

**LANA'I PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 20, 2019**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:00 p.m., Wednesday, November 20, 2019, in the Lanai Senior Center, Lanai City, Hawaii.

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

Ms. Shelly Preza: We're going to get started with our Lanai Planning Commission meeting. So, first item on the agenda is public testimony. I see we only have two people signed up currently but if you would like there will be an option to do public testimony after the agenda items have been presented. So, John Ornellas, would you like to testify now or after? Now?

**B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.**

Mr. John Ornellas: . . . (Inaudible) . . .

Ms. Preza: Don't want to. Okay, this is testimony. No, this is the sign-up sheet for the testimony. Sorry, not the sign-up sheet. I totally made that mistake too. And, Butch, do you want to testify now or after? Okay, sounds good. So would anyone else would like to give public testimony at this time? Okay. Would you like to sign up? Great. So we'll start with our --. So I'll close public testimony at this time, but we'll reopen it later.

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

- 1. A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.24, 19.26 AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS**

**MS. MICHELE McLEAN, Planning Director, transmitting proposed amendments to Title 19 of the Maui County Code, Chapters 19.12, 19.24, 19.26 and 19.37, relating to transient vacation rentals in the Apartment Districts and Industrial District and dwelling units in the Industrial Districts. (J. Takakura)**

Ms. Preza: So we'll move on to Item C.1. which is a bill for an ordinance amending Chapters 19.12, 19.24, 19.26 and 19.37 relating to transient vacation rentals in the Apartment Districts and Industrial Districts, and dwelling units in the Industrial Districts.

Ms. Jacky Takakura: Good afternoon everyone. I'm over here. My name is Jacky Takakura, and I'm the Administrative Planning Officer with the Department of Planning, Zoning Division. And this is my first Lanai Planning Commission meeting, but I have been with the County for 21 years so I know a little bit but I'm still learning.

So I'm here to present to you a proposed bill for ordinance regarding transient vacation rentals. And you have the handout that was distributed today that is this power point presentation. And there's also some information in your packet that has the actual wording of the ordinance which you could follow along with also.

So this is a proposed bill for ordinance to update the Maui County Code (MCC) regarding transient vacation rentals in the Apartment and Industrial Districts. This bill also deals with dwelling units and heights in the Industrial Districts. So I'm going to give you an overview of the goals and details of bill, and we can discuss any questions you may have afterwards.

Okay, so the proposed bill concerns a specific type of vacation rental, and this is transient vacation rentals or TVRs, in two specific zoning districts, Apartment and Industrial. This is not related to Bed and Breakfast (B&B), and it's not related to Short-Term Rental Homes (STRH). Both of those have their own chapters in the Maui County Code, 19.64 and 19.65, and we're not proposing to change the B&B or STRH permit processes at this time. At least I'm not, but maybe Jordan might later. But for my presentation it's just Apartment District, so TVR is what we call transient vacation rentals.

As a Commission you are probably familiar with the B&B and STRH Permit applications because Commission approval is part of the permit approval process for those two. The main difference here is that TVRs do not require a permit or Commission approval to operate, so I just want to make that distinction clear.

Mr. Rabaino: . . . (Inaudible) . . .

Ms. Takakura: Not for transient vacation rentals, the ones that I'm talking about. And I'll go through that.

Okay, so as I mentioned this bill only affects Apartment and Industrial Districts, and in Lanai City, there are a few Apartment District properties and a Light-Industrial property. The Heavy Industrial properties are at Miki Road and Kaumalapau, and we'll go over these districts in more detail as we go in, as I go through this. But to make this clear, Interim is not affected, Residential is not affected, Ag is not affected. I'm just talking about Apartment District and Industrial Districts.

Okay, so what we want to do here is to prevent the conversion of long-term rentals and owner occupied apartments into transient vacation rentals in the Apartment Districts, Light-Industrial, and Heavy-Industrial Districts. So this proposed bill for ordinance prohibits transient vacation rental use if the building did not conduct the use in a dwelling unit built prior to April 20<sup>th</sup>, 1989. You're going to see this April 20, 1989 date quite a bit when we talk about this because that's the date where they were first prohibit. Well, the first attempt to prohibit them. See, they used to be allowed because I heard somebody say, well why? Back in the day, before 1989, in the Apartment District, vacation rental use was not prohibited, so people built apartments and then they vacation rented them out. In 1989, that date, they became prohibited, but some exceptions remained. And that's why some can still operate without having to go through the permit approval process.

In addition, this bill for ordinance is prohibiting -- it proposes to prohibit new standalone apartments and apartment houses in the Light-Industrial District and it does revise some height standards in the Industrial Districts and I'll go through those.

So the reason for the Apartment District changes and in your packet the bill for ordinance in Section 1 kind of goes through the history, the timeline of events, to show how we got to where we are today. Starting with that 1989 date. And then there was another ordinance in 1991. And then another one in 2014. But still, you know, we do have a lot of vacation rentals in the Apartment District. Since then, in 2017, we hired a contractor called Lodging Revs and they started to assist us with short-term rental enforcement efforts. And before Lodging Revs came around a lot of people speculated that there were thousands of illegal vacation rentals. But in reality, there were only about 200 or 300 illegal vacation rentals because a lot of them were operating legally as these transient vacation rental units. And these are due to their zoning, Apartment and Hotel zoning. Hotel zoning, you can -- that's what a hotel is, it's vacation rental, so we're not talking about that either. That's permitted. We're just trying to limit what we have in the Apartment District.

So we realized that more properties in the Apartment Districts could convert under the current language if the building was built prior to this date, April 20<sup>th</sup>, 1989. So what we're proposing here is to stop them because we need to try to save what we have for affordable housing in the Apartment District.

So here in Lanai City, we do have a few Apartment District zoned properties. You can see the red arrows. There's two at the top, and that's at the beginning of Fraser Avenue. There's one in the middle. You see that red arrow, that's at Fraser and Sixth. And then there's another bigger one on the bottom, between Ilima and Lanai Avenues and Eleventh Street. So those are the Apartment District zoned properties here.

So based on the most recent count we did -- well last week, November 12<sup>th</sup> -- we have 6,745 total apartment units that are transient vacation rentals. None on Lanai. But we do have them all over Maui and even on Molokai. So what we would like to do is not have any more

new ones. But this bill for ordinance does not affect the existing. It's just saying no more new ones. Existing vacation rentals may continue as they have been.

The next slide shows the actual language, the proposed revisions. And this is for the Apartment District, Chapter 19.12, and the parts on the top in white are bracketed, and the yellow underlined I have is highlighted to replace the parts in brackets. And the purpose of the Apartment District is to provide higher density housing options than the Residential and Duplex Districts. Multiple family apartment districts are generally established within or near the urban core of a town to provide residents with access to jobs, services, amenities, and transportation options. Uses within the Apartment Districts are appropriately located near and are compatible with uses in the various Business, Residential, Public, Quasi-Public and Park Districts. Apartment Districts can provide a transition between Residential District and Business Districts. Also on Item C, that key word that I highlight in yellow, it's for residential purposes. Apartment District is for residential purposes. So that's the language we're proposing for Apartment District, Purpose and Intent.

So the next part of this chapter, Permitted Uses, I've made a few changes and you can see I have them in yellow and a key word is in that first line, it's in bold, "all." We want vacation rentals to meet all of the following criteria. The first one, as I mentioned, that date, April 20, 1989, they have to have been built or have their building permit by then. And this middle part, in bold, they have to have been conducting lawfully existing --. Or I'm sorry, vacation rental use was conducted in any of these buildings and have continued. This is the part about the no new ones, okay. And then also the last one, they cannot increase the size of their vacation rental. So they have to meet all criteria, they have to have that building permit by April 20, 1989, conducting use, and no expansion of usage for vacation rental purposes.

So with the existing language, properties can simply be asked to be added to this list we have because they were built before 1989. So they could technically, you know, evict their long-term tenants and say, oh, we're going to short-term rental now. And that's the thing that could have a huge impact on our Apartment District properties in Wailuku, on Maui, and elsewhere. So that is something that we would like to prevent. And so the proposed language is that the building must meet the criteria, and have operated a TVR prior to that 1989 date. And because of the two criteria, existing TVRs, you know, we're not going to do anything with them right now.

Okay, so that's Apartment District, updating the Purpose and Intent, and the Permitted Uses so no new vacation rentals in the Apartment Districts.

So moving to Industrial, Light-Industrial which is M-1. There's the property, you can see it on the bottom with the red arrow. It's Twelfth Street and Fraser Avenue. And what we're proposing for this one is to clarify that vacation rentals were never a permitted use in the Industrial District. The only way you could have a vacation rental in the Industrial District is if it existed prior to the Comprehensive Zoning Code of 1960. And that's back in the day when they developed all the different zonings. But there's none that we know of, you know, that

existed prior to 1960. So we're making that clarification with this. We'd like to have the commercial uses mixed with new apartment developments to propose, to promote mixed use and walkability. And then we also want to amend the heights based on total units. And then this last item on the bottom is something to make it more consistent with the other height restrictions in the other districts, 10 feet above the highest point of the building roof. And I'm going to go into a little bit more detail on each of these items.

So for the M-1, Light Industrial, Purpose and Intent, just see the yellow underline, residential uses are excluded except for dwelling units located in the same building as any non-dwelling permitted use. So you could have something else, even if it's a little convenience store. Then you can have dwelling units. And it can be on any floor.

For permitted uses, no single-family dwellings, no vacation rentals. The second item, apartments, as I mentioned, one or more dwelling units located in the same building as any non-dwelling permitted use. No new standalone apartments. Because like I mentioned, we'd like to have that mixed use in the structure. Existing ones are fine, and things that are in construction, no problem. Those can continue. But no new ones.

This is the next part of the Light-Industrial District, Chapter 19.24, Development Standards. What we would like to do is encourage more units so that -- and we're doing this by saying if you have five or more apartment or dwelling units you can go 60-feet in height. If you have four or fewer apartments or dwelling units, then you're limited to 45-feet. And then that last item, right now, an antenna or any of that type of equipment that you can put on top of a building can be 70-feet in total height. We would like to change that to just 10-feet above the building roof because you could have a very short building and then have this really tall thing on top which would be kind of unsightly. And this 10-feet above the building roof is pretty similar to what we have in the other districts, the other zoning districts, so it's consistent.

