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**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of June 18, 2021  
9:00 a.m.

Meeting Site: Online Only via BlueJeans link <https://maui.bluejeans.com/295235670>

Please contact the Office of the County Clerk for more information.

Meeting will be televised on Akaku: Maui Community Media, Channel 53, and  
livestreamed on <https://mauicounty.legistar.com>

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>

e-mail: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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**ORAL OR WRITTEN TESTIMONY**

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for up to three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier may be allowed one minute to conclude the testimony on the item. The time limits for testimony at a Council meeting may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

Individuals may provide oral testimony by phone or video conference. To join the meeting by phone, call 1-408-317-9253 and input meeting code 295235670. To join by video conference, use the following link: <https://maui.bluejeans.com/295235670>.

Testifiers will be asked to disconnect from the video conference meeting once their testimony has concluded. Once the testimony period has closed, only the Councilmembers, staff, and designated resource persons will be connected to the video conference meeting. All other individuals will be disconnected. Individuals wanting to view the remainder of the meeting may do so on Akaku Channel 53 or on <https://mauicounty.legistar.com/>. Individuals may be disconnected from the meeting for breaking decorum.

If the connection between any testifier and the video conference is lost, the meeting will still continue. Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk (808-270-7748) prior to the meeting.

If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

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A. **ROLL CALL**

B. **OPENING REMARKS:** COUNCIL VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ

C. PLEDGE OF ALLEGIANCED. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NONE.

F. SET THE CONSENT CALENDARG. PRESENTATION OF WRITTEN OR ORAL TESTIMONYH. MINUTES:

Regular Meeting of April 6, 2021  
Regular Meeting of April 16, 2021

I. ACTION ON THE CONSENT CALENDARCOUNTY COMMUNICATIONS:

NO. 21-270 - PROSECUTING ATTORNEY, transmitting a copy of the grant agreement from the State of Hawaii, Department of Transportation, for the Maui Prosecutor's Office Impaired Driving project in the amount of \$33,365.

NO. 21-271 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a copy of the Contract Modification Order No. 2 from the State of Hawaii, Department of Health in the amount of \$99,000 for Electronic Waste Collection.

NO. 21-272 - DIRECTOR OF FINANCE, transmitting 103 contracts/grants for the month of May 2021.

J. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 21-273 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for March 2021 for all registered well reporters in the County of Maui.

NO. 21-274 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending May 2021.

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**J. COMMUNICATIONS (continued):**

- NO. 21-275 - CHAIR, PLANNING AND SUSTAINABLE LAND USE COMMITTEE, transmitting County Communication No. 15-152, from the Planning Director transmitting the Planning Director's Report and Recommendations related to Council Resolution No. 14-114, "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO ALLOW FOR THE CREATION OF AGRICULTURAL CONSERVATION LOTS".
- NO. 21-276 - CHAIR, PLANNING AND SUSTAINABLE LAND USE COMMITTEE, transmitting County Communication No. 18-351, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM D-2 DUPLEX AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTY IDENTIFIED AS TAX MAP KEYS (2) 4-6-011:011 AND (2) 6-011:028, LOCATED AT THE CORNER OF HONOAPIILANI HIGHWAY AND 266 DICKENSON STREET, LAHAINA, MAUI, HAWAII", and related documents.
- NO. 21-277 - CHAIR, PLANNING AND SUSTAINABLE LAND USE COMMITTEE, transmitting County Communication No. 18-285, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING HO'OMOANA FOUNDATION, A HAWAII NONPROFIT CORPORATION, A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF THE HO'OMOANA OVERNIGHT CAMPGROUND FOR PROPERTY SITUATED AT HOKIOKIO PLACE AND LAHAINA BYPASS ROAD AND IDENTIFIED AS TAX MAP KEY NO. (2) 4-7-003:031 (POR), LAHAINA, MAUI, HAWAII", and related documents.
- NO. 21-278 - CHAIR, PLANNING AND SUSTAINABLE LAND USE COMMITTEE, transmitting
1. County Communication No. 19-347, from the Planning Director, transmitting copies of documents and the following proposed bills entitled:
    - (a) "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM PROJECT DISTRICT 12 TO AGRICULTURE FOR PROPERTY SITUATED AT MAALAEA, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-6-001:018"; and
    - (b) "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM OPEN SPACE ZONE, R-3 RESIDENTIAL AND ROAD/STREET RESERVE ZONE TO AGRICULTURE FOR PROPERTY SITUATED AT MAALAEA, WAILUKU, MAUI, HAWAII, BEING PORTIONS OF TAX MAP KEY (2) 3-6-001:018"; and
  2. Planning and Sustainable Land Use Committee Report 20-9 (Recommitted).

