

# **PLANNING AND SUSTAINABLE LAND USE COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**October 22, 2020**

**Online Only Via BlueJeans**

**CONVENE:** 9:01 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Tamara Paltin, Chair  
Councilmember Shane M. Sinenci, Vice-Chair  
Councilmember Kelly Takaya King  
Councilmember Alice L. Lee  
Councilmember Michael J. Molina (out 11:45 a.m.)  
Councilmember Keani N.W. Rawlins-Fernandez  
Councilmember Yuki Lei K. Sugimura (in 9:14 a.m.)

NON-VOTING MEMBER:

Councilmember Riki Hokama (in 9:28 a.m.)

**STAFF:** Ana Lillis, Legislative Analyst  
Alison Stewart, Legislative Analyst  
Laksmi Abraham, Legislative Analyst  
Wilton Leauanae, Legislative Analyst  
Richard Mitchell, Legislative Attorney  
Clarita Balala, Committee Secretary  
Jean Pokipala, Council Services Assistant Clerk

Kate Griffiths, Executive Assistant to Councilmember Kelly Takaya King  
Trinette Furtado, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez  
Lois Whitney, Executive Assistant to Councilmember Tasha Kama

**ADMIN.:** Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel  
Michele McLean, Director, Department of Planning  
Jordan Hart, Deputy Director, Department of Planning (PSLU-68)  
Jacky Takakura, Administrative Planning Officer, Department of Planning (PSLU-71)  
Kathleen Aoki, Planning Program Manager, Department of Planning (PSLU-11)

**OTHERS:** Lauren Nagata (PSLU-71)  
Patty Sadler (PSLU-71)  
(2) additional attendees

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

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CHAIR PALTIN:     ...*(gavel)*... Will the Planning and Sustainable Land Use Committee meeting of October 22nd come to order. The time is now 9:01 a.m. And if I can ask everyone to please silence any cell phones or noise-making devices. My name is Tamara Paltin, and I'll be the Chair of your Planning and Sustainable Land Use Committee. For today, with us we have our Vice Committee Chair Shane Sinenci from East Maui, aloha kakahiaka.

VICE-CHAIR SINENCI: Aloha kakahiaka, Chair. And our prayers go out to all the families and loved ones in Lānaʻi. Ipagdasal naton ang lunis sa COVID-19 saba ong mundo.

CHAIR PALTIN: Awesome. I will not say that back to you. And our Council Chair, today we have Alice Lee, that's muted at the moment. Can't hear.

COUNCILMEMBER LEE: Good. I'm glad you didn't hear what I just said. Aloha kakahiaka. And I too would like to send my love and aloha to all the people on Lānaʻi. We're thinking of you. We're praying for you and, you know, whatever the Council can do, we're there, you can count on it. Thank you.

CHAIR PALTIN: Thank you. I feel the same. From the virtual bridge in Makawao, we have Councilmember Molina.

COUNCILMEMBER MOLINA: Good morning, Madam Chair. Blessings to you and everyone, and I too also share my prayers and aloha to our friends and ohana on Lānaʻi.

CHAIR PALTIN: And from Molokaʻi, we have Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. Mai Molokaʻi nui a Hina, and I too will repeat and echo the sentiments of my colleagues, particularly Member Sinenci because I'm sure it was well thought out and communicates our thoughts. It's also my son's birthday today. He's 11.

CHAIR PALTIN: Hau'oli lā hānau.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: And from South Maui we have Councilmember King. Aloha kakahiaka.

COUNCILMEMBER KING: Aloha kakahiaka. Sorry for being late. I was on the phone to one of our constituents, and hope everyone is doing well. Happy birthday to your son. I hope you enjoy these pre-teen years. It doesn't get easier.

CHAIR PALTIN: Okay. And we have Councilmember Sugimura. She's having a little bit of technical difficulties in logging on. So as soon as we see her, we'll exchange a greeting. Non-voting Committee Members, Tasha Kama and Riki Hokama are welcome

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to join us at any time. And I did receive a call from Councilmember Hokama I'll share with you later as the meeting gets underway. From Corporation Counsel, Deputy Corp. Counsel Michael Hopper. Administration, the Department of Planning, Planning Director, Michele McLean; Administrative Planning Officer Jacky Takakura; and Planning Program Administrator, Kathleen Aoki. Committee Staff, today we have Clarita Balala; Jean Pokipala, Council Services Assistant Clerk--and sorry, Clarita was our Committee Secretary. We have a bunch of Legislative Analysts, Ana Lillis, Alison Stewart, Laksmi Abraham and Wilton Leauanae. We also have Legislative Attorney Richard E. Mitchell. On today's agenda, we have three items: PSLU-68, Amending Chapters 19.64 and 19.65, Maui County Code, Relating to Bed and Breakfast Home and Short-Term Rental Home Permits on Lānaʻi; PSLU-71, Urban Reserve District; and PSLU-11, Annual Status Report on Implementation of Maui County Community Plans. Okay. Testimony, let me check if we have any testifiers. Is there anyone out there wishing to provide public testimony for us today?

MS. SADLER: Yes.

CHAIR PALTIN: Okay. We got Patty Sadler. Okay.

MS. SADLER: Yeah. Actually, I'm here with Lauren Nagata, and she wants to testify. I'm helping her with the computer right now.

CHAIR PALTIN: Oh, okay. I guess I wasn't sure we had public testimony. Let me give the instructions for public testimony at this time.

MS. SADLER: Okay.

CHAIR PALTIN: Oral testimony via phone or video conference will be accepted. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans meeting link as noted on today's agenda. Testifiers wanting to provide audio testimony should have participated via phone conference by dialing 1-408-915-6290 and entering meeting code 944504421, also noted on today's agenda. I'd like to recognize that eComment is our new written testimony feature. I highly encourage the public to sign up for an eComment account and review the instructions on how to submit testimony via eComment at [mauicounty.us/ecomment](http://mauicounty.us/ecomment). Proceeding with today's testimony, oral testimony is limited to three minutes. When your name is called, please unmute yourself by clicking the microphone icon or if calling by phone, please press star four to unmute yourself. If you are still testifying beyond that time, I will kindly ask you to please complete your testimony. When testifying, please state your name. If you are testifying on behalf of an organization or a paid lobbyist, please inform the Committee. Staff will post a link to the testifiers login chat so testifiers will be able to see where they are on the list. However, please be mindful of the use of chat during the meeting. Chat should be limited to items on the agenda and should not be used to provide testimony or chat with other testifiers. If providing testimony, please be courteous to others by muting your microphone while waiting for your turn to testify. Participants who wish to view the meeting only without providing testimony, please view a live cablecast on *Akakū* Channel 53. You can also visit

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mauicounty.us/agendas to access live and archived meeting videos. I remind Committee Members, Administration, and the public to please be patient with us as we continue to navigate through this new platform. I'd like to proceed with oral testimony. I believe Ms. Nagata was the first signed up to testify on Ms. Sadler's computer. So if you want to go ahead and unmute your video and your microphone, you have three minutes and you may proceed, Lauren Nagata.

**. . .BEGIN PUBLIC TESTIMONY. . .**

MS. NAGATA: Hi, my name is Lauren Nagata from the . . .*(inaudible)*. . . family who originally owned 200 acres in Kula. This is a fourth generation ownership expanding 100 years of ranching in Upcountry Kula area. My family was approached to sell numerous parcels throughout their ownership, specifically Kula Elementary School, along with the old Kula Credit Union, which is now the Kula Animal Hospital on Lower Kula Road. Years ago, the remaining property was split among the children of the ohana. My brother and I received eight acres on Lower Kula Road, which we subdivided, but I was not aware, had no idea that I would not be able to expand or put another dwelling on my property. I currently live with my son and his girlfriend in a 100 *[sic]* square foot home.

MS. SADLER: 1,000.

MS. NAGATA: Currently we raise goats on our property, and we enjoy looking at the West Maui mountains and the beautiful sunset. It is for this reason that I am for a bill for amending the Urban Reserve Zoning in the County Zone to be less restrictive, to be able to expand an existing dwelling or add on an ohana. Thank you for your time.

CHAIR PALTIN: Thank you, Ms. Nagata. Members, any questions for the testifier? Mr. Sinenci has a question for you, Ms. Nagata. Are you available to answer questions?

MS. NAGATA: Yes.

CHAIR PALTIN: Go ahead, Member Sinenci.

VICE-CHAIR SINENCI: Aloha, Ms. Nagata. Mahalo for being here today. And so I just had a clarifying question. So your property lies within the Urban District Area in Makawao?

MS. NAGATA: In Kula, Lower Kula Road.

VICE-CHAIR SINENCI: Lower Kula Road. Okay. Thank you very much. Thank you, Chair.

MS. NAGATA: You're welcome.

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CHAIR PALTIN: Thank you, Member Sinenci. Members, any further clarifying questions? I had one question, Ms. Nagata.

MS. NAGATA: Yes.

CHAIR PALTIN: Did you want to do like a Short-Term Rental Home or a B&B, or you just wanted to build a house for your ohana...or long-term rental.

MS. NAGATA: Just build a house, not a B&B or rental.

CHAIR PALTIN: Oh, okay. All right. Thank you. That was my only question. Anyone else had any questions? No. Thank you so much for your testimony today.

MS. NAGATA: Thank you.

CHAIR PALTIN: Let's check the list to see if we have any further testifiers. Ms. Sadler, did you wish to give testimony as well?

MS. SADLER: Basically, I am supporting the Urban Renewal...I'm sorry, the Urban Reserve Zoning be less restrictive and be allowed to expand existing dwellings with a main house and an ag dwelling or ohana dwelling. So I'm supporting that as well. There are numerous people on the island that have this restrictive zoning, and most of them, it's come from long-term family land, and they're not able to use it in a way that was originally provided. And there's just not a lot of development in the area close here. Ms. Nagata is right next door to the Animal Hospital up off Calasa Road and Lower Kula, and it's very quiet, wonderful country. So I'm just saying the same things she did.

CHAIR PALTIN: Thank you. Thank you so much for your testimony. Members, any questions for Ms. Sadler? I hope I'm saying your name correctly.

MS. SADLER: Yes.

CHAIR PALTIN: Okay. Seeing no questions, thank you so much for logging on and providing testimony for us today.

MS. SADLER: Thank you.

CHAIR PALTIN: Is there anybody else out there online that wants to provide public testimony at this time? I don't have anybody else on the list. Okay. I don't hear anyone. Now would be your chance to unmute and let me know. Let me unmute all. Just say something if you want to provide public testimony. Okay. Members, seeing there are no more individuals wishing to testify, without objection, I will now close public testimony.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

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CHAIR PALTIN: Okay. Any objections, Members, on receiving written testimony into the record?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**. . .END OF PUBLIC TESTIMONY. . .**

COUNCILMEMBER SUGIMURA: Oh, there.

CHAIR PALTIN: I hear Member Sugimura.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: Aloha kakahiaka.

COUNCILMEMBER SUGIMURA: Hi. Sorry I'm getting used to my new computer, and I had everything shut off, but good morning, everybody.

CHAIR PALTIN: Good morning. Glad you could join us.

**PSLU-68            AMENDING CHAPTERS 19.64 AND 19.65, MAUI COUNTY CODE,  
RELATING TO BED AND BREAKFAST HOME AND SHORT-TERM  
RENTAL HOME PERMITS ON LĀNA'I (CC 20-484)**

CHAIR PALTIN: Okay. So our first item on the agenda, PSLU-68 Amending Chapters 19.64 and 19.65, Maui County Code Relating to Bed and Breakfast Home and Short-Term Rental Home Permits on Lāna'i. This is a continuation of our last meeting that we held on Lāna'i, and so we had asked some questions to the Planning Department. I received a call from Councilmember Hokama, asking consideration to defer this item...because of the situation on Lāna'i, he didn't want folks to be split attention between what they need to do there and what we're doing here. So if it's okay with the rest of the Members, I was thinking maybe we can just get our answers from the Planning Department, have a little discussion, and then defer actual decision-making. They can watch the video of this meeting, hear the answers, hear the discussion, and then weigh in before we actually vote at a future meeting. Does that sound like an okay plan to folks?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR PALTIN: And so I just had been hoping to move this through the agenda in an expedited manner, but you know, corona happens and if I can ask, I think I saw Deputy Director Hart on the call. Let me see...of the Planning Department --

MR. HART: Chair, I'm on.

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CHAIR PALTIN: -- instead of Director McLean; is that correct? Yeah. Okay, I see him. Deputy Director, did you have any update on the requested analysis on the existing Short-Term Rental Home permit and proposed caps, any update from last night's Planning Commission that you would like to share with us at this time?

MR. HART: Chair, yeah, we received the request and shared the...I have maps to show. I wasn't able to basically put together a response to the letter. We actually received it two days ago, but we were able to do the GIS work. And so there's two items that we looked into, the total volume of permits that could fit within Lānaʻi City, and then the total number of existing permits that are currently within 300 feet or overlapping an existing permit. And so those would be the permits that would not be able to be renewed if there was some sort of provision that did not allow for existing to continue. So I can share my screen and show those two maps.

CHAIR PALTIN: That would be awesome.

MR. HART: And to your other comment, we did have Lānaʻi Planning Commission last night. And so the final agenda item, I did give them an update of the status of our last meeting and the questions that were asked from Council, as well as the information at...this morning's meeting was scheduled at 9:00 a.m. and how to access that. Is everyone able to see my screen at this time?

CHAIR PALTIN: Yes.

MR. HART: Okay. So this map is an analysis of area, and so the stars are surrounded by hexagons, and the stars are 150 feet from the boundary of the hexagon. So when you look at two stars, they are 300 feet from each other. And so in a scenario where over time all the permits space themselves out equally, this is an analysis of the land use designations that would allow for STRHs. There's more than enough to accommodate a total of 42. There's actually 192 shown, and this is only for Lānaʻi City. There are other parcels outside of Lānaʻi City that are zoned that could allow for STRH. Obviously, they would have to have homes built on them, it would need to exist for the required period of time, and they would need to obtain a permit. But, you know, anticipating that all those things could unfold under the life of an ordinance, there's basically, you know, potential for 192 in town, and a significant more amount outside of town if single-family homes were developed on them and they obtained Short-Term Rental Home or B&B permits.

