

PLANNING AND SUSTAINABLE LAND USE COMMITTEE
Council of the County of Maui

MINUTES

October 21, 2021

Online Only Via BlueJeans

CONVENE: 9:00 a.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Kelly Takaya King, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: Wilton Leauanae, Legislative Analyst
Alison Stewart, Legislative Analyst
Shelly Espeleta, Supervising Legislative Analyst
David Raatz, Deputy Director
Clarita Balala, Committee Secretary
Lenora Dineen, Council Services Assistant Clerk

Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson
Evan Dust, Executive Assistant to Councilmember Tasha Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember Tasha Kama
Lois Whitney, Executive Assistant to Councilmember Tasha Kama
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King
Sarah Pajimola, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez
Dawn Lono, Executive Assistant to Councilmember Shane M. Sinenci
Jordan Helle, Executive Assistant to Councilmember Yuki Lei K. Sugimura

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Stephanie Chen, Deputy Corporation Counsel, Department of the Corporation Counsel
Kathleen Ross Aoki, Planning Program Manager, Department of Planning
Jacky Takakura, Administrative Planning Officer, Department of Planning
Peter Graves, Geographic Information System Analyst, Department of Planning
Johann Hall, Geographic Information System Analyst, Geographic Department of Planning
Kimberley Willenbrink, Planner, Department of Planning

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Scott Teruya, Director, Department of Finance
Marcy Martin, County Real Property Tax Administrator, Department of Finance

OTHERS: Alika Moepono (PSLU-39)
 Thomas Croly (PSLU-37)
 Russ Gardner (PSLU-39)

Raymond Cabebe, Vice President, Chris Hart & Partners, Inc.
Helen Pratiwi, Land Planner, Chris Hart & Partners, Inc.
Richard Trier, Pastor, Door of Faith Church
(2) additional attendees

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

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use Committee meeting of October 21 come to order. The time is now 9:00 a.m., and the greeting for today from Nepal is namaskar kākou. My name is Tamara Paltin and I'm in the West Maui District Office with my aide, Angela, more than six feet away. The time is 9:01 a.m. on October 21. If everyone can please silence their cell phones or other noisemaking devices, that'll help our cause. This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19. Please see the last page of the agenda for information on meeting connectivity. As required by the Governor's most recent emergency proclamation, Members at non-public locations should state who, if anyone, is present with them. With us today from South Maui we have our Vice-Chair Kelly King. Namaskar and aloha kakahiaka.

VICE-CHAIR KING: Aloha kakahiaka, Chair, and namaskar. There is nobody in this room with me, and it is a bright, sunny day in South Maui. Looking forward to the meeting.

CHAIR PALTIN: Oh, yeah, surf's up. Okay. And Gabe Johnson said he's having some technical difficulties at this time, so we'll skip ahead to the neighborhood. Namaskar and aloha kakahiaka, Councilmember Tasha Kama. Uh-oh.

COUNCILMEMBER LEE: Uh-oh.

CHAIR PALTIN: No can hear. We'll come back around to you. Catch you on the flipside. Okay. Next up we have Council Chair Alice Lee, namaskar and surf's up.

COUNCILMEMBER LEE: Yeah. Namaskar. I wish I could surf; however, I still have a chance, you know, I still can learn. You can teach me one of these days. I'm home alone --

CHAIR PALTIN: Member Rawlins-Fernandez --

COUNCILMEMBER LEE: -- and in my office...

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CHAIR PALTIN: -- going throw you the canoe.

COUNCILMEMBER LEE: What's...what's...what's that, Chair?

CHAIR PALTIN: She can put you in the canoe and...and let you catch some bumps, then you don't need to even paddle.

COUNCILMEMBER LEE: Okay. That's a good idea. Thank you. Good morning, everyone.

CHAIR PALTIN: Okay. Next up we have Councilmember Mike Molina. Probably can smell the surf from where he's at. Aloha kakahiaka and namaskar.

COUNCILMEMBER MOLINA: Aloha kakahiaka, Madam Chair, and namaskar to you and my colleagues and everyone else joining in for our PSLU meeting today. And...and yes, I can smell the...the ocean breeze from where I'm at in my residence here in Makawao. Aloha.

CHAIR PALTIN: Aloha. Next up we got, from jacaranda country, can probably see the surf, Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: I can. I can see the isthmus on both sides. It's...it's a beautiful view. Anyway, good morning, namaskar. And yes, it's...it's wonderful here in Kula. And there's no one on this floor of my house, and I think my husband's probably downstairs working. Good morning.

CHAIR PALTIN: Good morning. And Councilmember Gabe Johnson made it. His technological issues have been resolved. And namaskar to you, aloha kakahiaka.

COUNCILMEMBER JOHNSON: Namaskar, Chair, and...and namaskar, Members. Yeah, sorry, I don't know what's going on with my Internet, and I hope I...I'm here to stay.

CHAIR PALTIN: Okay. Right on. We got full roster almost. And from the island of Moloka'i we have Councilmember Keani Rawlins-Fernandez. Aloha kakahiaka and namaskar.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i nui a Hina. I'm at the Moloka'i District Office, my...by myself on this side of the office. Let's see, namaskar kākou. And although, you know, being out with the ale (*phonetic*) and the nalu, surfing those waves is incredibly fun, I think surfing the waves of policy is a pretty close equal. Okay. Wait, wait, wait.

CHAIR PALTIN: . . .(*inaudible*). . . interesting over here. Catch the...catch the wave and ride it all the way through to the legislative action finish line. And we have Councilmember Tasha Kama from the neighborhood, made it back around.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and namaskar to every one of my colleagues. It's a beautiful day today in the neighborhood. I am here in my room by myself. And I'm ready to start the day with our PSLU Committee. Thank you, Chair.

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CHAIR PALTIN: Awesome. Namaskar. And last, but certainly not least, with the Wailuku background from East Maui we got Member Shane Sinenci.

COUNCILMEMBER SINENCI: Hey. Aloha, namaskar, namaste, Chair, from...broadcasting from 200 High Street this morning. We can see the North Shore from here. I'm here with my EA, Dawn Lono, in the next office. And we've got one more leg to...to get ku'u home hanau, so...nice to see everybody.

CHAIR PALTIN: Awesome. Back from the...the world travels. And from the Administration today we have Deputy Corp. Counsels Mike Hopper and Stephanie Chen. From the Planning Director we have...or Planning Department, we have Director Michele McLean. From the Department of Finance, Director Scott Teruya. And with Chris Hart & Partners, Incorporated we have Raymond Cabebe for PSLU-39. Committee Staff today, we have Committee Secretary Clarita Balala; Legislative Analysts Wilton Leauanae and Alison Stewart; we got Legislative Attorney Richard Mitchell; and Assistant Clerk Lei Dineen. Three agenda items for legislative action today. We got PSLU-39, 36, and 37, which is District Boundary Amendment, Community Plan Amendment, and Change in Zoning for Door of Faith Church in Ha'ikū, sponsored by Member Sinenci; Digital Zoning Map (3) for Maui; and Amending Chapters 19.04 and 19.12, Maui County Code, Relating to TVRs in the Apartment District. Testimony. Let's begin with public testimony. Shoot. Staff, is there anybody signed up to testify at this time?

MR. LEAUANAE: Yes, there is, Chair. Two...two right now.

CHAIR PALTIN: Okay, great. Thank you so much. I'll read the testimony instructions in that case. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans link as noted on today's agenda. Testifiers wanting to provide audio testimony should call 408-915-6290 and enter meeting code 149 341 846, also noted on today's agenda. Written testimony is encouraged, and can be sent via the eComment link at mauicounty.us/agendas. Oral testimony is limited to three minutes per agenda item. When your name is called, please unmute yourself by clicking the video and microphone icons, or if calling in, press star four to unmute yourself. Please be courteous to others, muting video and audio while waiting for your turn. And when testifying, please state your name, please also state if you are testifying on behalf of an organization or are a paid lobbyist. This is for the record. If you have joined this online meeting, Staff will assume you wish to provide testimony, and will add you to the list of testifiers. Once you are done testifying, or if you wish to view the meeting without providing testimony, please disconnect from the BlueJeans meeting. Continue viewing on *Akakū* Channel 53, Facebook Live, or mauicounty.us. Once oral testimony concludes, only Councilmembers, Staff, and designated resources will remain online, and all others will be dropped from the BlueJeans connection. A link to the list of testifiers is posted in the chat. Please be mindful that chat should not be used to provide testimony or to chat with others during the meeting. Members, I would like to proceed with oral testimony, and the first person we have signed up is Alika Moepono. Alika, if you can unmute yourself and begin your three minutes of testimony. A timer will sound when the time is up.

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. . . BEGIN PUBLIC TESTIMONY . . .

MR. MOEPONO: Aloha. Good morning. My name is Alika Moepono. I'm one of the members of the Door of Faith Huelo Church. I'm here just to back up my pastor as we're trying to...we're in this building project. We're trying to move forward, but we're having trouble with the Ag zone as well as, you know...

MR. TRIER: The Ag zone and...

MR. MOEPONO: Yeah. We're trying to turn it into Commercial, yeah? Commercial zone, yeah.

MR. CABEBE: Public/Quasi-Public.

MR. MOEPONO: Public...yeah. I'm sorry, I'm just mixed up. But yeah, we just...we just a bunch of families out here in Huelo, and we just need a...you know, a little place to worship the Lord and do our part to give thanks to the Lord for all he has done for us. We don't want the memory of our founders go in vain, yeah, because we can't seem to get the permit for the church to have services. And like I said, we're just a small church out there, about 30...25 families. Me and my wife been there, members in the church for about 20 years now. We do a lot of work for the church. We...we do food bank, we feed the community, we try our best to get out to the community out there and, you know, give the food and help them out. And I caretake the place, I clean the yard, I paint the building, maintenance, whatever got to be done for the church. But our church building, we're in a hall now doing our services in there, but our building is in disrepair. Yeah, it's...it's...it's pretty much going to the...the weather, yeah. Like Pastor Rick, I don't know if you guys totally remember what he said a couple weeks ago, that the roof practically blowing off from the big wind that we had, yeah. And our building just...is kind of just, you know, aged already. It's taken its part with...with the termites taking over the building and just falling apart, old age. But all it is, is just...we just need a place of worship, yeah, and we're just see if you guys can help us out to get this permit passed and so we can get all the families back in the house of worship and...and bring the community back in as well. Because ever since this COVID thing went on, yeah, cannot come...the...it's kind of spread out now, everybody kind of, you know, hesitating to come back to church and whatnot. But I think once everything gets back on track, these families and all these families from everywhere going to come back in, and slowly, you know, get the church back together. And we can start having a little bit of worship out there. Though...though we do have a lot of worship going on in our church right now, in the congregation, in the hallway, you know, in our little hall, it's not similar to your church, yeah, you need, you know, the spirit. Let's just say it's the spirit that drives the people there, yeah. And...and our community, you know, it's kind of separated, yeah, you get your...yeah, the ones that, you know, come to church and the ones that don't. . . .(timer sounds). . . And we just pray that they all come to church one day. We never know...yeah, we never know, but they come up and when they need help, when they want prayer, they want...they need something to happen in their lives, we help them out, we try our best we can, we pray for them. We even go down there

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and, you know, if they want to sell their property we pray that the property gets sold. We help them...

CHAIR PALTIN: Thank you, Mr. Moepono.

MR. MOEPONO: Yeah.

CHAIR PALTIN: If you can conclude your testimony.

MR. MOEPONO: Okay. Okay. Yeah.

CHAIR PALTIN: Okay. Thank you.

MR. MOEPONO: Right on.

CHAIR PALTIN: Members, any questions for Mr. Moepono at this time? Seeing none. Thank you so much for your testimony, Mr. Moepono.

MR. MOEPONO: Okay. Right on.

CHAIR PALTIN: Next...

MR. MOEPONO: Aloha.

CHAIR PALTIN: Aloha. Next up we have Mr. Tom Croly. We're ready for your three minutes testimony, if you can unmute yourself.

