

**LĀNA‘I PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 19, 2025**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Mr. Reynold Gima, Chair, at approximately 5:00 p.m., Wednesday, February 19, 2025, online via Webex videoconferencing platform, Meeting ID: 2663 856 4660 and Password: 021925; and at the Current Planning Conference Room, One Main Plaza, 2200 Main Street, Wailuku, Hawaii, 96793; and at the Maui County Council, Lanai District Office, 814 Fraser Avenue (entrance on Gay Street), Lanai City, Hawaii 96763.

A quorum of the Commission was present. (See Record of Attendance)

Mr. Reynold Gima: Alright, good afternoon, everyone. I want to welcome all of you to the February 19, 2025 meeting of the Lanai Planning Commission. Let the record show we have quorum with Commissioners Alboro, Atacador, Grove, and Fujie-Kaauamo on camera. And I think Commissioner Rabaca will be joining us soon.

Just some housekeeping item. All the commissioners must be on camera throughout the meeting and all votes by show of hands. And at this time I want to ask the Commissioners if you are alone, or someone is in the room with you. Nikki?

Ms. Nicole Alboro: I'm alone.

Mr. Gima: Okay, thank you. Michelle.

Ms. Michelle Fujie-Kaauamo: I'm alone.

Mr. Gima: Thank you. Lisa?

Ms. Grove: I'm alone.

Mr. Gima: Thank you. And Erin?

Ms. Erin Atacador: I'm alone.

Mr. Gima: Alright. I too am alone. Okay for public testimony, those of you in attendance, if you want to sign up and testify, please include that in the chat, provide your name and which agenda item you wish to testify on. Until such time that you are called, please mute both your audio and video. Testimony will be limited to three minutes and please direct the testimony to the planning commission. We will also take a walk-in testimony at the County's Planning Division Conference Room and Council Member Johnson's office here on Lanai.

**B. PUBLIC HEARING (Action to be taken after public hearing.)**

- 1. A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.30A (AGRICULTURAL DISTRICT) and 19.36B (OFF-STREET PARKING AND**

**LOADING), MAUI COUNTY CODE, ALLOWING MOBILE FOOD TRUCKS OR TRAILERS IN THE AGRICULTURAL DISTRICT**

**Ms. Kate L.K. Blystone, Planning Director, referring to the Maui, Molokai and Lānaʻi Planning Commissions, a proposed bill to amend Maui County Code Chapters 19.30A and 19.36B, which would allow mobile food trucks or trailers in the Agricultural District. The bill proposes to amend Chapter 19.30A by amending the definitions of “Agricultural Food Establishment” and “Agricultural Products Stand” to include mobile food trucks or trailers, thereby allowing them, under certain provisions, to be considered as permitted accessory uses in the Agricultural District. The bill also proposes to amend Chapter 19.36B to restrict mobile food trucks or trailers from occupying any required parking spaces. (G. Pfost)**

**The Commission may receive a presentation from Gabe Johnson, Maui County Councilmember and Chair of the Agriculture, Diversification, Environmental, and Public Transportation Committee. The subject Ordinance was introduced to the Maui County Council by Councilmember Johnson.**

**The entire text of the proposed bill for ordinance is available at:**  
<https://www.mauicounty.gov/DocumentCenter/View/150841/Reso-24-171-CD1>

Mr. Gima: So let me see, looks like, Sandi is not here yet. Okay, let's, let's move on. First item of business is public hearing, a bill for an ordinance amending Chapters 19.30A, Agricultural District, and 19.36B, Off Street parking and loading, Maui County Code, allowing mobile food trucks or trailers in the agricultural district. Ms. Kate Blystone, Planning Director, referring to the Maui, Molokai, Lanai Planning Commissions, a proposed bill to amend Maui County Code Chapters 19.30A and 19.36B, which would allow mobile food trucks or trailers in the agricultural district. The bill proposes to amend Chapter 19.30A by amending the definitions of agricultural food establishment and agricultural product stand to include mobile food trucks or trailers, thereby allowing them under certain provisions to be considered as permitted accessory uses in the agricultural district. The bill also proposes to amend Chapter 19.36B to restrict mobile food trucks or trailers from occupying any required parking spaces. At this time I will turn this over to Greg. And I think after Greg's presentation, we will receive a presentation from Council Member Gabe Johnson. Okay Greg?

Mr. Greg Pfost: Yes, thank you Chair, Members of the Commission. Good to be here with you today. I have a power point presentation to go over with you to help describe this bill. And, and, if you can bear with me, let me see if I can share my screen here.

Mr. Gima: Hey Greg before you before you start, just want to recognize that Council Member Rabaca is in attendance and on camera. Sandi, is anyone else in the room with you?

Ms. Sandi Rabaca: Yes. Hi, sorry. I'm on Oahu ready to give birth. I just got through an appointment. Yeah, I have my mom, my son and my cousin with me.

Mr. Gima: All right. Thank you for your dedication to the LPC and tonight's meeting. Alrighty. Go ahead Greg.

Mr. Pfof: Okay, well thank you and so I have a few slides here that I'm going to present and hopefully go over this and importantly provide a little bit of background on both in this agenda item and the next agenda item as well to give you a little bit of background of how Maui County Code currently treats either mobile food trucks or ag tourism.

So the item before you is regarding to this item is specifically regarding allowing mobile food trucks and trailers in the agricultural district. That's the purpose of the bill and the ordinance that's before you. Just a little bit of background, on November 21<sup>st</sup> of last year, the ADEPT (Agriculture, Diversification, Environment, and Public Transportation) Committee discussed and forwarded a resolution to the Council. There's also ADEPT Committee report that's attached to your agenda that gives a little bit more background on it. And then also then on December 6<sup>th</sup>, the County Council heard that or reviewed that resolution and then forwarded that or referred that proposed bill to the Planning Commissions for action and transmittal of their findings and recommendations to the Council. So that's why we're here tonight. The Lanai Planning Commission is the first Commission of the three Commissions to review this bill.

Let me give you a little bit of background on land use policy related to agriculture use. I provided these slides before when we discussed the other agricultural code amendments. And just as a reminder, it's important whenever we look at code amendments to Title 19 or changes to Title 19, which is our zoning code, it's important for us to look at the General Plan and those policies that provide us direction on how we should move forward with in Maui County, and our zoning code Title 19 needs to be consistent with the General Plan.

So I've listed here a variety of policies that talk about the importance of retaining and encouraging agricultural lands in the County. How imperative that is for the County both in the Countywide Policy Plan and the Maui Island Plan. And as you may know, as I mentioned, the Maui County Code Chapter 19.30A which is our Agricultural District, is the implementation tool, the General Plan for Ag, Ag purposes. And within that, the purpose and intent of the ag district, as you can see it kind of falls in line with the General Plan to talking about preserving and protecting agricultural resources, and things like that. So that's what Title 19 talks about; it's purpose and intent.

I would be remiss if I didn't also mention that the General Plan includes other policies that talk about other ways to support farmers besides just some of the agricultural policies that I mentioned earlier. The things policies that talk about develop regulations programs that support opportunities for local merchants, farmers, and small businesses sell their goods and services directly to the public. These policies and these are also within the report that we

prepared for you are, are kind of help back up some of the reasons for some of the, the proposals before you as well as the next item as well.

Community plans also include other policies that talk about supporting the farmers and here's a couple from the two policies from a couple of the community plans. I'm not going to read them or go into any detail. I might, I'm sorry about the busyness of this slide, but I'd like to also first talk about, give you some background on product sales in the agricultural district and how we currently deal with product sales in the agricultural district.

As you may know, like any district in our zoning code, the agricultural district incur, includes a list of permitted uses, accessory uses, and specialty uses. And within the permitted use, the principal permitted uses are, as you would imagine agricultural, animal and livestock raising, and a few other so it's more kind related uses or the principal uses. Accessory uses which are secondary and incidental to the principal uses are things such as farm dwellings or second farm dwellings or farm labor dwellings, also ag structures such as barns and those things that you need to support your agricultural use, being accessory. An important accessory use within the Ag District is called commercial ag structures or commercial agricultural structures. I use ag for abbreviation. But, and so that's, that's something that we're going to be talking about, I'm going to be talking about as this presentation moves forward is commercial ag structures.

Also, I might note there's also Special Uses which the planning, with approval from the planning commission can approve things such as additional farmed dwellings over and above what's permitted in accessory uses. Or, also which important for this discussion is we can approve commercial ag structures beyond that that is allowed in the accessory uses. So special uses are these things are a little bit beyond what is normally factored in as accessory, but we can do that through approval of planning commission.

So, I'm going to focus now on the commercial ag structure, which as I mentioned, is an accessory use in the ag district. And the commercial ag structure actually includes four different types of product sales in the ag district in which you can sell your farming, your farm product. The four prod, the four districts, two of them I've noted here that agricultural food establishment and agricultural product stand. Agricultural food establishment, this is the definition of it, and it is a building or structure that prepares and serves food at retail. In an agriculture project product stand is a building a structure or a place that is partially enclosed by walls for the display and sale of agricultural products. So think of it as more of a vegetable stand or a stand that where you're selling your product as opposed to a food establishment where you're actually preparing and serving food. The other two of the four of the commercial ag structures are agricultural retail structure, which is a fully enclosed building or structure for the display and sale of agriculture product. So if it's a little bit, you might think of it as a little bit larger of a structure than a typical stand. It would be actually more of like almost a retail store of some sort where you have the display and sale of agriculture products. Additionally in the agriculture retail structure, you can include logo items related to the producer's agriculture operations or other food items.

And also that in the fourth item of the commercial ag structures, the fourth way to sell product for the farmer is a farmer's market. And I think everybody knows for the farmer's market is. It's basically leasing spaces or stalls for the outdoor sale of agriculture products.

So these commercial agricultural structures, the four different types are required to follow some different, some standards within our zoning code. And, and within our zoning code, if you want to do any one of these four agricultural structures, you need to register that structure with the Department of Planning. The structures can sell agriculture products or value products that are not grown, raised or caught or produced on the lot. So you can sell a variety, wide variety of agriculture products and but they need to be sold on the commercial agriculture structure where the commercial agriculture structure is located on a lot. So, and as long as an active agriculture operation is present on the lot. So you have to have basically a farm going on. You can have one of these commercial ag structures, one of the four, and you can sell products that aren't necessarily grown on the farm. You also have to provide a farm plan showing that you have that active agriculture operation occurring and the department will actually inspect to make sure that that's occurring before we approve the agricultural, commercial agricultural structure.

There's some maximum size requirements or if you exceed those size requirements, you're required to have a Special Use Permit approved by the Planning Commission. All of the agricultural retail structures and food establishments that serve food should require a permit as required by the State Department of Health. And then within an agriculture retail structure, other food items and logo items shall occupy no more than 40 percent of the total floor area.

So that's currently what we have in our existing municipal code. You can do four of the, you can actually --. I'll step back. You know, you're allowed to do two commercial ag structures on your property as accessory structures. So you can do two of, any two of the four that are provided as commercial ag structures that I went over.

With the proposed bill is doing is, basically, adding mobile food trucks and trailers to the definitions of agriculture food establishment and agricultural stand, retail stand. And, and the reason why this bill is moving forward is currently, as you just saw in the definitions that I presented earlier, ag food establishments and ag product stands are noted in the definitions as structures and buildings, but not as anything related to a vehicle. And so subsequently it's been the Department's position that a mobile food truck or a trailer is not permitted in the ag district outright as a commercial ag structure. Instead, you would have to get approval of a Special Use Permit by the Planning Commission because it's something different than what the Code allows. So that's the Department's, the Department's position on mobile food trucks that you have to get approval of the Special Use Permit by the Planning Commission.

The purpose of this bill then is really to allow mobile food trucks or trailers as an allowable commercial ag structure without requiring a Special Use Permit. So it's putting it in the Code,

adding it to the definition so that we no longer have to require a Special Use Permit for a mobile food truck.

The specific provisions that are being revised are the proposal is to amend the definition of agricultural food establishment to also include in the quotations mobile food truck or trailer operated on a farm by a producer where the food truck or trailer is located, so it's adding that language to the definition of agricultural food establishment. Excuse me. Additionally, it's amending the definition of agricultural project, project, project stand -- excuse me -- to also include, in quotations, structure on wheels, a vehicle, and a mobile food truck or trailer operating on a farm by a producer where the food truck or trailer is located. So it's adding that language to what agricultural project stand is. It's also adding a couple other provisions, one that mobile food truck or trailer must, must not operate within 500 feet of any other mobile food truck or trailer, and that registration will be granted on a first come, first served basis, as I mentioned that registration is something that you have to do with the Planning Department in order to have a commercial ag structure. Amending the, and then also amending the parking code by ensuring that mobile food trucks or trailers may not occupy any parking spaces required by the zoning code.

Now the . . . (inaudible) . . . as you may have read within our report has kind of over, overall concerns with adding mobile food trucks as an accessory use to, in to the ag district. As I've noted earlier and, and the Department believes that it's definitely imperative that a farmer be able to sell their product. Excuse me. As I mentioned, the, the current Maui County Code allows each property that is, that is an operating farm to have two commercial ag structures per their property. And the current code, as I mentioned, there's four different types that the farmer can choose from. And there are some requirements that they need to comply with, but beyond that, they do have the ability right now to be able to sell their product. And there is the ability to get approval of the Special Use Permit by the Planning Commission for something different which had been, has been the Department's position for a mobile food truck.

Mr. Gima: Hey, Greg. Greg, before you move on, for the commercial ag structures, is there a requirement how much farming they have to do in order to be eligible for the commercial ag structures?

Mr. Pfost: Yeah, it should be, it should be, an operating farm which would basically by definition would be a majority of the lot, 51 percent. So it has to be on a farm, it has to be on a farm, basically, an operating farm.

So the Department's general overall concern was that the, and what we always look out for when we look at the, again going back to the policies of the General Plan is trying to keep the agricultural related to its primary permitted use of ag. And so what we're concerned about is the potential for the commercialization of the ag district through the proliferation possibly, the potential proliferation of mobile food trucks on some of the County's most scenic roadways. Mobile food trucks are more readily able to be established than permanent structures. It has the ability to have what we believe is more of them. And then that leads then to a potential

inconsistency with the General Plan agricultural policies and the intent and purpose of the Maui County Code, Agricultural Districts.

Now the proposal before you has attempted to address some of these concerns to the Department and I really appreciate Council Member Johnson's ability to work with the Planning Department because we have worked over the past months in regards to this bill and, you know, discuss this matter and I appreciate some of the things that Councilman Member Johnson has put into the proposals such as requiring a 500 foot space in between mobile food trucks, that it must be located on a farm and, and is operated by the producer of the farm where the truck is located. So there's some of the, the solutions that the bill tries to address some of the Department's concerns.

Within our report, and I'm not going to read all of this, I'll try and sum. But within the Department, within the report, the Department has recommended some revisions to the proposed bill. And I've kind of classified those as either major or kind of minor revisions at least from the Department's perspective. Excuse me, the first revision would be to potentially and, and this is kind of what we're seeking the Planning Commission's input so that we can forward this on to the Council on the Commission. Whether the Commission agrees with these potential revisions or not or has other types of revisions, that's what we're seeking input tonight.

But the first possible major revision would be to whether or not you want to increase the distance requirement between mobile food trucks from the proposed 500 foot to a specified increment that's larger than that such as in miles. So in addressing basically the potential proliferation of mobile food trucks occurring every 500 feet or at least wherever there is a farm, every 500 feet. So that was one of the trying to see if whether or not the Commission has input upon that.

