

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

October 23, 2018

Council Chamber, 8th Floor

CONVENE: 9:09 a.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Don S. Guzman
Councilmember Stacy Crivello
Councilmember Yuki Lei K. Sugimura
Councilmember Mike White

EXCUSED: Councilmember Riki Hokama, Vice-Chair
Councilmember Alika Atay
Councilmember Elle Cochran
Councilmember Kelly T. King

STAFF: Carla Nakata, Legislative Attorney
James Krueger, Legislative Analyst
Rayna Yap, Committee Secretary

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

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

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

ADMIN.: Eric Nakagawa, Wastewater Reclamation Division Chief, Department of Environmental Management
Parrish Purdy, Fire Fighter, Department of Fire and Public Safety
William Spence, Director, Department of Housing and Human Concerns
Joseph Alueta, Deputy Planning Director, Department of Planning
David Raatz, Administrative Planning Officer, Department of Planning
David Goode, Director, Department of Public Works
Wendy Taomoto, Engineering Program Manager, Department of Water Supply
Jase Miyabuchi, District Engineer for Upcountry and Molokai, Department of Water Supply
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Kono Davis, Fire Captain, Department of Fire and Public Safety (LU-72)

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Everett Ferreira (LU-72)
Howard Kihune, Jr., Aina Lani Pacific LLC (LU-72)
Tyson Au (LU-72, LU-73, LU-10)
James Basco (LU-73)
Sydney Smith (LU-10)
Eve Hogan (LU-10)
Christine Heidema (LU-10)
Kutira Decosterd (LU-10)
Sharyn Stone (LU-10)
Mike Moran, President, Kihei Community Association (LU-72)
Peter Trunk (LU-10)
Greg Jenkins (LU-72)
Lila Danielle (LU-10)
Paul Laub (LU-73) *(not present when called)*
Kai Nishiki (LU-72)
Amy Bond (LU-10)
Dean Trotzuk (LU-10)
Katherine Fitzgerald (LU-10)
Miroslaw Mirek Szatko (LU-10)
Laura Szatko (LU-10)
Michelle Alberdi (LU-10)
Bobbie Patnode (LU-10)
Annie Tjong (LU-10)
Robert Oswald (LU-10)
Vincent Schurtz (LU-10)
Thomas Croly (LU-10)
Catherine Clark (LU-10)
Sandra Duvauchelle, Lehua Builders, Inc.
(4) additional attendees

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

CHAIR CARROLL: . . .*(gavel)*. . . This Land Use Committee meeting of October 23, 2018 will come to order. I'm Councilman Robert Carroll, Chair of the Land Use Committee. First of all, may I request if anybody has anything that makes noise, please turn it off or put it on the silent mode. With us this morning, we have Committee Members, Mr. Guzman.

COUNCILMEMBER GUZMAN: Good morning.

CHAIR CARROLL: Good morning. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Good morning.

CHAIR CARROLL: Morning. Ms. Crivello.

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COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR CARROLL: And Mr. White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR CARROLL: Department of Corporation Counsel, we have Michael Hopper, Deputy Corporation Counsel. Administration representatives, we have Eric Nakagawa, Wastewater Reclamation Division, Department of Environmental Management; Parrish Purdy, Fire Fighter, Department of Fire and Public Safety; William Spence, Director of Housing and Human Concerns; Joe Alueta, Deputy Planning Director; David Raatz, Administrative Planning Officer, Department of Planning; Paul Critchlow, Planner, Department of Planning; David Goode, Department of Public Works; Eva Burnstein [sic], Planning Program Manager, Department of Water Supply. Staff, we have Committee Secretary Rayna Yap, Legislative Attorney Carla Nakata, Legislative Analyst James Krueger. Our District Offices, we have Dawn Lono, Hana District Office Staff; Denise Fernandez, Lanai District Office Staff; and Ella Alcon, Molokai District Office Staff. We also have Everett Ferreira, landowner; Howard Kinue [sic], Aina Lani Pacific LLC; and Sandra Duvauchelle, Lehua Builders, Incorporated. We have three items on our agenda this morning, LU-72, Council-Initiated Change in Zoning for Tax Key [sic] Map Key (2) 3-9-004:141 (Kihei); LU-73, Amending Comprehensive Zoning Ordinance to Amend the Definition of "Lot Width"; and LU-10, Amending the Comprehensive Zoning Ordinance Relating to Accessory Dwellings. For individuals testifying in the Chamber, please sign up at the desk in the lobby. When you're called forward, you have three minutes and please repeat your name and if you are representing any organization at the podium. First testifier?

. . .BEGIN PUBLIC TESTIMONY. . .

MR. KRUEGER: Mr. Chair, the first person signed up to testify is Kono Davis, testifying on agenda item LU-72, to be followed by Everett Ferreira.

MR. DAVIS: Good morning, Chair, Councilmembers. Thank you for this opportunity to speak on this matter. My name is Kono Davis and I'm in support of the change in zone for the 6.9-acre parcel on South Kihei Road from Open Zone to R-1 Residential. And this is to facilitate a 100 percent affordable housing project that I think is super important for us in our community. I look at the developers that want to provide 100 percent affordable homes for us as God sent. If it wasn't for the opportunity my mother had 30-plus years ago, I may have not grown up on this beautiful island and been blessed by this beautiful people here. You see, my mom was a single mother of two and she was afforded a home in Skill Village up in Paia. Prior to that, we bounced around from rental to rental; sometimes in a small little studio for the three of us. So, I have firsthand knowledge of how hard it is when I was a kid to be able to afford a home that we could call our own. And recently, I too have been afforded the opportunity by the same developer for an affordable home myself. And if I didn't have

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this opportunity, I may have not been able to stay here on Maui the way things are going. I make a decent living here and I still struggle and I think everybody has the same opinion; it's just super hard to move forward. I don't want to be a slave to my mortgage and with this 100 percent affordable opportunity, people like me and others like me can stay here where we want to be, here on Maui. I love this island. My family is from here and I'd like to stay here and with this 100 percent affordable project, that is possible for me. I humbly request that you approve the change in zone for this project and allow others the opportunity my family have had and to own our own home here on Maui. My name is Kono Davis. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you.

MR. DAVIS: Thank you.

CHAIR CARROLL: Next one.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Everett K. Ferreira testifying on agenda item LU-72, to be followed by Howard Kihune, Jr.

MR. FERREIRA: Good morning, Chair. Good morning, Council. I'm the family that owns a property at the moment, the 6.9 acres. In the past, we have had several offers, but nobody came up with a plan. And then when the Kihune's approached us, after discussing with my family members, we decided to go forward with this program 'cause it's based on the needs of our community, affordable housing. Yeah, and this 100 percent and, you know, I've grown up in Kihei, I've seen the changes, and the cost of living is already high in Hawaii. I mean, if you grew up here, you survive. But then now, I'm looking towards my family, my kids, and my grandkids that they're having a hard time making ends meet. You know, so, we're in favor of this resolution and I ask for your support. Everett Ferreira. Thank you, sir.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you.

COUNCILMEMBER SUGIMURA: I just want to...Chair, if I could? Chair? Sorry.

CHAIR CARROLL: Oh, I'm sorry.

COUNCILMEMBER SUGIMURA: Yeah, I just want to thank you for doing this, for thinking about the community and doing something on your family property. How many generations have you owned this property?

MR. FERREIRA: I think we owned it only for about 25 or 30 years. That's about it.

COUNCILMEMBER SUGIMURA: Wow, that's fabulous. But, thank you for making it available 'cause we have a housing shortage. So, appreciate that. Thank you.

CHAIR CARROLL: Thank you.

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MR. KRUEGER: Mr. Chair, the next testifier is Howard Kihune, Jr. testifying on agenda item LU-72, to be followed by Tyson Au.

MR. KIHUNE: Good morning, Mr. Chair and Committee Members and Councilmembers. My name is Howard Kihune, Jr. I am a partner in Aina Lani Pacific with my brother and I get emotional about this kind of stuff. Sorry. But, we've been very fortunate to work with the Ferreira's in trying to come to a solution for the property that they own and they were very gracious to step up and commit to working with us to do 100 percent affordable project on this parcel; which is very much needed in the Kihei area. You know I'm a product of affordable housing myself. I was fortunate back in 1989 to be chosen, not on the original list, but the second list for a house in Kihei. So, I know what it's like to struggle, to make ends meet, and...excuse me, sorry. Can tell I'm very passionate about this, but we were very fortunate, we've struggled for a long time, and my family grew. We ended up selling the house about 12 years later, into a bigger house and I'm very fortunate that my kids got to grow up here on Maui. We support this resolution. You know, I think from what I've read and what I understand, the TIG, which was recently, well was actually back in 2016, had mentioned that, you know, was important that we start up-zoning property for affordable housing and that's the key. And I think based on what I read, and correct me if I'm wrong, it said that it needed to be implemented within the next 12 or 18 months. Well, here we are two years later, if not more, still trying to wrestle with how do we up-zone, how do we move property forward that'll be right for affordable housing? If I was coming in here, if I ever was coming in for 50 percent affordable or 25 percent affordable, I'd be on the other side going sorry, no thank you. But when you are stepping up to the plate to do 100 percent affordable for 28 or 30 potential homeowners, that's huge. So, and I also read the report that recently came out of August of this year with regards to the annual housing plan and again it's mentioned about up-zoning, fast-tracking, moving forward; do we have to wait another two years to implement some of these ideas and some of these concepts? You know, it's really critical that we get people into homes whether it's one at a time, two at a time, 50 at a time, it doesn't really matter. The longer we wait, the harder it gets for our local people. Why are we continually trying to stymie local people from getting ahead and getting into homes? It is critical. Interest rates are going up, construction costs are going up. The longer we stretch this out, the less affordable it gets for our homeowners and for everybody. I thank you very much again for your time and we are totally in support of this and I appreciate the Ferreira's for their willingness to step up and work with us. Again, thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you.

MR. KIHUNE: Thank you.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Tyson Au testifying on agenda items LU-72, LU-73, and LU-10, to be followed by James Basco.

MR. AU: Aloha, everybody. My name is Tyson Au. I'm a descendent of George Peters Ferreira, Jr. which is the true landowner. Yeah, so, to me I'm against all items of this agenda subject to this land. So what is that? There was lack of communication with

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my mother for any approval and she doesn't own an interest even though she really doesn't; it belongs to George Peters Ferreira, Jr., my grandpa. So, I just want to give a heads-up on what we're about to enter into. There's gonna be a lot of issues to this in the future such as reversions and its covenant restrictions; it's reserved to the State, yeah. And so, I'm just here to put out that information and give a heads-up warning to that. Mahalo. Any questions?

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, proceed.

MR. AU: Thank you, Mr. Chair.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is James Basco testifying on agenda item LU-73, to be followed by Sydney Smith.

MR. BASCO: My concern was...

CHAIR CARROLL: Put your microphone down a little bit.

MR. BASCO: Sorry.

CHAIR CARROLL: There you go.

MR. BASCO: My concern was the increase in the amount of square footage one can have in their ohana. But, really what this is all about is about housing for our people. And if I say that, you know, we having a housing crisis, I would be stating the obvious. But, there seems to be a lot of homes going up, beautiful homes. So, for some people, there's no housing crisis. But, if you want to see the disparity, maybe we should call it a housing disparity, take a drive down to Kanaha and you see all those nice, beautiful sails and the kites flying and then you lower your eyes and you see our people out there on the beach living in their cars. We have to do something. I'm so happy that I followed the people down in Kihei who trying to open up some affordable housing for our people. And I'm not going to condemn people who have vacation rentals. We have a number of illegal vacation rentals on my street; narrow, one-lane, dead-end street. I'm sure many of them are very fine people. But, every dwelling that you remove from some family for a vacation rental, that's one less place somebody can live and that just drives the cost up for everybody else. Why not rent to a family? Somebody. Do we need to have that kind of turnover? I've lived in the same place for 65 years so I've seen the changes and I wish I could say it was all good. And I want to just digress into some history here. Samuel Clemens, more better known as Mark Twain, visited Hawaii in 1890s. And he said it won't be long before the Hawaiian is a stranger in his own land. I never really understood this until I'm standing there in my home town and I don't know nobody. And no get me wrong, it's not like I don't want to meet people from other places. I enjoy meeting people from different countries. I read a little bit, I like different cultures. I enjoy talking to people. But when you have a vacation rental and you're living next to that and you try to explain to them why you gotta get up early in the morning to go work and they having this crazy party and they go what his problem? This Maui, we come to make the party.

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MR. KRUEGER: Three minutes.

MR. BASCO: I'm done.

CHAIR CARROLL: Your name, please?

MR. BASCO: James Basco.

CHAIR CARROLL: James Basco. Thank you, Mr. Basco.

MR. BASCO: Thank you very much.

CHAIR CARROLL: Any clarification needed from the testifier? One moment. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Mr. Basco, for coming forth and testifying. You're testifying for Land Use 10?

MR. BASCO: Yes, I believe that's the one; that's the increase in the square footage for ohanas. This is for a little bit more room, sorry, so that when you have a child or two and you're living in the ohana on your family's property you have a little bit of room you can have an extra toilet and maybe a private corner where the children can sleep instead of you all piled up.

CHAIR CARROLL: Thank you.

MR. BASCO: Thank you very much.

COUNCILMEMBER GUZMAN: You're in support of the bill?

MR. BASCO: Yes, I certainly am.

COUNCILMEMBER GUZMAN: Okay. Okay. Thank you.

MR. BASCO: And I'm also in support of the Kihune family's affordable housing in Kihei.

COUNCILMEMBER GUZMAN: Okay.

MR. BASCO: Thank you.

COUNCILMEMBER GUZMAN: Thank you very much.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Sydney Smith testifying on agenda item LU-10, to be followed by Eve Hogan.

MS. SMITH: Good morning, Chair. Good morning, Council. My name is Sydney Smith. I own Maliko Estate Coffee Farm in Makawao. Most of you know me from the many

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times I've been here testifying as an advocate for farmers on agriculture issues. I'm testifying today on behalf of myself and the community. I applaud you for making it possible to build more accessory dwelling units and allowing them to be large enough for families. I urge you however to not prohibit the use of cottages for B&Bs and short-term rentals homes which is currently an allowable use in the Code provided the guidelines and the applications are followed. I already have my short-term rental license so this will not affect me. But, this will affect young Maui residents from participating in this business who may just be getting to the age when they can finally purchase property. The current short-term rental and B&B ordinance is sufficiently difficult and the Planning Commission's expectations are sufficiently high that you don't need to second guess them with another layer of regulation or an all-out ban which is what this is. The Planning Commissioners take their job seriously and they should be trusted to make decisions that benefit the community. By encouraging building and making permits to build easier, the market will have more houses available and supply and demand will cause rents to come down. I also urge you not to adopt the amendment that would regulate the maximum rental amounts. If you regulate the rental prices, people will not build. They tried that in Honolulu last year and their much anticipated invitation to build more accessory dwelling units added seven to the rental house inventory. Seven. They anticipated thousands. That's according to *Pacific Business News*. And the Honolulu Planning Department even waived all the permitting fees as an additional incentive. Adding more layers of regulation with rent control will increase the homeowners' costs, County administrative costs, and discourage building. How is the Planning Department going to enforce this? They have had years of difficulty enforcing the rules they have now. If you really do want more affordable housing in Maui County, you need to make things easier and faster. If you do, then watch the people of Maui County willingly provide housing that families can afford. A market-based economy always works better than an overregulated one. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you.

COUNCILMEMBER GUZMAN: Chair? Chair?

CHAIR CARROLL: Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah. Thank you. Thank you very much. Thank you, Ms. Smith, for coming down to testify. In regards to the square footage, it's my understanding that this bill opens up or allows accessory dwellings for lots that are 5,000 to 7,499 and our previous, our original ordinance doesn't allow that currently. So, this actually will open it up, and then it's also my understanding that there's portions of it that says affordable accessory will be applied to those sizes and limited, I guess limited to not allow short-term rentals, but it doesn't prevent 7,500 square...lots and above to have short-term rentals and B&Bs. So, is it...are we...

MS. SMITH: I don't think it's very clear.

COUNCILMEMBER GUZMAN: It's not clear on that.

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MS. SMITH: I think it says that all future cottages and would not be available for that. That's what I read it as and I read it many times and I sent it out to the Ag Working Group and this has been flying around in our e-mail chain. You know, none of us can understand it. I mean, everybody was using, you know, the term, you know, if it walks like a duck, it's a duck. You know, and we were completely confused about what the regulations on those are.

COUNCILMEMBER GUZMAN: Okay.

MS. SMITH: And on a farm it's called a farm dwelling, not an accessory dwelling unit. So, did it include those? We couldn't tell.

COUNCILMEMBER GUZMAN: Okay.

MS. SMITH: So, it needs some clarity. Definitely.

COUNCILMEMBER GUZMAN: Okay. That's something that we'll have to look at during our discussion because that's my understanding; that the limitation is only from the 5,000 to 7,499 lot.

MS. SMITH: If that could be clarified, then that --

COUNCILMEMBER GUZMAN: Yeah.

MS. SMITH: --would be really good.

COUNCILMEMBER GUZMAN: Okay. Thank you. We'll discuss that further.

MS. SMITH: Alright. Thank you.

COUNCILMEMBER GUZMAN: Thank you very much, Chair. Thank you, Ms. Smith.

CHAIR CARROLL: Thank you.

MS. SMITH: Alright.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Eve Hogan testifying on agenda item LU-10, to be followed by Christine Heidema.

MS. HOGAN: Aloha, Council. Good morning. I'm Eve Hogan. I'm the owner of the Sacred Garden in Makawao and I, like Sydney, have a vacation rental permit on the property next door to me. Mr. Guzman, I was just wanting to address that in this document, it says no accessory dwelling shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental. That's at the bottom of 19.35.010 that's called Generally, the last sentence. So, that's what I'm testifying about. I am testifying to request that you not prohibit cottages as short-term rental units as it's

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too restrictive. And it's a one-size-fits-all bill that doesn't help families, it hurts families. I'd like to ask you to consider because you say this is for families, but consider a homeowner that uses their main dwelling for their family, but who wants to do a bed and breakfast in their cottage in order to pay their bills, send their kids to college, pay for the care of their elderly parents, or prepare for retirement. But they cannot because this law makes it illegal to short-term rent their cottage. Consider a homeowner who doesn't long-term rent their cottage or accessory dwelling because they need to keep it available to accommodate their kids, parents, or family members when they come to visit and renting it short-term allows them to keep it open while running a viable business and then give their family a place to stay when they come. Consider the landowner who wants to rent their main dwelling long-term to a larger family and rent their cottage short-term but cannot because it's illegal to rent a cottage short-term. Consider a homeowner who wants to do a bed and breakfast, but they can only do it in their main dwelling so they have to expose their children, pets, and belongings to strangers in their house. In the Me Too climate of awareness, this is a lot to ask of your citizens. And consider the safety and comfort and experience of your visitors in the difference between staying in someone's home or staying on someone's property. Ninety percent of the people who stay in my accessory dwelling and in Sydney's are honeymooners who would not stay with us at all if the only option were to stay in the main house with other people. And in fact, that they wouldn't even come to Maui at all if the only option was a resort, an expensive main house, or a shared house. They want to have a small unit to stay in. Yesterday, I spoke with a local retiring ranching family and I asked them to come testify because they wanted to build a bed and breakfast cottage on their property to help them through retirement. They said they give up. They don't believe that they will be listened to. They don't believe they're cared about and this law would hurt them. They're looking to move away because they can't add this vacation rental to their property to help support them through their retirement. The short-term rentals are the low-hanging fruit of the housing supply problem and hence, in my observation, it's the one you keep reaching for to solve the problem.

MR. KRUEGER: Three minutes.

MS. HOGAN: But there are a whole bunch of other issues that hurt the housing situation and because I knew three minutes wasn't gonna be long enough, I wrote them down for you. So, I urge you to read the rest of my testimony and talk to us about the solutions because we all have solutions. But, we aren't allowed enough time to share them. Thank you.

CHAIR CARROLL: Thank you. Any clarifications needed from the testifier? Seeing none, thank you.

MS. HOGAN: Thank you.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Christine Heidema to be followed by Kutira Decosterd.

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CHAIR CARROLL: After this testifier, we're going to check with our remote sites. Proceed.

MS. HEIDEMA: Aloha, my name is Christine Heidema and I'm following along the last two ladies on the LU-10. Me, my husband, and I have lived in the islands for seven years and we recently were able to purchase a property in our dream location of Kula. Two things we were looking for in a property - one, space for our guests. We come from, both come from missionary families and have a large community of missionary people that come and stay with us because many of them could not afford a vacation without us being able to bless them with a free place to stay in Maui. So, that was number one priority for us. Number two was rental income because we could not afford the mortgage without some more income for us. So, we did find a property, unfortunately because of our budget, we were only able to purchase a two-bedroom home which makes things a little small especially because both of us work from home. So, the second bedroom was our office. Thankfully, we had a cottage on the property so we were able to put our guests there and the law at the time we were able to vacation rental or B&B our cottage out. So, we made our major life decision on the laws that were available to us at the time and now those laws are, you know, they have the possibility of being changed. We would not be able to afford living in Kula without the vacation or B&B rental income that we hope to get in our permitting process. So, thank you.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Seeing none, thank you. We're now going to check from the remote sites before our next testifier. Hana, do you have anybody waiting to give testimony?

