

PLANNING COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

November 17, 2016

CONVENE: 9:05 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Don Couch, Chair
Councilmember Robert Carroll, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Elle Cochran
Councilmember Mike White

EXCUSED: Councilmember Don S. Guzman
Councilmember Michael P. Victorino

STAFF: Greg Garneau, Legislative Attorney
Pauline Martins, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

William Spence, Director, Department of Planning

Kathleen Aoki, Administrative Planning Officer, Plan Implementation Division, Department of Planning

David Goode, Director, Department of Public Works

Pamela Mayer Eaton, Planning Program Administrator, Long Range Planning Division, Department of Planning

OTHERS: Tasha Kama

Evan Dust, Principal/Transportation Planner, Dust Consulting Services

Stan Franco

Lawrence Carnicelli

Plus (3) other people

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PRESS: *Akaku Maui Community Television, Inc.*

CHAIR COUCH: . . .*(gavel)*. . . Will the Planning Committee meeting of November 17, 2016, please come to order? Before we get started, can we ask everybody to turn their cell phones to silent mode, please? I see...especially those who forget to do that.

VICE-CHAIR CARROLL: I never forget.

CHAIR COUCH: You never forget, okay. My name is Don Couch. I'm the Chair of the Committee, and with us today are Voting Members, Robert Carroll, who is the Vice-Chair.

VICE-CHAIR CARROLL: Good morning, Chair.

CHAIR COUCH: Good morning. And Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR COUCH: Good morning. Council Chair, Mike White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR COUCH: Good morning. Excused is Councilmember Victorino. Ms. Cochran should be here shortly, and excused is Mr. Guzman. With us today, we...from the Planning Department, we have Michele McLean--oh no, I'm sorry, she's not here--it's Will Spence --

MR. SPENCE: Good morning, Chair.

CHAIR COUCH: --Director of Planning, and then Kathleen Aoki, good morning.

MS. AOKI: Good morning.

CHAIR COUCH: And from Deputy Corporation Counsel, Michael Hopper.

MR. HOPPER: Good morning, Chair.

CHAIR COUCH: Good morning. And I wanna recognize Ms. Cochran for coming in. Good morning.

COUNCILMEMBER COCHRAN: Good morning.

CHAIR COUCH: We also, in the back, we'll have David Goode, the Public Works Director. He's in the back there, way back, and Pam Eaton is also back there from Planning Department. All right. Our Legislative Attorney is Greg Garneau. Good morning.

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MR. GARNEAU: Good morning, Chair.

CHAIR COUCH: Committee Secretary, Pauline Martins. Good morning. And from the Hana District Office, we have Dawn Lono. Good morning, Dawn.

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office.

CHAIR COUCH: Good morning. From the Lanai District Office, we have Denise Fernandez.

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai.

CHAIR COUCH: Good morning. And from the Molokai District Office, we have Ella Alcon.

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai.

CHAIR COUCH: Good morning. Members, today we are...we have one item on the agenda, it's PC-37(2), which is Increasing Inventory of Available Housing. That's the TIG report. We're finishing off the last four items that we haven't discussed yet. For...we're gonna take public testimony in just a second. For individuals testifying in the Chambers, please sign up in the back. If you're...in the desk outside, if you're signing up at the remote offices, sign up with the District Office Staff. Testimony will be limited to that item on the agenda today. And you'll have three minutes to testify, with one minute to conclude. The clock will go green for three minutes, yellow for one minute and then red. When it's red, please conclude your remarks. And when testifying, please state your name and any organization you may be representing. Members, without objections, we'll open public testimony.

COUNCILMEMBERS: No objections.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR COUCH: Okay. So far, we have one person signed up to testify, Ms. Tasha Kama.

MS. KAMA: Good morning, Chair and --

CHAIR COUCH: Good morning.

MS. KAMA: --Members of the Committee. My name is Tasha Kama and I'm here on behalf of Deacon Stan Franco, who is in another meeting. Should have been here but he told me, if I'm not here, you gotta go. And I said, okay, I'll be ready to go. So, Mr. Chair, I know that you're in possession of two pieces of communication that was sent to you by Deacon Franco. One was dated October 20th, and the other one was dated November 2nd, giving FACE's position on the accessible dwelling units. One of the things that has come to us in the most recent weeks is Ms. Cochran's amendments,

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keeping the units in...capped according to HUD standards and HUD guidelines. And so we'd like to be able to ensure that that continues and will happen also. This morning I was watching the news and there was the point count time...time count, and how the homeless situation in Hawaii has increased, although the homeless situation across the nation has decreased. And therefore, our whole sense of having to be able to increase the inventory of affordable housing, this is one of the ways that it could help. The other night I was at Upcountry talking to the homesteaders up there, and they're looking at ADUs on Hawaiian Home Lands. Problem is, Hawaiian Homes will not allow it. But our sense is, is that if you allow it then the Department will probably allow that same thing to happen. And as you know, most Hawaiian Home Lands Upcountry are ½ acre, 1 acre and 2-acre lots. And the, most of the lots here in the Central Maui are between 8 and 10,000 square feet. So, you know, I look at that as a win-win for everyone in our County, especially for the Native Hawaiians. So thank you for the opportunity to testify this morning.

CHAIR COUCH: Thank you, Ms. Kama. Members, any questions of the testifier? I just have a comment that we've, we discussed that item, the affordable dwelling unit has been removed from the Committee. It's now at Council level so --

MS. KAMA: Thank you.

CHAIR COUCH: --please come and testify --

MS. KAMA: Yes.

CHAIR COUCH: --for that as well --

MS. KAMA: We'll do that. Thank you.

CHAIR COUCH: --when it comes up. Anybody else? Seeing none, we have another testifier that has decided to come in, Evan Dust.

MR. DUST: Councilperson Couch, Councilmembers, for the record, Evan Dust, Dust Consulting Services, Wailuku. Thank you for the opportunity to testify on PC-37(2). You've received my written testimony so my remarks will be brief. Generally, we support the measures you are considering. On consideration of the County shifting infrastructure priorities, or allocating new money to...okay, to facilities to support housing, be careful. Just because the County picks to front load infrastructure, there is no guarantee it will result in affordable housing. This will take considerable staff time to try to pick winners. We recommend instead, that you consider establishing a grant-based system where development proponents bid for a pool of County infrastructure funding so that the benefit to the public can clearly be seen. So proponent A wants a new roadway so that their property becomes developable at an affordable price or at price of pencils. The County gets from that a commitment that there will be affordable housing. Not on your list of consideration, and I understand why, you've been through a long General Plan process that concluded at the end of

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2012. You've...they just suspended the community plan process to take a look at overhauling that. But there needs to be consideration of up-zoning residential property. You're not gonna get affordable housing when the basic raw input costs, the land, is so expensive. So you're taking expensive land and dividing it by one unit, you're gonna end up with an expensive unit. So in a sense, unless there is a growing up of Maui, there will be a growing out of Maui. That pressure will be dramatically increased around existing urban areas when HC&S ceases cane production. And in that period when they're trying to transition to diversified agricultural activity, those areas are gonna appear fallow. And people who look at the numbers are gonna say, hey, it's adjacent to urban area, it's adjacent to urban services, why shouldn't it be urban? And that's the pressure you're going to get. Thank you so much for your testimony. Aloha to those Members of Council who are concluding their terms of office.

CHAIR COUCH: Thank you, Mr. Dust. Members, any questions of the testifier? I just have yet another comment. We did actually consider that during the TIG discussions, the up-zoning, and that didn't make the top list. Correct me if I'm wrong, Ms. Cochran, I think that was considered up-zoning of residential, it was on the list of stuff from the Planning Department. So we did consider that, it just didn't make the list. Just so you know. Thank you for your testimony.

MR. DUST: Thank you.

CHAIR COUCH: Okay. Oh, I see, we have one more coming up. Stan Franco, okay.

MR. FRANCO: Good morning, Chair --

CHAIR COUCH: Good morning.

MR. FRANCO: --Members. I've given testimony on this particular item before so I'm not gonna bore you by going through the stuff that I went through before. But I wanted to tell you about a concern. Even if we build more inventory, we might run in this...into this problem. It was in the paper, *The Maui News*, October 28, says, A&B reports qualification challenges in the sales of affordable units at Kamalani. And let me just read what a portion of what this says, it has been difficult for buyers to meet the strict County affordable housing criteria, Benjamin said, adding that A&B is working with the County on the issues. County Department of Housing and Human Concerns Director, Carol Reimann, said Thursday evening that she's under the impression that the problem in qualification lies more with financial issues than government regulations. We gotta stop pointing fingers at each other. You know, if we really wanna build the inventory, which is the reason for the TIG, then we gotta stop saying, this person is doing that and that person is doing that. We gotta be together on this. And when people don't meet the qualification requirements where...whatever it is, then we gotta help them meet the qualification requirements. We gotta get our people into housing. So we cannot say, well, they didn't meet it so then we're gonna just convert it to market homes. We cannot do that. Or else, I don't know why we're going through

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this exercise right now. It is for no use. We've been advocating for a housing advocate so that we can bring all the parties together, to look at all of these. That's what we're concerned about that there's too much finger pointing, there's too much...it doesn't pencil out, too much it's because of this or because of that. We gotta get together on board here. You know, I just recently saw for the second time on television, No Room in Paradise, an excellent show by *Hawaii News Now*. And the faces I saw in that...on that documentary were local faces. Our people are hurting. And I think that's why we're here talking about increasing the inventory. So we gotta get...make every effort to get our people into affordable housing. And that's I think what we should be focused on. Thank you.

CHAIR COUCH: Thank you, Mr. Franco. Members, any questions to the testifier? Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. And thank you for being here again, and thank you for your persistence on this issue. What in your mind are the most common issues that come up with respect to the people not being able to qualify to get into the County affordable housing?

MR. FRANCO: Well, we know the cost is too high for housing. So people that make the kind of incomes we have on this island cannot afford it. The second problem is the financing is not available or people are being not a...well, banks are not giving people, qualifying people because their incomes are too low or whatever reason. So there's a blockage there. We have developers and we've heard of this, Mike, you know, saying that they cannot do it, they cannot pencil out, the cost of land, labor, everything else is too high. So we, as government, as people, need to step in that breach and say, well, we're gonna have to do something, we're gonna have to change the way we do business. We need to streamline a permit system as we've been talking about, well right...you know, right now here. But we gotta make those changes so that our people can have a chance. The other thing is what is happening, as you well know, is that we are competing with foreign buyers. One article said that 52 percent of our housing are going to foreign buyers, mainland buyers or from foreign countries. We gotta figure a way. You know, one of the things I had the great opportunity, Mike, to be at the side of Elmer Cravalho. He was a hard man at times to talk to, but he wanted me to talk and to be part of his Kula Credit Union, to be part of a housing committee for his...and then he told me that one of the things that we need to do and look at is maybe find a way to make the preference for affordable housing for local people. And he thought we could do it with using only local monies, not Federal dollars. My friend and probably yours too, Vince Bagoyo, Jr., said, when he was working for Hannibal Tavares, the goal was to build affordable housing and they had a revolving fund. The money was paid in from the buyers and that fund was used again for the purposes of purchasing land or building infrastructure, whatever. We gotta figure in that way kinda way too as to how we can do this as a community together. I don't know if I'm answering your question, Mike, but that's what my thoughts are.

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COUNCILMEMBER WHITE: Do you know of the recent failures to qualify, how many are due to the inability to get financing as opposed to qualifying from the standpoint?

MR. FRANCO: No, I don't have any idea.

COUNCILMEMBER WHITE: Okay.

MR. FRANCO: I just was reading from the article.

COUNCILMEMBER WHITE: Okay.

MR. FRANCO: Yeah.

COUNCILMEMBER WHITE: Thank you very much and --

MR. FRANCO: Thank you.

COUNCILMEMBER WHITE: --thank you for being here again.