The second major revision is removing the term mobile food truck from the proposed definition changed to agricultural product stand. We believe that the mobile food truck only needs to be within the definition of agricultural food establishment, and it does not need to be within agricultural product stand. And however, we're recommending to keep the terms structure on wheels, a vehicle and mobile trailer within the definition of product stands so that that can ensure that farmers can sell their product out a bed of a pickup truck, a trunk of a vehicle, or a trailer pulled by a vehicle. So we want to ensure that the farmer has the ability, and it's built into the code to have some sort of mobility to sell their products such as what we mentioned in a bed of a pickup truck or, or a truck of a vehicle or, or a trailer pulled by a vehicle. But we believe that the mobile food truck, if we are going to go down this path, only needs to be within the definition of agri, of the agricultural food establishment and not the agriculture product stand.

I'm not going to go into the second, the, the last two paragraphs because it's just basically some additional modifications if that major revision was to move forward.

A relatively minor revision would be to, it would be to remove the, the words or trailer after mobile food truck in the definition of agricultural food establishment because by definition in our current Code, a mobile food truck includes means motorized vehicle or a vehicle towing a trailer in which food is cooked and prepared to order. So in other words, we don't need the, the, the terms or trailer in the proposed definition of agriculture food establishments. So that's a fairly minor revision.

Another minor revision is to, is actually just changing County to Hawaii instead of State within some of the definitions for consistency, so that's a fairly minor revision.

So those are the four revisions that the Department is, would like to seek Planning Commission input on. Of course the Commission could move forward with the fifth, which would be a major revision which would be a recommended denial of the ordinance which would then maintain the existing code requirements that a mobile food truck must obtain approval of Special Use Permit by the Planning Commission.

That concludes really my presentation. The options for the, the Commission tonight are to and if you cannot worry about number one. I give the same presentation to all the Commissions, but number one really only applies to the Maui Planning Commission. But number two for the Lanai Planning Commission to recommend approval the proposed bill to the Maui County Council as, as submitted. Recommend approval of the proposed bill with amendments which can include addressing the amendments that I mentioned or any other amendments the Lanai Planning Commission may have. Recommend denial the proposed bill to the Council. Or vote to defer action on proposed bill to gather any specific additional information. So that concludes my presentation and hopefully I can be available for any questions you have. Thank you.

Mr. Gima: Thanks Greg. Corporation Counsel Rowe, Council Member Johnson is wanting, wanting to provide a presentation. Would this come under public testimony or as a resource since his committee submitted this to the Planning Department and Planning Commission?

Mr. Caleb P. Rowe: You can designate him as a resource by, by a vote of the Commission. That, that would be my recommendation.

Mr. Gima: Do we need a vote, or can I just ask for if there are any objections?

Mr. Rowe: You can, you can do it by unanimous consent.

Mr. Gima: Okay, Commissioners, any objections to allowing Council Member Johnson to provide his presentation as a resource to the Planning Commission?

Ms. Grove: No, Chair, but I do have questions for Greg. Is that going to be now or later?

Mr. Gima: It will be after we take public testimony.

Ms. Grove: Okay, thank you.

Mr. Gima: Okay, so if there are no objections, we'll turn this over to Council Member Johnson for his presentation. Gabe?

Council Member Gabe Johnson: Thank you Chair. If, if Mr. Pfof would allow to stop sharing and I can start sharing. I think how . . . (inaudible) . . .

Mr. Pfof: Sorry about that.

Council Member Johnson: That's alright? Okay. Alright, so let me know if you guys can see that and I'll, I'll move along, okay? You guys got that?

Mr. Gima: Yes.

Council Member Johnson: Okay, first off I want to recognize Sydney Smith from the Ag Working Group who made this presentation. So mobile food truck on trailers or trailers in the agricultural district. So in 2013, the Ag Working Group worked for two years on the farm stand bill, that was Bill 60. So back then it was Maui County Council Member, the, the Ag Committee Chair was Don Guzman, and he worked on this bill with them. So they all came together. Farmers and council member and planning all worked and they, they, Planning, of course, had some concerns about abuse and again that's something we hear often. So here's the fears of proliferation that there was once discussed on before.

So Hana Advisory Committee meeting on December 11, 2014, Planning Department Administrative Planning Officer said, if there's no concern, if you think of Pizza Hut or a Whole Foods is an okay use as long as they sell all Hawaii or 51 percent of the products are growing Hawaii, then this probably is good, this bill is probably going to be okay as written. So they again had the fear of proliferation, and it was all about fear of the farm stands. Then due to the Department's input Maui and Molokai Commissions advised against the bill, but the Council passed it anyways. And after ten years of actual running these things, there's still no Pizza Hut or Whole Foods on ag land in Maui County.

This, this next slide is the Chair's three minutes from 2015 when Don Guzman mentioned it. It passed on first reading and worked fine, until 2023. The one thing is they weren't specific on what defined an agricultural food establishment. This was to allow for food trucks, food trailers, push carts, small buildings, pop up tents, wagons, whatever could comply with Hawaii State Department of Health food guidelines. So, but again the bill passed, and everything was going fine from 2015 to 2023, Maui County family farms began to operate food trucks or trailers.

In 2023, the Planning's Zoning Enforcement adopted a new policy, and it said if it's not specifically written it as allowable, then it's illegal. And of course all the farmers were shocked,

all the food stand guys were shocked. In this section right here, 19.04.040, that's the Code that requires if a mobile food truck has been in place for more than three consecutive days, it's to be considered an eating establishment or like a restaurant. You have to move your truck every three days. Farmers don't want to do that. No one wants to do that. So, and that's why we're here today.

So there was no massive proliferation ten years ago and there shouldn't be any limitations on what farmers are allowed to, the farmers are allowed to open one. Of course, as you folks know, when you see them around, they're very popular, everyone seems to love food trucks. So that's the end of my presentation. I will, I'll stop sharing, but I will say that this bill, defines two. Let me let me turn off this thing real quick. Pardon me. Okay. Now I can see you guys. The, the bill does amend two definitions, right? So the first is the agricultural food establishment. It includes a food truck, and then the, the other one, okay, I have to share another one. Let me pull up another one. Hold on one sec, just give me a minute. This is going to just take me a moment to open this up. I'm sorry. Let me just mute myself. I'm not used to this one. I'm used to Teams. Share. Okay. That should be it. Okay, Commissioners I apologize, can you see that? Is that visible? Ag tourism. Wait, this is the ag tourism one. Okay hold on. Let me see.

Mr. Gima: That's the, that's the next agenda item.

Council Member Johnson: Yeah, I'm sorry I pulled up the wrong one. Let me find it. Okay. This is really okay. Corresponds committee chair. Which one is it? There's the food trucks and ag tourism; there's only one. The ag district? This one, correspondence?

Mr. Gima: Gabe, while you're looking for that, why don't you mute yourself? I'm going to ask Roxanne and Leilani if we have anybody --

Council Member Johnson: I got it.

Mr. Gima: Okay, go ahead.

Ms. Ramoran-Quemado: Council Member Johnson, you're on mute.

Mr. Gima: You're on mute Gabe.

Council Member Johnson: Alright, how's that? Okay, there we go. Can you guys hear me? Alright, so I'm just going to jump right into the bill. Can you guys see the bill here and all of the amendments we did? Okay.

So when we, when we changed the definition to include our mobile food truck or trailer operating on a farm operated by a food producer. So on the left you see the blue box that includes mobile food trucks or trailers and the definition of agricultural food establishments and also estab, specifies that they must be operated by a producer. So, and located on a farm

so the bill generates income and supports sustainability of farmers in Maui County. It's very specific that that definition or that producer is an actual farmer. And then, it goes back to that 19.04.040 that requires if a mobile food truck has been in place for more three consecutive days it's considered an eating establishment. And then, of course, on the right-hand side, the purple, it says allows when we, when we add State, allows farmers to use value added products that may not be available in the County, which would support agriculture throughout the State. You know, like, there's some, some produce isn't done here in Maui County. So making it statewide opens up more products available to, to the food trucks.

As we go down to the definition of the agricultural product stand --. You know, and I guess for that state, you know, if, if you folks have a really heavy opinion on that, I'd be willing to just to keep it as County, but I just think, State is or I just, I just -- State might not be the word. I just think Hawaii, State of Hawaii, right?

Okay. So then if we go down to the agricultural produce stand, there's on the left-hand side, the red box is use the term producer, which is a term that is to defined within the chapter of the code. Now on the right-hand side is includes mobile food trucks or trailers and the definition of agricultural product stands. Again, they can see the definition about the three days, but specifies that they must be operated by a producer and located on a farm to ensure that economic benefits go to the farmers. Then, again, I guess it goes back to we want to, you know, allow farmers to use value added products that may not be available in the County, which would support agriculture throughout the State. And then the number two, section B2, this language has been added to alleviate the Planning Department's concerns over, over proliferation, which as you know, we hear that a lot. And then it allows the planning to regulate their registration. It's a first come, first serve basis.

Alright, the next thing is we're going to go to, this is, this is a debate that we have, number three. I'll just jump right to number three. A mobile food truck or trailer must not operate within 500 feet of any other mobile food truck or trailer. Registration will be granted on a first come, first serve. This language has been added to alleviate the Planning Department's concern over over proliferation. The 500 feet is similar to what we do with short term rentals and again that's something that we can discuss.

And then I guess it goes down here, basically says it, it just talks about the parking. Like the food truck cannot take up one of those required parking stalls. And I just won't, I won't really go through that because it's pretty self-explanatory. So I'll stop sharing for now.

And as far as the, the Department's major and minor revisions, honestly, I don't, I don't, I don't agree with them.

Mr. Gima: Okay. Thanks Gabe.

Council Member Johnson: They're, I'll say there is one minor one that I would agree with, and that's the, again, I kind of spoke about a change from County to Hawaii instead of State for

consistency with similar references to Hawaii within the same definition. So that's a minor one, but I, all the other ones I don't agree with.

Mr. Gima: Alright, thank you Gabe. Okay, so at this time I'll open it up for a public testimony. Once testimony is completed and Commissioners can ask both Greg and Gabe if you have any comments or questions. So, Leilani, do we have anyone at the Planning Division's Conference Room or anyone in the chat wishing to testify on this item?

Ms. Ramoran-Quemado: Thank you chair. There's no one in the conference room, but I do have Keiki-Pua wanting to testify on this item online.

Mr. Gima: Okay, go ahead Keiki-Pua.

Dr. Keiki-Pua Dancil: Aloha Chair Gima and Commissioners. Mahalo for allowing us the opportunity to testify. My name is Keiki-Pua Dancil. I'm testifying on behalf of Pulama Lanai. Our comments we're going to be providing on this item are specific to Lanai and the Agricultural District and commercial activity on Lanai. You were provided by a very well put together compendium by the Planning Department which included testimony and comments from other agencies, and some of my comments will just reiterate some of those agency's comments. So as mentioned, the Department of Health is the only permit that would be required to be obtained, and so that's the only agency that would be reviewing these establishments. And as a Department of Health writes in their comments to this proposal it requires all food establishments to have a dedicated restroom with a handwash sink for their employees or anyone that operates the mobile food truck. This pertains to any mobile unit or any other structure applying to be a food establishment on ag lands and cannot be shared with any residents.

On Lanai, this is not conducive to the area where commercial agriculture takes place. There is no infrastructure on our commercial ag lots that is needed for this type of permit.

Planning also talks about a voluntary registration process. As you know this is problematic because it would be complaint driven. Relating to Lanai, the registration process requires authorization from the owner, which would be Lanai Resorts, LLC, doing business as Pulama Lanai. At this time we would not authorize this activity because of the lack of supporting infrastructure to have a safe place for this type of activity. There are other areas that already are established for this type of activity that has the supporting infrastructure.

During the committee hearing, Fire and Public Works also commented about fire safety, access to fire hydrants, roads and, et cetera. Also, not specific to Lanai, the 1,000 square foot is very, very large, and this was commented by the Department of Ag. For a comparison, we have a mobile food truck, and it is only a 170 square feet. A 40-foot container is 320 square feet. This would allow something three times larger.

So these are our comments. Again, this is specific to Lanai. There could be other places on Maui or Molokai that this type of activity is conducive. It just is not conducive on ag lots on

Lanai. Mahalo Chair and Commissioners for allowing us to provide comments on this measure.

Mr. Gima: Okay, thank you Keiki-Pua. Commissioners, any questions, comments for Keiki-Pua?

Ms. Grove: Chair, I have one, sort of --

Mr. Gima: Go ahead Lisa.

Ms. Grove: It's been a couple years since I had an ag lease with Pulama Lanai, but at the time my lease would have been restrictive of this activity regardless of the County permitting process. Have the leases changed or are all of the ag lots forbidden from having this to begin with?

Dr. Dancil: Yeah, the area is specifically for growing food because that's what it was set up to do. It didn't, it was not set up to support any type of commercial activity. So, for example, the commercial activity would be going to the Saturday market or the soon to be established County Farmer Stand. So those are where the infrastructure is already set up. So yes, you are correct. The lease right now --

Ms. Grove: So the lease forbids that the, the food truck.

Dr. Dancil: It is only for growing food. Correct.

Ms. Grove: Okay. So even if this were to pass on Lanai, the people who have leases from Pulama, which is the vast majority of farmers on the island couldn't do it anyways. Is that accurate?

Dr. Dancil: That is accurate, but as I mentioned, it's a voluntary registration process. There's no way for Planning to even know if somebody were to do this. It would be complaint driven. It would pop up on our land and then we would have to file a complaint.

Ms. Grove: Okay, but if someone were to follow the, the rules --

Dr. Dancil: Yeah, they would need to acquire as part of the registration process, one of the steps is to provide authorization from the owner of the lot to allow this and we would basically not issue that letter, so they wouldn't be able to have the structure.

Ms. Grove: Okay, thank you.

Dr. Dancil: You're welcome.

Mr. Gima: Okay, any other further comments for or questions for Keiki-Pua? Okay, hearing none, thanks Keiki-Pua. Anybody else, Leilani?

Dr. Dancil: Mahalo.

Ms. Ramoran-Quemado: Thank you Chair. Yes, I do have Sydney Smith wanting to testify online.

Mr. Gima: Alright. Go ahead Sydney. Sydney, are you there? While we're waiting --

Ms. Sydney Smith: I'm, I'm there. Can you hear me now?

Mr. Gima: Yes.

Ms. Smith: Alright, my name is Sydney Smith and I'm the Chair of the Maui County Ag Working Group, and our Policy Advisory Committee that works with the Maui County Council and Administration. I'd like to give you a little history of the Maui Food truck bill and the Ag Tourism bill, which you already heard from Council Member Johnson. But I was on the committee that worked with Don Guzman ten years ago to make this part of the Maui County Code. And under the leadership of Planning Director Will Spence and the subsequent leadership of Planning Director Michele McLean, food trucks and ag tourism were both encouraged for working farms and ranches in our County.