CHAIR PALTIN: Okay. So there is enough space, basically.

MR. HART: Right. And just to revisit, the total cap between STRH and B&B is 42 total.

CHAIR PALTIN: Yeah.

MR. HART: Okay. So the next map depicts the existing permits, and so the squares in bold black are the parcels where there is an existing STRH permit that is within 300 feet. Are you able to see my cursor?

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CHAIR PALTIN: Does it look like an "I" bouncing around?

MR. HART: Let's see. It does. I'm not sure how to change it in...

COUNCILMEMBER RAWLINS-FERNANDEZ: It's by the yellow circle.

MR. HART: Let me see if I can go full screen mode and if it will change it. Okay, is it a hand now?

CHAIR PALTIN: Yeah, it's a hand.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MR. HART: Okay. So these three are within...there's three that are within 300 feet here, two that are within 300 feet here, and two that are within 300 feet here. So that's a total of seven within 300 feet of another. And then because of the way they're organized, between three or four could not be renewed. And, you know, the problem that the Department has is that it would be completely arbitrary because it would be based on whatever leg of the life of the permit that they're on or renewal. So it doesn't necessarily mean that anybody would have had their permit for longer or would have performed any better than anyone else. It would just be whoever's term is up, they're out and that, we anticipate, would be a challenge for us. But anyway, it would really only affect potentially three or four, and the swing is here. Basically, if this...if either of these permits came up before this center one, the center one would remain and knock out these other two. So that's between three or four would lose out. But anyway, that's the graphic response to the two questions that were asked of Planning.

CHAIR PALTIN: Thank you. That's awesome. And just to clarify, if we weren't to allow like a legacy or grandfathering in of those that are less than 300 feet, then three or four would be affected by that is what you're saying.

MR. HART: That's right. And, you know, if I could provide some input on, you know, this situation.

CHAIR PALTIN: Yes, please do.

MR. HART: The new Ordinance requires that the Lānaʻi Planning Commission renew all permits. And so it seems like, you know, you have the issue of permit can't change hands, and you have the issue of the level of performance that an operator does, and then they have to visit with the Lānaʻi Planning Commission in order to obtain a renewal. It seems like it would be a less confrontational way to allow them to continue and have the option to renew. And then if Lānaʻi Planning Commission concludes that they're not supervising their guests or keeping their parking off the street, or having noise be regulated, you know, they would not get renewal and that would, you know, take care of the issue, rather than having a person that feels that there was an arbitrary way that they lost their permit challenging the Planning Department.



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CHAIR PALTIN: Okay. Thank you. Members, have you seen the screen enough? We can stop sharing screen.

MR. HART: Oh, excuse me.

CHAIR PALTIN: Yeah. I really appreciate the graphic description. I had one question to start off with for you, Deputy Director. You know, in us issuing short-term rental and B&B caps and whatnot, it seems like it's easier to...or it would be easier to increase the number than it is to decrease the number. And I know that the Planning Commission suggested 21 B&B, and there's only one going through the...or would like to go through the permitting process. I just was wondering your thoughts of starting a little lower, like say 10, and then as we approach 10, add on another 11 if necessary. Like say it takes 10 years or so to get to 10, and it's we're in a wholly different situation by then and, you know, they get a chance to see what 21 short-term rentals and 10 Bed and Breakfasts are. I just was wondering your thoughts about starting at a little bit lower number and then increasing it, instead of starting at the full 21 right off the bat for Bed and Breakfasts since there is zero right now.

MR. HART: Sure. So the Commission expressed that they would prefer to have the B&Bs. The issue would be that basically we would, you know, go through the same exercise of working with the Commission and renewing the Ordinance before bringing it to Council. It does take a significant amount of time. Another option hypothetically could be that you cut the cap on STRH below the existing number, and you leave B&B remaining, so that the same thing would happen as far as the STRH that are too close to each other already. Slowly over time, you know, it'll be attrition down to the actual cap. And then people who are interested in proposing new operations, they can see in the B&B side.

CHAIR PALTIN: So...and then I'm just clarifying what you just said. Like say we...they want more B&Bs than they want STRs, so if we said 21 B&Bs and 14 STRs, and just allow it to expire by attrition? Is that what you meant?

MR. HART: Yeah. Based on the deliberation and the testimony that we heard on the Planning Commission level, that would probably hold for a longer period of time than needing to come back and amend the Ordinance. Because if you set the cap low and they get what they're interested in, then we're going to come back in some period of time and renew the Ordinance. And we may have to tinker with it for other reasons anyway, but . . . *(cell phone rings)*. . . excuse me. Sorry about that. Anyway...

CHAIR PALTIN: Okay. I think I understand. Member Molina had a question for you.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Good morning, Director Hart. Just following up on your comments. So basically, if we right now try to change the number of B&Bs or short-term rentals allowed in this current bill, or if we even change the 300-foot limitation, would we now have to have the bill sent back to the Lānaʻi Planning Commission for review?

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MR. HART: I don't think so, but you should consult with your counsel about that.

COUNCILMEMBER MOLINA: Okay. Thank you. Madam Chair, can I ask Corp. Counsel that question?

CHAIR PALTIN: Sure. Mr. Hopper, are you there?

MR. HOPPER: Yes, Madam Chair, I'm here. What were the specific revisions we're talking about here, could you recap that?

CHAIR PALTIN: We were talking about lowering the number that was recommended by the Planning Commission.

MR. HOPPER: I think that if it's just with the number, I don't think that's a problem because it's not that you have to adopt exactly what the Commission recommends, it's whether or not what you are reviewing is within the scope of their recommendation. So if they recommended a number, you're free to recommend a different number if you like, as long as the topic of the number was something discussed and something that could have been discussed at the Commission level based on the notice and things that they have. So I didn't have a problem with that. Again, you're probably going to want to look at the...on page 4 of the Ordinance, the B&B language that does not mirror the STRH language with respect to grandfathering in the units that are already permitted as far as...that are within the, I think it's 300 feet, as others. I think I discussed that at the last meeting. I think that's another change that you could make without sending to the Commission. So yeah, generally speaking, as long as it's not something that is considered an entirely new proposal that couldn't have been considered by the Commission, you would have the ability to look at that and recommend those changes to the full Council.

COUNCILMEMBER MOLINA: Thank you for the clarification. Thank you, Madam Chair.

CHAIR PALTIN: Sure thing. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. My first question will be for Mr. Hopper.

CHAIR PALTIN: Okay. Mr. Hopper, sorry.

MR. HOPPER: Oh, no, that's fine. I don't go anywhere, I just press the button. So I'm still here.

COUNCILMEMBER RAWLINS-FERNANDEZ: So you said that it doesn't have the same grandfathering in language, B&Bs doesn't have the same grandfathering in language as STRs, is that your concern?

MR. HOPPER: Yeah. Page 4 of the Ordinance, it says...

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COUNCILMEMBER RAWLINS-FERNANDEZ: So there aren't any B&Bs right now...right, Deputy Director Hart?

MR. HART: There are not. This...

COUNCILMEMBER RAWLINS-FERNANDEZ: So it would need...go ahead.

MR. HART: I agree that the language is going to cause a problem because it doesn't establish a date specific, or it's not duplicated in both Ordinances.

COUNCILMEMBER RAWLINS-FERNANDEZ: So even if there aren't any permitted B&Bs right now, we would still need language to grandfather in B&Bs?

CHAIR PALTIN: Less than...

MR. HART: If you put it...okay, if you put it in there, it wouldn't...I think that the issue...my opinion of the issue is that if it established a date specific on what existing permits are, it would resolve the concern. Because basically, it just says any existing permits, but it doesn't say existing when. So like it doesn't say, for example, existing at the adoption of this Ordinance or something to that effect. You might propose that you duplicate the language in both Ordinances as a solution to the approach, and that's drawing your question of why do you need to do that when there's no existing permits. I don't think that...regardless of how it gets addressed, I agree with Mike that it is a problem with the way we drafted it coming out of Commission.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Deputy Director Hart, and mahalo, Mr. Hopper. I do have two questions for Deputy Director Hart. And I see that Member Hokama joined so if you wanted to recognize him before I continue with my questions. Chair, I'll defer to you.

CHAIR PALTIN: Aloha kakahiaka, Member Hokama. Thank you for joining us today.

COUNCILMEMBER HOKAMA: Good morning, Chair. Thank you very much. I've been appreciating the discussion by the Committee. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Deputy Director Hart, when you showed your maps, I thought I heard you say that the radius between the stars was 150 feet. Is that what you said?

MR. HART: For clarification, the distance from the star to the boundary of the hexagon.

COUNCILMEMBER RAWLINS-FERNANDEZ: From the star to the boundary of the hexagon. Okay. So then in your second map, when it shows the permitted STRs that are existing in the town, is that 150-foot radius, or is that the 300-foot radius?

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MR. HART: That one was 300...okay. So basically, that one was 300. There were two different questions that were asked, and so they were approached in two different ways. One was how many can fit in the town or the city? And so in order to establish spacing between, the 150-foot radius was used, and that's still 300 feet between two stars. In order to establish whether or not one operation was within 300 feet of another operation, then the 300-foot radius was used there. So two different purposes is why we used the different approaches.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for that clarification. And with the STR cap, why would we go at 14...you said half of what was proposed?

MR. HART: I don't remember if I said a number. Basically the...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Chair said 14. But if we were to...

MR. HART: Yeah, the Chair was asking if...what I was making a suggestion on was an option that could potentially result in not needing to change the Ordinance sooner. But, you know, there's no certainty on that. It could be that B&B's don't take, and people don't want to do them. But if you do it that way and you leave the cap open on the mechanism, or the method of operation that the community and Commission express they were more interested in, that seemed like it would delay needing to redo the Ordinance. But again, with any Ordinance there could be something in here that we didn't properly anticipate and, you know, somebody is going to present an option of why they can do something a certain way, and we're going to need to address it. So it was just a recommended option on an idea of addressing something.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Because the proposed cap is 21 STRs, and the number of existing permitted STRs was 19?

MR. HART: I believe...one second. I believe it was 20, but I'll check in a second.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: Yeah, I think it's 20 with one pending, or something like that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I see. Okay. Oh, 20 with one pending. Not 19 with one pending?

CHAIR PALTIN: Oh, maybe it was...I'll let him...Jordan --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: -- check it out. Any other Members have questions? Member Sugimura, I can't see you. So if you have a question, just say my name.

COUNCILMEMBER SUGIMURA: Ms. Paltin.

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CHAIR PALTIN: Do you have a question?

COUNCILMEMBER SUGIMURA: I'm having difficulty with my new computer, but could you let Staff know that that problem exists? Because my computer is working according to Bruce, so it's something internally within us.

CHAIR PALTIN: Oh, okay. So your computer is working, but it's something with BlueJeans right now.

COUNCILMEMBER SUGIMURA: It's saying my BlueJeans on, video and audio, but I'll mute my audio now back to...

MS. LILLIS: Chair, we'll do our best to assist Councilmember Sugimura. Thank you.

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: Thank you, Ana.

CHAIR PALTIN: And then there was a suggestion, Member Sugimura, if you want to try and restart your computer, I think that's worked for other folks as well.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: Logging out, restarting, and then coming back in. Deputy Director, did you find the...

MR. HART: Chair, we have...let's see the date of this list. We have a current total of 19 Short-Term Rental Homes, and I believe that the pending one is a B&B. I need to correspond with Staff on whether or not there is any additional pending STRHs since my last update.

CHAIR PALTIN: Okay. All right.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(inaudible)*. . .

CHAIR PALTIN: So Members, any further questions on anything on this matter? Member Hokama, you okay? Mr. Hopper?

MR. HOPPER: If you're about to go into deliberations, I did have a couple of thoughts on the Deputy Director's comments about putting a date in there. It may not be necessary, but I can discuss that at an appropriate time. But if you're going to go into deliberations and consider voting on those issues, I did want to make a couple of comments on that.

CHAIR PALTIN: Okay. I think we're going to...per what Member Hokama wanted us to hold off on the vote. Is that still true, Member Hokama?

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COUNCILMEMBER HOKAMA: Chair, I don't know if our community has heard the discussion today, especially about I would say concerns, but I appreciate the discussion regarding the distances. I think Mr. Molina brought up the 300 foot...was it 300 foot, Mr. Molina? And so yeah, thank you. Yeah, the distances were discussed by the Commission, by the community, and that was one of the problems because if you look where the dots are, you notice there are some areas of it where they're like a cluster, they're pretty tight. And then you get spacing, and that's just the way it kind of occurred. So the problem areas is peak like where my house is. I'm in a cluster area, where I'd prefer...if it was 300 feet, I wouldn't have that issue. And again, Lānaʻi was never designed by Jim Dole to be a vehicular community. It was always planned to be a pedestrian, and they would provide--and they did--all of the transportation requirements for the workforce at that time in our history. So, you know, I appreciate the requirement that it has to be off-street parking. I think Mr. Molina mentioned it, right. If you got six bedrooms, then you're going to need six parking spaces off the street. Lānaʻi was never built that way. Part of it is our, what's the County term, legal non-conforming lots. They're legal because they were created...when they were created, they were legal, but not to today's standards; and it's not conforming because many would not meet the minimum basic requirements to be subdivided. And so please take that into account too, that the proximity of houses, the area, that definitely wasn't meant, where there is...you will see there are no garages on the lots, things like that. So I ask you, take those unique considerations for us. And again, Chair, if you do pass it out, fine. I'll do my best to make sure that that Committee draft gets to the community and posted so they can review it before Ms. Lee decides to have it on the Council agenda.

CHAIR PALTIN: Okay.

COUNCILMEMBER HOKAMA: Thank you, everyone. As you know, Lānaʻi's mind right now is on COVID, period. We are not thinking of anything else. We're looking at a potential island shutdown. So you can understand where all our energy, thoughts, and prayers are going right now. So thank you very much.