CHAIR COUCH: Okay. Members...Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you very much, Stan. And again, thank you for being so tenacious. I know you were working on housing long before it became a popular item and you've stayed with it, thank you. And thank you again for bringing up Mayor Cravalho's recommendation about using local money. You know, I've said it over and over but I think we tend to fall into the trap of trying to use that HUD money. And that HUD money comes with so many restrictions particularly where we cannot say, you can't come...you can't be in this place because it's Federal money. And so they can travel and come and constitutionally are entitled to be here. And because the world is getting so small and we have all these little gadgets now that communicate with everybody, people hear and see. And the seniors on the mainland are hearing about what is available here and they're wanting to come. They take the housing. And it's not only seniors, it's everybody. And so I wanna thank you for bringing that up because again, I think, I don't know if that HUD money is enough that we should let it drive our affordable housing. I assume that's what you're trying to say.

MR. FRANCO: Yeah.

COUNCILMEMBER BAISA: Yeah. So it is that Federal money that's the problem. You know, I don't think we get a whole lot. Maybe we can find out from Housing exactly what we're talking about. But it might be something that we make a budget priority, and we replace that and use it someplace else where it doesn't matter. But with affordable housing, it's just so hard. I'm really worried, you know, I'm getting old too.

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MR. FRANCO: Yeah, and it's not for us, Gladys, it's for our kids and our grandkids. You know, what is the...you know, the Hawaiians say seven generations out as far as planning. I have my friend, Tasha and Kehau, that keep on reminding me of that. And that's what I see down the line, it kinda hurts to see all my kids on the mainland and my grandkids, and, you know, and I keep hearing that our kids are leaving because they cannot afford to live here. So we gotta try to keep our kids here.

COUNCILMEMBER BAISA: Oh, I can identify with you. My granddaughter wanted to come home from New York but couldn't find a place to live that they could possibly...they couldn't find anything, first of all. Secondly, they couldn't afford what they found. So --

MR. FRANCO: Yeah.

COUNCILMEMBER BAISA: --I'm very familiar with it, Stan, and I think that the Council has gotten the message. I think everyone is very committed to trying to find answers. But we gotta look in new places and try new things that we've never tried before 'cause apparently, what we've done doesn't work. Thank you very much.

MR. FRANCO: You're welcome.

CHAIR COUCH: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. Good morning, Stan. Thank you so much. And again, as I concur with my other Members in your, you know, perseverance in this subject matter. And, you know, it's interesting, I spoke to a young couple and they actually made \$1,000 too much, in order to afford one of the units at Kaiaulu. So that kinda...I was whoa, that's a different perspective. Anyways, and so I'm not sure if you saw some of the discussion yesterday because it had a relation into people not being able to prequalify. And the reasoning behind that was the developer having the restriction of the applicant to go only through their choice of lenders versus our Code says, they're...they can choose whoever they want. But somehow developer has made it a lot more restrictive. So looking to figure out where...how has that hindered our people in that? So I just wanted to make you aware of that. And also Front Street Apartments in Lahaina is affordable, and now it's gonna be flipping into market because they had built with Federal dollars. So I understand your point there. And, you know, I appreciate FACE and I hope that, you know, you folks are makaala, and eyes and ears for all of us here too, as we move forward with projects. So just wondering if you had any comments or was aware of, you know, the lender idea and the prequalification portion of people trying to get these affordable homes?

MR. FRANCO: You know, our belief system is that, you know, we've been working with Hawaiian Community Assets that has a homebuyer's program, that we need to help our people to qualify and get them educated. If we have a project coming up, if it's, you know, a year, a year and a half out, then get our people into a buyer's training program so that they can understand they have to build their credit and correct

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the...make amends to their credit if there are problems. But the other thing that we need to do I think as a community is to talk to the banks and say, okay, we need this, this is something that we need in our community. If you cannot provide it, maybe we have to find other banks. Maybe we need to look at a consortium of credit unions or, you know, some other method. When I was buying for my first house, Sam Hironaka at Maui Savings and Loan, gave me a chance to buy that house. And if I did not have him and his company to do that, I would not have gotten into a house. So we need somebody who says, yeah, we're gonna take a chance on this community, we believe in the people of Maui, and we're gonna help them. And I think that's the only way we're gonna do it.

COUNCILMEMBER COCHRAN: Very good. Again, thank you so much for your due diligence and perseverance.

MR. FRANCO: Thank you.

COUNCILMEMBER COCHRAN: Mahalo. Thank you, Chair.

CHAIR COUCH: Thank you. Members, any further questions to the testifier? Seeing none, thank you, Mr. Franco.

MR. FRANCO: Thank you.

CHAIR COUCH: Next up is Lawrence Carnicelli, and then we'll go to the District Offices.

MR. CARNICELLI: Thank you, Chair. Lawrence Carnicelli, REALTORS® Association of Maui. I apologize I don't really have anything prepared because I wasn't going to speak but Mr. Franco kind of inspired me. You know, on the way here this morning, I was thinking about how conceptually, government really can't build any affordable housing. All government can do is get in the way for the most part. And I'm not advocating at all that government get completely out of the way 'cause that's not what we want. We need zoning. We need rules. We need ordinances. That's important. But as we're going through this, it's, you know, are we disincentivizing? There are certain things like in trying to build a better mousetrap sometimes, we disincentivize what we actually want to accomplish. So what are the things that we can do? I think the conversation that you guys were just having about qualification and education is huge. I know that like even Na Hale O Maui does that as well. That's something that we can do proactively as a government is to encourage that. It's to those people that maybe are right on the cusp of qualifying, you know, it's like, okay, there's just this one thing that you can do to bump your credit score up or even, you know, like, Ms. Cochran, you were talking about how if you have too much money in the bank, you don't qualify. So there's this balance of going, okay, I need to save money for a down payment but I can't have too much money for a down payment, otherwise I don't qualify. It's...that's one of those disincentive things that, you know, we've kinda created. Also, as far as, you know, these strings that come attached with Federal money, I would agree 'cause, you know, as soon as Federal money gets involved, I

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mean to some...I'm not saying let's get rid of it, but it's just something that I think that, you know, I'm enjoying as part of the conversation because Federal money, one of the things that comes tied with it is you can't give preference to local folks. You know, and that's what we're trying to do is to give preference. So if you're suddenly saying, okay, well, we can't give preference because we have Federal money, then that's something that, you know, also needs to be looked at. You know, another part I know that this was talked about in the TIG and it's not really anywhere right now, that I, you know, even though we're the REALTORS® Association of Maui and we're about home ownership, I think the other piece of this equation that we really need to also focus on is affordable rentals. I think that that's a huge gap, you know. Because as much as we're talking about we want people to be qualified and we want people to own their own homes, there's a step to that. And affordable rentals are a big part of it. And as far as like, you know, Mr. Franco was talking about as far as just having this money, it's also how do we use it judiciously and hopefully, this advocate or the czar or whatever you wanna talk about. First off, I just hope that that person has some kind of power. It's one thing to appoint this person and to say, okay, they're the ones that are gonna rally all the troops. But if I don't have to listen to them whether I'm whatever department or whatever group, if that person has no power or no pull, then it's kind of a useless thing. So somehow we need to build in that that person has some power to be able to, to do what it is that we would like for them to do. So as far as this step to, you know, affordable rentals and the czar, is also the County kind of rethinking how we use the money. I was just at an economic conference where they talked about the worst way to build affordable housing is for government to do it. Like that's the least cost effective way to do it. So, but what you can do is take that money and let's leverage it. There's all kinds of State programs even go to the Federal programs that you can take that \$10 million or whatever it is you have and leverage it into 20, 30, \$50 million and leverage that money, start looking at it in that way. So anyways, that's just off the top of my head here without any thinking about anything. So thank you, Mr. Franco, for the inspiration.

CHAIR COUCH: Thank you, Mr. Carnicelli. Members, any questions to the testifier? Seeing none, all right, thank you. Anybody else? Oh, we're gonna go to the District Offices. Molokai, do you have anybody ready to testify?

MS. ALCON: There is no one here on Molokai waiting to testify.

CHAIR COUCH: Lanai?

MS. FERNANDEZ: There is no one waiting on Lanai to testify.

CHAIR COUCH: Thank you. And, Hana?

MS. LONO: There is no one waiting in the Hana Office to testify.

CHAIR COUCH: Okay. Thank you, ladies. Anybody else in the gallery want to come and testify? Seeing none, Members, without objection we'll close public testimony.

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COUNCILMEMBERS: No objections.

CHAIR COUCH: Public testimony is closed. Thank you, ladies.

. . . END OF PUBLIC TESTIMONY . . .

PC-37(2) INCREASING INVENTORY OF AVAILABLE HOUSING (MISC)

CHAIR COUCH: Okay. Members, we're on Item PC-37(2), Increasing Inventory of Available Housing. Just to remind you that the Committee formed a temporary investigative group earlier this year to investigate ways to increase the availability of housing in the County. It's based on a report given to us, a letter given to us from the Planning Department. So I wanna say thank you again, Planning Department, for instigating this. Today, we have discussed and dealt with many of the recommendations contained in the TIG report. We've actually gotten all the items out except for the top five to their respective committees. There's nine of them. Our Committee also passed out a proposal to establish affordable accessory dwellings and to allow more accessory dwellings in the County. I anticipate this proposal will be considered by full Council at its meeting on December 2, 2016. There's four items remaining from the TIG report, these items are two through five in the report beginning on Page 4. And we're just gonna try and go through them and I think what we'll end up doing is setting them up as separate items for the Planning Committee to discuss in the next term. So if you go to Page 4, item number two, is comprehensive zoning [*sic*] by the Council. So the summary says, for those areas identified in the Maui Island Plan as within the urban growth boundary, identify which parcels are appropriate for comprehensive rezoning by Council. And the recommended actions are: request that the Department of Planning develop zoning maps designating areas identified in the Maui Island Plan as within the urban growth boundary that are appropriate for comprehensive rezoning by Council; Council to prepare rezoning ordinance. First, Members, I want to apologize that I missed this when reviewing this. This is kind of combining two different things. If you're gonna do comprehensive rezoning, you have to do it from the community plan, because the community plan is more detailed and tells you where you're gonna do the comprehensive zoning. The other side of this is if you're gonna use the Maui Island Plan, you can do district boundary amendments, State district boundary amendments because we have, you know, we...in the Maui Island Plan, all we've done is determined urban growth boundaries and rural growth boundaries. And we've marked the lines on the map to say this is where we want our urban areas to grow, and this is where we want our rural areas to grow. And generally, most of those lines were done in ag. You know, we've put the lines in ag land. So what we would have to do, what anybody would have to do is take that ag, State district Ag land and say, we wanna convert it to Urban through a district boundary amendment at the State Land Use Commission. So at...and then that...after that happens then you can do your zoning. In the Maui Island Plan, we don't have specific areas saying, well, this is Residential, this is Multifamily, this is Industrial or whatever. We just say Urban.

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So one of the things that I would like to do is to have a discussion with the Department and with the Members and say, which way do we wanna go or do we wanna try to do both? Do a comprehensive district boundary amendments, do we do comprehensive zoning of the community plan, which we can do as well, or do we do both or neither? So first, I would like to open it up to the Department to see if they have any additions or questions or concerns on this. Mr. Spence?

MR. SPENCE: Okay. Thank you, Mr. Chairman. Let me start out by saying that I would say most of the municipalities across the country do implement their general plans and/or community plans, whatever they call it. Once they adopt the plan, they go through the comprehensive zoning process. That is a primary way to implement your plans. That is not to say that environmental reviews should be forgone. Especially here in Hawaii, we have incredible resources and cultural resources, historical, that, you know, we'd certainly...I don't think anybody intends to ignore that. That said, in order to comprehensibly zone so you could start constructing housing, all the different layers have to line up. So Land Use Commission, you know, the State district has to line up with the Maui Island Plan and has to line up with the community plan and then ultimately, that's when Council can grant actual County zoning. The...right now the Council has the authority to change district boundaries for anything under 15 acres. The...there was a bill floated last year to...

CHAIR COUCH: Mr. Spence?

MR. SPENCE: Yes?

CHAIR COUCH: Real quickly, you said Council has the authority --

MR. SPENCE: To --

CHAIR COUCH: --or is it Planning --

MR. SPENCE: --change...

CHAIR COUCH: --Commission?

MR. SPENCE: No. The Council has the authority to grant district boundary amendments for anything under 15 acres.