MR. CROLY: Aloha, Chair. Aloha, Committee. Namaskar. I'm testifying on the...the registration numbers for the transient vacation rentals in the Apartment District. And this item hasn't been clear or transparent from the beginning. It has morphed into some changes of...of the requirements for essentially the grandfathering of properties in the Apartment District, and I'm sure the Planning Director will give you more insight on that. I...I don't have a problem with those things except for one issue, which is we're choosing a date for the...defining when the building envelope of a building was done, and I don't think that it's appropriate in 2021 to choose a date of 1989. I think if we're going to say something was in a certain configuration at a certain date and...and therefore, going forward should be the...the...the use rights may be changed, we really need to choose today's date or a date closer to...to current. Because it wouldn't be correct to say to someone, you made a change back in...in 1997, and that change in 1997 has affected your right to use the...the building today in 2021. So that's my comment on that. But the transient accommodation tax numbers and so forth, this is a good idea that...that there be some type of registration for every accommodation making transient vacation rental uses. So the big question that I would have is, why are we only considering this for properties in the Apartment District? We have properties in the Hotel District, thousands of them, that make these uses, and certainly we want those properties to also be properly registered and paying the taxes and...appropriately and such. However, having said that, you're trying to register

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thousands and thousands of properties, and this is not a task that the Planning Department is equipped to take on. And you'll...you'll see correspondence in there that it's a task that even the Real Property Tax folks said they don't want to take on. So if we're going to do something like this, we really need to be thinking about how it would be administered, and who would administrate it, and so forth. I believe that the County would benefit from having a vacation rental department that would handle all of these types of issues, but that's not what's on the agenda today. What's on the agenda today is establishing transient accommodation tax numbers for just properties in the Apartment District, and that makes no sense. So I would not move this item forward . . .*(timer sounds)*. . . based on that. Thank you.

VICE-CHAIR KING: Chair...you're muted, Chair.

CHAIR PALTIN: Thank you, Mr. Croly, for your testimony today. Question from Committee Vice-Chair King.

VICE-CHAIR KING: Thank you, Chair. Aloha, Tom, good to see you.

MR. CROLY: Aloha.

VICE-CHAIR KING: Good point you made about the Hotel District, the apartment buildings. I just wanted to clarify what you said about the April 20th, 1989 date, because I believe that was already in the ordinance. So that wasn't something that was added, it was just left in there. So the...

MR. CROLY: Well, if I could just make clear, that date is the date that an ordinance was passed saying if you want to make transient vacation rental uses, they must be made in the Hotel District, okay. So that's when we...we essentially removed this use from the Apartment District. Now what we're saying is, we're defining the building envelope of a building as of that date. So if someone were to have made changes to their building in 1990 or 1991, we're now saying, gee, you lost that use, but we didn't tell them back then that those changes --

VICE-CHAIR KING: Okay. But...

MR. CROLY: -- were going to cause them to...

VICE-CHAIR KING: Yeah, no, I understand what you're saying because I've had that same thought, but the way I read this is the existing ordinance...this is a change to the existing ordinance that allows for these transient uses, right?

MR. CROLY: It...it...it's a change...it's a change trying to clarify the way the Department of Planning has been interpreting this.

VICE-CHAIR KING: Right. But let me finish.

MR. CROLY: Not everyone has agreed --

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VICE-CHAIR KING: Let me finish because...

MR. CROLY: -- with their interpretation.

VICE-CHAIR KING: Okay. Let me finish because I'm trying to clarify something that you said in your testimony.

MR. CROLY: Okay.

VICE-CHAIR KING: That...okay. If you look at this, the original language was any such building or structure is...is...if any such building or structure is reconstructed, renovated, or expanded, transient vacation rental use is limited to the building envelope as it can be confirmed to have been approved or lawfully existing on April 20th, 1989. So therefore, if that was the existing language, it could be inferred that no changes were made to any of these buildings since 1989 because that was the ordinance as it was originally written.

MR. CROLY: Well, not as it was originally written. If...if I can bring a little more insight to this. In 2014, when the Council essentially codified the Minatoya opinion, the discussion that resulted in this language was, what if a building has to be reconstructed because it burned down, or what if there was termite damage and so forth. Could someone just go build a new building that's completely different at that time? We don't want them to expand it and so forth. So that's where this language came out of, out of the possibility that a building might be destroyed by fire or by flood or something like that, and they didn't want it to be reconstructed in a different way. Now what we're saying is, if you renovated it and changed the building envelope anywhere along the line, you've now lost that use. And that was not the discussion that the Council had at the time when they created this language.

VICE-CHAIR KING: Well, yeah, I guess my point would be...and I was...I'll clarify this when we get to the item is that as it reads right now, nobody should have been able to do that because it's...that was the original ordinance since 1989, since April 20th, 1989.

MR. CROLY: No, no, no, that's not the original ordinance --

CHAIR PALTIN: Oh, okay.

MR. CROLY: -- since 1989. You would have to look back...

VICE-CHAIR KING: But I don't want to get into...I don't want to get into an argument, but we'll...we'll...we'll try to clarify it when we get to the item.

MR. CROLY: Yeah, yeah.

CHAIR PALTIN: We aren't debating.

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VICE-CHAIR KING: I see where your confusion is. Thank you.

CHAIR PALTIN: Further questions...

MR. CROLY: I'm not confused. I've been at...I've been at all the meetings associated with this. No one at this Council has been at that...those meetings. No one in the...in...who's going to give you insight from the Planning Department was, but I was at those meetings, I have reviewed the minutes of those meetings, and I can tell you, you know, what it should be.

COUNCILMEMBER RAWLINS-FERNANDEZ: Point of order. I'm sorry. I think the Chair is trying to control the meeting.

CHAIR PALTIN: We're not getting in a debate of it, we're just asking clarifying questions. If you don't agree with each other, that's fine, but we're...we're not going to be debating right now because it's public testimony. And then the discussion is amongst the Members. And I believe it's within our rights to clarify things at this point in time, regardless of what happened in the past. Does anyone else have any clarifying questions for the testifier? Seeing none. Thank you so much for your testimony today. And next...

MR. CROLY: Aloha. Just trying to be helpful.

CHAIR PALTIN: Aloha. Next up we have Russ Gardner, I believe. Russ Gardner? Did you...was he still on the line?

MR. GARDNER: Think I've just unmuted. Can you see me now?

CHAIR PALTIN: Yes, we can. Go ahead.

MR. GARDNER: Okay.

CHAIR PALTIN: You've got three minutes.

MR. GARDNER: Yeah, I'm just testifying in support of the Door of Faith rezoning. I am a member of the church. And as it exists right now, it's...it's...it's difficult to function as a church without the building being replaced or rebuilt. So seeing the...the church meeting in...in the...the small place that we are has not allowed us to grow or to...to worship in a...in a place that a normal church would...would worship. So I just make it short, just I'm in favor of the rezoning. Thank you.

CHAIR PALTIN: Thank you so much, Mr. Gardner, for your testimony. Members, any questions for the testifier at this time? Seeing none. Thank you, Mr. Gardner. Have a nice day.

MR. GARDNER: Thank you.

CHAIR PALTIN: Is there anyone else on the line wishing to testify at this time? Seeing none

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coming forward, without objection, I will now close oral testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR PALTIN: Members wishing to speak during today's meeting should say my name and raise their hand so that I may recognize you.

PSLU-39: DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN AMENDMENT, AND CHANGE IN ZONING FOR DOOR OF FAITH CHURCH (HAIKU) (CC 19-345)

CHAIR PALTIN: PSLU-39, District Boundary Amendment, Community Plan Amendment, and Change in Zoning for Door of Faith Church in Ha'ikū. The Committee is in receipt of the following: County Communication 19-345, from Councilmember Shane Sinenci, transmitting a proposed resolution referring to the Maui Planning Commission proposed bills to amend the State Land Use District classification, to amend the Pā'ia-Ha'ikū Community Plan and land use map, and to change the zoning for the Door of Faith Church property situated at Ha'ikū, Maui, Hawai'i. Then we got correspondence from the Planning Director dated July 21st, 2021 transmitting a total of three bills. One for the District Boundary Amendment classification from Agricultural to Rural for a less-than-acre parcel at TMK (2) 2-9-007:032, as well as a Community Plan Amendment to Public...from Agriculture to Public/Quasi-Public for the same parcel, as well as a bill for an ordinance to change zoning to P-1 for the same parcel. So the Committee may consider whether to recommend passage of the proposed bills on first reading, with or without revisions. The Committee may also consider the filing of County Communication 19-345 and other related action. So just a brief opening, we'd like to designate as a resource Raymond Cabebe, Vice-President of Chris Hart & Partners, and a planner/consultant. If there's no objections, I would like to designate Mr. Cabebe as a resource person in accordance with Rule 18(A) of the Rules of the Council.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Thank you very much. And just a brief covering of like where we've been. Since Member Sinenci proposed this Change in Zoning, there's no need for an EA. Originally the land was zoned Interim, and in 1998 it was rezoned to Agriculture, but the church use predates all of that. And it fell into disrepair, and it wasn't used for over a 12-month period, so then it became kind of nonconforming. And in order to reconstruct it, because more than 12 months went by, this is the avenue that the applicant has chosen. So I'll let them give a little presentation. And then if Corp. Counsel wants to give any comments, or I can give Members a round of questions, about three minutes each. Any objection to that plan of action, Members?

COUNCILMEMBERS VOICED NO OBJECTIONS.

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CHAIR PALTIN: Okay. Mr. Cabebe, we're ready if you have a quick presentation for us or, you know, statements.

MR. CABEBE: Yes. Thank you, Chair. Good morning, everyone. My name is Raymond Cabebe with Chris Hart & Partners. And in...in the room with us we have Pastor Rick Trier from the church, and you already heard from Alike Moepono, who's also here with us. And we also have Helen Pratiwi from our office behind me here. So...so that's...we could share our screen. Here we go. Okay. There we go. Next. So just a little bit, you know, about the Door of Faith Church. It was established in 1953. Originally, the Kahiamoe family owned the property, and they...they deeded the...the property over to the church, and Dolly Kahiamoe was one of the pastors, as well as...as well as Hatie Apuna. And you know, the current pastor is Rick Trier, who's here with us. And the congregation is...consists of about 25 to 30 people, and they, you know, conduct typical church...church activities, you know, worship (*audio interference*)...

CHAIR PALTIN: Mr. Cabebe, in the...like the note mode of your slideshow, can you press...I think maybe begin slideshow or something, so your slide takes up the entire TV?

MR. CABEBE: Okay. Can you...that was the full screen?

CHAIR PALTIN: Yeah, full screen, sorry. Wrong word.

MR. CABEBE: Okay. So...yeah.

UNIDENTIFIED SPEAKER: There you go, it's back.

MR. CABEBE: How's that? Is that better?

CHAIR PALTIN: It went back to different. Maybe display settings would work.

MR. CABEBE: Choose a PowerPoint.

CHAIR PALTIN: Yeah, maybe PowerPoint, that would be. Now we stopped getting screenshare at this point.

MR. CABEBE: Okay. How is that?

CHAIR PALTIN: It's the same, but I guess we'll just run with it.