In 2023 all that changed, and no laws were changed, no land use code was altered, but there was a new Director of Planning and a new Director of Zoning and Enforcement, and after the tragic fires in Lahaina, attentions fell elsewhere. Once the Ag Working Group found out what was happening, we knew we just needed to insist on some personnel changes. But we also knew that having new personnel every four years recking people's livelihoods could not be allowed to happen again. Perhaps we won't always be here to be a voice for the farmers and ranchers that depend upon us. And many people said, but what about the next, fill in the blank, of whatever department head or employee decides to change their interpretation of the land use code, and maybe starts to insist on a Special Use Permit just to string a lei. And this actually happened to a Hawaiian family, or they shut down a food truck that's been in lawful operation on a farm for eight years. And what if that County employee has a family business that profits from the hundreds of thousands of dollars in consultation fees to achieve that Special Use Permit? Then we have the recipe for a community disaster. So rather than launch an ethics commission investigation, and so that this can't happen again to hard working, farming and ranching families, we decided to be very, very specific and rewrite these portions of Title 19 that apply to the agricultural district. Some of these families you may hear from tonight. They're all very upset, as you can imagine. We've even worked with the State Legislators to be more specific at the State level with House Bill 966 and Senate Bill 1251.

Ms. Ramoran-Quemado: Thirty seconds.

Ms. Smith: . . . (inaudible) . . . an amendment to Title 16 that will exempt farm stands and food trucks from having to get a building permit. So I cannot stress enough to you the devastation this has had on many local families, and I urge you to help them to try and recover from this completely avoidable administrative mistake. 2023 was a huge disaster for Maui County, and we certainly did not need this on top of it. I want to thank you for assisting in this clarification and give a lot of credit to Council Member Gabe Johnson and his hard-working staff who worked tirelessly to make these bills possible. Thank you.

Mr. Gima: Okay, thank you Sydney. Commissioners, any questions comments for Sydney? Okay, hearing none. Thanks. Thanks again Sydney. Leilani, anybody else wishing to testify?

Ms. Ramoran-Quemado: Thank you Chair. That's at the end of the list.

Mr. Gima: Okay, Roxanne, anyone in the Lanai Office wishing to testify?

Ms. Roxanne Morita: No Chair, there's nobody here to testify by the District Office.

Mr. Gima: Alright, thank you. So at this time I will close public testimony and will now open up for questions and comments for Greg and Gabe and I think Lisa, you had questions.

Ms. Grove: I do. I have a few. I'll start with Greg, and, and both of you mentioned this, but that you talk about the idea that, you know, just build a building. First of all when I looked at trailers that food trucks are between a \$100,000 and \$120,000. So I was wrestling a little bit about the word proliferation, and I want to talk about that in a second because it feels subjective and editorial before I knew that that this had been in place for years, because it seems like a pretty gross exaggeration. And that's my editorial comment to you.

But when you, if, if someone were to say, you know what, I can't do this food truck I'm going to build a structure. Greg, can you tell me approximately how long that would, that process would take through the Planning Commission, understanding that the fact that you are drastically short staffed, and you have to rebuild Lahaina and West Maui?

Mr. Pfost: Sure, I'll do my best. The, an ag, for example, an ag product stand or an ag food establishment or one of the other ones does not need to go to the planning commission, so you can actually just obtain a building permit and move forward with that, provided that you meet the regulations that are actually in the, in the Maui County Code as specified. So, it's just a matter of going through that building permit process which would then require a building permit to review and then also planning to review. But I wouldn't imagine it would take an extensive amount of time because it's not going to planning commission. However, if, as I mentioned, importantly, if you're doing something different than what the Maui County Code, you would need a Special Use Permit. And a Special Use Permit would be required to go to the planning commission. And that would take a little bit longer time and more expense for the property owner. So --

Ms. Grove: Okay, so you have the building structure, the Special Use Permit and then so that there's like an exponential time and cost element to our farmers if they were to go that route? Is that accurate?

Mr. Pfof: If they had to get a Special Use Permit. If they did compliance with what's in the Code, they don't need to get Special Use Permit. But if they wanted to do something different than the Code specifies, then the Code allows you to get a Special Use Permit. And yes, that would take longer and more expense to a farmer. Yes.

Ms. Grove: Okay, thank you. And then you mentioned and so did Council Member Johnson this sort of first come first serve basis for registration. Does, is there a finite number of food trucks allowed or is it just we're going to take it as it comes?

Mr. Pfof: No, I think the, the registration of the first come first serve comment was based upon whether or not, you know, you want to establish a food truck and there's that 500-foot distance. So if you want to put your food truck within 500-feet, well, you're not going to be able to because the other guy got one first, right? So that's the first come first serve, and that only applies to the mobile food truck.

Ms. Grove: I get it. Thank you.

Mr. Pfof: It doesn't apply to any other commercial ag structure that is allowed by the, by the County because there is no distance requirement right now. It just applies to the mobile food if that moves forward.

Ms. Grove: That makes total sense. Thank you for clarifying that. And then as I mentioned at the beginning, I really want to encourage you to excise the word pro, proliferation from your reporting because it feels like a scare tactic. What does proliferation look like and, and have you seen any evidence of it in the last eight years?

Mr. Pfof: Yeah, I, I agree with you. It is more of a subjective term, proliferation, and maybe that wasn't the best term to use. I think the, the only concern that the Department had was that we, could you potentially have a mobile food truck every 500 feet provide you at a farm there to associate with it. Yes. So would that be too many mobile food, mobile food trucks in the ag district, and that's, that was a concern. And so no, we have not seen that in regards to especially regarding what would be a permitted use as a commercial food establishment or a commercial ag structure. No, you don't see a proliferation or a lot of those. I don't know whether -- I, I don't know the reason for that. I'm just concerned that, we were just concerned that a mobile food truck is mobile. Subsequently you could have one theoretically every 500 feet if you had an associated farm with it. So would you have too many and it's really kind of a policy issue if the Commission doesn't believe that that would be the case, then by all means then you know no offense on me, but we were just concerned because we looked at the ag district policies and the goals and policies and it's really about retaining ag uses and we're

just concerned that it, you know, we don't want to see it turning into more commercialization of the ag. So that's, that's really just the position of the Department.

Ms. Grove: But we do want some commercialization of the ag, right, in order to be selling the products and, and so on and so forth, right?

Mr. Pfof: You are, you are correct.

Ms. Grove: Yeah, I mean that is the goal, right? Is this part of adding value to our struggling farm community and so it seems like having the ability to be commercial is exactly what a food truck would do. Hawaii spends more per year on take out, and it wouldn't be surprising to probably everybody here than any State in the country. It's \$5,300 a person per year on take out. And I think we just need to be mindful of that as we're making these considerations. For a lot of people, it's not farm to table, it's hard to take out. And if we're not providing food in the way people are used to eating it and, and purchasing it, then I think we're missing out an opportunity to share the, the, the food that is produced in Hawaii and give them an opportunity to become more familiar with the, our local foods especially our cultural foods, and for people for whom that, you know, their, the practitioners of that culture, I think it's a, a huge opportunity. And just reading the language felt a little heated, the report, not the power point. And so I just wanted to just sort of state for the record that I think that we've got problems on Lanai because we have a lease that says we can't do this. But I also think as Commissioners, we have to think about the County, and Maui is struggling. I've worked with a lot of farmers. I'm a former farmer and we also know tariffs are coming at us and food security is a huge issue right now. And anything that we can do to help every struggling farmer make it, I think we should. I also just want to reiterate that the average cost, I was looking at prices of food trucks, I mean it's like there's one for sale for \$60,000. But most of them are like there's one for sell for \$97,000 up to \$120,000. There aren't a lot of farmers who are going to be able to afford food trucks, which also suggests that the proliferation idea is not terribly realistic because the, the majority of farmers probably don't have that kind of money and maybe they'll hui up and, and share a truck across different farms and I think that would be a tremendous success for our farming community and connecting people back to the land. And that's all I got. Thanks for listening to me.

Mr. Gima: Okay, thanks Lisa. Commissioners, any other questions for Gabe or Greg? Nikki?

Ms. Alboro: Greg, may I ask, what's the length of a Special Use Permit once obtained? Sorry, you're muted.

Mr. Pfof: Good question there -- I'd have to look at the Code, but I believe it's up to the Planning Commission to define the length of the Special Use Permit. But if you can bear with me, I'll look at the Code real quick on that.

Ms. Alboro: Okay, you know, I mean I'm just asking because if it's, if it's passed and it's a mobile food truck, does that three-day requirement still stand in the current or your revision?

So meaning like they have to move every three days with the Special Use Permit? Or would they be considered like the food establishment or, you know, mobile restaurant?

Mr. Pfof: Yeah, maybe let me give you a little bit more background. So the current code right now without this bill would allow a mobile food truck with a Special Use Permit. And that, and that process then would define the length of time that that mobile food truck could be, that Special Permit would be valid for. And Special Use Permits allow for extensions as well, so the person would have to come in and get an extension to that, that permit as well. So that's, that's the kind of the process at least from the Department's position is, is that you would need to follow.

The three-day aspect is related to actually within the definition of mobile food truck is, is it talks about I think Council Member Johnson mentioned this is that if you have a food truck in a location for longer than three days then it becomes a food and eating establishment. It then kicks in different parking requirements actually for a food and eating establishment. And so that's not necessarily related to the Special Use Permit itself. My guess is if you did go through a Special Use Permit process, you would probably establish more of what kind of parking this would be required. The planning commission would typically go down those, those, the path of, okay, what are your hours of operation? Where are your parking and so forth? So we'd get into that involvement with a Special Use Permit. That would be under the current regulations.

What is being proposed here is with this bill is that no Special Use Permit would be required, right? So you'd be allowed to do a mobile food truck provide you just do the registration process of a commercial ag structure. It's a much simpler process. It's very straightforward, so it, it, I think, it, it kind of addresses the, the concern, I think, that Sydney Smith readily, you know, raised in her testimony in that we are now eliminating the, the, the interpretation of what a food truck, whether or not a mobile food truck requires an SUP or whether it doesn't. So we're eliminating that, that con, that concern and now making it just in a legit accessory use in the ag district. Does that make sense? I may have expanded it too much on that, but hopefully that helps.

Ms. Alboro: But just so that I understand the Special Use Permit comes before the Planning Director or it comes before the Commission, for approval.

Mr. Pfof: A Special Use Permit would be before the Planning Commission, the respective Planning Commission of where the, where the food truck would be located. But that's only if this bill doesn't pass and that's only with the existing code, we would require a Special Use Permit. If the bill passes, no Special Use Permit would be required.

Ms. Alboro: Okay. Thank you.

Ms. Ramoran-Quemado: You're on mute, Chair.

Ms. Grove: Chair, you're muted.

Mr. Gima: So, Michelle, Sandi, Erin, any questions, comments for Gabe or Greg?

Ms. Grove: I have one, once Michelle's done.

Mr. Gima: Okay, go ahead Michelle, and then Lisa.

Ms. Michelle Fujie-Kaauamo: I, I just had a clarifying question. So Gabe mentioned that of the major changes that he didn't agree with most of them, I guess. So I just was curious of what part did you not agree with? Because it's, I, I don't know if it's just me, but I'm hearing kind of conflicting presentations, I guess. I guess the Planning Commission is saying we voted, or the recommendation is that we move ahead with the comments as is, or I don't know. There's, there's the options, right? But Gabe is saying that the ops, the major changes, many of them, he doesn't agree with, and I was just curious as to why? Because I think, I thought that you guys are working together to create those changes.

Mr. Gima: Go ahead Gabe.

Mr. Johnson: Well, yeah, we, we worked together until basically they wouldn't oppose the bill. And so, the, the major revisions that they proposed, I didn't agree with. There's one minor revision that I wouldn't mind, and I think I mentioned it earlier, was that change from us, the County to Hawaii, instead of State. I mean that's minor, but most of those things I, I don't agree with.

And I think, you know, the, the increasing the distance require being --. So I'll just go through the major revisions, right? So the major one is increasing distance requirement between mobile food trucks from proposed 500 feet to specific increment of miles. I don't agree with that, all right? Okay I'm just going to leave it at that. I just don't agree with that.

Major revision number two is remove the term mobile food truck from the proposed definition of agricultural product stands. This mobile food truck only needs to be within the definition of the agriculture food establishment. Um, we want to just keep the mobile food truck in there just to lock it in, right? If we, you saw the story of at one point there was no problem and all of a sudden the interpretation says there is a problem, so keep it in there and it's locked.

The third, okay, I just --. Let's see here. Okay, third minor revision, again, it goes in a definition of agricultural food establishment. Remove the proposed words or trailer. I just don't agree with it. I don't, I, I want to keep it for clarity's sake. Again, it goes back to the folks who read the, the, the Code. We want to kind of make it really narrow and spell it out for them, so we don't have to go through this again.

Okay, the next one is, number four, is the minor revision and that's when I agree with about the Hawaii versus State and that one.

And the last one, the five major revision, the Commission may recommend denial if the proposed ordinance which will maintain food truck must obtain approval of Special Use Permit from the Planning Commission. Okay, so this really goes back to the idea of, you know, one of the impetus of this, me working on this bill is that we don't want the farmers to get a Special Use Permit. The cost it takes. The time it takes. Too much. It, it kills small farmers, right? It's, we want to put it, slide it in there. It's just an accessory use. You can do it on your, on your farmland. If you're a real farmer, you can do it. So if, if, we as it's written down it says okay, you can do it, but you got to get a Special Use Permit. That's time and that's money, and I just don't agree with it. So that's why I said, don't agree.

Mr. Gima: Thanks Gabe. Any, any other questions or comments, Michelle? Okay, Sandi, no. Erin? Okay, Greg I got a whole bunch of them. Number one.

Ms. Grove: Can I ask one too?

Mr. Gima: Oh I'm sorry, go ahead Lisa.

Ms. Grove: I was just going to ask, why did the Planning Commission reverse course after eight years? So this was kind of, it seemed like there is some understanding at least and feel free to disagree on this. But it feels like there was no proliferation and that that the, that it seemed like it was working. What, what changed within the Planning Department? I get there's new people in here, but what changed in terms of philosophy to say this is no longer allowed?

Mr. Pfof: I'll go ahead and answer that one to the best of my knowledge. I unfortunately I haven't been with the County for a long period of time. To my understanding is that nothing really changed. The problem is that the Code just really doesn't address mobile food trucks at all. And so subsequently, if the Code doesn't address it, it should go through the Special Use Permit process because that's the way that you would do things that are different than what the Code allows within the ag district. And so that's the position that's been at least since I've been here. I've been here for about a year and a half almost two years. That, that's the position that is okay, you need to get a Special Use Permit to do that. I can't really speak to what had occurred before and whether or not, and, and, you know, I don't know. I just unfortunately I can't go any more than what I know for that.

Ms. Grove: Thank you. Appreciate it.

Mr. Gima: Alright, thanks Lisa and Greg. So both for Gabe and for Greg, well no, first of all, Greg, is there a time limit on this bill? Does the clock start today?

Mr. Pfof: We're within a, we're within the --. You know, it actually started when we received the bill from Council and we're within that time frame. We received it, jeez, I don't have the --. Let me just see here. The Council took action on December, so, we should be within 120

days which is four months, so we're within that time frame. We're like in the second month, so it's, there's not really an issue. No, so, we're fine.

Mr. Gima: Second question. If this bill passes, what's the fiscal impact on the County?

Mr. Pfof: I don't believe that there would be a fiscal impact on the County as a result of this bill that I can imagine. I don't see anything. It's all within, all within the operations that we currently do in regards to the, in regards to the process of, of allowing a commercial ag structure. So if this were permitted, somebody would come in and I want to do a mobile food truck, commercial ag structure, go through the process that we do right now for any other commercial ag structure. So I can't see any other economic impact to the County.