MS. LONO: Good morning, Chair. This is Dawn Lono in the Hana Office and there is no one waiting to testify.

CHAIR CARROLL: Thank you. Lanai, do you have anybody waiting to give testimony?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR CARROLL: Thank you. Molokai, the connection has been lost, but they text us that there is no one waiting on Molokai to give testimony. Alright. Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify in the Chambers is Kutira Decosterd testifying on agenda item LU-10, to be followed by Sharyn Stone.

MS. DECOSTERD: Aloha, Members of the Maui Land Use Commission [sic] and Chair. I'm Kutira Decosterd and the legal B&B owner of the completely off-the-grid place in Huelo. I own this land for over 33 years, actually I got it as a piece of _____. And after this day, I'm responsible for our own water, electricity, road, organic food garden, bees, and chickens and I love it. Our place teaches the guests how to take care of the aina. We educate our visitors sustainably practices, and share our aloha by being great dedicated hosts. It's amazing how often I have come here and share of how passionately I like to be a legal permitted host. And, what we offering to the guest no

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hotel could; the respect for what we have on this beautiful island. And I was so keen to get my permit that I was the third official person to receive that permit. And yes, I even helped crafting a kind of a permit which covers all the needs of the community, the County, and also us hosts. I felt proud and I could be a legal business. And let me remind you what I had to give up or what I have to do in order to be a legal permitted holder. I lost my homeowner exemption of \$300,000. I changed from a Ag land into Commercialized Residential taxes. I cannot leave the property overnight or go to vacation or go home to visit sick people unless my husband stays home. I cannot sell a business as a business. The new owners would have to embark upon a whole new permit. I go through a renewal every five years and pay extra permit fees. I have to have a liability insurance over a million to, with the County's name on it. I pay on the dollar 14.42 percent of each dollar. This means my cost is over 30 to 50 percent more of an illegal one. Yes, and if you go on Airbnb, it even says no hidden taxes. No, I pay taxes and I'm proud to pay taxes and I give up a lot. But, I'm not getting younger and my husband turned 70 and we work hard and to upkeep this place. We are not able to sell our place. Yes, we probably would like to retire because he deserves it. So do I. But, no we can't, we cannot afford. This is my livelihood. We hire people to help us. We have them on payroll. We serve our community. And by the way, I live very far out where commuting into town would not be a really good place for low-income houses. But, it puzzles me that I have to show up again and again here to fight for fair treatment and for my livelihood and for others.

MR. KRUEGER: Three minutes.

MS. DECOSTERD: Once the new Councilmembers are in session, I would like to get the chance to share with them what it takes to be a legal B&B and I can only imagine that you have to know so much about each bill and so much that you're not up-to-date. But, please be informed on the real issue and give our small business a chance to have a legal industry and don't point the finger that we are the . . .(inaudible). . . on affordable houses. No, we are not because we are regulated. We are --

CHAIR CARROLL: Please conclude.

MS. DECOSTERD: --a great industry. Thank you for hearing me and sorry for emotional, but I, this is my life and I live here for a long time, too. Thank you. Thank you. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Sharyn Stone testifying on agenda item LU-10, to be followed by Mike Moran.

MS. STONE: Aloha. I'm Sharyn Stone, permitted B&B owner since 2009 having applied in 2001. I wanted to be legal to do the right thing. Silly me. You just heard Kutira tell you about the financial and emotional realities of what it means to have a permit. The rewards for doing the right thing are so far pretty underwhelming. Oh and those rewards just keep on coming; recently you agreed that it would be a great idea to come

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onto my permitted property with one hour's notice just to check to make sure I'm in compliance. So, having been dumb enough to do the right thing, I expected Maui County also to do the right thing by enforcing against those who hadn't bothered to apply for permits; something you promised you would do in the original legislation. But, nothing much has happened. Eventually, we heard about your great new software specially developed to track down illegal vacation rentals; seven enforcement officers now and the help of a third-party. Yes. But, what's the first thing you do with this wonderful software that we've been hearing about for two years? You go after the permitted operators to make sure they are displaying their permit numbers properly in advertising websites. I just got two RFSes for only having my tax ID displayed instead of my permit number on two old websites that I have not used for years. Those people who never applied for permits, honestly I'm beginning to think they are the smart ones. And now, you want to bring the hammer down on the use of accessory dwellings for a B&B or STR; the numbers don't support that. We have 130 permitted B&Bs; fewer than half of them utilize accessory dwellings. They are 213 STRs; a quarter of them use accessory dwellings. There are more than 5,000 accessory dwellings in Maui so only 2 percent of all existing accessory dwellings are being used for permitted B&Bs and STRs. Of course, more of them are being used by, wait for it, unpermitted B&Bs and STRs. Truth time - no affordable housing has been built for years and my tiny industry has become a convenient scapegoat. In this age of ugly and divisive politics, pointing fingers at the 2 percent who are trying to do the right thing won't fix the problem. I think it's time Maui County did the right thing.

MR. KRUEGER: Three minutes.

MS. STONE: Thank you.

CHAIR CARROLL: Any clarification needed from the testifier?

MS. STONE: Any questions?

CHAIR CARROLL: Seeing none, thank you.

COUNCILMEMBER GUZMAN: Chair?

MS. STONE: Don't?

COUNCILMEMBER GUZMAN: Yeah. Thank you.

CHAIR CARROLL: Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. So, I'm going to ask you, is it your understanding that this bill basically bans all accessory dwellings from being --

MS. STONE: It's...

COUNCILMEMBER GUZMAN: --short-term rentals?

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MS. STONE: Yes, it is my understanding. It is my understanding that the previously permitted people are protected from that unless of course someone new were to attempt to buy the business and have to start the permit process all over again; in which case it is my understanding they would not be able to use the accessory dwellings which would sort of gut the business. So, yes, that is my understanding.

COUNCILMEMBER GUZMAN: Okay.

MS. STONE: To clarify?

COUNCILMEMBER GUZMAN: Yeah. That's not what I thought this bill was about. I thought, basically, this bill was taking square footage of the lot, 5,000 to 7,499, and allowing accessory, affordable accessory dwellings on those smaller lots.

MS. STONE: But forbidding the use in B&B and STRs --

COUNCILMEMBER GUZMAN: Correct. Correct.

MS. STONE: --is my understanding.

COUNCILMEMBER GUZMAN: Correct. But only --

MS. STONE: Yes.

COUNCILMEMBER GUZMAN: --for those lot sizes. And anything above --

MS. STONE: That's...

COUNCILMEMBER GUZMAN: --7,500 would still remain the same. You could use, you can...

MS. STONE: That would be good, Don, and I think the language needs some clarification.

COUNCILMEMBER GUZMAN: Yes. Yes.

MS. STONE: Yeah.

COUNCILMEMBER GUZMAN: That was my understanding of this bill.

MS. STONE: Yes.

COUNCILMEMBER GUZMAN: If there's something in there as Ms. Smith said then we need to clarify.

MS. STONE: Yes. Yes, please do.

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COUNCILMEMBER GUZMAN: Thank you. Thank you.

MS. STONE: Thank you.

CHAIR CARROLL: Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Mike Moran testifying on agenda item LU-72, to be followed by Peter Trunk.

MR. MORAN: Aloha, Chair Carroll and Committee Members. Mike Moran testifying for the Kihei Community Association on LU-72. I'd like to interject here that we prepare our testimony on what's available to the public before the Committee has its hearing. So, it's, has no basis on prior testifiers 'cause we feel we're addressing the Committee. So, I just wanted to make that clear. No offense to the three gentlemen who started off. We didn't know any of them or know any of that information. So, our testimony is KCA was completely blindsided when we read this agenda as we had never heard anything from anyone about a Change of Zoning on this long-vacant land in South Kihei. We do commend Member Crivello for proposing action to facilitate affordable housing in our community. But, we are baffled at the request as we can find no information about any perceived development of an affordable housing project by any developer or builder at this location and see no information in the agenda item. We are aware that this is just a resolution, but we object to the Council making such a recommendation to the Planning Commission with such a vague item. We expect the Committee hopefully will agree that KCA is a strong supporter of truly affordable housing with emphasis on the truly. We have all seen so-called projects which were not for our working community; ones that quickly became market-rate sheltering. So, we look for explicit details which we cannot find here this morning. We're very active advocates for our community, but we are also very strong on transparency which we cannot find in this action. So, with the history that we have all seen occur, projects offered with false or misleading claims, we strongly object to the Council asking the Planning Commission to take such a step until it is readily apparent that there actually is obvious action, that South Maui has a good opportunity to truly achieve some kind of truly affordable housing before we ask for Change in Zoning. Further, we believe such a project would also require a community plan amendment. While this frequently occurs, we believe this adds to a developer's cost and expense is often the reason we hear as a detriment to truly affordable housing. Admittedly, we are all volunteers. So, if we are missing furnished details, we are here to be educated. However, in discussion with our Councilmember King, who unfortunately could not be here this morning, she advised she had absolutely no information on a proposed action in her district. Under these circumstances, we ask this item be deferred this morning until our community is better informed on specific details. Mahalo.

CHAIR CARROLL: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you for being here, Mr. Moran, --

MR. MORAN: Thank you.

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COUNCILMEMBER CRIVELLO: --and representation of your KCA. You made mention that my colleague, Kelly King, was blindsided with this because it was, appeared on our agenda for it to be referred on October 5th and all of us had the opportunity to address it at that time. But, my question is are you aware that your community plan has it note that this area is for housing, for single-family housing?

MR. MORAN: Again, we're volunteers.

COUNCILMEMBER CRIVELLO: Okay.

MR. MORAN: But yeah, we did look at the community plan map and we thought it indicated that it was open space.

COUNCILMEMBER CRIVELLO: No, it's...that particular parcel which we can't really find full definitive explanation says Open Zone.

MR. MORAN: Open Zone, excuse me.

COUNCILMEMBER CRIVELLO: It's as such now. So, this is why we are going through the process and so that we can allow the change, should it be approved, from Open Zone to Single-Family or R-1 Residential. And I appreciate all your volunteer work and I appreciate the work that you do, by the way. Thank you.

MR. MORAN: Thank you very much. And, yeah, I should say that we just, when we saw the agenda item come out, that's what we know, you know, we check with our representative and that was my understanding. I mean, I obviously don't speak for her, but that was my understanding that she said no, she's not aware. She doesn't know who's doing this, but she did have a death in the family and wouldn't be here.

COUNCILMEMBER CRIVELLO: Right. Right.

MR. MORAN: So, that was why I mentioned that point and...

COUNCILMEMBER CRIVELLO: Yes. I just wanted to add clarification that we did have the subject matter to be referred on October 5th.

MR. MORAN: Yeah. And I do, you know, we try and follow everything and my, personally, my job is to tell our board what's in the Council meeting and I think that's the toughest one to go through, the agenda, and I blew it. I missed that one. So, but you're right.

COUNCILMEMBER CRIVELLO: Thank you.

MR. MORAN: We looked back and it was there. Thank you.

COUNCILMEMBER CRIVELLO: Thank you very much.

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CHAIR CARROLL: Any further clarification --

COUNCILMEMBER CRIVELLO: Thank you, Chair.

CHAIR CARROLL: --needed from testifier? Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you. Thank you, Mr. Moran, for being here. You are aware that this is just a referral to the Planning Commission and then they'll make comments and then after receiving those comments, this item will come back to the Council. And you are also aware it will then be referred to the proper Committee for further vetting, yeah? So, KCA will have more opportunity after the comments of the Commission comes through.

MR. MORAN: Yes, sir. Over the years we have learned that, but we've also been many times chastised by certain, by many government officials when we challenge an item and their answer is where were you at the very beginning? Why didn't you speak up at the very beginning? Well, sometimes we miss things. We did miss the very first one. So, that's why we felt it's good to speak out now. But, you're right. There's several more opportunities, but we felt get on the record that we don't have the information right now. But, very good point that you made. Thank you.

CHAIR CARROLL: Any further clarification needed from the testifier? Seeing none, thank you.

MR. MORAN: Mahalo.

CHAIR CARROLL: Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Peter Trunk testifying on agenda item LU-72, to be followed by Greg Jenkins.

MR. TRUNK: Good morning. I'm sorry it was LU-10. I made a mistake in filling this out. It's about auxiliary buildings. I happen to have one and I will not turn this into a long-term rental for several reasons.

CHAIR CARROLL: Your name, please.

MR. TRUNK: Peter Trunk.

CHAIR CARROLL: Peter Trunk. Thank you.

MR. TRUNK: Not Trump. Trunk. Thank you.

CHAIR CARROLL: We will note that. Thank you.

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MR. TRUNK: Thank you so much. I like to think positive and I think that not implementing this auxiliary building addendum would be positive because everybody wins. In my case, it's very simple. I will not turn my guesthouse into a long-term rental because I bought this for my family and for our friends; they live in Germany and China, on the mainland and come frequently so they can stay. And sometimes, life throws you a curve ball. We have one of our family members has been diagnosed with a catastrophic illness last year so we have very high medical bills. Yes, we have insurance, but they are more than that. So, we thought it was a good idea to ask for a bed and breakfast so we can fill the gap in between when family's not there; get some extra income and pay our medical bills. The County will benefit too because we will lose our owner occupancy tax credit. The tax goes way up, the property tax, and it goes to the County. So, the County will win and we will win and the State, too, they get GE tax, TAT tax. The local businesses will have more customers so everybody wins. And if that law passes that nobody can rent out the auxiliary building, nobody gets anything. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Greg Jenkins testifying on agenda item LU-72, to be followed by Lila Danielle.

MR. JENKINS: Aloha, Chair Carroll and County Council. My name is Greg Jenkins and I am here testifying on behalf of myself. My purpose for my testimony today is to commend the Council as a whole, the work of this Committee, and also Chair Crivello's Committee on housing, human relations, and service, excuse me, and transportation for the work to really get action-oriented on affordable housing. I appreciate that. I support the approval of your agenda item to be transmitted to the Planning Commission for further public process and would echo the concerns of Mr. Moran to explain that the community one more time to take a look at this issue as it moves forward. But, to get it moving to address affordable housing, I believe, is crucial. And the reason I say that is that this is a 100 percent affordable project. It's very rare to see that these days at all. I am a product also of affordable housing. Excuse me. I was a USDA Rural Development recipient for myself and my family and that allowed me to live in my home for over 20 years to support my family; and also to invest in that property, take care of it, malama that land and that house so that I could put my family in a better position. Recently due to family and work issues, I relocated back to Maui and I was able to realize the investment I had made in that property to provide housing for my family here on Maui. So, I'm very grateful for affordable housing. I think it's important for our young families, especially, you know, working. I also make a modest income and as a previous testifier, I don't want to be mortgage poor. So, it's a big help. And as soon as I could afford a regular loan, I got off the subsidized loan I was on to relieve that and move forward. So, again, I'm in support of affordable housing and I really thank you guys for moving affordable housing forward in Maui nui. Aloha.

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CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Lila Danielle testifying on agenda item LU-10, to be followed by Paul Laub.

MS. DANIELLE: Good morning, Mr. Chairman and Councilmembers. My name is Lila Danielle. I want to first just applaud and say thank you to my fellow permitted legal bed and breakfast and short-term rentals folks. Your testimony and passion has moved me greatly this morning. So, thank you. As is, we need more affordable housing here in Maui. My name is Lila Danielle and my husband, James Dowley and I are the owners of Sojourn Maui bed and breakfast in Kihei. A little more than three years ago we paid the County and its inspectors all the fees associated with becoming a legal and permitted bed and breakfast. Since then, we have paid the County all of our taxes and have maintained the standards in our home and in our business required by the County for our guests' safety and for insurance purposes. Our permit allows us to use three rooms in our home for the bed and breakfast. We chose not to include our accessory dwelling, which is a two-bedroom cottage, in our permit so that we could use it as a long-term rental. Even though this particular bill under consideration does not directly affect my business or my permit, it will affect many others who utilize their accessory dwellings as legally permitted bed and breakfasts or short-term rentals. For those of us home and business owners who have done our due diligence and have followed through with everything the County requires us to do in order to secure a legally permitted B&B or short-term rental and have been granted one, we remain deeply concerned and frustrated that we continue to compete with hundreds of illegally accessory dwellings and yet we feel we are the ones being punished. I respectfully ask the Members of this Council to consider where an important focus needs to be regarding this issue, which is spending time and resources to penalize and prevent those who operate bed and breakfasts and short-term rentals from continuing to do business illegally. We have played by the rules and will continue to do so. We pay our GE and TAT taxes and will continue to do so. We pay much higher property taxes and I suspect we're not going to have them lowered at any time and so, we will continue to do so. We ask you to play fair as well. Thank you for your time and your consideration today in my testimony.

CHAIR CARROLL: Any clarification needed from the testifier. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair. So, thank you for testifying. I'm just kind of narrowing in on one of your statements is that --

MS. DANIELLE: Sure.

COUNCILMEMBER SUGIMURA: --the Council put on a Charter amendment, I don't know if you are aware of this, but there is a Charter amendment which you can vote on November 6th on this next coming ballot for a fine for illegal short-term --

MS. DANIELLE: Yes.

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COUNCILMEMBER SUGIMURA: --vacation rentals.

MS. DANIELLE: This is correct.

COUNCILMEMBER SUGIMURA: Okay. So we're --

MS. DANIELLE: I'm voting yes.

COUNCILMEMBER SUGIMURA: --trying many different things. But, if we, you know, we're paying attention. So, thank you.

MS. DANIELLE: Thank you.

CHAIR CARROLL: Any further clarification? Seeing none, thank you. Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Paul Laub testifying on agenda item LU-73, to be followed by Kai Nishiki. Mr. Paul Laub? Mr. Chair, the next person signed up to testify is Kai Nishiki testifying on agenda item LU-72, to be followed by Amy Bond.

MS. NISHIKI: Good morning, everyone. Kai Nishiki speaking on LU-72. While I fully support affordable housing, I really believe that our affordable housing should be in perpetuity and I understand that this project just from what I've learned in the past half an hour that it is not gonna be in perpetuity. I think that the Kihei community has not had a proper opportunity to be educated on what the aspects are concerning this project and I would urge the Members of this Committee to really look at the Google map of this entire area and be open to the idea that this area should be looked at holistically and to know that this parcel here is about seven acres and it's the last view corridor to the ocean in South Kihei. And I just think that the community should have an opportunity to fully vet and ask all the questions that they need to concerning this area and to be looking at what they want in the future. I mean, we have a shortage of parks, we have a shortage of shoreline access, and this beach, the Keawekapu area really is the last place for residents to be able to go to the beach and there's, you know, parking that's available there for them. And this whole area is going under a lot of change. And so, I just would urge the Committee Members to please defer this until the KCA has had a chance to have a community meeting and meet with the developers to decide if this is an appropriate use of that area for our community. I also am concerned about community plan amendments and that this is a very important issue for people to be deciding about. And so, I just want to urge Stacy to please work with Kelly King, the area representative, because I also went to her and asked her about this project and she didn't really have any information on it; and that was kind of concerning to me that another Councilmember from a different district was not even working with the rep for that area so that she could adequately inform everyone in her community. So, I would just urge you folks to work together and plan a community meeting before anything else is done in this area. Mahalo.

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CHAIR CARROLL: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Aloha and thank you for being here.

MS. NISHIKI: Hi, Stacy.

COUNCILMEMBER CRIVELLO: I would like to go back again that on October 5th this matter was brought up in agenda and, you know, we are protected by Sunshine Law to talk about agenda items as far as Councilmembers. So, recognizing that I think we wait until we have to deal with matters in the Chamber. However, I wanted to ask if you're familiar with the process that we're going through. We're trying to have this resolution at least to move forward in to the Maui Planning Commission. As you're well aware through your participation in many issues that, and I guess I would ask if you're aware, that will be another opportunity for the community to participate as well as should it pass through and comes back to Council, there's first and second reading. And also, they would have to apply for an SMA which really opens up widely to the community. The intent is let us try and move forward to have this opportunity to...I represent the Committee on Housing and the intent is for us to move forward so that we can do the walk what we talk a lot about. And it is not my intent, just so you understand, not to include your district representative and we represent all of Maui County and I respect her knowledge of the community also. Thank you.

MS. NISHIKI: Yes. Yes, I know you asked me if I was aware of the process and yes, I'm aware of the process. But, I also think that every opportunity that we have for the public to be able to come and testify on this is very important. And although you are saying that there's opportunity for the public to come here and offer testimony, sometimes that is not very helpful because like it's nine o'clock on a Tuesday, most people are working. And so, what I'm saying is that what is important is to go to the community first before it is in Council because in Council it doesn't really give a lot of opportunity for the public to have a time to comment. So, if you go to the community first and show that hey, we want to come to you when it's convenient for you. When it's convenient for our community is in the evenings. So, a community meeting in the evenings held prior --

COUNCILMEMBER CRIVELLO: I hear you. I hear you.