MR. CABEBE: Okay. Sorry. Okay. Next. Go to the next slide. Okay. Yeah, so the...the request is, as the bill said, you mentioned, you know, three bills correspond with these three actions, the DBA to Rural, Community Plan Amendment to Public/Quasi-Public, and zoning to P-1 Public/Quasi-Public. And these designations, you know, will bring the...the current uses to be consistent with the property use that's been there for over 60 years. And as has been stated, the church structure is in pretty bad condition, and the congregation just wants to rebuild it, you know, to be safer and...and a more

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comfortable building for...for the congregation. And they're going to use a similar...a similar architecture. We'll have pictures of the...the church later. The church is about 1,800 square feet. There's also a church hall that they're using right now for...for their services, it's about 2,200 square feet. And also on...on the property there's a 20,000 gallon water tank that's used for fire protection. In addition, there's a 4,000 gallon tank for wastewater purposes. The church is...can hold up to 100 people. And the parcel is landlocked, and so the access to the parcel is through State property to the east, and there's...they have an easement that was granted by the State. Next. So this shows where the property is off Hāna Highway. It's outlined in blue there. And if you look at the inset, you can see the two buildings that are on the property. Next. This is the tax map, it shows the landlocked parcel and Door of Faith Road that comes down and weaves through the State property to the east, and it comes along to that property, parcel eight that's adjoining the parcel to the north, south, and west side. So it's designated Agriculture in the State land use. In the Pā'ia-Ha'ikū Community Plan, it's designated Agriculture as well, and...and zoned for agriculture. You know, Maui Island Plan, it's not within any kind of growth boundary. It's not urban, rural, or country town, or rural service center, and it's not within any protected areas in the Maui Island Plan. Under the agriculture lands of importance in the State of Hawai'i it is designated as prime land; however, you know, the property is less than an acre, so it's substandard as far as size. It hasn't been used for agriculture, you know, for 60-plus years, other than maybe community farming or gardening. In the Land Study Bureau is designated...it's designated D, Class D on a scale of A to E, where A is the best farming land. It's not within the...any flood hazard area, and it's very far from the sea level rise exposure area. Just a quick overview. We did consult with the Planning Department early on to see, you know, what...what the church could do to move forward with reconstructing the church. It was determined that the church is a nonconforming use and can be...that nonconforming use can be continued as long as it's not replaced, reconstructed, or enlarged. And there was some modifications done to it, I think it was 2005 or so, and so that...the Planning Department said, you know, that kind of voided the nonconforming use. And also the...not...not using it for longer than 12 months or having it not used for longer than 12 months as a church, that also voided the nonconforming use. So the church could have pursued a State special use permit, but the...you know, that special use permit would need to be renewed every few years, so the church decided to do something more permanent, go ahead and go through DBA, CPA, and CIZ. And so Councilmember Sinenci was kind enough to sponsor the resolution in 2019. We did present a report to Planning, and the Maui Planning Commission did hear it last year, August 20th...August 11th, 2020, and it was transmitted to Council this year in July. So there was some comments from the Maui Fire Department that the Planning Commission did kind of take note of. And there are two letters that I think we sent to some of you...some of the Councilmembers that requested it. And the first comment letter said there's...that a Change in Zoning would result in an increase in fire protection requirements and 500 gallons per minute to 1,000 gallons per minute, which basically a 120,000 gallon tank for storage. And in the second letter, the Fire Department said that, you know, it's usually a requirement for subdivision, and that this is obviously not a subdivision, and there's actually no...at this point there's no construction proposed. But when construction will be proposed, you know, the flow requirements will be enforced by the Fire Department. So this...this

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is some photos of the property. Number one is the north side, two is east, and the bottom is the south side, and the fourth is the west. Photos of the church itself. In front of the church, on the left, and you can see the community hall to the left of the church. And you can see the small 4,000 gallon tank that's used for wastewater purposes. And the...photo three on the right is the backside of the church. You can see how pretty bad it looks. The lower side of the church doesn't look too bad, but if you look on the south side, I think that's the side that's exposed to most of the weather. You know, the siding is coming off, and just some of the...I think the roof has blown off in the last couple weeks too, so...this shows a...on the right it shows the foundation of the church. This is the interior of the church. All the pews are pushed together because it's not being used at this point. So this shows some of the damage to the floor and the ceiling in the church. This is the site plan showing...at the bottom you can see the access road that goes through State property. And the building to the left is the church, the one to the right is the community hall, and there's...that round circle at the top is a 20,000 gallon tank. It's used for fire protection. You can see that the line represents the...the waterline that goes down to the...a standpipe that's on the road to the...on the right side. These are the latest plans that the church had prepared. As you can see, it's just to build...rebuild right on the same footprint of the church. So again, you know, the proposed actions, just all of the three bills, Agriculture to Rural, Agriculture to Public/Quasi-Public, and Agriculture to P-1 Public/Quasi-Public. And these actions will result in the proposed land use designations being consistent with the existing uses. So this is our presentation, and we're open for any questions. Thank you.

CHAIR PALTIN: Thank you, Mr. Cabebe. If you can stop sharing screen at this time. Okay. Let's see, did Corp. Counsel have any comments they wanted to make in regards to the presentation at this time?

MR. HOPPER: Chair, I'm trying to unmute my video. Okay. There I am. I didn't have anything to add, thank you though. I can be available if there's...there's questions. Thanks.

CHAIR PALTIN: Okay. Members, at this time I'll open the floor to questions. How do Members feel about a two-minute first round and a one-minute second round, and then we'll go from there? Okay. Committee Vice-Chair King, any questions for any of our resources, Mr. Cabebe, Corp. Counsel, or Planning?

VICE-CHAIR KING: So thank you, Chair. I did meet with...with Mr. Cabebe and these folks aside from this meeting. But...and I think the only outstanding issue is water, so I just wanted to ask if they had figured out how to solve that issue, those requirements, or if that's something we can do after the...the Change in Zoning?

MR. CABEBE: Yeah...

CHAIR PALTIN: I believe...oh, sorry. I believe the letter from Mr. Haake on page 139 of the transmittal, from the last transmittal from Planning, said it could go either way. It could be addressed at this time, or it could be addressed at the time when the building permits are issued. But --

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VICE-CHAIR KING: Yeah. I...

CHAIR PALTIN: -- go ahead, Mr. Cabebe.

VICE-CHAIR KING: Yeah, I realize that, I just wanted to find out if we had made any progress. Because I did mean to mention it to the...the Fire Chief when we...when I talked to him, but didn't get to that issue.

CHAIR PALTIN: Okay. Sorry. Go ahead, Mr. Cabebe. And Staff, if you can reset Vice...Committee Vice-Chair King's time. Go ahead, Mr. Cabebe.

MR. CABEBE: Yeah, we...we just...we did try to reach out to the Fire Department to speak with them. Actually, we did that early on after the Planning Commission meeting, and we were not able to connect with...with Captain Haake at that...at that time. And then recently, you know, after our talks...early talks with some of the Council people, we...we did reach out again, and we found out that Captain Haake has retired. And his...his replacement--Captain Otsubo, I think--he just went on vacation. So we're unable to connect with them. So that's something, you know, can be ongoing after...later on, you know, as we get closer to submitting for building permits.

VICE-CHAIR KING: Okay. I just wondered...and you got my email, you asked me that information about the...the private water treatment facility technology. Okay. All right. That's all I have.

MR. CABEBE: Thank you.

VICE-CHAIR KING: Thank you, Chair.

CHAIR PALTIN: Okay. Thank you, Member King. Next up...who...who had a question next? Anybody? Member Sugimura, followed by Member Molina.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much, Mr. Cabebe. And I also met with them, and I just think this is the frustrations of evolution of time and government and the...the things that organizations have to go through. I mean, I think it's clear that the church size hasn't changed, the use hasn't changed, and the one question that I...unfortunately, because you want to go...I think because you want to do your renovations and have to get building permits, you're...you're going through this process to make sure all of your zoning is aligned; is that correct?

MR. CABEBE: Yes, correct.

COUNCILMEMBER SUGIMURA: And the 12 month...in your presentation, you said it was...that it was a 12-month period where the construction [sic] wasn't in use. Was it because of COVID, or was it...

MR. CABEBE: No, it just said, you know, the church was in such disrepair that they couldn't use it, it wasn't...it wasn't safe to use. So that...that was why --

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COUNCILMEMBER SUGIMURA: Oh, okay.

MR. CABEBE: -- they stopped using the church.

COUNCILMEMBER SUGIMURA: Oh, okay. And then you're now trying to do this so that they can get the building permits to put the church back in line. And I also, like Member King, noticed the unfortunate discrepancy of the amount of water that now you're going to have to provide based upon...you know, of course the Fire Department is doing their job in terms of public safety. But I'm...I'm wondering how the church would be able to accommodate that kind of cost to...

MR. CABEBE: It would be...it's...you know, it's quite a bit of cost, and one way they're thinking of maybe partnering...partnering possibly with, you know, either the County or with neighbors and, you know, trying to put in the 120,000 gallons. Or the other avenue that they can pursue is to apply for a variance considering that, you know, how far away the...the Pā'ia station is. It's...it's just over ten miles and . . .*(timer sounds)*. . . person...not personally --

COUNCILMEMBER SUGIMURA: Okay.

MR. CABEBE: -- but...to --

COUNCILMEMBER SUGIMURA: Yeah.

MR. CABEBE: -- for the...for a...for a fire truck to get there, if you look on Google Maps, it says to drive from the fire station to the church it takes hour and a half. So by that time, you know, the church would burn down anyway. So...and the 120,000 gallons wouldn't do them any good. And so...

COUNCILMEMBER SUGIMURA: Okay.

MR. CABEBE: Yeah.

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: I'm...I'm concerned about that also. So thank you very much, Mr. Cabebe. I ran out of time.

CHAIR PALTIN: Okay. We can have a second round if your issues don't get answered. Mr. Molina, followed by Member Kama.

COUNCILMEMBER MOLINA: Yeah, and thank you very much, Madam Chair. And...and good morning, Mr. Cabebe and Pastor Rick and Mr. Moepono and everyone else associated with the church. You know, before I start off my questioning, this is why we need a fire station out in the Ha'ikū area. You know, this could have alleviated some of this concerns for...for the church. But anyway, has the...continuing on with the issue of

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variances. Mr. Cabebe, does...once the entitlements are given, do you anticipate seeking any variances for the Building Code? And I know you mentioned the Fire Code, and anything else once the entitlements are approved?

MR. CABEBE: At this point I think it's just the fire...fire requirements. We don't foresee any other variance that's going to be required.

COUNCILMEMBER MOLINA: Okay. And quick question, Pastor Rick, is the church a member of like the United Church of Christ, a member church of that...a large entity like that, or is there another entity the church is a member of?

MR. TRIER: No, the church is an entity in itself. It was started by Mildred Brostek, and she had 85 years of ministry in Hawai'i from the 1920s. And so she came to Hawai'i as a 22-year-old evangelist, and God called her to minister the gospel to the Hawaiian people, and that's what she did. She...she traveled all of the Hawaiian Islands and...and preached the gospel, and people...Hawaiians were converted. And she would disciple them and baptize them and...and they would open up churches on...on their said properties. And she planted 12 churches in the Hawaiian Islands, churches on each islands...each island of the Hawaiian chain. And she came from Foursquare...Foursquare movement, Pentecostal movement back in the early days. And...

COUNCILMEMBER MOLINA: Okay. Okay. Thank...thank you, Pastor. Yeah, the only reason I asked because I thought maybe if you're...you're part of that...a larger entity that there was some form of support that they could give you, because I know it's certainly going to cost money, yeah, to rebuild and everything else. And then very quickly, so right now with the building being dilapidated, is there mold as well and leaky roofs and everything else that goes with this dilapidation?

MR. TRIER: Yes, the building's in...it's termite eaten, it's single-wall construction. The...the floor joists are 32 inches on center, 4x4 poles...posts underneath on just...on just blue rock stones. You know, it was --

COUNCILMEMBER MOLINA: Okay.

MR. TRIER: -- it was...it was old lumber that was taken from old plantation houses and brought out there and reconstructed back in '53. So to make a long story short, all we...all we're doing is...all we plan to do is put 20...it's 20 feet wide and 80 feet long, and we want the same footprint, we're not changing the envelope at all. We're going to just replace the new church in the exact same location as the old church, the exact length, exact width, the whole thing, other than a change in windows and...and sliders and entry...door entries and this and that. But other than...the footprint stays the same. So...

COUNCILMEMBER MOLINA: Okay. Okay.

MR. TRIER: And you know, back...

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

CHAIR PALTIN: Thank you, Mr. Molina. Member Kama, your --

COUNCILMEMBER KAMA: Thank --

CHAIR PALTIN: -- two-minute first round.

COUNCILMEMBER KAMA: -- thanks, Chair. Yes. So I'm not sure who to address this to but probably you, Mr. Cabebe. Do you know what the history of fires are as it pertains to the church in Huelo?

MR. CABEBE: Maybe Pastor Rick might have some history on that.

MR. TRIER: Yes, I...I'm...offhand I don't...I've been out there for 20 years. There have...to my knowledge, there hasn't been any...any...any need for the Fire Department to respond to any fires in...in the community or in the area. I don't know of any...anybody's house that would burn down. And certainly if...if that did happen, I would...we would know about it. The Kahiamoe family originally had 100 acres of the property down there, so people that you see that live down there in that community now, including the Kahiamoe's son and...and their grandchildren and the family, they still have retained 15 acres of the 100 acres. And the other portion of their properties have people that are living on it now that are thankful to the Kahiamoe family for their generosity in...in...in being able to purchase land and live in the community. So we're a small community, but we're well known and...and everybody gets along. And whether they come to our church or not, they're still...they still know that when they need...they need prayers or they need help, that the church is there as well as...as...as a neighbor, as a good neighbor would be.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR PALTIN: Members, any further questions at this time for first round? No more first round questions? Okay. Any second round question? Okay. So no questions. Chair will entertain a motion to recommend passage on first reading of the three proposed bills, and incorporating nonsubstantive revisions, entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032;" and "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC" for the same parcel; and "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT" for the same parcel.