Mr. Gima: Okay, so from the -- recognizing that you've been here just a couple of, couple of years. From 2015 to 2023, were there any concerns about food trucks on farms on Maui island?

Mr. Pfof: I'm not aware if there is or is not any concern, if there was not, is or is not.

Mr. Gima: Like, like Lisa I'm trying to conceptualize what some of the concerns of the Planning Department are. I don't know what parts of Maui are considered agricultural districts. So if, if I had a picture of each of the farms having a food truck, if I could see a picture of that, then I could make a probably more informed decision. I have no clue on Maui island what may look like.

Mr. Pfof: I understand that. Unfortunately, I don't have a picture to represent that. I mean, you can take like, take for instance Hana Highway, right? We don't have a farm back-to-back on Hana Highway. So I'm not sure you would, we're not going to see one every 500 feet, right? At the beginning part, near Haiku, well, yeah, you might see a little bit more of it when you get into the road, not necessarily around some other areas maybe. I, I just really can't give you an idea of that. We didn't go into that kind of analysis.

Mr. Gima: I mean, going from Lahaina Harbor into Wailuku, I mean how, are, are there a whole bunch of different farms?

Mr. Pfof: Yeah, there are. There are farms along the, you know, Launiupoko area. There's some farms within that area. That's where you're going to get most of the farms in that, in that roadway section. That stretch right there.

Ms. Alboro: What about Olowalu? Would that be one of them?

Mr. Pfof: Yeah, Olowalu, ah-huh.

Ms. Alboro: Yeah, so that farm area, that that farm stand there. So you would just see more of those every, at, at a farm every 500 feet.

Ms. Grove: If they could afford a \$100,000 to \$200,000 truck.

Mr. Gima: And then so what, what would be the benefit of a farmer having a food truck versus a, an enclosed building or a food stand or I forget the other one? What, what would be the benefit? Just the fact that it's mobile?

Mr. Pfof: I would probably have to maybe ask Councilman Johnson if you want to respond to that question. Because it's, it's really, you know, I, I assume the benefit is that it's mobile. You're right that there is an expense to it. You don't have to build a permanent structure, and, and go through that process and get a permit. But beyond that, I'm not sure the advantage. Maybe Councilman Johnson can answer that question.

Councilmember Johnson: Sure, sure. I'll jump on. You know, one of our goals is to keep ag land value low, right? Keep the price of ag land low. If you build on it, it's going to add the increase the value. So a mobile food truck where it can be taken off keeps the value of the land low, and that's a very important point that we must always maintain because farmers need cheap land to keep their value low so they can farm it, right?

Mr. Gima: But isn't this bill, the intent is to keep the mobile food truck on the farm which requires . . . (inaudible) . . .

Councilmember Johnson: Right so my point is when . . . (inaudible) . . .

Mr. Gima: . . . (inaudible) . . . you're, you're not taking it, you're taking it off the farm.

Councilmember Johnson: When you sell it, you can take it off. If you build something, when you sell it, the appraiser's going to look and say you have two structures here, a structure there. All of a sudden when your appraisal or when someone appraises that land up to sell, and someone wants to buy it, the value will go up. But if you have a food truck there, you take it off and the appraisal's low.

Mr. Gima: Okay, moving on to my next question. Greg, are, is there any precedence set in the other counties? Or how does this proposed bill compare to the other counties?

Mr. Pfof: I'm sorry I don't have an answer for you on that one.

Mr. Gima: Okay. One last. How many current food truck Special Use Permits are in existence right now?

Mr. Pfof: I don't believe there are any Special Use Permits for food trucks in existence right now. I know that we did issue at least one registration to a food truck prior to me getting here. So that was, and to my understanding we should at least my current administration says we

probably should not have issued that, but we issued a registration for a food truck before I arrived here, and I believe that's it. Just one to my knowledge.

Mr. Gima: This is for Gabe and Greg. I'm curious why our County Department of Ag did not respond to this bill or what, what, what's your understanding of that?

Councilmember Johnson: My understanding is they support this bill. I can find the document, but that's my understanding. I just got to look it up. I'm sorry if you didn't get that. But, but they came to the committee and everything. So maybe they didn't, you didn't get the --. I don't know, maybe he didn't get sent to you.

Mr. Gima: No, we didn't.

Councilmember Johnson: Okay, they --

Mr. Pfof: And maybe if I can chime in. They, they did appear, the, the Director of the Agriculture Department did appear at the committee meeting on November 21st, and she did speak and indicate her general support for the, both bills actually. She did mention one thing about, and, and I can get those minutes to you. One thing that she was talking about is, is the, is the food product being, it would be nice if the food product was 50 percent of the farm that's being used. But it doesn't have to be in the current the Code. The current Code doesn't, doesn't require that the food product that you're selling in an ag food establishment be from the farm. So, it just has to be on a farm, and it has to be the location on the farm. But she said, within those minutes, she said she had general support for both bills.

Mr. Gima: So for Greg and Gabe, what are the potential unintended consequences if this bill passes or what, what are the potential downsides of this bill passing?

Councilmember Johnson: Okay, farmers would get supported. They won't get shut down. They can make more money. You can add, you can balance your farming with, you know, the food truck helping subsidize some crops that might not make as much money.

Mr. Gima: So that's unintended consequence?

Councilmember Johnson: No. Oh I'm sorry. I thought you said the benefits. I mean the unintended consequence --

Mr. Gima: I said unintended consequences and what's the downfall.

Councilmember Johnson: There isn't any. There isn't any. It's a perfect bill. It's the most beautiful-est bill I ever written. It's most beautiful bill ever there is out there.

Mr. Gima: Gun fun-nit Gabe. Okay, what about you Greg? Unintended consequences or what are the any downsides for this bill?

Mr. Pfof: Well I think the only unintended consequence that, well, there's actually two that I would raise is, is one of whether or not there are too many food trucks creating more of a commercialization of the ag district. And that's kind of our, our fundamental position that the Department has taken. Now that's really a policy issue and whether or not the Commission believes that or doesn't believe that. I think it would, would lay in heavily into what your decision is here. That is, that's our primary concern.

The, the other one is within the, the revisions that I mentioned. The one – I'm trying to figure out which one it was here, bear with me -- is the second major revision. I, I indicated by removing the term mobile food truck from the proposed definition of an agricultural product stand. The reason why we did that is because we, we felt that an agricultural product stand by definition is the sale of the product and not actually the sale of food, which would be more of a mobile food truck. That's one reason.

But secondly, there's another provision in the Code that allows agricultural product stands to be exempt from the registration process that has to go through the Planning Department. So if you're under 300 square feet. Well mobile food truck would be under 300 square feet. And so subsequently there's kind of a downside to where a mobile food truck, if it is under an agricultural product stand, could theoretically just be parked on the agricultural lots without going through the registration process that the Planning Department has.

So that's why we're, one of the reasons why we're recommending that a mobile food truck be removed from the agricultural product stand but kept in the agricultural food establishment. So it still gets you what you want. It just removes the potential issue.

Mr. Gima: Okay, Commissioners, I'm, I'm of the opinion that there's four conflicting parts to this bill and I'm, you know, it's already 6:15 p.m. I don't want to spend the next hour going back and forth between Gabe and Greg. We're, we're within the 120 days. My preference would be to send this back to Planning Department and the Council to, to work this out and present a more polished bill to us, to, to vote on. How, how do the rest of you feel? Go ahead Lisa.

Ms. Grove: I strongly disagree. I, this is the, only either be second or third time we've kicked the can down the road for farmers. We did that on the housing piece, I think a couple of meetings ago. These people are holding on by a thread and it doesn't, and this, this basic policy was in place for eight years with no meaningful intended consequences. So it feels like we need to let the farmers, they all came together, they were thoughtful, the Department of Ag, this is like all of the groups that have a chance to weigh in, have said this is okay except for the Planning Commission. And it just feels like every time we wait, we're making it harder for our farmers to stay afloat.

Mr. Gima: Okay, anybody else?

Ms. Alboro: I, I agree with what you said Butch. I think that, that it's not, it's too much going on and it's kind of hard to understand on what you're actually presenting. I wouldn't vote to -- . I, I mean I would vote to the defer it until after the Maui County, or the Maui Planning Commission had their say and see because it does not pertain to Lanai. So, I mean, that's my thought on that one. I would vote to defer it. I don't have any recommendations because I don't really understand what you want. You want a food truck, you don't want a food truck, but then the definitions are kind of misleading, so I agree with what you're saying.

Mr. Gima: Michelle, Sandi, Erin, any, any, any comments about either?

Ms. Atacador: Yeah, I had my hand raised. Yeah, I, because it doesn't pertain to Lanai, it's hard to make a decision, right, because we don't know what the Maui people are going to say and we want to support, you know, the farmers there as much as we can. So if they came together with Gabe to make this bill, I think that we should be in support of it because as we heard it will not happen on Lanai. The landowners will shut it down for any of our farmers here, so, why keep it with us when it's not pertaining to us at all.

Mr. Gima: Okay, so for any motion to pass tonight, five of us will have to vote in the affirmative. So again we're, we have a couple of, couple of options. Tell you what, go ahead Greg.

Mr. Pfof: Yeah, I just wanted to let you know, you know, and remind you that the Council has already reviewed this at least twice. Once at a Committee meeting and reviewed extensively at that committee meeting. The Department also expressed its concerns and with, with the bill. Not as, as much detail because we haven't had the final resolution yet. And then it went to Council to send it to the Commission, so the Full Council again to send it to the Commission. So I'm not sure I would necessarily -- I'm not sure it's going to --. What the Council directed was for the planning commissions to provide their input, and, and I, I would suggest to recommend that you provide your input. Now I could see the benefit of perhaps waiting until after the Maui Planning Commission. I, that that's an option. But I, I don't think it might be very fruitful to go back to the Council cause they're not going to . . . (inaudible) . . . I think they might send it back, but Councilman Johnson might have something to say.

Mr. Gima: Alright Gabe.

Councilmember Johnson: Alright, Chair, Commission. So we started in March to work with this bill with Planning. And like with anything, we all had to have certain concessions until we met in the middle. And there are some things that we didn't a hundred percent agree on. But that's okay. That's how legislation works. I, I worked with, with this with the farmers who actually are affected by this. I've actually worked with, the Ag Working Group over, over, many, many, a long time to try to get this bill worked, worked out. And at the end of the day, Director Blystone said, and Greg can speak to it, the Planning won't oppose this bill. They're not in an opposition. They just have some concerns and you guys can speak on that, but they don't oppose the bill. So I just want to let you guys know, please don't, don't make those farmers wait any more longer. They're already burdened by so many more things, right? And like, like

some Commissioners were mentioning, this doesn't affect Lanai, you know? So I, I would really ask you guys to make some recommendations if you have any and ask for it to move on. Thank you.

Ms. Grove: Can I ask Gabe a question? Commissioner, Councilmember, did, is it accurate to say that when it was passed County Council that it passed you unanimously?

Councilmember Johnson: Yes, it definitely passed unanimously. There was no opposition.

Ms. Grove: I think there was one person that was excused, but everybody else was in attendance and . . . (inaudible) . . .

Councilmember Johnson: Right.

Ms. Grove: Was that accurate?

Councilmember Johnson: That's a hundred percent accurate.

Ms. Grove: Thank you.

Mr. Gima: So Caleb and, and Greg, I mean the County Council has final say on this. So whether, whether we approve, or deny, or approve with amendments and Molokai and Maui come up with maybe different decisions ultimately then the Council will take all of this and then they will ultimately decide. Is that accurate?

Mr. Rowe: That's accurate yes.

Mr. Gima: Okay, that being said, I will, I'll entertain a motion. I won't, I won't state what --. I'll let either Lisa or Nikki or Erin offer a motion.

*(Motion #1 for Agenda Item B.1.)*

Ms. Grove: I move to support it without the revisions except for the State of Hawaii and excluding Lanai from the proposal. Said very and artfully.

Ms. Atacador: I was going to say I hope I can say that. I second that.

Mr. Gima: Okay, it's been moved by Commissioner Grove second in by Commissioner Atacador that we recommend approval of the proposed bill to the Maui Council and amending it with minor revision number four and excluding Lanai in its application. Any further discussion on the proposed motion?

Ms. Fujie-Kaauamo: Can we or Gabe or Councilmember Johnson mentioned the one about removing it from the truck, having the truck in that other section for clarity's sake? I think Greg was saying that it shouldn't be there. Gabe was saying he wants it there. I feel like if that's

going to pre, prevent other or prevent people from interpreting it in whatever way to be as clear as possible to still include that truck in that section unless otherwise decided by the Council.

Mr. Gima: Well none of those, none of the revisions come into play except for number four, which Lisa proposed in the motion.

Ms. Fujie-Kaauamo: Yeah, so you asked if there was any other comments and right now we're not considering that one where it's going to be removed.

Mr. Gima: Correct. The only amendment to approving the proposed bill is adding, adding in minor revision number four, and excluding Lanai.

Ms. Grove: So it will still have that language, Michelle.

Ms. Fujie-Kaauamo: Okay, just checking.

Ms. Grove: So yeah, yeah, it's a good question.

Mr. Gima: Okay, any further comments, questions on the motion? Okay, hearing none all in favor of the motion, please raise your hand. One, two, three, four. Those opposed please raise your hand.

***It was moved by Ms. E. Grove, seconded by Ms. E. Atacador, then***

***VOTED: To recommend approval with minor revisions to #4 and to exclude Lanai in the application. MOTION FAILED.***

*(Assenting: E. Atacador, M. Fujie-Kaauamo, E. Grove, S. Rabaca)  
(Dissenting: N. Alboro, R. Gima)  
(Excused: S. Kaye, N. Manna)*

Mr. Gima: Okay, So, okay, I will, I will, I will oppose, so the motion does not carry. Tell you what, it's 6:25 p.m. let's take a five-minute break and then we'll come back to see if we can entertain another motion. Okay, so be back at 6:30 p.m.

*(Commission recessed from 6:25 p.m. and reconvened at 6:31 p.m.)*

Mr. Gima: Okay, we're back on the record. All Commissioners are on camera. Okay, do we have to entertain another motion or does this motion that we that did not pass just move on to Council?

Mr. Rowe: I would recommend entertaining another motion. I, I will need to look at the rules really quick to let you know what the affect of not passing is.

Ms. Grove: Chair, can I suggest a second idea which is to do the same thing we just did with the contingent on getting support from the Maui Planning Commission? If the concern is we

want to hear from Maui, can we say that our, our support is contingent on getting their feedback?

Mr. Gima: Yeah, I think that's what Nikki was alluding to that --

Ms. Grove: But I'm saying we would, we would say that this passes.

Mr. Gima: But if it passes, then we don't need Maui Planning Commission's input.

Ms. Grove: Yeah, my --. I'm not articulating this. But I was saying passes like it only goes to an into effect if Maui also supports this. So it's a conditional approval by Maui, Lanai Planning Commission contingent on what Maui Planning Commission does.

Mr. Gima: I, I was also thinking about entertaining a deferral to get more information specifically, one, have the Planning Department explain what happened in the last eight years? What, what changed? Number two, how many food truck applicants, applications does the Planning Department expect. And three, specific County Department of Ag input, either in oral testimony or written testimony. That's what I would ask for if I entertain a deferral motion.