CHAIR PALTIN: Thank you, Member Hokama. Okay. So there would still be two additional chances to vote on this. Member Rawlins-Fernandez, you had a comment or question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Mahalo, Chair. I was thinking that perhaps as a Committee, you know, I agree with you and Member Hokama that we, you know, not take the vote today. So I support that direction. I was thinking though that, you know, if the community is going to watch this meeting at a later time to see what was discussed, that perhaps we hear Mr. Hopper's suggestions for the changes, and also discuss where the Committee, you know, would be leaning toward. And that way the next time you schedule this item, the community would be able to provide us feedback on the direction this Committee would be taking. Mahalo, Chair.

CHAIR PALTIN: Thank you. Yeah. That sounds good. Mr. Hopper, would you mind sharing with us? It doesn't look like we'll vote today, but we would like to hear back from

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Lānaʻi when their minds are more on this topic, which wouldn't be today, but we would like your feedback.

MR. HOPPER: Yes. And then I can discuss...we can discuss this with the Planning Department too, as far as the date. But the only thing that I was thinking was maybe there was not a date certain put in there because normally, you put a date to say that after the Ordinance comes into effect, no more permits are allowed after that, and that permits granted before that date can be granted. But I think the assumption here is that any permit that is valid was...that's within 300 feet of another B&B or STRH would have had to have been granted prior to the effective date of this Ordinance, otherwise it would have been illegally granted in violation of the Ordinance. I guess the only exception could be if someone applied prior to the Ordinance coming into effect, hadn't gotten their permit yet, and you wanted to allow them to get permitted. But that may have been the thought in not specifying a date. I think we can specify a date, and I've done that before. And if the Department has a date in mind, we could do that. It's generally awkward in the Ordinance to say, the effective date of this Ordinance--because the STRH Ordinance is made up of multiple ordinances, so you won't know which one that is. You could also put that in one of the later sections of the Ordinance, and say that permits received prior to a certain date or prior to the effective date of the Ordinance can be processed as if they were, you know, not restricted based on geography. So those are several options, maybe the Planning Department can discuss and think about which one they would want to deal with, which one they would prefer. The only other issue is again, on page 4, talking about Bed and Breakfast Homes. I still think mirroring the language that's in the STRH Ordinance would be appropriate because: (a) I think you did say there was a pending B&B permit, so I think it may be important to put that in there; and also, the grandfathering issue. If you want to let someone who's in the pipeline apply and be granted, even if they are within 300 feet of another, you would have to account for that. But also, that language in the B&B ordinance mentions Short-Term Rental Homes also. So I think it would be a good idea to have those mirror each other. Again, I don't know the intention of why it wasn't there. It could have been an oversight or maybe not, but if there's a reason for that, knowing that would be good. If we're going to discuss this further, that's fine. Those are the thoughts I would have. But I wanted to get those on record for discussion purposes.

CHAIR PALTIN: Thank you, Mr. Hopper. So personally, my preference would be to do the mirroring version rather than the date version because, you know, if you, say 20 years down the road, are looking at it and it starts at this date, that you still kind of have to look behind and say, like, who was grandfathered in or what that is. But because there are no B&Bs right now, if we mirror the language then, you know, it's just...it is what it is, there aren't any, but if there were, they would be grandfathered. Is that a correct interpretation, Mr. Hopper? It's either the dates or the mirroring?

MR. HOPPER: Yes. I believe so. With the...the one thing maybe to check on is with the Bed and Breakfast person who has applied, would they have to be denied unless there was language saying that if they applied prior to the effective date of the Ordinance, they could still be granted. Also, I'm not sure what would happen with respect to the

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application because I don't know if it's necessarily going to the Lāna'i Planning Commission. So would it shift from a Planning Department approval to a Planning Commission approval? That may be something for the Department to look at as far as current pending applications because it sounds like there's a pending B&B application, and the consequences of passing the Ordinance with that pending should be known to the Committee at least, I'd say.

CHAIR PALTIN: Okay. Deputy Director Hart, are you still with us?

MR. HART: Yes.

CHAIR PALTIN: So do you have a problem with changing the language of the bill to just mirror the B&B and the short-term rental portion instead of adding a date to it, and letting us know if the pending B&B or STRH, whichever one it is, is within 300 feet of another operation?

MR. HART: Sure.

CHAIR PALTIN: And I guess...would you resubmit to us the bill with the mirrored language, or would we just make an amendment? Does it need to go back to...it doesn't need to go back to Planning Commission for the mirrored language for STRH and B&B?

MR. HART: No, I don't think so. Okay. So I think that the reason we didn't mirror it is because we were...you know, had the logic that there was no current B&Bs and we didn't see an issue with it. It wasn't an intentional difference. You know, I don't think it's a significant change to need to go back, but your counsel can advise you on that. And then with regard to Ordinances, my impression was once it goes to Council, it becomes your property, essentially. So I wouldn't expect that we would be amending it but if...you know, I'm happy to help.

CHAIR PALTIN: Okay. And Members, any discussion on lowering the STRH number by attrition? Is there any desire to knock it down to 15 by attrition? Member Rawlins-Fernandez, followed by Vice Committee Chair Sinenci.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah. I would be supportive of a lower number to achieve the intent of the community and the Planning Commission. Transition from STR to B&Bs instead. So I would be supportive of that unless we hear directly from the community otherwise. Mahalo, Chair.

CHAIR PALTIN: Okay. And Member Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. Just clarification. So it looks like there's currently 19 short-term rentals, and so a three would technically be, is within violation of the 300-foot...100-foot [sic] radius. So would we...it would come down to . . .(inaudible). . . the existing ones; is that correct, Deputy Director?



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CHAIR PALTIN: Well, if we lower the number by attrition, it doesn't mean that the ones that are currently in violation would be the ones that get removed. It just means that...like say we choose 15 as the number, and there's 19. The first four that stop operation would be the ones eliminated, and those wouldn't necessarily be the three or four that are in violation. Because the permit doesn't transfer ownership. So say somebody had a Short-Term Rental Home, either they passed away or they sold it, then it would be off the list and it wouldn't be able to come back. Does that make sense to you?

VICE-CHAIR SINENCI: I guess I just thought that we were just addressing those potential three that was in violation right now, the 300 foot.

CHAIR PALTIN: That wasn't my suggestion because of the Deputy Director's comment that that would be kind of an arbitrary way, and it would be difficult for the Commissioners to choose which of the ones that are close together gets to stay and which one doesn't. That they would rather choose based on like, you know, not following the rules or bad review. And so my suggestion was just to lower the number, let them continue to operate until, you know, they stop of their own free will or volition.

VICE-CHAIR SINENCI: Okay. All right. Thank you, Chair.

CHAIR PALTIN: Okay. So was...yes, Mr. Hopper.

MR. HOPPER: Okay. With that in mind, if you're going to reduce the cap numbers and want to get...go through that by attrition, then I think we would also need to draft some language stating that valid permits may continue to be renewed, notwithstanding the cap being lower. If the intent is for that to be...to go through by attrition, then a new permit application couldn't be granted if they are still over that cap, but the people could still continue to be renewed, even though there's more than the cap number. That's an option, and we can draft language like that. We can work with OCS Staff and...I mean, I think OCS Staff has seen that in bills before, and we can work on that language. But, you know, that would...right now, the bill says, this Ordinance takes effect upon approval. There was no anticipation of having to grandfather anything because the caps include all of the current valid permits. If the caps are lowered...I think it sounds like your intention is to lower the caps, but still allow the existing ones to renew if they meet the requirements for renewal, and so we would need to draft language to that effect. We can do that, and have done that, but just noting that would be an additional required change, along with the other changes we discussed.

CHAIR PALTIN: Okay. Yeah. That's pretty much my intention, as Member Rawlins-Fernandez said, unless we get feedback from the Lānaʻi community when hopefully this coronavirus situation passes and they can focus on other things. So everybody on the Committee understand and agree that we wouldn't vote today, that's just the proposal for feedback at a later time? Okay. So with no objections, I'll defer this item.

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**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION:           DEFER PENDING FURTHER DISCUSSION.**

CHAIR PALTIN: Okay. Moving right along.

**PSLU-71           URBAN RESERVE DISTRICT** (CC 20-422)

CHAIR PALTIN: Next up we have PSLU-71, Urban Reserve District, and this was a request by the Planning Department that they would . . . *(audio interference)* . . . in their priority list. The Committee is in receipt of County Communication 20-422 from the Planning Director, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.69, MAUI COUNTY CODE, RELATING TO URBAN RESERVE DISTRICT." The purpose of the proposed bill is to clarify permitted accessory uses to single-family dwellings, including accessory dwellings and structures, allow Bed and Breakfast Homes and buildings and structures for government or public services, and prohibit Short-Term Rental Homes. The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions, and the Committee may also consider the filing of County Communication 20-422 and other related action. So if I can at this time ask Ms. Takakura or somebody from Planning for opening comments on this item. Aloha, Director McLean, good to see you.

MS. MCLEAN: Aloha, Chair. Aloha, Committee Members. Yeah. I'm happy to pass it right over to Jacky. Thank you.

MS. TAKAKURA: Good morning, Chair Paltin. Good morning, Committee Members. Thank you.

CHAIR PALTIN: Good morning.

MS. TAKAKURA: So this second item on the agenda today is regarding the Urban Reserve District, and it's pretty quick. Urban Reserve District is in Chapter 19.69 of the Maui County Code, and we don't see it very often because there's only 84 parcels with this zoning. And all are on Maui, none on Moloka'i or Lāna'i. This zoning is for properties that are in the State Urban District and set aside for future development. It is purposely restrictive, and it's used when land is not ready to be developed in a manner consistent with its Community Plan Designation. We think that the parcels received this zoning in the 1990s when the Planning Department initiated an effort to get rid of interim zoning, and that effort resulted in a lot of parcels getting zoned to match their Community Plan Designation. But for these 84 parcels, Urban Reserve Zoning was used because either the parcels were large and the Department didn't want to assign zoning that would enable expensive development, or the use didn't match the Community Plan Designation and therefore, it would have been inappropriate to zone the parcel. We have found that the current language in this Chapter is a little overly restrictive, so we would like to make some amendments. We also propose to simplify some of the language of this Chapter, as you can see in the bill for ordinance. So

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there's just a few revisions, and they cover simplified language for uses and structures, accessory to single-family dwellings, accessory dwellings, Bed and Breakfast but not Short-Term Rental Homes, buildings or premises used by government for public purposes, for land designated as open space or park in the Community Plans, only structures for public purposes. And then, that no subdivisions other than restricted use lots or park would be allowed. And just FYI, a restricted use lot can only be used for drainage, open space, bikeway, pedestrian walkway, greenway, landscaping, roadway or minor utility facility purposes. So those are the proposed changes. And by making these, it might allow some property owners to have two accessory dwellings, which is allowed in Chapter 19.35, and it could open up some housing opportunities. The proposal also includes some revisions to make this Chapter more consistent with the other zoning districts. So if it's okay, I'd like share screen. I'm just going to pull up a map, if that's all right?

CHAIR PALTIN: Yes, please do.

MS. TAKAKURA: So like I mentioned before, there are 84 parcels that have this zoning, and this is Maui and it's kind of like the North Shore going from Paia area towards Hāna. And of those 84 parcels, 61 of them or about three-fourths of them have less than one acre, and then the remaining 23 parcels range from about one acre to about 36 acres. And then as you can see from the map, they're mostly in Hāna, Upcountry, and along the North Shore. So that's it in a nutshell. In summary, we're proposing to simplify and clarify the language regarding single-family dwellings, accessory uses and accessory dwellings. There's occupancy, so we're proposing to allow Bed and Breakfast, but not Short-Term Rental Homes. We propose to allow government buildings or premises, which is the similar language that you see in other zoning district chapters. And then we also want to assure that structures on lands designated as open space or park are only for public purposes. And then we also want to assure that restricted use, such as utility or park or road widening, would be permitted. I'm going to stop sharing screen, and that's it in a nutshell. The Director and I can answer any questions if you have any. And as you mentioned, the concerns of the testifier this morning, that's basically what we're . . . *(inaudible)* . . .

CHAIR PALTIN: Okay. And before I open it up to Member Molina, I just wanted to clarify, that map is the totality of Urban Reserve Districts in the entire County. There's not really any in West Maui or South Maui, and you already said none on Moloka'i and Lāna'i.

MS. TAKAKURA: That is correct. Thank you, Chair.

CHAIR PALTIN: Okay. Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair, and good morning, Ms. Takakura. So as I understand this, if a...well, if a proposed...if a landowner has a proposed development that's not consistent with the Community Plan Designation, under this proposed bill, will the applicant still be required to obtain a Community Plan

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Amendment? And if so, will this bill make it easier or more difficult for the applicant to obtain a Community Plan Amendment?

CHAIR PALTIN: Ms. Takakura or Director?

MS. TAKAKURA: I think the Director can answer that.

MS. MCLEAN: So if the property is zoned Urban Reserve, that means...that likely means one of two things. Either the property was large enough that to zone it to be consistent with its Community Plan would have allowed significant development without public review, or there is a use on the property that's inconsistent with the Community Plan. Like you could have a single-family home, but it's business on the Community Plan, so it couldn't have been zoned residential. So in that case, if that person wanted to get a Community Plan Amendment to single-family, they could certainly do that, and we would suggest that they also rezone the property at the same time. It wouldn't make...your fundamental question was would it make the Community Plan Amendment harder, and I don't think that it would. The Community Plan update process itself is...it triggers an EA requirement, so there's a lot involved in that already, but I don't think that would make it more difficult just because it's zoned Urban Reserve now.

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

CHAIR PALTIN: Sure thing. Member Kelly King.

COUNCILMEMBER KING: Mahalo, Chair. Mahalo for being here, Director. And I'm not sure if this is for Director McLean or Ms. Takakura, but I'm just reading the report, and there were some minor revisions that were incorporated. Which ones...which were the revisions that the Planning Commission suggested, the Maui Planning Commission?

MS. TAKAKURA: Madam Chair.

CHAIR PALTIN: Ms. Takakura?