MS. NISHIKI: --to that --

COUNCILMEMBER CRIVELLO: Right.

MS. NISHIKI: --is very important.

COUNCILMEMBER CRIVELLO: And it is. . . .*(inaudible)*. . . intentions.

MS. NISHIKI: Can I finish?

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COUNCILMEMBER CRIVELLO: No, I don't think we need to have you go any further. But, I understand what you're saying and I'm just trying to explain that there will be more than one opportunity and I'm sure the landowner as well as the hopes of going through with the development will be very open to continue this conversation with the community. Thank you. I have no further questions.

MS. NISHIKI: Okay. Well, I would've --

COUNCILMEMBER CRIVELLO: Thank you.

MS. NISHIKI: --appreciated a little more opportunity to finish answering your question. But, that's fine. I'll definitely see you guys at future meetings. But, please hold a meeting in Kihei so that the community has a chance --

COUNCILMEMBER CRIVELLO: Thank you.

MS. NISHIKI: --to have a time when it's convenient for them, not convenient for you folks.

COUNCILMEMBER CRIVELLO: Thank you.

MS. NISHIKI: So, thank you.

CHAIR CARROLL: Any further clarification needed from the testifier?

MS. NISHIKI: Thank you.

CHAIR CARROLL: Seeing none, thank you.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Amy Bond testifying on agenda item LU-10, to be followed by Dean Trotsuk.

MS. BOND: Good morning. Aloha. Thank you for your time. Appreciate it. My name is Amy Bond and I'm testifying regarding the LU-10 and obviously it seems to be that there's some disparity in the language of the bill as Mr. Guzman has pointed out. But, as a group with the Maui Vacation Rental Association, we kind of looked at it and it seems like it's pretty well written in the respected. It's going to be not allowing accessory buildings or ohanas to be used as bed and breakfast. I have a permitted legal vacation rental, a short-term vacation home, since 2013 and it's just a short-term rental home, it's not a cottage and I'm a resident of Maui for 18 years. I have three boys and we live up in Pukalani in my house up there. I do have a cottage and I do long-term rental it and I actually rent it to a family, you know, with a child and a cat. So, I try to do that for my ohana and for my kuleana for the people around me. But, my boys are three, five, and seven and maybe some time down the road, I might have to do something different with the cottage because well, it's very expensive to live here. You know, going to college and just living here is very expensive. So, I think about that with other families who have cottages and there are so many unpermitted businesses that are not being fined and addressed that it seems unfair to take away

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people that could legally get a permit for a cottage because the people that have legal permits for old cottages will be competing with people that have unpermitted residences. It just seems like the language is vague and needs to be re-written. But, I also think that it's taking away an opportunity for so many people that do live here that may need to rent it or may need to get a permit, not to mention that the permits are not unlimited. There are caps on the permits. So, you know, we're talking 213...oh, I'm sorry, we're talking 400 bed and breakfast permits for the long term are going to be available unless that number gets decreased. And then 282 short-term rental home permits; those numbers were established in 2012, I think. So, we're in 2018. So, right now, we're at less like less than 2 percent of accessories actually being used. So, I don't really feel like that is a --

MR. KRUEGER: Three minutes.

MS. BOND: --fair number to, for people to look at taking something away. Anyway, thank you for your time.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Dean Trotzuk testifying on agenda item LU-10, to be followed by Katherine Fitzgerald.

MR. TROTZUK: Good morning. Good morning, Mr. Chairman and Councilmembers. My name is Dean Trotzuk and firstly I'd like to thank you for opportunity to address you all today. I'm hoping that I can share with you my thoughts as have a couple of other speakers before me on the reasons for continuing to allow the permitting process for B&Bs to operate with an accessory dwelling. At the outset, let me convey to you all my sincerest belief that a B&B permit is a privilege, not a right, and the permitting process in place for very, you know, for many very, very good reasons; a safe and enjoyable stay for visitors to our wonderful island, proper tax collection, dissuasion for illegal rentals, et cetera. My goal for the accessory dwelling is to be rented to people for their enjoyment of the island and to share with them the tremendous aloha spirit we on Maui have been blessed with. I'm well aware that there are no guarantees that a B&B permit will be granted. I've applied for a permit following all the rules and procedures set forth by Maui's governing bodies. It has been an arduous task, both in terms of time and money. I've done an incredible amount of hard work to ensure that the property correctly meets the requirements set forth by the Planning Commission and this includes work done to the accessory dwelling. The B&B application states that an accessory dwelling is allowable under the current permitting process. To change this feature midway is, I think, both unjust and unfair. I've followed the rules to a tee only to face the possibility that they are being changed mid-stream. My application has already been pending for several months, should accessory dwellings be excluded as part of the B&B permit, I face the most unfortunate prospect of having to resubmit my application and delaying several more months my potential permit after already having waited several months under the current permitting process. In terms of economic impact to our community, permitted B&Bs make a real significant

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economic contribution to the County of Maui and other governmental finances. The property tax rate on legal B&Bs is almost double that of homeowner rates. Property taxes, as you all know, go directly to Maui County and B&Bs are also responsible for paying TAT and GET which will not go into the County directly, they go to the State, ultimately benefits the people who live on this beautiful island. Additionally, with a B&B permit including an accessory dwelling will be happily contributing to Maui's economy through the use of cleaning, gardening, pest control, plumbing, building, and other maintenance services. While difficult to quantify this exact number and it's by itself not necessarily meaningful, the combined contribution of legal B&Bs is. So, may I conclude by saying let the legislation do what it was designed to do by continuing the process to validate legal B&B applications under the current guidelines until the limits are met. Until that point, the Committee would not --

CHAIR CARROLL: Please conclude.

MR. TROTZUK: --be serving the people of Maui best by rejecting tax money and alienating folks who are only trying to follow the law and do the right thing.

CHAIR CARROLL: Thank you.

MR. TROTZUK: Mahalo. Thank you very much.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Katherine Fitzgerald testifying on agenda item LU-10, to be followed by Mirek Szatko.

MS. FITZGERALD: Good morning. I'm Katherine Fitzgerald and I'm here today as a current applicant in process for a B&B license for the accessory dwelling on my property which was built in 1957; so, it's not a new one. But, I'm in agreement with the amendment in terms of allowing accessory dwellings to be built on smaller properties, but I think that the part that prohibits accessory dwellings being used in short-term rental and B&B functions, even though that's not going to be my situation, is not necessary because existing legislation already exists for the numbers that were laid out within communities and for the island as a whole. That being said, on my personal situation, you know, we recognize that the seriousness of Maui's affordable housing shortage and how important it is for hard-working, local families to have somewhere to live because the fundamental character of the island that, you know, is the reason why we all want to live here changes when people are forced to move away. But, the licensing process with its carefully defined neighborhood limits already puts in caps the numbers of legally permitted units for B&Bs and short-term rentals. And we are doing all we can to follow the rules to complete the complicated and expensive licensing process and to willingly pay the higher property taxes, GET, TAT, income taxes and I don't think we should be punished by having the rules changed in the middle of the process. You know, our application has already been, we submitted it months ago and nothing really has happened with it and our understanding is that

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the Planning Commission, and this is not directly but through, you know, various people, our understanding has been that it's kind of been put on hold until this legislation has been decided on because the application might be rejected if the accessory dwellings are no longer allowed to be rented. We bought our Kihei home as a gathering place for friends and family in the years to come. Our cottage is used almost every month for friends and family which include our beloved elderly parents and we've also offered our cottage as a place for some local organization speakers, experts, musicians, and others who are coming from off-island to stay for free because it's such an expensive place to visit. We have some space and we have some flexibility for this kind of hospitality. The extra income from B&B rentals also helps to pay the bills. We're frustrated and confused by what's beginning to feel like, you know, sort of being punished for people who are trying to follow the law and we're aware that none of the applications are guaranteed, but from the time we began preparing our application we have done everything possible to give our home and cottage the best chance of approval including all safety precautions, correct licensing so that the folks who do stay with us in the B&B process would have the best Maui experience possible. So, our ohana --

MR. KRUEGER: Three minutes.

MS. FITZGERALD: --is not a property that's gonna go on the long-term rental market. Let the 400 licenses that are available be capped; let that be met. That's money that, is property tax money that the County will get before additional legislation is put out there. It's the people who are doing it under the table, I believe, that is the real problem. Thank you very much.

CHAIR CARROLL: Any clarification needed from the testifier? Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you very much for testifying. Your square footage of your property is what?

MS. FITZGERALD: It's big. It's about 18,000 square feet.

COUNCILMEMBER GUZMAN: Okay.

MS. FITZGERALD: So, we, you know...

COUNCILMEMBER GUZMAN: So, --

MS. FITZGERALD: Yeah?

COUNCILMEMBER GUZMAN: --and you mentioned that somebody had told you that the permit process is on hold because of this bill?

MS. FITZGERALD: Through the grapevine. Well, we've had nothing and I keep reaching out to the planner. A planner's been assigned, but that was done six weeks ago I'm guessing; something like that. I keep reaching out. I get no response at all and word

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of mouth is that all applications that are in process are kind of being just in a holding pattern until this legislation is determined. I don't know for sure that that's the case, but since I seem not to be able to get any traction with the planner just to get a timeline or an understanding of when we're gonna hear about next steps...

COUNCILMEMBER GUZMAN: Again, it's my understanding that this bill is only to for 5,000 to 7,499 square feet.

MS. FITZGERALD: But, I would again wonder why that even is necessary when the permits aren't even capped now. Why not encourage people to rent or to build ohanas to help with the affordable housing? But, for some people, even in the smaller properties perhaps who want to go through all the process, pay all the taxes why wouldn't Maui County want to get the extra property tax money from anyone who's doing it legally?

CHAIR CARROLL: We're gonna get into that when we have the discussion; the rationale behind that.

MS. FITZGERALD: But at the very least, I mean, you know, I care about my own situation, but I just don't, I don't think that...

COUNCILMEMBER GUZMAN: Thank you very much.

MS. FITZGERALD: Thank you very much.

CHAIR CARROLL: Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Mirek Szatko, to be followed by Laura Szatko.

MR. SZATKO: Hello. Good morning. It's a pleasure to meet everyone this morning. Me and my wife both live at 3134 Nahenahe. You know, we've had the pleasure of moving here a few years ago when Maui was looking for a doc for the Emergency Department. So, since then I've had the pleasure of working in Kula, Lanai, and at Maui Memorial; I work at three locations. We've settled down permanently in Maui. We couldn't be any happier. We moved out of our rental initially, bought our first and hopefully last home, and we're fortunate enough to have a child on the way. And so, we really are making Maui our home. We bought a location with a detached ohana. The intention was for the mom and the mother-in-law to move there or live there, you know, three-quarters, one-quarter of the year depending on the need. We also work at the hospital where there's a big staffing shortage need. We have a lot of travelers that come in and out and they have a hard time with renting a location, renting a location that is short-term is very expensive for them. So, the intention was for us to use our location the rest of the time that we were, you know, that mom and mother-in-law weren't there to use it for employees. And to have affordable and reasonable rates so that they could work for our community. The other concern is also the process. When I came here and I looked at rentals I saw a lot of illegal, non-permitted rentals in a lot of locations; a lot of greedy people subdividing their properties, charging enormous

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rates, not living on the island, and kind of raking in the money. I went through the process of remodeling the ohana, making it safe, I submitted a 50-page document, that took a long time, it was even for...it's expensive. So, an ungodly amount of time and good amount of money to go through the process, and I understood at the time that even if I spent all that time and money it didn't guarantee that I was gonna obtain a bed and breakfast, but really what I did expect was that my permit would be fairly processed and looked at. That I did expect. I submitted my permanently, I mean my permit about four months ago. I contacted the Planning Committee [sic], spoke with Ms. Kimberly, fantastic people over there, very helpful, very nice. But, there's, you know, online there's a five-page document and I have that with me and, you know, initial permit application review. It took a month for this to be processed on July 23rd, not even that has been done; a signed application, Planning Division review, notice of application filing, transmit to agencies/applicant, department of...I mean, there's a five...not the first thing has been processed. My check hasn't cleared. As far as I know, there's no movement and no intention of movement on the application. And I have a property that is over that 7,000; it's half an acre. So, I don't fall --

MR. KRUEGER: Three minutes.

MR. SZATKO: --into that, Mr. Guzman.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Seeing none, thank you.

MR. SZATKO: Thank you.

CHAIR CARROLL: Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Laura Szatko, to be followed by Michelle Alberdi.

MS. SZATKO: Good morning, everybody. Thank you for having us. And pretty much what my husband just said we're not wealthy foreign investors or millionaire CEOs. My name is Laura Szatko. I'm a nurse at Maui Memorial Medical Center in the Emergency Department and we would like to use our ohana, our accessory dwelling, for short-term vacation rental. But, it's really more for our co-workers that are radiology techs, nurses that come here on a contract for 4 to 13 weeks. They're looking for a short-term rental. They have a hard time finding a home because landlords don't want to rent that short-term, mostly because they have to do background checks and everything and the VRBO prices are kind out of their league. We started our process for the permit about eight months ago and we submitted the application four months ago and, like my husband said, still no movement on the process. You know, my husband's contract at the hospital changed in July. He took a substantial pay cut with Kaiser coming in and cut our income in half and in three months we're expecting a baby and I'll be out of work for several months and the extra income could really help us. And we don't want to use it as a long-term rental because we do have mother and mother-in-law coming to stay with us sometimes

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helping us care for the baby and we want to have that available for family to come visit. So, that's all. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Michelle Alberdi testifying on agenda item LU-10, to be followed by Bobbie Patnode.

MS. ALBERDI: Aloha, Chair and Council. As he stated, I am testifying on LU-10. My name is Michelle Balberdi. I own a home in Kihei that has a permitted B&B accessory dwelling unit and I love my job as a host. I'm a single mother supporting four children. Sorry. Running our B&B has allowed me to be a full-time mother with them and still be able to survive on this island which we all know is a challenge. I believe there's a misconception that B&B and short-term rental owners are run by wealthy, money-hungry, absentee mainland-based homeowners who are only concerned with lining their pocketbooks and who care nothing about the health and welfare of this island. But, I don't think that this could be further from the truth as been evidenced by everyone that you've heard from today. My family and I love Maui. We're invested in protecting and enriching the island. My dad always told me to put my money where my mouth is and so that's what I'm doing. I have fully complied with and adhered to the permitting process and its regulations. I contribute honestly and fully to the tax base. I provide a unique service to the tourist who visit this island. I encourage and direct our guests to spend their money on local experiences and attractions and eating establishments that contribute to the local economy. With the advent of the home sharing industry, my job fulfills a unique niche in the tourism industry which we all know is the lifeblood of this island. That being said, with four children, I hardly have room to rent out space in the home we live in. But, the accessory dwelling unit, otherwise known as our ohana, allows me to participate in the local economy in a way that supports my family and allows me to be home with my children which I believe is a huge investment in society. In essence, I believe that this is sort of a creative form of affordable housing for me so that I don't have to take up one of those spaces in an affordable housing program and I'm doing it for myself. As a self-employed, sole provider for my family, I don't have a 401(k) or a pension program to count on in retirement. This B&B is my retirement. If bill LU-10 passes as it is currently written, even if I continue to run my B&B because it's grandfathered in, I will not be able to sell my property or ideally pass it along to my children at its true value. With fewer than 130 B&B permits on Maui and only half of them utilizing accessory dwellings, we're talking only about 1.3 percent of the existing accessory dwelling units that are being utilized this way. Please, please consider amending this bill to allow accessory dwelling units to be permitted for B&B and short-term rental use regardless of the size of the property. It is responsible. It is forward thinking and it is a way to put Maui first. And finally, my family's future depends on it. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you.

MS. ALBERDI: Thank you.

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CHAIR CARROLL: Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Bobbie Patnode testifying on agenda item LU-10, to be followed by Annie Tjong.

MS. PATNODE: Good morning. My name is Bobbie Patnode and I'm speaking for myself today. I...just very short comments on the bill. I like more and bigger ohanas and I think this will help Maui provide more homes. I don't understand why you are restricting the short-term rentals and the B&Bs. These are money-makers for people and allow them to stay in their homes. We already have strict laws for these and I think the best approach is to enforce the laws that we have already. So, the additional thought I'm offering this morning is why does this bill cover everything but the Ag District? Ag needs this relief just as much. Ag can help with housing needs. I'm a member of the Ag Working Group and we talk about this a lot; that there's space on our property, we want to build more houses to help the problem. If we can update the Ag District law at the same time, I think that would make a big difference. And the other side of this is our ag home sites are taxed the same as Residential. So, let's provide the same benefits to the owners of Ag-zoned property as we do for Residential-zoned property. And that's all. Thank you.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Seeing none, thank you. Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Annie Tjong testifying on agenda item LU-10, to be followed by Robert Oswald.

MS. TJONG: Good morning, Chief and Council...Chair and Council.

CHAIR CARROLL: Can you lower the microphone please?

MS. TJONG: I'm sorry. I'm too short.

CHAIR CARROLL: No, it was too high.

MS. TJONG: Is this better? Good morning, Chair and Council. Thank you again for the opportunity this morning. I'm speaking on behalf of myself. I own a B&B that has the accessory dwelling as well. I'm in agreement to allowing an accessory dwelling to be built on a smaller lot as per Mr. Guzman's clarifications for a lot under 7,499. At the same time, I really urge for the Council and the Chair to keep the current accessory dwellings, to keep the accessory dwellings, and the permitted short-term rental, and B&B. I can echo everybody who has a permitted license whether it's B&B and short-term rental. There is no negative about it because an example on mine; I have the B&B and I mostly rent the main house because the main house is a six-bedroom and most of the time it's only myself and my husband and a dog. However, three times or four times a year all of my family come over. So, at that time, then I rent the cottage, I live in the main house. I have the permit for both structures; for the main

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house as well as the accessory dwelling and I like the flexibility of that. So, if I don't...if a bigger family want to rent the six-bedroom, go ahead. But, if somebody want to rent the two-bedroom, then we live in the main house. And part of the reason for that is that because that brings an extra income for us. And also brings a lot of opportunities for other people here on Maui; not only the cleaning, not only the tour guides, and the money that they spend as a tourist here. And one last thing, not the last thing, I grew up with my parents always taught me do the right thing, do the right thing and you will be rewarded, you will be rewarded accordingly. We have all of us over here have been doing the right thing; apply for permit, pay higher taxes, pay GE tax, pay TA tax, and always on the County radar for just about anything and everything. What are our rewards? RFS after RFS. I just recently got a RFS on our property because there was one advertisement that was old and we don't know anything about it because we never receive any booking from it and it did not have the correct spelling of the permit number and we got RFS for that. And how many times I have reported out of illegal vacation rental again and again and again and again. Nothing has been done. Nothing. So, what are the rewards from us who is doing the right thing? Nothing other than punishment. Nothing other than punishment. I'm going to end it with a closing statement. Again, my parents, I think, raised me the right way. My parents said that any...just remember this, give me the definitions of integrity. My mom said integrity is doing the right thing when no one is watching. And all of us are watching Maui County to do the right thing, but nothing has been done. Where is your integrity of that? Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Robert Oswald testifying on agenda item LU-10, to be followed by Vince Schurtz.

MR. OSWALD: Good morning, Chair Carroll and Committee Members. My name is Robert Oswald. My wife Stephanie and I operate the licensed Tranquil Palms B&B in Haiku. Respectfully requesting that you reconsider the draft bill LU-10's provision to prevent accessory dwellings for bed and breakfast use and urging you to eliminate this feature from the bill. Current County policy is to reduce the number of unlicensed vacation rental property operators by encouraging them to become legally licensed. As B&B licensees, we support this policy's spirit and intent as do others. But, the new prohibition on accessory dwellings for B&B use will in fact be a strong disincentive for unlicensed vacation rental operators to come forward out of the shadows, get licensed, and operate legally; especially those already using an accessory dwelling for B&B use. Such an unlicensed operator will likely to choose to remain underground because getting license and legal would immediately result in the loss of income to the newly, unusable accessory dwelling. Thus the accessory dwelling prohibition of bill LU-10 is antithetical to the County's purposes because it encourages current illegal B&Bs to remain illegal and also encourages the continued creation of future illegal, unlicensed B&Bs. So, why would the County choose to create a new enforcement burden when B&B license enforcement is already so costly and problematic? Mahalo for your consideration on this important matter.

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CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Seeing none, thank you. Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Vince Schurtz testifying on agenda item LU-10, to be followed by Thomas Croly.