CHAIR COUCH: We do?

MR. SPENCE: Yes.

CHAIR COUCH: Okay. I thought that was a Planning Commission --

MR. SPENCE: No.

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CHAIR COUCH: --issue.

MR. SPENCE: No. It's...district boundary amendments by Council are adopted by ordinance.

CHAIR COUCH: Okay. Thank you.

MR. SPENCE: Okay. And I even note...there was an instance in, up in Pukalani, just makai side of King Kekaulike, where even the...where a number of the property owners up there cumulatively it was larger than 15 acres but there was like, I don't know, 10 or 15 2 to 5-acre lots, and those went through County Council. Those did not go to the Land Use Commission. So possibly, you know, because each one was considered they're a separate district boundary amendment, not cumulatively more than 15 acres. So that's kind of the authority that Council currently has. There are proposals on the table at the Legislature to allow the counties to go to submit their general plans for region-wide district boundary amendments or to increase that 15 acres to up to 50 or 100 acres. So those things that would grant the counties more authority to have that kind of control. Then of course, the Maui Island Plan, we have rural, small town and urban growth boundaries. I found the one letter to the editor kind of interesting. There is no even thought of taking away the growth boundaries that are in that plan. I find those extraordinarily useful to say, this is where growth is gonna occur, this is where growth is not going to occur. That's part of their predictability, you know, of that particular planning tool of those growth boundaries. The...within those growth boundaries that's one thing the Land Use Commission would consider, where is urban or, you know, some kind of growth going to occur. But inside of those growth boundaries, you also have community plan designations. And some of those are for Single-Family, Multifamily, you know, Public/Quasi-Public, et cetera. I don't know if we've ever done a map that shows the mismatches of...I know we've discussed the DSSRT project with Council. Pam Eaton in the back is shaking her head, yes we've...we have done the maps that show where there's zoning mismatches with the community plans. Within those growth boundaries, I mean if something's, right now if something is smaller than 15 acres and designated so...designated on the community plans, we could go ahead with comprehensive zoning of those areas. So that's...we can get to you numbers of...and I presume the maps of where those things could occur.

CHAIR COUCH: Okay. Members, just to let you know and correct me if I'm wrong, Mr. Spence, most other states don't have the State Land Use Commission-type situations. This is kind of a unique thing to Hawaii, at least in an extra layer of entitlements that are required.

MR. SPENCE: Yes. That's correct. The...we're the only State with a State layer of zoning. Other states have growth boundaries, that's not anything really new. But we are the only ones with the...

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CHAIR COUCH: And is it really a layer of zoning or is it a layer...I mean when it...there's no such thing as urban zoning. They're State Urban districts --

MR. SPENCE: Right.

CHAIR COUCH: --which allows you to zone under any kind of urban-type zoning. Is that correct?

MR. SPENCE: Yeah, the...within the districts...we call it the State layer of zoning, that's probably the easiest way to think of it. It's kinda weird because to change those districts there's usually, it's a quasi-judicial process and with it comes all kinds...it's a discretionary process, it's not a legislative process. With it goes all kinds of conditions and project review and everything. But what the different districts do by State law, it enables the counties to zone in accordance with those State districts but not...we can be more restrictive but we can't be...and more...we can be more restrictive and specific, but we cannot be more lenient. So in the Ag District, State law says down to one acre, we require a minimum of two, therefore we're more restrictive on that. We have other requirements. Within the Urban District, you have, you know, you can do all your Hotel, Residential, Apartment, Industrial, et cetera. So that particular district gives us the most authority.

CHAIR COUCH: Okay. So, Members, we have this extra layer. And as we discussed in the PIA Committee, there's a couple bills out there that are asking the State Legislature if we can, as a Council, comprehensively redistrict based on our community plans, I'm sorry, not community plans but General Plan, which does include the community plan. But right now for this context, we're talking about the Maui Island Plan versus the community plans. So in the General Plan, Maui Island Plan, we have our urban growth boundaries and our rural growth boundaries. It is my thought that if we want to...if Council still wants to maintain a little bit of control during zoning, that we do the comprehensive district boundary amendments and then keep our control at zoning time, so the individual projects have to come in zoning. That still takes a little bit more time but it gives more control of the Council. Now, as Mr. Spence is talking about other districts, other municipalities, when they do their community plans, they comprehensively zone and that's it. That's also an option and that's something that this Council should discuss in great detail next term because that is a...that will save a lot of money for the price of homes. But as one of the testifiers said, that may not guarantee affordability in all cases or in a lot of cases. So, we have to take a look and really discuss whether we wanna do...take out one layer and do comprehensive district boundary amendments or take out both layers and do comprehensive zoning as well. So that's one of the things that I'd like to hear comments on from the Members and then we'll put that in the record and move this forward to the next term.

MR. SPENCE: Mr. Chairman?

CHAIR COUCH: Yes?

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MR. SPENCE: Just as a sort of an opening thought, because this is all about affordability to...normally when you go through the process where you have to go to the State Land Use Commission, first of all you do an EA or an EIS. All the studies, all the time, all the consultants, whether it be cultural, archaeological, civil engineering, architects, marketing studies, et cetera, I should say market feasibility, all those things, EISs can cost anywhere from 100 to probably I'm gonna guess for some of the larger one, half a million dollars for...and that's to enable you to go to the State Land Use Commission. To go to the State Land Use Commission, you use that EA, EIS, all those studies are examined in detail. I've asked around, you're gonna spend between 75,000 and \$150,000 on attorneys. That's if for, you know, this...I'm talking about projects that just go okay. There's not huge challenges. There's not, you know, interveners, those kinds of things. Then when you get to a County level, you're probably gonna spend another...I know I had a client, didn't need to go to the State Land Use Commission, it cost them, not my fees trust me, but everything that they had to do added up to more than \$100,000 to go through something...to gain the zoning that was already consistent with the community plan. On an individual basis, if each one of these small landowners goes through the process, it would take them 3 or 4 years and more than 100 grand to do. If we could take away that cost either for projects over 15 acres and even just for the small landowners, we would reduce the cost of...at least reduce the cost of government to these projects. You know, that's not accounting for labor and materials and land cost, but we could certainly reduce the cost of government and time needed to go through the entitlement process. The County process takes three...an easy one can take...easily take a couple years. If you go through the full-blown process, EIS-Land Use Commission-County, a typical cycle is seven years. That's an entire real estate cycle. So, you know, even at the Land Use Commission, they wanna go, what are you gonna sell these houses for? How can you say seven years out what you're going to sell something for? You have no idea what the world economy is gonna be like or who's gonna be elected president. So, that's, you know, maybe even twice-elected president. So, you know, there's so many unknowns in the duration of our entitlement process. It adds huge amounts of uncertainty to what we're trying to accomplish in providing affordable housing.

CHAIR COUCH: Okay. Thank you. Members, any comments on this? Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. You know, I think it does make a lot of sense to go through the district boundary amendment based on the Maui Island Plan, and to at least try to cut down on the amount of time and energy and money that goes into any project that is over 15 acres. Fifteen-acre project is not all that large when you're looking at housing. And we have a significant deficit and that, you know, that we need to catch up. From the perspective of whether we do comprehensive rezoning consistent with the Maui Island Plan, I'm relatively comfortable with that as long as it's clear that if you are moving ahead with a project that there are specific requirements, you know. Because right now, it comes to Council and we initiate conditions, sometimes those conditions can be mild, sometimes they can be really punitive, and the end result is the project doesn't go and that's sometimes the, you know, the intent of the conditions. But if we had a set of standard conditions

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depending on the size of the project and the scope of the project, and the affordability or, you know, or market, I think that would provide a significant level of clarity and comfort from the standpoint of the investor. And as some of the testifiers mentioned, this is, you know, we can't build enough affordable housing just using County funds. The, you know, we have to depend on people who are going to be willing to come in here and risk their assets to provide the housing. So the more certainty that we can work into the process by having the district boundary amendments made to match what's in our Maui Island Plan, which we went through I don't know how many years, Ms. Baisa went through it in the Planning Committee and in the GPAC process. My recollection is between two and three years.

COUNCILMEMBER BAISA: Three years.

COUNCILMEMBER WHITE: Yeah, three years. So, that's had a lot of review so I'm pretty comfortable going to the State Land Use Commission and saying, we'd like you to blanket-approve this because it's gone through three years of review and we don't feel that we need you overseeing every single little piece that we might wanna move from Ag to a higher use. If we've already done that through the planning process, it's had the community's review and approval. And of course, not everyone agrees with everything that we did, but we've got to start somewhere in reducing the amount of time it takes to move a project from concept to completion. And the degree to which we can impact that is directly tied to the degree of affordability we're gonna be able to achieve. So I'm glad we're having this discussion that I believe that it is this morass of regulation that any investor has to go through that makes it very hard to keep up with the supply necessary to keep prices down. And, you know, we saw it for a fleeting moment, maybe not a fleeting moment, but when the, when all the values dropped significantly, in, I think it was 2010, '11, you know, the prices for...I know my...I'm aware of one purchase that was made in I think it was Kihei Villages for a 130,000 or a \$135,000. Well, that's a 2-bedroom, 2-bath unit, and you can't build those for that now. So it just...it proved to me that we need a...we have a supply problem, and we have a regulation problem. And we've gotta try to do everything we can do to continue to have controls but not so much control that the regulation snuffs out the property, you know, the property's ability to move ahead with, you know, with building housing. So I think the TIG has come up with some important things for us to consider and I think that the referrals are also important considerations for us to keep this process moving. And I don't think the public understands the number of moving parts to get a project --

CHAIR COUCH: Yes.

COUNCILMEMBER WHITE: --from an idea to a completion. And I think Mr. Spence's estimates of how much the cost is are a little lower than I would have guessed. I mean just a very small project that I've been working on for a number of years has costs us \$200,000. We didn't have to go to the Land Use Commission. So, I'm guessing that the...that he was being very, very conservative in his estimates. So --

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CHAIR COUCH: Okay.

COUNCILMEMBER WHITE: --thank you, Chair.

CHAIR COUCH: Thank you. Mr. Carroll?

VICE-CHAIR CARROLL: Thank you, Chair. Along the line of where we're talking about trying to make affordable housing more affordable, we are limited on a lot of the options that we have as a Council and as government. Because the housing as was pointed out, when government starts building housing, usually there's problems. Honolulu has had severe problems with affordable housing and affordable rentals. But there are things that we can address, the requirements that Housing and Human Services has for affordable housing. There's all kinds of regulations inside there and requirements that really need to be reviewed and why are they in there. A lot of those are if government is sponsoring or involved or takes money, we have let's see, we have the David-Bacon [sic] wage for affordable housing projects. That's a wage one I asked to ensure that fair wages are paid, union wages; however, that's in there if it's not a government project. So if you have a small contractor that doesn't pay those wages to bring in something cheaper, you can't do it. All right now, that's just an example of one of the things that we really need to look at in the regulations that we are requiring that might need to be either modified or simply this Council ask well, why are we doing this? The other things we did before, no-interest loans for down payments. We're talking about banks qualifying the lender, the applicant. And that was I think a fairly successful program and I think we need to look at more things like that. If we can't get the people qualified, I don't care how well we do. 'Cause the people we want, really want in there are at an income level in today's society with what we have to offer the price of the homes. If we can't do something like that, we're just not gonna be able to get them qualified. And that's just one example of the possibilities that we can look at to try to help these people outside there in the lower incomes to qualify for these homes. The other thing was talking with our banks and lending institutions, and trying to see what the County could possibly do along something that line, no-interest loan, to get these people qualified and get it down to where we can understand, all right, a person of this income is only gonna be able to be qualified if the house price is below this or at this level. But unless we, unless we're really gonna look at it like that, we're going to approve at which at this Council has sent out many times, affordable housing that and we don't consider all of this and we put it out there and the banks aren't gonna do it and we don't have anything to try to mitigate that, it's just not gonna happen and it's not happening. So I would hope that we could have that as part of the conversation with Housing and Human Services and try to go over there and see if we can structure it, so we could actually get these people in homes.