Ms. Grove: And I think second thing is subjective. They're just, they're projecting without knowledge on how many trucks there's going to be owned by farmers on their land, right? And so, yeah, I just am concerned about continuing to defer.

Mr. Gima: Because I mean if, I mean there, there's only two testifiers tonight. I mean really one non council testifier. Now, if, if there are 15 farmers waiting for this bill to pass so they can put a food truck on their farm, that's significant to me. But if, if, if we're talking only about one, two or three farmers then, you know, I'm not, I'm not as encouraged to, to move forward on this bill. Nikki, did you have your hand up?

Ms. Alboro: Yeah, I agree. And then I think the testifier from the Ag Working Group had, if I'm not mistaken, did not want to have a limit on how many food trucks you could have on ag land. In the Department's issue and recommendations on the packet that we got, the existing code already allows two commercial agricultural structures on each property. I mean, 51 percent of the land has to be, you know, in the activity of agriculture and the food truck operator must be the, the food truck must be operated by the producer of the farm. So if the farm can afford to buy four food trucks I mean that's kind of going in the commercial route. You know what I mean? So it's like, if you're a papaya farmer, not saying that you only have to sell papaya, but if you're a papaya farmer, you're making, say you have a, you have four food trucks making four different kind of plate lunches with a half papaya in the plate, you know. I mean like I don't see the benefit of having a food truck, more than one food truck.

And I also would like to know what had happened. Because something had to have happened for this bill to have come up. Is it like leasing land to a food truck, you know? That that's my

thought, is it like, like the poke truck wants to come and be in Olowalu and I have the 500 feet available for you but I'm getting a cut of your sales. Did something like that happen? I mean, I just think there's some something that had happened for this to have come up.

And for two bills to be on the same agenda, kind of like messing with each other, you know, like not under, understanding it totally and not having the backup on why it's here is kind of concerning for me. So I would vote to defer until we get more information.

Mr. Gima: Yeah, I mean I understand what Sydney says about, you know, administration's change and philosophies change, and you know they shouldn't be at the whim of that. So I, I can, I understand their intent on this bill. But in terms of preparing, preparing this packet for us, both I think Council and the Planning Department had a responsibility to get that information to us so we can make an informed decision.

Ms. Alboro: And it's unfortunate because it does not pertain to Lanai. And I, if I'm reading the packet correctly, I think it, it goes to Hana next for review, for review. So I think it should have been on all the planning commission commission's agenda meeting with them, with the knowledge of them knowing that it does not pertain to Lanai.

Mr. Gima: Okay.

Ms. Atacador: Can I . . . (inaudible) . . . before we move on? Sorry to interrupt.

Mr. Gima: Go ahead, Erin.

Ms. Atacador: So, I definitely understand the concern with the commercial aspect comes into play. But, I guess my, my personal viewpoint is if we're still supporting people on Maui, then I guess I, I would still be in support of that. Like it's better than going to McDonald's, Walmart, all of these other bigger ones, right? Even if it is, you know, for different local people on one lot looking commercial, it's still, you know, Maui people, local small businesses that we're potentially supporting versus it going to, you know, like I said, these bigger corporate companies on, on Maui. So I, I understand the concern about, you know, it being commercialized, but I guess it's for local commercialized that would be in support of, you know, if, if that's other businesses, small businesses on Maui that could potentially benefit from, from this. That's my two cents.

Mr. Gima: Nikki?

Ms. Alboro: So I just, I mean, I understand what you're saying too Erin, but I just think it defeats the definition of ag land. It's for grow purposes. Like, I mean, if you have, if you have a thousand acres of land, why not utilize the thousand acres and produce more product for sale. I mean, that's, it's ag land. If you want to be a food truck and sell, you know, there's designated spots around Maui where I'm sure you can get a permit, pass the DOH inspection, etcetera. So, I mean ag land should be ag land.

Mr. Gima: It would have been helpful to know to all those food trucks between 2015 and 2023, are they still in existence? Would they set up a food truck on their farm if this bill passes? So both Council and the Ag Group, I would have liked them to present that information. I would also like to have them present information saying we have 17 new farmers who want to put on a food truck. That, that tells me there is a need, but the need has not been established. So it's, it's on Council and the Work, Working Group. But it's also on the Planning Department to give us that historical information like I said earlier so we can make an informed decision.

*(Motion #2 for Agenda Item B.1.)*

Mr. Gima: So that being said, I will, I, I will entertain a motion to defer action on the proposed bill to gather specific additional information. And the specific additional information is number one, getting oral or written testimony from the Department, the County Department of Ag. Number two, how many food truck applicants may or will be coming forward. And three, what happened between 2015 and 2023 for the Planning Department to change course?

Ms. Alboro: Second.

Ms. Grove: On your second . . . (inaudible) . . .

Mr. Gima: Who seconded? Okay, it's been --. No, okay, wait, I need somebody to say so moved. That's the motion and then, and then a second.

Ms. Alboro: So moved.

Mr. Gima: Okay, any second? Okay, hearing none, the motion dies without a second.

***It was moved by Ms. N. Alboro to defer and requested three additional information, as discussed. Due to a lack of a second, the MOTION DIED.***

Mr. Gima: Lisa, you want to make a --

Ms. Grove: I was just going to comment on your second point about how many you think there are there might be. That is the squishes data. It's not going to be reliable because we won't know, right? It's going to be hard to tell how many farmers are actually going to be in the game and as each month goes by without that extra income that may impact their ability as well as getting access to these food trucks. It's not easy to get these food trucks even into Hawaii.

I also just wanted to remind all of us that the State Department of Ag, the Office of Sustainable, Planning and Sustainable Development, we heard orally that the head the County Ag supports this, and then the County Council passed it out unanimously. The only pushback we're getting is from the Planning Commission and they're the ones that have made an arbitrary change in 2023 that they can't really explain why they did. And we're, we're asking

well explain why and they're telling us they did earlier that they don't really know. And so I feel like we're looking for, we have good questions, but we're not going to get good answers to those questions in a way that's going to help create an informed decision.

Mr. Gima: So would you like to make a new motion?

Ms. Grove: It would be the same one as I did, so no.

Mr. Gima: So Caleb, do we have the, does, do we have the option of taking no action on this item?

Mr. Rowe: If, if you guys don't take any action then it could be automatically deferred until the next meeting.

Mr. Gima: Okay, if no one, if no one's willing to make a new motion, then that will be the case, deferred to the next meeting. Nikki?

Ms. Alboro: Well, I mean, can you repeat your, your additional information one more time that you had added in for your vote to defer action?

Mr. Gima: I wanted Department, the County Department of Ag to provide either written or oral testimony. Number two, finding out the number of food truck, food truck applicants or potential applicants. And number three, having the Planning Department explain why the change of course after the eight-year run of allowing food trucks.

*(Motion #3 for Agenda Item B.1.)*

Ms. Alboro: So I would like to make a motion to vote to differ the bill to gather specific information based off your comment number one and number three. And then change second one to provide information on how many will be affected, how many trucks will be affected since 2015 to 2023 since apparently it's already been happening, how many would be affected? Not in operation. Because I don't think we would get a number on how many they're expecting. I just think that -- I, I mean like will a limit be set on, on it? Are you guys sticking to the two? You know, there's so much questions.

Mr. Gima: Okay, we have a motion on the floor?

Mr. Gima: Caleb, can the Chair second?

Mr. Rowe: Ah, yes.

Mr. Gima: Okay, I second. Okay, it's been moved by Commissioner Alboro, seconded by Commissioner Gima that we defer action on the proposed bill to gather specific additional information. And additional information is one requiring or asking the County Department of Ag to provide written or oral testimony. Number two, asking the Planning Department to

explain why it reversed course after eight years between the 2015 and 2023. And number three, how many food trucks would be affected?

Councilmember Johnson: Chair? Chair, point of information.

Mr. Gima: Oh wait, we got motion on the floor here. Okay, so Commissioners, any questions or comments about the motion? Okay, all in favor of deferring, raise your right-hand? Okay, those opposed? Alright, motion does not carry. It's three on, three and three.

***It was moved by Ms. N. Alboro, seconded by Mr. R. Gima, then***

***VOTED: To defer and requested three additional information, as discussed.  
MOTION FAILED.***

*(Assenting: N. Alboro, R. Gima, S. Rabaca)  
(Dissenting: E. Atacador, M. Fujie-Kaauamo, E. Grove)  
(Excused: S. Kaye, N. Manna)*

Mr. Gima: Okay, any objections that we take no action as it will be deferred to the next meeting or would anyone else like to propose a new motion?

Ms. Atacador: Can I, can I ask a question Chair?

Mr. Gima: Sure.

Ms. Atacador: I guess, I guess I'd be speaking hypothetically. What if after we defer it and it comes back to our next meeting, and you get the answers to these questions, and by then is it, will the Maui Planning Commission have provided their, their input by that time that we get it? Because what if they get it, and then would, would the answers to the questions become void because you would support what Maui Planning Commission wants to do? Does that, did that make sense with that?

Mr. Gima: Yeah. Um, Leilani, when will the Maui Planning Commission hear this item?

Ms. Ramoran-Quemado: I believe next week Tuesday and then Molokai will see it the day after, if I'm not mistaken. I gotta, I need to check on the calendar.

Ms. Atacador: Thank you. I guess yeah cause just my question is would, would you, would you, would you go oppose what, what direction the Maui Planning Commission is going in when we don't have any locations on Lanai that would be affected?

Ms. Alboro: I wouldn't, for me, I wouldn't oppose it's just that I don't think we should be the first vote because it doesn't affect us.

Ms. Atacador: Right, right.

Ms. Alboro: I think the other Commission should have whatever, wherever it is going to create an impact should have gotten it on their agenda first.

Ms. Atacador: Right. So like asking these questions and asking them to get the answers is kind of like --

Ms. Alboro: It would be void if Maui and Molokai . . . (inaudible) . . .

Ms. Atacador: Right, if they got their answer, right?

Ms. Alboro: . . . (inaudible) . . . But if like if they came with all those, all that information that we're asking like, it, like you should have back-up from 2015 to 2023 to see what the change was. It's not just change of Commission or whatnot, change of, you know. So I mean, I just, yeah, I just feel like we shouldn't be the first to vote on it.

Ms. Atacador: Okay. Because then I guess deferring it contingent on getting these answers from you, I wouldn't go along with as much as I would defer it once we know what direction Maui Planning Commission wants to go in, is, is my, my opinion, you know. Like I said, why make them get all these answers to these questions if Maui County is going to, if Maui, sorry, Maui Planning Commission gets it next week and they're like yes, we support it. Let's move forward. And then we have to wait a whole another time until it comes back to us.

Mr. Rowe: And Chair, if --

Ms. Alboro: And as Commissioners too I think we should know the answers to those questions. I mean, that's just my feeling. Like we, they should be able to tell us that.

Mr. Gima: Michelle?

Mr. Rowe: Chair, if I, if I may? I can confirm that February 25<sup>th</sup> is when it's going to be before the Maui Planning Commission, and then February 26<sup>th</sup> is when it's going to be before the Molokai Planning Commission.

Mr. Gima: Thank you Caleb. Michelle?

Ms. Fujie-Kaauamo: I, I am hearing both sides. One, one side that wants to wait, so that way we can get answers. Another side that I feel like there is a sense of urgency, and I, I'm on that, on the sense of urgency side. Can we think about what Lisa shared earlier about our decision to move it forward in the contingent, with the contingency that the other commissions, to go along with whatever the commission said. Or the other Maui, or sorry not Maui, yeah, Maui and Molokai, our idea of it, Lanai passing, knowing that we are not, we don't have stake in this right now. I don't know how to phrase that. Maybe Lisa can help me. But I, I don't think that we should differ because then that's a whole other month that we're going to have to wait. And regardless of what answers we get, even if it is, we should be getting those answers, it's

not going to sway our vote, right? If Maui and Molokai say, yeah, we're in support of it. Lanai is not going to all of a sudden stand up and say, we don't agree with those answers, we deny it. That's, that's my -- I, I need help with being able to create that language, but that's the feel that I have. And I think that's what we're torn on. Do we wait and get answers or do we push it forward and wait to see what Maui and Molokai says.

Mr. Gima: If we're going to follow what the Maui Planning Commission says, then we don't have to do anything.

Ms. Fujie-Kaauamo: But we're saying we defer our vote, right?

Mr. Gima: But I, I'm just --? What's that?

Ms. Fujie-Kaauamo: We're saying that if we don't do anything, we're deferring our vote. So then Maui does their vote and then we come back next month and vote, yes, because that's what Maui said. Versus just saying right now we're contingent on whatever Maui decides.

Ms. Alboro: No, it's not just Maui. It's Maui, it's Molokai. So I mean like those two Commissions need to meet. And then even if we defer it, we're still in the 120 days that would come up on our next agenda item in March. So I mean like it maybe a unanimous pass by Molokai and Maui, which is great. Like I said, it doesn't affect Lanai, but I just don't feel like we should be the first vote.

Mr. Rowe: And Chair, if I may, you know, I, I'd agree with that assessment, that we can't really take a vote that is contingent on, on something else occurring. So the vote could be that we continue it, but, the effect of that vote can't be contingent about something that, that we're not currently reviewing.

Ms. Fujie-Kaauamo: Okay, got it.

Mr. Gima: Thank you. Yeah, so Erin, to, to your point I think if we defer and we get Maui and Molokai Planning Commissions' input plus the three questions answered I think we can make a better or informed decision and we're in, we would be in the 120 days.

Ms. Atacador: Okay, thank you.

Mr. Gima: So if, if there are no objections to the deferral, we can just do nothing and it will come back to us next, next month. Or we can do a deferral motion asking for the three things and we'll have at that time Molokai and Maui Planning Commissions' input.

Mr. Rowe: And Chair, in order to condition the deferral, you would need to make a motion.

Mr. Gima: Okay.

Mr. Rowe: So you're, you're conditioning it on, on those questions. So I, I, you'll, you'll need a motion for that.

Mr. Gima: Okay, thank you. Nikki?

Ms. Alboro: Our, our vote or, our, whatever we decide tonight with the conditions if it passes or whatnot will get relayed to the Maui and Molokai Planning Commission, correct? So they would know that we had asked these questions and would like the answers before our next meeting, correct?

Mr. Rowe: That, I'll, I'll defer that to the Department, but I, I think that the Department can forward them this information.

Ms. Alboro: So do we have to put that in our motion?

Mr. Rowe: I would just do it as a, as a flat deferral until the next, until the next meeting. Again, to avoid making it contingent on, on a future action of another party.

*(Motion #4 for Agenda Item B.1.)*

Mr. Gima: Okay for the third time, I will entertain a motion to defer action on the proposed build together specific additional information that being two things. One Department, County Department of Ag input, and number two, having the Planning Department explain why they reverse course after eight years.

Ms. Alboro: I second or so move.

Ms. Fujie-Kaauamo: I'll second.

Mr. Gima: Okay, it's been moved by Commissioner Alboro, seconded by Commissioner Fujie-Kaauamo that we defer action on the proposed bill to gather specific additional information. Number one being the County Department of Ag, either verbal or written testimony. And number two, having the Planning Department explain why they reverse course after eight years. Okay. Any further discussion or questions? Hearing none, all in favor, please raise your hand. Okay, those opposed. Okay, motion does not carry.