Okay, so moving on to the Heavy-Industrial, M-2. That's Kaunalapau Harbor Access Road, west of Lanai City, and Miki Road, which is south of Lanai City. And I think I, I -- you folks have the maps, yeah? I handed them out.

This one is similar to the M-1, the Light-Industrial. No single family dwellings, no short-term rental homes, no transient vacation rentals. On the bottom here, except living quarters used by watchmen or custodian of an industrially used property, that's actually in the existing code. We're just moving it into the table format so it's easier to see that it's part of the permitted uses. Right now it's a line below the table. So by putting it right there with what's permitted use in the table it's really easy to see.

For the Development Standards for Heavy-Industrial, maximum building height is 90-feet. And then the antennas, and those communication systems, and the pipes and things, the same thing, 10-feet above the building roof because we don't want to really short building with something with that's 149-feet in total height above that.

As I mentioned, TVRs, vacation rentals were never permitted in the Industrial Districts unless they were in existence prior to this Comprehensive Zoning Ordinance of June 1960. So, we're just making that clear.

And to tie up the loose ends and eliminate the loopholes, we are proposing a change to this part of the Maui County Code, Chapter 19.37, Time Sharing Plans. Right now there's Item A, B, C, and D. We want to add the word "and" to the restrictions to clarify that all criteria must be met. Because now we have some people coming in and saying, well, I meet this one, I meet that one. But really, you have to meet all criteria, and so we just want to make that clear by putting that word "and." And right now, this Item D that we have in there, it's regarding, you know, CC&Rs or their project's instruments. We've seen attempts to change that so that they can allow vacation rentals but we arguably have gone back and forth with some properties about this. This needs to be deleted so that it's clearly not an option.

Okay, so in summary, this bill proposes to prohibit new vacation rentals in the Apartment Districts. Vacation rentals in the Apartment Districts, in order to continue, they have to be built before 1989 or prior which existing ones are. Must have existing use, which existing ones are. Can't change project instruments just to allow them. TVRs, vacation rentals were never allowed in the Industrial Districts. New apartments with other uses are okay in the Light-Industrial Districts. Residential units can be on any floor. Must have some sort of mixed use for new ones. No new standalone apartments. And then the height changes; 60-feet for five or more dwelling units, 45-feet for four or less apartments or dwelling units. And then again about the height restrictions for the antennas and pipes in the Industrial Districts.

So that's a summary of the changes. What we're hoping for is that the Lanai Planning Commission recommends to the County Council to approve the proposed changes to Chapter 19.12, 19.24, 19.26 and 19.37. This has gone before the Maui and Molokai Planning Commissions, and they both voted to recommend this bill to County Council last month. And so we're asking for you to consider that same. And that is a summary of the presentation. I can take any questions and Jordan can help me if I can't answer the question.

Ms. Preza: Thank you Jacky.

Ms. Takakura: You're welcome.

Ms. Preza: Before we re-open public testimony for the audience, if you have any questions, Commissioners. Do you have any questions for --? Great.

Ms. Caron Green: I have a question. Could you please define the difference for us between a TVR and a Short-Term Rental? Because I think some of us are not exactly clear what that is.

Ms. Takakura: Yes. Okay so...and Jordan, you can correct me if I'm wrong but we have three types of transient vacation rentals. We have bed and breakfast which the owner must live on

the property. We have short-term rental homes which are single-family dwellings and the owner doesn't have to live on the property. And then you have these transient vacation rentals which would be in the Apartment Districts and they were there before 1989. And they're allowed because they were in existence before they became prohibited.

Ms. Green: So are they like a short-term rental? I mean --

Ms. Takakura: Yes, but they're not in single-family dwellings.

Ms. Green: Oh, I see. That's the only difference.

Ms. Takakura: And you don't have to go through the permitting process.

Ms. Green: Okay, so it's a short-term rental in a non-dwelling.

Ms. Takakura: Yes.

Ms. Green: Okay. Individual dwellings.

Ms. Takakura: Yes.

Ms. Green: That helps.

Ms. Takakura: So if you think about there's a lot in Kihei and Lahaina.

Ms. Preza: Other questions Commissioners? Jerry.

Mr. Gerald Rabaino: On your last page. You get the height restriction, yeah, for antennas. Out of curiosity, does that mean...the old, whatever exist in Lanai City, yeah, that doesn't apply? Only for new structures.

Ms. Takakura: You mean for the heights for the buildings?

Mr. Rabaino: Because you said anything -- or is the antenna cannot be more than 10-feet higher than the building?

Ms. Takakura: That is correct. If there is something that would be greater than 10-feet, I think, it would -- well, Jordan, maybe you can correct me -- but I think it would be permitted. This is something new if it had been already in existence as an approved use.

Mr. Rabaino: Because I'm -- because I have...because I want to knock off all my cable, I have an existing antenna.

Ms. Preza: Sorry, Jerry to interrupt you, but this is not for the zone that you live in.

Mr. Rabaino: I just want to know what the height, okay?

Ms. Preza: Right, but that's irrelevant to what we're talking about.

Mr. Rabaino: Yeah. No, but I just want more clarity.

Ms. Preza: But it has nothing to do with what we're talking about. Because we're talking about specific zones, not including your house. Unless you live in an industrial zone.

Mr. Rabaino: Okay.

Ms. Preza: Correct? Am I correct? Okay. Any other questions?

Ms. Green: Well, I don't have a question, but I went through your whole report and I agree with everything on here. I just had one thing. On page 4 and in your little...it's on page 7 on the thing, it's your M-1 Light-Industrial District, 19.24, and your change there. I read that, the change, over and over and over again, and I found it kind of strange. So this is just a little word-smithing. As it reads right now, this is in M-1 thing, it says residential uses are excluded except in dwelling units located...and then you have in the same building as any non-dwelling permitted use. And that was just -- I had to go around and around. Could we maybe simplify that a little and say something like, residential uses are excluded except for dwellings located in non-dwelling permitted buildings? I mean, it kind of just short cuts the whole thing. I just found it a very awkward sentence. It's just my opinion. It's not a make or break.

Ms. Takakura: I think you understand the intention though that if -- the goal is mixed use. So like I mentioned, you know, you having a little convenience store or something. Or, you know, a homeowner could --. I mean, someone who lives there could have their, I don't know, their tailor shop or something.

Ms. Green: Yeah, no, no, I understand. It's like you've got the shop below and you build your resident above it. I totally understand that. I just found the wording there extremely awkward.

Ms. Preza: Other questions? I have a question about --. Sorry, so in Section 10, on page 12, it says existing lawful transient vacation rentals. I know the purpose of the changes are to stop new ones from being formed, but you said there are about 6,000 currently. So they don't require permits to operate?

Ms. Takakura: That is correct.

Ms. Preza: Okay. Great. I know that's not what this is, you know, going after, but that kind of concerns me that they just will continue to operate. Is there any, are there any plans for future ways to regulate the number of existing transient vacation rental operations?

Ms. Takakura: Not at this time.

Ms. Richelle Thomson: I just had a couple of questions on page 3 of the proposed ordinance. So down in the TVR section, number two, I'm wondering if it makes more sense --. I guess what I'm troubled with is you have the same dates, April 20<sup>th</sup>, 1989 for the building permit to have been issued and also for the use to have been conducted. So if the building permit wasn't issued, it couldn't have been, the use couldn't have occurred, you know, prior to April 1989. So I'm wondering if it's maybe simpler to say that the building or structure meets the criteria in number one.

Mr. Jordan Hart: Could you repeat the second part, the last part?

Ms. Thomson: Yeah. So I'm page three, on number two down at the bottom, on transient vacation rental use was conducted in any lawfully existing dwelling unit within the building or structure prior to April 20, 1989. So it's -- I just don't see that the use could have occurred if the building permit was just going to be issued by that magic date.

Mr. Hart: I think that was, the approach on this one might have been where the building existed, but the use wasn't going, and then they initiated the use and the existing structure. But you gave an alternative at the end. That's what I wanted to hear again.

Ms. Thomson: Yes, the alternative could be, blah, blah, blah, lawfully existing dwelling unit within a building or structure that meets the criteria in number one. But maybe that doesn't, but it doesn't give you a magic date for the use to have started to occur.

Mr. Hart: We could look at it again, and if, and if -- we'll try to see if it's redundant, we can pair it down. I don't know if we'll be able to come up with the right terminology or wording right now.

Ms. Thomson: Okay. The second question is related to just the very last. It says, in compliance with non-conformity requirements. But I don't know if it's defined somewhere in the statute or elsewhere.

Mr. Hart: Non-conformities are defined elsewhere.

Ms. Preza: Thank you. Commissioners, do you have any other questions before I reopen public testimony for this agenda item? Okay, well, first of all, is there anyone who would like to give public testimony on this agenda item before we decide what to do? Okay, so I'll reopen public testimony, and Myles, if you wouldn't mind getting the microphone please?

Mr. Myles Surawatari: Thank you. Myles Surawatari. I just have a question regarding the classification of M-1 and Apartment. Now, nowadays they're building a lot of condo buildings with stores and shops and whatnot, and units or dwelling. What -- is that kind of -- like Ala

Moana mall, they built all of those condos along Ala Moana Boulevard. What would you guys classified it as, as M-1 or...you know? I mean, I don't know if it makes a difference.

Ms. Preza: Would you like to answer that, Jordan?

Mr. Hart: Thank you. Jordan Hart. I couldn't reply for the specific zoning designations in the City and County of Honolulu, but in the County of Maui, Commercial Zoning Districts or Light-Industrial could do that mixed use.

Mr. Surawatari: . . . (Inaudible. Did not speak into a microphone) . . .

Mr. Hart: Okay, I mean, we might refer it to mixed use and the zones that it could be done. The Commercial Zones could do that and the Light-Industrial Zone. Heavy Industrial has the potential too as well. So just Light-Industrial and the Commercial zones could do that. The mixed of Commercial and Residential. There's a little bit of opportunity in the Apartment District, but it's extremely limited.