CHAIR COUCH: Yes, Mr. Carroll. Thank you for that. And unfortunately, Mr. White stepped out of the room but this is important for...

VICE-CHAIR CARROLL: He's coming back.

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CHAIR COUCH: Oh, he's back, okay. Part of the thing that we talked about I believe at one of our meetings was that down payment was a lot of the issue with people not qualifying. They couldn't qualify for the down payment. And I know we've had some concerns about the down payment assistance that we've done in the past that it only would help 10 or 12 people, so we decided to move that money in the Budget to something else. Well, now that we're hearing that down payment assistance is important, maybe we go back to that but not only allocate \$250,000 to it, allocate a million to it so you help more people get into these homes that are available but they just can't afford the down payment assistance. That's something that at next Budget you're gonna have to discuss, and it should be a lively discussion because there has been...it's been discussed back and forth and it needs to be...if you're gonna to do it, you need to make it a bigger pool. Mr. Carroll?

VICE-CHAIR CARROLL: Yes, Chair. And that's the line I'd like to go on because if we're gonna bring this up in Budget, we're going to need to work with the banks first and try to find out and work with Housing and Human Services to find out what is actually necessary. Do we have to come up with a \$20,000 no-interest loan or \$15,000? We really...this Council really needs to work on trying to find out exactly what is needed and if we can make any changes in Housing and Human Services recommendations or requirements that might not be necessary that it could make it easier for these lower income people to achieve the...getting these loans.

CHAIR COUCH: Okay. We'll do that in a letter I guess to Housing and Human...actually Budget and Finance, I think. We should do that in a letter to Budget and Finance. Because that's not really in the TIG at this point so we have to refrain from straying off of the TIG. Any other comments? Ms. Cochran and then, Ms. Baisa, do you have comments?

COUNCILMEMBER BAISA: Yes.

CHAIR COUCH: Oh, okay.

COUNCILMEMBER BAISA: I can wait.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: Thank you, Chair. And so yeah, I mean for me the biggest I guess con to this is the portion where we would be, we as Council, would forego the opportunity to attach conditions of zoning. I think that's important. It's a case-by-case thing. Yeah, we have things like, you know, we want your annual reports or some real standardized type of verbiage. But each development may have a particular thing that we really, really wanna make sure is, you know, specific and unique to that. So I really would not like to see that type of opportunity pass this body. I like, you know, the next item we'll be discussing I think could help alleviate a lot of roadblocks and, you know, hindrances to getting the process going. So I like the preapproved plan idea, which is our next item we will be discussing. But that's my

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main point in regards to this comprehensive zoning. And I...yeah, that's just something that doesn't kinda, I don't quite like that part of it.

CHAIR COUCH: Yeah. And I understand that, and I kinda share some of the concerns there. But this recommendation could be split in two, one for district boundary amendments and comprehensive zoning. District boundary amendment seems to be a no-brainer, at least we've discussed it before in this Council. We've already put out in the Maui Island Plan our district boundaries, those are urban growth boundaries. So it should be a no-brainer that we just say, okay, eliminate the State's role in this or at least go in a comprehensive measure to the State and say, as a County we're saying these acres are the ones that we wanna turn to urban, would you mind passing those? One way or the other, that's something that I think can be done and will eliminate a significant amount of cost. Ms. Baisa, then Chair White.

COUNCILMEMBER BAISA: Thank you very much, Chair. I...in regards to this comprehensive rezoning idea, I think it's really important that we do something like this because, you know, one of the reasons that we're finding out is everything we talk about leads back to money. And, you know, we just heard it from Mr. Carroll, the whole thing about the down payment and people not being able to pay and, you know, I've heard the folks that are in the realty business come here and testify over and over. We've heard Ms. Kelly come and complain and then tell us, and we've heard it over and over that...and we've heard our own Director of Human Concerns tell us that cost is an issue and a lot of people cannot get in. We've heard bankers tell us that. So money is a big issue and, you know, the kind of money involved in this comprehensive rezoning, we're not talking about ten cents, we're talking about a lot of money. It's a lot more than down payments. And so, I think that this is something that we really need to do and yes, it gives us some less ability to attach conditions and whatever. But I think at this point, we...and why we don't move is because we get caught up on all the minutiae. We gotta keep our eyes on the prize, and the prize is how do we get some houses built. And so, I'm trying to stay there. And yes, I have concerns about all these other things. But I think we gotta cut through this and let's get some houses built and then the Council that is sitting here at this, that time, can sit here and figure out well, we need to tighten this up and tighten that up. But for now, I'm for throwing the door open. Thank you.

CHAIR COUCH: Thank you, Ms. Baisa. Mr. Spence has a comment to that, then...

MR. SPENCE: Yeah. Just a couple of comments. I'm, you know, with comprehensive zoning and I know that I'm also concerned about some kind of environmental review that you just don't zone something in an inappropriate place without, which sometimes our community plans have, that don't deal with some of those practicalities. I know when Public Works, I'm looking back at David Goode, oftentimes when they see a subdivision, they'll ask for a traffic study to show that things are working if, you know, if there needs to be mitigation measures for traffic. I know that they will...subdivision will make sure that they go through an Archaeological Inventory Survey and some kind of review and get an all-green from historic preservation. The...so there are some

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of those things in place and maybe we need a couple more of those automatic checks in place. I kind of like, or I'm kind of liking the idea of maybe some standard conditions of zoning, that's a possibility. I also note that most...I can't say most, a good portion of our properties designated for housing or other uses in our community plans are within the Special Management Area. And those will require...it doesn't take a whole lot to trigger an SMA major permit. And those always have upwards of 20 conditions on them. Some of them are in perpetuity that they meet certain requirements. Some of them...some of the conditions are construction-related and of shorter term. But there are a lot of places where there is already environmental review required to gain even ministerial approvals. So, I mean there are some of those things in place already, it's not just a project-by-project review on a Council level. I would also note that there are requirements for some projects in our community plans. One that pops out in my mind just because I used their dark room the other day is the Hui No'eau, there's like a condition in the community plan that at the time of zoning, it'd be zoned so for I think it's education and the arts, or for the arts, or something like that. So I would expect in comprehensive zoning that we would observe those community plan recommendations and apply appropriate conditions at that time anyway. So that's just a couple of thoughts, Mr. Chairman.

CHAIR COUCH: Thank you, Mr. Spence. Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. Is there anything in State law that precludes the County from applying for the redistricting that we've been discussing? Is there any legislative change that needs to be put in place prior to --

CHAIR COUCH: For --

COUNCILMEMBER WHITE: --our...

CHAIR COUCH: --district boundary amendments?

COUNCILMEMBER WHITE: For district --

CHAIR COUCH: Okay.

COUNCILMEMBER WHITE: --for the County to go through the process of requesting the district boundary amendment based on our plan.

MR. SPENCE: We could do that right now. It would go through the...my understanding, and I could do a little additional research on this, my understanding is that it would require the standard process. It wouldn't be regional, it would be like property by property, or project by project, where we have to get the metes and bounds. We can't just adopt the math. We would still need the metes and bounds, description, we would still need all the requirements that the Land Use Commission goes through with their regular process.

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COUNCILMEMBER WHITE: Okay. Are you...the understanding that I had was if we have the, you know, the rural growth boundaries, do you have to provide just the outline, the metes and bounds of that outline or do you have to provide the metes and bounds for every undeveloped property within that zone?

MR. SPENCE: Every property that would be where the district boundary would be changed.

COUNCILMEMBER WHITE: Holy cow.

MR. SPENCE: Yeah, I know. And that's why the thought process that was in PIA to be able to submit your General Plan for at least regional-wide redistricting. And I think...and that would be the process where you would adopt a map. And so, when...what, you know, that would be shortcutting that big long process. I would imagine they would also have their own set of standard conditions, I mean having to deal with water and, you know, public trust issues and those kinds of things.

COUNCILMEMBER WHITE: Right.

MR. SPENCE: But that's the idea of changing the legislation and is you could adopt a map.

COUNCILMEMBER WHITE: Is there...had there been discussions with the Land Use Commission staff with respect to whether they would support the change in legislation to allow the adoption of a map?

MR. SPENCE: Yes, I've talked with the executive director. He's open to that. They would be supportive of that kind of function.

COUNCILMEMBER WHITE: Okay.

MR. SPENCE: And I even think, you know, we do have 20-year plans. I mean they're...they've...that's what the Maui Island Plan is supposed to do. That's...our community plans have that kind of planning horizon. There may be properties in there that are not ready to go. I mean for instance, Olowalu already tried to go through the Land Use Commission and stopped that the EIS process. I don't think the County would support changing that boundary at this point. There might be some other ones that are especially culturally sensitive or believe that there should be additional review. But the larger, by and large, the greater majority of the...what's designated in the Maui Island Plan should go forward.

COUNCILMEMBER WHITE: Yeah, and I...that was my second part of the question was gonna be, whether we can identify specific areas like Central Maui, you know, Wailuku --

MR. SPENCE: Right.

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COUNCILMEMBER WHITE: --Waihee and those areas as opposed to doing everything all at one time. And then, Chair, the...I agree with Ms. Cochran's concerns about rezoning large projects without coming back to Council. But I think there's...there may be some size project that may be easier for us to have standard conditions of zoning and that would apply no matter where you were. So I think, you know, I think we have some tools to play with and, you know, continued discussion might get us closer to where we need to be. So, thank you.

CHAIR COUCH: Thank you, Mr. Chair. And yeah, on the district boundary amendment portion, it's two ways we can go about it. We can...there...I believe the Department may have worked on some legislation for allowing us to comprehensively do the district boundary amendments without having to go through each property by property. I had heard that there was a bill out there like that. Is that correct?

MR. SPENCE: That's what...I drafted a bill. That's what went to PIA, and that's what I also showed the Land Use Commission and they were supportive. And it actually, it went to Council Staff after I drafted it. Some things were massaged and that went to PIA.

CHAIR COUCH: But there was no acreage limit, is that correct?

MR. SPENCE: No.

CHAIR COUCH: Yeah, this was a...based on the community...I mean the General Plan and the Maui Island Plan, we, we're able to do mass district boundary amendment changes. That's one way to do it. The other way is what you're intimating and that we kinda have in our...in the Maui County package I believe, is that to change the 15-acre limit to 30 or 100 or wherever, and then do sort of mass district boundary amendments, but it would have to be property by property on that one. So it would be a long list of property by property.

MR. SPENCE: Two different concepts. I don't know what went with the Maui County package.

CHAIR COUCH: We had a 30-acre.

MR. SPENCE: Okay. And I think that would be very helpful. The other one would be like what we were discussing to just adopt the maps.

CHAIR COUCH: Right. So yeah, that was two different...

MR. SPENCE: Two different bills.

CHAIR COUCH: Yeah, two different methods of doing that. So --

MR. SPENCE: Right.

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CHAIR COUCH: --hopefully, something will come through the legislator and that can get done...Legislature and that can get done. And that will eliminate a significant chunk of the cost of, and time. That's the other thing. It will eliminate a couple years of time off of the process, so. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And for Director Spence, just for a hypothetical, I guess for an example, the Olowalu. Say, for example, that had become Urban, all of it in the Maui Island Plan and then we had this idea we're talking about implemented, what would have happened?

MR. SPENCE: Well, let's say, okay, you're saying it did --

COUNCILMEMBER COCHRAN: Urban --

MR. SPENCE: --go...

COUNCILMEMBER COCHRAN: --it became all zoned Urban on the Maui Island Plan. So now --

MR. SPENCE: Okay.

COUNCILMEMBER COCHRAN: --you're gonna comprehensive zone that whole, entire section of the island.

MR. SPENCE: Okay. I don't know if we could because I believe what they were after was is project district.

COUNCILMEMBER COCHRAN: Okay. But...okay.

MR. SPENCE: That's a very specialized zoning that a very...it's not like R-1 Residential or R-3 or Rural. Just the way that it's written in the Code, it's a very particular zoning that has very specific requirements and very specific entitlements that are adopted by ordinance. So I don't think we could comprehensively zone a project district.