MS. TAKAKURA: Thank you. They were minor revisions, just renumbering...and regarding number 2, the uses and structures for the...that go with single-family dwellings, the ones that are accessory, such as garages, carports, and...not to limit it to just those things, but just...but those things that are accessory to single-family dwellings. And the other thing was like renumbering. They just had those minor revisions.

COUNCILMEMBER KING: Okay. No, I was just curious because the original language says, including, but not limited to. So I don't understand, what was the purpose of the new language? Was there an intent there to change the meaning or are they just trying to clarify it?

MS. TAKAKURA: From what I remember, they just wanted to make sure that it wasn't limited to those things.

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COUNCILMEMBER KING: Okay. I mean, they'd already said it in the original language, so it's just a rewording, I guess. So mostly non-substantive changes then?

MS. TAKAKURA: That is correct.

CHAIR PALTIN: Anyone else have questions? Member Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. And mahalo, Ms. Takakura and Deputy Director for your presentation. My question is, how many of the 84 lots are in Hāna?

CHAIR PALTIN: Ms. Takakura?

MS. TAKAKURA: Thank you, Vice-Chair. If you give me a moment, I will pull up that Excel spreadsheet. So I'll look for that because I do have that information.

VICE-CHAIR SINENCI: Oh, okay. And then while you're...my second question was, I know that Maui, Moloka'i and Lāna'i Planning Commissions voted on this. Has it come through the Hāna Advisory Committee for recommendations?

MS. TAKAKURA: No, it was not recommended to go to the Hāna Advisory Committee.

VICE-CHAIR SINENCI: You still have...if we've got significant amount of the lots of the 84 in Hāna...only because I'm looking at the map, and I can only see a really blurred...it's pretty much central, right in our Hāna Town, and of course, where we didn't want to gentrify the area, and we already lack in affordable housing in Hāna, specifically in town. So I think if we open it up at least to...even to Bed and Breakfasts, that still takes away some potential housing inventory for our community. That's my concerns.

CHAIR PALTIN: Member Sinenci, are you proposing to disallow Bed and Breakfasts as a permitted use?

VICE-CHAIR SINENCI: Yeah. At this point, for our Hāna Community Plan, I would ask for exemption only...or until we can have it looked at in my community, at least at our Advisory Committee.

CHAIR PALTIN: I guess going off of that comment, I was wondering, are there currently any STRH or B&B operating in the Urban Reserve District Zoning?

VICE-CHAIR SINENCI: Yes.

CHAIR PALTIN: Oh, there currently is?

VICE-CHAIR SINENCI: Yes.

CHAIR PALTIN: Ms. Takakura.

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MS. TAKAKURA: Thank you, Chair. So my understanding is there is...I think it's just one property that has conducted vacation rental use in Urban Reserve District, and they would be continued as non-conforming because they started the use before, you know, any rule changes.

VICE-CHAIR SINENCI: So this...Chair, this would stop all short-term rentals in the Urban District, that's your...

CHAIR PALTIN: Moving forward. Ms. Takakura?

MS. TAKAKURA: That is correct. Yes.

VICE-CHAIR SINENCI: Okay. Thank you for your clarification.

CHAIR PALTIN: Director McLean.

MS. MCLEAN: Thank you, Chair. I just wanted to point out that in Urban Reserve right now, Short-Term Rental Homes are allowed. What the bill proposes to do is to no longer allow Short-Term Rental Homes, but to allow B&Bs instead, just to clarify. And it may be that the Committee doesn't want B&Bs either, but we just recommended the change from Short-Term Rental Homes to B&Bs.

VICE-CHAIR SINENCI: Oh, okay. Got it. Thank you for that. And then Ms. Takakura said there is currently one Short-Term Rental operating in the Urban District.

MS. TAKAKURA: If I may, Chair?

CHAIR PALTIN: Ms. Takakura.

MS. TAKAKURA: We call it a Transient Vacation Rental because it's not...it doesn't have a Short-Term Rental Home permit, is my understanding.

CHAIR PALTIN: Conditional permit.

MS. TAKAKURA: It's one of those that has been going on for a really long time since before the rules changed, so it's allowed to continue.

CHAIR PALTIN: Okay. Mr. Hopper, did you have a comment?

MR. HOPPER: Yeah. That's just the one thing I wanted to clarify. If it's not a Short-Term Rental Home, I don't think it's a problem, but if it was a Short-Term Rental Home permitted under 19.65, I think you may want to consider language saying that that can be renewed. Because generally, if the use isn't allowed, every time they'd come up for renewal, they wouldn't be able to do it. If they are a conditional permit, then they can be allowed anywhere. So that's by Council, and the Council can allow that anywhere, so you wouldn't need to make that change. If it's just grandfathered in, in that it was a non-conforming use, and has operated continuously since before Short-

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Term Rental Homes were regulated at all, then they could continue to operate, provided they don't stop for a period of 12 months. So just to clarify, if it's not a Short-Term Rental Home permitted under 19.65, then this change won't affect it.

CHAIR PALTIN: Okay. Thank you. And I just was wondering, what was the reason it wasn't proposed to be reviewed by Hāna Advisory Committee? It seems kind of odd that Moloka'i and Lāna'i would review something when they don't have Urban Reserve District Zoning, but Hāna Advisory Committee wouldn't.

MS. MCLEAN: That's a great question. Lāna'i and Moloka'i reviewed it because it's a Title 19 Amendment, and so they are required to review it, even though it doesn't today affect those islands. The Hāna Advisory Committee has not met since the COVID shutdown. We have attempted to schedule meetings a few times, but Members either don't have good internet access, or there have been other limitations to getting a BlueJeans meeting going. We have talked about that though, and we said we need to figure out how to get them up and running again. So Staff is working with the Members, figuring out who is able to connect using BlueJeans, setting up some trial meetings. So that's the reason why, because they weren't meeting when we were taking this bill for review. So that...it's unfortunate, I believe, but that's the reason.

CHAIR PALTIN: Okay. And I had one other question on page 2 of the Transmittal, I think it says, you know, about the Countywide Policy Plan, page 58, Seek innovative ways to develop ohana cottages and accessory dwelling units as affordable housing. I believe that this would be an innovative way to develop ohana cottages and accessory dwellings units. I'm not seeing the connection that it would necessarily be affordable. Is that just the hope and not a mandate, or exact meeting of the criteria?

MS. TAKAKURA: Thank you, Chair. If I may? It is another way to develop the accessory dwellings and ohana cottages. That's the language in that plan, hopefully they will be affordable housing, but we didn't want to chop the language of the Countywide Plan in half. So that's why.

CHAIR PALTIN: Oh, okay. So just hoping that people will then rent it as affordable.

MS. TAKAKURA: That is correct. Thank you.

CHAIR PALTIN: Okay. Member King.

COUNCILMEMBER KING: You know, Chair, I think this really needs to go back to the Hāna Advisory Committee. I think it's an assumption that because maybe they weren't meeting that they wouldn't, but I would like to know from Councilmember Sinenci if he feels like the Advisory Committee there would be able to address this issue and would want to weigh in on it before we pass it through our Committee.

VICE-CHAIR SINENCI: Yeah. Thank you.

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CHAIR PALTIN: Member Sinenci. It sounded like he wanted to remove the Bed and Breakfast clause if Hāna Advisory Committee couldn't meet on it, but Member Sinenci, did you have any response to Member King's question?

VICE-CHAIR SINENCI: Yeah. I would like to have it come back to my community, just to have that discussion. And of course, we did want to look at how many, and in what areas. We support the other sections of the revisions vetted for open space, park and utility use; however, we just wanted to see because we already have some grandfathered Short-Term Rentals, Transient Rentals already in certain areas. And so I think the discussion would help us when planning for the future especially. That will help us in making some of those decisions down the line. Thank you.

CHAIR PALTIN: Ms. Takakura, followed by Director McLean.

MS. TAKAKURA: Thank you, Chair. I just wanted to say, for the tax map key parcels that are for Hāna, there's 26 parcels. Thank you.

VICE-CHAIR SINENCI: Yeah. That's...

CHAIR PALTIN: Thank you, Ms. Takakura. Director McLean.

MS. MCLEAN: Thank you, Chair. Procedurally, the Hāna Advisory Committee is advisory to the Maui Planning Commission. So I don't know if taking it to the Hāna Advisory Committee would mean also having to go through the Maui Planning Commission again. If that's the case, and maybe Mr. Hopper can chime in on that, would it be sufficient for the Planning Department to host a virtual community meeting for the Hāna community to present the bill. I also don't know how we're doing with the effort to get the Hāna Advisory Committee up and running again virtually, so that could also be an impediment to having that meeting. But I'm just wondering if Councilmember Sinenci would find it sufficient for the Department to conduct just an open community meeting for the Hāna community on the bill, if either procedurally it ends up being a longer process, or if the Hāna Advisory Committee, for technology reasons, isn't able to meet just yet.

VICE-CHAIR SINENCI: Yes. We're...I mean, we're open, and we have a...where we're at right now at the Hāna Civic Center, we've got adjoining a cafeteria area that we could technically, if some of the Advisory Board Members cannot jump on, we could technically set up here at the Civic Center for those who have really bad internet. So we could help to facilitate the Advisory Committee meeting here at the Center--of course, social distancing.

MS. MCLEAN: Okay. That's great.

VICE-CHAIR SINENCI: Yeah.

MS. MCLEAN: That's great. Thank you, Councilmember Sinenci.



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CHAIR PALTIN: Mr. Hopper, did you want to weigh in on the procedure process before I call on Member Rawlins-Fernandez.

MR. HOPPER: I can. The Hāna Advisory Committee is advisory to the Maui Planning Commission. It states that the Hāna Advisory Committee shall advise the Maui Planning Commission on matters within its jurisdiction, and shall carry out such duties as may be delegated to it by the Maui Planning Commission. So I think you'd have to send this...I'd presume you would send this back to the Maui Planning Commission with...maybe by resolution, asking them to have the Hāna Advisory Committee review it. Have the Planning Commission make that decision to have them review it, and then you would need a quorum of the Hāna Advisory Committee. They would need to meet, they would need to vote, make their recommendation, that would go to the Planning Commission, then Planning Commission would retransmit back to you. So I think that's the process in the Code is. It doesn't talk about the Hāna Advisory Committee advising the Council. I do think in situations the Council, when it sends resolutions down to the Planning Commission, has said we also require that the Hāna Advisory Committee review this. And I think the Planning Commission has typically sent it to them, or at least asked for their recommendation. But based on how 2.28.060(d) is written, it appears that the Hāna Advisory Committee is advisory to the Planning Commission, so I think it contemplates them hearing things that the Planning Commission delegates to them. In other words, I don't know if there is a way to directly have the Council ask the Hāna Advisory Committee for a recommendation on something, and have that go directly to the Council. It would seem that would be the easiest thing to do, but right now it talks about the Hāna Advisory Committee being advisory to the Maui Planning Commission, and advising the Planning Commission on its duties. So normally, this would come up if there...for Ordinance review, if the...when the Commission reviews it, they would go to the Hāna Advisory Committee first, and have them review it, and then have that go to the Commission. Otherwise, it does seem like it's got to go through the Commission. I'm open for other suggestions on other ways to do this, but it does seem like that's the contemplated way for that to happen. So again, I wasn't informed that sending this to the Hāna Advisory Committee via the Planning Commission was something you wanted to do today. So I could look at that in more detail, and I'm just familiar with cases where the Council has sent that to the Hāna Advisory Committee before. And it does that by...you know, in a resolution, the Council would say, we would like the Maui, Moloka'i, and Lāna'i Planning Commissions to review this Ordinance and the Hāna Advisory Committee. I've seen that in resolutions before. Otherwise, I'm not familiar with the case in the Hāna Advisory Committee being directly consulted. Maybe that's happened in the past, and if so, we can look at that. But right now, it does appear that the contemplated way for the Committee to advise is to advise the Planning Commission on this matter.

CHAIR PALTIN: Okay. Member Sinenci, did that answer your question? You have a follow up?

VICE-CHAIR SINENCI: Yeah. Thank you, Mr. Hopper. And I think our concern is, you know, out of the 84, 26 of those lots is in our Town Center. And so for us, I think my

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concern is we...and some of these lots might not be, you know, like untouchable or on private property. So I think my concern is just looking at this 26 TMK's just to see that, you know, it also complies with our Hāna Community Plan.

CHAIR PALTIN: Okay. Thank you.

VICE-CHAIR SINENCI: So that would be my main concern. Thank you, Chair.

CHAIR PALTIN: Director McLean?

MS. MCLEAN: Thank you, Chair. I don't know that the Committee has to formally make that request. That just seems to add a couple more steps to what's already...that has several steps in it. So if the Committee were to defer taking action today, then the Department could initiate that process on its own without the Council having to take that action. So we could get...

CHAIR PALTIN: A resolution?

MS. MCLEAN: On a future Planning...you know, on a very soon Planning Commission agenda for them to refer it, and then get that going, just so as not to add more steps to it.

CHAIR PALTIN: Thank you, Director. I'll take Member Rawlins-Fernandez, followed by Member Sugimura, followed by Member King.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So it sounds like where we're at right now is the Planning Department, instead of hosting a meeting, will initiate an agenda item for the Hāna Advisory Committee. Hāna Advisory Committee would then have an official meeting and send their recommendations to the Planning Commission. Would the Planning Commission need to take action or do anything with the recommendations from the Hāna Advisory Committee, and is there anything prohibiting those recommendations from also being copied to the Council, so that the transmittal could go both to the Commission and to the Council?

CHAIR PALTIN: Director.

MS. MCLEAN: Procedurally, as you described, the Hāna Advisory Committee's recommendation would go to the Planning Commission. And since the Planning Commission...or I should say the Maui Planning Commission, since they already reviewed it, we would just be asking them...our recommendation to them would be just allowing us to transmit that recommendation directly to the Council, that they wouldn't re-review it and offer new comments. It would be their prerogative to do so, but I would commit now to making sure that the entire Hāna Advisory Committee recommendation was forwarded to the Council. If the Maui Planning Commission made changes to it, we would still provide the Council with the complete Hāna Advisory Committee record.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director McLean. So to insure that I understood you correctly, what would then happen with the recommendations from the Hāna Advisory Committee is it would need to go to the Maui Planning Commission and not copied to the Council, and the Maui Planning Commission would have to then transmit it to Council. So there is something legally prohibiting the Hāna Advisory Committee from copying Council on that transmittal to the Maui Planning Commission.