Ms. Preza: Thank you. Any other public testimony on this agenda item? Okay, so I'll close public testimony at this time. And I believe we have to make our recommendation. So, would anyone --? We have three options. Yeah, sure.

Ms. Chelsea Trevino: Just for clarification purpose, timeliness. Again, I think you said Maui and Molokai approved it already, yeah? So it's just waiting for us.

Ms. Takakura: That is correct. Yes.

Ms. Trevino: Okay. My question is in regards to some of these little tweaks that have possibly been requested. Does that mean you'll have to go back, make those tweaks and then come back to us again?

Ms. Takakura: What we would normally do is include the comments from the Commissions in our report to the County Council. So we'll include these things.

Ms. Trevino: Okay. I just -- yeah. I guess I'm expressing that question because I would hate for something as simple as, oh, because the sentence sounds funny to make something go and come back. So, just as far as --.

Ms. Preza: So would that mean we would -- a potential motion could be to recommend approval of the proposed bill or would we need to approve with amendments even if it's a minor thing?

Ms. Thomson: If you're inclined to approve it, you could approve it and request that your comments be transmitted along with that.

Ms. Preza: So would anyone like to make a motion? So the recommendations and options, the Department is recommending approval of the proposed bill. Commission has the following options. One, to recommend approval of the proposed bill to the Maui County Council, to recommend with amendments, to recommend denial, or to vote to defer action. So those are the four courses of action that we can take.

Ms. Green: I'll be happy to recommend approval of the proposed bill to Maui County Council with our comments forwarded.

Ms. Preza: So Roxanne seconds. So, all in favor, please raise your hand, say aye. Okay, so that's --. One, two, three, four, five, six approve. Abstentions? Noes? Are you --? You're abstaining. Okay, so that's six yeases, one abstention, and so we recommend approval. Thank you.

**It was moved by Ms. Caron Green, seconded by Ms. Roxanne Catiel, then unanimously**

**VOTED: To recommend approval of the proposed bill to the Maui County Council with the comments as discussed.**

*(Assenting: R. Catiel, J. Delacruz, C. Green, S. Menze, S. Preza, C. Trevino)*

*(Abstain: G. Rabaino)*

*(Excused: M. Martin, S. Samonte)*

#### **D. UNFINISHED BUSINESS**

- 1. Review the proposed revisions to Chapters 19.64 and 19.65, Maui County Code, the Short-Term Rental Homes and Bed and Breakfast Homes for Lanai, as discussed and recommended by the Commission. Discussions held at the December 12, 2018, January 16, 2019, April 17, 2019, and June 19, 2019 meetings. (J. Hart)**

**The Commission may provide further amendments and revisions, and then direct the Planning Department and the Department of Corporation Counsel to schedule draft bill for public hearing at a future Commission meeting.**

Ms. Preza: So next on the agenda Item is D.1. Unfinished Business. So this is in relation to reviewing the proposed revisions to the Chapters 19.64 and 19.65 regarding Short-Term Rental Homes and Bed and Breakfast Homes for Lanai. So we've had many discussions about this over the past year, so I personally can say that I'm happy that something is back to us in writing so that we can discuss and, you know, hopefully move forward with our decision making. So, Jordan, do you have a presentation for us?

Mr. Hart: Thanks Chair. I don't specifically have a real presentation. I just have the drafts that

I think that we can go through. I think that the revisions are pretty straight forward, or the proposed revisions anyway. They reflect the comments that we have received. So what I was proposing to do is just, if you would like, we could just go through them or if you feel that you've reviewed them you could just call out the ones that you want to talk about. And the only thing that I do have visually to show is there is an example of --. There was discussion about how to address density and so there was a discussion of a circle inside of a circle and things like that. And did a lot of work on it, and I came to the conclusion that I think that 150 foot radius achieves what you're trying to do which is to basically...basically separate the blocks out so that there can't be more than one on an existing single block or, you know, immediately adjacent. I think 150 feet does that, and so I basically have some examples of three different locations in Lanai City where I show 150 feet and then go up to 200, and then 300, and 400 to see how that works.

Ms. Preza: Great, could we see that first?

Mr. Hart: Sure. Sure.

Ms. Preza: I'm sure we'll have questions about it. Thank you.

Mr. Hart: Sure. So what I used is Real Property Tax, and so I just selected three single-family home locations and creating the buffer which is the same thing people would use to make a mailing notice. And so I started with 150 feet, and then the next one was ---. And this is what is being proposed in the draft. But the next --. Oh, Jacky, if you just, if you just hit the -- yeah, there's that blue circle in the middle, that will make it full screen, and then you could just hit the arrows. So there should be 200 feet. Okay, then hit --. Okay, that's 200. And then the next one will 250. The next one will be 300. Okay. Okay, so anyway, go backwards to the first one. There's three locations and it goes 150, 200, 250, 300 and 400. Okay, I'll do it. Sorry. Thanks Jacky. Sorry about that.

Okay, so this is, this is the first location starting at 150. And then it goes to 200. And so you can see the boundaries. Basically what happens is, is when you go to 200 it starts to go over the next. Oh, I see what's going on. It's auto playing. I apologize.

Let me start again. Okay. So starting again at 150. So basically this distance it clears you. Let me add there's a caveat that there also cannot be more than one on each block. So in this instance, it doesn't get the full width of the block that it's on, but it basically covers the other two blocks. So there was a discussions several different times about people who were surrounded. So this creates a situation where they can't be completely surrounded. If you move it up to 200, the distance goes farther. And so there was another, there was another set of discussion where the desire...under the existing criteria what happens is if there's another, if there's an existing short-term rental home in the vicinity it gets sent to, it's sent to the Planning Commission. And then there's a series of discussion about whether or not it's too close to neighbors and then it was resulting in denial. So there was a desire to try to find some more automatic method of establishing direction. And so the attempt was to do that

without casting the net so wide, and so this is the proposal. But anyway, this is what it visually looks like at 200. And then we'll go to 250. And then it starts to become further distance. 300, you're starting to get several block away from each other. And then 400, this is what it looks like.

So then the next location example. Starting again with 150. So you can see it creates a buffer where a single house can't be surrounded. And there's also a caveat that there can't be more than one on single block. And we're going up to 200...250...and 300...and then to 400.

And this is the final location example, starting at 150...going to 200...250...300...400.

Ms. Preza: Thank you for putting that together for us. It was helpful, at least for me, to see visually on a map what that would look like. So before Commissioners ask questions, I do want to reopen public testimony for the audience if you have any questions at this time. Does anyone, would anyone like to testify at this time regarding this agenda item? Butch. Right, so this is going --. We're going to just have public testimony at this time and then we'll close it before we discuss. Yes, Andrea.

Dr. Andrea Ippen: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Preza: We are just, we are discussing the entire agenda item. Okay.

Ms. Reynold "Butch" Gima: Okay. Good evening. Butch Gima. Again, I've testified probably for the last seven or eight months on why we should wait for this ordinance before you made a decision, and thankfully now we have this in front of us. So real quick, on page 2 regarding who the property manager can be. Short-term rental. The language still includes an exception for Hana and Lanai, and I, I testified earlier that I think we should remove that. And one reason being is by having a property manager, I mean, a realtor as a property manager, I think the Planning Department said the reason it's included in there, there's some level of accountability.

Ms. Preza: Sorry, can I interrupt you? You're on page-2?

Mr. Gima: For short-term rental under --. Yeah, I'm just going on page-2.

Ms. Preza: Right. (E), (E)(5) or --? Sorry, you're saying 2(b)?

Mr. Gima: (D), the permit holder shall, number two, (b).

Ms. Preza: Okay, sorry, continue. I wasn't sure where, where you were talking about.

Mr. Gima: I'm sorry. So the language, the proposed language still includes leaving Hana and

Lanai as an exception. And I'm recommending that you remove Lanai from that, from the language so that a realtor has to be the property manager.

And then (c), an adult to serve as temporary manager up to 45-days in a 12-month period. I don't have a proposal for that, but I think that presents a lot enforcement problems. Because the current adults who serve as property managers that live on Lanai serves more than 45-days in a 12-month permit for short-term rentals.

On the next page under (K), the number of bedrooms used for short-term rental homes, home use, on a short-term rental lot shall be no greater than six. Oh, I'm sorry, okay. Thank you.

And then on page-4, under (N), number (6), I'm just wondering with that language, will there be a need for language talking about grandfathering in already approved...short-term rentals.

And thank you for including in there the recommendation that you can have only one per, per block.

And probably the last and most important is the cap which has been discussed on numerous occasions. So I think you have to look at it in totality, both the short-term rental and the B&B chapters. And so from my perspective, 30 cap on short-term rentals and 30 cap on B&Bs, I would say no. Something I could live with would be the current number of short-term rentals plus B&Bs I can live with. Ideally, I'd like to see 10 short-term rentals, 30 B&B would be the ideal.

Well, yeah, I didn't finish what I was going to say, though, on the idea. So 10 short-term rentals meaning as they expire or gets canceled, we don't allow any new ones to exceed 10. The whole, the whole concept being is we want to maintain the quality of our neighborhoods and what made this island community special. As I testified previously we don't want to restrict people from buying homes here, but we want to say that if you're going to buy a home here, please be our neighbor. Don't be an absent owner and not be our neighbor. So that's the, the foundation for the recommendation that I made on the cap.

Yeah, that's about it for now. Thank you.

Ms. Preza: Thank you. Commissioners do you have any questions for Butch at this time?

Ms. Sherry Menze: I was under the impression that maybe I wrong that the last time we met and talked about this you had said the cap should be 30.

Mr. Gima: Right. At that time there was no recommendation on -- the recommendation was 30 for short-term rentals.

Ms. Menze: Yes.

Mr. Gima: That was the number that I arbitrarily thrown out. But there was not the concurrent discussion about a cap for B&Bs and a cap for Short-Term Rentals. Now that the County has come out with concurrent recommendations for short-term rentals and B&B, that is why I came up with the no, what I can live with, and what I feel is ideal.