VICE-CHAIR KING: So move.

CHAIR PALTIN: And...and filing of --

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COUNCILMEMBER KAMA: Second.

CHAIR PALTIN: -- Communication 19-345. Moved by Committee Vice-Chair King, and seconded by Member Kama. Members, any discussion? Member King, as the movant?

VICE-CHAIR KING: No, I...I think we probably...many of us heard the same thing if we were able to meet with Ray and the...the applicants that this is an ongoing use, as was stated. And yeah, I look forward to them being able to renovate and fix up the building and continue to continue their activities there. So I'm confident that they can work out the water issues once he...if we have a person returning from vacation, I guess.

CHAIR PALTIN: Okay. And Member Kama, as the seconder?

COUNCILMEMBER KAMA: Thank you, Chair. You know, the...the name of the church is Door of Faith. This will probably be the second Door of Faith Church that I know of that have been able to fulfill your financial obligations to the faith of their people. The Door of Faith in Wailuku built a new church just with pure faith of the people in their congregation. So I'm very hopeful that that will happen with this church also. So thank you, Chair.

CHAIR PALTIN: Thank you, Member Kama. Member Sinenci, as the bill's sponsor, any discussion?

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo to you for bringing up and agendizing this for our East Maui communities and...and other rural communities like...like the Door of Faith. Door of Faith has established a sense of community. The Ha'ikū area, it's been a gateway to their neighborhood with many families being part of that. It served as an emergency center in the past, or even food giveaways during the pandemic. So it does strengthen our rural community centers, particularly...and as Councilmembers, we want to go ahead and support those nonprofit efforts within our rural communities which are far away from a lot of the services that people in urban areas have access to. I think I'll...I'm...I'll be willing to support a variance if...when they do come back with a permit that would have possibly a sprinkler system, additional exits for safety, or even some fire retardant materials like the PyroGuard. So thank you for that.

CHAIR PALTIN: Oh, thank you, Member Sinenci. I...I think maybe they go to the Board of Variances and Appeals. I think this is...this is it, the end of the road for us on the matter.

COUNCILMEMBER SINENCI: Okay.

CHAIR PALTIN: The...the next step --

COUNCILMEMBER SINENCI: Yeah.

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CHAIR PALTIN: -- where they would address it would be the building permits and...and the Administration side. But that's nice to know your sentiment.

COUNCILMEMBER SINENCI: Mahalo, Chair.

CHAIR PALTIN: Member Sugimura, discussion?

COUNCILMEMBER SUGIMURA: Yeah, thank you. I am definitely supporting this. And I commend the pastor and the congregation for your dedication to put...erect the church and bring it back to its true form as Member Kama, you know, described. But I...I just want the Members to know that after this passes, I hope it passes, that I'm asking OCS to look at and have they started...they started researching through a PAF to look at how we can help situations like this under these kind of circumstances, and to amend, if possible, maybe the Fire Code. So I'm looking into it. I...I stand by you in terms of trying to get your church back to, you know, a condition that it can be utilized and worship by members of your congregation. And thank you. Thank you very much, Mr. Cabebe, Chris Hart & Partners, and the Door of Faith Church members.

CHAIR PALTIN: Okay. Thank you, Member Sugimura. Members, any further discussion from anyone else? Okay. I just...for my discussion, I feel comfortable that the normal way of handling things, of going through the building permit and satisfying the requirements, will work in this case. And so, you know, we're simply addressing the Change in Zoning, DBA, and CPA, and then letting it continue on with the process. If the Board of Variance and Appeals give an appeal, if the building permits need a signoff, I'm not trying to micromanage this...the process. I think that there is a process, and I'm okay with it going forward. So if there's no further discussion, I'll call for the question. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay. That's unanimous with some extra voters, and we'll see you on at first reading, all of...all of the nine.

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VOTE: **AYES:** **Chair Paltin, Vice-Chair King, Councilmembers Johnson, Kama, Lee, Molina, Rawlins-Fernandez, Sinenci, and Sugimura.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: **Recommending FIRST READING of revised bills and FILING of communication.**

MR. TRIER: Can I...can I say something before we close?

CHAIR PALTIN: Can you say it in a minute? Because I got two more legislative --

MR. TRIER: Yeah.

CHAIR PALTIN: -- actions to go.

MR. TRIER: Yes, I can. I just want to say thank you very much. And we love you, you have a great day and a great month. Okay. Hallelujah. Thank you, Jesus.

CHAIR PALTIN: Okay.

COUNCILMEMBER KAMA: Hallelujah.

CHAIR PALTIN: Thank you so much. And...and I forgot to mention, you know, our Door of Faith in Kahana is...is similar, it's a beacon of light for the community and the families in the area. So you know, I think the reputation of Door of Faith throughout Hawai'i carried you guys through.

MR. TRIER: Thank you.

CHAIR PALTIN: Okay. Moving right along. Maybe we can do two before our morning break. That would be awesome.

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PSLU-36: DIGITAL ZONING MAP (3) FOR MAUI (CC 21-457)

CHAIR PALTIN: Okay. Next up, PSLU-36, Digital Zoning Map Number (3) for Maui. Okay. The Committee is in receipt of County Communication 21-457, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.020, MAUI COUNTY CODE, ADOPTING DIGITAL ZONING MAP (3) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt the amended digital zoning map (3) as the official zoning map for the Island of Maui. 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 21-457 and other related action. So we scheduled this item because we thought it would be fast. And at this time we'll see if Ms. Aoki has any little presentation or comments for us.

MS. AOKI: Good morning, Chair Paltin. Good morning, everyone. Yeah, we do have a short presentation for you. Peter Graves, our GIS Analyst, will be doing the presentation, and I'll be available for any question.

CHAIR PALTIN: Okay. I'm assuming Mr. Graves is the guy behind the your title goes here bar. And Staff, can you unmute Mr. Graves, whose lower third says your title goes here? I...I didn't sign on as the moderator.

MR. GRAVES: All right.

CHAIR PALTIN: Okay.

MR. GRAVES: Can you hear me now?

CHAIR PALTIN: Yes, we can hear you.

MR. GRAVES: Okay. Let me see if I can share my screen. Can you see my PowerPoint?

CHAIR PALTIN: Yeah, we can. I'm...I'm not sure...if you could put it on slideshow mode so it takes up the entire screen, that would be awesome, but we'll survive --

MR. GRAVES: Yeah.

CHAIR PALTIN: -- if not. Yeah, awesome.

MR. GRAVES: All good now?

CHAIR PALTIN: Okay. Here we go.

MR. GRAVES: Okay.

CHAIR PALTIN: Yeah, perfect.

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MR. GRAVES: I think...I'm not sure, I think everyone here has been through this before once or twice. Anyway, this is just an update to the digital zoning map. Get a little walk through of what it's been all about. In the past, the reason for the project is due to the age, poor quality, and lack of detail. You know, the original maps were falling apart, they're 50 years old. There's also...there were no complete or single set of zoning maps for the island. It all started out with interim ordinances, and then there were a number of land zoning maps covering large areas. In the '60s, also changes in zoning, ag and rural bills, so there's a lot of work involved in trying to figure out what superseded what with the paper maps. Also created public access to the zoning information. You know, we've got it out on the...I'm sorry, real property map, you can look at your zoning, we've got it available for download. Anticipated reduction in the number of determinations that the Staff have to do. And also will be a part of the upcoming online permitting process called MAPPS where you should be able to go in and everything will be integrated, property information. And so we've actually done this in a few different stages over the past few years. Maui we did first, it was...it went before the Council. It was adopted in 2018 with an update, some...some corrections at the time on November 9th, 2019. Lānaʻi was adopted in August 2020. We're in the process of doing Molokaʻi. It was presented to the Planning Commission on Molokaʻi in 2021, and to this...this board in...just last month, in September. Okay. So there are thousands...40, 50,000 parcels in...in the...on Maui alone, over 50,000 in the County. So...and as time goes on, the...Real Property is refining their parcel map, which has been an ongoing project from the original layer, which began over 20 years ago. And we have anticipated that there's going to be adjustments and updates to the map. There are going to be corrections that need to be made just due to the scope of trying to, you know, figure out what the zoning was over the seven or eight-year process alone that, you know, I was working on this. And there will be hopefully less need for refinement as time goes on. So for this map, there are...or this update, there are two corrections. One is in Hāna, and the other is in Pāʻiā, and we are seeking your recommendation to make these corrections. This went before the, excuse me, Hāna Advisory Committee in July...on July 15th. They did recommend correcting the error for that parcel. We had a meeting with the Planning Commission 2021st [sic]...I'm sorry, approval for both parcels to be fixed. All the...the changes we're making are consistent with the underlying community plan designations. So we've got our quick history of zoning in Maui County. Just go through it briefly, I think everyone has seen it. In the beginning, there was no zoning. In 1958, I believe, Interim zoning, the entire County...or no, I'm sorry, Maui was zoned Interim in 1958, the other islands followed later. After that, in the 1960s, there was some comprehensive land zoning maps, the eight or ten large paper maps that were...we refer to as the Dead Sea Scrolls. But they only covered limited areas, though obviously not the entire map. After that...well, later on, from the 1960s all the way to the present, there were change...individual change in zonings or area change in zonings that covered new areas, but as well as changing parcels within the preexisting zoning maps, LZMs. After this, in 1997, the rural zoning ordinance came along. For community plan and State land use was Rural and less than eight...less than 15 acres and not in the Hāna CP, then these areas were comprehensively zoned Rural. Next came the ag bill, comprehensive ag bill, 1999, where if community plan was Agriculture, then zoning was comprehensively zoned Agriculture. And this is our...this is...that's what...this brings it all together. This is the current zoning map (2). So the first correction is in Hāna. If

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I...it actually might make a little sense to move to the next slides just to give some background. This parcel is located--let me turn on my laser pointer--up above Kipahulu at about 1,000 feet. This is the original or the...the community plan map. And originally, all this would have been zoned Interim because it was outside of the area of any land zoning map. Once the ag bill came along, anything that was zoned Ag...I'm sorry, anything community plan Ag would have been zoned Ag. You can see here, this line up mauka, this is the line between community plan Conservation and community plan Ag. This one is actually not in your...the presentation we mailed to you, but I wanted to bring it a little closer so you could see better. This same map, Ag on...on the makai side, Conservation mauka. This is the boundary line between the two. This is where the subject parcel is. It is located on the Conservation side of the line. Let me go back a couple of slides. What happened, we made the mistake of zoning this parcel Agriculture as if it were on the makai side of the line. This was because I believe there's a...there's a discrepancy between the State land use and the community plan here. Usually, the community plan will follow the Conservation boundary on the community plan...I'm sorry, on the State land use; here, they're different. This parcel...this area is State land use Ag, but the community plan stopped the Ag here. We realized...or I realized that I made this mistake, and that this never should have been zoned Agriculture because it's not on the correct side of the line. So our proposed correction is to put this parcel back in Interim where it should have been to begin with. Go to the next couple of slides. The next issue is a parcel in Pā'ia. I think the problem at the time was the Change in Zoning specified that this should be zoned P Public/Quasi-Public, but P Quasi-Public...P Public/Quasi-Public did not exist. It was...the...the actual zoning code was P-1 Public/Quasi-Public. Prior to that, it was just plain Public. So our correction here is just to simply change the zoning designation from this general P Public/Quasi-Public to P-1 Public/Quasi-Public. The next slide. Oh, hold on. We might be missing a slide. There was a slide in here that showed the...oh, here it is. My slides get mixed up, I'm sorry. This was the Change in Zoning for these parcels where it specified Public/Quasi-Public in LZM 1527. And then there's the ordinance...the...the ordinance itself, and then the update to Title 19. And then this is our corrected map, and you can't tell at this scale, but this is our...would be our corrected map, zoning map (3). And that is it.

CHAIR PALTIN: Thank you for that presentation, Mr. Graves. Some exciting stuff going on here in the world of planning, a little stroll down occupation lane, okay...so to speak. Members, I think everyone except for Mr. Johnson may have been around when we originally heard the Pā'ia Courtyard project, which was a Department-initiated Change in Zoning, and we helped, I guess, facilitate that one mistake because we didn't specify P-1 or P-2. And so at this time, if Corp. Counsel or Mr. Mitchell could address a few of the issues. If the adopting the Digital Zoning Map (3) will correct the Change in Zoning for that Pā'ia project since it wasn't an error, but it was...I mean, it was a different kind of error, and if the Planning Department will need to initiate the Change in Zoning process for Pā'ia Courtyard, and whether or not a new unilateral agreement will need to be executed for this Change in Zoning. And then I'll open it up to questions from the Members.