MS. MCLEAN: Well, we're really getting into the details here. What happens is we put together the record from the Hāna Advisory Committee--so their meeting minutes, any testimony that was received--and we do a transmittal memo to the Maui Planning Commission saying the Hāna Advisory Committee reviewed this bill through their meeting minutes, and give a summary of what happened. We could certainly copy the Committee on that transmittal. I have no problem copying the Committee on that transmittal. Then when the Maui Planning Commission does its thing, then we would package that and send that to the Council as well. So there will be some duplication between those two documents, but there's nothing to prevent us from copying the Committee on that initial transmittal.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. I was just trying to save everyone some time, extra steps. Okay. And so a separate question, you know perhaps for Councilmember Sinenci. So I understand that there is the Maui...there's a mobile internet bus, what is it called, Wi-Fi, Maui Bus with free Wi-Fi in East Maui. Would that be helpful in getting internet access to Hāna Committee Advisory members?

VICE-CHAIR SINENCI: So the bus is parked right outside here, but it's parked after 5:00. So if the meeting...normally the meeting is after 5:00, then we can ask MEO to keep it open right outside here for the meeting, should we need Wi-Fi access at the Civic Center.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, great. Mahalo, Chair.

CHAIR PALTIN: Thank you. Member Sugimura. Oops, we lost you, Member Sugimura. Oh, no. Is there...

COUNCILMEMBER SUGIMURA: All right. Are we okay?

CHAIR PALTIN: Yeah, I can hear you.

COUNCILMEMBER SUGIMURA: No video. Can you hear me? No video on my side.

CHAIR PALTIN: Yes.

COUNCILMEMBER SUGIMURA: Oh, okay. So based upon what the Department is saying and the concerns of Mr. Sinenci, I know that by attending the Broadband Hui meetings that I can attend the Statewide one, and I think Member Sinenci's office also

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listens in, but Hāna has a huge shortage of, you know, not having access, right. There's a big access problem. So is the problem for the Hāna Advisory Committee not to meet because of access, or what is happening that is creating that problem?

CHAIR PALTIN: Director McLean.

MS. MCLEAN: Initially, that was the impediment, I mean, the same for the Council when COVID hit in early March. Meetings were suspended for a couple of months. And then when we realized that this was going to be a longer term state for us, we started working with all of our Boards and Commissions to see if they wanted to keep to their same schedule, if they would be able to do video conferencing, et cetera. And I wasn't directly involved with all of these discussions, it was through the Commission secretaries and some staff, but my understanding with Hāna Advisory Committee was a majority of members, or a significant minority of members, didn't have the capability to participate by video conference. I don't know if that's because they didn't have internet access where they lived, or if they didn't have computers. We actually have some staff who don't have computers. We had to get them computers to be able to work from home. So at that point, because it was still sort of early on, we didn't pursue it aggressively because we didn't have pending Hāna applications. So we haven't followed up on that recently. So I don't really know the specific problems. And to repeat what Councilmember Sinenci suggested, making the Civic Center facilities available to members who may not have access at home or who may not have computers, that could probably tip us well into having more than the majority of members available.

COUNCILMEMBER SUGIMURA: Okay.

MS. MCLEAN: So we'll just have to look into that, but it seems that that's likely at this point.

CHAIR PALTIN: Does that satisfy your question, Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, I think...and I believe though that the idea of using the digital bus that DOT put together with MEO and, you know, transportation services, I think that will help. But thank you. That does answer my questions.

CHAIR PALTIN: Thank you. Member King, followed by Member Molina.

COUNCILMEMBER KING: Yeah, thank you, Chair. Two things. One, this is really making a good case for revising the Ordinance for the Community Advisory Committees and, you know, strengthening the new proposal that the Committees could transmit advice directly to the Council. If we put that in an Ordinance, we wouldn't have this problem right now. But the other thing I wanted to mention is that we have used town halls to gather more information from a community, and we did that with...you know, we've done that with a couple of developments in Kihei, like that Kilohana Makai, and it didn't have to go back to the Planning Commission. We just held the town hall to get the community members, you know, to weigh in with their...you know, their thoughts on and input on changes that we were making. So is there a way we could just, if the

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Planning Department is wanting to host it, that we could just call it a town hall and it doesn't have to go through that whole process with the Planning Commission? Is that something that would work, Mr. Hopper?

CHAIR PALTIN: Mr. Hopper.

MR. HOPPER: You can certainly have one, and it would be a non-formal, informal meeting like that. It depends on what would satisfy the Committee. It sounds like there is a specific preference to have this particular Hāna Advisory Committee weigh in with a formal action. And to do that, I think the proposal that you stated is allowed. The request for them to make recommendations can come from...it doesn't have to come from the Council. I think the Council has done resolutions in the past to require bills to go there, but if the Planning Commission wants to hear from them on any item, they're free to ask at any time. And I think the Planning Director could do that too, and have that through the Commission. So I think the way it was outlined is fine if you want the specific recommendation of the Hāna Advisory Committee. If a community meeting is sufficient, then that's something that...I mean, as long as you don't have a quorum of Hāna Advisory Committee members or other issues like that, you can have that meeting for sure, you wouldn't need to have a notice of that, you wouldn't need an agenda, and that wouldn't be a Sunshine Law meeting if it's just a community meeting. So that's an option. It's up to the Committee which you would like. But if you want an actual formal meeting of Hāna Advisory Committee, I think the best way to do it is probably...is as suggested by the Director, to have the Commission ask for that recommendation. I think whatever recommendation they make is going to be public record, so the Council can certainly consider that separately from the Planning Commission. And of course, if they make a recommendation of the Planning Commission, and the Planning Commission decides not to make that recommendation to you, the Council would still know what was recommended and can still act on that recommendation. So that's all correct.

COUNCILMEMBER KING: Okay. Yeah. I just, like Member Rawlins-Fernandez, was trying to figure out how to save a little time, but I know that we have in the past deferred decision making until we had town halls in various communities to gather more information, more input. So if it was an issue--and probably the people who would know the best on this call would be Member Sinenci and Director McLean--it was an issue of getting a quorum of the Hāna Advisory Committee and you want to do a town hall instead, you know, the main thing is to get input from the Hāna community. Because you guys are affected, you have that district, the rest of...you know, my community doesn't have that, this issue so, you know, that's kind of my main concern is that this should have been run by the Hāna Advisory Committee, but at least by the community, that the community weigh in. Either way I mean...you know, I just hope that we can get that input before we make a decision. Thank you, Chair.

CHAIR PALTIN: Thank you. Member Molina, followed by Chair Lee.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. With regards to the proposed bill, for the Departments, two basic clarifying questions. One, how many

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property owners within the Urban Reserve District could be eligible to submit applications if we passed this bill, and the second question is, if you can clarify the term "restricted use lots", is this term used solely for lots that will be for roadway purposes, or will they have other uses?

MS. MCLEAN: Jacky, you want that?

CHAIR PALTIN: Ms. Takakura.

MS. TAKAKURA: Thank you, Chair Paltin and Member Molina. In response to your first question, I believe it's regarding accessory dwellings. So that, we would have to look at the lot size, and to see how many meet the criteria for the lot size...which I can do, but I need a little bit of time.

COUNCILMEMBER MOLINA: Yeah.

MS. TAKAKURA: The second question was regarding restricted use lot, and so that's defined in the Code. And we did work with Public Works on this one to get the right language so that we're not, you know, causing some problems later on down the line when, you know, we need something that they might need for future use. But restricted use lot would be something like drainage or open space or bikeway or pedestrian walkway, greenway, landscaping roadway, or minor utility facility purposes. So those would be...that or park would be the only subdivisions or developable--wait, wait, be not a developable lot, it would be one of these restricted use lots that would be allowed, and only those things.

COUNCILMEMBER MOLINA: Okay. All right.

MS. TAKAKURA: Did that answer your question?

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

CHAIR PALTIN: Thank you. If I could just go off of Member Molina's question. Was it also wells or water tank storage a restricted use as well, or no?

MS. TAKAKURA: Thank you, Chair. Those would...could be that, or they could be that...the buildings or premises used for Federal, State, or County Governments for public purposes, depending it could...I think it could be in either. Because I'd say the Water Department has a motor control station or a booster pump station, so that's a County Government for public purpose. So that might fall into the other criteria.

CHAIR PALTIN: Okay. Thank you. I was just clarifying that. Sorry, Member Lee, I didn't mean to cut your line there.

COUNCILMEMBER LEE: That's okay. I'm a little concerned about the discussion on how we solicit input from Hāna. Since we do have an Advisory Committee there, we should use that Advisory Committee, and...because there is a mechanism to not only get their

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opinions but, you know, minutes will be taken, you know, the record will be official and not informal. In case there is some kind of legal action down the road, you know, everything will be official and legal. So if possible, I think we should try and pursue that route if possible. Thank you.

CHAIR PALTIN: Thank you, Chair Lee. I agree, you know, for the written record purposes and the transcript. I had one additional question about the bill on think the last page, the new C-1, I was wondering if it would be acceptable to Ms. Takakura and Director McLean if we said, no subdivision may create additional developable lots other than restricted use lots or lots for park purposes. Would that be something that you folks could be amenable to?

MS. MCLEAN: Chair, I think that the Maui Planning Commission had a similar discussion. We don't have a definition of developable lot. So by adding that, it injects some degree of...

CHAIR PALTIN: Subjectivity.

MS. MCLEAN: Subjectivity. And by saying the only lots that can be subdivided are restricted use lots or lots for park purposes means that no other lots can be created. I mean, I have no objection whatsoever to the intent of that, I'm just not sure if that creates --

CHAIR PALTIN: Like muddies the water.

MS. MCLEAN: -- questions rather than clarifying it.

CHAIR PALTIN: Okay. Okay. Well, I'll have a lot of time to sleep on it if it's...we're going back to the Advisory Committee. Chair Lee.

COUNCILMEMBER LEE: Can I add something for you to sleep on as well?

CHAIR PALTIN: Sure.

COUNCILMEMBER LEE: The thought of maybe a family subdivision might be exempt. A two-lot family subdivision, something like that.

CHAIR PALTIN: Okay. Any comments on that, Director, or Ms. Takakura?

MS. MCLEAN: I would have to look. Family subdivisions are under the authority of Public Works and Title 18. So I'd need to look at the definition and, you know, we'd need to understand exactly what that would mean and what that would allow. I'd also want to look at Urban Reserve to see--I'm looking at this right now--to see if it has minimum lot sizes. Because if we're talking about a subdivision, we'd need to follow the development standards, and I don't...Urban Reserve doesn't have a minimum lot size because it's not...

CHAIR PALTIN: I think it said majority or...

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MS. MCLEAN: So it's not intended to be subdivided. So...or to allow subdivision, other than for, as we said, parks or restricted use lots, we don't know what the minimum lot size would be, what the minimum lot width would be, what the development standards would be other than the Building Code. So it...those would have to be decided. It's not that it can't happen, but those would all have to be added to the Urban Reserve District of what the minimum lot size is, minimum lot width, and that...I can hear Mr. Hopper saying that those kinds of things would have to be reviewed by the Planning Commission, so --

CHAIR PALTIN: Chair Lee.

MS. MCLEAN: -- it makes it more complicated.

COUNCILMEMBER LEE: Yeah. Director Mclean, I can understand your concern, but when you start adding things and trying to exempt things. But what I'm concerned about is back in the '90s...and it looks like 1983 actually, maybe the '80s, when this Land Use classification was created, it probably didn't even get input from the property owners because those who own property, yeah, were then restricted from using their property. So because of that, when something is imposed upon you, that's sort of a taking. So I'm concerned that yes, we don't want commercial businesses and we don't want big subdivisions, but if somebody wanted to subdivide a portion of that eight acre lot, you know, for his son or daughter or whatever, I think we should at least consider that possibility. Thank you.

CHAIR PALTIN: Thank you, Chair Lee. Going off of...oh, Ms. Takakura, you had something to add?

MS. TAKAKURA: Yes, if I may, Chair Paltin and Members. I just want to remind the group that the lot sizes really vary from .03 acres up to...I think the largest is in the 30s, but there's a lot that are very, very tiny. I think they're just like portions of lots. And then the existing language already prohibits...I'm looking at the last page of the proposed bill, the area regulations under what's going to be new Part C, that the subdivision of any lot zoned Urban Reserve District to create additional zoning lot shall not be permitted--that's already there. It's just...the new language just kind of simplifies that whole paragraph into the two lines there. Because even for me, I had a hard time understanding what that paragraph meant. So we just tried to make it as simple as possible in getting the concurrence of Public Works on that one. Thank you. I just wanted to share that.

CHAIR PALTIN: Thank you, Ms. Takakura. Chair Lee.

COUNCILMEMBER LEE: Okay. So Ms. Takakura, the woman who testified said she had eight acres, yeah?

MS. TAKAKURA: That's correct. Yes.



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COUNCILMEMBER LEE: So she would be allowed to build, but not subdivide; is that correct?

MS. TAKAKURA: That is correct. Yes.

COUNCILMEMBER LEE: Yeah.

MS. TAKAKURA: So if I may? Because right, like say residential district, you follow 19.35 for accessory dwellings, which allows, you know, depending on the lot size, maybe you can have two, but...and so this would allow Urban Reserve District to follow 19.35 also, just like how residential can. But there's still limitations, but at least they could have two accessory dwellings. Thank you.

COUNCILMEMBER LEE: Okay. Then I'm not concerned about exceptions to family subdivisions. Thank you.

CHAIR PALTIN: Okay. I just had a question going off of Chair Lee's comments. If we did do, say, like a two-lot family subdivision, would we just say, like, to R-1 standards or something like that? Except for two-lot family subdivisions that meet R-1 standards, or would that just be too weird?