Ms. Preza: Any other questions? Great, so Andrea, this is your turn to testify. Can you please speak into the microphone if you're going to ask?

Dr. Andrea Ippen: Thank you. I would like to ask the Committee to please ask Butch on page-2, Section (D), letter (c), an adult to serve as a temporary manager up to 45-days in a 12-month period. He stated that many of these people are managing for more than the 45-days, and I'm curious to know where he got that information from.

Ms. Preza: Is that something that the Committee would like to -- is curious about? I don't --. Okay.

Ms. Menze: Okay, so for Andrea, where did you get the information?

Mr. Gima: I called, called all the short-term rental owners and the property managers, and they, they acknowledged that, yeah, they are the property managers for short-term rental number one, or number seven. And I know they are, I know they are a full-time residence here.

Ms. Menze: Thank you very much.

Mr. Gima: So two and two equal four.

Ms. Menze: Thank you.

Ms. Preza: Great. Thank you.

Ms. Green: Can I ask him a question?

Ms. Preza: Sure.

Ms. Green: Then are you recommending that that be enforced or you're recommending that they limit the change or what are you recommending on that one?

Mr. Gima: I don't have recommended language. I just stated that I think it may be an enforcement problem because you have residents who are acting as property managers that assumed the role as a property manager for more than 45-days out of a 12-month period.

Ms. Preza: Thank you. Okay, thank you Butch. So, Andrea, would you like to testify at this time?

Dr. Ippen: Aloha. If everybody could please pull up the memorandum that I sent through. I believe everybody has a copy. It looks rather beastly, but there's actually -- most of it is just cut and paste from the bill itself to show language in each point.

So I sent through the memorandum. It's got eight attachments; three related to B&B and five related to the short-term rental. The grammatical errors for the B&B and the short-term rental I didn't mean to proof-read, but I just there were so many things I noticed, I just thought I'd throw in there. I'm sure I didn't catch everything so perhaps before going to actual turning it into a bill it could be proofread very carefully and closely.

But if you could please turn to page-4, the B&B questions and clarifications. The language in here you suggested that under 19.64.040, Section (B), Notice of Application, all applicants shall by certified mail provide a notice of application. And then further down you've added in the language on the Island of Lanai, notification shall also be made to the street addresses of adjacent properties and properties across the street from the proposed bed and breakfast home. My question is how are we to accomplish this? There is no mail delivery on the island of Lanai. The physical addresses don't receive mail. They only go to the post office. So how is the addition of this statement supposed to be enacted?

Ms. Preza: Thank you for bringing that up. I think that is something we can discuss.

Ms. Green: Yeah, I had that same question too. But may I say, we're talking about short-term rental now. We're not into B&Bs so can we skip to the . . . (inaudible) . . .

Dr. Ippen: Absolutely. I apologize. I just started at page-1. I'm sorry.

Ms. Preza: I, I think we're discussing –

Ms. Green: If you want to go to page-8.

Ms. Preza: We're discussing both, so I think it's okay to --

Ms. Green: Okay.

Ms. Preza: -- just as long as we know which one you're referencing.

Dr. Ippen: Okay.

Ms. Preza: It's all the same agenda item.

Dr. Ippen: Okay. Do you mind if we just keep going through in order?

Ms. Preza: No. That's fine.

Dr. Ippen: Okay. And then the second, Q2, same question, different section. This is 19.64.060, Section E, upon approval of permit, the owner proprietor shall send. Again, the same question, you're adding language that notice shall be sent to the street addresses. Lanai does not have street address mailing capacity capability.

And question three is again the same issue, just in a different section. This is in section (F), and that is relating to notification of change of information.

And then for clarification question number one, please, for duration, renewal and non-renewal of permits in compliance with permit conditions, letter (g), nonrenewal procedures. And then subsection (c) lists evidence of nonresponsive management. I would like a definition of nonresponsive management. If not a strict definition, then perhaps an example so that we know what it is that you're expecting us to be responsive where otherwise we're falling into nonresponsive. And clarification question two, again, 19.64.065 regarding revocation and enforcement, number one, nonresponsive management. Again, if you could just define that please.

Okay, and then please move on to page-5. Or, did you want to talk about these as we go along or do you want me to just ask?

Ms. Preza: We do. I think that if there is something that, you know, like the first three were all the same confusion, I think maybe just -- I, I read through this so maybe just the encapsulate, you know, the essence of what they are.

Dr. Ippen: Right. Okay, so the first three were one. And then my objection to the bed and breakfast issue are the Bed and Breakfast proposal is 19.64.060. You talk about compliance inspections being conducted within one-hour of notice. And if the owner proprietor does not conform to that, they may lose their permit. I can think of different times, different reasons why someone would legitimately not be available within a one-hour time frame for compliance certifications. And as you can see here I've given two different examples and my suggestion is to just take those examples and turn them into exceptions. Ex -- excuse me -- exception number one, if they're at their place of employment and cannot leave, cannot reasonably leave. And exception number two, if they're off island. Obviously, if they're off island, they can't be having guests in their home. But as long as there are no guests in their home and they are off island, they are conforming to the law. I don't how you can ask someone to be there within an hour. So I would suggest making exceptions for certain situations.

Ms. Green: Andrea, if you look at number (E) here on the manager of a short-term rental home shall, and it says here for purposes for this section accessible means being able to

answer the phone at all times, being able to be physically present at the short-term rental home within one hour.

Ms. Preza: Sorry, she's talking about B&Bs though.

Ms. Green: I know, but I think it's --. I'm sorry, you're correct.

Ms. Preza: You're referencing the short-term rental.

Ms. Green: Sorry, I'm still in short-term rentals.

Dr. Ippen: That's okay. If this comes up again for short-term rentals, we can discuss that. Okay, and then page 6 and 7 are just again grammatical errors. If you could please turn to page 8, now we will be on short-term rentals. Question one, 19.65.030, Restrictions and Standards, here you would like to remove the language relating to -- letter (B) -- each permitted dwelling unit on a short-term rental home property shall be rented to one group with a single rental agreement except on the Island of Lanai. Currently exists in the law, and you're looking to have that remove, so I would like to know the reasoning behind removing that exception.

Ms. Green: Because we only want one group in the house. We don't want them to rent out individual rooms.

Dr. Ippen: Okay, but can you explain why the reasoning behind not wanting to allow this?

Ms. Trevino: I think a lot of it came down to because we're talking about renting out individual rooms to different parties, so highly likely if you had different parties renting out rooms each of them possibly could have their own mode of transportation. So say you have one party renting the whole place, it's highly likely they're just going to have possibly one vehicle. Versus if you have more than one party renting from an area, they could conceivably, with the three bedroom, have three different vehicles being rented. So, I mean, I know for me that was what I was looking at is what's the impact because we already know that the impact just renting out one place with a vehicle if they don't have the parking situation handled becomes an issue.

Dr. Ippen: Okay. My question for you then would be if every other contingency is met because parking is a requirement that people park off-street, would it still be possible to leave this clause in and then add a notation provided all other conditions are met. For example, I have a short-term rental home, I have parking available for three vehicles, I have three bedrooms. So I would still be able to have a parking space for each individual party if I were to rent out each of the three bedrooms separately. So that would not be an issue. Maybe for other people it would. It would, of course, depend on their parking circumstances. But could you keep this clause in, again, just with the notation, provided all other conditions are met per room?

Ms. Preza: Sorry, you're saying, you're talking about renting the house out to three separate parties.

Dr. Ippen: Which currently is legal.

Ms. Preza: Which we have discussed about not wanting. Correct? Okay.

Ms. Menze: You're talking about the short-term rental homes, right?

Dr. Ippen: Yes. For example, I just want to throw this out because this recently came up for me personally. I have someone on island who have -- she lives here, she's a full-time resident, she has to move out of her current rental. She asked if she could rent my house, but she doesn't want the whole house because it's too big for her to afford on her own. So I contact Maui County to ask if it's a short-term permit can I do a long-term rental and a short-term because she wants the ability to short-term rent through me with my permit number. So very legally, rent out the extra bedrooms she doesn't want to help her pay rent is basically what it is. So legally currently I could have her sign a long-term contract for one or two of the bedrooms, and then rent out the other third bedroom, or second or third bedroom, as short-term, and I'm still meeting the requirements of the law because all other conditions, ie: parking, would be met. And then I would be able to not only have the short-term permitting, but I would also be able to provide long-term housing to an island resident which I know is a concern.

Ms. Preza: Thank you for sharing. Do you have other questions about this --? I think we need to discuss this maybe after we close public testimony, but do you have?

Mr. Gerald Rabaino: Just my suggestion, I disagree with what you're saying because it sound like a double standard.

Ms. Preza: Do you have a question for her or just a comment? Do you want to move on with the --? Thank you for bringing it up, and I think it's something that, we'll have to discuss.

Dr. Ippen: Okay, restrictions and standards, question two, 19.65.030, Section (E), the manager of the short-term rental home shall on the island of Lanai -- and this is something you want to add in -- manager shall not manage more than 10 short-term rental homes. My question is what is the reasoning behind implementing this limitation? And it relates to a later objection. Because, in fact and we'll get into that in-depth later, you have to be either a licensed real estate professional or fall under one of the State exceptions. And as things have been running here, there are some people that don't fall under that exception. But I'm just curious, why the limitation to you can only manage up to 10.

Ms. Preza: It's something, I think --. Sorry, so I would like to hear what you have outlined in all of these things, and maybe it might not be the best use of our time to like answer every single question.

Dr. Ippen: Right.

Ms. Preza: So I think it's things we'll address when we're talking --. Does that seem fair to the Commissioners? Because I want to make sure that we're getting through it when . . . (inaudible) . . .