***It was moved by Ms. N. Alboro, seconded by Ms. M. Fujie-Kaauamo, then***

***VOTED: To defer and requested two additional information, as discussed.  
MOTION FAILED.***

*(Assenting: N. Alboro, M. Fujie-Kaauamo, R. Gima, S. Rabaca)  
(Dissenting: E. Atacador, E. Grove)  
(Excused: S. Kaye, N. Manna)*

Ms. Fujie-Kaauamo: Can I ask then so since it didn't carry it got deferred anyway, right, without those conditions?

Mr. Gima: If no one else, if no one else wants to make another motion, then we are taking no action.

Ms. Fujie-Kaauamo: Without conditions?

Mr. Gima: Is that, is that accurate Caleb?

Mr. Rowe: Yes.

Ms. Grove: Can I make a motion, Chair?

Mr. Gima: Sure.

*(Motion #5 for Agenda Item B.1.)*

Ms. Grove: To defer without questions. So just a motion to defer.

Mr. Gima: Okay, is there a second? Okay, I'll second. Okay, it's been moved by Commissioner Grove, seconded by Commissioner Gima that we defer action on the proposed bill to gather --. No, the motion is to defer action on the proposed bill, period.

Ms. Grove: And my thinking around that is twofold. One, I don't, I think we heard from both the Planning Department and Commissioner Johnson, Councilmember Johnson that the, the Maui County folks have orally said they support this, so that seems very redundant. I believe that we are probably going to get a squishy if not political answer to what happened through this eight years of why they there was an abrupt course. And I don't, I'm not going to probably put a lot of stock in whatever they tell us because it may not be exactly what went down. Because that's how these things work oftentimes. And so to delay for those two reasons that doesn't seem legit to me.

The, the other thing I wanted to say, you made a comment, Chair, about that if it was three farmers, you know, wouldn't matter to me as much as it was 17, and I completely disagree. I think if it's, we can keep three farmers of float because they have food trucks on their land, then that's a win. And in some ways I'd prefer that there was only three and not 17. And so that's why I, I just want to go back and sort of explain why I thought that, that --. And, and also having them project as something that's squishy in the future.

Mr. Gima: Okay, any further questions or comments on the motion on the floor? Okay, hearing none, all in favor, please raise your hand. Okay, those oppose. Okay, motion carries, five to one. All right, thank you. That was grueling.

***It was moved by Ms. L. Grove, seconded by Mr. R. Gima, then***

**VOTED: To defer.**

(Assenting: E. Atacador, M. Fujie-Kaauamo, R. Gima, E. Grove, S. Rabaca)  
(Dissenting: N. Alboro)  
(Excused: S. Kaye, N. Manna)

**2. A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.30A (AGRICULTURAL DISTRICT), MAUI COUNTY CODE, ALLOWING AGRICULTURAL TOURISM AS AN ACCESSORY USE IN THE AGRICULTURAL DISTRICT**

**Ms. Kate L.K. Blystone, Planning Director, referring to the Maui, Molokai, and Lānaʻi Planning Commissions, a proposed bill to amend Maui County Code Chapter 19.30A; allowing specific types of “Agricultural Tourism” as an accessory use in the Agricultural District. The bill proposes to amend Chapter 19.30A by adding a new accessory use to the Agricultural District, titled “15. Agricultural tourism on a farm”. The new accessory use, amongst specific provisions, would permit certain agricultural tourism activities to occur as accessory uses on a farm. (G. Pfof)**

**The Commission may receive a presentation from Gabe Johnson, Maui County Councilmember and Chair of the Agriculture, Diversification, Environmental, and Public Transportation Committee. The subject Ordinance was introduced to the Maui County Council by Councilmember Johnson.**

**The entire text of the proposed bill for ordinance is available at: <https://www.mauicounty.gov/DocumentCenter/View/150850/Reso-24-172-CD1-FD1>**

Mr. Gima: Let's alright, where is my agenda here? Right moving on to the next public hearing, a bill for an ordinance amending Chapter 19.30A, Agricultural District, Maui County Code, allowing agricultural tourism as an accessory use in the agricultural district. Ms. Kate Blystone, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions, a proposed bill to amend Maui County Code Chapter 19.30A allowing specific types of agricultural tourism as an accessory use in the agricultural district. The bill proposes to amend Chapter 19.30A by adding a new accessory use to the agricultural district, Title 15, agricultural tourism on a farm. The new accessory use amongst specific provisions would permit certain agricultural tourism activities to occur as accessory uses on a farm. Okay I'll turn this over to, to you, Greg, and I think Councilmember Johnson will provide a presentation following you.

Mr. Pfof: Yes. Thank you Chair. Again, let me share a real quick power point presentation here. Okay. Okay. You all can see that? Thank you very much. The purpose of the bill

ordinance as indicated is to allow specific ag tourism uses as new accessory uses in the ag district. This was also heard on November 21<sup>st</sup> by the ADEPT Committee and forwarded to County Council. There's also an ADEPT report attached to your packet that summarizes their action. On December 6th, the County Council adopted the Resolution and then referring to this bill to the Planning Commissions for action transmitting with their findings.

I'm not going to go through this. This is actually the policies that I mentioned in the last bill regarding the importance of retaining their agricultural lands, both and then also I discussed the Maui County Code and the importance of preserving and protecting agricultural resources in the Code. And the importance of reviewing any Code amendment with any of these policies within our General Plan. And the General Plan actually talks about other things relating supporting farmers in regards to ag tourism as well and some of these policies here which are in your report describe that, as well as Maui Island Plan and Community Plans also.

To give you a little bit of background about ag tourism, the State law actually encourages agricultural tourism to be permitted within the Counties for the enjoyment, education, involvement of visitors. The State law indicates it must be on a working farm, it must be accessory and secondary to the principal ag use on the farm and not interfere with farming operations, and that the County must adopt an ordinance with specified provisions. And so subsequently that's why we're here today is, is looking at adopting that ordinance.

Within the existing Maui County Code, the agricultural district, has a list of accessory uses that are kind of tourism type activities but doesn't go to the extent of what this proposed bill does. For example, one of the accessory uses is called open land recreation uses, but they're like hiking, non-commercial camping, fishing, hunting, et cetera. It also includes guided tours or accessory to principle or accessory to principal uses such as farmer plantation tours, petting zoos, and garden tours.

But that's really about it beyond, we also have kind of a tourism type activities. We allow bed breakfast homes and short-term rentals, but that's about all that our Maui County Code allows in the agricultural district. And so subsequently this is the proposal is moving forward with the new accessory use, number 15, agriculture tourism on a farm. And within your report and right here it identifies the specific uses that would be permitted in the ag tourism on a farm. Quite a variety of uses in A, B, and C.

And also within the proposed bill, there are proposed regulatory requirements. Again, I appreciate Councilman Johnson's effort to work with the Planning Department. We worked pretty hard on this over, over, over months. And some of the regulatory requirements is that tourism activity must occur on a farm, which as I mentioned, that's a State requirement as well. Tourism activity must support and be related to the principal farm activity and not interfere with the principal uses. There are restricted hours with the farm except for activity type C, which was a more of a nighttime activity. And if the farming operation ceases in the property, then the tourism activity must also cease as well. The farmers have legal access to a public highway. In consultation with Department of Fire and Public Safety is required if that

access is less than 20 feet wide. Off street parking is required as with the, as noted with passive recreation requirement within our Code which require, which would require zero parking spaces for up to two parking, two acres, and four parking spaces for above two acres.

And then it also talks about one of the regulatory requirements is a statement activities related to indigenous cultural traditions should not be misappropriated and should be practicing with respect for the host cultural intellectual property including traditional and ancestral knowledge. So those are all regulatory requirements that I mentioned that are within this proposed bill.

The Department's position on this is the Maui County Code provides for limited opportunities for ag tourism and this bill provides more opportunity and the State permits ag tourism under certain provisions which this ordinance complies with. So in general, the Department is supportive of the bill. And it includes provisions to address potential commercialization of the ag districts that I mentioned before, such as it must be on a working farm, relates to the principal farming activity, ceases operation if the farming activity ceases, and other provisions that I mentioned earlier.

Within the Department recommendations, there were a few minor revisions that I noted within the report. The first one just simply removing the phrase a restaurant is not permitted because an agricultural food establishment, which we talked about last time, is actually permitted and you can actually get a commercial agricultural structure. So I don't think there's any need to have that phrase within the, within the ordinance, very minor revision.

The second minor revision is related to parking. As I noted the proposal is to have parking associated with the passive recreation in our Code, excuse me, which would require zero parking spaces for up to two acres and four parking spaces for above two acres. The Department felt that that was a pretty small amount of parking considering the tourism activity would attract some tourists. We were thinking it would be more beneficial to align it more with an active recreation use which would require one parking space for two participants. We would also make sure that the, the spaces can be used or, or do not have to be paved as well because you're in ag district, and so it would maintain that requirement.

The third minor revision is, is simply there's, there's a phrase within the proposal that indicates a gift shop where agricultural products grown shall be permitted. Excuse me. And while State law does talk about an ordinance, should address gift shops. Our existing Code can address a gift shop through a commercial ag structure and that is a, could be a commercial retail structure. So the Department was concerned that if we had a gift shop and then you also had a retail structure, you'd have multiple structures on a property that would be selling product that, that may not be related. So subsequently we're recommending changing that provision so that the sale of agricultural products and non-agricultural commemorative items may be permitted in compliance with the requirements of the section on commercial agricultural structures.

Excuse me, the fourth minor revision that we want to bring to your attention is right now the proposal, the ordinance as proposed does not have any type of County review procedure for the agricultural tourism use like we do with like, for example, the commercial ag structures, a registration process with the commercial ag structures. We're concerned that farmers may decide to move in a path and have an agricultural tourism activity and not familiar with the requirements of the Code, and we have an enforcement mechanism, we have an enforcement issue, and we have to come and tell them to stop, and we'd be concerned about their investment into the ag tourism activity without actually following the rules. Subsequently, we're recommending that a registration process be added. I've noted that in this minor revision and that registration process basically is similar to the registration process for a commercial ag structure that we already have in place.

The fifth one is not necessarily revisions. We just want to make, point out to the Commission's attention and just seeking their input on them is one of the, I, I mentioned this already. The proposed ordinance's fourth introductory paragraph includes a clause that says activities related to indigenous cultural traditions shall not be misappropriate and shall be practiced with respect to the host culture's intellectual property including traditional ancestral knowledge.

The Department agrees wholeheartedly with this statement. However, we just wanted to make sure you understand that it's really not enforceable. It's kind of subjective and the Department doesn't have really the enforceability to enforce that, but the statement is, is a good one. We just want to make bring that to your attention if you have any comment.

And then secondly, we just want to bring to your attention that there is an activity. It's the sea activity which allows for activities related to traditional methods of voyage and wayfinding with which reference the location celestial bodies to navigate these activities may operate after 6:00 P.M. and before 8:00 a.m.. While the Department is not opposed to this activity, we believe a good educational activity, we just want to note that it, it's not really, as far as we're aware, related to the principal farm activity that's occurring so it's a little bit different. So we just wanted to point that to your attention. Not necessarily a change but seeking any Planning Commission input on that.

That concludes my presentation for tonight. The Commission can recommend approval of the bill as, as proposed; recommend approval of the bill with amendment that the Commission may come up with or, or reviewing the Department's amendments; recommend denial of the bill; or vote to defer the action to gain specific information. Thank you very much, and that concludes my presentation.

Mr. Gima: Alright, thank you Greg. Councilmember Johnson, will you be making a presentation also?

Councilmember Johnson: Yup. Okay, let me pull this up, share agriculture tourism. You guys see that? Okay, how about now?

Ms. Grove: I can.

Councilmember Johnson: Can you see it now?

Mr. Gima: For some reason I can't.

Councilmember Johnson: Okay.

Ms. Fujie-Kaauamo: I, I can see it.

Councilmember Johnson: Okay, well, I'll do a lot of talking.

Mr. Gima: Just go ahead. Just go ahead, Gabe.

Councilmember Johnson: All right. Okay Commissioners, agricultural tourism. So basically this is in Title 19. The purpose and intent is to, in the agricultural districts is, agricultural district is implementing Chapter 205, Hawaii Revised Statutes, and the goals and policy of the Maui County General Plan and Community Plans. So it's going to promote agricultural development, preserve and protect agriculture resources, and support the agriculture character and component of the County's econ, economy and lifestyle.

This is probably the most important slide right here is HRS 205.4.5 Number 13. Agriculture tourism conducted on a working farm, or a farm operating as defined in Section 165-2, for the enjoyment, educational or involvement of visitors provided that the agricultural tourism activity is an accessory and secondary to the principal agriculture use and does not interfere with surrounding farming operations and provide further that this paragraph shall apply only to a County that has adopted ordinances regulating agricultural tourism. It has a key section right there. The last section is that the State will allow agriculture tourism if the County defines it and regulates it, right? So that's what we're doing today is defining it.

Maui County, Countywide Policy Plan, and here's some examples of why this is important. It promotes in teaching traditional practices including aquaculture and it just goes down. Maui Island Plan talks about diversifying the tourism industry and supporting appropriate niche activities such as ecotourism, cultural tourism, volunteerism, and agritourism. So over and over again, these other entities and documents are saying we support this, we want this. Again, Hawaii Tourism Authority mentions ag tourism keeps farms and ranches viable; prev, preserves agricultural lands; it gives them jobs; enhances and promotes agricultural products; authentic farm and ranch experiences; education; diversifies tourism, offerings and connects with nature. All of these other, the USDA, US Department of Ag, NRCS, Agritourism helps US farmers and ranchers generally generate revenue from recreational or educational activities such as tourism or a working farm or the old pick your own fruits and vegetables programs. You all been there, those are fun picking strawberries. Beginning in small-midsized farms are increasingly exploring agritourism as a strategy to remain competitive. Agritourism also has potential to help revitalize rural common economies, educate the public about agriculture and

preserve agriculture heritage. In addition, community focused farms may find agritourism as an attractive option because it provides more labor opportunities for local residents. Of course, the Maui Farmers Union supports it, experiencing Maui's ag tourism. Come experienced vibrant, the vibrance of paradise on our Maui farms, ag tourism is where agriculture intersects with tourism create dynamic system. So again, the HFU is there.

And now the next few slides are example of farms that are doing to, tours and whatnot. So of course, the chocolate tour. Every loves chocolate Maui pineapple tour, going down to Maui Bees. And in then the O'o farm. Okay, so these are all farms that are doing tours. Of course the, the, you know, alcohol sales on these, on these farms is another way to make money. And then this is just another article about how agritourism is saving American farms. And I think basically I'm just going to wrap it up right there so because it's getting late.

But really, as far as -- I'm going to stop sharing. Give me one moment. Okay, as far as what the Department's revisions are, I, I don't mind them. I would support the minor revisions that they propose. I'm not going to oppose them. And that's the end of my presentation. Thank you Commissioners.

Mr. Gima: Okay, thanks Gabe. So at this time I will open up, open this up for public testimony. Leilani, anybody in the chat or in the conference room?

Ms. Ramoran-Quemado: Thank you Chair. In the conference room, there's no one. Online, I have two signed up. First person, Keiki-Pua Dancil from Pulama Lanai, and then to be followed by Sydney Smith.

Mr. Gima: Okay, alright, go-ahead Keiki-Pua.