MR. MITCHELL: Good morning, Chair Paltin. So I've had a chance to chat with Corporation

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Counsel about the issue of the conditions for Pā'ia Courtyard and the unilateral agreement. And I think we have a solution to...to that challenge, and I'll let Mr. Hopper, if he is on the line, discuss that with you.

CHAIR PALTIN: Awesome. Thank you. We'd love solutions to move towards legislative actions. Go ahead, Mr. Hopper.

MR. HOPPER: Thank you, Chair. I did discuss with Mr. Mitchell, and I think the solution here...this...this zoning map did go through Planning Commission and it's to you, so it's being adopted, as all zoning maps have to be adopted, through that same process. I know there was some discussion of rezoning of this area, but I think the fact is it was zoned Public/Quasi-Public, it didn't specify P-1 or P-2. The map right now is specified P-1. My understanding...and perhaps Ms. Aoki could go over this as well, but my understanding is that that particular parcel in Pā'ia Courtyard is intended to be dedicated to the County. And so I think the...the only outstanding issue...you can certainly change it to P-1. The only potential outstanding issue was that the conditions of zoning were in the previous ordinance and...and unilateral agreement, so I think the intention would, of course, be that those conditions would still apply to the property, although their applicability on the P-1 parcel isn't necessarily a huge issue because it's coming to the County. But I think to be safe, what could be done is that in a...another section of the ordinance, if you authorize myself and Mr. Mitchell to draft the language, is to essentially state that the conditions of zoning in the previous ordinance remain in full force and effect. And you know, something to the effect-- this is the language that I think Mr. Mitchell had looked at--was the zoning conditions in Ordinance 5111, Exhibit A, remain in full effect unless repealed by a separate zoning ordinance. If you are otherwise okay with designating it P-1 to add that clarification, you could authorize that language and we could have that ready before first reading. And I think another thing maybe, just to be safe, is to have the unilateral agreement corrected to state...to make clear that the...that...that it still applies to the property, and that it applies to the P-1 zoned parcel. And again, Ms. Aoki can maybe clarify, but I think since this parcel as part of the...of the project is required to come to the County anyway that, you know, while this would clarify it, since it would be the County that would be dealing with the uses on this property, that...that that's...that will be an acceptable way to resolve the issue.

CHAIR PALTIN: Thank you so much, Mr. Hopper. Love it when folks come with the solutions to the problems they bring to the table. So awesome, good job, everybody. At this point, I'd like to open the floor up for questions from the Members. First round, two minutes. If we need a second round, we'll...we'll go from there. Any questions for Ms. Aoki, Mr. Graves, Mr. Mitchell, Mr. Hopper...any of our folks that we got? Okay. We'll start out with Committee Member Sinenci, followed by Member Molina, and then Committee Vice-Chair King. Go ahead, Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And yeah, just a quick question for Mr. Graves. So changing it from Rural...for the Hāna portion in Maka'alae across of Kapia Road, changing it from Agriculture to Interim, just clarification, it opens it up to more uses on the property?

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CHAIR PALTIN: Mr. Graves...or if Ms. Aoki is more appropriate.

MS. AOKI: I can take that.

COUNCILMEMBER SINENCI: Oh.

MS. AOKI: Yeah. That's...if you don't mind, Councilmember Sinenci. Just...just so we're clear, so this parcel was always in Interim. It's been in Interim ever since it got zoned Interim, so back from 1958. And it wasn't until we made the mistake in the first DSSRT map that it got changed to Ag. So it's really only been in Ag for three years. But you are correct, it will allow for the uses that are permitted in Interim. That includes agriculture, which is currently what it's being used for, and what it's being taxed at.

COUNCILMEMBER SINENCI: Oh, okay. Thank you for that clarification, Ms. Aoki. Thank you, Chair.

MS. AOKI: My...my pleasure.

CHAIR PALTIN: Thank you, Member Sinenci. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Ms. Aoki. First, for the Pā'ia property, the Pā'ia Courtyard subdivision, was that held up due to the zoning matter? And I assumed the property owner reached out to the Department for assistance.

MS. AOKI: Councilmember Molina, I'm really not aware of what's going on with the subdivision. I was contacted when the application was made because of this zoning situation, and it was determined...you know, the Department had to decide what they were going to use as the standards. And then we all kind of collectively agreed that we needed to change it. So I...I don't know what the status is though currently with the subdivision.

COUNCILMEMBER MOLINA: Okay. And then for the Hāna property, when that issue came to your attention, was it something similar, like the property owner was seeking some form of entitlements or permits, or was it just...

MS. AOKI: And absolutely no, no correlation whatsoever. We...when Peter was updating, as he mentioned, Real Property Tax is constantly making changes to their alignments, so he has to go in and follow to...to make our zoning maps align, he discovered this mistake on his own.

COUNCILMEMBER MOLINA: Oh, oh, that's...

MS. AOKI: And that's...that's kind of what's going to happen.

COUNCILMEMBER MOLINA: And then...and then you anticipate there may be more

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unforeseen discoveries along the way, yeah, down the road?

MS. AOKI: Yeah. With 50,000 parcels, it's bound to happen.

COUNCILMEMBER MOLINA: Yeah. Well, good. Well, at least we're making progress, which is a good thing. And...and just quick question. Any...so with the renaming the designation of P-1 Public/Quasi-Public versus Public/Quasi-Public, there's no differences with regards to the uses, yeah? So it's just a...more of like a name change?

MS. AOKI: Well, Public/Quasi-Public doesn't exist, it's not a zoning category. That's the issue, is that it . . .(timer sounds). . . when...when P-1 was adopted, it took the place of Public/Quasi-Public, really. So...and then in 2015 we adopted...you...the Council adopted P-2, so you added on another category. So it doesn't change the uses --

COUNCILMEMBER MOLINA: Okay.

MS. AOKI: -- as far as what's allowed in P-1 or P-2. They're both the same, it's just the standards.

COUNCILMEMBER MOLINA: Okay. Okay. Great. Thank you for your responses. Thank you, Madam Chair.

CHAIR PALTIN: Thank you, Member Molina. I just wanted to further clarify that it was...excuse me, sorry, Member Johnson, but it was the rest of us that didn't make this clarification when we did that Change in Zoning a while back for Pā'ia Courtyard. Public/Quasi-Public is a community plan designation, but when you get more specific to the zoning, it should have been designated either P-1 or P-2. And so at this point, this is the first time we're using a digital map update to correct a problem like this. But Mr. Hopper did outline the solution for moving forward, especially since it was pretty much this body that didn't make the clarification the first time. So it's recent history, it's not something that we're correcting another Council's action, it's our own facilitation. And maybe at that time we weren't familiar with the differences between community plan designation and zoning. And I don't mean to exclude you, Member Johnson, from the mistake we all made last...oh, minus Member Kama because she wasn't on the Committee either. But...so just hope that clarifies things. But we've been pointed towards a solution regardless on how to make it work. Okay. Committee Vice-Chair King, any questions?

VICE-CHAIR KING: Actually, thank you, Chair. Mine's more of a general question because, you know, this...this...this originally came up when I was chairing the Planning Committee...oh, what, back in 2017. We were waiting for these maps to come online. But...so Kathleen, when...when people get on these maps that we're accepting and they click on something, is...are they going to be able to show...are you going to be able to show a history of these kinds of changes that have happened? You know, to show...you know, if they click on a particular area that's zoned...you know, when the Change in...if there was a Change in Zoning, when that happened. I mean, are they still going to have to come in and dig through a hard copy and pay for copies if they want to get the history

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of something like that?

CHAIR PALTIN: Ms. Aoki?

MS. AOKI: So right now, the answer to your question is no. We don't have a program that is that robust that can provide all the detailed information on...on land use. I have seen those programs at conferences, and they are amazing. They are amazing. So I would encourage the Council and the Administration to consider, you know, purchasing those kind of programs, but they are very expensive. I don't know to what level MAPPS will provide as far as that kind of information, like the history of the parcel, how many changes in...what are the conditions of the parcel, if there's conditions on the zoning.

VICE-CHAIR KING: So...so they're going to still...you know, I mean, the map's going to be changed, they're going to get the most recent iteration, and there's...if they want to know how it got to that, because they remember in the past it was zoned this, and then it was zoned that, they're going to have to come into the Planning Department to get that history and get it through you?

MS. AOKI: They...they...they could. So...or like what I've started doing is, you just sort of go through...it's very time consuming...is to go through the ordinances. But short of doing that, because I know there's thousands of them and I know what it takes, yes, they can come to us and...and we can go through. Peter has a good idea of...in his DSSRT layers, why a parcel changed...

VICE-CHAIR KING: Yeah, but you guys are not going to be there forever, you know, we're not going to be here forever, so people in the future, and maybe even in the near future are...you know, some of us aren't here to remember what happened, it just becomes a very cumbersome effort. So yeah, I would encourage you to look into software because I think if we're going to approve something like that, it has to come from you guys because you're going to have to be the ones using it. You know, we...we could...if we adopt a software that you're not familiar with or willing to use, then that's not going to help anybody. So yeah, I understand it can be expensive, but it also could be very time saving.

MS. AOKI: Oh, absolutely.

VICE-CHAIR KING: It's money.

MS. AOKI: Absolutely. I couldn't agree with you more.

VICE-CHAIR KING: Okay. Thank you. That was my main question. I...I would really encourage that and support it.

MS. AOKI: Okay. Thanks.

VICE-CHAIR KING: Thanks.

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CHAIR PALTIN: Member King, like...kind of like a Ramseyered map version, or a track change kind of thing, or something along those lines where we can see how it progressed. Good idea.

VICE-CHAIR KING: Yeah. Thank you.

CHAIR PALTIN: Okay. Any further questions, Members?

COUNCILMEMBER SUGIMURA: I do, Chair.

CHAIR PALTIN: Oh.

COUNCILMEMBER SUGIMURA: I think you --

CHAIR PALTIN: Sorry.

COUNCILMEMBER SUGIMURA: -- can't see me.

CHAIR PALTIN: Yeah, you're frozen on my screen. Go ahead.

COUNCILMEMBER SUGIMURA: Okay. Can you hear me? Am I...

CHAIR PALTIN: Uh-huh.

COUNCILMEMBER SUGIMURA: Okay. So in your presentation, in fact, one of the things that was presented, why did we create digital maps, you talk about the MAPPS program. Digital zoning will play a key role in the upcoming County online permitting process, also known as MAPPS, right, Maui Automated Planning and Permitting System. So Sandy Baz has already notified me that the--and could you confirm this--that you are participating in the MAPPS program? And I don't know how it all fits in together or what you've been doing, but Administration, you're ready to present to the Council the MAPPS program which will include all of this?

MS. AOKI: Council [sic] Sugimura, I'm...actually I don't really feel comfortable answering questions --

COUNCILMEMBER SUGIMURA: Oh, okay.

MS. AOKI: -- specifically about MAPPS because I'm not directly involved. I can't tell you...

CHAIR PALTIN: Yeah, I think we need to --

MS. AOKI: I mean...

CHAIR PALTIN: -- stick to the Sunshine Law of the agenda item as well. It was more about digital map (3) as opposed to MAPPS agendized.

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COUNCILMEMBER SUGIMURA: Sorry, it's in the presentation, Chair, so I brought it up as a question, but I'm fine. I...the other question that I had when this came before us is that the landowners were notified, and all the communications were made, and it sounds like that going through the commissions, it was done. So that was the only ongoing question that I had when this came up before. Thank you.

MS. AOKI: Yes. So if I can just respond. Councilmember --

CHAIR PALTIN: Go ahead.

MS. AOKI: -- Sugimura, yes, both landowners were given notice of this change, and I talked to both of them. And David Spee, the Pā'ia parcel was fine because he's sort of indifferent because the parcel is going to be going to the County anyway. And the landowner in Hāna, I probably had about a 20-minute conversation with her explaining, as Councilmember Sinenci asked, the differences between Interim and Ag. And so long as she could do agriculture and her tax...I told her, her tax...her real property tax was taxed at Ag, nothing's going to change, she...she was okay.

COUNCILMEMBER SUGIMURA: Very good. Thank you very much for taking care of the details.

MS. AOKI: My pleasure.