MS. MCLEAN: I think that could work. I'm looking at the language for family subdivisions. But yeah, just referring to another...to a residential zoning district it's out ...*(inaudible)*... establishes the standards.

CHAIR PALTIN: I'll sleep on that one too. So with no further discussion, it sounds like the plan is to defer this. And in deferring it, Director McLean would go on her own and ask the Maui Planning Commission to refer the matter to Hāna Advisory Committee for comment, get that back from them, and then transmit that back to us to this existing item, and then we would hear it again with the input from the Hāna community because it makes sense. It's over...like 25 percent of Urban Reserve District is in Hāna, so definitely want to hear their input. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Perhaps this question would be for Mr. Hopper, as Director McLean alluded to that if we are going to all sleep on the family subdivision, including that as a permissible use under the Urban Reserve District, that...would it need to go back to the Planning Commission's review?

MR. HOPPER: It does appear that what was considered by the Commission could have involved, if it wanted to allow...I mean, your...they were considering...it looks like the current law says they cannot have any subdivision at all that creates additional zoning lots. The thing considered by the Commission was an exception to that, allowing lots that create restricted use lots and park lots. So I think the Commission could have considered additional changes to that, so I don't think that would be a problem. You could also have the Hāna Advisory Committee consider that as part of their deliberations as well. So I do think that that's something that you could put in there because the Commission did consider possible exceptions to allowing the subdivision

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of Urban Reserve land. I think that was a topic that they did discuss. So they could have allowed, they could have recommended to you allowing additional exceptions to that. So I do think that's something you could consider, since that was something considered by the Commission.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Hopper.

MR. HOPPER: Not necessarily the specific exception, but the idea of exceptions. I'm sorry, I didn't mean to cut you off.

COUNCILMEMBER RAWLINS-FERNANDEZ: No, that's okay. Okay. So if it's going back to the Hāna Advisory Committee anyway, and then to the Maui Planning Commission...and really, this doesn't affect Moloka'i and Lāna'i right now, as I understand it, that the Maui Planning Commission would have an opportunity to review that additional contemplation that we just discussed. Yeah. Mahalo, Chair.

CHAIR PALTIN: Sure thing. Yeah. I mean, if they like the idea, bring it up and...to get some feedback. I guess they probably need to educate themselves on what family subdivision means, and my suggestion would be R-1 standards. They could give us their input what they think about it, but...so if we're all on the same page here, and no objections, I'll defer this item for the reasons given.

**COUNCILMEMBERS VOICED NO OBJECTIONS**

**ACTION:           DEFER PENDING FURTHER DISCUSSION.**

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to make sure that Director McLean was clear on what the Committee was asking the Department to do. Because this is going to be initiated by the Department to have the Hāna Advisory Commission...Committee review it. Okay. Including the R-1 standards of the family subdivision.

MS. MCLEAN: . . .*(thumbs up sign)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, great. Mahalo, Director. Mahalo, Chair.

CHAIR PALTIN: Member Sinenci.

VICE-CHAIR SINENCI: Yeah, well, just...to the Director, we'll just have a formal request of the TMK specific to Hāna. Thank you.

CHAIR PALTIN: Okay. Awesome. And if there is no objection, you guys have been working so hard, I would take a recess until 11:00 a.m.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

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CHAIR PALTIN: All right. We're in recess. . . .(gavel). . .

**RECESS: 10:47 a.m.**

**RECONVENE: 11:01 a.m.**

CHAIR PALTIN: . . .(gavel). . . Will the Maui Planning and Sustainable Land Use Committee meeting of October 22nd return to order. The time is 11:01, and we're down to our last agenda item of the Committee today.

**PSLU-11 ANNUAL STATUS REPORT ON IMPLEMENTATION OF MAUI  
COUNTY COMMUNITY PLANS (CC 20-32)**

CHAIR PALTIN: It's PSLU-11, Annual Status Report on Implementation of Maui County Community Plans. And the Committee is in receipt of County Communication 20-32, from the Planning Director, transmitting the Director's 2019 report on the status of implementation of eight of the nine Community Plans for the County, in accordance with Section 8-8.5, Revised Charter of the County of Maui (1983), as amended, and Section 2.80B.030, Maui County Code. The ninth Community Plan, the Kaho'olawe Community Plan, is excluded from the report because its implementation is within the jurisdiction of the Kaho'olawe Island Reserve Commission, and there have been no related County actions. The Committee may discuss the annual status reports and progress in implementing and enforcing the plans. The Committee may also consider the filing of County Communication 20-32 and other related action. And I scheduled this item because, you know, we're in the Community Plan process, and I think we have a new Planning Implementation Division. One of my curiosities about this is, you know, in following the West Maui Community Plan process, and I'm seeing folks coming up asking for things in the Community Plan process, on items they were granted change in zoning for. And, you know, none of the conditions have been met in that change in zoning, so I was kind of wondering, you know, what's up with the implementation. And, you know, if they want...if they're requesting new things, if any of the initial change in zoning conditions were even met. So that was kind of my reasoning behind scheduling this. It may be appropriate or not, but at this time, if Planning would please proceed with opening comments and their presentation. I see Ms. Aoki on the screen, so I'm assuming that she has a presentation for us.

MS. MCLEAN: Thank you, Chair.

MS. AOKI: Good morning. Oh. Go ahead, Michele.

MS. MCLEAN: With no further ado, I will pass it to Kathleen Aoki, who is the head of our Plan Implementation Division.

MS. AOKI: Good morning. Good morning, Chair Paltin and Members. Happy Thursday. You kind of lose track of days when you work at home and you work in an office. So I have a big calendar. Thank you for having me. This...for...most Members know we

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usually do this every year, but this year we are a little delayed understandably. And having said that, I just want to let you folks know that we are in the process of doing our next update because this report usually comes out around January. So we are now soliciting all the different Departments' information, and we'll have an updated report to you in a few months. So having said that, this is a little dated, but it is what it is, and it's the most recent one that we have. Before getting into your specific question, Chair Paltin, which the Director might want to take the lead on that, having been involved, probably more involved with that West Maui Community Plan update, I'd like to go over sort of just the statistics that we have for this report. You folks should have both of them in front of you there. They're pretty thick, they include all the action items from all of our plans, as you say, excluding Kaho'olawe. So I'll start with the Countywide Policy Plan. There's 73 actions total, and one has been implemented; 29 are partially or in progress, which is about 40 percent; 12 are ongoing, which is 16 percent; and 31 have not begun, they have not been implemented, that's 43 percent. For the Maui Island Plan, we have 305 actions; 30, or 10 percent, have been implemented; 132, or 43 percent, are in progress; 45, or 15 percent, are ongoing; and 98, or 32 percent, have not been implemented. For the Community Plans, total action items are 835. And when I say action items, I mean policies or action items, they can be a combination. So of those, 124, or 15 percent, have been implemented; 301, or 36 percent, are in progress; 127, or 15 percent, are ongoing; and 283, or 34 percent, have not begun. It's important to note that in this year's report, if you compare it to last year's--and we did note this in this report--124 additional items were added, and those are because two we found were missing from the Lānaʻi Community Plan. There was some discrepancy between what was adopted and what was transmitted to us from Council. You know, it's just...it's not a big deal, but we do want to recognize when we make changes, why we make changes. And 122 were added because of the adoption of the Molokaʻi Community Plan. So there were 122 additional policies, actions that were as a result of the new Community Plan for Molokaʻi. So with that, we have 1,213 total actions, policies that we monitor every year. And for the Plan Implementation Division, our primary projects right now are the update of Title 19, which is a very huge and heavy lift, and we are in the process of getting a draft put together, and we hope to have that draft available some time hopefully before summer of next year. So that's when we would go out and actually start releasing it and getting comments back from Commissioners, the public...we haven't quite figured out our public, you know, public participation yet. Hoping that a vaccine or something will make it a little bit easier for us to go out, but if not, we are willing to do whatever we can virtually, online surveys, probably do that in addition to anything in the public. We have a Quality of Life Survey Contract that we initiated...or we got that contract done right when COVID hit. And the Contractor and the Department felt that this would not be the right time to do a Quality of Life Survey. You want to try and get a survey done when things are at least partially good or, you know...so it's just...it's not an appropriate time. If we wanted to do a survey about how bad it is, then of course, that would make sense, but that wasn't quite what we were aiming for with this. So that's temporarily on hold. We just...as you know, you folks adopted, thank you very much, the Lānaʻi digital zoning map. So Peter Graves, our...my GIS Analyst is getting...in fact that layer just got sent today to the State GIS folks at Office of Planning, so it should be up on their website. I can't tell you how fast

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they turn that around, but hopefully they'll get it turned around quickly. But you're always welcome to contact us too, anybody can contact us and we can get it to them. But we like to put it up on that site for the, you know, public to just go and grab. Long Range is still working on the second half of their Cultural Preservation Plan, so that's really awesome. And of course, we're doing the TOD Corridor Studies for Wailuku, and I believe West Maui will be coming online soon. And we're still working on the Moloka'i digital zoning layer. So that's sort of our next step. So we have, you know, quite a few projects going on within Planning. The Director might be able to share even more that I haven't mentioned right now. And then each respective Department is also, of course, assigned to their actions and policies. And we provide you with a breakdown of each Department for the Community Plans. And then, as requested a couple of years ago, we send you a supplemental report that's by Community Plan so that you can look at it by Community Plan. So with that, that's about all I have. I'm available for questions.

CHAIR PALTIN: Thank you, Ms. Aoki, for your presentation. I see questions from Member King, followed by Member Rawlins-Fernandez.

COUNCILMEMBER KING: Thank you, Chair. Thank you, Ms. Aoki, for the report. I really appreciate it. It's very lengthy but, you know, I think we can all...we're all focusing on our districts probably. And I have two questions. One is, I can't tell from this report what priority, you know, and I know you guys only use number one and number two, but it doesn't show which priority these implementation items are. So is that somewhere on here that I'm not seeing or?

MS. AOKI: We never included the priority because not every plan has priorities. So that's...I mean, we can add that in if you'd like, if it's not . . . *(inaudible)*. . .

COUNCILMEMBER KING: I thought they all had...they all had like one and twos. And then we tried to put in more specific priorities last term in the Moloka'i plan, which were rejected by the rest of the Council, unfortunately, but all of them always had...to my understanding, they always had a one and a two priority. Because that's what we started with.

MS. AOKI: The Countywide Policy Plan does not have priorities.

COUNCILMEMBER KING: No, no, I'm talking about the Community Plans.

MS. AOKI: I don't have those in front of me, but I don't...if they do, they're not all consistent. So either they don't all have them, or they're not all consistent, and so we never included it. But like I said, we can, and then where it isn't listed, we could say N/A.

COUNCILMEMBER KING: Well, I know that Moloka'i, the Community Plan that we ended up adopting, had ones and twos, you know.

MS. AOKI: Right.

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COUNCILMEMBER KING: So which would indicate that everything with a number one should be addressed first. So it's kind of hard to tell from...you know, I mean, I really appreciate the report, but it's hard to tell from looking at this if you're addressing the community's priorities.

MS. AOKI: Right.

COUNCILMEMBER KING: You know, how...what order that the Department is...or whatever Department is addressing these issues is doing this in. And so maybe that's something that we could look at for the upcoming South Maui Community Plan. But, you know, I'm sure we'll be looking through these in the discussions, ongoing discussions of the review of the South Maui Community Plan and deciding which ones are not needing to be included anymore, which ones need to be moved up. But it seems to me that it would be helpful to have a priority list from the community so that, you know, we know if things are getting addressed.

MS. AOKI: Right.

COUNCILMEMBER KING: Not just because they're easy but, you know, because they are a priority for the community.

MS. AOKI: Sure, we can add that in. Not a problem.

COUNCILMEMBER KING: Okay. It sounds like...

MS. AOKI: Perfect timing because we're doing it right now.

COUNCILMEMBER KING: Yeah. Thank you. I think Director McLean has a comment.

CHAIR PALTIN: Director.

COUNCILMEMBER KING: You're muted, Michele. Unmute yourself.

MS. MCLEAN: I believe with the latest Community Plan Updates that prioritization is a requirement. In the older Community Plans, it was not a requirement. So none of the older plans have prioritization. Whether, you know, that was thought of at the time and rejected, or whether it just never came up in discussion, but only the recent updates have the priorities. So Lānaʻi and Molokaʻi, but the older plans do not. But West Maui will, South Maui will, going forward they will. Thank you, Chair.

COUNCILMEMBER KING: Okay. Okay, great. Thank you, Director.

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So I went back and watched our meeting from last February to see what was discussed, and the request to have the priority numbers was something we asked last year.

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MS. AOKI: Okay. Well that's this one that's coming up, so we'll make sure we have it done.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. AOKI: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. And so I think it would be great to have the numbers one and twos for the Moloka'i and Lāna'i Plan, and then N/A for all the other ones until West Maui is done and, you know, so forth. Mahalo for including that. Last year I also asked if we would...if we could have instead of an X indicating in progress, if it could have a number indicating where in progress it is. If it just started, it would have a one, if it's close to completion, it could have a ten. So some kind of a rating system that would be a little more informative to show progress from, you know, year to year, to show that it...you know, last year it was a one, you know, the Department just started and, you know, this year they're at a five, they're halfway there. So if it's possible to request that information from the Departments, you know, and they can provide their self-assessment on where they're at in progress. Is that something possible?