Dr. Dancil: Aloha Chair Gima, Vice Chair Alboro, Commissioners, mahalo for the opportunity to provide comments on this measure, Item B.2., on agricultural tourism. One suggestion is that there is no specific definition of agricultural tourism in Chapter 19.04.040 proposed. Although they do list very specific things on what is being allowed and maybe that is what they're considering the definition. But keep in mind that there could be an opportunity that if you are trying to do something and it's not specifically listed, you will be in this Catch 22 where it's not qualified as agricultural tourism. So that's one suggestion.

The bill also has several things that precludes Lanai from participating in this measure. As well as I mentioned before, our commercial ag lots is not conducive to this type of activities. There's no infrastructure to support this type of activity in the area and there's better places to do these types of activities.

Another thing that, I thank you, Greg, for mentioning was the comments about the misappropriation of cultural resources during committee hearings, the Director of Oiwi Resources, Director Molitau expressed several concerns. And how they fixed that was to add that one clause in there. But as he mentioned, as Greg mentioned, there's no teeth, there's

no enforcement. So one of the suggestions was to include in the registration process that Greg suggested all of these entities go through to have a letter of authorization just like you have it to get a letter of authorization from the owner of the lot. You get a letter of authorization from the Director of Oiwi Resources stating that the type of activity does not have any adverse effects or misappropriation of cultural practices.

And that's it. Mahalo. Thank you guys for sticking in there. It's been a long evening.

Mr. Gima: Thanks Keiki-Pua. Commissioners, any comments, questions for Keiki-Pua?

Ms. Atacador: I have one, Chair, if I may?

Mr. Gima: Go ahead Erin.

Ms. Atacador: Thank you Keiki-Pua. Is, um, Sensei Ag Farm on, it's on ag land?

Dr. Dancil: Correct.

Ms. Atacador: Is, is there infrastructure set up to do, like, like tourism, like, agritourism there?

Dr. Dancil: They do have the infrastructure. They have access to fire hydrants, they have parking, they have restrooms, but they, at this point in time, I don't believe they are doing that type of activities on the site. But that's the type of infrastructure that you would need, right? In case there's something were to happen, there's roads, there's right size for ingress egress, emergency access if something were to happen. There's lots of parking for people to park. There's restrooms where people can wash their hands and use the restroom. Safety things.

Ms. Atacador: Right, so if, if this bill passes, they could do stuff like that on, on at Sensei ag property. If it didn't, could they, could you still do that?

Dr. Dancil: Depending on how you, what they do. It's just unless I have a specific thing that they're doing, I wouldn't be able to comment. Because the term, as I mentioned, is not clearly defined, and there's no definition being proposed in this measure.

Ms. Atacador: Okay.

Dr. Dancil: Nothing. Chapter 19.04.040, there's nothing being proposed. It's just very specific things.

Ms. Atacador: Got it. Got it. All right. No, I don't think I have any other questions. Thank you.

Mr. Gima: Okay, thanks Erin. Anybody, anybody else for Keiki-Pua? Okay, hearing none. Thanks Keiki-Pua. Moving on to Sydney.

Ms. Ramoran-Quemado: Thank you Chair. I do not see her on anymore.

Mr. Gima: Okay.

Ms. Ramoran-Quemado: Yeah, I don't see her on.

Mr. Gima: Okay, Roxanne, anybody in the Lanai Office?

Ms. Morita: No Chair, there's nobody here to testify.

Mr. Gima: Alright, so at this time I will close public testimony and then open it up for questions, comments from the Commissioners to Greg or Gabe. Nikki?

Ms. Alboro: I have the same question. Are we the first Commission to review this bill?

Mr. Pfof: Yes, you are. Yes.

Ms. Alboro: So again, it doesn't pertain to Lanai, but I do agree with your edits that you have in regards to the parking and all that stuff but that was just my question if we were the first Commission to see this bill. Thank you.

Mr. Gima: Yeah, anybody else? Comments, questions? Lisa?

Ms. Grove: I had, my questions were similar to Dr. Dancil's where there was that list of things that you can do, and then it didn't, I was a little confusing to me. I'm not sure if this is for Greg or for Gabe, but it says I thought there was some language saying that it couldn't interfere with a working nature of the farm or something like that. The tourism had to be separate. And I was just wondering, first of all, is this the, if, if it's not on this list on, on page three, does that mean it, it's excluded? And my second question is, I do know that that some agritourism involves like removal of invasive species or seed propagation or actual farm work, pruning and tending the orchards or whatever else, and does that mean if it has to be outside the working nature or if it's not on the list that those things couldn't be included?

Mr. Pfof: Thank you for the questions. In, in regards to the first question, if it's not within the activities that are shown that would be permitted in an ag district, then you would not be able to do those other ag tourism activities. Regarding your second question though, I, I think, I think if you were just getting help into doing kind of farm activity is a little bit different than what we were talking about regarding ag tourism, in regards to if you look at the other uses that are in there that are being proposed. So I don't think there's necessarily a problem if you have folks coming over to help you farm. I don't think that's an issue. I don't know if that's really an ag tourism issue.

Ms. Grove: There are people doing that in Hawaii as part of tourism is having them harvest Kalo or things like that, right?

Mr. Pfof: It's a good point and, and maybe just to make sure, to make sure that there's no doubt is maybe we want to look at adding something that, something to that to allow that to occur. I would, I would fortunately I . . . (inaudible) . . . for, well, not necessarily, it might fall, I'm thinking to have to, if you go through a registration process you actually have to, you have to do a registration process to have folks come onto your farm to actually do that. Well, maybe that makes sense in some cases, maybe not in others. I haven't really thought about that, but it might be something that we want to add as a, as an allowable use. Councilmember Johnson may have something to add to that as well.

Ms. Grove: Thank you. The other thing like I didn't see anything about Kalo, like poi pounding or anything like that as, in that first list. It and I, that's why I was asking is like we have coffee roasting, we're naming tea processing, we're naming kapa, honey, bees wax, but we don't have taro mentioned in there and I was just curious. And there's no mention of anything related to fruits.

Mr. Pfof: I, I believe, and I, I don't know how to pronounce it, but the, the, the word that is right after lei making.

Ms. Grove: Ku'i'ai.

Mr. Pfof: It's --

Ms. Grove: Oh, I'm sorry, I missed that.

Mr. Pfof: Yeah. I apologize not knowing, but I believe that's related to --

Ms. Grove: Yeah, yeah. I apologize, I missed that word. I was also wondering about imu but, I, I was just curious --. My concern is that there's probably something outside that list that we haven't thought about and then we can't do it, right? Because that's what it sounds like, right? If it's not in this list, then it can't be done.

Mr. Pfof: That is correct.

Ms. Grove: It isn't qualified as agritourism?

Mr. Pfof: That's correct. There's no other provision for that. So if you want to --. And this and this list came from, I assume came from the Ag Working Group. Perhaps Gabe can answer that, but we're just implementing the list. So if there's other things that you feel need to be added, then --

Ms. Grove: And I do know on Maui people have done seed propagation. I know they've done invasive removal as part of like agritourism and that they've also done some more source specific farm work like pruning or helping with harvesting.

Mr. Gima: Okay anything else Lisa?

Ms. Grove: No, thank you.

Mr. Gima: Okay. Sandi, Michelle, Erin? Okay Greg, are, are, is this bill also on the 120-day track starting in December?

Mr. Pfof: Yes, it is. It's on the same, same track because they were both heard by the Council at the same time. I'm bringing them both to the Commissions at the same time.

Mr. Gima: Okay, and will you comment on pending State legislation in terms of what the three Commissions can or should do?

Mr. Pfof: Yeah, there is a pending State legislation. I, I, I, we're right in the middle of the legislative session. I don't know whether what's going to happen with the legislation, but there is pending legislation that would basically augment the Hawaii Revised Statutes section on ag tourism by adding some more qualifiers in there. I, I, I'm reluctant to, I don't think we need to do anything right now because that legislation is still pending. I'm not sure what's going to happen and whether or not it will be passed or signed. If it is, then most likely it will have to be coming back to you if I have to make any adjustments, but I don't know what those adjustments are. So I just wanted to inform you that there is pending legislation out there.

Mr. Gima: So is the Planning Department recommending that we move forward and take the action or are they saying, are you saying let's wait to see what the leg does?

Mr. Pfof: No, I'm recommending that you move forward and take action. This bill, as you know with legislative session, not a lot of bills get passed, so I'm not sure if it will or not. So I, I suggest you move forward so it allows those farmers to move forward with ag tourism activities if they want to do so.

Mr. Gima: Okay. And what's the County's Department of Ag's position on this bill?

Mr. Pfof: They were in general support of this bill, per the, per the minutes of the same that I read to you before at ADEPT Committee where they appeared on November 21, 2024. There are minutes related to that and there are, she is, the Director has spoken in general favor of the bill.

Mr. Gima: Is there, is there a reason why that that Department doesn't offer written testimony?

Mr. Pfof: I do not know a reason. I, I, I do put it out there to different departments. Some responds, some don't and, and so, you know, I think in future bills I'll be more, more adapted asking them for, for written statements would be helpful.

Mr. Gima: I mean if this was a non ag bill, then I can understand that. But this is an ag, these are two ag bills.

Mr. Pfof: Yeah.

Mr. Gima: Okay, so is, is the reason or the impetus for this bill is so that we have an ordinance that comports with State law?

Mr. Pfof: That is current correct, and this ordinance does comport with State law. So . . . (inaudible) . . .

Mr. Gima: Why only now?

Mr. Pfof: I don't know. Perhaps Councilmember Johnson can bring that up. I, I don't know. I guess, you know, you wouldn't be able to do these activities unless you had an ordinance, and so I assume that there are farmers that want to do these activities to help supplement some of their income and do these activities, and so we have to do an ordinance per HRS. Councilmember Johnson may be able to add some more insight.

Councilmember Johnson: Okay, I'll add some more insight. There was a farmer on Maui that got shut down for lei making. Right, you need a Special Use Permit. That's, that's, that's ridiculous. Telling a Hawaiian to shut down his farm. So that's one reason.

The other reason I'm the Chair of the Agriculture. I'm writing agriculture bills. Before I was Chair of Housing, I wrote housing bills. I've been on this job, what, two years? It's going to take time to get all, untie all the knots of bad policy. So this is where we're at.

Mr. Gima: Alright, thank you. Lastly, this is for Greg and Gabe. I'm taking kind of a macro view on this. So what's the impact of each of these bills or both together passing on food security? Because I understand farmers want to be farmers, they need to make money, they need to survive, and yet there's a big push about food security and, so what, what, what's your positions on the fact that, this may take away from producing food security crops or products?

Mr. Pfof: I would say my initial reaction is I don't think it will in the sense that both HRS and the bills being proposed indicate that it shall not interfere with farming operations. So, you need to be on a farm. Those operations need to be occurring, and I don't see this interfering with the operations of the farm itself. I think it's a, it's an added activity that provides farmers with additional income and helping them out in a way without, without causing any harm to their, their farm and their production that they're doing. So that's my, my person, my position.

Mr. Gima: Gabe?

Councilmember Johnson: Okay, well, when you have the high costs of labor killing a lot of our farmers, and then you come up with a pick your own model and tourists come and pick their

own strawberries and, and they pay you for that, I think that's a good deal for farmers to keep them in business, right? So that, it adds to the food security just on that level. The cost of farming is so expensive. Their profit margins is so narrow. This helps subsidize it. It's very important that that what Mr. Pfof was mentioning, it doesn't, it doesn't replace farming. It helps subsidize farming.

Mr. Gima: Yeah, and, and the examples you had in your power point, Gabe, are exactly what you just mentioned. However, I don't think any of those examples were food security crops. Is, is that an act, accurate characterization? Gabe?

Councilmember Johnson: Can, can you repeat it?

Mr. Gima: In your power point, you gave examples of agritourism businesses on Maui, and I think you're, you're right, they're, they're good for business, it supplements. But I don't think any of those were food security crops.

Councilmember Johnson: Okay. Well, those were examples. But okay, well, what's your definition of food security crops, right? Like it's not all farms are going to produce just one item. Some do, but some of them, they know it's smart to grow the basics, which is, you know, a root crop, like onions or turnips. But something that keeps the light on might be the lettuce, you know. So that every, everybody, every, every operable farm put, puts value on this crop as opposed to that crop, and they alternate their crops all the time. There it's only a few, like, the lavender farm is known for its lavenders. So there there's some farms that are doing flowers and some farms that are doing, you know, food security things, you know. But this allow, it's for everybody.

Mr. Gima: My, my definition of food security crops are crops that are grown here and consumed here as opposed to being brought into Hawaii. So the examples you used are not necessarily food security crops based on my understanding, well, my, my definition. And I just wanted --.

Councilmember Johnson: Okay, well, when I went to Bobby's Paia Farm just last weekend, I mean they had cucumbers, they had long beans, they had culturally specific types of, types of food that they're growing, right? Kalo, the list goes on and on. Now it would be nice for Bobby to say, hey, I'm going to do a food tour, and I'm going to, I'm going to even do an evening planting under the moon. If he wants to do that, he can do that, right? That's what we want to allow them to do these tours to help supplement the cost of running a farm, right?

Mr. Gima: Okay. Thanks. Lisa?

Ms. Grove: Gabe, I have a question about the examples you just gave to but it's a different question because you talked about strawberries or harvesting in, at Uncle Bobby's in the evening or nighttime and I don't see those on the list.

Councilmember Johnson: Yeah I'm sorry. It's getting late, it's a bad example, but basically the examples that are listed, on the list, any one of those you can do without a major permit, right? I, I know I'm sorry it is late, and I just have picking strawberries in my head. But all those things on the list that you . . . (inaudible) . . .

Ms. Grove: You couldn't do you pick, right? Like if you did you couldn't go on to Bobby's farm and do cucumbers because it's not on his list, is that right?

Councilmember Johnson: Right, but they could help with --. I mean there's so much things. Some of them just want to, you know, plant it and then eat it, right?

Ms. Grove: Right.

Councilmember Johnson: And if that's what they want to do and if he can get a market to do that, then go for it.

Ms. Grove: And then what if he were to say like I actually could do a tourism thing around making pickles and kim chee and bringing people onto my land and it's not on this list. Is there a process to add things to this list?

Councilmember Johnson: That is such a good question, Commissioner. Now is the time to tell us what you guys want to put on. That's the whole process here is that you guys tell us, hey, you forgot fruit picking, or you forgot this or that, then then that's where this is where you guys can influence it, right? We had a list of a lot of the farmers who are actually producing and they they're saying this is what we need, like the example of the farmer who got shut down from lay making, right? So, and poi pounding, as you know, is a Hawaiian term in there. But those are things that all of a sudden you have to get a permit for that, that's ridiculous. We want to not make these farms get permits for these.

Ms. Grove: I totally get that. I mean the things I had on my list was fruit pruning and tending to the farm, traditional and organic pest reduction, learning about how to do it the pono way, seed prop propagation, plant sales, and invasives . . . (inaudible) . . .

Councilmember Johnson: Yeah, just put it on as a recommendation, you know, and the Planning Department will take notes and then when it comes to the Council, we can, we can discuss it.

Ms. Grove: Thank you.

Mr. Gima: Okay. Alright, any further comments Commissioner, I mean questions for Gabe or Greg? All right, Nikki?

Ms. Alboro: Sorry, just based off your last comment, Gabe, I mean, like, do you not have a list of things that they want to do from the farmers that you met with, that are going to be affected by this, and why was it not in the presentation or the packet.

Councilmember Johnson: No one was saying --. Okay I'm sorry you weren't done with your question.

Ms. Alboro: No go ahead.