CHAIR PALTIN: Thank you. Members, any further questions for the resource? I just had one...or a quickfully [sic] question. You know, since we're only on digital map (3) out of, you know, 50,000 parcels or corrections in the future, do you...like kind of following up on Member King's question, do you take like a copy of...there's copy of digital map (1) in the first ordinance, there's a copy of digital map (2) in the second ordinance, and there's a copy...so that's one way. I mean, it's a real inefficient, time consuming way, but if somebody wanted to do it, they could look at what it was at version (1), then they could look at version (2), and cross reference the meeting minutes or something, but it would be a much difficult long process is what...what's kind of going on?

MS. AOKI: So for these digital zoning maps, we are...for each one that we update, we keep track of the TMKs that are being updated. So that's part of...of the presentation and the --

CHAIR PALTIN: Tracking.

MS. AOKI: -- the background information. So yes, we are. We definitely are. So all those layers will be kept in a digital format rather than in a paper format.

CHAIR PALTIN: Okay. Great. So there's a way to find it, it's just hard and long and not very efficient as it could be then. So I mean, main thing it's there, and it's not lost in the digital atmosphere.

MS. AOKI: Right.

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CHAIR PALTIN: Okay. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. You know, I was just thinking, you know, as you track the history, is there a way of people looking up land commission awards or land patents or grants that were made to them by the Kingdom of Hawai'i? Do we keep track of those things also?

CHAIR PALTIN: I think that's with the Bureau of Conveyances, not at the County Planning, and...and that's the unfortunate thing because, you know, I don't know that...you have to pay, I guess, to get those records online. Otherwise, you have to go all the way physically to the Bureau of Conveyances, and then you got to pay to get our copies. So if only they were as online and accessible as our County zoning maps, that would be...that would be something. So I mean, I guess we can't say how ineffective that process is when the Bureau of Conveyances is so much more difficult. We got to be thankful for where we're at, and just keep trying to push the bar forward. I...I hope that answers your question. Ms. Aoki, if you had anything you wanted to add.

COUNCILMEMBER KAMA: That does, Chair. Thank you very much.

CHAIR PALTIN: Okay. Any further questions for our resources? Seeing none. I will entertain a motion to recommend passage on first reading of the proposed bill, "A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.020, MAUI COUNTY CODE, ADOPTING DIGITAL ZONING MAP (3) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." And then we can make the amendment that Mr. Hopper spoke about in the beginning. But first that motion, moved by --

VICE-CHAIR KING: So move.

CHAIR PALTIN: -- Committee Vice-Chair King and --

COUNCILMEMBER SUGIMURA: . . .*(raises hand)*. . .

CHAIR PALTIN: -- seconded by --

COUNCILMEMBER KAMA: Second.

CHAIR PALTIN: -- Member Kama.

VICE-CHAIR KING: Member Sugimura...oh.

CHAIR PALTIN: Oh, sorry. Member Sugimura, I got to look at the TV to see you because you're still frozen on my screen. And so then it's been moved by Member King, seconded by Member Sugimura. At this time I'll entertain a motion to have our Corp. Counsel and our Legislative Attorney to amend the bill so that the unilateral agreement for the Pā'ia property matches, as he stated in his opening.

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VICE-CHAIR KING: So move.

CHAIR PALTIN: Moved by --

COUNCILMEMBER KAMA: Second.

CHAIR PALTIN: -- Committee Vice-Chair King, and seconded by Member Kama. And we're thinking that they know our legislative intent because they laid it out for us. Any discussion on the amendment? Oh, I see Mr. Mitchell. Oops. Okay. Go ahead.

MR. MITCHELL: Chair Paltin, I...I think you said so that the UA matches; I think what you meant to say was that the conditions in the ordinance are brought forward into the new bill.

CHAIR PALTIN: That's totally what I meant to say, the conditions in the ordinance --

MR. MITCHELL: Yes.

CHAIR PALTIN: -- are brought forward to the new bill.

MR. MITCHELL: Thank you.

CHAIR PALTIN: That's a friendly --

VICE-CHAIR KING: Friendly amendment accepted.

CHAIR PALTIN: -- amendment. Yeah. Thank you. Okay. So any discussion on the amendment at this time? Seeing none. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: You guys are such an agreeable bunch. Okay. And so that amendment passes unanimously.

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**VOTE: AYES: Chair Paltin, Vice-Chair King, Councilmembers
 Johnson, Kama, Lee, Molina, Rawlins-Fernandez,
 Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: We're on to the main motion, as amended. All those in favor...or any discussion on the main motion as amended? None. Okay. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: And the motion passes unanimously, and that will include the filing of County Communication 21-457.

**VOTE: AYES: Chair Paltin, Vice-Chair King, Councilmembers
 Johnson, Kama, Lee, Molina, Rawlins-Fernandez,
 Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: FIRST READING of revised bill, RECORDATION of
 unilateral agreement, and FILING of communication.**

CHAIR PALTIN: And at this time...

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MS. AOKI: Thank you.

CHAIR PALTIN: Thank you, Ms. Aoki. I would like to take our ten-minute break because you guys have been working so hard, and we just have one more item on the agenda. Knocking on wood that it will go good. So we'll see you back here at 10:46. This Committee --

COUNCILMEMBER MOLINA: No objections.

CHAIR PALTIN: -- is in recess for ten minutes. . . .*(gavel)*. . .

RECESS: 10:36 a.m.

RECONVENE: 10:47 a.m.

CHAIR PALTIN: . . .*(gavel)*. . . All right. Members, will the Planning and Sustainable Land Use Committee return to order. The time is 10:47, and we made it to our last agenda item. I know some people might have doubted it, but we...we're here, folks. So good job, everyone.

PSLU-37: AMENDING CHAPTERS 19.04 AND 19.12, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICT (CC 21-481)

CHAIR PALTIN: This one is amending Chapters 19.04 and 19.12, Maui County Code, relating to transient vacation rentals in the Apartment District. The Committee is in receipt of County Communication 21-481, from the Planning Director, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 and 19.12, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICT." The purpose of the proposed bill is to provide clarification on terms and requirements for transient vacation rental use in the Apartment District, and to require that advertisements for transient vacation rental use include the subject property's registration number. 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 21-481 and other related action. Okay. So I scheduled this and...you know, to provide some of the transparency that I...I think one of the testifiers was requesting. I know this has been an issue for me since joining the Council, and it's also been an issue for Committee Vice-Chair King since she joined the Council, the issue of, you know, these...being able to keep track of all the various types of TVR usages. And the testifier was correct that, you know, we need to keep track of all of them across the board, not just in the Apartment districts. But you know, it's kind of difficult to do like a big whole bite of the apple regarding all transient vacation rental usage because there's so many different ways in which transient vacation rental usage could occur. So my strategy here was to do it one at a time, you know, or at least get us comfortable with the idea. Because originally, it was a registration number; and then as it went through the Planning

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Commission, the registration number became the TMK number. So you know, I'm thinking that once we get a method, obviously we'll continue suit with all the other zoning districts. And in...in my defense, in...in terms of this idea, I know that the Planning Department and the Finance Department are a little hesitant because of the sheer volume in the Apartment District. But what this helps us to do, in my opinion, is your average lay citizen can keep track in this method if someone is legal and if they're paying the correct taxes, which are two separate issues. Because people can be legally allowed to do transient vacation rental usage, whether it's a B&B or a STR or what have you; that's one issue, the legality of them being allowed to do it. The separate issue, which we're trying to clarify and transparency and make addressed, is that they're also paying the appropriate taxes for their usage. So this proposal, in my opinion, provides a level of transparency that we haven't seen comprehensively. And...and obviously, it's not comprehensive because at this juncture, we're just addressing Apartment districts. But once we get through and figure out the system, I'd like to address all the districts so that it's clear. Member King?

VICE-CHAIR KING: Thank you, Chair. I...I guess I have questions of the Department or maybe Mr. Teruya as to how the TMK is going to translate into knowing that...that it's a legal permitted, you know, place. Because the...the...there's going to be one TMK for say like 250 units, I guess, in one condo. And if some of those have homeowner exemptions because they're living there...you know, how do we know which ones are...are legally short-term rentals and subject to the tax? And then it doesn't...it's not really...I mean...and I know this wasn't your original proposal, that's why I was questioning what...it came back like this from the...

CHAIR PALTIN: Well, I...I can answer that question, you know. I mean, so it's...it's a step to...to check. If the TMK number is on the advertising, and it's for a condo--condominiums, that last four digits have a code to it, if a property is condominiumized--so it would translate to the appropriate unit. With the County's real property tax website, you can see what the zoning is, and you can see what...what property tax they're paying. So if the zoning is one that allows transient vacation rental usage or if, you know, you have a...

VICE-CHAIR KING: They're in that...yeah, if you're in a condo that allows that. But you live in your condo, and so you've applied for a homeowner's exemption, then you wouldn't be subject to that same tax. So I mean, just how do you separate out who is actually doing short-term rentals in one TMK? It just...I mean...and...and the average person would have to go in and figure out what that TMK is. I mean it doesn't...it might lend itself to the Department being able to identify. I don't think the average person is going to be able to identify if it's a legal permitted place just by seeing a TMK, because they're not that familiar with what those...which TMK means what. So that...that...that was my main concern is that...and maybe the Department could talk...could explain to us how...how and if that would translate easily for them to know...if they see an advertisement with a TMK on it, is it going to be easy to figure out that that's a legal short-term rental?

CHAIR PALTIN: So I believe the majority of people doing TVR usage, they're not entitled to the

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homeowner exemption or the Owner-Occupied tax classification. If...even if they're a legally allowed to do it, you can't claim homeowner exemption if you're using your property in that manner. But...

VICE-CHAIR KING: Right...yeah, you might not be using it in that manner, but you might be in that zone. Because I know a lot of people who are living in their own condos, and other people in the condo unit are renting it out. So you know...

CHAIR PALTIN: Yeah.

VICE-CHAIR KING: Yeah. I just wanted to hear from the Department, so if you see a TMK and you're going to have to go match that up with something to figure out that that's...that is in the Apartment zone or whatever, Hotel or whatever, and then will that...will that be an easy way to identify that they are legal?

CHAIR PALTIN: So on...on the real property tax website, there is a zoning layer. So you can click on the parcel, the TMK parcel, then you can click on the zoning layer, then you can click on the zoning legend, and it will tell you what the zoning is. And we have a variety of zoning that allows TVR. But to keep it simple and start off small, at this time, we're just dealing with the Apartment districts. And then...

VICE-CHAIR KING: Okay. So can we just hear from...maybe from the Department as to, you know, how they would utilize the TMK, and if this would be easier than having a registration number, like a permit...an actual permit number?

CHAIR PALTIN: Okay. I was going to have comments from the Planning Department followed by the Department of Finance, and --

VICE-CHAIR KING: Okay.

CHAIR PALTIN: -- then we can do the question rounds as previously...

VICE-CHAIR KING: Oh, okay. Sorry, I didn't...I didn't know you were going to do that to follow up.

CHAIR PALTIN: I just was explaining the reason for scheduling the item. That was the explanation.

VICE-CHAIR KING: No, I appreciate that. You're right, I've been talking about it for a while too.

CHAIR PALTIN: Okay. Planning Department, any comments on the bill and how we got here to start off with? And then after that we'll hear from Finance, and then after that from Ms. Chen from Corp. Counsel. Okay. Go ahead, Misses...it looks like Ms. Takakura will start us off. Thank you very much. Go ahead.

MS. TAKAKURA: Good morning, PSLU Committee and Chair Paltin. I made a very short

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PowerPoint. Is that okay if I share the screen? It's real brief.

CHAIR PALTIN: Yes, yes. We're aware of your PowerPoint prowess, and that you keep it tight. So awesome, let's see it.