MR. SCHURTZ: Hello, my name is Vincent Schurtz. Thank you for your time. A little different than everyone else here. I actually live in Skill Village and have a property that is 6,800 square feet. So, I am actually trying to build an ohana or want to build an ohana for my mother-in-law on that property. So, I hear what everybody is saying about the vacation rentals and I'm not really sure; I haven't even thought about vacation rental. It doesn't sound like it's gonna be a good idea for me. However, you know, I live in Skill Village and it is affordable housing. I think one of the people earlier even mentioned that, you know, back in the day that's where affordable housing was. It's really gonna be the only way that we'll be able to get my mother-in-law to move to Maui. We just had another child. She's not in the best health. Sorry, it's difficult. But, we want to get her here and our house is too small for her. We have a new baby. She won't sleep at night. You know, so, this ohana is the only way to make it so that my mother-in-law can actually move here and be with our family. So, I hope that that's something that you guys consider. The bed and breakfast, I understand that. Maybe that's a separate issue. Affordable housing, the other thing. We're trying to build this ohana and the contractors, no one wants to build a 500-square-foot ohana. Most of the contractors on the North Shore, they're saying oh, it's too small. They want big projects because permits are being submitted for larger properties, but they want million-dollar houses. They want 1,000-square-foot ohanas. So, I just think that this needs to be moved through and the process needs to be faster. I think that's a word a lot of people are saying; faster, speed. Affordable housing's not gonna get any cheaper the longer we wait. These things are not gonna happen unless decisions get made, not discussions, but decisions. They can be changed, but decisions. So, I leave it at that. Just consider speed because time sometimes especially with people, we don't all have that much time. We never know how much time we have and things, especially on Maui and in the world, don't get cheaper. So, as we wait, everything gets more expensive and then the conversation gets longer and longer. So, thank you for your time. I appreciate it.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you.

MR. SCHURTZ: Thank you.

CHAIR CARROLL: Proceed.

MR. KRUEGER: Mr. Chair, the next person signed up to testify is Thomas Croly testifying on agenda item LU-10, to be followed by Catherine Clark.

MR. CROLY: Aloha, Chair. Aloha, Committee Members. I'm Tom Croly testifying on my own behalf. I hope that each of you received the written testimony that I provided. I

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provided three pages that I don't have time to go into in depth here. But, I truly support the idea that we would build, have the opportunity to build more accessory dwellings and on smaller lots and so forth. Unfortunately, the bill that's before you, not the original bill that Chair Carroll had put forward that was just the affordable dwellings. The bill that's before you today, okay, was submitted by the Planning Department and includes the restriction that would say no accessory dwellings of any size on any lot that exists in Maui may be permitted for bed and breakfast. You've heard from many operators at this point; some who have their permits, some who are in the process of getting their permits and their permits are not being processed right now. I'm not sure why, but their permits, some of them submitted their applications more than four months ago and they have not had their permits processed to date. Those folks are concerned not for themselves, they're concerned that should they be granted their permit or the ones who already have their permits, we would compete only with unpermitted people. That's what this bill would end up with. We know from 25 years of experience that without a permitting process then people will make this use. Okay. We want only people making this use to be the folks that have permits. We've restricted those number of permits to 400 permits and only about half of the applications that come forward include accessory dwellings. So, we're not talking about the fact that a lot of accessory dwellings would be used for this use; a small percentage would be used for this use, maybe 2 percent, maybe 3 percent of all of the accessory dwellings. Real Property Tax tells me that there's currently 5,000 accessory dwellings on Maui. So, we're not talking about that they would all convert over in any way, shape, or form if we allow them to continue to be part of this. We're just saying that a small percentage of them could be. There is concern that these new dwellings that might be enabled by this law would be used for this use. If that is the concern, then I would suggest putting some language in that says accessory dwellings built after "X" date may not be used for this. That might be reasonable if what you're saying that you want to enable is only new construction for new dwellings. I feel for the last guy who just spoke because I can tell you that getting through the process to build an accessory dwelling is difficult as it is. I can tell you that as I have vetted this bill myself, --

MR. KRUEGER: Three minutes.

MR. CROLY: --that most people who apply for this additional accessory dwelling are not going to be able to get through the permitting process. So, that's the work that has to be done here. You have to figure out how to really enable these and allow people who want to build these, like the last speaker, to be able to complete that process and build those. Thank you, Chair.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. Proceed.

MR. KRUEGER: Mr. Chair, the last person signed up to testify in the Chambers is Catherine Clark testifying on agenda item LU-10.

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CHAIR CARROLL: If there's anybody in the Chamber that has not given testimony that wishes to do so, please sign up in the lobby. Proceed.

MS. CLARK: Aloha, Councilmembers. My name is Catherine Clark and I'm testifying as an individual. Although I work in the vacation rental industry, I do not own a B&B or STR home and I never intend to. But, I do understand this industry and a concern for me is the removal of the option to include an accessory dwelling unit on a B&B permit. Housing can be affordable in a few different ways. A sufficiently great career with income that carries the mortgage, a little hard to find here. Government becomes involved and partially funds affordable building or subsidizes a down payment, or individuals can become creative. They can work more than one job or create income in other ways. One of these ways is to live in one dwelling on their property and operate a B&B in the other. Looking at permitted B&Bs, there are some that provide retirement income, others that are putting kids through college, others that make the mortgage manageable. These are owners that have taken matters into their own hands and created their own version of affordable housing. As proposed, if a local resident owner lives in the cottage, he can obtain a B&B permit to rent the main house. Great if you're single, perhaps a couple. What about the owner with a larger family that resides in the main house? No option to get a permit for the cottage if the bill passed as is. Is that fair? If you're single you can do it, but if you have a family you can't. We would be removing this owner from the option of having a B&B rental, yet in reality, the only way that he might be able to afford the mortgage is with the additional vacation rental income. Please consider removing this restriction for the first accessory dwelling on a B&B property. Housing for local residents has been an issue for more than 30 years. This option allows some local residents to create their own version of affordable housing without relying on assistance from anybody. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. Members, there being no further testimony, people signed up for testimony in the Chamber or the remote sites, if there's no objection I will close public testimony.

COUNCILMEMBERS: No objections.

CHAIR CARROLL: Public testimony is closed.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR CARROLL: Alright. We are going to take our morning recess. Please be back by 11:00. We now stand in recess. . . .(gavel). . .

RECESS: 10:48 a.m.

RECONVENE: 11:07 a.m.

CHAIR CARROLL: . . .(gavel). . . Land Use Committee meeting is called back to order.

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ITEM LU-72: COUNCIL-INITIATED CHANGE IN ZONING FOR TAX MAP KEY (2) 3-9-004:141 (KIHEI) (CC 18-352)

CHAIR CARROLL: Alright. Members, first item for the Committee today. Council-initiated Change in Zoning for Tax Map Key (2) 3-9-004:141 (Kihei). The first item before the Committee today is a resolution to transmit to the Maui Planning Commission a proposed bill to change zoning of 6.943 acres in Kihei, Maui, Hawaii identified for real tax purposes as tax map key (2) 3-9-004:141. The proposed Change in Zoning from Open Zone to R-1 Residential District. The resolution posted for today's meeting was unsigned. Corporation Counsel has since signed the resolution which you can see in Granicus as a correspondence from Councilmember Crivello dated October 19, 2018. As a reminder, Section 8-8.4 and 8-8.6 of the Revised Charter of the Maui County Council [sic] (1983), as amended, require that the appropriate planning commission review proposed land use ordinances and provide findings and recommendations to the Council. Because the property is located on Maui, the Maui Planning Commission is being asked, through this resolution, to review the proposed land use change. The proposal was introduced by Councilmember Crivello. Ms. Crivello, would you like to provide the Committee with any opening comments?

COUNCILMEMBER CRIVELLO: Aloha. Thank you, Chair. I'd like to ask first of all for all our consideration on the efforts that we want to provide affordable housing. So, the Housing Director, Mr. Spence, at the time when he was transitioning from Planning to Housing had this discussion with the landowner and possible developers for this 100 percent affordable. And as he transitioned over to Housing Director, he brought it to my attention. And, Chair, it is not our intent to, you know, to not have the conversation with our community in Kihei. I believe the process that we're allowed to do through the Committee and it was, the subject matter was noted on October 5th to be referred and, at the time, I believe the different Members within our Council could have, you know, took it up at the time. But, that being said, what happens is that there will actually be six official meetings and I'm sure the developers will make every effort to extend to the Kihei Community Association also. So, right now, it's zoned Open Zone if somebody can tell us what that really is. And since last we've had the changes and approval for our digital zoning mapping that had passed out through Council just a few weeks ago, allowed us to look at this more thoroughly and had removed and cleared the map up to show it as Open Zone. The community plan also, at this time, designates it as single-family dwellings or single-family homes if you want to look at it. So, it's not contrary to the community plan and it's not that we're going through such process to deprive the community. I thought it would be of best interest for the landowner, for the County as a whole, especially for the residents of Kihei to have the opportunity to process it sooner than later. So, this is our first step to allow us to have it heard by the Maui Planning Commission for the purpose of rezoning it to Residential, R-1 Residential units, and the intent is 100 percent affordable units. And we know that the developer and the landowner will have to go into SMA and should it pass through, comes back again to us for first and second reading. So, I ask the Committee, Chair, ask, you and the Committee, to support this process because as it

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was mentioned earlier on another agenda item time is cost. And, the more time we take to go through the process whether it's with planning or building and whatever entitlements the builder would have to meet, it's cost that's added on to the homebuyer. And, I would think every one of us when it gets to full Council would applaud the effort to provide affordable homes. Many of us talk, but some of us like to throw in some curve balls. So, I want us to just have it all done and let's move forward with this in support of the rezoning. Thank you, Chair.

CHAIR CARROLL: Thank you, Ms. Crivello. Members, in attendance today, we have Everett Ferreira, the landowner, as well as Howard Kihune of Aina Lani Pacific, LLC. The project consultant and Sandra Duvauchelle of Lehua Builders, Incorporated to help with questions if necessary. If you do have questions for any of these representatives, the Chair will first ask that they be designated as resource persons pursuant to Rule 18A of Rules of the Council. Any objection?

COUNCILMEMBERS: No objections.

CHAIR CARROLL: So be it. Planning, Mr. Alueta, do you have any opening comments?

MR. ALUETA: Thank you, Mr. Chair. Not, I guess, too hard, we applaud the effort to get affordable housing. We don't see, again, this is just a resolution to go to the Planning Commissions and we will have comments then, I guess, more specific. We thought maybe...we weren't aware that it was an affordable housing project and there's no conditions. Typically, I'm notorious or famous for not having conditions on Change of Zoning's. But, if this is intended and the initiation is to have it be affordable that we'd think that there would be some type of condition in that or Council would want to see that. But, we'll probably make those comments to Planning Commission at that time. Thank you.

CHAIR CARROLL: Any questions for Mr. Alueta? Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. In terms of the original zone, the Open Zone, what is the clarification and the category of the Open Zone?

MR. ALUETA: As we showed in our Dead Sea Scroll project with the digital map, the first pass of that digital mapping project converted either zoning designations, such as Open Zone to Open Space, if the community plan also did that where there was corrections. Open Zone was a zoning category that was done on the zoning map but was never followed through or followed through when they adopted standards for that Open Zone. Subsequently, probably 30 years later, we adopted an Open Space --

COUNCILMEMBER GUZMAN: Yeah, Open Space, right?

MR. ALUETA: --designation. But that doesn't apply to Open Zone because the zoning on the Kihei zoning map for there is Open Zone. We did not, we didn't see it was an error and we did not change this area to Open Space because the community plan has indicated it is Single-Family. So, we left it as is. And so, we applaud any type to correct. This

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would've been a phase two or a phase three change later on when we come back to identify all of the different areas that could be zoned to match the community plan. So, this would have been done at some point by us in the future.

COUNCILMEMBER GUZMAN: Okay. That's good 'cause...thank you for the clarification.

CHAIR CARROLL: Any further discussion...questions, for Mr. Alueta? Seeing none, thank you, Mr. Alueta. Alright, Members...yes, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Yes. Thank you, Chair. I forgot to make mention that should this, for us to come here today too was part of us looking at the inventory of properties that we could, what we call up-zoning and the recent report we received from the Policy and Implementation Plan from SMS also included for us to do consideration for up-zoning of properties so we can build more affordable homes. Also, on the TIG side, that's a recommendation that came to us also from the TIG or the people that were doing the TIG and that's Cochran and her staff. I'd like to also, you know, Ms. King had mentioned, I guess, to her representatives that came to testify that she was blindsided. It was not our intent to blindside anyone. We're following through on all of our efforts to build affordable homes and if this is how we can try and move it further, there's no intention to blindside; just doing our part. Thank you.

CHAIR CARROLL: Any further discussion before the Chair gives his recommendation?

COUNCILMEMBER GUZMAN: Chair? Oh.

CHAIR CARROLL: Mr. White?

COUNCILMEMBER WHITE: Oh. Thank you, Chair. You know, I support this and I support it because I think this is a tool that the Council has not used maybe often enough on affordable housing issues. And I'm also very supportive of doing this today because all we're doing is sending it to the Planning Commission for their review and then it will come back to us. And as was mentioned earlier there's plenty time for discussion of the issues because it's going to have to go through the SMA process and as we all know that requires a significant amount of public notification and public testimony is available, I believe, on at least a couple of different occasions at the Planning Commission level and then it's got to come back to the Council once again. So, there's plenty of time for the community to get involved and they well should be involved. Thank you, Chair.

CHAIR CARROLL: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I too support this. As you heard the testifiers, the gentleman that kind of warmed my heart was the one who actually came to, I forgot, I didn't write down his name, but who actually to testify on the LU-10 but he ended up, you know, giving his manao also to support passionately about this project for LU-72. And that is the real voices that are speaking, you know, about why we need affordable housing. And I think this takes everything to the right direction

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and I commend the Kihune family and the property owner, the Ferreira's, for, you know, joining forces where you have good things happening with good intentions. So, I support this. I look forward to it coming back to Council so we can discuss it further. But, it's going to go through the Planning Commission and start taking the steps forward which I think where we need to go. So, Chair, I look forward to your recommendation and for this project to move forward.

CHAIR CARROLL: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Oh thank you, Chair. Yeah, I would be agreeable as well because of the fact that there's been several bills over my course of my career here on the Council that I've sent bills to the Commission first and I find that, you know, in terms of the analysis, there are some bills that I would like to have the input from the Commission first and then I take their comments and then rework the bill or fine tune the issues. So, it's not uncommon that we send our bills to the Commissions first before a committee. So, it just depends on the Chair and how they want to analyze the bill. So, I think by having the Commission flesh out some of the issues and the comments and then it returning back to the Committee and the Council for further vetting and then the opportunity for the public to engage is appropriate at this stage. Especially that we're ending the term and we're going to be going into a new term with a new Council and so I feel that just getting this ball rolling and getting some input is the right way to maneuver. I think it's going to take a while for the new Council to settle in and maybe it take three or four months by the time that Council gets readjusted. If we were to delay it any further it just would be a just a longer process and I think at this stage, we really do need to look at 100 percent affordable housing. And I believe that the Planning Commission would have about 180 days or 130 days to review it and then at that point it would default back if they hadn't reviewed it by that time. So, we definitely are on a timeframe as well. So, thank you.

CHAIR CARROLL: Thank you, Mr. Guzman. Members, the Chair will entertain a motion to recommend adoption of the signed proposed resolution transmitted by correspondence dated October 19, 2018 entitled Referring to the Maui Planning Commission a Proposed Bill to Change...Zoning for 6.934 Acres on South Kihei Road, Kihei, Maui, Hawaii, Tax Map Key (2) 3-9-004:141; incorporating any non-substantive revisions; and the filing of County Communication 18-352.

COUNCILMEMBER CRIVELLO: So move, Chair.

COUNCILMEMBER SUGIMURA: Second.

CHAIR CARROLL: Moved by Ms. Crivello, seconded by Ms. Sugimura. Discussion? All those in favor of the motion signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried. Five "ayes," no "noes."

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VOTE: AYES: Chair Carroll, and Councilmembers Crivello, Guzman, Sugimura, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Hokama and Councilmembers Atay, Cochran, and King.

MOTION CARRIED.

ACTION: Recommending ADOPTION of resolution and FILING of communication.

ITEM LU-73: AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO AMEND THE DEFINITION OF “LOT WIDTH” (CC 18-353)

CHAIR CARROLL: Alright, LU-73, Amending the Comprehensive Zoning Ordinance to Amend the Definition of “Lot Width.” Members, lot width in Title 19 currently means the least horizontal distance between lot lines measured through the midpoint of the lot. The midpoint shall be construed to be the midpoint between the opposite lot lines except for flag lots where the stem shall not be considered. The Department of Planning submitted to the Committee a proposal to amend the definition of lot width to mean the diameter of the largest circle that could be inscribed within the lot lines. The Department noted that the current definition could be confusing and has caused anomalies and inconsistencies in some lot width dimensions. Your Chair will note all three Planning Commissions recommended this bill be passed as presented. Mr. Alueta, do you have comment? Or, Mr. Raatz?

MR. RAATZ: Thank you, Chair. This is David Raatz, Administrative Planning Officer. Thank you for that excellent summary of the legislation. It’s actually a fairly simple proposal if the Committee Members take a look at the bill, that we think it’s very important. The current definition of lot width works okay when you have a perfectly rectangular shape to a property. But, a lot of properties, of course, throughout Maui County are shaped in different ways and the proposed new definition is consistent with what we’ve seen in a lot of other jurisdictions. and our staff who has to apply the minimum lot width that they’re...as they’re applying are zoning standards has told us that this will be much easier to apply and to enforce and will be more consistent with the purpose of having minimum lot width. Essentially, we want to make sure that in the Zoning Code where we have a minimum lot width standard, the particular property is simply wide enough to adequately accommodate the proposed use on that property. So, again the Planning Commissions unanimously recommended approval. We’ve been consulting with members of the public who use the Zoning Code and we’ve received

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strong support for this proposal and we'd appreciate the Committee's favorable consideration. Thank you, Chair.

CHAIR CARROLL: Thank you. Mr. Raatz, will there be any immediate impacts to the landowners if this definition goes into effect?

MR. RAATZ: Well, if the ordinance is passed we'll start applying it on the effective date of the ordinance. We think in most cases again it will be easier to apply for both developers and our staff and will further the goals of the Zoning Code more appropriately. There has been some discussion to our office from members of the community who would like to have the option of applying either definition depending on the circumstances of their lot and if the Committee deems that advisable, we'll of course follow that. We think it would be a better approach just to have this new definition apply consistently as soon as it takes effect. Thank you.

CHAIR CARROLL: Thank you. Members, any questions for...well first of all, Corporation Counsel, do you have any comment?

MR. HOPPER: No, Mr. Chair.

CHAIR CARROLL: Members, any questions for any of our staff?

COUNCILMEMBER SUGIMURA: Chair?

CHAIR CARROLL: If not, the Chair...oh, excuse me. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, I understand the Planning Department is trying to better the ordinance, but I'm just curious what kind of unintended consequences are you looking at? Or are there any projects or permits that would be affected by this change in a negative way?

CHAIR CARROLL: Mr. Raatz?

MR. RAATZ: Thank you, Chair. We're not aware of any specific problems that would arise. Some members of the community are kind of used to this definition and I think there's a general concern about a new definition might disrupt the flow of certain developmental approvals. But, we haven't seen anything specific and we don't see that as a major concern.

COUNCILMEMBER SUGIMURA: Okay. So, nothing before you that would be affected with this change in an unintended consequence?

MR. RAATZ: Not that we've seen.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

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CHAIR CARROLL: Anything further before the Chair gives his recommendation? Members, the Chair will entertain a motion to recommend passage on first reading on the revised proposed bill entitled A Bill for an Ordinance Amending Section 19.04.040, Maui County Code, to Amend the Definition of "Lot Width;" incorporating any non-substantive revisions; and filing of County Communication 18-353.

MS. NAKATA: Mr. Chair, just for clarification, was that for the revised proposed bill?

CHAIR CARROLL: I'm sorry?

MS. NAKATA: Was that the revised proposed bill?

CHAIR CARROLL: Yes, that is the revised. Thank you. And that is the revised proposed bill that's before us from Corporation Counsel. Discussion? Oh, wait, the motion. Who made the...anybody made the motion? I did not hear.

COUNCILMEMBER SUGIMURA: So move.

CHAIR CARROLL: By Ms. Sugimura. Second?

COUNCILMEMBER WHITE: Second.

CHAIR CARROLL: By Mr. White. Any further discussion?

COUNCILMEMBER GUZMAN: Chair?

CHAIR CARROLL: Mr. Guzman?

COUNCILMEMBER GUZMAN: So, when applying the new definition will non-conforming properties be affected? As when you utilize the existing definition of the width and if it...if by switching it to this new definition, any properties that were in compliance are now not in compliance with the type of diameters or would it then be appropriate to say that those were grandfathered in?

CHAIR CARROLL: Mr. Alueta?

MR. ALUETA: Thank you, Mr. Chair. Yeah, any lot that was created prior to this ordinance would be considered a non-conforming lot so if the width was approved at that time and we have thousands of lots --

COUNCILMEMBER GUZMAN: Yes. Yes.

MR. ALUETA: --that currently are non-conforming lots, but they continue to be able to develop on them.

COUNCILMEMBER GUZMAN: Okay. Very good. Thank you.

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CHAIR CARROLL: Any further discussion to the motion on the floor? Seeing none, all in favor signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried. Five "ayes," no "noes," four excused.