MS. AOKI: I think it's something that we can look into. I don't know...I can't answer that right off the cuff, I'd have to talk to the Departments and see. There are situations where because of the way these categories are, in progress means something that was, what I refer to as touched. At some point, somewhere down the line, somewhere back in the '90s for some of these community plans, maybe something was talked about and was a buzz item at the time, and then for whatever reason it stopped, or administration changed, and they decided this wasn't a priority for them, or something else came up. So I'm not going to say it was never implemented, I'm not going to say that it's completed, I'm not going to say that it's ongoing, so it kind of falls into this other category. So to put a number on something like that might prove difficult because it could have been a one back in 1995, but...or sorry, it could have been higher back then than it would be now. There's also situations where some of these action items are given or assigned to...I don't want to say the wrong Department, but it kind of is the wrong Department. For example, Paia, Haiku has an action item for Department of Housing and Human Concerns that says to look at building a fire station, provide a fire station or substation in Haiku in the vicinity. So it's a bit odd because, of course, Department of Human Concerns, Housing and Human Concerns is going to say it's not begun because that's not their kuleana. We...and it's noted as not begun in your report, but that's something that I flagged because I may change it and just make that sort of executive decision because I don't want people to think that it hasn't begun when it actually has, it's just not under Department of Housing. So we can look into it, Member Rawlins-Fernandez. I don't have any objection into that, and we can see how perhaps we can address that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Ms. Aoki. I think...so as you stated, things that perhaps were once touched in the '90s and hasn't since, to just have an X there is a little misleading, you know, because it shows that it's in progress.

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But to have a number there, and if the number stays the same number for a number of years, then it would show stagnation, and that it's not really in progress because there isn't forward movement on it. And it could flag the public and the Councilmembers or the Department that, you know, it's something that, you know, like you said, either it's not a high priority, or it changed and perhaps that's not the direction that the community wants to take anymore, but I think it would provide more information than just an X. And then for those items that you mentioned, the Haiku Fire Station under DHHC, if it was inappropriately placed in the wrong Department, I think the Council would be happy to amend it so that it's put in the proper location in the Community Plan, since the Council has the power to make amendments to the Community Plans, so that the reporting of it wouldn't be inaccurate.

MS. AOKI: Right. That's true. You could, or I could just do it in-house and make a notation of it, rather than going through the Council process.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And that would work too. I would support that. Another request that was made last year--and I'll yield after this--was by Member King about having them separated by district?

MS. AOKI: We did that.

COUNCILMEMBER RAWLINS-FERNANDEZ: And it was something that, yeah, the Department said last year that could be done.

MS. AOKI: We did that, and we provided a supplemental report to all of you that had it by Community Plan.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I'll look. Mahalo, Ms. Aoki.

CHAIR PALTIN: It's kind of like...

MS. AOKI: That's why it's so thick...because it's in there twice.

CHAIR PALTIN: It's kind of by year, yeah, like the 1989 Community Plan, there's all the West Maui, and then South Maui, and like that...and then it goes to like the next...1996 or something, and then it has kind of like chronological by district, yeah.

MS. AOKI: By the year the plan was adopted. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it.

MS. AOKI: So that's why your Community Plan report is actually the same thing, but...it's the same thing in two different formats. For the first half it's all by Departments, and the second half is all by Community Plan.



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COUNCILMEMBER RAWLINS-FERNANDEZ: Got it. Thank you so much for responding to that request. Mahalo, Chair.

MS. AOKI: You're welcome.

CHAIR PALTIN: Thank you. Member Sinenci, followed by Member Sugimura.

VICE-CHAIR SINENCI: Thank you, Chair, and aloha, Ms. Aoki, thank you for being here today. Yeah, just a couple of questions. So the process is that all of the County Departments report back to the Planning Department to put together the list, yeah. And then for us, for the 1994 Hāna Community Plan for example, the last 25 items of our 70 items is under State, Federal and other.

MS. AOKI: . . . *(laughing)*. . . Who does that?

VICE-CHAIR SINENCI: Yeah. Who does that?

MS. AOKI: I do. I reach out to Department of Transportation...I try to reach out to whomever I can. I research, I Google, I look up airport plans, I do whatever I can to try to answer those the best that we can. I call people I know. For Lānaʻi, we even reach out to Pūlama Lānaʻi because a lot of them are kind of geared towards getting their response. They're actually listed in the Community Plan. So yeah, it's me basically.

VICE-CHAIR SINENCI: Okay. So thank you for doing that. And then so for the Hāna Community, ours was in 1994, so we're waiting a couple more years for us again probably . . . *(inaudible)*. . . when we're going to get ours. It looks like we had eight that was completed from 1994, and so those archived items, I mean, we'll just keep it in the report, it'll just remain in the 1994 action plan?

MS. AOKI: Yeah. They would just...like all the others that remain that are completed, they just sort of stay that way for statistical purposes so that everyone can see what percentage or number are completed, in progress, ongoing. So we try. I mean, we'd like to show that there's progress from year to year to year.

VICE-CHAIR SINENCI: Yeah.

MS. AOKI: But Countywide Policy Plan, not so much because it's very big and broad, the Countywide Policy Plan. Also for the Community Plans...and some of these, like yours, Vice-Chair Sinenci, your plan is so dated that it's...I don't want to say it's hard to implement things, but it's dated. So once we can get you folks updated, then hopefully we can start our progress again.

VICE-CHAIR SINENCI: Okay. And is there...my last question, Chair...is there a process where my community can begin the process, you know, prior to everyone else?

MS. AOKI: I would defer that to Director McLean as far as the order of the Community Plan update.

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VICE-CHAIR SINENCI: Yeah. We're raring to go.

MS. AOKI: We all are.

CHAIR PALTIN: Director, did you want to chime in there?

MS. MCLEAN: That's a question about the order of the Community Plan updates. That's decided by Council, by resolution.

CHAIR PALTIN: Thank you.

MS. AOKI: You know when Hāna's is on? I'm not sure.

MS. MCLEAN: Hāna is kind of far down. There's South Maui, Central is after South Maui. So I don't remember if Paia, Haiku, or Upcountry is after that, but poor Hāna got...is lower down on the list. I can look real quick and let you know.

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

CHAIR PALTIN: Thank you. Member Sugimura, did you have your hand up last?

COUNCILMEMBER SUGIMURA: Yeah. So thank you, Kathleen, I love your hair. COVID, you're growing your hair out, it looks nice. I just had a question for you, that I noticed that, like this is just an example, but the old Keokea School to be used as a recreation center is being used by Kula Elementary as a, you know, ag educational facility. So how do you amend that or make changes, or what is the next process, or what do you do for more accurate information?

MS. AOKI: I mean, if you...if any of the Members look at this report and see something that they feel is not appropriate, please email me, yeah. I'll follow up with the Departments. Or --

COUNCILMEMBER SUGIMURA: Okay.

MS. AOKI: -- if it's something that we can just make a change because it's not really assigned. Because yeah, your district has sort of these anomalies about using pieces of property for certain things.

COUNCILMEMBER SUGIMURA: Yeah.

MS. AOKI: So...and for...I mean, I go back and I'm trying to look up TMKs, and trying to look at aerial imagery of what these places are, and Google maps, and use a little man to see what's going on over there. So please, yes, email me, let me know.

COUNCILMEMBER SUGIMURA: Okay, I will. And then another one was I just visited with Kula Ambulance, and I know one of the items here, it says to move the ambulance to

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our Fire Station in Kula, which is probably like about, I don't know, two blocks, I can go measure it, but it's really close. And when they first met with me, they said...the first things out of their mouth was, we do not want to join and be part of the Kula, you know, Fire. And I guess they must hear that rhetoric in the community, and they said, it's an old house...not old house, it's a single-story structure. And what they told me where they cover, and how safe it is for the community, is close enough to everything. I don't think...they don't want to be incorporated. So that kind of information, what do you do with that?

MS. AOKI: Right. If you...I can...I make notes and I put it in my little binder. Because there's stuff like that that comes up all the time where...I don't know if it's in Kihei, there's something about moving the Ambulance Station, and it's part of the Fire Department. And the Fire Department always responds that the ambulance is not part of their Department. So, you know, things kind of get lumped in together, and that's why it becomes difficult during implementation because the practicality of it is that what people want may not necessarily be able to happen, or...I mean, not to say that you can't work together and it could happen, but then when you hear like you've heard, that there's no interest in it, then...and why it might not be such a good idea, that's why it may never be implemented.

COUNCILMEMBER SUGIMURA: I'll make...I will. I'm just looking at this as a lot of things kind of popped up. The other big question that came to my mind because I worked on the Maui Redevelopment Agency, their Area Development Plan, and for every action item, there was dollars associated with the estimate at that time for implementation. And just reading through this, some things are, you know, great ideas, although it's probably expensive. And for the Departments to have to implement it, I don't know if there's a way of associating a cost to it, you know, that would make it more realistic, or it's not something that, you know, we could address.

MS. AOKI: Well, I think...and...but Director McLean expound on this, but in my experience, you know, we've tried and tried and tried to do that, every time we try to do a plan, to say, let's put a dollar, a fiscal amount to this and...to recognize and be cognizant of what it is that you're asking for, how much is this going to cost. And invariably, at the end of the day, the plans get adopted with a multitude of great things with no monetary amount, you know, or very little. And there's debate...actually, Carol from Orion--who you folks have met, who is our consultant with Orion Planning and Design, Carol Ray--she's talked to us about that. And her experience has shown that when you're doing a long-range plan, putting a dollar amount doesn't really always help because the plans are so long that something that could cost, you know, \$3 million today, then the economy goes great, and the next thing you know, everybody's coming in with bids at 10 million because they can. And 15 years later, well, now it costs 20 million. So she actually doesn't really need to support putting in dollar amounts for long-range plans, but she did say for short-range plans, then yes, absolutely. You know, if you have like a five-year plan, where you're trying to look out. But at the same token, those short-range plans need to have short-range goals, and short-range projects, and things that can get done within that five-year time frame. So

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it's a balance, and it's something I think we've all struggled with, trying to put in these amounts. I don't know if Director McLean wants to add on to that.

CHAIR PALTIN: Director.

MS. MCLEAN: Thank you. It actually...it's a combination of...you know, we've been talking about wanting to develop realistic plans that are implementable. It also requires the Department's participation in the Community Plan update process. Because without their feedback to the CPAC, to the Commission, to the Council, you don't have that...a more realistic idea. And so, you know, without that guidance, we're just going to put in things that we hear that the community wants without like, oh, no, we're not going to do that because we're going to do this instead or, you know, whatever the circumstances may be. So it's not complicated, but it's really involved to get these plans where they really are useful, and help guide the budget, and help guide CIP. And I think there's more awareness now that these things are all connected, but when we're dealing with the older plans, there probably wasn't that kind of involvement. And I mean, Kathleen will tell you, it's pretty hard to get the Departments' feedback on the implementation report. Because they look at these things, and they're like, what? We're supposed to do what? And, you know, some of them, you know, if they endeavor to do today, the community would be like, oh, my God, what are you doing that for? You know, maybe that was in the plan 20-plus years ago, but wow, our priorities have changed, we don't want that today. Or, you know, that's real low compared to some of the other things we want. So it really has to be...you know, everyone needs to be involved in these to make them work. And I think we're getting there slowly, but some of the older plans, we just don't have that. And it's not because the Departments are necessarily cavalier about what the plans say, it's just that they weren't involved, and that information didn't get passed down to them.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Thank you. I'd like to call on Member Molina. I know he has to leave in a little bit, so I just wanted to give him his opportunity.

COUNCILMEMBER MOLINA: Oh, thank you very much for the consideration, Chair. No, no questions, but just want to thank Ms. Aoki for the update on this. It was very informative, and keeps us all in the loop, but thank you for the update. Much appreciated. And thank you, Chair.

CHAIR PALTIN: Thank you. And then Chair Lee, anything before we go on the second round?

COUNCILMEMBER LEE: No, I think this report covers 153 pages. I'm still on number 25 page.

CHAIR PALTIN: Thank you. I just had a question before we go on the second round. So, you know, say I'm running into a lot of conditions in change in zoning that haven't been met, and say that was added as a Community Plan priority, that these conditions

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in change in zoning be met in a timely manner. Would that be what it takes to get things done? For example, I saw on here under West Maui, like acquire more open park space or something like that. And one of the conditions in the change in zoning for Pulelehua was that 50 acres, and we put money into it, and then, you know, when we're doing the budget, the word was that we didn't have any response or nobody was answering the phone. I recently was listening to Mr. Schnell talk to the Planning Commission about what he wants to see for Kapalua Mauka, and yet when I went to the County Clerk to see the compliance reports on the 2006 change in zoning, there wasn't one, you know. And the first compliance report was supposed to be 2007. So that's 13 years of no compliance reports for Kapalua Mauka change in zoning. And yet the representative, the consultant, is asking for these other things, but we haven't even seen...like where's the 40 houses that was supposed to be built before the first Mahana Ridge house, you know. And I think another condition was that there should be no adverse impacts to the reef, and this picture here behind me is what happened when Mahana Ridge was being developed. So, you know, all these conditions in change in zoning that we put on, where's the assurance that they are followed up upon with the changes of administration? I think Pi'ihana...the Pi'ihana Project is another one where, you know, we're told that the conditions are recorded at Bureau of Conveyance and run with the land, yet another one, Paul Chang, since he acquired Pulelehua, we haven't received compliance reports at the Clerk's Office. When we were negotiating at the Land Use Commission, I wasn't aware of the conditions, but it seems that one of them was, I think, that a Police Station should be built within Pulelehua, like a sub-station. I mean, these are conditions that are supposed to have the force and effect of law. And if...with this implementations all the Departments kind of report to you, would it make sense to have one of the Community Plan priorities be that change in zoning conditions be met within a timely manner. I think Chapter 19 says, like, within five years or something like that...if no designated time is set, it's supposed to be met within five years. So I just was wondering your feedback on that, like should it be something like if community members want conditions in zoning, conditions of change in zoning enforced, that they should make that be a priority action item?

MS. MCLEAN: It certainly wouldn't hurt. I don't know that that would necessarily achieve compliance more than how compliance is achieved today. And you're right, that responsibility falls on me, and on my predecessors in this job, to ensure compliance with conditions. And there are so many projects out there with outstanding requirements, it's not as if...you know, one flaw that we have is not keeping track of these because a project is assigned to a planner. If that planner retires or leaves or moves, you know, you don't have that continuity, and so things just get lost in the shuffle, and then the reliance is on the developer to comply. We don't have a system where we tickle those requirements. So it is...you know, I'm not going to defend the shortcomings from the Department in that regard. And for...I don't know why, but for whatever reason, that five-year requirement in Title 19 isn't often revoked...invoked. And so the applicant says, oh, well, you know, there's no timeline on this so, you know, I'll do it someday, but we haven't invoked that. So, you know, short answer to your question is there certainly would be no harm at all in putting that in the

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Community Plan, and if anything, it could help underscore the importance of making sure those requirements are met.