MS. TAKAKURA: Yeah, sometimes it's easier to see the words than listening. So we're talking about the registration numbers in the Apartment District, and this has gone before the various planning commissions. This screen right here is just taken straight out of the Code, it's the existing language. And transient vacation rentals are allowed if they meet all of the criteria. And we've got some dates here. If they had a building permit or SMA use permit or otherwise lawfully issued and was valid by April 1989. And then last year we added the part about the use was conducted in any lawfully existing unit prior to September 2020. And that was a way to prevent any properties that never started the use but could to start because we wanted to try to keep those in long-term rental. And then the last part is that if the building or structure is reconstructed or changed, then it would have to be limited that...the vacation rental use could only be in the part of the building that was there back in 1989, back when it was allowed, and the number of bedrooms can't be increased. So that's the existing language. What we're proposing is just some minor revisions. First of all, that the unit or property owner would have to have valid general excise tax and transient accommodation tax licenses, and that all State and County taxes are paid in full for the vacation rental use. The license are kept current. Ads for the vacation rental use would have to include the TMK number, and if applicable, the unit number. So if a...it's a big property with all these CPR'd units, like the condominium, it would have that...the last four digits on there as...in the ads. And that would be basically the registration number, and I'll talk about that a little bit in the next one. There's one part of the transmittal that we would like to have revised, and that is regarding payment of GET and TAT as of September 24th, 2020. That's in the language now, and it's proposed to be deleted, but actually we'd like to keep it in because that's how we, as the Department, can verify the use. So if a property owner...like say it's in the Apartment District, but it was never condominiumized, and maybe they're not paying the right real property tax class, but they were doing the GET and TAT, that's a way that we can verify the use, and so we'd like to keep that language in there. So the question about why TMK and why not registration numbers. Permitted uses generally don't require registration. We had some debate about whether it's by unit or property, and right now, we allow use by property and we'd like to keep it at that...in that way, use by property. As you may know, we have agreements, the County has agreements with Airbnb and VRBO, and those are set up to include the TMK numbers. And so the proposal before you is consistent with the agreements with Airbnb and VRBO. And then you may know, we do have an enforcement vendor that we use that searches online ads, and they already use TMKs to search ads, so it's consistent with our existing practice and make it a lot easier for the vendor and for us. There are over 7,302 or...well, there are, that we know of, 7,302 units in the Apartment District that are allowed to conduct TVR use, and that's a lot. Registering and monitoring a permitted use would just be a huge burden on us, and just using the TMKs would be a lot easier for everyone. In terms of getting past documentation if taxpayers are delinquent, we've never been able to get that from the State Tax Office. So just being able to get that information from the property owner is a lot easier, and it's easy to verify. So that's why we're proposing the

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TMK instead, and the other minor revisions. And then the last thing is about the building envelope. Now, this term was added last...in 2020, but there's no definition, so we would like to have this definition in and it's the exterior surfaces of a building or a structure. So when you think about a nonconforming use, that use was allowed at some point, but then the laws changed. So if a nonconforming use is going to continue, it should only continue in the part of the structure that was there at that time. We'd like to make sure that...especially in this zoning district, which is intended for long-term residential use, if there is transient vacation rental use, it be limited to whatever was approved back in the day when it was an allowed use. And then just some images of what...what that means in terms of building envelope. The red lines around that's...that's building envelope. And so that's being proposed to add...be added to 19.04, which is where we keep all of our definitions. And that's it. I'm going to stop sharing. I can answer any questions if you have. And thank you very much.

CHAIR PALTIN: Okay. Thank you, Ms. Takakura. I believe that was similar to what Ms. Stephanie Chen was going to present. We're not sure where that GET and TAT part got taken out, but I think both you and her agree that it should be placed back in. Okay. So I...I guess we don't need to hear from Ms. Chen at this time since you guys are in agreement. Mr. Teruya, comments? And then I'll open it up to questions from the Members to the resource that they would like to ask. Go ahead, Mr. Teruya.

MR. TERUYA: Thank you. Aloha, Chair, Members. I don't really have much comment unless you guys have questions for me. The only concern I would have if we do eliminate the use of the grandfathering of...well, the "Minatoya determination," it just...for your information, it is about a little over 7,000 units that we have tracked, and it would possibly lead to a negative revenue change at about \$23 million per year. So that's the only concern for the Committee to consider. Thank you.

CHAIR PALTIN: Thank you, Mr. Teruya. And just to clarify, at this time we're not proposing any elimination whatsoever. This is simply for tracking, transparency, and recordkeeping, so we're not --

MR. TERUYA: Oh.

CHAIR PALTIN: -- discussing elimination at this time. We're just discussing assigning a registration to the existing A-1 and A-2 lists so that --

MR. TERUYA: Okay. Well...

CHAIR PALTIN: -- a layperson could look it up and verify that...you know, if there...if there is an ad out that they're classified correctly, or they will be classified correctly in the future.

MR. TERUYA: Thank you, Chair. With that...with that...making that statement, I would just let you know that the real property tax website basically just shows the classification of it. It doesn't determine...it doesn't list what is the...what is the appropriate or highest and best use or zoning. We don't...we don't have the zoning on...in our...published, so

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I don't know if that answers your question. Or I can have Ms. Martin answer that because I don't think we have that on each individual unit right now.

CHAIR PALTIN: Oh, okay. I...I was able to come up with a zoning...a general zoning layer by...by lot of what is allowed, but not necessarily what is being used. And so we're...we're somewhat going by the tax classification as to use, but as that's not always 100 percent accurate, I believe that's what Ms. Takakura and Ms. Chen was referring to, to not solely use tax classification as the determinant, but also past GET and TAT records can also be a final determinant in case the RPT is not current. Like you know how you guys do your assessments on like January 1st or something, it might not be current. So Ms. Martin, did you have anything to add before I open this up to questions from the Members?

MS. MARTIN: Chair? I just wanted to point out that the Division has thematic parcel layer maps. We have mapped individual condominium units. And if the grandfathered list was, say, adopted under some sort of maybe rules of procedure, then the County would be able to create a thematic map that would indicate, you know, which properties were subject to the...the grandfathering, and that could be used to help identify the properties for a layperson.

CHAIR PALTIN: Thank you so much. Another option, I guess in the future, to identify a different way. Okay. So at this time we'll go through our standard first round two minutes and then we'll take it from there if there's more need for questions for our resources. Committee Vice-Chair King, I think I saw your hand up.

VICE-CHAIR KING: Okay. Thank you so much, Chair. I'm trying to make it quick because we had a little bit of discussion about this. But I think this question is for Jacky Takakura.

CHAIR PALTIN: Okay. Ms. Takakura.

VICE-CHAIR KING: Thanks for that very brief and very good PowerPoint. But do you anticipate anybody being able to just like throw in a TMK number onto their advertisement, even though it might not be their own TMK? I think that came up in an earlier discussion about TMKs.

MS. TAKAKURA: Member King, what happens with those is the enforcement vendor will...when it does its searches, it sets aside ads that seem, I guess, inconsistent; like say a TMK doesn't match an address, and those are investigated. So I think people could try, yes, but eventually I think we would find them because they would be flagged by the research.

VICE-CHAIR KING: Okay. So you don't...you don't see it as a problem, that's good. And then the other question, I just wanted to verify what I said earlier to the testifier, that because the existing law already says that you have to...that you can't expand, renovate, add extra bedrooms after April 20th, 1989, that there shouldn't have been any of that expansion between April 20th, 1989 and today. So it's not like...I mean this is just

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existing language, it's not like it's we're putting...throwing in a new date in there that's going to be egregious for people.

MS. TAKAKURA: That is correct, Member King. We research real property documents and building permit documents going back to, you know, before or after 1989 to verify when these kind of *(audio interference)*.

VICE-CHAIR KING: Okay. So that shouldn't be . . .*(inaudible)*. . .

MS. TAKAKURA: And we've always done that.

VICE-CHAIR KING: Yeah. Okay. I just wanted to verify that for the testifier. Okay. That's all I have, I think, and I'm...I think I'm ready. Thank you.

CHAIR PALTIN: Thank you, Member King. Members, further questions? Member Lee, followed by Member Sugimura, followed by Member Molina. Oh, Chair Lee, you're muted.

COUNCILMEMBER LEE: Okay. Jacky, so the system right now doesn't provide the kind of easy access to information. Is that how you see it?

MS. TAKAKURA: You mean in terms of Apartment District properties?

COUNCILMEMBER LEE: Yes.

MS. TAKAKURA: Well, we've researched this so much and worked closely with Real Property that we have all the information we need. And with Host Compliance, the enforcement vendor, we have a lot of information that we've already prepared. There's just a few properties here and there that come out of the woodwork that say, oh, we've been conducting this use all this time and...but they've been under the radar because their tax class, you know, has...was some other tax class. Sometimes it'll come up with...when the Host Compliance, when the enforcement vendor pulls their ad and we have to research further.

COUNCILMEMBER LEE: Okay. So Jacky --

MS. TAKAKURA: Yes.

COUNCILMEMBER LEE: -- so Jacky, how...how do we make this information that you have available to the public?

MS. TAKAKURA: Well, with the agreements with Airbnb and VRBO that will have the TMK numbers, and that's what we're going to be using, so it should be fine. I don't see any problem with it.

COUNCILMEMBER LEE: To make it available for anybody who wants to look up a TMK? If...in the Apartment District, I'm talking about. Okay. Because I'm --

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MS. TAKAKURA: Well, we have the...

COUNCILMEMBER LEE: -- I'm...I'm a little concerned about the...the...the resources and the funding then has to be generated in order to provide this kind of new service. And you know, it's very time consuming for, I don't know, the five or six people who might be looking for, you know, a unit. I...I don't see a huge demand for the public wanting to see this kind of information, unless you say differently, Jacky, because you're...you're in the business. Do people call you every day for this kind of information?

MS. TAKAKURA: Thank you, Chair King [sic]. It's mainly the realtors who are...

COUNCILMEMBER LEE: You're talking to Alice Lee.

MS. TAKAKURA: Sorry.

COUNCILMEMBER LEE: Chair King...Chair King is a little older than me.

CHAIR PALTIN: It's...it's the new hairdo, I think.

COUNCILMEMBER LEE: Just teasing. Okay. Jacky, go ahead, finish quick.

MS. TAKAKURA: So we do have the list of the 104 properties on our website, the short-term occupancy list, so we do already have that Planning Department website that we've worked closely with Real Property Tax on. And it's mainly realtors that are calling and asking about properties because they want to sell them at the...because I guess these units are more profitable.

COUNCILMEMBER LEE: Okay.

MS. TAKAKURA: It's not so much --

COUNCILMEMBER LEE: All right. Thank you.

MS. TAKAKURA: -- guests.

COUNCILMEMBER LEE: Okay. Not so much the general public. Thank you, Chair.

CHAIR PALTIN: It looks like Mister...or Mr. Teruya wanted to add on to that question. Any objection, Chair Lee?

COUNCILMEMBER LEE: No, none at all.

CHAIR PALTIN: Okay.

MR. TERUYA: Thank you.

CHAIR PALTIN: Mr. Teruya, she's over her time, but we'll let it slide because she's a nice young

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lady.

MR. TERUYA: Thank you. Just to add to that, what we can do at maybe another PSLU Committee, I can have...we have a presentation that we can probably share with you, we're not ready to give it out today. But it can give you or the public information on how to use our website and how to look at a thematic map and see the type of use that is allowable. So if you would like us...at your next Committee meeting I can have Ms. Martin do her presentation, and you can see the features that you guys have paid for, which is in 3D, pretty intuitive map as to how to thematic map and see zoning. So if you don't mind, and maybe at the next meeting or whenever you guys want, we can do that demo.

COUNCILMEMBER LEE: Thank you, Director. Thank you, Chair.

CHAIR PALTIN: Thank you, Mr. Teruya. Sounds like fun. Okay. I think it was Member Sugimura next.

COUNCILMEMBER SUGIMURA: Yeah, thank you. So Mr. Teruya, are...was...is that an ESRI map? I remember hearing about ESRI at NACo, and that you were --

CHAIR PALTIN: Mr. Teruya?

COUNCILMEMBER SUGIMURA: -- using it.

MR. TERUYA: Well, it's...it's using our website, using aerial imagery, using 3D, using modeling of all of our condominiums in individual polygons, and overlaying that over imagery. And then it's not only a 2D, but it's a 3D, XYZ coordinates, so you can look at each unit. And whatever you want to select, it can highlight for you. So you can literally just keep panning and scrolling to see what you want to see, and then you can drill into the unit and get unit information, so what --

COUNCILMEMBER SUGIMURA: Okay. Wait.

MR. TERUYA: -- unit that is, what project, et cetera. Yeah.

COUNCILMEMBER SUGIMURA: Thank...thank you. And...and so don't disappear because the next question is for you, is that with the new TAT tax, wouldn't we be getting a lot more information from the State Tax Office? I thought they opened that door that Planning said that we haven't been able to get information.

MR. TERUYA: Okay. That's a good question that I will send...I will be there tomorrow meeting with the Director because we have an MOU that's going to be signed tomorrow --

COUNCILMEMBER SUGIMURA: Oh.