Dr. Ippen: Well, since this question relates to a later objection, can we just skip to that objection? I think that would make more sense. So that's going to be on...okay here, on page-10, objection number two, the language has been in the County law that is so confusing, there have been so many debates and discussions and I think, to me, it's rather clear. So I've included two addenda to this packet, to show you the Hawaii State Law. Because this says, restrictions and standards, the permit holder shall serve as the manager provided that they may designate an individual with an active State of Hawaii real estate license, or (B) -- sorry -- or-- Excuse me, I misread that. Real estate license to serve as manager except for properties located in the Hana or Lanai community plan areas where an individual may act as a manager as allowed by State law. Now I know that Butch objected to this earlier due to accountability, but in fact, the act as allowed by State law, if you turn to page 13, this is the State law on rental home, and whether or not you need to be a licensed real estate agent. Skip to page 15 and the exceptions to this law, nowhere in here does it give an exception to Lanai or Hana or any other community in the State of Hawaii. So I think keeping the language as saying except for Hana and Lanai, is incredibly confusing because it says, well, you don't have to unless State law says you have to or you can't. But then State law doesn't give an exception for that. And I know this has been an issue that's been going around and around. So I wanted to actually provide you with a copy of the language of the State law so that you can see there is no exception for any geographic location in Hawaii.

Ms. Preza: Thank you.

Dr. Ippen: And then something that came up in Butch's testimony relating to this same issue, saying on page-15, I believe I said. Yeah, on page-15, talking about the same section, but talking about an adult to serve as a temporary manager for up to 45-days in a 12-month period. That's actually not even necessary to have in the law because according to Hawaii State Law that's legal. You can have somebody do that for the entire calendar year for the entire life of the permit as long as they only do it for one person -- they're called a caretaker - - and that is an exception in the State Law. So the people who are going beyond their 45-days are actually perfectly legal to do so according to the State Law. I just think there are some inconsistencies between State and County law that are leading to a lot of confusion.

Mr. Rabaino: I get question for Corporate Counsel. If the State Law supercedes the County's law, and is what you're proposing.

Ms. Thomson: So just to answer that question. Yeah, you'd have to comply with State Law. So, you know, if the County --. I agree that there are some confusion in the different terms.

Manager, you know, and then in the State law, it's referred to caretaker or a licensed real estate professional. This has been one of my beefs in the past too that it has created some confusion.

Ms. Preza: Okay, could we move on?

Dr. Ippen: So going back then to page-8, question 2, not managing more than 10 short-term rental homes. If my interpretation of State Law is correct that there is no exception, you do need to be a licensed real estate agent or a caretaker, then why --? Well caretaker would not apply here. Obviously, a caretaker can only do one short-term rental home. But why would we limit a real estate professional to how many homes they are allowed to act on?

And question three, a permit is nontransferable. Why the limitation on this? And is this being enacted because I know of one property on island that sold six months ago. It was permitted in 2017. The new sales, or the new owner's information is currently posted and it still shows as a short-term rental permit. So it seems that the permits do transfer in reality, even though on paper they're not supposed to, so I'm confused about what's happening there.

Ms. Green: There was something last year that if by a September date if you applied for a short-term rental you could, you came under the umbrella. So could they have purchased it before September whatever of last year?

Dr. Ippen: The purchase was May 1<sup>st</sup>, 2019, so no.

Ms. Green: Okay.

Ms. Menze: Maybe the County just hasn't caught up yet with the purchase and the permit is still just hanging there.

Dr. Ippen: Right. It's very possible.

Ms. Menze: More than likely because if it was in May, I would assume that it would take the County at least six months or more, minimum, to get caught up. Maybe even a year, just in the timeframe of them realizing that it was sold, and then the timeframe of them . . . (inaudible)  
. . .

Ms. Preza: I think we just don't know what happened in this particular instance, so, sorry, I do you want to move on?

Dr. Ippen: No, that's fine. But could someone answer for me, I think this law might have been enacted before any of you were on the Planning Committee, but if anyone knows, can you explain why there is a limitation?

Ms. Preza: I believe, and you can correct me if I'm wrong, but the person who owns the

property has to have owned it for five years prior to being able to apply for a short-term rental home permit. So I'm assuming that if they newly purchased a home then the permit can't be transferred because they have just purchased it.

Dr. Ippen: Okay, thank you.

Ms. Preza: Is that correct?

Ms. Thomson: It's probably also to prevent these properties from, you know, because it would increase the value of that property. So if you're allowed to transfer the permits, it would artificially increase the property values.

Dr. Ippen: Okay, thank you. Also question four, 19.65.030, Restrictions and Standards, you currently, it's no greater than six bedrooms on Lanai, and the Committee wants to change it to more than three. One, why is there a limitation here? And two, would the existing permitted bedroom, four plus bedrooms be grandfathered in for the length of their permit or is it renewable if they already have that permit?

Ms. Preza: We'll have to discuss grandfathering.

Dr. Ippen: Okay, thank you. Question five, 19.65.050, Section (A), Number (8), subsection (a), no part of the property has been used for any rentals of less than 180-days at a time with or without the owner's permission since January 1<sup>st</sup>, of 2013. My question is on the next page. Is there an exception for owners who purchase their home after January 1<sup>st</sup>, 2013? For example, an owner purchased the home for which he/she has a valid short-term rental permit in 2016. So they bought it in 2016, they process, got a permit. If that person is going to renew, how can they go back between 2013 and 2016 to attest to anything they didn't own the home at that time? And then there's a suggestion on how to change the language.

Ms. Preza: Did you have a question Jerry?

Dr. Ippen: Question six, again, the same question as on the B&B relating to the physical address situation on Lanai. And then clarification point one, 19.65.070, you're looking to include in the nonrenewal procedures providing evidence of making the rental home available for a specific period of time. One of the exceptions would be for community benefits. I could see that being a wide open field and so I think a definition of community benefit would be very helpful.

Okay, now my objections. One issue for and a topic we touched on earlier, 19.65.030, subsection (B), each permitted dwelling unit shall be rented to one group except on the island of Lanai. By removing this it will prevent the ability for clientele to overlap so you might have bedrooms one and three booked, and then bedroom fills and three leaves, and that will incredibly hinder our ability, people who have short-term rental permits, to meet the requirement that's proposed under 19.65.050, section (F)(1), subsection (j), which is the 51%

occupancy rate. Where it is if it's possible to rent bedrooms out, it's easier to keep it filled for more days out of the year.

Objection number two we discussed. That's removing the language saying except for properties located in Hana and Lanai.

Objection three we discussed. I don't think limiting a real estate broker license or a real estate broker who is licensed should be any more limited than already under State Law and by their professional ethics.

Objection four, duration renewal and nonrenewal of permits in compliance with permit conditions. That's again going back to the one hour of notice. It's the same objection as on the B&B. And now Caron had mentioned earlier that on the short-term rental it does state that a permit holder needs to be available which is correct. But my interpretation of that is that if there are people in the home. So again if someone is not renting their home out at the time, and they are off island, or...if the home is not filled and they are at work and cannot reasonably leave. I think this is something that should be considered. If people are in the home, then, yes, the one hour makes sense.

Okay, then I would like to -- this is my final objection but I think it's my biggest. Objection number five, 19.65.070, (F)(1)(j), on the Lanai, the permit holder is unable to provide evidence that the short-term rental home was made available for rent, and was occupied on a short-term basis for greater than 51 percent of the total calendar days since permit approval. My objection, this proposed condition, is untenable on its face and puts an onerous, unrealistic burden on the permit holder. Point number one, permit by definition allows for short-term rental. It does not require it. Point number two, actualized bookings are out of the permit holder's control regardless by the efforts made the permit holder to acquire clientele. You might try to turn this into your full-time job, use every posting platform possible, spend thousands of dollars on advertising, and only fill it only 20 percent of the time. You as a permit holder have no control over how many people actually book with you. Point number three, I did a brief internet search and that uncovered that the highest average occupancy rate of short-term rentals in Lanai City is 47 percent. That's four percent lower than what this proposal requires of each and every permit holder. So this proposal is basically asking every single person who has a permit to rent at higher than the highest average rate in Lanai City.

Ms. Preza: Thank you. Sorry, can you finish up? I think we need to start moving along.

Dr. Ippen: Okay, I'm trying to finish.

Ms. Preza: Thank you.

Dr. Ippen: This is incredibly important, I believe.

Ms. Preza: Yeah.

Dr. Ippen: Also that information that I provided in Section (3) it is limited to data from Airbnb which is a professional hosting platform. So basically it's reasonable to infer that this statistic of 47 percent is higher than realistic for many people. Also occupancy rates are based on bookings compared to availability, not bookings compared to calendar days. Availability will always be less than calendar days especially here where we have to leave for medical, sometimes work, family, vacations. So when you take those days out, then the 47 percent is only the percentage of bookings to available days. So then again, that lowers the 47 percent compared to calendar days.

This proposed requirement would basically penalized permit holders and managers who do not pay to use a hosting platform, they're not good at obtaining bookings or they cannot rent their home at a higher than average rate. And by definition it's impossible every permit holder to be above average.

Number five, as a short-term rental permit holder myself, I rate the following statistics as based on bookings to availability, not bookings to calendar days. Anything that's 30 percent or more of my available booking days is excellent. 25 to 30 percent is fantastic. And if I'm booking 15 to 25 percent of my availability, I consider that successful.

And number six, basically, there is no feasible statistic to which permit holders can be held accountable. So my suggestion is that proposal in its entirety should be rejected. Thank you for your time.

Ms. Preza: Thank you so much for taking the time to put together. I know this was probably a lot of work to outline everything, but I appreciate, you know, having the chance to seen this prior to the meeting, so thank you. Commissioners, do you have any questions for Andrea before we ask if anyone else would like to testify? Yeah, I think that we will be --. A lot of the things that you mentioned, I do want to discuss as a Commission so thank you for your time. Any other public testifiers at this time on this agenda item? Okay, so we'll close public testimony at this time. And Commissioners, now is our chance to discuss the proposed revisions.

First of all, thank you to the Planning Department for, you know, taking our, our thoughts and translating it, translating it to paper because I know we had a lot of discussions on this, and it probably wasn't easy to go through all of that and decipher what would be appropriate to change, so thank you for the time spent on that.

Commissioners, is there anyone who would like to start with, you know, comments or questions for the Planning Department? I know there was a lot of information brought to us just now. Anybody? Well, so would you -- I feel like there are things to be discussed that overlap, but obviously they are different proposals for the short-term rental homes and the B&Bs. I do have a --. Would you like to go?

