-CHAIR SINENCI: Thank you Chair I just had a follow-up question on Chair Lee's question about the State being, also having an input into the process. I wanted to add what about the Federal process of permitting. I know we've had some farmers using the USDA process and not, you know, kind of going above and beyond both County and State processes. So, if you had any input on that.

MS. MOUCH: We...certainly, the Federal procedures or requirements apply in other states in which we work and so in terms of how both the State and those Federal processes inform this update, you know, we don't have control over what happens at the State level and we certainly don't have control over what happens with the Federal government requirements, but where this code can point to those requirements and the processes that need to be undertaken given a certain activity or permit, we will do everything in our power to very clearly identify that. And again this is where that interactive code, having it available online and being able to easily cross reference processes that exist elsewhere in places that we have no authority or control over but are important for an applicant to understand what is required of them we will be looking to better integrate that. So, again it's...we might not be able to change it, or we won't be able to change it, but we will be able to hopefully make it clearer what the expectation is and what the options are if a certain process needs to followed as part of this code update. So, the Federal processes are less foreign to us, that the State requirements are again very unique. Lots of layers.

VICE-CHAIR SINENCI: Thank you. Thank you for your response. Thank you. Chair.

CHAIR PALTIN: Thank you. Member Molina?

COUNCILMEMBER MOLINA: Thank you for giving us this last chance to follow up. First of all, you know, I had a chance to kind of look at some of your place names and you mentioned about wanting to definitely making it a point to understand the cultural aspect of our community which is much appreciated. But I got to tell I was fascinated by some of the place names you have in Montana. Lame Deer, Hungry Horse, Poison Sweet Grass and a word that's also...we use here in Hawaii a place called Lolo. You know, so lolo in Hawaiian has a different...quite a different meaning so I appreciate

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that. And one quick question, you know, our average median house price is about 800,000 here in Hawaii can...you have numbers from Montana? Do you or Mr. Barker [sic] can share with us?

MS. MOUCH: Oh, well, I mean in Missoula, the median home price for a single-family residence approximately 1,200 square feet just hit 350,000 which is not the same, you know, on face value, but it has the same, if you look at kind of the median household income, the percentages and that gap are similar. And Missoula is more affordable than Bozeman. Bozeman median home prices are over half a million for a similar scenario and other resort communities in the State, White Fish, Red Lodge are experiencing very similar gaps so I don't know if...

CHAIR PALTIN: Mr. Barber?

MR. BARBER: Just to add perspective I'm from just outside of Memphis, Tennessee so in the deep south and our median home price will be in the range of 225, 250 in that range. That the gap and affordability between Maui and even Montana, but in my part of the world for sure is dramatic, it's breathtaking to me to even think about it.

COUNCILMEMBER MOLINA: Wow. Okay. Well, thank you, I appreciate all your analysis with this with our Title 19. Thank you, Madam Chair.

CHAIR PALTIN: Member Lee, any further...anything?

COUNCILMEMBER LEE: No. Thank you very much for coming and I appreciate the discussion. Thank you.

CHAIR PALTIN: Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. I have no further questions. I really appreciate this and I look forward to hearing more as you go along. Thank you, Department, and thank you very much.

CHAIR PALTIN: Wow, this is one of my fastest meetings ever.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR PALTIN: Members, if there's no objections, the Chair will defer this item.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KTK and KRF)

ACTION: DEFER PENDING FURTHER DISCUSSION.

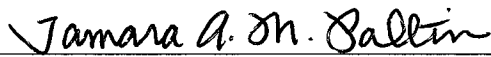
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CHAIR PALTIN: This concludes today's Planning and Sustainable Land Use Committee meeting. Before I recess, thank you very much, Members. The time is now 10:30. This meeting is adjourned. . . .(gavel). . .

ADJOURN: 10:30 a.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use
Committee

pslu:min:200212:ck

Transcribed by: Cheryl von Kugler

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
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CERTIFICATE

I, Cheryl von Kugler, hereby certify that 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 3rd day of March, 2020, in Kihei, Hawaii

A handwritten signature in black ink, appearing to read "Cheryl von Kugler", is written over a horizontal line.

Cheryl von Kugler