MR. TERUYA: -- that the State Tax Office can share data with the County Tax Office, and which we just established. And mind you, Members, tomorrow is...it is...is one of those

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days that that comes before you regarding our four expansion positions. And what we will ask is whether or not when that data is passed to the County TAT Office, can the TAT Office...County TAT Office share with our departments or not. Because we just need to make sure that we are doing things properly. So I'll have that question answered.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Thank you, Member Sugimura. Does that conclude your questions for this round?

COUNCILMEMBER SUGIMURA: Yes. I'll give my minute to somebody else. Just kidding.

CHAIR PALTIN: Okay. Great job. Member Molina, I believe, had his hand up next.

COUNCILMEMBER MOLINA: And thank you very much, Madam Chair. I guess for Ms. Takakura, the agreement between the Airbnb and the County already requires all TVRs, which includes Apartment District properties, to include their TMK number in their advertisements; am I correct? Yes or no?

MS. TAKAKURA: Yes, that is correct.

COUNCILMEMBER MOLINA: Okay. And then also, do you anticipate individuals falsely using a TMK of a qualifying active vacation rental in an advertisement to operate unlawfully? I guess maybe that's a given. And if that be the case, what are...what are the enforcement measures to combat this possibility?

MS. TAKAKURA: Thank you, Member Molina. With Apartment District, because we know the properties that are...that meet the criteria for transient vacation rental use, I don't see a lot of attempts at falsification because, you know, the building had to have been built by 1989 and we know, you know, anything after that is not going to make the criteria. I'm sure people could try, but like I mentioned, you know, with the online vendor searching ads, that they're going to turn up as ones that need further investigation. So I'm confident that we will find them. And I'm sure you're familiar with the very heavy fines now, the 10,000 and the \$20,000 --

COUNCILMEMBER MOLINA: Okay.

MS. TAKAKURA: -- operations.

COUNCILMEMBER MOLINA: Yeah. Yeah, that in itself is a good deterrent for a lot of folks who...who are thinking about cheating, yeah. And then finally, will there be any benefit with assigning, say, a unique registration number issued by the Department instead of using the TMK? Do you see any benefit with that?

MS. TAKAKURA: I'm just thinking about the volume of work that it would take to do that. I think the TMK would kind of...would meet the same goals. . . .(timer sounds). . .

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COUNCILMEMBER MOLINA: Okay. Enough said, that's fine by me. All right. Thank you very much, Ms. Takakura. Thank you, Madam Chair.

CHAIR PALTIN: Thank you, Member Molina. And if I could just interject, I wanted to mention that Airbnb and VRBO, while certainly one of the larger platforms, are not the only platform. And so, you know, for...to make this requirement, it's kind of bringing all of them into alignment. So it's not just the folks that list on Airbnb and VRBO that list...need to list their TMK, but it's everyone in the Apartment District. And as this rollout goes, maybe we can learn from it and then apply it to the other districts so that, you know, there's some sort of transparency for the...the public to see; like are they zoned properly, do they have the permission to do this activity first, and also to check up that they're also going to be taxed correctly for the use that they're conducting. That was kind of my point. But we're...we're taking baby steps to get there, and not taking all the zoning districts at once. Because when the original idea came about, it wasn't to use TMK numbers, so it's kind of a work in progress, if I can clarify that. Members, any further questions for any of our resources? Member Sugimura?

COUNCILMEMBER SUGIMURA: So one last fast one for Corp. Counsel. Can they just confirm that everything is okay? I think we didn't hear from Ms. Chen.

CHAIR PALTIN: Sure, sure. Ms. Chen, are you on the call and available to...I know we...we need to amend it, as you said. Did you have any proposed...the language for that amendment to put back in about the GET and the TAT?

MS. CHEN: Thanks...thanks, Chair. And good morning, Members. So I...and again, as Jacky said, I'm in complete agreement with her on this. I think what we do is just delete the brackets in 19.12.020(G)(2). So the bracketed language that says, or payment of general excise tax and transient accommodations tax. So currently that language is bracketed; if we just delete those brackets then we'll achieve the intended goal. And I'm not sure, to be honest, why the brackets were put in there. It could have...certainly...I mean, I'm the one who signed this, so I will take full responsibility for that, but I think we just need to delete it to get back in...on the right track here.

CHAIR PALTIN: Thank you, Ms. Chen. Member Sugimura, did that answer your question, or did you...did anyone have further questions...starting with Member Sugimura because she's still up at bat.

COUNCILMEMBER SUGIMURA: Yeah, thank you. I wanted to hear from Corp. Counsel, so she answered my question. Just wanted to make sure she's fine with this.

CHAIR PALTIN: Okay. Anyone else...I guess we're on second round now. So anyone else second round questions? Seeing none. All right. Then in that case --

COUNCILMEMBER MOLINA: Recommendation?

CHAIR PALTIN: -- Chair will entertain a motion to recommend passage on first reading of the

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CHAIR PALTIN: And now we're on to the main motion. Members, any discussion on the main motion as amended? Council Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just a quick clarification. For the numbering...I know we discussed it a lot. So is it going to be the TMK or the unit?

CHAIR PALTIN: In a condominiumized property, it will still be the TMK, including the last four digits. Like you know how it's usually 000 at the end. When the property is condominiumized, it'll have...like instead of 000, it'll have 0001, 0002. So it will include the unit if it's a condominiumized property in the TMK. If it's a non-condominiumized property...let's check in with Ms. Takakura if it's a non-condominiumized property. I thought she did say it would include the unit number, but let's verify, since you're asking.

MS. TAKAKURA: Thank you, Chair. You are correct, the TMK number for non-condominiumized properties would just have four zeroes at the end, but if it's a condominiumized property, those last four digits would be whatever the...is assigned to that CPR unit, the entirety. So either be four zeroes or...

CHAIR PALTIN: Four zeroes or the unit number?

MS. TAKAKURA: It's...it's the CPR number, not necessarily a unit number. It's...it's part of the tax map key number.

CHAIR PALTIN: Okay. So only --

MS. TAKAKURA: For that unit, yes.

CHAIR PALTIN: -- if it's...if...only if it's a condominiumized property, it'll have a unit number, if it's not a condominiumized property, it won't have a unit number. Is that correct for the Apartment districts?

MS. TAKAKURA: I see Director Teruya raising his hand. He can explain better.

CHAIR PALTIN: Okay. Let's defer to Director Teruya. Go ahead, Mr. Teruya.

MR. TERUYA: Okay. Members, just...just to be clear, your first number is an island code. It would be in parenthesis. The...the second number would be a zone, it would be a single digit. The next digit is a single one for your section. The next three units...the next three digits would be for the parcel. Digits, I guess, 10 through 13 are your CPR numbers. So it doesn't have to be in Apartment District. Any...any...any property that is condominiumized, those four digits, 10 through 13, will...will identify if it's a condominium. I hope that helps.

CHAIR PALTIN: Okay. I guess the remaining question is, do non-condominiumized properties have individual units in the Apartment District One and Two that can be rented out, or

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are they all condominiumized in Apartment District One and Two?

MR. TERUYA: Oh, I'll defer to Ms. Martin or Ms. Takakura on that because...just because you're in the Apartment District you may not be condominiumized, so...

CHAIR PALTIN: Oh, hot potato. Okay. Ms. Martin?

MS. MARTIN: Chair, yes, we do have properties that are subject to the Apartment District grandfathering that aren't condominium.

CHAIR PALTIN: And I guess to follow up for Member Rawlins-Fernandez, would those properties be rented out unit by unit, or as a whole?

MS. MARTIN: Chair, chances are --

CHAIR PALTIN: Yeah.

MS. MARTIN: -- the whole building is rented out. Whether they have multiple tenants per room, for example, we won't know that. But the entire dwelling generally is allowed to do their short-term rental use. And I think Jacky can confirm that.

CHAIR PALTIN: Ms. Takakura?

MS. TAKAKURA: Thank you, Chair Paltin. So there are a few properties that are not condominiumized, and they do rent out, like say, rooms or, you know, portions. But their entire property would be, you know, considered short-term rental. And their tax map key number would include, for the last four digits, four zeroes as part of their TMK, and that's how we would look at it.

CHAIR PALTIN: Okay. So regardless of the individual unit, if it's short-term rental, the whole thing is short-term rental. If it's not short-term rental, the whole thing is not short-term rental. So verification that they're categorized correctly is accomplished in the non-condominiumized unit in that fashion. Does that satisfy your question, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, for seeking clarification on my question. I just...I want to just bring up an example or a hypothetical to make sure that I fully understand. Okay. So on a non-condominiumized property, if there are four separate units that are owned by four different people, they would all have the same TMK number, or would that situation not exist?

CHAIR PALTIN: I think if you have one TMK, it would be all the same owners. They...they would have a list of owners, otherwise they would condominiumize it if they were distinct owners. But I'll let someone more smart than me who that's their profession volunteer their answer at this time by a show of hand. Oh, Ms. Martin?

MS. MARTIN: Chair, thank you. If it's one TMK, meaning it hasn't been condominiumized,

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ownership is for the parcel, the classification is for the parcel. There wouldn't be specific ownerships for specific areas of the parcel if it's not condominiumized.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Ms. Martin. So that...that situation does exist in Maui County?

MS. MARTIN: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. MARTIN: No, if it's...yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: All right. Mahalo, Ms. Martin. Mahalo, Chair.

CHAIR PALTIN: Okay. Looks like we're all clear. Oh, Chair Lee, discussion or a question? Go ahead.

COUNCILMEMBER LEE: Question for you. What's the benefit again of what you're trying to propose? You're...you're trying to...what you're proposing is that we establish registration numbers or assign numbers instead of using...to these properties in the Apartment District instead of using TMKs?

CHAIR PALTIN: No. We're going to use TMKs as the registration number per the Department of Planning's advice. My original proposal was to use unique registration numbers.

COUNCILMEMBER LEE: Right.

CHAIR PALTIN: They came back and said no, use TMKs. And I said --

COUNCILMEMBER LEE: Okay.

CHAIR PALTIN: -- are you sure? And they said --

COUNCILMEMBER LEE: Thank you.

CHAIR PALTIN: -- yeah. And then I said okay, let's do it.

COUNCILMEMBER LEE: Okay. You don't have to tell me the whole story. I got it. I got it. Just TMKs, that's fine.

CHAIR PALTIN: All right.

COUNCILMEMBER LEE: I think I can --

CHAIR PALTIN: Okay.

COUNCILMEMBER LEE: -- support that.

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CHAIR PALTIN: So we already amended it to what Ms. Chen and Ms. Takamura [sic] recommended, and now I'm calling for the question on the whole shebang, as amended, and filing of County Communication 21-481. All those in favor raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Okay. Unanimous. The motion passes, and we took legislative action three times, Members, and we're all in agreement on everything, and you guys are a great bunch of colleagues to work with, and we have...

VOTE: AYES: Chair Paltin, Vice-Chair King, Councilmembers Johnson, Kama, Lee, Molina, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: FIRST READING of revised bill and FILING of communication.

COUNCILMEMBER MOLINA: We know. We know. . . .(laughter). . .

CHAIR PALTIN: (audio interference)

VICE-CHAIR KING: Chair, I disagree that I'm older than...than Alice Lee.

CHAIR PALTIN: Some of us look more alike than others. And well, surf's up, gang.

COUNCILMEMBER LEE: Okay. Sounds good.

CHAIR PALTIN: (audio interference)

COUNCILMEMBER MOLINA: Woohoo.

CHAIR PALTIN: This conducts today's...or concludes, sorry, today's Planning and Sustainable Land Use Committee meeting. Thank you very much, everyone. The time is now 11:32.

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I gave you 28 minutes extra on lunch, so we can discuss pickleball and tennis next. All right. Any announcements, Member Kama, before we go?

COUNCILMEMBER KAMA: No, but if you all come, it's soon to be very exciting. We're going to have our tennis people, our pickleball people, our soccer people, and all the other peoples. So please, if you have time, for those who are not part of the Committee, we invite you to join us. And for those on the Committee, lucky you. Thank you, Chair.

CHAIR PALTIN: Can't wait. Can't wait. Okay. And now it's 11:33. You have 27 more minutes extra. This concludes today's Planning and Sustainable Land Use. . . .*(gavel)*. . .

ADJOURN: 11:33 a.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use Committee

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Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 50 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 2021, in Kula, Hawai'i



Daniel Schoenbeck