Ms. Green: Well, I was just going to say I wonder if we could ask a few questions of the County with regards to some of her questions. For example, when they put in this, as allowed by State law for the manager, what is the County's thinking on that? And then the next one under there about the 45-days in a 12-month period. So perhaps maybe they --.

Ms. Thomson: I can take a stab at it. The as allowed by State law, I think, was added a few years ago because some of the questions came up. I remember it was actually at a Hana Advisory Committee meeting. Because Hana was having trouble, the Hana community was having trouble finding licensed real estate professionals who were willing to take on the business of doing short-term rental homes. So they were looking, the Hana community, at that time was looking for some leniency. So we did discuss the limitations in State law. And you know, I do think this section is a little bit confusing because as was pointed out, regardless of what's stated in terms of who can be a manager and who can't, if they don't comply with State law they could be, you know, be brought up, you know, that they're non-compliant and have a complaint made against them.

Ms. Preza: Thank you.

Ms. Thomson: And the 45-days, I agree that we probably wouldn't want to make conditions that would affect someone's licensing. So, you know, if they comply with state licensing requirements, limiting them to the 45-days could be problematic there. The other thing is that 45-days out of the calendar year or how are you measuring the 45-days that could be difficult too.

Ms. Preza: Other questions for...the County or --?

Ms. Green: Well, I guess I'm still confused about, okay, she got the exceptions. When I read it, it says the provisions requiring --

Ms. Preza: Sorry, could you say where you are right?

Ms. Green: I'm sorry. I'm still back on the state law one and then she printed out the state law for us and it says exceptions. The provisions requiring licensing as a real estate broker or salesman shall not apply. So, that means, I read that as you can have somebody who is not a real estate broker or a salesman. But then underneath here and I haven't read them all, who does qualify if you're not a licensed relator or broker?

Ms. Thomson: So the shorthand is you have to be a licensed real estate person or a broker. You can be an owner, you can be just a regular person without a real estate license and rent your own home out, or you can be a caretaker, and this is a special class, you can be a caretaker for one owner. So you can only -- it's a one property deal.

Ms. Preza: I think Chelsea has some, if you don't mind.

Ms. Trevino: I'm just curious in regards to conversing about this issue for a long time. Are there people who oppose saying it needs to be a realtor? Because if we go with that as one of our decisions, then that negates the question of the 10, 10 properties and the -- and we know what a caretaker is. So I'm just kind of asking...what people think about that option. I think that was one of Butch's recommendations was just stick with the real estate person, right? So I'm just curious. Because if we make that decision, then that negates any of this conversation we're having in regards to the 10 and the this and the that. So I'd like to hear what everybody else thinks about that.

Ms. Green: And Chelsea, I think what the discussion was when we discussed this months ago was that there may not be enough realtors on Lanai who want to do this. And that could be, of course, that could restrict the number of people who have short-term rentals too if they can't find somebody to do it. But I think that was the reason behind it is I don't know how many realtors want to get in the business of managing short-term rentals.

As far as the 10 is concerned, I thought that was kind of, like, that's a lot of properties to manage. Who can -- you know, can you effectively manage more than 10, and I think that was kind of the thinking behind that.

Ms. Menze: But is the rule saying then that even if you're even a real estate agent you can only do 10 as Andrea is alluding to?

Ms. Preza: Yes, I believe that is what they're saying in the caretaker option where that's the exception you don't have to be a realtor. You can only take care of one property, correct? I'm sorry, where are you?

Ms. Menze: Was that Andrea's argument though where her objection three, the manager of a short-term rental shall on the Island of Lanai manage, manager shall not manage more than 10 short-term rentals. Does it say there that they have to? Her objection is a licensed real estate broker should not have unto limitations placed upon their ability to work under the State law. So is the limitation just on caretakers or is it on real estate agents also is my question.

Mr. Rabaino: Chair, just for the purpose about arguing the status about caretaker. I know Lanai residents that manages six homes. On the paper it says 10. You guys go find out who that is.

Ms. Preza: Well, if someone is --. If they're a caretaker who is not a realtor, they're not supposed to be managing more than one anyway so that's illegal. Sorry, Chelsea, you had a comment?

Ms. Trevino: Oh no, I just --. I want to go back to it doesn't really matter what we think if the law is the law. So I think a part of it is that question in regards to how that wording was created

that said Hana and Lanai had an exception, but there is no exception. So to go back and forth with this seems mute.

Mr. Hart: I can just clarify. We're talking about a County ordinance exception, not a State law exception just so everybody understands. So that means in Wailuku and Kahului there's no caretakers. Does that makes sense to everybody? In Lanai and in -- well in Hana now and proposed in Lanai there can be caretakers. There cannot be caretakers in Wailuku, Kahului, upcountry, you know, other areas on Maui and Molokai.

Ms. Preza: So that's the only exception that's being --

Mr. Hart: That's what's proposed so that's got nothing to do with State law.

Ms. Preza: Right. Right, so that just allows one caretaker to take care of one property.

Mr. Hart: Because the County ordinance is basically saying we want, we want a real estate agent except for these two geographic locations that have different unique scenarios. So it doesn't contradict state laws in any way.

Ms. Preza: I understand. Okay.

Ms. Trevino: And again, the caretaker can only have one property that they can care take.

Mr. Hart: And that's a State law issue.

Ms. Trevino: Right.

Mr. Hart: And that's why -- so it's not addressed in the County Code because it's regulated in other places. And so those people who are undertaking those things should be knowledgeable of what they're doing and make sure that they're complying with all laws.

Ms. Preza: So in adding in the limit of 10 was that because of the discussions with being able to efficiently manage?

Mr. Hart: That's right. And just to clarify there were several things that were mentioned that are existing ordinance. They're not even proposed changes. Everything that was put in was based on specific comments from different people, and you'll notice there's contradictions. So basically everything that everybody said that stood I put it in, and then the intent was you guys would pick through and decide which ones are going to stand.

Ms. Preza: Thank you.

Ms. Green: Would it, would it then be maybe easier for everyone to understand under this (D)(2)(b) where we talk about having a real estate license or not. But instead of just saying

anything about as allowed by State law we put in something about except for caretakers who can, you know, take care of one property as the exception to it being a realtor.

Mr. Hart: It might be easier not to restate State law in County ordinance and just, in order to avoid having a change somewhere else that you have to change here and things like that. If you just basically --. Even stating that they have to comply with State law I personally feel is unnecessary. I think everybody knows you have to comply with State law when you're doing something on the County level anyway. But I think that spelling out State law in County ordinance I don't know if that's ideal personally.

Ms. Preza: Okay. Maybe we can think on this because I don't want to dwell too much. I do want to figure out what we would like with this section but are there any other sections you would --? There are a lot of changes so are there any other sections that you would like to discuss?

Ms. Green: Alright, so why was this -- why does the County have a temporary manager for up to 45-days in a 12-month period?

Mr. Hart: I don't know the origin of that. I can't tell you right now. I can look into it.

Ms. Preza: So just so everyone can kind of refresh about some of the changes. Some of the major ones include that, you know, for new, for short-term rental homes proposed on the island of Lanai the applicant's primary place of residence shall be the island of Lanai. So that is something new that we have discussed that I think we were in favor of. I do think that there needs to be definition in terms of what primary means, so maybe, you know, that's just my thought on that. Because I think primary can be like is that six months and a day or is that, you know, 75 percent of the time that they're here. I think that need some clarification.

Some other major changes are that, I believe there was wording put in so that not only does every renewal come before the Planning Commission, but also every application. Correct? So thank you for adding that. I think that would be helpful for, you know, us but also future commissions when we're not here to be able to give opportunities for people to share their thoughts in a forum, so I think those were good additions.

Ms. Green: Could I maybe voice a different opinion? I think you have all the rules in place as to what is acceptable or not acceptable. I don't know how you're going to reject somebody who meets all the criteria. I think it puts us and I think it put the Commission by having so many strict rules about, you know, only one within 150 feet, you know, and one per block, and all these other stipulations. If somebody comes forward I can't envision how you're going to say, you know, you're not from Lanai, you can't have it or something. It puts the Commission in a really sticky spot.

Ms. Preza: Sorry, I don't know where the wording that says that you have to be from Lanai to have a --

Ms. Green: No, I'm just saying on what basis would you then reject somebody if they've meet all the criteria.

Ms. Preza: So what criteria are you talking about, like the current criteria or the proposed criteria?

Ms. Green: No, our proposed, our proposed criteria.

Ms. Preza: So if everyone --. Well, I think --. Okay, that's a strange question I think because we need to decide what we would even, what we even like about this criteria and then decide if that's fair, right? Sorry, your concern is we're putting too many regulations upon what is allowed?

Ms. Green: No, no, no. I think, you know, deciding all these things are fine. But once you've decided that, if somebody meets all these criteria, why are going to bring them before the Commission because I don't understand what you would be able to say that would be legal to reject them.

Ms. Preza: I think there are places within in this that still allows for rejections. For example, you know, if there are complaints by neighbors, you know, and I think, maybe you can speak better to this about like how that could go about. But I think having everything come before the Commission as we've seen is a way for Lanai people to also check through some of the applications. Because we've seen applications that the County recommended approval for that we found glitches in, you know. So I think it's just another layer of, you know, checks on it on a, on a place. And it also gives a forum for -- and I'm just speaking for myself -- but a forum for people to come and share their concerns if they have any. Because we've seen, you know, in the past couple of years even though there's supposed to be certified mail sent out, there were mishaps with that. And obviously a lot of people showed up to certain meetings, and voiced their concerns. So that's why I think having those meetings would be important.

Ms. Menze: Madame Chair Shelly, also we've had a couple of glitches in that the one house had what he thought was a legal garage, but it was within two feet of his neighbor instead of the six feet. Also, there's another bed and breakfast that I've noticed that also and why they should come in to the Planning Commission. They say they have parking, and they've cut down the bushes, but they haven't made any attempt to gravel it, concrete it, and still to this present day the owner of that house since he hasn't got his permit yet, is still parking in the field across the way. He's not using the proposed driveway that he's had. And I can go on and on, but these, I think, are the, some of the reasons that we we really need to have them come in front of the Planning Commission is because on Maui as Jared had said too, I think, that some of the places haven't really been looked at. Even though they've been approved, but they haven't really gone through the visual steps that we've caught by being residents here by driving by.