VOTE: AYES: Chair Carroll, and Councilmembers Crivello, Guzman, Sugimura, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Hokama, and Councilmembers Atay, Cochran, and King.

MOTION CARRIED.

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

ITEM LU-10: AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ACCESSORY DWELLINGS (CC 15-196, CC 16-301, and CC 16-302)

CHAIR CARROLL: Members, moving right on, item 10, Amending the Comprehensive Zoning Ordinance Relating to Accessory Dwellings. The last item on the Committee agenda today dates back to 2015. The first proposal under this item was to establish a new land use called affordable accessory dwellings. After several revised versions, the prior proposal was recommended for passage on first reading by last term's Planning Committee and then referred to the Council Chair for this term. Since that time, the Department of Planning has worked on an alternative proposal which is before the Committee today. Instead of establishing a new use, this proposal would allow lots under 7,500 square feet in size to have an accessory dwelling on the lot. Lots with areas of 7,500 square feet and above can have two accessory dwellings on the lot. These allowances apply only to certain zoning districts. By allowing more accessory dwellings and increasing the County's housing stock, the hope is that accessory dwellings will make housing more affordable and that families will be able to look at accessory dwellings as an option. Planning Department, any comment?

MR. ALUETA: Thank you, Mr. Chair. As I guess I was around when the two, there were two competing accessory dwelling bills being put forth. One came, I believe one was initiated by the Council, the other one was initiated by the Administration. There was...which we were grateful for. There was a big rush by everyone to try to address some type of affordable housing needs. Those bills, as far as I know, are still pending

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somewhere, but in the meantime, the Department tried to mesh the two bills and address some of the concerns that we had with each of those bills into what we have put forth in our proposal from the Department. And again, primarily these bills would address one allowing for more accessory dwellings to be constructed. One additional dwelling to be built on, if there is room on lot, on lots 7,500 or greater. It does allow for and it's not shown in the table that we had transmitted to you that on lots that are less than 7,500, which under the current ordinance does not allow for any accessory dwelling, you will be allowed to build a one accessory dwelling on lots smaller than 7,500 square feet. Okay. So, that would be one of the changes. All the rest of the changes that are in the table that we talk about are helping to define covered deck areas, increasing the size of decks, covered areas that would be allowed, as well as garages for some of these accessory dwellings. And it's all, again, based on the size. So, the table that was passed out to you guys hopefully that will provide any clarity on that. Let's see...on larger lots, allows two additional dwelling units on lots 7,500 square feet or greater; currently, you're only allowed one. It does prohibit bed and breakfasts and STRHs on accessory dwellings. And it, when listening to some of the testifiers, I kind of had epiphany that it was, there was a lot of whataboutism's that are very popular today; what about this, what about that in justifying something. There's also a lot of short-term memory or if you had been around for a while, the initiation of accessory dwellings came out of the State in 1982, it was ohana provisions. And later on, it basically encouraged, the intention was to provide housing for family members and that's why it was called ohana dwelling from the State side. It basically allowed for the counties, or encouraged the counties, to enact legislation to help with the housing crisis. So, it seems like we're in a cycle. Even back in the '80s there was a housing crisis. We continue to go through this crisis and try to address it in some fashion. So, that's when the accessory dwellings came about. The Council adopted what is now 19.35 in dealing with...to allow for additional dwellings on lots of a certain size. Also, going back to the original bed and breakfast ordinance. The original bed and breakfast only allowed for bedrooms to be rented within the main dwelling or in the dwelling that you, the operator lived in. It never allowed for outside or secondary structures to be used. I pointed out those when the bed and breakfast ordinance was amended that allowed for a second dwelling or a second structure to be used, I pointed out the conflict with the intention, the legislative intention, of accessory dwellings and that was to provide for housing for family members and for our community. And I felt there was a conflict when that amendment came about. So, but again, past Councils, I should say, over the years, some of them have had a focus on providing affordable housing for tourists and not affordable housing for the local people. And I applaud the Council for making an effort now in trying to rectify that issue. And I think this goes in the right direction. This does not retract anyone's permit that is currently has a bed and breakfast that is using an accessory dwelling. This is just going forward to make it clear. I always talk about the hole in the bucket. You gotta plug the hole in the bucket. If you're gonna fill that bucket with inventory of affordable dwellings, you gotta plug the hole first. This is a great way to plug the hole. So, that's why that is in there, in this ordinance today. And that pretty much summarizes it. We didn't have the computer today set up so we were going to try to present some of these changes on the board, but hopefully you all have the handout

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and David Raatz is here also to, if you have any more specific questions on the ordinance. Thank you.

CHAIR CARROLL: Mr. Alueta, does the Department have any projections, how many of these accessory units might come about?

MR. ALUETA: Not at this time. Again, one of the provisions again going back to the first two bills that came out from both Council as well as the Mayor's Office. We had provided and it's probably in your documents, there were maps which showed lot sizes within the Residential districts that would allow for this. And it showed how many of these lots would be allowed. And, at the time, again, going down to smaller lots, there were gonna be areas where you have a lot of existing, non-conforming lot sizes. You know, obviously less than 6,000 square feet would be eligible. Although they're eligible meaning they have the lot size or they're allowed to build, they may not be able to build on those lots because of existing structures or more importantly, there may not be the adequate infrastructure. Both...the bill also provides for both Public Works as well as the Water Department for the sign-off for this. So, even if you have a lot size, you'd still need to do your due diligence and check with the appropriate departments to whether the adequate infrastructure exists on your road or in your area to support an additional dwelling. I believe also there's a provision in the bill which at a certain level, the Fire Department would also review on certain lot sizes the number of dwellings.

CHAIR CARROLL: Thank you. The proposed bill, Mr. Alueta, would provide accessory dwellings for use as bed and breakfasts homes, short-term rental homes, and transit vacation homes. Does Planning believe any grace period is needed for applications that are already in the pipeline? That is one of the concerns of several of the testifiers.

MR. ALUETA: That issue was not discussed I believe at the meetings as far as any grace period. It would just take place at the time. But, it's up to the Council how they wish to, if they feel it's appropriate to have a grace period as far as enactment or dealing with applications that are in the pipeline now. We're open to Council's input or changes to the bill as needed.

CHAIR CARROLL: The Urban, again, Mr. Alueta, the Urban review district explicitly allows only one accessory dwelling unit on a 7,500 square foot or more. Is it the Department's intent to keep this restriction despite the revisions in the proposed bill allowing two dwelling on lots meeting the same size requirement in other areas?

MR. ALUETA: Yes.

CHAIR CARROLL: Thank you. I like answers like that. That makes it very easy. Thank you, Mr. Alueta. Alright. Comments from Housing and Human Concerns, if Mr. Spence could come down? Any opening remarks, Mr. Spence?

MR. SPENCE: Thank you, Mr. Chairman. Yeah, I do have some comments. I think this is a very positive step forward in providing housing and it provides incentives for the small

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landowner to provide additional housing that they can rent out that would...either for family or to go ahead and make their own ownership of that property more affordable. There was a lot of good provisions in here that were discussed internally before sending this out for Planning Commission review. Certainly one of the things that it clarifies that Joe touched on was the clarification on what is counted as the, you know, the square footage. Right now, there's, the way that the current ordinance is written, you count like covered walkways and stair landings and those kind of things as part of the habitable space which never made sense to me. It doesn't make sense internally to the Department either. It's, so this clarifies that those things are not counted toward that space. It also allows carports up to two, two-car carports or garages, which is also something that has never been allowed before for ohana units. I think that's a great step forward. The...let me look through my notes. I think one of the one of the largest things that, why this bill comes forward is to provide livability for our residents. I mean this was a lot of the impetus for initiating a bill and getting this far with it and introducing it to the Commissions and to, ultimately to the Council for their consideration. So, the increases, proposed increases in size are specifically for that. If you can get a unit on your property, you know, adding a 100 square feet or so for each per unit provides for that additional livability. One hundred square feet makes a big difference. I think one of things we should've considered a little bit more within the Department is when you get to two-acre properties, the, we have a limitation of 1,000 square feet. Personally, I think that should be increased to 1,200 square feet. That's a, if the goal is livability and I'll just tell you from experience because I live in a 1,000-square-foot home and 200 square feet would make a huge difference and that being on ag land so this bill doesn't cover that. But, if you have a two-acre lot there's a lot of room to, for that additional 200 square feet; you're not ultimately within the Ag District it's not going to hurt agriculture viability or not. But, it makes for the livability of our residents on this island. So, that's one addition, Mr. Chairman, I would certainly like to see. But, the rest of it I think is really good and an amazing step forward towards providing housing for our residents. Thank you.

CHAIR CARROLL: Thank you, Mr. Spence. Alright. Anything for Mr. Spence before I call Public Works down? Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. You know, your point about livability I think is an important one and the bill as written provides for an increase of 100 feet, but the way it's written allows the smallest unit or the one allowed on the lots larger than 7,500 square feet, it allows them to go up 20 percent more square footage. Would it be a challenge, you know, you mentioned moving the 1,000 to 1,200; shouldn't we be doing that for the ones in between because the smallest one goes from 500 to 600 which is a 20 percent increase? And I think it makes some sense to just increase each of those existing sizes by 20 percent and that would make the units from 600 would go to 720, 700 would go to 840, 800 would go to 960, and then that 1,000 would go to 1,200. Would the Department have an issue with that?

CHAIR CARROLL: Mr. Spence?

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MR. SPENCE: Thank you, Mr. Chairman. Personally, I think that's a good idea. The thing is to remember is in providing, what that would do would be provide the property owner with flexibility. For the people who have room on their property, they could maybe build a little bit bigger. But, they still have to meet setbacks, they still have to meet height restrictions, they still have to meet the parking requirements. So, in those parking, it's one, at least one stall or one space per accessory dwelling unit. So, and that has to be on site. So, if you're talking about 10,000-square-foot lots or something like that, that lot still has to be arranged in such a way that it would allow that maximum square footage. So, I think going an additional, I mean, just counting it as 20 percent more, that would provide a landowner flexibility towards that livability. That's my opinion. I'm not the Planning Director anymore or and Joe's not grimacing, but I'm sure he has an opinion on it, so.

COUNCILMEMBER WHITE: Mr. Alueta?

CHAIR CARROLL: Mr. Alueta?

MR. ALUETA: Thank you, Mr. Chair. Again, this is just the Department's proposal. We did go through several rounds with the Planning Commissions on all of the various bills and these are kind of the numbers that stuck at this point. Again, it's in your court now so if you feel that you want to increase the sizes that's entirely appropriate for this body. Again, we think not everyone is going to be able to do it based on lot coverage...I mean not lot coverage, but on setbacks and building separations. So, it'll be interesting what happens, so.

COUNCILMEMBER WHITE: Yeah, there's no question that this is, gives some people some flexibility, but not certainly not all because of setbacks and lot sizes. But it also allows people to build something that is gonna generate us more taxes. The bigger the house, the more taxes we're gonna generate. So, anyway, I think it bares consideration. Thank you. Thank you, Chair.

CHAIR CARROLL: Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I would agree with Mr. White on the livability portion as well as the taxes. And currently, when I look at Central Maui, it's happening anyway, you know. I'm just trying to see whether or not we can legalize it because it's most of my residents are illegal. So, to add additional square footage is I think appropriate and would accommodate a lot of the Central Maui homes that have an additional accessory dwelling and I know there are a lot. So, to add on would have the ability to give them flexibility; at least not to be illegal. They're already built. Most of them in Central.

CHAIR CARROLL: Thank you, Mr. Guzman. Anyone else have anything for Planning?

COUNCILMEMBER SUGIMURA: Oh, Planning.

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CHAIR CARROLL: Housing. Excuse me. Housing is up. If not, we're gonna call down Public Works.

COUNCILMEMBER SUGIMURA: Oh, I have --

CHAIR CARROLL: Oh, I'm sorry.

COUNCILMEMBER SUGIMURA: --just for clarification. I think it was maybe it was Mr. Alueta, but the testifier from Skill Village and he was saying how he wanted to, his home, I think his lot size was 6,800 square feet. So, just for clarification, he would be eligible to build an accessory dwelling?

MR. ALUETA: Correct.

COUNCILMEMBER SUGIMURA: And existing structures, as Mr. Guzman's talking about, would be grandfathered in or there wouldn't be any problems?

MR. ALUETA: Existing...okay. Two different questions, I guess, Mr. Chair. Okay. So, yes, lots less than 7,4999...7,499 would be allowed to build, I believe, a 500-square-foot accessory dwelling. Again, they would have to meet the setbacks or if they were attached, they would have to have the separation or whatever and you could do it that way. In the case of Councilmember Guzman's and, you know, the standard, what we call Manila mansion or Filipino condominium down in Kahului, the, they potentially would be able to declare like say if they had converted a garage and added a kitchen in the back somewhere, then they could come in for after-the-fact permit. They could come in for permits and get that legalized. If there's five kitchens, they're out of luck. Okay. But, if there's, they would be, essentially that's what's gonna happen is that people who have additional kitchens and can either somehow designate areas as being the accessory dwelling on those lots would be able to come in and conform to the Code at this point. Yeah.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR CARROLL: Anything further? Mr. Spence?

MR. SPENCE: Thank you, Mr. Chairman. Just a comment on one of the testimonies this morning by Mr. Basco who is, his, he didn't touch on his story very much. But, on his property in Paia his father built an ohana that was a little bit too large and so he was in favor of increasing the size for the ohanas and it wouldn't entirely resolve his issues, but it would help him that, in legalizing his ohana that was built without permits. He would be able to finish off an ohana that could conform to Code and would help him maintain a size that's livable for family members and whoever he decides to rent to. So, thank you.

CHAIR CARROLL: Anything further for Mr. Spence? Mr. Guzman?

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COUNCILMEMBER GUZMAN: So, Chair, if we were to...did you want a friendly amendment or you're gonna go through the proper call of the motion and then at that point ask for an amendment?

CHAIR CARROLL: Yes.

COUNCILMEMBER GUZMAN: Oh, okay. Thank you.

CHAIR CARROLL: Alright. Thank you, Mr. Spence and Mr. Guzman. Mr. Guzman, do you have any opening comments and you might incorporate on that if you want to comment on the proposed changes to Section 19.35.090(D), Maui County Code?

COUNCILMEMBER GUZMAN: Chair, I don't have any opening comments, but I'm sure Mr. Goode does. Did you say Mr. Guzman or Mr. Goode?

CHAIR CARROLL: Oh. Well, you two look exactly alike.

COUNCILMEMBER GUZMAN: Oh, yeah, I know right?

CHAIR CARROLL: Okay. Somebody can feel insulted. Mr. Goode?

MR. GOODE: Thank you, Chair. And thank you, Mr. Guzman. The Department's in support of the proposed amendments. Our role is typically through the building permit process and this bill does streamline some of those processes for us. I'll also note that, you know, had some testimony talking about getting permits for accessory dwellings. After I heard that testimony I just did random check on KIVA. For 2018, I can search by accessory dwelling and it spit out a handful and I just wanted to give you an idea of what I saw. I looked at three, four, five, six, seven...about nine or ten permits and here's how long they took from the time they were applied for to issued; four months; two months; six months; six weeks; two years, turned out they had bad plans from an architect in Oregon; one year, zoning compliance, that one maybe had a SMA issue; one year also zoning compliance because they wanted to build something more than 600 square feet, maybe like 605, I don't know, something like that. So, it went back and forth, they got to revise the plans. Then another one was issued in two-and-a-half months, and three months. So, what I got out of that, Chair, is accessory dwellings are very easily permitted when the plans are good and they comply with zoning. So, I think in terms of, you know, our housing situation that giving more affordable housing through this process works quite well. Finally, for our Department, traffic and drainage we have minor, but some. You know, additional traffic or drainage runoff, but certainly rather inconsequential given the size of the dwellings. Thank you.

CHAIR CARROLL: Thank you. Any questions for Mr. Goode? Alright. I guess that's all, Mr. Goode. Nobody wants to question you.

MR. GOODE: Great. Thank you.

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CHAIR CARROLL: Alright. Environmental Management. Do you have any opening comments on this bill before us today?

MR. NAKAGAWA: No, Chair.

CHAIR CARROLL: Alright. Could you comment on the proposed changes? Will the increased density resulting from additional accessory dwellings impact your Department's ability to provide a review of the adequate or adequacy of sewage disposal systems?

MR. NAKAGAWA: Yes, Chair. So, unfortunately with wastewater any time we densify any place that does add more wastewater to our systems and as you all know from budgeting our challenges as far as wastewater goes is that, is our collection system. So, our pipes under the ground and so there are very key areas in all of the major parts, Central, Lahaina, and Kihei that does provide challenges for this ordinance. And it really just comes down to, for us, where and how many actually is, does develop because as Mr. Alueta said, yeah, you could pass the ordinance, but not, you know, not everybody can really have the space and/or afford to extend, yeah. So, for us, though, in general, it does propose a little challenge and there are gonna be some key areas where infrastructure will need to be upgraded or upsized in order to accommodate certain areas if they choose to add dwellings.

CHAIR CARROLL: Thank you. Alright. Does anybody have any questions for our Environmental Management? Alright. Thank you very much. Thank you for coming down. Alright. Fire and Public Safety. Any opening comments?

MR. PURDY: Yes, Chair. We'd like to see some of the language changed on 19.35.050 on number three where it reads the Department of Fire and Public Safety shall review and comment on any building permit application for a second accessory dwelling on the lot. We'd like to see that changed from "shall review" to "shall approve" and also change from a second accessory to the first and second accessories.

CHAIR CARROLL: Okay. Any further comment at this time?

MR. PURDY: I think with this bill as far as allowing dwellings to get bigger, Fire Department would be looking at the access to these buildings. Right now our codes are kind of I wouldn't say strict, but specific with these dwellings. Right now in our NFPA 1 code, Fire Code, we've gotta meet a requirement of getting our trucks within 50 feet of these dwellings. And with these things on back lots, which most of them are, we are finding them rather hard to get our trucks close to these if we need to respond to these emergencies. So, I believe we're gonna have to take a look at something like that and how we can rectify these type of problems to allow adequate access for the Fire Department.

CHAIR CARROLL: Alright. Anybody have any questions for Public Safety? Mr. Guzman?

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COUNCILMEMBER GUZMAN: Yeah. Thank you. In reference to the access to the accessory dwellings, currently in our ordinance or regulations is it required, do you have some type of requirement that allows that access that, you know, mandates that you have to have that access within a certain square footage or any type of mandatory...

MR. PURDY: No. So, just in our Fire Code, it just states that our trucks, our fire apparatus, needs to get within 50 feet of at least one interior door.

COUNCILMEMBER GUZMAN: Okay. So, when somebody goes, comes in for a permit and that may be the Planning Department or Public Works, whoever department can answer this, when they come in for a permit, is that one of the checklists that says okay, you have to comply with the Fire Code and allow a certain depth or square footage for access for the Fire Department? Is that like one of the checklists that they go through?

MR. PURDY: Yeah. I don't believe right now there is a checklist that states that. That's more they'll put in their permit and then we would look at it and make a comment on whether or not they would, if they would qualify for that, if they meet those criterias [sic].

COUNCILMEMBER GUZMAN: Okay. So, when the permit comes to your Department 'cause each of them have to sign off on their permit, do you, does your Department check that and make sure that you have a 50-foot access from the building?

MR. PURDY: Yes, we do.

COUNCILMEMBER GUZMAN: Okay. So, that's resolved. Thank you. Thank you.

CHAIR CARROLL: Anyone else have anything for Fire and Public Safety? Alright, if not...yeah, yes, Mister...

MR. HOPPER: Mr. Chair? Just a question. So, this section says the Department of Fire and Public Safety shall review and comment on any building permit application for a second accessory dwelling on a lot. So, is it the case that all building permits are reviewed by Fire for these issues? Is that what is being stated?

COUNCILMEMBER GUZMAN: That was the question I had and I got the affirmative. Is that...

MR. HOPPER: Yeah, so could number three just be deleted if the review is already happening anyway? I would be curious about that. Number three may not be necessary. If the required change is to say shall review and comment on any building permit application for a first and second accessory dwelling. If they're already commenting on all building permits, that paragraph wouldn't be necessary.

COUNCILMEMBER GUZMAN: Yeah, I would agree with that. That's why I had asked the question.

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MR. PURDY: So, at this time, we're looking into language within our amendments and our, well within our amendments, we haven't been getting all the permits and we're not sure why. We don't know if it's been past practice. Currently, we're looking through our amendments in our codes to see where down the line that came across. If it was misinterpreted through other departments reviewing or where, why we're not getting those reports or plans.

COUNCILMEMBER GUZMAN: Chair, that's curious because the Corporation Counsel just indicated by reading the ordinances that it is required that the Department review those permits.

MR. HOPPER: I was asking the question.

COUNCILMEMBER GUZMAN: Oh, you were asking a question?