COUNCILMEMBER COCHRAN: So almost, Chair and Director, I guess these large sort of projects kinda new town, new cities or whatever, are a lot of times asking for project districts, not so much just urbanize this whole entire area and then we're just gonna fit in what urban allows us. Is that kind of safe to say? So this comprehensive zoning would not as you're stating affect or, you know, change the way a project district is built out? Is that --

CHAIR COUCH: That's my understanding --

COUNCILMEMBER COCHRAN: --safe to say?

CHAIR COUCH: --as well --

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COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: --is that because project district is I don't know, it's almost a mix of, you know, our regular zoning process but we tweak it to say just for this project you...

COUNCILMEMBER COCHRAN: Right.

CHAIR COUCH: For instance, yesterday's meeting, they don't know where in our Code, our Residential Code do we allow 1,800 minimum lot size of 1,800 square feet. In that specific one that was a request, 1,800 square feet, 0 lot lines on the side, 3 feet setbacks in the front. That's way out of our normal Code. But for that project district, we're saying that's a special set of zonings. Is that correct?

MR. SPENCE: Yeah. They have their own special chapter in Title 19 like Maui Lani, Kehalani, others, they have their own very special...

COUNCILMEMBER COCHRAN: Kapalua.

MR. SPENCE: Pulelehua.

COUNCILMEMBER COCHRAN: Yeah.

MR. SPENCE: They have their own special chapter. It's not just the generic R-1, R-2, R-3 --

COUNCILMEMBER COCHRAN: Okay.

MR. SPENCE: --like that. And that...because they are so special, it would require Council attention.

COUNCILMEMBER COCHRAN: Right. So, I'm just trying to get idea then for, you know, in my mind for examples and where this would affect. And --

MR. SPENCE: Yeah.

COUNCILMEMBER COCHRAN: --it seeming like large tracts, big projects as we're talking and looking at right now really wouldn't be affected in a way with this whole comprehensive zoning. If there...I mean obviously, if they're going with project districts, so I'm --

CHAIR COUCH: Yeah --

COUNCILMEMBER COCHRAN: --just trying to...

CHAIR COUCH: --on the comprehensive zoning side. On the district boundary amendment side, that's different. There's...remember there's --

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COUNCILMEMBER COCHRAN: It would help...

CHAIR COUCH: --two different layers.

COUNCILMEMBER COCHRAN: Right.

CHAIR COUCH: It would help --

COUNCILMEMBER COCHRAN: In that aspect.

CHAIR COUCH: --push that forward.

COUNCILMEMBER COCHRAN: The district --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --boundary amendments.

MR. SPENCE: And...

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: Mr. --

MR. SPENCE: Mr. Chairman, two --

CHAIR COUCH: --Spence?

MR. SPENCE: --points on that. One, because something like Olowalu is so sensitive environmentally and culturally, both on a...with the reef as well as cultural issues but also with traffic, we...that may be one that we would not want to just blanket-zone if we could because there are issues with that. The other one is it requires a community plan amendment. There's...we...you can't just blanket-zone...I mean you could move the State district but it would still require a community plan amendment. And a lot of these larger projects would. They could wait 'til...you could change the State district. But...and you could wait for the community plans to go forward or you could...or the landowners could come in for community plan amendments and that triggers EA and all kinds of stuff anyway.

COUNCILMEMBER COCHRAN: And Council oversight. They --

MR. SPENCE: Yes.

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COUNCILMEMBER COCHRAN: --have to come back to Council for those --

MR. SPENCE: Community plan --

COUNCILMEMBER COCHRAN: --changes.

MR. SPENCE: --amendments are --

COUNCILMEMBER COCHRAN: Right.

MR. SPENCE: --approved by the Council.

COUNCILMEMBER COCHRAN: Right. And so I appreciate what you're saying if for example, the whole Olowalu thing, that would be too sensitive, you know, culturally, everything --

MR. SPENCE: We have a couple --

COUNCILMEMBER COCHRAN: --but --

MR. SPENCE: --of those.

COUNCILMEMBER COCHRAN: --you know, but you're here saying that, you know, may not be here forever and ever, and who's to say the next person sitting here, is gonna have the same though pattern. So that's just, you know, one of my concerns --

CHAIR COUCH: Yeah, and that's...

COUNCILMEMBER COCHRAN: --too.

CHAIR COUCH: It would still have to be done here at Council. It would not just happen. It would have to go through Council so a project like that, it would certainly generate a lot of public input and then have a long discussion on Council. And it may not...Council may decide, no, we're not gonna do that, it's gonna have to be individual at its time. Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. I like the idea of going forward with the redistricting or the, you know, changing the district boundaries because that's something that is completely out of our control, and it is a significant cost to anybody that goes through that process. So if we can go through that process one time and eliminate individual developers from taking on that additional cost, I think that's a huge benefit to everybody on Maui. The idea of comprehensive rezoning I think is probably less palatable to most of us because of the Olowalu idea and other areas, but that's totally in our control. And we can initiate rezoning of any project or for any project that we feel is gonna be focused on workforce housing and affordable housing. And we can take that onus off the developer and...so we have local control over that

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process. We don't have local control over the district boundary amendments unless it's 15 acres or less. But that to me seems like something that makes a lot of sense because in my view, the Land Use Commission has somewhat outlived its usefulness. Because I think it was a lot more necessary back when our Planning Departments were less built-out and less, I don't wanna say less capable, but they have a lot more capacity and capability than they've had in the past. They've got a lot of experience. They've got a lot of the expertise necessary to guide the Council and guide the Planning Commission far better than they may have in the past. So I just...I don't see our County feeling that the Land Use Commission is a necessity at this point other than just simply taking more time and costing more money and driving the cost up for things that we really want to see, the kinds of things that we really wanna see go through and get built like workforce and affordable housing.

CHAIR COUCH: And I agree. And I think the TIG agreed with that as well and all the folks in the TIG. So that's probably gonna be the recommendation. Mr. Spence, you had a comment?

MR. SPENCE: Yes. Just confirming what Chair White commented on that originally the Land Use Commission was formed because the counties did not have the planning capacities. And that was last summer, not...summer 2015, we attended a whole series of meetings with Office of Planning and discussing the role of the 5-year boundary review, which there's only been like 3 in 20 years. Those kinds of things, and one of the things that did come out was yes, the Land Use Commission was formed because the counties did not have planning capabilities. Nowadays, the Land Use, or not the Land Use Commission, but Office of Planning, comes to us for data because we're the ones that have the increased capacity and the increased expertise. I mean they still deal with their Statewide issues and they work with all the counties on quite a number of things, but they look to us because we have more updated, readily available data than they do. So we have definitely increased our capacities and utilize quite a number of sophisticated tools that a lot of times the State doesn't have.

COUNCILMEMBER WHITE: Right. And just as a follow-up. One of the other things that may have come here before us, tomorrow is the Council-initiated Change of Zoning for Seabury Hall and so to use...that's an example where I believe there...I think it's from Ag to Rural or something to that sort, but they came to us and we suggested that we do a Council-initiated Change of Zoning. That means that they're not required to spend the money on an Environmental Assessment. Well, we can as a Council, we can decide whether there's an affordable housing or workforce housing project that we wanna support in an area that already has the infrastructure. We can do a Council-initiated Change of Zoning if it passes. If it doesn't pass, it doesn't pass. They gotta go to the regular process. But if it's a project that looks as though it's gonna provide the kinds of things that we want, we can do that Change of Zoning. We can put on whatever conditions we want, but it simply takes that cost of the EA process out of it. And I think it's something we really need to look at because this is...this whole thing is about cost and timing. And the more we can do to reduce the cost and limit the timeframe within which an investor is trying to decide whether to

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put money in or not, is gonna help us move forward with affordable stuff and, you know, at some point, if we can get comfortable doing it for affordable stuff, we might be able to get comfortable doing it for other things that will help the economy as well.

MR. SPENCE: Right.

CHAIR COUCH: Okay. Agreed. Members, I think we've beat this horse. What I'd like to do is recommend that we move this item to the next Council and bifurcate it. Say one, we're gonna discuss district boundary amendments, comprehensive district boundary amendments and the other is a little bit of...more of a discussion of comprehensive zoning or in what Mr. White was saying is, spot, not spot zoning but, you know, comprehensive zoning on specific projects from the Council, not completely based on what the community plan says. So, is there any objections to that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Any comments on that before we move on to the next item? Okay, seeing none, Staff, do you have that set?

MR. GARNEAU: Yes, I do. Thank you.

CHAIR COUCH: Okay, great. Members, it's time for a midmorning break so if you could be back here at 10:40, we can continue on with this. So at that, this meeting is at recess. . . .(gavel). . .

RECESS: 10:32 a.m.

RECONVENE: 10:48 a.m.

CHAIR COUCH: . . .(gavel). . . Will the Planning Committee meeting of November 17th, please come back to order. All right, Members, we're on item number three which is the second item today that we're talking about. And that's expediting the building plan review process by developing a catalog of pre-approved plans. Basically, a summary of that, that is to allow building designs that have already been approved and given a design registration number to be kept in a catalog of pre-approved plans for use by the public. Interested parties can use a pre-approved design on their approved lot, saving the time and money that comes with the design and approval process. Architects may provide their design free of charge or on a fee-per-use basis. And at the one of our meetings I believe, we heard that there are over...I thought they said 120 but there's quite a lot of pre-approved designs that are out there but not really in a catalog. So I brought Mr. Goode up to kinda discuss this subject, and if you can clarify that a little bit more.

MR. GOODE: Okay.

CHAIR COUCH: Mr. Goode?

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MR. GOODE: Thank you. Thank you, Chair. Good morning, Members. David Goode here, Director of Department of Public Works. And as you all know, our Department handles the building permit process. And we do have the design registration available. And basically what that does, it allows for a particular house design to be pre-approved for Building Code. And so we...it would be submitted, our Department only would review it and once it satisfies the Building Code, it's given the design registration number. And so if one developer, say, he's doing a project with using 3 homes, say, maybe reverse models as well, they could then pick their...have their design registration, say, design register number 101, 102 and 103. And then they would submit for actual to...for the permit, they would submit a plot plan showing the land that it's proposed to go on, where the house sits on it, its setbacks, et cetera. And we would then basically instantly approve it and...for our Department. It would then go to any other applicable departments, which would probably be very few if it's generally like a...kinda of a I would say a cookie-cutter subdivision-type. Water Department might look at it. Wastewater or DOH if it's on septic. Planning may or may not, it depends I guess if it's project district or not or in the SMA. So it ends up being a pretty quick process and we, like I said, we do issue like a design registration number. And there are over a 100. I think last time, I asked for a count, it was around a 100-110.

CHAIR COUCH: Okay.

MR. GOODE: And they're, Chair, they're only...they're applicable to today's Code. So if we change the Building Code, the design registrations would need to be updated to meet current codes. So, a few years ago, when we changed the Building Code, we asked all the existing design registrations. We told them they had to get it reregistered under the new Code if they so desired.

CHAIR COUCH: And did they?

MR. GOODE: I imagine some did. I don't know how many did.

CHAIR COUCH: Okay. So, Members, this one is...seems pretty straightforward. I don't think we need to pass any ordinance enabling this or resolution enabling this, support of this policy. The question would be to maybe either provide funding for the Department to come up with the actual catalogs so somebody can look at it. Is that a possibility, you know, your Department can come up with a catalog saying this is what we've got for maybe new developers coming in or whatnot?