Councilmember Johnson: All the things that the farmers wanted is in the bill. No one asked for something so we didn't put them in the bill, right? So that's how we did it. Now it comes to you guys if you want to add some more to it, but these were recommendations from farmers from the Ag Working Group and some other farmers who wanted to have input, input on it, and that's why we put it in.

Ms. Alboro: So the once, once this once we make a motion and you know we say what we want to say or add our recommendations or our opinion and we miss some things, what's the procedure again the bill comes before the planning commission to change and to get revised and et cetera?

Councilmember Johnson: The Planning Commissions advise us, right? So you're going to advise us, and if, if you guys advise us and agree with that and it gets put in. Now sure there could be something in here that you missed that we missed, but the demand has to move it, right? The, a farmer has to say I want to do that kind of thing for us to put it in. It would be kind of not a good bill if we just like I, I just choose that example of, of strawberry picking, but who can pick, who can grow strawberries when the birds eat them all, right? So there aren't really many strawberry farms out here, right? So those are those but if there, so I wouldn't put that in there because there's no farmer telling me to put it in there. But if you guys recommend and you have some good reasons, then let's put it in.

Ms. Alboro: Right, yeah, my whole thing is that, again, there's no real definition on like what Keiki-Pua was saying earlier and we're not farmers, so I wouldn't know what to recommend is my, you know, my two cents.

Councilmember Johnson: You're certainly consumers, right?

Mr. Gima: Okay, if there are no further questions or comments, I will entertain a motion to recommend approval of the proposed bill with amendments from the Planning Department to the Maui County Council.

Ms. Fujie-Kaauamo: So moved.

Mr. Gima: I will second. So it's been moved by Commissioner Fujie-Kaauamo and seconded by Commissioner Gima that we recommend approval of the proposed bill with amendments from the Planning Department to the Maui County Council. Any further discussion or

questions? Hearing none, all in favor, raise your hand? One, two, three, four, five. Okay all opposed? Okay, motion is carried, five to one. Thank you.

***It was moved by Ms. M. Fujie-Kaauamo, seconded by Mr. R. Gima, then***

***VOTED: To recommend approval of the proposed bill to the Maui County Council with the amendments as presented by the Planning Department.***

*(Assenting: E. Atacador, M. Fujie-Kaauamo, R. Gima, E. Grove, S. Rabaca)  
(Dissenting: N. Alboro)  
(Excused: S. Kaye, N. Manna)*

### **C. COMMUNICATIONS**

- 1. MS. KEIKI-PUA S. DANCIL, Ph.D., Senior Vice-President of Governmental Affairs, PULAMA LĀNAʻI, submitting the Q3 and Q4 2024 quarterly reports, and 2024 annual report, pursuant to Condition No. 15, for the Project District Phase II Application for the Four Seasons Resort, Lānaʻi, Koele Proposed Improvements (PH2 2017/0001)**

**The Report is provided to the Lānaʻi Planning Commission for its review.**

- 2. MS. KEIKI-PUA S. DANCIL, Ph.D., Senior Vice-President of Governmental Affairs, PULAMA LĀNAʻI, submitting a statement, in reference to Condition No. 11, for the Miki Basin Interim Industrial Use Project, Lānaʻi, Hawaii (SUP2 2021/0008)**

**The Report is provided to the Lānaʻi Planning Commission for its review.**

Mr. Gima: Alright moving on in the agenda. If -- we have a lot of items on the Director's Report, so if there are no objections can we defer the communication section to our next meeting? Okay, since there are no objections, I will turn over the Director's Report portion of the agenda to Danny?

### **D. DIRECTOR'S REPORT**

- 1. Completed Lānaʻi Applications Report *(Permits issued from the period of 01/03/25 to 02/07/25)***

Mr. Danny Dias: Good evening Butch. Good evening members of the Lanai Planning Commission. Let me just pull up. Okay Director's Report so Item D.1. is completed Lanai applications report. We have one item on there. It's, it's a, it's not an actual permit. It's a Request for a Comment and basically it was from the County of Maui Department of Public Works. And essentially they're letting us know that they have a project on Fraser Avenue and

whenever there is a project that uses either government or State or County funds or state or county lands, that is a trigger for an Environmental Assessment. However, there are things that are exempted, and in this example, it's basically a small project regarding like curbs and ramps et cetera. So they're just informing us that they are going to exempt themselves from having to do an Environmental Assessment.

Let's see here Item D.2. The County of Maui attendance policy update.

Mr. Gima: Wait, hold on, hold on, Danny.

Mr. Dias: Yes.

Mr. Gima: On this, on this exemption I mean, where, where on Fraser Avenue?

Mr. Dias: Okay, hold on here. Give me a minute. I got to pull up our County permitting system. Just give me another minute.

Mr. Gima: Construction going on on Fraser Avenue is the school, right?

Ms. Grove: Did you see someone put dog Park in the chat?

Mr. Gima: I don't, I don't see it in the chat.

Ms. Grove: It just came up on my screen.

Mr. Dias: Can you folks see that? I'm attempting to share my screen here. Is it sharing the document from the Department of Public Works?

Mr. Gima: Yes.

Ms. Alboro: You have to zoom in, yeah, I can't, we can't see.

Mr. Dias: Oh, okay, shoot. I don't know, is that helping? Is it zooming in on your end? Sorry.

Ms. Alboro: Yeah, it is.

Ms. Atacador: Yeah, that works.

Mr. Dias: So as I mentioned, whenever there's a State or County project, that is a trigger for an EA. However, there are a number of uses that are exempted. For example, if you have a bathroom at a, at a County park, you know, the County shouldn't have to do an EA if they're going, you know, paint it or something even though it's technically using a County land and using County funds. So when these projects come through us, they will inform the County that they intend to, to issue themselves an exemption declaration. Let me kind of scroll down

here. So this is essentially them telling us, you know, what, what category they're going to exempt themselves under. And the exemption, this class, you know, that you see here, that this is something that was approved and vetted by the State Department of Health (DOH). These exemptions obviously, you know, they have to go through a process and so, the State DOH essentially approved what can be exempt by the County and State.

So let me just go down here. So it's giving a tax map key, that's not super helpful. But here's a narrative. So the project will construct eight curb ramps at four intersections along Fraser Avenue between Second and Fourth Street and also at Tenth Street. And let me see, sorry, here's the plans. Let me see if I can flip this. Okay, here we go. So here are the curb ramps. I know it's kind of blurry.

Mr. Gima: I got it. That answered my, that answers my question.

Mr. Dias: Okay. Okay.

Mr. Gima: Just wanted to know where, where this was.

Mr. Dias: Okay, sorry for taking so long.

Mr. Gima: Thanks Danny.

## **2. 2025 County of Maui Attendance Policy Update**

**Acknowledge receipt, sign and date the policy and return in the enclosed self-addressed stamped envelope or email.**

Mr. Dias: You're welcome. Okay. Let me stop sharing. Okay moving along, Item D.2., the County of Maui attendance policy update. Let me see if I can pull that up here. So, it's I believe, Leilani, and Leilani, you can correct me if I'm wrong, but that's form that all board and commission members have to sign. So I believe this is just a reminder if you haven't done it, if you can fill that out and turn that into Leilani.

Ms. Ramoran-Quemado: That's correct.

## **3. Status of the LPC SMA permit rule change proposals.**

Mr. Dias: That's correct. Status of LPC SMA Permit Rule change proposals, I believe -- I missed the last meeting, but from what I understand, the Commission would like the Department to take your current SMA Rules and essentially change them so that the Commission also reviews SMA Minor permits. Right now you folks review SMA Exemptions. The Department essentially does all the paperwork research, et cetera, and a proposal as to what we recommend, like, say approval. And then it comes to the Commission and the Commission sort of gives the final say. But right now in the Rules, it doesn't allow that for

SMA Minor Permits and so my understanding is that the Commission would like to also see those and make a determination before the Planning Department approves it. So we're currently working on that and we're hoping to bring the Rule changes before you at your next meeting. What, what's a little tricky is we have to go essentially through every single sentence of your Rules because although that change seems somewhat easy, we also have to make sure that you know there isn't something else in the Rules that needs to be changed to reflect, adding SMA Minors. But anyway, long story short, we're working on that. We're going to bring that to you next, next week for your full review.

Number four status of the proposed --

Mr. Gima: Hold on Danny.

Mr. Dias: Yes.

Mr. Gima: So for the March meeting, the Planning Department is going to bring proposed language for us to consider changing the rules that the Lanai Planning Commission will now be the final authority on Minor Permits.

Mr. Dias: Yes. However, let me sort of give some context.

Mr. Gima: And --

Mr. Dias: Okay.

Mr. Gima: And my understanding is the Planning Department is also going to bring in proposed rule changes to give back Exemptions to the Planning Director. Is that accurate?

Mr. Dias: It, it really depends on what you folks want. So, I mean we, we can do that. My understanding, and correct me if I'm wrong, was you folks also wanted to see the Minor Permits. I know Candace Thackerson, I'm trying to recall because this meeting was probably almost a year ago, suggested that you do that, just review Minors because that's sort of the one where you can add condition. Exemptions are what the State says like okay the law doesn't, our SMA law doesn't apply to this. They don't need a permit. But we can, we can do that to, to flip flop it so that we bring the Minors, which, you know, like I said, is actual permit with conditions and then change the rules so that you don't see the Exemptions.

Mr. Gima: Yeah, it, it was confusing at the last meeting because this was so long ago and that's why Sally followed up and I think she sent an email to Leilani who I think subsequently distributed to the Commission about what's going to be on the table. So anyways --

Mr. Dias: I'll, I'll relook at that email. I know it's for sure, you know, the Minors, but I'll try to get clarification on --

Mr. Gima: Okay, thank you.

Mr. Kurt Wollenhaupt: Hello. This is Kurt. I talked to Sally Kaye. I spoke with Sally Kaye on this subject.

Mr. Gima: Go ahead.

Mr. Wollenhaupt: Oh, so if we go back to the meeting in March of 2024, it was unanimously decided to direct the Maui County Planning Department to include SMA Minor Permits in their purview and authority. So that's what we need to work on, the Minor Permits. We need to work on with our Corporation Counsel. So I'm not sure that the language will be ready as quickly as perhaps you would like. It's not terribly complicated at least at the initial review. 12-402-13.1 of the SMA Rules speaks to the process for Exemptions. All proposed action within the SMA area recommended Exempt shall be placed on the agenda for review and final determination at your next Commission meeting.

Now when we talk about Minor Permits, as you know, the Director makes the decision, and that decision is just reported. The meeting in last March clearly indicated that your Planning Commission wants to be the final authority on Minor Permits. There was no, no -- that's a bright light that that that's indicated as such. So the thought was to take 12-402-14 and to take the process for the current Exemptions and to move that into Minor Permit processing.

Now again, I'm not sure we're going to have this language especially if it has to be drafted. We don't have anyone in the Shoreline Management Group at the moment. That position is open. That's probably who would do this and it has to be looked at by the Corporation Counsel.

Now, Sally and I then had a discussion as to, as to what was the disposition of the Exemptions. And while it appeared that there was debate about possibly making those Director determined, the, her, her recollection and her strong advocacy was that you would be the final authority on both the Exemptions and the Minors thereby not needing any change to the Exemption process.

So that appears to be what the Commission was wishing to go. So that would mean you would have final authority on Exemptions and on Minors. Okay, well I hope that helps. Thank you.

Mr. Gima: Okay, thanks Kurt. So bottom line, the next meeting we'll get an update from the Planning Department on SMA Minor and SMA Exemption potential rule changes. Okay, thanks Danny.

#### **4. Status of the proposed Talk Story LPC meeting.**

Mr. Dias: For the next item, Item D.4., I don't have any updates on this. This is sort of being spearheaded by the Deputy Director and she's in another meeting and we couldn't really connect. But I know this is an ongoing discussion, and we will continue to have this on future agendas.

**5. Status of the LPC vacancy.**

Mr. Dias: With respect to Item D.5. status of the Lanai Planning Commission vacancy, we don't have any updates on that. I, I think we mentioned before that the person that coordinates putting new members on, she's actually either leaving or has already left her position, so that sort of, you know, puts a wrench in this whole process. There was a recent agenda item for the County Council regarding adding commission members to various boards and commissions, and there wasn't anybody listed for the Lanai Planning Commission. So, as of right now, it doesn't appear that they have found anybody yet.

Mr. Gima: I thought two months ago or even last month they said they, they have one applicant and Cory's Department, Independent Nomination Board, had the responsibility of getting that to Council.

Mr. Dias: Yes, but I, I don't know, and we don't have any influence on what happens in between then, you know, so all I can say is, you know nobody's currently listed.

Mr. Gima: Okay.

**6. Status of in-person meetings.**

Mr. Dias: Item D.6., status of in person meetings, we have no updates to that except Kurt Wollenhaupt and our Deputy Director Ana Lillis, I believe they're going to Lanai on the 25th of this month. And part of that site visit is to, to, you know, look for locations. I think we're basically limited to, sorry I believe, it's the Bank of Hawaii building that the County is trying to acquire. Bank of Hawaii or First of Hawaiian Bank, sorry, one of those. So that's part of their site visit just to kind of see, you know, if it would be an acceptable location in the future et cetera. So, so we're, we're continuing to work on that, but you know, there's some obvious challenges.

**7. Agenda items for the March 19, 2025 meeting.**

Mr. Dias: And lastly, Item D.7. for our next meeting, I believe we'll have to bring back Item B.1. regarding the, the food trucks in ag, and then we'll also list Items C.1. and 2 that's on your agenda for tonight. And also there's a short-term rental permit renewal that's coming before you so looks like another fairly full agenda for next month. And that is all we have for the Director's Report. Thank you Chair.

**E. NEXT REGULAR MEETING DATE: March 19, 2025**

## **F. ADJOURNMENT**

Mr. Gima: Okay, thanks Danny. So Commissioners, any requests for agenda items for March? Any suggestions for filling the vacancies? It becomes really important because next month is Sally's last meeting. So actually Sally, Sally and Zane termed out, terms out in, in March. And you know, Zane's been resigned almost six months ago. Okay, if there are no agenda item. Go ahead Lisa.

Ms. Grove: I'm not going to be here next month.

Mr. Gima: Okay.

Ms. Grove: I know you usually ask, so I was just letting you know.

Mr. Gima: How's about the rest of you? Thanks again Sandi for being at the meeting tonight. We really appreciate that. I mean you need, you need an award for, for attending tonight's meeting. Okay, so if nothing, if there are no other additions to the agenda, thank you everybody for hanging in all the way till eight o'clock tonight. Appreciate it and we'll see all of you next month. Thank you.

There being no further discussion brought forward to the Commission, the meeting adjourned at 8:02 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

## **RECORD OF ATTENDANCE**

### **PRESENT:**

Nicole Alboro, Vice-Chair  
Erin Atacador  
Reynold Gima, Chair  
Michelle Fujie-Kauamo  
Elisabeth Grove  
Sandi Rabaca

### **EXCUSED:**

Sally Kaye  
Negus Manna

**OTHERS:**

Danny Dias, Planning Program Administrator, Current Planning Division

Kurt Wollenhaupt, Planner VI

Caleb Rowe, Deputy Corporation Counsel

Councilmember Gabe Johnson, Maui County Council

Roxanne Morita, Executive Assistant, Maui County Council, Lanai District Office

Leilani Ramoran-Quemado, Secretary to Boards and Commissions II, Current Planning Division