MR. HOPPER: I wanted to confirm to check and see because I think, I think Building Code gives Public Works, I think they say shall send to appropriate agencies. And so, I don't know if there's a thing fixed in the Code. From my...it's been a while since I looked at the Building Code, but, you know, if Public Works is required to send all ohana unit building permits to Fire, then this sentence wouldn't be necessary. But, it would also be a little odd to have a sentence like this in the Zoning Code rather than in the Building Code because that would generally universally apply. But, if this is something that they want to say shall review and comment on any building permit for all accessory dwellings or something like that, I suppose that change can be made. But, clarification will maybe be helpful with Public Works to see if they do send building permits, which types of permits they send to Fire. If everything goes there or if only certain ones go there. That would be, that would be good to clarify in figuring out what this should say and whether it should even say anything.

COUNCILMEMBER GUZMAN: Yeah. So, Chair, if we could have one of the departments, maybe Public Works, to verify whether or not Fire Department goes through the review process through the Building Code. We may not necessarily need that section in this ordinance if in fact they already do that.

CHAIR CARROLL: I think we've lost Public Works.

COUNCILMEMBER GUZMAN: Oh. Okay. Well, maybe we can research it.

CHAIR CARROLL: Yes.

COUNCILMEMBER GUZMAN: 'Cause according to Fire, they're saying that they're not receiving some of the permits, I mean the applications, for review. So, is there like a breakdown in the system that we need to...because if there is, then okay let's go ahead and put it in the ordinance. But, if there isn't and there's already some type of language in the building codes that require Fire Department to sign off on the review, then there's no need to have that section in here, in the ordinance.

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CHAIR CARROLL: I would imagine it would be, but I don't know.

COUNCILMEMBER GUZMAN: Okay. So, we just need to clarify.

CHAIR CARROLL: Okay. Alright. Anything else for Fire, Safety and...if not, thank you very much for coming down.

MR. PURDY: Thank you.

CHAIR CARROLL: And our Water Department. Any opening comments?

MS. TAOMOTO: Thank you, Chair. Wendy Taomoto, Department of Water Supply, Engineering Program Manager, and with me is Jase Miyabuchi, District Engineer for Upcountry and West Maui, Molokai. We, in general, support it. I have a few comments and requested revisions that I would like to go through. But, as you know, through our Water Resources Committee and other meetings, that Director Baisa has stated and Engineering Division supports affordable housing and we have our own proposed ordinance changes that we're making to support affordable housing. So, our Department, in general, supports it.

CHAIR CARROLL: Did you have specific recommendations?

MS. TAOMOTO: First of all, as to your question asked of Fire, I can shed some light on that as the Department of Water Supply recently at the end of last year had a discussion with Public Works on the same subject matter that you are asking Fire about; which permits go to us or don't go to us. Public Works, in our meeting with Public Works, they stated that all permits, basically they don't pick and choose which permits go to a department. The department...if they, a department wants all the permits for building, it can go to a department. The Department of Water Supply in our instance back over ten years ago requested that we not get routed the first and second dwelling because, as you know, under the old Board rules and in the current rules, there's an exemption for first and second dwelling. When I met with Public Works when I came in 2016 and tried to get an understanding of why things happen the way they do, from a fire protection standpoint, first and second dwelling is exempt from fire protection. But, from a water source standpoint, that is not provided an exemption. So, the Department of Water Supply then in end of 2017 requested all permits except for private water system, first, second, and third dwelling come to Water Department. And so, that change was made and the main point I'm trying to make is that the Department of Public Works had stated to us in that meeting that they can send all permits to a department and the department would then let them know which ones they don't want to see. But, there is, like I said, some history of why things didn't go related to first and second dwellings to maybe Department of Water and Department of Fire because of that fire protection exemption that was provided we think back in the '80s? We think it was in the '80s that that exemption was written into the old Board rules. So, I will go on to my...but, in general, because of that I agree, if I understood what Deputy Corporation Counsel Hopper said, to strike that item because it is

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already provided for in other places in our rules and the appropriate agency will review under their own rules. As to...wait, let me just bring out my code so I can give you the reference. Under...and that was 19.35.050, item three; the Department of Water has no issues deleting item three in its entirety. To further clarify if Department of Fire reviews first and second, that wouldn't be an issue for us and there wouldn't be a redundancy because we don't review for fire protection. The Department of Water reviews building permits from the third structure for what is served off our system, and from the fourth structure, whether it's private or off of our system, we review from fourth structure also. But, for private water system, first, second, and third, Department of Water Supply doesn't have jurisdiction. Fourth structure, private water system, we have jurisdiction in the sense of the Show Me the Water for water availability requires under the subdivision rules we review and approve. Or provide verification of water availability. The other thing that is in, the way it's being proposed in the writing is item 19.35.090, public facilities required, item B, adequacy of water supply. As written, it's a little bit unclear to us so we would like to add words and to make it clearer to us so we can implement. And the other thing is we don't feel it's necessary as the department, which department provides the notice, but in general, it would be under our, it would be the Department of Water Supply that would provide the verification of the fire flow requirements to ourselves if we're the reviewing agency and if Fire Department is the reviewing agency, they do their review, like say they review the first dwelling permit and they want 1,000 GPMs as under their rules, then they would e-mail the Department of Water Supply staff reviewing and ask if our system can provide the 1,000 GPM. We would then verify it and reply in the positive or negative. And, that would be if...so, I don't feel it's necessary to have the Department noted. And as to the words with the minimum requirement of 1,000 gallons per minute, if the Department of Water Supply is reviewing a building permit and it's the third structure or the second accessory dwelling, which would be the third dwelling or structure, it is potential based on the Insurance Services...

MR. MIYABUCHI: Office.

MS. TAOMOTO: Office. Thank you, Jase. Insurance Services Office's guidelines that we use that if a structure is less than ten feet apart, a dwelling is less than ten feet apart from any existing or proposed structures, the fire flow requirement for that third dwelling or second accessory dwelling would be 1,500 GPM. So, our recommendation is to reword, and I'm gonna read it now with the insertions for, words for clarification. I want to insert the word, after water system, the word "purveyor" 'cause then that would allow for private water system or public water system; so, water system purveyor serving, and after serving, to clarify, it's the potable water to and then the facility rather than use the word "facility," if I'm not, if I'm understanding it correctly it should be "dwelling." So, it would read if...this shall be secured in writing from the water system purveyor serving potable water to the dwelling, period. Thank you. That's all our comments.

COUNCILMEMBER WHITE: Mr. Chair? Mr. Chair? Over here.

CHAIR CARROLL: Mr. White?

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COUNCILMEMBER WHITE: It would be helpful if Ms. Taomoto could provide us all the things that she read to us in writing. Maybe she already has, but I don't have it. Thank you.

CHAIR CARROLL: Members, it's very obvious that there are proposed changes in the ordinance that we would like to...I originally wanted to go over there and put the bill on the floor and then go over some of these proposed changes and get them in there. How are you people with time? Can everybody hang around for a little while? We lose one person, we're dead.

COUNCILMEMBER WHITE: I have about ten minutes.

CHAIR CARROLL: Okay. We'll --

COUNCILMEMBER WHITE: Unfortunately.

CHAIR CARROLL: --do what we can.

COUNCILMEMBER WHITE: Unless, I have something I need to do that's gonna take probably 15 or 20 minutes, but then I could come back after.

CHAIR CARROLL: And you can come back? Alright. Members, I was thinking if we could take a short recess over here and then let Mr. White do his, if everybody else can come back and then we can get all this amendments and changes over there and we can present it one time and we can probably do this fairly quickly.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR CARROLL: Yes.

COUNCILMEMBER SUGIMURA: That's fine. Could you also ask Fire to send their proposals?

CHAIR CARROLL: I'm sorry?

COUNCILMEMBER SUGIMURA: The Fire recommendation?

CHAIR CARROLL: Yeah.

COUNCILMEMBER SUGIMURA: Can you also do that, too?

CHAIR CARROLL: Yeah. The --

COUNCILMEMBER SUGIMURA: And Water?

CHAIR CARROLL: --and all of the different things that --

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COUNCILMEMBER SUGIMURA: Okay.

CHAIR CARROLL: --we've gone over; 050 and the rest.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR CARROLL: We'll try to get that all ready and then we should be able to expedite it. Okay. Anything else for Water right now? And then, Water, if you can, when we go to recess, if you could meet with us? Alright. What I'd like to do is put the bill on the floor now and then when we come back from break, then we can go over there and make the amendments.

COUNCILMEMBER SUGIMURA: The amendments.

CHAIR CARROLL: I'd like to give my proposal.

COUNCILMEMBER GUZMAN: Well, Chair, before you make that, --

CHAIR CARROLL: Yes?

COUNCILMEMBER GUZMAN: --you know, one of the provisions that I would be opposing to is the, that language of no accessory dwelling shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental on Page 2 under Section 19.35.010. So, that language alone, I definitely am not agreeable to having that included into the bill.

CHAIR CARROLL: I had a possible proposed change to that.

COUNCILMEMBER GUZMAN: Okay.

CHAIR CARROLL: That would be no accessory on a lot that is less than 7,500 square feet and no secondary accessory dwelling on a lot that's 7,500 square feet or greater shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental which would replace that. And that was one of the ones that I had proposed and it's distributed.

COUNCILMEMBER GUZMAN: Oh, here it is. Very good.

CHAIR CARROLL: Alright. And I really appreciate everybody spending the time because affordable housing is one of the most important things and I'm afraid if we don't get this out today, we might be looking in the 2020 or '21s, literally, before anything could happen. If we could get this out at least it goes to Planning Commission and the new Council, when they come on board, at least they'll have the basics over there and hopefully they can take the appropriate action. Alright. Members, the Chair will entertain a motion to recommend passage on first reading the proposed bill transmitted by Corporation....by correspondence dated September 4, 2018 from the

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Planning Director entitled A Bill for an Ordinance Amending Title 19, Maui County Code, Relating to Accessory Dwellings; incorporating any non-substantive revisions; and filing of County Communication 15-196, 16-301, and 16-302.

COUNCILMEMBER WHITE: So move.

COUNCILMEMBER SUGIMURA: Second.

CHAIR CARROLL: Been moved by Mr. White and seconded by Ms. Sugimura. Alright, Members...Mr. White, you have to leave now?

COUNCILMEMBER WHITE: It doesn't matter when.

CHAIR CARROLL: Alright. Let's...

COUNCILMEMBER WHITE: I just need 15 to 20 minutes between now and one o'clock.

CHAIR CARROLL: The one that was talking about, Mr. Guzman about replacing to amend Section 19.35.010(D), Maui County Code, striking the existing language and inserting in its place the following and that is what was distributed - no accessory dwelling on a lot less than 7,500 square feet and no second accessory dwelling on a lot of 7,500 square feet or greater shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental. And, I would accept a motion on the floor to make that change if anybody wants to proceed on that line. And that's closest . . . *(inaudible)*. . . would clarify in that and make...yes? Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I would be in favor of this type of thing if we were to also include an amendment that would permit all, that would allow all permits from properties that have already...that this bill would not apply to properties that have already submitted permits, permit applications prior to enactment of the bill.

CHAIR CARROLL: Okay.

COUNCILMEMBER WHITE: 'Cause I think...

CHAIR CARROLL: I think we're gonna need to work on that when we have our recess.

COUNCILMEMBER WHITE: Okay.

CHAIR CARROLL: And there's, yeah, and also if there is a grace period, I don't know if we want to put that in there or not. Miss...

MS. NAKATA: Mr. Chair, we may want to get comments from Planning and Corp. Counsel on the issue, but I believe it was the Chair's intention to preserve the status quo as it related to the ability to apply for bed and breakfast homes, short-term rental homes, and TVRs on the first accessory dwelling that's currently allowed by the Code which would be on lots that are 7,500 square feet or greater. So, assuming that you've

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submitted a permit application that's in process, I guess the assumption is that you exceed that lot size.

CHAIR CARROLL: Alright. Members, we're going to stand in recess until --

COUNCILMEMBER SUGIMURA: One o'clock.

COUNCILMEMBER WHITE: Twelve forty-five?

CHAIR CARROLL: --1:45. Would that be good for you, Mr. White?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR CARROLL: I'm sorry?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR CARROLL: Twelve forty-five.

COUNCILMEMBER WHITE: Okay. Thank you.

CHAIR CARROLL: It's been a long day already, Mr. Alueta. Would that be sufficient, Mr. White? Is that alright with everyone else? Alright. This Land Use Committee will stand in recess until 12:45. We're in recess. . . .*(gavel)*. . .

RECESS: 12:25 p.m.

RECONVENE: 1:00 p.m.

CHAIR CARROLL: . . .*(gavel)*. . . Land Use Committee meeting is back in session. Alright. We've gone over I hope everything that was brought up. Distributed now is to amend Section 19.35.090(B). I'll let you look at it for a moment. It's very short. The Chair would accept a motion to amend Section 19.35.090(B) to read B, adequacy of water supply. This shall be secured in writing from the water system purveyor providing water for domestic irrigation and fire protection purposes to the dwelling.

COUNCILMEMBER GUZMAN: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR CARROLL: Moved by Mr. Guzman, seconded by Ms. Sugimura. Discussion?

COUNCILMEMBER WHITE: Chair?

CHAIR CARROLL: Mr. White?

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COUNCILMEMBER WHITE: Thank you, Chair. I guess my only concern is how difficult is it going to be for people to get these kinds of letters from either Department or from other water systems? And is this in place in any other section of the Code where we have some history that says that when people are going through this that they're going to get a response? And the reason I'm asking that, Chair, is because several of the testifiers said, you know, that the process on Oahu became so burdensome that a lot of people just simply can't afford to go through it. And so, I'm a little concerned that we're adding more and more items. You know, if the Department wants to review it, that's fine. But, to make an applicant secure a letter of adequacy from the Department seems...

CHAIR CARROLL: This is basically, Show Me the Water.

COUNCILMEMBER WHITE: So, what we're doing is we're putting the same burden on a single homeowner that we put on subdivision developers under Show Me the Water.

CHAIR CARROLL: Water system purveyor shall provide water for domestic irrigation and fire protection purposes to the dwelling, and that has to be secured in writing.

COUNCILMEMBER WHITE: Yeah. Anyway, I have concerns about it because I think it's, we're just adding a lot of vagaries to what we're asking single homeowners to go through to get to build an ohana unit.

CHAIR CARROLL: Does the Water Department have any comment?

MS. TAOMOTO: Thank you, Chair. Councilmember White, I understand your concerns because this whole thing is to make it easier for people to build accessory dwellings. Water system purveyor, I can only speak to the Department of Water Supply, as we will approve the review the building permit, this is not gonna, in our opinion, gonna create additional workload and be an issue for us to provide verification of being able to provide this accessory dwelling, proposed accessory dwelling, water for domestic purposes, their irrigation request needs, and to meet any fire protection either required by us or by Fire Department. I can see where your concern is on the private water system side where they're not as, their process may not be as rigorous as ours is and where we see permits every single day from a residential standpoint and it's just routine for us. So, I can, like I said, I can only speak for the Department of Water Supply that from our perspective this is not gonna be an issue in delay or delay the building permit review because in order to issue the permit, we have to do these things anyway.

COUNCILMEMBER WHITE: Okay. There's gonna be actually less irrigation if you're gonna put a house where there once was grass. So, I'm just, you know, I'm just concerned that we're adding...

CHAIR CARROLL: Anything further?

COUNCILMEMBER WHITE: No.

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CHAIR CARROLL: Members, we have a motion on the floor. Is there any further discussion before I call for the question? All those in favor signify by saying "aye." Well, that really worked well. Alright. Motion fails.

COUNCILMEMBER GUZMAN: Is there any other wording we can...

CHAIR CARROLL: Alright. The motion fails. There's no motion on the floor at this time.

COUNCILMEMBER GUZMAN: Yeah, there's no motion on the floor. But, is there, you know, I also want to help out the Department. So, what specifically do you need? Yeah? Why are we putting this in to the bill?

MS. TAOMOTO: Thank you, Chair. Councilmember Guzman, I don't know the history and it's not coming, it wasn't proposed by Engineering Division so I'm representing the Department, nonetheless. As I said, from a building permit perspective, the Engineering Division receives, will, receives as of July 1st, first, second, third, fourth, you name it we receive it. We already, through our process, review for water requested from our system these domestic irrigation and fire protection where applicable. In my opinion, as Engineering Program Manager in charge of reviewing these building permits, I don't see any issue from deleting it. It just, I wasn't sure because of the proposed change that you just wanted to make sure like the Show Me the Water that the Department of Water Supply is saying the system is adequate. But, by the nature of our building permit approval, we have to verify these things anyway where applicable.

COUNCILMEMBER GUZMAN: Right. Okay.

MS. TAOMOTO: And where I say where applicable is first, second, and third, yeah, no, I mean first and second exempt --

COUNCILMEMBER GUZMAN: Exempt, right.

MS. TAOMOTO: --third has the ISO requirements, fourth has ISO plus subdivision requirements for fire protection. So, that's why I say where applicable. Thank you.

COUNCILMEMBER GUZMAN: Yeah. In the ordinary course, Chair, they already do the checks. So...

MS. TAOMOTO: If you...I'm okay with the deletion of this entire section as I'm confident that my staff and myself or the Division is set up that this will be a non-issue.

COUNCILMEMBER GUZMAN: Okay. Very good.

MS. TAOMOTO: Thank you.

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COUNCILMEMBER GUZMAN: That's good enough for me. So, I guess we don't have to work out new language. So, motion fails.

COUNCILMEMBER SUGIMURA: So, Chair? Related to that, Fire, when Fire had a concern, Fire had a concern to make sure they see all the building permits or I don't know. Was that ironed out during the recess?

MR. PURDY: Yes it was.

COUNCILMEMBER SUGIMURA: So, you're fine?

MR. PURDY: Yeah, we're gonna change the language.

COUNCILMEMBER SUGIMURA: Oh, you are? Okay.

MS. NAKATA: Mr. Chair? Could Staff please get clarification so based on Water's response is the body's intention to remove that subsection B where it talks about adequacy of water supply? Or are we leaving the language as drafted?

MS. TAOMOTO: Chair, if you leave it in as is, I believe it reads this shall be secured in writing from the Department of Water Supply, period. Again, we don't have jurisdiction over private water system. So, as is the existing language is a little...I don't know who implements on the private water system side, but if it's left as is we, I assume our security writing is our response to the applicant when we address domestic irrigation or fire flow requirements, it's in their requirements letter. I can, but again, it's, I'm not sure what happens on the private water system side because we can't, we have no jurisdiction. So, as it is, it's a little cumbersome for us. Thank you.

CHAIR CARROLL: Okay. Did you get that verbiage from Water? Could you repeat that please? What..it would just be...

MS. TAOMOTO: Sorry, Chair. In short, what I'm saying is item B as it currently reads without the proposed original and the one that was the motion failed, adequacy of water supply, period, this shall be secured in writing from the Department of Water Supply, is cumbersome in the fact that the Department doesn't review private water system. So, my suggestion is for this body to make a motion to delete item B. As Councilmember White pointed out this whole thing is to make it easier for applicants and if I implement this to the tee, I don't know how I would verify for private water system. Thank you.

CHAIR CARROLL: Thank you. Alright. You heard the discussion and the recommendation from Water was to delete item B. Does anybody want to make a motion to that effect or discuss it further?

COUNCILMEMBER GUZMAN: So...Chair?

CHAIR CARROLL: Mr. Guzman?

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COUNCILMEMBER GUZMAN: So, if we delete Section B and it's void of any type of verification of water supply, is there a default that says there will be verification someplace other than in this bill? You know like what the Water Department is saying is that they already have exemptions for accessory one, two, and three, but then they go forward and do a review process for number fourth, right, fourth on? And so, is that in their administrative rules or is that in there, is that in another ordinance? By deleting B, does that mean that there will be no verification of adequate water? That's my question.

CHAIR CARROLL: Water?

MS. TAOMOTO: So, for the first and second dwelling, we, in our Code, Maui County Code provides for an exemption from fire protection. It doesn't provide for an exemption for domestic and irrigation. So, first and second dwellings get reviewed so it ensures that the Department of Water Supply can provide adequate water for domestic and irrigation purposes; first/second exempt from fire protection requirements. For the third, we review third dwelling for domestic irrigation and fire protection under Maui, our Title 14, same with fourth; except from the fourth dwelling and beyond, we also, under our Code, are required to implement or impose subdivision requirements. So, our Code addresses water service requests related to building permits or accessory dwellings.

COUNCILMEMBER GUZMAN: Okay, which means that they basically it's already in there, in other provisions of the Code, Building Code, ordinances, administrative rules. So, just wanted to make sure.

CHAIR CARROLL: Thank you, Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR CARROLL: Mr. White?

COUNCILMEMBER WHITE: Just so that I'm clear on this, the first and second structures are already exempt from review. Is that correct?

MS. TAOMOTO: Thank you, Chair. Councilmember White, it's not exempt from domestic and irrigation review. It's only exempt from us issuing fire protection requirements.

COUNCILMEMBER WHITE: Okay. So, from a fire protection standpoint then, even if somebody is building an ohana, which is the second structure, then it's not subject to the fire review, correct?

MS. TAOMOTO: It's not. The Department of Water Supply, under our current rules, cannot make fire protection requirement. That doesn't mean that the Department of Fire and Public Safety can. They can make fire protection if it's allowed under their rules. But,

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it doesn't allow us, the Department of Water, to make fire protection requirements for first and second dwelling.