MR. GOODE: Chair, so it's our plan going forward is I've sent the TIG recommendations to DSA. And the administrator, Glen Ueno, was working with his staff to see from their end how it might work and also the context some of the jurisdictions that are noted in the appendices here that have similar programs already. We're then going to meet with Corp. Counsel as needed and also the Maui AIA. So when we had the meeting here previously, Peter Niess was here. He's the president of the Maui AIA. He was

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pretty enthusiastic about this idea. And I've spoken with him as well. And so we're gonna work together to see how this might work, because the registered plans are stamped by a licensed architect. It could be a structural engineer, but most of the time, it's a licensed architect. Part of the State law says, you know, all plans have to be stamped by an architect and the construction there of that unit has to be overseen in some way by the architect. So the architect has liability as it relates to any particular plan that's approved or any structure that goes up. So, it's gonna be difficult if not impossible for us to just have a set of plans out there that anybody can just pick and choose and use because there's liability that goes along with those plans. So, it's really important that we engage Maui AIA, and they're gonna obviously have to talk to their insurers to see how if we have the...our catalog is generally available, if someone wants to come in and say, oh I want design registration number 75 and I'm gonna put on this plan. Well, they've gotta go work more than likely with the architect of record who maybe has a pre-approved price for that plan which I think is how Kent, Washington does it, and it could be \$1,500 or something like that. So it will incur cost. They're gonna have liability and they're gonna have some responsibility as it relates to oversight of the construction. So anyway, that's what our plan process is for us. And so, what I would suggest maybe what the Committee does, if you do make a separate item like you mentioned for this, is to have the Committee check in with us, you know, and ask for an update of where we are. And then I'd say after few months, you know, have a meeting on the item, and then we can describe where we are at and what legislative changes might be needed.

CHAIR COUCH: Okay. Members, any comments, questions? Ms. Cochran? Mister...Chair White? No?

COUNCILMEMBER COCHRAN: Yeah. Thank you, Chair and Director Goode. So yeah, I wasn't quite aware that we already had pre-approved-type plans. I guess about 120 did you mention, Chair? And where...are these very accessible to the general public? How do they know about this if at all? Are they on our websites? I don't...so how, you know, visible is it for people to already know these exist? 'Cause I...sorry, I didn't know they existed, myself.

MR. GOODE: Yeah.

CHAIR COUCH: Mr. Goode?

MR. GOODE: Yeah, I don't think it's...if you're just building one house and it's the only house you're ever gonna build for the first time, you wouldn't even look to the design registration process probably. And because they're not available to public, they're basically owned by the architects, you know, who drew up the plans. They've got to contact that architect. All of our approved plans, when we issue a building permit, we scan the entire set and it's available to public. And that's on our DSA website. I'm pretty sure you can get to them through that process. I'm not sure if all the design registrations are on there. I'd have to check. But at this point, you know, the way our system is set up, they're not...I guess they're available to the public but you still have

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to contact the architect to make out some...make some arrangement. Like you see, again you see design registration number 75, you go, wow that looks really good, I think I'll use that. You know, if you were just to somehow print those plans and submit it to us, we'd reject it, because it doesn't have a...we basically need like a wet stamp and signature, you know, that the architect is behind that one. So that's the process we wanna go through, is how do we go from, you know, the architect has approved design registration, how do the general public kinda just contact them directly or somehow through us and go from there.

COUNCILMEMBER COCHRAN: So currently, that's not the system? Like you literally do not have these pre-approved, I mean architect-stamped designs, but they're in your system so you are aware of what those are. So when someone walks in and goes, hey I like, you know, plan number one and you go, oh okay, where you building it? And then, you know, you take it from there kinda thing, that is not...you still don't have that I guess crossover from the architect to your Department --

MR. GOODE: Right, right.

COUNCILMEMBER COCHRAN: --having this already pre-approved whatever relationship of sorts on that?

MR. GOODE: Right --

COUNCILMEMBER COCHRAN: Okay.

MR. GOODE: --which I think --

COUNCILMEMBER COCHRAN: Okay.

MR. GOODE: --this what this idea is trying --

COUNCILMEMBER COCHRAN: Yes.

MR. GOODE: --to tighten up so that someone can kinda just open up a catalog and say --

COUNCILMEMBER COCHRAN: Right.

MR. GOODE: --okay, this one is \$1,500 or \$500 or 5,000. And then they would just work with the architect --

COUNCILMEMBER COCHRAN: Yeah.

MR. GOODE: --directly, submit the...and submit the plan --

COUNCILMEMBER COCHRAN: Yeah.

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MR. GOODE: --so --

COUNCILMEMBER COCHRAN: So...

MR. GOODE: --it's not easily accessible, my understanding at this point. But also I think we need to understand what our role is in that and how that would be done, that's why we're gonna work with Corp. Counsel and the Maui AIA.

COUNCILMEMBER COCHRAN: Okay. And would this be part of like the MAPPS program that's rolling out? Could it be part of that, no? It has no bearing?

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: The MAPPS program. Okay.

CHAIR COUCH: No, that...

COUNCILMEMBER COCHRAN: No?

CHAIR COUCH: It might be able to fit in. There might be a spot you might be able to fit in, say, hey look at this, here's a catalog.

COUNCILMEMBER COCHRAN: A link or something.

CHAIR COUCH: Potential.

COUNCILMEMBER COCHRAN: Okay. And so, is this kind of a similar idea to...I'm just referring to places that have like the cookie-cutter homes in a sense that that idea say, Napilihau, Wahikuli Terrace, the Arisumi Brother homes up Lahainaluna where my mom, so I'm very familiar with those homes. So you basically, when you got your lot which is via plantation, you had a choice of three-four different type of homes and you just picked so...but...so the builder, say Arisumi, I guess already had these four types of plans pre-approved of sorts or...is this kind of the...similar, do you think or would it be?

MR. GOODE: Yeah, similar. I mean our design registration process isn't, I don't know, I'm gonna say it's probably 15 years old. So prior to that, like on plantation offering lots and packaged homes, say from Arisumi, they already kinda worked out, okay, here's the plans we're gonna offer and then someone picks it and they just...but they...then they probably had to submit a separate building permit. But for us now, with design registration, we will just pre-approve it so that could just kind of eliminates going through our review. And for us, we don't have to keep reviewing the same house over and over.

COUNCILMEMBER COCHRAN: Right, right, right.

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MR. GOODE: Right.

COUNCILMEMBER COCHRAN: Yeah. Okay. Yeah, so that's why I thought if you already saw the one three-bedroom home, two-bath; three-bedroom home, two-bath, you know, all the way around the block, I mean it's...you knew it's gonna be built that way and --

MR. GOODE: Right.

COUNCILMEMBER COCHRAN: --just on a different size lot or something, but...okay.

CHAIR COUCH: Well, Mr. Goode, you say that an architect has to...if they're using that cookie-cutter plan, the architect still has to in some way oversee the construction. Is that, and you said that's a State law? Is that normal throughout the whole country or is this something again, unique to Hawaii?

MR. GOODE: You know, Chair, I'm not sure of how it compares to other states. But, I mean it's definitely what we have here and so, we kinda need work with that. I mean if it's something that...I think through Maui AIA, they could help us understand better what other jurisdictions have. But it would obviously require a change in State law.

MR. HOPPER: Mr. Chair?

CHAIR COUCH: Yeah. Mr. Hopper?

MR. HOPPER: Just for reference, the design registration section of the Code is I guess 16.26B.106.6. So, if anyone wants to look that up in the Code. That's part of the Building Code. So I think that's what Director Goode has been referring to. But there actually is a Code section on it that goes over the...some of the details.

CHAIR COUCH: Okay. Thank you. Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. Is there any...do you know if there's any effort being undertaken by AIA to do a website that would include these registered designs?

MR. GOODE: Chair and Mr. White, I'm not aware of that, that's why we're gonna meet with them and see, you know, how we would do that. There's a possibility that some designs that are registered to architects may not even be members of Maui AIA but we can work through that.

COUNCILMEMBER WHITE: Okay. Yeah, that would be very interesting. Thank you.

CHAIR COUCH: Okay. Members, any further comment on this one? Ms. Cochran?

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COUNCILMEMBER COCHRAN: Yeah. So, on our behalf via your Department, Director, any in this upcoming Budget, would you need, you know, additional funding of sorts to try implement this into your existing program or your Department? Do you think would you need anything extra or...to implement this thing?

MR. GOODE: Mr. Chair and Ms. Cochran, no I don't think we need anything extra for it. I think we can handle it. We just need to kinda figure out how it will work and what the architects' concerns are as it relates in particular to their insurance and other responsibilities.

COUNCILMEMBER COCHRAN: Okay. All right. Very good.

CHAIR COUCH: Okay. Mister...Chair White?

COUNCILMEMBER WHITE: Yeah. My thought is that if the architects are generating revenue for this, and which they should, it seems more appropriate for them to do the website than for us to do the website.

CHAIR COUCH: And we could link to it.

COUNCILMEMBER WHITE: We could, yeah, the...there could be a link from DSA to their website or if there's some other group that wants to undertake the website development. It just...it seems to me that this is not something that we should be doing if it's generating income for the architects.

CHAIR COUCH: It's...yeah. I agree. Although we should have some sort of at least link to it to say, hey, this is available.

COUNCILMEMBER WHITE: Oh no, no --

CHAIR COUCH: Yeah.

COUNCILMEMBER WHITE: --I agree with that.

CHAIR COUCH: Yeah.

COUNCILMEMBER WHITE: I'm just not comfortable spending County funds to set up a --

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: --process, by which the architects are getting, you know, fed business so to speak. And --

CHAIR COUCH: Yeah.

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COUNCILMEMBER WHITE: --I think it's a great idea, just that the kuleana is theirs, not ours to develop the method.

CHAIR COUCH: Okay. Any other comments, questions? So it would be my recommendation that we do as Mr. Goode suggested, is that we basically make this an item to move to the next Council term. And then at some time, the Committee may wanna bring it up and see where Mr. Goode is in the process. Any objections to that, Members?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: You got that, Staff? Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. Yeah, okay. So I'm looking in my...the...our...we have it in our binder but I printed it out, that Sacramento County has this county-sponsored infill home plan program which incorporates what the architect, you know, pre-approved architectural plans are. And then, via the county, it's showing where potential developments, you know, can occur as we spoke earlier in regards to this, you know, comprehensive zoning of sorts. But this is the infill, which we seek to wanna implement these types of, you know, structures, dwellings, what have you. So it kinda goes hand in hand I see in a way where, you know, Director Goode and Water Department would know as for...per infrastructure what can handle additional structures, roads, you know, drainage, all that kind of stuff. So I think it kinda does go hand in hand but yes, in the end it's a pre-approved...architects are involved but...so they have it all online. And so it's a county kinda cosponsored, you know, public-private partnership going on here. So, yeah, there's examples so we can delve more into that with this item.

CHAIR COUCH: Okay. All right, Members, item number four which is our third item today, explore zoning and permitting issues relating to the establishment of tiny house communities and tiny houses on existing lots. The summary on this one is, tiny homes are being used successfully in many communities on the mainland to provide for needed housing. Some tiny homes are smaller homes, less than 400 square feet, and are built...that are built from conventional materials in the conventional manner. These homes are permitted under the County Building Code but are treated as any other home for zoning purposes. Other tiny homes are house-like construction built on trailer chassis. It is unclear how tiny homes with wheels are treated for purposes of the building and zoning Codes. One of the...there's 2 recommended actions, investigate the use of tiny homes in the County, including how to define the term tiny home, whether tiny homes would be clustered and where, what services, roadway, water, sanitation, et cetera, would be required and in what zoning district tiny homes would be allowed. Consider model ordinances from other jurisdictions where tiny

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homes programs have been successful. Basically, yes, tiny homes are okay on individual lots just like another...any other dwelling. I think part of this discussion should include potential, just for want of a better term, ecovillage-type lots, that have multiple tiny homes surrounding a garden or a community-type center. Those kind of things. I believe that's what the intent was as well. So, before we go too much further, can we talk about the one issue was tiny homes on a chassis trailer, and also potential pluses and minuses of these kind of ecovillage-type communities from both Mr. Spence and Mr. Goode, if you guys have any comments?