CHAIR PALTIN: And then just a follow up on that question. What about having a link to the, you know, RPT TMK maps, having a link to the Ordinance of the condition that's available for everyone to see. Because I mean, how did Mahana Ridge get subdivision approval when there's no 40 affordable houses? How did they get the building permits? How did all these things happen when the conditions weren't met, and it's been 13 years? So if everybody can just click on the TMK and there would be an Ordinance layer, then you can look up the Ordinance and say, hey, there's all these conditions on this TMK, instead of having to go to the Bureau of Conveyance and then, you know, whether it's Public Works or Parks or whatever, if they click on it, they're like, hey, we're supposed to have a 50 acre park. Hey, we're supposed to have this, we're supposed to have that. And it's all...I mean, most times when Councilmembers try to put conditions on projects of change in zoning, especially it's something we're trying to mitigate or benefit to our community. So I just was wondering your thoughts on that as an addition to a Community Plan priority as well.

MS. MCLEAN: I'm going to give a little shout out to our GIS team because we just recently released a GIS viewer where you can access the Maui Island Plan growth boundaries, Community Plan designations, as well as zoning on one map. And that's something we've been pushing forward for a long time, we finally got that released. Then that got us thinking, what else can we do with these resources, and what you described is one of the things that we've talked about. And I've seen examples in other municipalities where you can go on that map and click, and you can see permits that are pending, not just once it had been approved. So I mean, there's all kinds of information that we could put in a GIS layer, and what you described is one thing that we could do. We could put in the SMA permits and their conditions, zoning ordinances and their conditions, district boundary amendments with links to the Land Use Commission Decision and Order. So there's a lot that we could put in there, it's just a matter of time and resources getting it done. But absolutely, it can be done, and I think it would be really useful.

CHAIR PALTIN: Thank you. Thank you for that. I'll try and work on it if I'm still around. Second round, Member King. Did you have your hand up?

COUNCILMEMBER KING: Yes, I did. Thank you, Chair, appreciate it. I think we're making a lot of good points for having priorities in the Community Plan. And, you know, the cost, I was thinking that would it be possible to...you know, rather than getting quotes and putting exact costs, to put a range of costs on some of these items, so that when the community is deliberating on what our priorities are. You know, one of the things...if you look at the Kihei Makena, the plan that exists now that we need to, you know, we badly need to update is, it asked for a four-year university. So, you know, I don't think anyone is looking at that for South Maui anymore, but if somebody back then had said, okay, if we put this item in here, it's a, you know, 200 to \$250 million item, do we really want to put this in here...you know, some kind of a range like that so we can decide what our priorities are and what we want to get done. Because I

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understand the short-range planning versus long-range, but this is supposed to be a ten-year plan. It ended up being a 20-year plan because we didn't get it done ten years ago. So it is supposed to be a shorter term plan, and we should be able to look at things in a scope of, you know, what a priority is based on what range of funding we're looking at. And then we also have to reconcile the funding of each community because, you know, we all have our priorities, but we can't fund all the top ten priorities for every community, you know, we'd be bankrupt. So, you know, having that range of cost in there might be helpful if that's easier to think about doing. But definitely, you know, when we look at this list, it's hard to tell if the community's priorities are being met because it was...you know, one, it was so long ago, and two, there's no indication of what the intent was at the time, you know, time-wise to have this happen. So that was one thing. The other thing I wanted to mention is the difference between...I understand the difference between in-progress and ongoing, but I'm not sure the public does. And so I don't know if there is a way to gauge the ongoing things as far as...you know, I mean, can you just never...you'll never be able take those off of there because they're just ongoing? Like once we put it on there, it's something that's happening forever, but maybe it's a different category of implementation items because you're never going to be done with that if it's ongoing. You know, they are just things that we're asking for, you know, service-wise or whatever, that are going to be a continuation. So I just wanted to make that comment that it might look like something is never getting done. And also, the same thing as was mentioned earlier by Member Rawlins-Fernandez, there's no gauge as to how far along we are in that ongoing process, you know, if we've just started it or if this is something that's been happening every year for ten years or whatever. So anyway, I just kind of wanted to make those comments, and also, Chair, to let you know that we do have that study that's being done by Matrix Consulting on how to expedite the Community Plan process. And they did just release an executive summary of that, and they're, I think, a couple weeks away from finalizing their report. So hopefully we can get it. And I want to thank the Department for moving that along too, and hopefully we can get the next plans updated, you know, before another 20 years. That's the goal of it, is to shorten up that process. Because the Council has talked about it for a long time, we talked it about it when I was Chair of Planning. And I think this is going to be a little more informative because it's an outside consulting entity that's giving us this advice instead of...you know, it's hopefully a less political than it has been in the past by people wanting to keep certain bodies in or out of it. And if we can figure out an objective way to go forward where...that makes sense and that makes it more efficient, that's kind of what we're all looking for, I think. So that the items in here become more relevant because they're not 20 years old. So some of those things I think will be helpful though, just as we go through the South Maui Community Plan to look at what scale of funding we're asking for. And maybe some of those just come off the table as, yeah, that's not realistic in the next ten years, so let's not put that in there, you know, that goes on just some other wish list. So I don't know, do you have any thoughts on that, Ms. Aoki, as far as like maybe just trying to give us ranges, estimating ranges of, you know, what the cost would be for some of these items.

CHAIR PALTIN: Or perhaps ranking them from most expensive to least expensive maybe?

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MS. AOKI: Well, I just...I'll be very frank. There's me and one other planner, and you're looking at 1,200 of these. So to try...not that 1,200 of them are going to have cost amounts to them because they're just sort of a function of a Department.

COUNCILMEMBER KING: Twelve hundred per community?

MS. AOKI: No, 1,213 in total.

COUNCILMEMBER KING: Okay. So...I mean, is that something that we could work on as a community with you, as far as when we start talking about priorities, is can we start discussing the ranges of what we're looking...you know, these items.

MS. AOKI: Well, I think that's what they wanted to try to do with each Community Plan update, was try to focus more with everyone on here's a budget, and what would you do with that budget with the things that you want to adopt. So, you know, it's certainly something...I mean personally, I wouldn't be opposed to, with each Community Plan update, looking at that and providing more of a budgetary attachment to what it is that you're requesting. To go and do it now, I think it would just be better addressed as you're going through the updates because it'll be more relevant and more like now and versus...

COUNCILMEMBER KING: Okay. But don't you think it's problematic to try to give each community a budget? Because there are times when some communities, you know, will put more money into some communities for open space or whatever, and then other times we do...I mean, it's not consistent. Every community doesn't have a consistent budget every year, and it's not usually based on population or tax revenues. So it's hard to say, here's your budget.

MS. AOKI: Absolutely, Member King. I completely agree with you. It was just...it was something like what can we do...what kind of exercise can we do to give people a better understanding of what it is that they're asking for, you know. You're right. Every Community Plan doesn't get the same amount, it varies from year to year. When your Kihei will get a Police Station, that'll be, you know, \$30 million. The next year, maybe Pukoo, hopefully, will get something for a Fire Station. So yeah, I hear what you're saying. It was...it's...you know, it's just...that was just one example of maybe an exercise to do. I don't believe it was done, but it was something that we thought about in-house. I do think it would be helpful, absolutely, with the updates of the Community Plan, to put a cost, put an estimated amount. And it could be, you know, one dollar to 25 thousand, 25 thousand to 500 thousand, 500 thousand to 3 million. I mean, however it is you want to break it out so that you aren't, you know, kind of restricting yourself to small amounts. I've seen that in other plans.

COUNCILMEMBER KING: Yeah.

MS. AOKI: So absolutely.



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COUNCILMEMBER KING: Okay. Well, thank you for being open to that, I appreciate it. Thank you, Chair.

CHAIR PALTIN: Thank you. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So like Chair Lee, I didn't make it all the way to where it was divided by districts, but I just wanted to apologize to the Planning Department because Moloka'i and Lāna'i plans do have a column with priority items...the priority numbers.

MS. AOKI: Oh, we did that?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MS. AOKI: I didn't see that, even I didn't see that. Very good. See, we're so efficient I don't even realize it. Right on. Okay. . . . *(laughing)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: And the Moloka'i Community Plan does have a cost range of the action items in it. A lot of them do. Not necessarily all of them because I understand that it was like pulling teeth a lot of times, and it was hard for the Departments to, you know, come up with some kind of a range, and I recognize that. I wanted to find out a little more detail on what the process is for the Planning Department on getting the update for this annual progress report to the Council, and if you asked the Councilmembers for any updates. Because I don't think I was asked, and in this term, I've been intentionally working off of our Community Plan since its...you know, it was updated in 2018, so that my...you know, the Community Plan was guiding a lot of my legislative priorities.

MS. AOKI: Sure. I mean we can email you all individually as Councilmembers, and give you the same deadline that we give everybody else if...and sure, I mean, if Director McLean has no qualms about that. I mean, the more information we can get, the better, you know, we want an accurate report. I would prefer it have the correct information than not. So sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: So Ms. Aoki, when do you send out that letter requesting the information from the various Departments?

MS. AOKI: It actually just went out, I want to say, September 29th or 30th? Due date is November 1st. So I will ask my planner to get that out to you folks. We can give you like an extra week or two, and then you just email it back to him, any information that you have.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Awesome. And at the last year's meeting, we talked about including this discussion of action items from the Community Plans when we're discussing budget, and so that...my intention is to have that discussion in our pre-budget meetings so that we can see what priority items have come from the different Community Plans, to see if it's something that we would

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want to have included in the budget, if it's something that we can afford at the time, and if it's something that is still a priority for the different Community Plan districts.

MS. AOKI: That would be great. That's the whole point. This is awesome.

COUNCILMEMBER RAWLINS-FERNANDEZ: Absolutely. I'm...considering that I'm still the Budget Chair, of course. Mahalo, Chair.

MS. AOKI: You can still bring it up, I mean, I encourage all the Members. Look at your districts. Look at what they're asking for, and see how it ties in.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Aoki. Mahalo, Chair.

MS. AOKI: You're welcome.

COUNCILMEMBER LEE: She didn't get it.

CHAIR PALTIN: Chair Lee.

MS. AOKI: Shane's highlighting things.

COUNCILMEMBER RAWLINS-FERNANDEZ: I missed it. Me? Did I not get it?

COUNCILMEMBER LEE: Not you. I think you were making a joke about it, right?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh. . . . *(laughing)*. . . I am.

COUNCILMEMBER LEE: Assuming that you would still be there right, that was your point?

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

COUNCILMEMBER LEE: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. . . . *(laughing)*. . .

COUNCILMEMBER LEE: She didn't get it. . . . *(laughing)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair Lee. Mahalo, Chair Paltin.

CHAIR PALTIN: Okay. Did anyone else have any other question in our remaining minute? Looks like no. We've got a lot homework, everybody. Okay. Well, let me find my notes. Should...

COUNCILMEMBER KING: Chair, I have a question.

CHAIR PALTIN: Yes.

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COUNCILMEMBER KING: I don't know if it's for you or Councilmembers in general, or maybe the Department but, you know, if we go through the next budget session and are looking at the items in our Community Plans, some of these Community Plans are so old that...you know, is there a process for...I mean, we all kind of hold...I don't know if we're going to hold these budget hearings again like we used to do in person, but we used to do...we didn't do that this year because of COVID. But those of us who are still waiting for our Community Plans to be updated, I think there's a...I'm hoping that maybe there's a broad recognition that a lot of these things are outdated. So, you know, like I don't think I'd be going to the Council saying, I want you to start looking into a four-year university, and how we could partner on that for South Maui at this point. So I'm just...you know, I just kind of wanted to point out that, you know, it's great for the Community Plans that have just been updated, and hopefully we'll get done with the West Maui one. But for those that are still over 20 years old, we're going kind of still be sifting through some of the, you know, the very old recommendations when we come to the next budget hearing, or the budget session.

CHAIR PALTIN: Do you think that...

COUNCILMEMBER KING: So I just kind of wanted to make that point that we can't just rely on the Community Plans for everything because, you know, some of that stuff in there is so outdated.

CHAIR PALTIN: Yeah. Do you think that...but there's probably some long-standing items, like I'm not sure how long they wanted that North-South Collector Road, but...

COUNCILMEMBER KING: Oh, yeah. That's definitely a priority we've been talking about. That's an easy one to put up to the top because it's affecting everything else in our community.

CHAIR PALTIN: So I'm sure there's probably some things.

COUNCILMEMBER KING: I'm going to go through and, you know, hopefully other Committee Members will go through and, you know, kind of tick off the things that we're not really focused on anymore.

CHAIR PALTIN: Okay, great. And so, you know, I could file this or I could defer it. It'll auto-file at the end of the year. So just, you know, for safety sake, I was thinking of just making a clean sweep deferral of everything, if there's no objection.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: MM)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR PALTIN: To defer the first two items and yeah, it'll auto-file at the end of the year anyway, and then we'll get another one for...like Ms. Aoki said, the next update. So I'll defer this item. This concludes today's Planning and Sustainable Land Use Committee

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meeting. Thank you very much, Members. The time is now 12:02, and this meeting is adjourned. . . .(gavel). . .

**ADJOURN:** 12:02 p.m.

APPROVED:

*Tamara A. M. Paltin*

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TAMARA PALTIN, Chair  
Planning and Sustainable Land Use  
Committee

pslu:min:201022:ta

Transcribed by: Terianne Arreola

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**CERTIFICATION**

I, Terianne Arreola, hereby certify that pages 1 through 52 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 24th day of November 2020, in Wailuku, Hawai'i

A handwritten signature in black ink, appearing to read 'Terianne Arreola', is written over a horizontal line.

Terianne Arreola