Ms. Preza: Or I think that you know they have to go through approval, like, Jared or someone needs to come and check. But I think it's just good for, you know, if they are out of regulation in the future at least we can point those things out. Thank you.

Ms. Thomson: One of the things to perhaps consider is the Planning Commission could review all new applications. But if, you know, unless there's an issue, you know, complaints etcetera, that they could be administratively approved for renewals. So you could consider that. Yeah, so the Planning Commission could change the current practice and analyze all new applications. But if renewals, renewals of existing permit holders, if there no problem, perhaps you could delegate that approvals to the Planning Department.

Ms. Preza: I think --. Okay, thank you for the option. I personally I think that renewals should also come before the Planning Commission. But I also think we have to have a discussion about -- or maybe Jordan I could ask you a question if it's possible -- people have brought up about grandfathering in current permits and is that possible? Or I think the reason why I think that renewals would be a good idea is, for example, say it's only, you know, if these changes get approved then it's only for new applications coming forward. So having renewals come before the Commission would allow the Commission to review maybe permits that were prior to the changes.

Mr. Hart: So anybody that is permitted now, let's say, let's say a version of this ordinance passes, anybody who has a current, live permit now is existing and non-conforming. Well, they're permitted under their existing permit, so they're grandfathered for a lack of a better term, existing and non-conforming maybe. But, it could go either way. You could say either they can continue to renew under their original approval or you could say that they have to reset under the new ordinance at their renewal. So it just depends on what's decided with your new ordinance.

Ms. Preza: Do you have thoughts Commissioners on that? I think whatever we decide are the new rules. I don't think that current permits should be allowed to keep operating under the old rules that, you know, if this gets approved. Do you have --? Yes?

Mr. Hart: Point of clarification. They get to live out the duration of their existing term, correct?

Ms. Preza: When they renew then they would be --

Mr. Hart: Okay.

Ms. Preza: Thoughts or --? I see nods. I don't know. So yes you would like renewals to come before the Commission? Okay. So would also say if some version of this got passed then if they, if someone applied for a renewal on the permit but they no longer meet all of the criteria, then they would be denied.

Mr. Hart: Yeah, they could be. Yeah, they definitely.

Ms. Preza: I still think, I think similarly with, you know, applications, I think renewals if they could come before the Planning Commission, it might be a good idea just for, you know, purposes of checking anything that the Planning Department might miss.

Ms. Green: So are we saying that renewals must follow the new rules or not?

Ms. Preza: I'd say yes, but I don't know if anyone would feel differently.

Ms. Green: I personally think I need to think about that a little bit because there are people who made the investment and have been working. You know, they made the investment under the current rules, and I don't know, I may have a little problem with all of sudden in a year from now they don't have their business anymore.

Ms. Preza: I think that is something to think about. I think what also matters with this is if we decide we would like a cap. I know that's something we've discussed over and over again, but I think, in thinking about renewals and everything, like, I know there was some concerns about, okay, say we reached the cap of 30. If that's 30, then does that give any room for other people to be able to put their names in the hat, for you know, getting or operating a short-term rental home. Maybe we can discuss what you folks think about the radius proposals of 150 feet, and also the cap, if you have any thoughts about that.

Mr. Hart: The radius subject, one thing that I realized I didn't notice until coming over to Lanai today is that I didn't --. Basically with the edits proposed with 150 feet obviously that's up for discussion, but it talks about another short-term rental home. It doesn't talk about a B&B or a short-term rental home. So an example, like there can be a B&B right next door to a short-term rental home, so anyway.

Ms. Preza: So could we change the language to include either an STRH or a B&B? Because I think that's in essence, that's similar, right? Okay. Do you, Commissioners, like that 150-foot proposal or --?

Mr. Rabaino: Chair?

Ms. Preza: Yes Jerry.

Mr. Rabaino: I want to make a proposal for the ordinance amending Chapter 19.65, Maui County Code, 19 --

Ms. Preza: Okay, wait. Where are Jerry?

Mr. Rabaino: Page-1. On page-2 --

Ms. Preza: Or the STRH or the B&Bs?

Mr. Rabaino: Where it says the permit, the permit holder shall, remove number two, remove line 22, which is (c) up to 45-days, and stay with the 90-days.

Ms. Preza: Wait, sorry, you're --? Jerry, sorry, you're in short-term rental homes, (D)(2)?

Mr. Rabaino: I'm on --. That's page-1. You turn to page-2, and you're going (A), (B), (C), (D). (D), then line number-12 remove.

Ms. Preza: Remove that the permit shall --

Mr. Rabaino: Manager serve as a short-term rental.

Ms. Preza: Wait, why do you want to remove that?

Mr. Rabaino: And then insert --

Ms. Preza: Wait Jerry. Why do you want to remove that?

Mr. Rabaino: Just take it away.

Ms. Preza: Wait, why?

Mr. Rabaino: Because it says over here, immediate family includes -- that, that, that is all unnecessary because that is considered ohana, okay. So we only talking about a serve as a manager. Just keep the word manager, yeah, and the other language remove. And then (C), as an adult to serve, take away temporary manager.

Ms. Preza: Okay, wait, Jerry. Sorry, I'm just a bit confused. Maybe Jordan, did you have a comment about what he's --

Mr. Hart: I did want to say that I think that what I interpreted you're saying about ohana is that it's implied that they can do this and I think that's --

Mr. Rabaino: When I said ohana, I say the head of the ohana serve as a manager. The rest kick out, delete, remove.

Ms. Preza: Wait, it don't think that's what --

Mr. Rabaino: Because you look -- because if you're going to use manager, you might as well say one real estate agent.

Mr. Hart: Well there is, if you guys want to go in that direction, that's fine. But there are, there are other options. You know, you can have a caretaker and things like that. So anyway having --. The County can --

Mr. Rabaino: Which would you prefer, caretaker, manager or licensed agent? We've got three options right there. I'm saying --

Ms. Preza: Okay, wait, I think --. I don't think we should remove (D)(2). Do any of the other Commissioners think we should remove (D)(2) completely?

Ms. Thomson: I don't want to make -- throw a wrench in this whole works, but based on the comments later on, you know, that the applicant's primary place of residence shall be on the Island of Lanai. I agree that there could be some equal protection issues that I'd like to look into before we take this a little further. But, when I'm reading through this the (D)(2), the permit holder shall, let's say a minimum half or 50 percent interest in the legal title and shall serve as manager of the short-term rental home provided that except on the Island of Lanai. If you insert that language the way that I would read that would be that this permit holder has to be the manager. And that takes care of a bunch of, the other concerns meaning, you know, the owner has to be the manager who has to be on island and responsive within, you know, the time period, so for consideration.

Mr. Rabaino: Why don't you just use the owner then instead of manage . . . (inaudible) . . .

Ms. Preza: Well, I don't know if that's totally fair either because if the owner is gone for part of the year, then, you know, they would need a manager that's on island.

Ms. Trevino: . . . (Inaudible. Did not speak into microphone.) . . .

Ms. Green: Excuse me, but have we all said yes to number four on the fact that the permit holder has to be a resident of Lanai? Because currently -- I mean, I'm just remembering previous conversations when they were wondering how many people on Lanai can afford to have two homes, one that they live in and one that they use a short-term rental. Because otherwise it's a B&B. So, I, I really question whether or not we should have that in there.

Ms. Preza: Right, and I think you said you need to check on that. Jordan, can I ask? Was that part added in because we had concerns about community investment, or community, you know, having --? That's what you kind of tried to do, right?

Mr. Hart: Each of the, each of the underlying sections was derived from a direct comment from the Commission.

Ms. Preza: Thank you. So that's just something to think about. You know, I think we had discussed, you know, as representation, representatives of our community wanted people

who, you know, actually cared about Lanai, and part of that comes from living here. So I think that's where they kind of got that part from, so that's just something to think about.

Ms. Green: Well, I think we need to kind of nail down some of these things. Are we fore that or are we not fore that? Personally I -- we've already approved some. They were -- I forget her name. Was it Chalsey or something that, that had...has been a Lanai resident, comes back periodically, using her house for that. But when she's not using it, she wanted to rent it out as a short-term rental, okay. So we approved that. I mean, there a number of others that we have approved along the way where the people liked Lanai and they come here and use their place part of the time, but they don't live here fulltime. So I, I personally would not put this restriction in there. You know, I think it's up to the rest of the board what they feel like but I think that I just don't envision that many people who actually live on Lanai who can also have a short-term rental.

Ms. Preza: So if Richelle is checking about something which means we might have to look into later. Jerry, did you have a comment?

Mr. Rabaino: Oh wait. A question for you. It says number one, holding a minimum of 50 percent. Throughout the 50 percent it says the legal title owner. Hello, they buying the house right? And they want to rent it out.

Ms. Preza: Wait Jerry. Wait Jerry. Sorry, can you please ask people nicely what your question is. What is your question?

Mr. Rabaino: You going (D)(1), right on line-8, (D)(1), the permit holder holds a minimum of 50 percent interest. Take away the 50 percent interest and just say the legal title owner. Because when you say 50 percent, I thinking of people hui to buy the house.

Mr. Hart: Sure. I think that, you know, for efficiency of getting though this, if, if you just focus on the items that pertain to Lanai or that resulted from requests from Commissioners for consideration, it will make it easier. But if we dig into the entire --. All of the sections that are not underlined that's the original ordinance. And if you want to dig into the entire County Wide ordinance and change those things or start discussing those, I think it's going to be a much more complicated issue to address the concern that the Lanai Planning Commission has for Lanai at this time. Because that will become a County Wide exercise and, and we're going to Molokai, we're going to Maui, and we're going to reopen all of those things.

Ms. Preza: So I --

Mr. Rabaino: Okay, I retract.