MR. SPENCE: Thank you, Mr. Chairman. We do look at tiny homes whether they're on a slab or post and pier or on a trailer. We look at them as a residence. I mean that's the intent of it. There's somebody living on the property. It's not just a, you know, somebody with their travel trailer running around. They actually are living on the property. It still has to meet setback requirements, _____ requirements, other requirements of zoning. You know, just like the big discussion with accessory dwellings, you know, where you're gonna have one primary tiny home and I suppose if you could...if your lot is of the proper size, you can have a second tiny home that would be accessory to the primary tiny home. And our Zoning Code does allow a number of homes per lot, not...I should say like R-2, minimum lot size is 7,200 square feet or 7,500 square feet. You can have your house and ohana in that 7,500 square feet. If you had 14-15, so if you had enough space that is 1 primary dwelling per 7,500 square feet, and 1 ohana as well. So, if you had enough space, if you had 20,000 square feet or something like...you could have 2 primary homes and your ohana. That's just the way that the Code is written. There's also...and we've seen very few projects like that, but that is a provision in the Code. There's also cluster housing section in our Code. I would...I personally would like to revisit that and do some kind of ecovillage or allow for, you know, many different size homes. One of the going things on the mainland is cottage housing, where there's...you can have a number of smaller homes on a property with like a, I wanna say a mini community center or common areas, those kinds of things. And they're becoming very popular. They're smaller so they're less work to maintain. And it...to me, probably the most important thing is they foster a sense of community. The...every...all the neighbors know each other, and that's one of the things that I think is so missing from your standard subdivision. Even in the '80s when I was in college, *Newsweek* came out with a article on Bye Bye, Suburban Dream, that talks about the woes of the standard subdivision where you never get to know your neighbors, your prominent feature of your house is your garage door, you know, and how you lose that sense of community in, you know, your standard subdivision. So I would certainly like to see some alternatives to what we currently have going. I know there's a big market for irregular subdivisions, and I'm not berating that at all. In my mind, it's better to build a community than it is just to build a subdivision. So that's sort of the way I view that. And I would like to get some ideas for additional cluster housing or, you know, ecovillage or some incentives, those kinds of things for more ecologically friendly design, be able to get those to the Council. Those are my comments, Mr. Chairman.

CHAIR COUCH: Thank you. Mr. Goode?

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COUNCILMEMBER COCHRAN: No, it was Mr. Spence.

MR. GOODE: Mr. Chair, so for our Department, if it's on a foundation then it's...it will require a building permit. If it's on a chassis, then it probably needs a vehicle registration, and we would not be involved. So, what I heard...what we heard was that in...for zoning, it would...they would be involved no matter what, so whether it's on a chassis or a foundation. And so we've looked at it, we...our folks have kinda plowed through the Code and see, 'cause the question keeps coming up, what's the minimum size you need to meet Building Code. And off the top of my head I can't remember the numbers. But we got it down pretty low, I was gonna say in the 200-square-foot to 300-square-foot range, where you would have a minimum size bedroom and then, however that's defined, and/or bed space and kitchen and bathroom. So that's...

CHAIR COUCH: So that sounds like some of these homes that you at least, the ones you see on these shows, they're as little as 100 square feet, believe it or not. So it sounds like if it were attached to the ground, it could be no less than you said around 200 square feet. So something like that we would have to make an exception for or add to Title 16. Is that what you're saying?

MR. GOODE: Yes. I think if you wanna get down to 100 square feet, you would need to change our Codes.

CHAIR COUCH: In Title 16?

MR. GOODE: Right. Sixteen twenty-six is the Building Code. So we'd have to look at that and we'd I guess take a look at those other jurisdictions that have allowed 100 square feet.

CHAIR COUCH: Okay.

MR. GOODE: I mean do they have communal bath or kitchen areas? How do they make that work? Where's the storage --

CHAIR COUCH: Okay.

MR. GOODE: --you know?

CHAIR COUCH: All right. Members, any questions? Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah. I like this stuff. I know Mr. Niess spoke otherwise the other day, but...and I've watched those shows, that tiny home show. And it's pretty incredible how they're very creative as to...as you state, Director Goode. Storage, and how does that all fit and they manage, believe it or not, with full...not like huge kitchens but they have all their, you know, essentials that they need to survive, and no more, no less. And they make it happen so I'm really excited about this concept.

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And so you're saying that currently, we can technically, legally build 200-square-foot dwellings right now --

MR. GOODE: Yeah --

COUNCILMEMBER COCHRAN: --on the ground?

MR. GOODE: --Mr. Chairman and Ms. Cochran, yeah I was gonna...I think I caution a little bit, don't quote me on that, I can get the exact number --

COUNCILMEMBER COCHRAN: Oh, okay, okay.

MR. GOODE: --but it was somewhere in that range, which is, you know, I mean 14x14. I mean from me to you is about like 20 something feet, and that will be only be 10 feet wide. So it's, yeah, it's a pretty small space.

COUNCILMEMBER COCHRAN: Right. But...and so, there is...there are a couple companies here that are doing those trailer _____ or I don't...I think they put 'em on the ground too maybe but...and they're what, 100 square...they're kinda like a Matson container, maybe not even quite the size of a Matson container, like size and shape too, which I guess obviously is okay to do, but they're on wheels. Is that right, Chair? Do you recall?

CHAIR COUCH: I've seen a combination of both. And plus, I don't know, Mr. Goode, I know Oahu has the shipping container village if you will. It actually looks pretty good for the homeless Housing First. Mr. Franco mentioned that documentary. By the way, just as an aside, Members, if you get a chance to see that documentary, it is very, very interesting and can...it has some answers, so I would suggest you look at it. It is a 2-hour, almost a 2-hour documentary, No Room in Paradise. It's the *Hawaii News Now*, the two channels that have that. It talks about what the problems are and a lot of potential solutions. So, it's something to take a look at, that's an aside. But they do have...they do show that they have the 20 by...what is it? Twenty by ten or are they 20x8 shipping containers that they've converted into places for people to sleep and store their belongings. So that's where...shipping container is 20x8 I think. Well, it might be 20x10.

COUNCILMEMBER WHITE: No, eight.

MR. GOODE: Yeah, I think --

CHAIR COUCH: Eight?

MR. GOODE: --they're all eight-feet wide.

CHAIR COUCH: It is eight.

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MR. GOODE: Yeah.

CHAIR COUCH: Okay. So that's the, you know, that's a 160 square feet.

MR. SPENCE: There's 40-footers.

CHAIR COUCH: Yeah.

MR. SPENCE: You have 40-foot containers...

CHAIR COUCH: Right. That they split in two and had two --

MR. SPENCE: Or...yeah --

CHAIR COUCH: --dwellings.

MR. SPENCE: --I see in other places, they go two-story or weld three of them together and you have an upper level lanai, and they're very creative what people are doing with containers.

CHAIR COUCH: Yet, according to what Mr. Goode was saying, if it was 120x8, it would not, and attached to the ground, it would not meet Building Code?

MR. GOODE: Again, Chair, I don't think it would. And we also have the Model Energy Code that it would need to meet. You know, it needs some kind of restrictions, or not restrictions, it would require some kind of insulation, et cetera, so it's not the air conditioning on constantly to even keep it a reasonable temperature. So, there's a number of things to look at. But I think anyone that's interested in building those things would have to just work through those issues. I mean it's one thing to build it. I think there's a lot of people that can build it 'cause it's pretty small. But it's another thing to get it permitted and make it really as usable as possible. Sounds like some of those ideas are out there, probably most people have seen them on TV. But someone just needs to put all the pieces together, and then decide if there's a marketplace for it and, you know, how to make sure it fits within the zoning.

CHAIR COUCH: Okay. Any further questions? Miss...Chair White and then Ms. Cochran. Ms. Baisa, did you have a question too?

COUNCILMEMBER BAISA: Later.

CHAIR COUCH: Okay.

COUNCILMEMBER BAISA: Yeah.

COUNCILMEMBER WHITE: So if there is a commercial property of say 2 to 3 acres in size, would there be any restrictions from placing 20 or 30 chassis-mounted tiny houses on

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that property if there was some sort of, you know, septic system or some sort of ability to have showers and common area of some sort?

MR. GOODE: Mr. Chair?

CHAIR COUCH: Mr. Goode?

MR. GOODE: Mr. White, I think at least for our Department, I think Will ought to respond as well, because if it's Commercially zoned like I said, it has to allow some type of a single-family or multifamily-type living arrangement. What we often see, and I know our Building Code folks often ask architects, when they come in with something that's certainly not something they see frequently, is they ask them to do a Code search. And for the architect of record, to actually go to the Codes and say, okay, here's where it meets it, here is where I have some questions where it may or may not meet it. 'Cause I think an arrangement like you described, to me it would require someone going...doing a Code search. Okay, where is it working, where is it not working, where is it questionable, you know, and to sit down say with our staff and try to figure that out. 'Cause places like that exist. I mean if you go to a state park on the mainland, you know, you get a camping spot or whatever, there's a communal bath area, there's showers typically. So those type of living arrangements exist. But I think the private sector just needs to come up with the ideas that they want to try to do and have someone, you know, sort through it and say, okay, where's it working, not working, and then come see us and if we need to, we gotta come see you folks, to change something.

COUNCILMEMBER WHITE: Okay. Thank you.

CHAIR COUCH: Yeah, and that's the intent of this item, is to say what do we need to change if we need to. I noticed Mr. Spence is doing a Code search. You did mention Commercial, which is the business, B-1, B-2, B-CT Districts, of which they allow multifamily homes. Now the question I would ask is whether it be Mr. Spence or Mr. Goode, probably Mr. Spence, can a cluster of those be considered multifamily dwellings? Because it...if...especially if you have a communal shower facilities and restroom facilities that are available, could that be considered a multifamily situation?

MR. SPENCE: Okay. Thank you. Mr. Chairman, I just...I chose the B-2 Business District and just...I'm just glancing at the permitted uses. I would...I'm gonna say this with the caveat that we would probably wanna sit down with the zoning and enforcement people and double check this. But it appears, you know, if they have any concerns or any caveats themselves, the B-2 Business District, one of the permitted uses is multifamily dwellings, duplexes and bungalow courts. Now, you turn to definitions, duplexes means it's basically a dwelling unit with two units in it. Okay, that doesn't help a whole lot. Multifamily, a multifamily unit means a building or portion thereof, which consists of three or more dwelling units, which is designed for occupancy by three or more families living independently of each other. So you could potentially, I guess you could do three units together at a minimum. I mean you can do

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apartments. But the bungalow courts, which is interesting that it's an old kinda cool concept that you see in some of the older cities, I always liked it as a concept, means two or more single-family detached dwellings occupied and arranged around one or two or three sides of a court, which opens onto a street.

CHAIR COUCH: That's it right there.

MR. SPENCE: So it seems like it's just an arrangement of however you arrange them onto the property that would constitute a bungalow court. We would wanna look at specific designs and things like that. But that certainly is a possibility. I'm hesitant to be 100 percent definitive here 'cause we haven't really explored or discussed this internally. But it certainly looks like you could do something like that with tiny homes or moderately-sized homes, you know, a...you know, there's a number of options that somebody could approach.

CHAIR COUCH: And to follow up on that, Chair White and Mr. Spence, you know, you mentioned that you'd have to go to zoning and see how they would interpret it and work on it, keep in mind that the policy is set here so if there is a question of interpretation, you may wanna come to Council and say, how should we interpret this or what can we do to make the ordinance less ambiguous and more straightforward? Because I think that's what we're trying to do, is get some intent from a policy making body to say, yes, this is something that we want or no, this is something we don't want. And --

MR. SPENCE: Right.

CHAIR COUCH: --correct me if I'm wrong, Chair White. He's not correcting so I guess I'm not wrong.

MR. SPENCE: And I would also say, remember that you...these...like a bungalow court, what's described here could either be for sale or for rent. So one landowner could have a number of units for rent or they could be...you could probably do like a condominiumization and sell those independently of each other.

CHAIR COUCH: And that's on Commercial B-2 property, right?

MR. SPENCE: That's on B-2. And I think you could probably do it on B-3 as well. I don't think B-1.

CHAIR COUCH: Okay. Does that answer your question, Chair White?

COUNCILMEMBER WHITE: Yes. Thank you, Chair.

CHAIR COUCH: Okay. I think, miss...okay, Ms. Cochran then Ms. Baisa.

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COUNCILMEMBER COCHRAN: Thank you. I like that concept very much. You know, I think I don't know, Mr. Spence, if you're familiar in Kahana area where China Boat is, behind the gravelly parking lot and there's like sort of bungalow-type dwellings there. So it kinda seems like in my mind would resemble this Code you're describing right now in a sense.

MR. SPENCE: Yeah.

COUNCILMEMBER COCHRAN: But --

MR. SPENCE: I'm not...

COUNCILMEMBER COCHRAN: --what Code is this exactly that you're looking at?