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J. COMMUNICATIONS (continued):

- NO. 21-279 - COUNCIL CHAIR LEE, transmitting a proposed resolution entitled, "AUTHORIZING ACCEPTANCE OF THE DONATION OF 185 PAIRS OF FOOTWEAR TO THE OCEAN SAFETY BUREAU OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY".
- NO. 21-280 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A BILL FOR AN ORDINANCE ESTABLISHING CHAPTERS 19.98 AND 20.41, MAUI COUNTY CODE, DECLARING A MORATORIUM ON NEW TRANSIENT ACCOMMODATIONS ON MAUI".
- NO. 21-281 - COUNCILMEMBER RAWLINS-FERNANDEZ, relating to the Department of Fire and Public Safety helicopter contract.
- NO. 21-282 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to economic development and tourism management.
- NO. 21-283 - COUNTY AUDITOR, transmitting the County of Maui Single Audit Report for the Fiscal Year Ended June 30, 2020, submitted by N&K CPAs, Inc.
- NO. 21-284 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE - ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY)".
- NO. 21-285 - COUNCILMEMBER SINENCI, relating to an audit for Maui County roadways, including surfacing schedule.
- NO. 21-286 - PLANNING DIRECTOR, relating to the Molokai Education Center, Kaunakakai, Molokai, transmitting copies of documents and the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII, TAX MAP KEY NOS. (2) 5-3-003:013 AND (2) 5-3-003:014"; and
  2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII, TAX MAP KEYS (2) 5-3-003:013 AND (2) 5-3-003:014".

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:NO. 21-38 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending the following:

1. **PUBLIC HEARING ON LANA'I** be **HELD** on bill to amend the Countywide Policy Plan to incorporate the amended Section IV by adding "Mitigate Climate Change and Work Toward Resilience" as a goal of the Countywide Policy Plan;
2. **PUBLIC HEARING ON MAUI** be **HELD** on bill to amend the Countywide Policy Plan to incorporate the amended Section IV by adding "Mitigate Climate Change and Work Toward Resilience" as a goal of the Countywide Policy Plan;
3. **PUBLIC HEARING ON MOLOKA'I** be **HELD** on bill to amend the Countywide Policy Plan to incorporate the amended Section IV by adding "Mitigate Climate Change and Work Toward Resilience" as a goal of the Countywide Policy Plan;
4. **FIRST READING** of bill to amend the Countywide Policy Plan to incorporate the amended Section IV by adding "Mitigate Climate Change and Work Toward Resilience" as a goal of the Countywide Policy Plan, following the public hearing; and
5. **FILING** of communication.

NO. 21-39 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending **FIRST READING** of bill to temporarily maintain the status quo in the development of hotels and other visitor accommodations in South Maui and West Maui until the respective community plans for the areas are updated or two years have passed, whichever is sooner, because of environmental and other impacts.

NO. 21-40 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Kaulana Mossman to the Liquor Control Adjudication Board, for a term expiring on March 31, 2023.

K. COMMITTEE REPORTS (continued):NO. 21-41 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Edward Romson to the Council on Aging, for a term expiring on March 31, 2023.

NO. 21-42 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Eric Cuomo to the Cost of Government Commission, for a term expiring on March 31, 2023.

NO. 21-43 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FILING** of communication relating to a downloadable application for reporting illegal fireworks.

NO. 21-44 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to require a conditional permit for zipline, canopy, and bungee jumping tour operations in the County Agricultural District; and
2. **FILING** of communication.

NO. 21-45 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Comprehensive Zoning Ordinance on permitted uses in the Urban Reserve District to provide clarity regarding permitted uses and structures that are consistent with other zoning districts including single-family dwellings and accessory dwellings, bed and breakfast homes, and other usual public or government uses; and
2. **FILING** of communications.

L. RESOLUTIONS:

NONE.

**M. ORDINANCES - SECOND AND FINAL READING:**

BILL NO. 56 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, WAIALE LAND ACQUISITION"

BILL NO. 57 (2021) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE RELATED TO THE LAHAINA WATERSHED FLOOD PROTECTION PROJECT"

BILL NO. 58 (2021) - "A BILL FOR AN ORDINANCE AMENDING SECTION 20.08.031, MAUI COUNTY CODE, REGARDING LIMITED EXCLUSIONS FOR GRADING AND GRUBBING PERMITS AND AMENDING THE CATEGORICAL EXCLUSION FOR TRENCHING FOR UNDERGROUND UTILITIES"

BILL NO. 59 (2021) - "A BILL FOR AN ORDINANCE RELATING TO THE COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS"

**N. UNFINISHED BUSINESS:****COUNTY COMMUNICATIONS:**

NO. 21-264 - FIRE CHIEF, transmitting a proposed resolution entitled, "AUTHORIZING ACCEPTANCE OF THE DONATION OF 185 PAIRS OF FOOTWEAR TO THE OCEAN SAFETY BUREAU OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

**NOTE:** "BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.

ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT [MAUICOUNTY.LEGISTAR.COM](http://MAUICOUNTY.LEGISTAR.COM).

THIS ONLINE MEETING IS BEING CONDUCTED IN ACCORDANCE WITH THE GOVERNOR'S MOST RECENT EMERGENCY PROCLAMATION ON COVID-19. IF BLUEJEANS CONNECTIVITY AFFECTING QUORUM IS LOST, THE COUNCIL WILL BE IN RECESS. IT WILL NOT BE CONSIDERED A LOSS OF QUORUM UNLESS CONNECTIVITY CANNOT BE RESTORED WITHIN 30 MINUTES. IF CONNECTIVITY AFFECTING QUORUM CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING WILL AUTOMATICALLY RECONVENE THE FOLLOWING TUESDAY AT 9:00 A.M., USING THE SAME VIRTUAL