COUNCILMEMBER WHITE: Okay. So, all the reviews that you were asking for in your amendment except for the fire protection and stuff that's already being done and would be done if this is a second dwelling on the property?

MS. TAOMOTO: Yes.

COUNCILMEMBER WHITE: Okay. Thank you. Thank you, Chair.

CHAIR CARROLL: Alright. Members, you've heard the discussion and the recommendation to remove that section. Would anybody care to make a motion to that effect?

COUNCILMEMBER SUGIMURA: I thought we made a motion already?

COUNCILMEMBER GUZMAN: I thought we...yeah. We're still in discussion.

CHAIR CARROLL: Pardon?

COUNCILMEMBER GUZMAN: Chair, I believe there is a motion on the floor.

CHAIR CARROLL: Oh, I didn't even think we had a...who made the second?

COUNCILMEMBER GUZMAN: Was there a motion on the...

COUNCILMEMBER WHITE: No.

CHAIR CARROLL: No.

COUNCILMEMBER GUZMAN: I thought there was. Oh it didn't pass. Yeah. So, we were fine with the deletion of B. Yeah.

CHAIR CARROLL: What we're talking about now is not what didn't get any support before. This is different.

COUNCILMEMBER GUZMAN: Oh, yeah. This is like deleting the existing language that's in B --

CHAIR CARROLL: Right.

COUNCILMEMBER GUZMAN: --because we voted for an amendment and it failed and now I move to delete Section B.

CHAIR CARROLL: Section 19.35.090(B).

COUNCILMEMBER GUZMAN: Zero, yeah. Section B.

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CHAIR CARROLL: That would be the motion to remove that.

COUNCILMEMBER WHITE: Second.

CHAIR CARROLL: Alright. Been moved and seconded. Any further discussion? All in favor signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried. Five "ayes," no "noes," four excused.

VOTE: AYES: Chair Carroll, and Councilmembers Crivello, Guzman, Sugimura, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Hokama, and Councilmembers Atay, Cochran, and King.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR CARROLL: Alright. And I have this other one over here that we discussed a little bit the first time and that's the one that was passed out. No accessory dwelling on a lot that is less than 7,500 square feet and no secondary accessory dwelling on a lot that is 5,500 square feet or greater shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental. And by making revisions for consistency on Page 10 and 12 on the proposed bill with respect to Sections 19.64.030(A), Maui County Code, and 19.65.030(A), Maui County Code, respectfully. And that would be the motion...

COUNCILMEMBER WHITE: I'll make that motion for discussion, Chair.

COUNCILMEMBER CRIVELLO: Second.

COUNCILMEMBER SUGIMURA: Second.

CHAIR CARROLL: Been moved.

COUNCILMEMBER SUGIMURA: Second.

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CHAIR CARROLL: Yeah. And second? Alright. Moved and seconded. Discussion? Mr. White?

COUNCILMEMBER WHITE: Chair, I'm, you know, I'm concerned about the adequacy of affordable housing and I offered this motion or made this motion because I think there's a certain level of fairness that we need to show folks that are already in the process. This is basically leaving the law where it was before this bill came up and I think we've gone through a lot of discussion on what's fair and what's not fair and I don't know if...anyway, I have mixed feelings about this, but I'm, I just wanted to have a discussion. I'm interested in the other Members' thoughts on it.

CHAIR CARROLL: Thank you. I was here from the beginning of this along with Mr. Couch and several others and always the intent was for, to have more dwellings available for long-term rentals for either the family members over there or to be rented out in the long-term to try to alleviate the housing shortage. And the original proposal came up from when we went to Santa Clara and saw a proposal over there where they had implemented a program similar to this and that's where it came from. And it was never intended to be for vacation rentals or what. The intent has always been to try to get more housing available for the people that need it in Maui County. Further discussion?

COUNCILMEMBER SUGIMURA: So, Chair?

CHAIR CARROLL: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Just for clarification then, so for new short-term vacation on accessory dwelling would not be allowed? For Planning.

CHAIR CARROLL: Corporation Counsel or Mr. Alueta?

MR. ALUETA: I believe that the way this is worded is that any new accessory dwelling that is built under these revisions, meaning on lots smaller than 7,500, would be excluded from being a TVR or a B&B. On accessory dwellings, the second accessory dwelling, built on lots greater than 7,500 would be also excluded. But the first accessory dwelling built on lots larger than 7,500 square feet within the zoning categories listed would still be eligible to be converted to a short-term or be part of a B&B application, excuse me, part of a B&B application.

CHAIR CARROLL: So, it would have no effect on that?

COUNCILMEMBER SUGIMURA: I'm sorry. Thank you.

CHAIR CARROLL: Further discussion? Mr. Guzman?

COUNCILMEMBER GUZMAN: So, Chair, if for example I own a permit and I have more than 7,500 square feet and I have two accessory dwellings that I utilize currently as a TVR,

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not me personally, but for an example yeah, I would then, if this passes, then at that point if I were, once my permit expires I would not be able to renew for my third accessory dwelling?

CHAIR CARROLL: Mr. Alueta?

MR. ALUETA: If I may, Mister...you would not have it. Under the current law, you are only allowed one accessory dwelling. So, the most you would be able to have is two dwellings on the property that would be subject to the thing.

COUNCILMEMBER GUZMAN: Oh, okay. So, basically this doesn't change our current law?

MR. ALUETA: Correct. That basically this as I think indicated by the Chair was he wanted to maintain status quo.

COUNCILMEMBER GUZMAN: Oh, okay.

MR. ALUETA: So...

COUNCILMEMBER GUZMAN: Okay. So, it is what, our current law reflects this amendment anyway? Okay.

CHAIR CARROLL: Any further discussion to the motion on the floor?

COUNCILMEMBER WHITE: Chair?

CHAIR CARROLL: Mr. White?

COUNCILMEMBER WHITE: I guess one of my, one concern is that I know the purpose of this bill is to increase affordable housing and I'm just wondering if we're gonna put this language in I would prefer that it not apply to our main workforce housing areas like, you know, the main part of Wailuku, the main part of Kahului, Pukalani, and Lahaina proper and so it's in...anyway, I'm just, the more I think about it the more I'm getting a little bit uncomfortable with it. I don't know. Mr. Guzman?

COUNCILMEMBER GUZMAN: Oh, I think I know where you're going, Chair, and I'm in agreement to it because of the fact that if I look at, and I'm only looking at Central Maui, so currently as the situation is there are a lot of lots that are less than 7,500 square feet that have double, triple dwellings, accessory dwellings. So, this would, you know, allow at least the additional dwelling to be legal and they're not being used for TVRs and B&Bs anyway. So, to me, it just makes sense to legalize it as, you know, they're not being allowed anyway so and it's not being allowed in the ordinance and they're not doing it so it's not hurting anybody, you know. It's just being able to say okay, now it's legal in Central Maui and you can go get a permit after the fact and once you do that I'm sure the kitchen thing is gonna be an issue, but you're going to be paying taxes on the additional dwellings that you're gonna be reporting as legal. So, I don't know about the rest of the areas in Maui County, how

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this would affect. But, I would assume that, you know, if you have more than 7,000 square feet and you have, you know, a dwelling, your second dwelling, it's just saying hey, you can't use that second dwelling or subsequent thereafter as TVRs or B&Bs. So...

CHAIR CARROLL: I think that's it in a nutshell.

COUNCILMEMBER GUZMAN: Yeah. I'm good with the amendment.

CHAIR CARROLL: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Can I have a clarification from my colleague, from Mr. Guzman? Are you saying the illegal's now with this amendment will legit there?

COUNCILMEMBER GUZMAN: Yeah, there would be some that would be able to qualify as being legit because some of the properties that they have there are less than 7,000 square foot and they've got dwellings, accessory dwellings there. As the law is right now, you couldn't have an accessory dwelling if your property was less than...

COUNCILMEMBER CRIVELLO: And they're doing it illegally today?

COUNCILMEMBER GUZMAN: Yeah.

COUNCILMEMBER CRIVELLO: So --

COUNCILMEMBER GUZMAN: I mean it's pretty apparent.

COUNCILMEMBER CRIVELLO: --we're gonna sanction their illegal work to be legit with this amendment?

COUNCILMEMBER GUZMAN: Yeah. This would, I guess what we would call this is being able to increase density which is already happening anyway. So, just allowing the additional accessory dwellings to become legal.

COUNCILMEMBER CRIVELLO: Okay. Thank you, Chair. Thank you, Mr. Guzman.

CHAIR CARROLL: Mr. White?

COUNCILMEMBER WHITE: Thank you. I don't see this amendment as being...the bill itself allows for ohanas under, on lots under 7,500 square feet. So, what this does is it allows that same unit to be used as an ohana, I mean as a TVR. That's what this amendment is doing. It's allowing us to go back to what the STR and bed and breakfast laws allowed initially, so.

COUNCILMEMBER GUZMAN: Oh, I see that. I see that now. Because the other language that we had prior to the Planning Department's proposal had limitations on the

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7,500...5,000 to 7,499 and the limitations was they could not use those accessory dwellings as TVRs or B&Bs. I see what you're saying, Mr. White.

COUNCILMEMBER WHITE: Correct.

COUNCILMEMBER GUZMAN: The language there is missing here. But...

CHAIR CARROLL: Corporation Counsel, do you have comments?

COUNCILMEMBER WHITE: So...

MR. HOPPER: Just some clarification so we're understanding things. The Planning Department's current proposed bill is going to say that you cannot have accessory dwellings as STRHs or B&Bs regardless of the size of the lot or anything like that. The amendment here, and I'll read it, it says the proposed amendment is no accessory dwelling on a lot that is less than 7,500 square feet and no second accessory dwelling on a lot that is 7,500 square feet or greater shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental. So, this bill is creating several new areas where you can have an accessory dwelling and this amendment, as I understand it, is going to say any of those new accessory dwellings that are going to be allowed now but weren't allowed before can be used as bed and breakfast, short-term rental homes, or TVRs. I think that was the intention. And so...yes. And so, basically none of them, no none of the new lots, or none of the new accessory dwellings that will be created can be used as short-term rental homes, bed and breakfast homes, or TVRs. So, those are the new lots, those are the new ohana units that are going to be allowed. Any currently allowed ohana units can be used, but any of these new units that will be allowed, they cannot be used. So, that's what this language says. Again, because it's dealing with accessory dwellings on a lot that's less than 7,500 square feet, again, that's not currently allowed but it's being allowed by this bill and no second accessory dwelling on a lot that is 7,500 square feet or greater again not currently allowed, but will be allowed by this bill and it's going and this language says those new ones that are not currently allowed in the Code, they can't be used as short-term rental homes or TVRs. So, that's what the language...that's what this language says.

COUNCILMEMBER GUZMAN: Yeah. Yeah, I get it. So, if I may, Chair?

CHAIR CARROLL: Mr. Guzman?

COUNCILMEMBER GUZMAN: So, any accessory dwelling that is on, that is being proposed to be built on a 5,000 to 7,499 square feet lot will be allowed; however, those dwellings, accessory dwellings are, shall not be used for bed and...B&Bs and short-term rentals? Correct. So, that's one prong. The other prong is any lot that is 7,500 square feet or greater and is a second accessory dwelling cannot be used for B&B and short-term rental, or transient vacations.

CHAIR CARROLL: Correct.

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COUNCILMEMBER GUZMAN: Correct. Okay. Got it.

CHAIR CARROLL: Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I think I'm going to withdraw my motion and I would prefer to take the approach that we say any house built prior to enactment of this or that any house built after the enactment of this cannot be used for short-term rental or B&B. I think going forward the impetus we should have is to build things for long-term rental. I'm also kind of feeling like saying that the, if you have your permit in now, you're good. You know, it should be processed. Anyway, I'm just throwing that out. I don't know how the others feel, but I'm...

CHAIR CARROLL: I believe Planning commented on that already.

COUNCILMEMBER GUZMAN: So, did Mr. White withdraw his motion?

COUNCILMEMBER SUGIMURA: Yeah. He withdrew.

COUNCILMEMBER GUZMAN: He withdrew? Okay. Well, you know, Chair, I like the, your proposed amendment. So, I would motion to approve.

CHAIR CARROLL: Alright. You know what? . . .*(inaudible)*. . . over here. Alright. He's withdrawn his motion already. Alright. Now we have no motion on the floor. You may proceed.

COUNCILMEMBER GUZMAN: Okay. Chair, I move to amend Section 19.35.010(D) of the County Code by striking the existing language and inserting in its place the following, as...do you want me to read it as well? Okay. No accessory dwelling on a lot that is less than 7,500 square feet and no secondary accessory dwelling on a lot that is 7,500 square feet or greater shall be used as a B&B, bed and breakfast home, short-term rental home, or transient vacation rental. And by making the revisions of the consistency on Page 10 and 12 of the proposed bill with respect to Sections 19.64.030(A) of the Maui County Code and 19.65.030(A) of the Maui County Code, respectfully. Respectively.

CHAIR CARROLL: Do I have a second?

COUNCILMEMBER CRIVELLO: Second.

CHAIR CARROLL: Seconded by Ms. Crivello.

COUNCILMEMBER SUGIMURA: That what we just voted and had no vote, right?

CHAIR CARROLL: Alright. I think that about covers it as about good as we can. We're trying to...of course our goal is to have more homes available for our people out there to try to alleviate the shortage, the housing shortage. I can't think of any better

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wording just offhand right now; if somebody has some better wording more power to them. But, I can't think of anything right now that would be better than what we have before us at this time that would as fair as possible. Discussion? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Can we ask Mr. White to restate what he, what you said earlier? You withdrew your motion and what did you say? 'Cause we're back to the amendment.

COUNCILMEMBER WHITE: I'm kind of back to feeling that we need to protect those people who have already submitted permits. But...

CHAIR CARROLL: Could, Mr. Alueta, could you comment to that concern?

MR. ALUETA: Thank you, Mr. Chair. As the bill is presented by the Department with the prohibition on the use of any accessory dwelling, any permit that any application that has been deemed complete at the time of the...I'm sorry, I'm being corrected here. But, our intention is that we would, if they already have a permit and that currently uses an accessory dwelling, we would continue to process it and issue renewals on those accessory dwellings; on the use of those. It would just be any new applications going forward.

MR. HOPPER: Mr. Chair, in order to effectuate that, I think the current law says that if you have an existing permit this law basically won't affect you. You would need to add something like any permit deemed complete as of the effective date of the ordinance shall also have that same protection because currently it does not have people with completed applications. They don't have this benefit. But, those with approved, it says, the words used are existing bed and breakfast home and et cetera permits have that protection. So, that's an option for the Committee. They could expand that that as well. But, as far as what Mr. Alueta said there would need to be an amendment to that section of the ordinance to effectuate that.

CHAIR CARROLL: Mr. White?

COUNCILMEMBER WHITE: Could Mr. Hopper provide us the wording for that and I would make that motion?

CHAIR CARROLL: Okay. Mr. Hopper, you've heard the request?

MS. NAKATA: Excuse me, Mr. Chair, we do have a motion pending on the floor.

CHAIR CARROLL: Oh, we have a motion on the floor now, though. That would be a separate motion.

COUNCILMEMBER WHITE: Correct.

MR. HOPPER: The motion currently on the floor, with this motion, since it only will, it will ban short-term rentals homes, B&Bs, and vacation rentals for any accessory dwellings

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that are newly created with this. So, it wouldn't affect anybody, as I understand it, who's currently in the application process because their ohana units wouldn't meet this criteria anyway. But the ban would be or the prohibition would be a lot more narrow with this language. If you...so I think you can understand the two different ones. One is we're creating new accessory dwellings; this language is gonna say those new accessory dwellings can't be used as short-term rental homes and bed and breakfast homes, et cetera. The current law, the current wording is going to say that both new, both the new dwellings that are being allowed here and dwellings that come up after the effective date of the ordinance, those also couldn't be used as accessory dwelling or as short-term rental homes, B&B homes, et cetera. So, there's two different proposals there and you couldn't convert an existing accessory dwelling either unless your application was in as of the effective date of this ordinance.

CHAIR CARROLL: Okay. Any further discussion to the motion on the floor? Mr. Guzman?

COUNCILMEMBER GUZMAN: What's the motion on the floor?

COUNCILMEMBER WHITE: It's your motion.

MR. HOPPER: The current motion would be to say, basically say that as I understand it, the new short-term...or the new accessory dwellings that are being created by this bill, the new ones that are going to be allowed, you could not do a short-term rental home, bed and breakfast home, or a transient vacation rental with those bills. As far as ohana units that are currently existing or any applications that are in the pipeline, those will be allowed to be used potentially if they meet the other criteria, short-term rental homes, bed and breakfast homes, and transient vacation rentals. And people could apply for new short-term rental homes, bed and breakfast homes, and transient vacation rentals under what's currently allowed in the Code. But, they could not do that if they are building their ohana units under the new criteria in the Code --

COUNCILMEMBER GUZMAN: Right.

MR. HOPPER: --which are these, essentially these smaller ones or your second one if you've got a bigger lot.

COUNCILMEMBER GUZMAN: Right. Okay. I got that.

COUNCILMEMBER SUGIMURA: It's your bill...your amendment.

COUNCILMEMBER GUZMAN: No, and just to support the amendment, I'm looking at the whole legislation in its entirety as well. So, if I look at section...where is that? Sorry, if I look at the section of the restrictions for the short-term rentals on, I believe it's Page 10, 19.64.030, Section R, letter R section, it does give us the caps of the County shall be restricted to in approving permits for B&B breakfasts, breakfast homes, let's see, in the various community plans. So, it gives us 48 in Hana, 100 Kihei/Makena, 40 in Makawao/Pukalani/Kula/Paia, Haiku 88, Wailuku/Kahului 36, and West Maui 88. So, based off of those caps as well as I believe on Page 12 we have 19.65.030 on

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the restrictions for the short-term rental uses. On letter R it also gives us those numbers for the caps for the short-term rentals homes; Hana, 30, Kihei/Makena 100, Makawao/Pukalani/Kula 40, Paia/Haiku 88, and Wailuku/Kahului 36, West Maui 88. So, we already have restrictions on the amount of short-term rentals and B&Bs, how many we can have in each of the districts, so I think that pretty much governs or regulates and limits the amount of these short-term rentals that are being allowed out there. And so, what this amendment does is keeps it the same as well as making sure that we have other dwellings on smaller lots being created for families and spouses and being used for long-term rent.

CHAIR CARROLL: Any further discussion to the motion on the floor? Hearing none, all in favor signify by saying "aye."

COUNCILMEMBER GUZMAN: Aye.

COUNCILMEMBER CRIVELLO: Aye.

CHAIR CARROLL: Aye. No?

COUNCILMEMBER WHITE: No.

CHAIR CARROLL: Motion fails.

VOTE: AYES: Chair Carroll, and Councilmembers Crivello, Guzman, and Sugimura.

NOES: Councilmember White.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Hokama, and Councilmembers Atay, Cochran, and King.

MOTION FAILED.

CHAIR CARROLL: Alright. Okay, Members, where we can go from here? We really need to pass this out today in one form or another. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I would like to move that the folks who have already submitted permits to the Department that would otherwise be affected by this law be allowed to have their permits go forward and if Mr. Hopper can provide us the appropriate wording I would appreciate it.

MS. NAKATA: Mr. Chair?

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CHAIR CARROLL: Ms. Nakata?

MS. NAKATA: I think based on what Deputy Corporation Counsel said earlier, the language would be to expand Section 9 of the proposed bill along the lines of the following, any permit for a bed and breakfast home permit, short-term rental home permit, or other lawful transient vacation rental use in any accessory dwelling deemed complete as of the effective date of the ordinance shall be processed under the standards in effect prior to enactment of this ordinance and, if granted, shall be eligible for permit renewal under the standards in effect prior to enactment of this ordinance.

COUNCILMEMBER WHITE: So moved.

COUNCILMEMBER CRIVELLO: Second.

MR. HOPPER: And then just, Mr. Chair, I think the statement was any permit...I just want to make sure it was any application?

COUNCILMEMBER WHITE: Any application.

MR. HOPPER: Any application deemed complete, yeah.

MS. NAKATA: Thank you.

MR. HOPPER: That was a lot to say. I think the rest sounded good. But, let's get it down on paper and look at it, but I think that's essentially what we were thinking of.

MS. NAKATA: Thank you. That's a good correction.

COUNCILMEMBER WHITE: And my motion would allow the Staff to make any non-substantive adjustments.

CHAIR CARROLL: Is there a second?

COUNCILMEMBER WHITE: Yeah. I had a second from Ms. Crivello.

CHAIR CARROLL: Thank you, Ms. Crivello. Discussion? All those in favor signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried.

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VOTE: AYES: Chair Carroll, Councilmembers Crivello, Guzman, Sugimura, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Hokama, and Councilmembers Atay, Cochran, and King.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR CARROLL: Alright. Mr. White?