MR. SPENCE: This is out of 19.18 B-2 Commercial District.

COUNCILMEMBER COCHRAN: Nineteen point eighteen. Okay, Commercial B-2.

MR. SPENCE: Correct.

COUNCILMEMBER COCHRAN: Okay. And I'm looking at...so, Chair Couch, in our TIG, remember when I wanted...we searched for our own County inventory, County lands, and I found three --

CHAIR COUCH: Right. That's the next --

COUNCILMEMBER COCHRAN: --Residential --

CHAIR COUCH: --item too.

COUNCILMEMBER COCHRAN: --zoned...oh, okay, is that the next item? Okay, sorry. But I thought on the...because they tend to be smaller lots that we have, we, you know, don't own huge tracts of land, and they're already zoned Residential, what have you, that perhaps we could do this style of dwellings, tiny homes types on these lots. And so anyways, it sort of ties into the next discussion I suppose at this point but...so yeah, I'd like to chime in on that at that point.

MR. SPENCE: And...

CHAIR COUCH: Mr. Spence?

MR. SPENCE: Mr. Chairman, I looked and you could do the same either apartments, duplexes, or bungalow courts in the B-3 District. We don't have very much B-3. You could not do it in B-1. That's for neighborhood Commercial zoning that where the services are really supposed to be geared to the immediate area. And those apartments and everything are not allowed in B-1. So B-2 or B-3, you could do this.

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CHAIR COUCH: So, Mr. Spence, what you're saying is, currently we have something that we could fit into current zoning. But would it be also fair to say that if we came up with another category of zoning, say bungalow or something like that, it would A, first of all, not take up valuable commercial --

MR. SPENCE: Exactly.

CHAIR COUCH: --zoning but will allow, you know, a different type of residential district. Would that be a potential recommendation?

MR. SPENCE: Yes. As you say, the Commercial District zoning is that lands can be very valuable. Any investor, any property owner is gonna go, okay, what's it gonna get me, I mean it's Commercially zoned, you're looking to...for businesses or whatever. Leasing it out or building your own and...business. What's gonna bring the highest return. I'm not sure that housing would do that. It could be in some cases. But yeah, I think there's room for another zoning district for this kind of thing. Or as I said earlier, look at the cluster housing ordinance or some kinda cottage housing or that kind of thing that would provide the kind of flexibility for alternative designs.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: Real...sorry --

CHAIR COUCH: Is...a follow-up?

COUNCILMEMBER COCHRAN: --just a quick a follow-up. And sorry, I'm trying to look up, Director Spence, where this bungalow section is.

MR. SPENCE: Okay.

COUNCILMEMBER COCHRAN: Is there a specific...

MR. SPENCE: The...it...

COUNCILMEMBER COCHRAN: So the specific --

MR. SPENCE: It's in the definitions.

COUNCILMEMBER COCHRAN: --Code.

CHAIR COUCH: Nineteen point...

COUNCILMEMBER COCHRAN: Oh, okay.

MR. SPENCE: Nineteen point zero four.

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COUNCILMEMBER COCHRAN: And so it just states what the definition of bungalow --

MR. SPENCE: Right. And so, you look under C.

COUNCILMEMBER COCHRAN: --courts are.

MR. SPENCE: It says court, bungalow.

COUNCILMEMBER COCHRAN: Okay. All right.

CHAIR COUCH: Okay. Ms. Baisa?

COUNCILMEMBER COCHRAN: Oh, and sorry, sorry --

CHAIR COUCH: Oh, sorry.

COUNCILMEMBER COCHRAN: --sorry, sorry, sorry. And so the new Pulelehua, is that now considered cluster housing or cluster whatever?

MR. SPENCE: That's --

COUNCILMEMBER COCHRAN: 'Cause...

MR. SPENCE: --project district.

COUNCILMEMBER COCHRAN: Oh, okay. So that's --

MR. SPENCE: That has...

COUNCILMEMBER COCHRAN: --allowed to --

MR. SPENCE: Yeah --

COUNCILMEMBER COCHRAN: --rearrange --

MR. SPENCE: --they...

COUNCILMEMBER COCHRAN: --your dwellings as long as you stay within the number --

MR. SPENCE: Right.

COUNCILMEMBER COCHRAN: --of units.

MR. SPENCE: There are minimums and maximums that that new...the owner must observe. He must observe the...whatever the Zoning Code says. So there's...without looking at

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that specific ordinance, I recall there's kind of arranged...there's a couple different district. There's the central and the primary districts in different areas within the project that...where uses are more intense or less intense, single-family, multifamily, yeah. It's a --

COUNCILMEMBER COCHRAN: Okay.

MR. SPENCE: --design that, you know, he just has to meet the criteria of that ordinance.

COUNCILMEMBER COCHRAN: Okay. Project district again. Okay.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: Got it. Thank you.

CHAIR COUCH: Ms. Baisa?

COUNCILMEMBER COCHRAN: Sorry.

COUNCILMEMBER BAISA: Thank you, Chair. I have a different kinda question.

CHAIR COUCH: Okay.

COUNCILMEMBER BAISA: You know, we've been sitting here now for a long time talking about these recommendations and looking at all kinds of regulations and section this and section that, that, you know, doesn't allow it or we have to change it or fix it or whatever. And of course, I'm still again trying to focus on what we're trying to do here, which is to get some stuff built. Does the County have...do we as a Council, have the privilege or the authority to do like what Governor Ige did to issue some kind of emergency exemption for some period of time so that we can just move a lot of this stuff? I mean get something built without going through all of this. I mean he issued exempted from this, this, this, this and this. We cannot do the same thing with our own stuff? And again, it would be for a limited time because of the emergency.

CHAIR COUCH: I would ask Corporation Counsel that question.

COUNCILMEMBER BAISA: I think that's one for him.

MR. HOPPER: Well, and, Mr. Chair, we can look into that. I think that was something that was considered during the time that the Governor did come up with that proclamation. But I wasn't necessarily privy to all of the details of that and wouldn't wanna speak out of turn before finding out that information. So I just...I'm not comfortable answering offhand on a question like that.

CHAIR COUCH: Okay.

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COUNCILMEMBER BAISA: Chair, I would appreciate it if we got that in writing.

CHAIR COUCH: Sure. We'll send a request for...

MR. HOPPER: Again, I think the Council was briefed on this with respect to a lot of the bills that have come up. I don't wanna necessarily have a totally new item on this if it's already been answered. So I mean if we could, you know, reference something that's already been done or provide an oral response would be preferable as well. If there's already something in the record that we can point to that has that. That's all I'm saying.

CHAIR COUCH: Right. It would be just a letter asking for you to point us to that spot. It wouldn't be a whole new item in the Committee, I don't think. Does that help?

COUNCILMEMBER BAISA: No, that is helpful. I think it's important that we do this and unfortunately, we're at this terrible juncture in our work where we're looking at a new Council and referring matters to a new Council. But as this lame duck Council, it'd be nice if we got something straight so that they can just go.

CHAIR COUCH: Yeah.

COUNCILMEMBER BAISA: Thank you.

CHAIR COUCH: Okay. Members, any other comments on this? So, I would recommend too that we send this item as a separate item and have a potential...take a look at a potential zoning category, zoning district called either bungalow or see if cluster housing fits, where the tiny homes could fit into cluster housing. Also, take a look and see what we have to change in 16.26, to see if we can allow tiny homes smaller than 200 and whatever square feet, to be attached to the ground as opposed to have to have it on a trailer kind of thing. But I think there is some...and this could be a really quick way of getting some...especially Housing First projects going. I know San Antonio, Texas has something similar to this with tiny homes that they rent. They're all for rent and they're all in a court and they use that to do Housing First. All right, any objections to that recommendation? Staff, you have that?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. Last item, and maybe we can get through this. It's item number five, the fourth item for today, identify underdeveloped properties with Multifamily and Industrial designations that could be targeted for redevelopment as multifamily housing. The recommended action is to ask the Department of Planning to identify the properties that are underdeveloped and to query owners about their reasons for not building. The Planning Committee would then use the information gathered by the Department of Planning to find solutions and incentives for landowners who are willing to build multifamily housing projects on their property. Mr. Spence, I think...thank you, Mr. Goode, appreciate your comments. Mr. Spence, that seems like

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something that could be at least the first portion saying, identify the properties, multifamily properties that are under...Multifamily or Industrial, that are underutilized at this point. That should be a quick, you know, GIS query I would think. Any comments on that? And turn your mic on.

MR. SPENCE: I'm not too sure how quick it would be, but I think we've done a lot of that already.

CHAIR COUCH: Okay.

MR. SPENCE: We can come up with maps.

CHAIR COUCH: Great. The next portion, and I don't know who, you know, the recommendation was that ask...for you to ask the owners, but maybe we can either work with Housing to do that or if you want, if...I know you've got plenty of time and a lot of staff that you're able to do this, or give the list to the next Planning Committee and maybe they can, you know, the Staff can query.

MR. SPENCE: Sure. We can...I know we can generate a list of property owners, that's pretty easy, and at least mailing addresses.

CHAIR COUCH: And then maybe the Planning Committee can decide which ones to take a look at and have OCS staff go ahead and --

MR. SPENCE: Yeah.

CHAIR COUCH: --request.

MR. SPENCE: And we're happy to work with OCS to...on this, so.

CHAIR COUCH: Okay. And, Members, any questions, comments on that one?

UNIDENTIFIED SPEAKER: No.

CHAIR COUCH: Okay. My comment on this is we'll go ahead and make that an item, wait...do you need a formal request from us or is this good enough for request for you to come up with that?

MR. SPENCE: Send us a letter but...

CHAIR COUCH: Okay. We'll send you a letter. And so, we have it all ready to go for the next Planning Committee to come through and just come and take a look and call the...get in contact with the owners. Members, these are the top five priorities we worked on in the last two or three meetings that the TIG came out with. I wanna thank Ms. Cochran for chairing the TIG, Ms. Baisa for being a member of the TIG and all the people who were involved, the County departments, the public and private sectors out

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there, and our Staff, Mr. Garneau, and Sarah and Autumn, for really doing a good job on getting this TIG report. The TIG I believe goes away automatically at the end of this month, I believe November 30th was it. So I wanna thank you. We got these five items, the other nine items are out, and hopefully the respective chairs will get to work on those right away. So, hopefully, middle of next year, towards the end of next year, we have some really good stuff going out. So, I really appreciate it and if there's no further comment on this...any comments, Members? Ms. Cochran?

COUNCILMEMBER COCHRAN: No, just thank you for your, you know, guidance on all this. So, you know, you too, you did an awesome job and I know you won't be here with us but please follow along with us --

CHAIR COUCH: Oh yeah.

COUNCILMEMBER COCHRAN: --and definitely --

CHAIR COUCH: Will.

COUNCILMEMBER COCHRAN: --comment and --

CHAIR COUCH: Definitely will.

COUNCILMEMBER COCHRAN: --wherever you can 'cause you have a lot of background and historical knowledge with this stuff. So, thank you.

CHAIR COUCH: Okay. Thank you.

ACTION: REFERRAL of the following to the Council Chair: 1) matter relating to comprehensive rezoning based on community plans; 2) matter relating to comprehensive district boundary amendments based on Maui Island Plan; 3) matter relating to expediting the building plan review process by developing a catalog of pre-approved plans; 4) matter relating to exploring zoning and permitting issues to establish "tiny house" communities and tiny houses on existing lots; and 5) matter relating to identifying underdeveloped properties with multifamily and industrial designations that could be targeted for redevelopment as multifamily housing. (Excused: DG and MV.)

CHAIR COUCH: Members, any further comments? That being said, this meeting is adjourned. . . .(gavel). . .

ADJOURN: 11:41 a.m.

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APPROVED BY:

A handwritten signature in black ink, appearing to read "Don Couch", written over a horizontal line.

DON COUCH, Chair
Planning Committee

pc:min:161117:acqp

Transcribed by: Ann Carmel Q. Pugh

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CERTIFICATE

I, Ann Carmel Q. Pugh, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 12th day of December, 2016, in Kula, Hawaii



Ann Carmel Q. Pugh