COUNCILMEMBER WHITE: I have one more motion and that would be to increase the maximum gross covered floor area noted on Page 2, for...and I would increase it for lots between 7,500 and 9,999; instead of increasing it from 500 to 600, increase it to...

COUNCILMEMBER SUGIMURA: Ten percent. Twenty percent.

COUNCILMEMBER WHITE: Anyway, increase it by 20 percent. So, actually that one stays where it is. For lots of 10,000 to 21,779, increase it from 600 to 720, and for the next increase it from 700 to 840, 800 to 960, and then the last is increasing it from 1,000 to 1,200. Basically what that does is it provides the same level of increase for all five categories at 20 percent. And I think it will add some livability to those properties.

CHAIR CARROLL: Is there a second to the motion?

COUNCILMEMBER CRIVELLO: Second.

COUNCILMEMBER SUGIMURA: Second.

CHAIR CARROLL: Seconded by Ms. Crivello. Further discussion? Department, do you have any comment on the motion on the floor?

MR. ALUETA: No comments. Thank you.

CHAIR CARROLL: All those in favor signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried.

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VOTE: AYES: Chair Carroll, and Councilmembers Crivello, Guzman, Sugimura, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Hokama, and Councilmembers Atay, Cochran, and King.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR CARROLL: Anything further? Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. So, the original language that's in the bill on Page 2, I believe, under Section 19.35.010 generally, letter D where the language states that no accessory dwelling shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental, that stays in place because your amendment, or at least your initial amendment failed and then my amendment failed? That's my question. Because what Mr. White's amendment did was just basically say that look, if you have an application pending then you would be exempt from this bill or at least allowed to proceed if your application was approved. But, other than that, notwithstanding the provisions of no accessory dwellings shall be used as, you know, basically if you have an accessory dwelling then none of it, no accessory dwelling, no matter how small or big your lot is, will ever be used for a bed and breakfast or a short-term rental.

CHAIR CARROLL: I believe so, but I will get confirmation from Mr. Alueta.

MR. ALUETA: That is correct. Unless you are currently operating a bed and breakfast with that provision to allow for your accessory dwelling or you have an application in that's been deemed complete for a bed and breakfast, then you have that provision.

COUNCILMEMBER GUZMAN: So, Chair, basically by having that language, it's a ban on any type of ever having an...if you have an accessory dwelling then you can't have, there will be no further TVRs or B&Bs. So, then why do even have a regulation for B&Bs and TVRs? Why would we even have a cap at that point? Because some of the caps aren't being, they're not completed yet, they're not full. So, you're basically putting on a ban which is contrary to an allowed use and permit activity that we currently have in some of the jurisdiction, some of the districts that aren't within their limit. So,

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we're basically shutting down the whole business, you know. That doesn't make sense to me.

CHAIR CARROLL: Mr. Alueta?

MR. ALUETA: No, you would just be, have to use the primary dwelling for your bed and breakfast.

COUNCILMEMBER GUZMAN: You would have to use the primary dwelling? The house that you either living in --

MR. ALUETA: As your bed and breakfast.

COUNCILMEMBER GUZMAN: --as your...and your TVR?

MR. ALUETA: Or you would live the accessory dwelling and have, run the bed and breakfast in the primary dwelling. So, that would be, and that's as I said, that's how the original bed and breakfast bill was; was you only could run the bed and breakfast out of the main dwelling.

COUNCILMEMBER GUZMAN: You know, I understand where you're coming from and in an idealistic world, yeah, but not in today's economy where, you know, I still believe a man can do what they can do on their own property. You know, I still believe in that. I still believe in the ability for someone to make some type of money while they're living on their land. You know, and as well as taking care of those that are or don't have a place because of the fact that we have a housing crisis. My whole intent for this whole bill was always from the beginning was to make sure that we have increased density which was being, allowing smaller lots to have a cottage, an accessory dwelling, so that they can provide for their extended family. That was the whole intent that I wanted to support this bill for. And then it just got crazy and it's now we're starting to regulate past further than that and slam down the hammer and that's just...I didn't ever want to destroy a business that's going on economically. And that's what this bill is doing right now as the wording is left; to exclude all accessory dwellings. So, I can't support this bill as it, as the wording as it is right now, Chair.

CHAIR CARROLL: I'm willing to listen to an amendment if that's what it needs to get it out.

COUNCILMEMBER GUZMAN: And, Chair, and I would support your amendment, the amendment that you proposed. But, it didn't have the votes. So, and I agree with that amendment that you proposed. So, we're at a impasse at this point.

CHAIR CARROLL: Mr. White, is there any way that the failed amendment, the one that I proposed, you could is there any way any changes or anything you could do that you could give support? I don't want us to get so tied up over here that...

COUNCILMEMBER WHITE: I would entertain the idea of not allowing, of applying this restriction to all new builds. But, I'm still, you know, I'm even not really...

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CHAIR CARROLL: To all new construction?

COUNCILMEMBER WHITE: On new construction. But, you know, I think I understand where Mr. Guzman's coming from, but we're not eliminating people's ability to rent.

CHAIR CARROLL: No.

COUNCILMEMBER WHITE: You know, they can still use it as long-term rentals and in some cases in some areas, the long-term rentals are probably gonna net you more than the vacation rental because the vacation rentals are most popular in the areas closer to the resorts, but...or North Shore and places like that. So, I think we have a significant enough challenge with affordable rentals that I'm not willing to go along with 'cause basically your amendment allows anything over 7,500 square feet lot size to have a vacation rental as long as they go through the permitting process and I'm just not there. So, I would entertain...

CHAIR CARROLL: Okay. We need to get some common ground over here if we're gonna move forward.

COUNCILMEMBER WHITE: I would entertain the option of saying, restricting the, this wording no accessory dwelling shall be used as a bed and breakfast, I would say no newly built or no accessory dwelling built after the enactment of this ordinance shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental.

CHAIR CARROLL: Okay. Is there a second to that motion?

COUNCILMEMBER SUGIMURA: Second

CHAIR CARROLL: Okay. There's a second.

MR. HOPPER: Mr. Chair? Can we clarify what built after means? Does it mean that they got a building permit or construction was completed or that would maybe benefit from a little clarification of the Committee's intent?

COUNCILMEMBER WHITE: I think if it's, if it has a, if it receives a building permit after the enactment of this law to give it a timeframe.

CHAIR CARROLL: Planning, do you have any comment on, Mr. Alueta, on what we are discussing?

MR. ALUETA: I think, again to echo Mr. Hopper's concern, date assurances, if you're going to limit it by the date of the construction. Again, it doesn't preclude any like as indicated there're thousands of existing accessory dwellings out there now that not all of them could be, but many of them could be converted to a vacation rental --

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COUNCILMEMBER WHITE: Don't look at me. Look at Mr. Guzman.

MR. ALUETA: -- I mean as a bed and breakfast, but --

COUNCILMEMBER WHITE: Look at Mr. Guzman, not me.

MR. ALUETA: Oh, I'm sorry. Yeah. That's the, and again, that's the intention. That's why we're trying to go back to the original intent of the accessory dwellings and that was again to provide as they're often called ohana units for family members. And so, and again, for long-term rental, that was the initial intent and that's part of the reason that it was written that way in our bill. But, I understand we're trying to compromise and work with you and I understand you're, if you put in language about date certain, meaning new accessory dwellings regardless of the lot size that are constructed after a certain date, would...I mean building permit, after a building permit is issued then we could enforce that if there's a date certain there.

MR. HOPPER: Is something like the, for which building permits are issued after the effective date or prior to the effective date of the ordinance would be allowed to continue to be used as short-term rental homes, bed and breakfast homes, or if I guess you're saying if the permit was issued after the effective date of the ordinance they could not be used?

COUNCILMEMBER WHITE: Correct. I would let Staff work out that language.

MS. NAKATA: Mr. Chair, Staff has no accessory dwelling for which a building permit is issued after the enactment of this ordinance shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental.

MR. HOPPER: And maybe additional clarification that...because we've seen loopholes in cases similar to this that the building permit is for the construction of the accessory dwelling. So, if there's a building permit after for like a, for modifications or something like that that wouldn't trigger that. So, it's the building permit for the construction of the accessory dwelling.

CHAIR CARROLL: Ms. Nakata, you got that?

MS. NAKATA: No accessory dwelling for which a building permit for the construction of the accessory dwelling is issued after the enactment of this ordinance shall be used as bed and breakfast home, short-term rental home, or transient vacation rental.

CHAIR CARROLL: Is that satisfactory to you, Mr. White?

COUNCILMEMBER WHITE: Yes.

CHAIR CARROLL: Alright. Any objection to having that as a friendly amendment to your motion, your original motion?

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COUNCILMEMBER WHITE: No objection.

CHAIR CARROLL: Alright. Any further discussion? All in favor signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed.

COUNCILMEMBER GUZMAN: No...

CHAIR CARROLL: I'm sorry?

COUNCILMEMBER GUZMAN: Oh, that's fine. That's just to his amendment to his, to the language of that, right?

CHAIR CARROLL: Yeah, what Ms. Nakata read. Would you like it read again?

COUNCILMEMBER GUZMAN: Yes, please.

COUNCILMEMBER WHITE: The effect of that says anyone who has an existing accessory dwelling can use it as a vacation rental or can apply for a permit. Doesn't necessarily mean they'll get it, but this would only apply to those who have not yet built and I'm comfortable with that because if you haven't built something yet, then you know what you're getting into. If you have a, if you've already made the commitment to build an accessory dwelling with the thought that you're going to apply for a permit, then that, you know, we're...this law would put in a pickle. But, I made that amendment in hopes that Mr. Guzman would find that an adequate adjustment to the bill. 'Cause it's basically taken care of 5,000 already built and only taking out the ones that are prospective.

CHAIR CARROLL: Ms. Nakata, could you read that one more time please?

MS. NAKATA: Yes, Mr. Chair. It's no accessory dwelling for which a building permit for the construction of the accessory dwelling is issued after the enactment of this ordinance shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental.

CHAIR CARROLL: Okay. That is the motion on the floor. Alright. All in favor please signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed?

COUNCILMEMBER GUZMAN: No.

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VOTE: AYES: Chair Carroll, and Councilmembers Crivello, Sugimura, and White.

NOES: Councilmember Guzman.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Hokama, and Councilmembers Atay, Cochran, and King.

MOTION FAILED.

CHAIR CARROLL: One no. Alright. Mr. Guzman, what would be acceptable to you then since it seems everybody is finding one thing unacceptable in every motion we have. So, we really need to over there and if you have a problem with it, we need to work it out. So, could you give us some verbiage in there that would help?

COUNCILMEMBER GUZMAN: No, the only verbiage I have is basically what you've proposed. You know...

CHAIR CARROLL: Well, I liked my proposal, too, but I couldn't get it to go anywhere.

COUNCILMEMBER GUZMAN: Well, any other avenue you're still, you're excluding all accessory dwellings from here on out --

COUNCILMEMBER WHITE: That's not correct.

COUNCILMEMBER GUZMAN: --from the...except for the grandfathered --

COUNCILMEMBER WHITE: No.

COUNCILMEMBER GUZMAN: --basically the existing units that are out there.

CHAIR CARROLL: Well, we do have the option too of just passing out this bill exactly how it is without making any other amendments or changes. We do realize that. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I think Mr. Guzman's unclear on what the proposal was. Basically it's saying that all five, at least the way I think it was crafted, is that if you have an existing, 1 of the 5,000 existing accessory dwellings in Maui County, you can continue to apply for a permit. It's just those who have not yet built one that this law is going ban you from using as a short-term rental or a bed and breakfast. So, I thought I was moving 5,000 units in his direction and he wasn't moving even one unit in my direction. So, I thought it would satisfy the issue that he had, so.

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CHAIR CARROLL: Okay. Not to...we have Fire and Public Works came back. There was questions for Public Works about...we can't even remember now. I hope who had the question remembers. Fire and Public Works.

COUNCILMEMBER SUGIMURA: Chair, I think it...Chair? I think it was I asked the question about Water...Fire, if Fire was receiving permits and I think that's when we thought...

CHAIR CARROLL: Oh, yeah. Public Works, could you...Mr. Goode, could you please come down? Our memory is refreshed.

COUNCILMEMBER SUGIMURA: Yeah. I think it got...yeah. I gotta go. I gotta go. Nobody else has to go? Chair?

CHAIR CARROLL: Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: I can stay for a little bit more, but I gotta...

CHAIR CARROLL: I'm sorry?

COUNCILMEMBER SUGIMURA: I have to leave shortly.

CHAIR CARROLL: Okay. How shortly?

COUNCILMEMBER SUGIMURA: So, like maybe ten minutes.

CHAIR CARROLL: Okay. Thank you. Alright. The questions I recall was if Public Works would...Water, do you remember when we was having the discussion about who...

MS. TAOMOTO: Thank you...

CHAIR CARROLL: . . .*(inaudible)*. . . recall the actual verbiage. Right.

MS. TAOMOTO: Chair, I think the question, which is why we waited for Public Works, was related to a discussion about the first and second, I mean, Fire Department's review of building permits and whether or not or the mechanism that they would have to request to Public Works that they get to review first, second accessory dwelling permits. And we asked Mr. Goode to come down and clarify what that process would be if they're not getting first and second dwelling permits now, how, what is the process for them to request that they receive it. Thank you.

CHAIR CARROLL: Mr. Goode?

MR. GOODE: Okay. Thank you, Chair. And thank you, Ms. Taomoto, for that introduction. I'm sorry I wasn't able to attend the meeting. I thought...didn't realize it was going through lunch so I was in Waikapu. So, anyway, I'm back now, but I don't know if you were handed out our matrix. Mr. Ueno who was able to come down. This is

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really, this is how we route permits that are given to us, you know, for processing. And so, each department kind of sets their own standards in what they want to look at. For instance, recently Water Department had a change. They wanted to see a particular application they hadn't seen in the past so they sent us a note and we made the amendment. And so, Fire has their requirements and so we basically follow, you know, what they've requested of us in the past. My hunch is that this was probably set 20, 25 years ago and Fire for dwellings, first and second dwellings, only look at it if it's on private water or private road. I assume with the assumption that if it's a County road, it's got Fire services already provided on it, fire hydrants, et cetera. But, again, if it's something they want to take another look at and, you know, provide us some direction we'll be more than happy to follow it which is how we do it for every department, including the Department of Health or the State Department of Land and Natural Resources, for example. I hope that helps. So, I guess another thing I'd add, Chair, is that and I'm sorry I missed this when I first reviewed this bill that item number 3, in 19.35.050, where there's a Code requirement that they shall review on a permit application for a second accessory dwelling, this would be normally be handled within just interdepartmental correspondence rather than an ordinance. So, if something happens in the future, the Fire Code changes for instance, perhaps they don't want it written in the Code like this. So, again, I haven't had a chance to talk to our sister department, the Fire Department, but if we could just handle it through the normal process, they tell us when they want to look at something then we don't need this item number three.

CHAIR CARROLL: Alright. Any questions for Mr. Goode now that we have had his explanation? And thank you for coming back, Mr. Goode. Anything for Mr. Goode? If not, one more time we shall release him. Okay. Now, Members, you know, we all have good points and everything else. Every one of us. I think I had, I think I did really good myself and Mr. White did really and Mr. Guzman did really good and we just can't seem to come to a real good agreement. And seriously, we have a bill before us right now, a motion on the floor, for a bill. There's several of these amendments, if the Chair would agree, if we would pass out this bill to go over there and bring up the amendments at first reading that well, the three of us are the ones that really had some proposals over here to bring it out when we have nine Members on the floor that we could...and that would give us time to go over there and try to do this. And the reason we're, I'm trying to expedite this so much is seriously, we're talking about if we don't get this out today, we're not probably looking at 2019. We're probably looking at 2020 to actually see some relief over here or even longer than that. So, it's really important. I mean we're, everybody agrees that we need supplemental housing and unfortunately, if we don't get this out today it's, I don't see how on earth I could ever even hear it again. I don't think anybody wants to come back tomorrow. I don't even know if I could get quorum. So, that's where we're at. Ms. Sugimura has to leave in five minutes. Mr. White, would that be acceptable to hear some kind at first reading?

COUNCILMEMBER WHITE: Other than the fact that the request is coming from the person why says do committee work at committee level.

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CHAIR CARROLL: I don't like it either, but again we're talking about making available housing...

COUNCILMEMBER WHITE: No, I understand. I'm okay with your recommendation.

CHAIR CARROLL: Okay. Yes, I know I get poked by that all the time. Alright, Members, we have a motion on the floor. I would like to call for the question on that. Mr. White has said we can make amendments at first reading. Mr. Guzman, comment?

COUNCILMEMBER GUZMAN: Chair, what if I'm gone on the date that it's presented on the Council? I mean, and I'm actually passing legislation that I really don't agree with in terms of that one section and maybe I'll have a better understanding if it was written out. But, at this point, I just still can't agree on leaving that language in there which is the no accessory dwelling shall be used as a bed and breakfast home, short-term rental home, or transient vacation rental.

COUNCILMEMBER WHITE: My amendment made that apply only to things built from here forward. It excludes from that --

COUNCILMEMBER GUZMAN: No, I get it.

COUNCILMEMBER WHITE: --all the 5,000 that are currently in place.

COUNCILMEMBER GUZMAN: So, currently we have, I don't even know where you're, where the 5,000 is coming from, maybe that's the data that was presented from some department. But, you're saying that anyone who wants to build an accessory dwelling from here on out would never be able to utilize it as a B&B or TVR? So, you're...

CHAIR CARROLL: That is the correct 'cause the purpose of the bill is to make more long-term rental or housing available.

COUNCILMEMBER GUZMAN: So, why do we have caps for the TVRs and the B&Bs? Why do we even have that legislation to cap it out?

CHAIR CARROLL: Caps can be changed, can be taken away and what, but if this ordinance passed the housing that we're trying to make available, it wouldn't matter if they made the cap, you know, hundreds or whatever. It would still yet what we passed out today would be restricted to be used for long-term rentals or family.

COUNCILMEMBER GUZMAN: Yeah, I'm still not comfortable with any future accessory dwellings being completely limited or not being able to utilize our existing laws to avail of B&Bs and TVRs.

CHAIR CARROLL: Alright. Members, we will take a vote to the motion on the floor and all those in favor say "aye."

COUNCILMEMBER WHITE: Aye.

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important. Alright. October 25th. That is Thursday of this week. Alright. Anybody cannot make that date raise your hand. October 25th, Thursday.

COUNCILMEMBER SUGIMURA: Morning?

CHAIR CARROLL: Pardon?

COUNCILMEMBER SUGIMURA: Morning?

CHAIR CARROLL: Morning.

COUNCILMEMBER SUGIMURA: Nine o'clock?

CHAIR CARROLL: Yeah. Nine o'clock. And we shall try diligently to try to get some more of our Councilmembers to be able to come at that time. Would that be...Mr. Guzman, could you...

COUNCILMEMBER GUZMAN: I'm available.

CHAIR CARROLL: Pardon?

COUNCILMEMBER GUZMAN: I am available.

CHAIR CARROLL: Oh, thank you.

COUNCILMEMBER CRIVELLO: Chair, are you looking at October 25th at 9:00?

CHAIR CARROLL: I'm sorry?

COUNCILMEMBER CRIVELLO: Are you looking on Thursday, October 25th at 9? I think I have an MPO.

COUNCILMEMBER WHITE: How about on Friday?

CHAIR CARROLL: Friday? Friday is fine. Mr. Guzman, change of date. Could you do it on Friday?

COUNCILMEMBER GUZMAN: Hold on. One moment, please. I'm open. Thank you, Chair.

CHAIR CARROLL: Okay.

COUNCILMEMBER GUZMAN: Nine to 12:00.

CHAIR CARROLL: Ms. Sugimura?

COUNCILMEMBER CRIVELLO: Yeah. Only if you complete by 11:30, 11 o'clock. I have a flight. I'm sorry. I have a flight.

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COUNCILMEMBER WHITE: Make it start at 8:30.

CHAIR CARROLL: Pardon?

COUNCILMEMBER WHITE: Start at 8:30 on Friday.

CHAIR CARROLL: Okay. Eight thirty on Friday? That gives us...otherwise we're going to have very little time since she has to leave at 11:00.

COUNCILMEMBER SUGIMURA: Eight thirty on Friday.

CHAIR CARROLL: Yeah.

COUNCILMEMBER SUGIMURA: Okay. Recess. Done. I gotta go.

CHAIR CARROLL: Alright. We stand in recess, Land Use Committee, until 8:30 a.m., Friday morning, October 26. Thank you very much and this meeting stands in recess. . . .(gavel). . .

RECESS: 2:17 p.m.

APPROVED:



ROBERT CARROLL, Chair
Land Use Committee

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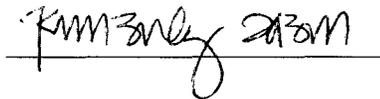
Transcribed by: Kimberly Tabon

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

DATED the 19th day of November, 2018, in Kahului, Hawaii

A handwritten signature in black ink, appearing to read "Kimberly Tabon", is written over a horizontal line.

Kimberly Tabon