Ms. Preza: Thank you Jerry. Sorry, I do agree with Jordan in terms of we should discuss what has been proposed. But for now would it be possible to call a short break? If we could

take a short five minute break and then return. I think everyone could use a little rest. Thank you.

*(The Lanai Planning Commission recessed at 6:46 p.m., and reconvened at 6:57 p.m.)*

Ms. Preza: Please take their seats, we're going to be restarting. It's 6:57 p.m. So I do think that there is more discussion to be had about short-term rental homes, you know, permits and B&Bs. But we do have some other items on the agenda, and there's some people who came over from Maui specifically to speak about these things, so I want to make sure that we respect everyone's time and, and get to those things. So with the Commissioners permission, would it be okay if we continue speaking about Item D.1. either if have time at the end of this meeting or alternatively at the next meeting. Is anyone not okay with that? Okay. Jerry? Jordan, is his name.

Mr. Rabaino: Jordan, yeah? Okay, sorry Jordan. But anyway...instead of putting all these item, on 19.50.030, we keep the standards.

Ms. Preza: Okay wait Jerry, so but do you want to keep talking about it now? Because I'm trying to make sure that we get to our other agenda items. Would you, would the Commissioners be okay with --?

Mr. Rabaino: Let me sum it up. With this -- Jordan --- with this, yeah, give more clarification and then we delay this for the next meeting.

Ms. Preza: Well I think that getting clarification it's like -- I think if we have specific questions, then individually we can reach out to the Planning Department. But if possible maybe for the next meeting, could we call come with a list of items or, you know, just a list of comments on every, you know, underlined, if we agree with it, don't agree with it, would like to change, and then at the next meeting we can go kind of line through line though the changes. I think that would maybe more efficient than getting random clarification. Is that okay for everyone? Because I'm sure that everyone has read over everything and has thought about it in the past month. But, I think with some of the comments from tonight and...I think we all have things to let simmer for another month. And then we can come back and do it in a more organized way.

Mr. John Dela Cruz: One thing I'd like to ask the County to do is respond to the address thing.

Mr. Hart: This is Jordan Hart. I don't know the solution to that. The intent to the comment that we received was that there needed to be notice to renters who are not property owners. Now if there is a way to determine the renter's P.O. Box somehow, then that could be the substitute. Go ahead.

Ms. Trevino: Is there not wording we can put in there that would specify? Because right now you're using the term certified mail, which is USPS. We know that Fedex and UPS can deliver

to physical addresses. So is there a term that we can use that specifies using a delivery method that delivers to a home? I think that would – that would negate, that would take care of that because –

Ms. Preza: Something to think about?

Mr. Hart: Yes, so basically the certification is just, I believe the intent of that is proving that it has been done. Just so somebody can't contest and say, you know, this application was improperly noticed so you can't issue this permit, you know, that kind of protest. But maybe Corp Counsel is there any reason that we've used USPS, or is that just because that's what it was in the past?

Ms. Thompson: I think it's because it's the way that it was used in the past. Posting is really the way that you get at that type of notice though. So you have the signage which provides the physical, you know, you can drive by and actually see it and then mail is the typical backup. And then publication which I know we've talked about that, it has its own issues here.

Mr. Hart: But I believe the, it was basically physical, like the renter, long time renters who resides in these houses who are not property owners receiving notice of what's occurring near them. Because otherwise the property owner will receive a notice and they'll be a long time renter there, they would have no idea. So I think that the, you know, parcel service or Fedex would accomplish it. So, you know, we could word smith it to not say US Postal Service and some sort of mail delivery with receipt is basically what you're trying to arrive at.

Ms. Trevino: Right, and I think, you know, Lanai is unique in the sense of there is no postal home delivery. Whereas the majority of the rest of the US does have it. So I think that's where this little caveat of the thing being --. Yeah.

Ms. Preza: Thank you. That's a good thought. Sorry one thing -- I know I do want to move on but I did have a couple of questions so that we can all think about it some more. On page-10 of the STRH document, so this is 19.65.070 Item (F)(J). This is the one where it's discussing about the 51 percent of the total calendar year. And I know there were concerns about this. I wonder in writing that, was that coming from the comments about making sure that -- or that short-term rental homes are being utilized by short-term rentals and not, like, long-term or where did that come from?

Mr. Hart: Yes, so it's a combination of there was a community benefit portion that was discussed. There was a concern that a lot of the approved short-term rentals are being rented to construction workers while we're approving more short-term rental home permits. And then there was a discussion of, of people, some people who are part-time residents, and they basically live in the, in the home part of the year. So it's basically a combination of trying to address those things in one spot.

Ms. Preza: I think that's something Commissioners should think about because I, I understand

where Andrea was coming from with it's really difficult to expect, you know, 51 percent of the year is totally occupied by a short-term rental homes. But I just wanted to clarify where, you know, the comments, where this is derived from, so thank you.

I do think defining some of things that Andrea laid out, but also you know, like, yeah, community benefit, or what is -- I don't know, I think we do need to discuss what primary residency means if we would like that.

Another thing before I forget. This is just a brief grammar thing is the name of the island. And this is just before I forget, just for everyone too. This place is Lana'i, right? It's never been Lanai. We've just simply forgotten the correct pronunciation or how to, you know, properly respect this place. And so I work in Cultural Preservation and so the way I'd write I would either say, for document purposes, it's either all or nothing on the diacritical. So, even it's written Lanai, it's still Lana'i. But if there's going to be an okina, then there should be a kahako over the first a as well. And just on another note, I would all like for us to try to say Lana'i because that's what we do with our students here too, so it's something that I've been meaning to bring up, but it's the perfect time.

Mr. Hart: So I, I started to try and address it. The two, the two ordinances are different in the way they're written, and basically I just left it alone. Because it is going to go through form, for review for form and legality, and so that would be a time to address all of those fine tuning items like all of the, the grammatical errors and things like that that were, that were brought up. This is just basically the first pass to catch the concepts, but we can address that.

Ms. Preza: Thank you. Sorry, it's just before I forget. Yes?

Ms. Trevino: Can I suggest, I think (j), the (j), the 51 percent occupancy calendar year, community benefit. I think that with the other limitations that we have as far as other things go, I don't know that this is necessarily needed at all. Because once we enact the, the new modified limitations I don't think that this is going to be a problem anymore.

Ms. Preza: But does it --? So what would be -- what other things addresses short-term rental homes being used for long-term? Because I think this is what this is kind of trying to address, but yeah.

Ms. Trevino: I, I think because of some of the limitations with the amount of -- I think the radius thing addresses it. I think having the cap would address it. Because I don't think anyone is going to apply for a short-term home rental with all of these things that they have to get through. And this is actually for renewals, right? This one is actually the, the renewal, right, non-renewal procedures? Either that or --

Ms. Green: How about some verbiage putting in it's not been used a long-term rental, period.

Mr. Hart: Well, you guys can do, I mean, you guys can do whatever you want. That's important

to clarify. What I was going to say is that it is going to be really important that you either are going to vote up and vote down each of the, the amendments or you're going to amend it altogether and then vote up or down the whole thing together. So that's a really important thing that hasn't happened. Like basically if you recall everybody was just saying whatever they came to their mind, and then we took notes of all it and then found a place to stick it all in. And so, you know, maybe it's not all, you know, on second thought going to be making it all the way to the Council. But, you know, that's, that's something for everyone to consider.

Ms. Preza: Great. I do want to move on to other agenda items, so if that's okay. So Commissioners, are you all okay with, you know, maybe reviewing this again with, you know, keeping in mind public testimony and everything that's been shared. And then the next time we'll go through each of the proposed changes, and you can suggest your, you know, make your comments and we can decide from there. Does not sound good? Jordan?

Mr. Hart: Could I say one thing also? If you are working on this in the interim, and have questions about something, if you would like to email Leilani. Don't email each other, but email Leilani your questions and I'll work providing a response to the entire Commission.

**2. Ms. Michele McLean, Planning Director, transmitting the Lanai City Country Town Business District Design Guidelines and Standards, 2019. (A. Kehler) (Public Hearing was conducted at the February 21, 2018 meeting.)**

Ms. Preza: Thank you Jordan. So, we're going to move on to Item D.2. I know Annalise came from Maui just to do this and so thank you for making your way here. But this is about the Lanai City Country Town Business District Design Guidelines and Standards. So for those of us who were on the Commission at that time, it's kind of the largest document in the packet that we got. But this is the revisions that were made and I'll let Annalise share about what was done. Thank you.

Ms. Annalise Kehler: Thank you Chair. So my name is Annalise Kehler. I'm the Cultural Resources Planner for the County. Like Chair said I am here to talk to you today about the design guidelines for the country town district here in town. This is kind of -- so, this kind of an opportunity for you to have a last look before it goes to County Council where they'll adopt it by resolution. You previously reviewed an earlier draft, a very preliminary draft of this document back in February and in March of 2018. And so at these meetings I kind of identified some of the problems with that draft and I proposed a plan to address these issues. And then I got the Commission the approval for that plan. And then you folks also provided me with a couple of really important recommendations which have been incorporated into the document before you today. So these recommendations include adding language encouraging business owners to use the correct spelling of Lana`i. Using the correct spelling of Lana`i throughout the document. Removing references to wheel stop surrounding Dole Park. Updating photos and names of businesses in the country town district. Adding language about outdoor dining

areas for restaurants. Deleting the list of typical foot plants found in Lanai City. Adding allowances for new construction to use wood like materials and architectural elements. And removing prohibitions on ground signs.

So in the staff report I also provided a link to the document that you reviewed last year in case anyone needed to refresh themselves on it. So since you guys last reviewed the document I made like pretty major changes to the graphic layout. I also made a couple of non-substantive changes to the text, and that was just to improve clarity, correct factual errors, and further implement the 2016 Lanai Community Plan. And all of those text changes are outlined in attachment two of your staff report. I'm not going to go over it because hopefully everybody read through it and understands what's said. So hopefully, you know, what I'm here for is to hopefully get a recommendation from you folks to Council to adopt this document. I worked really hard on it, and I think, I think that it does implement what was stated in your community plan.

Ms. Preza: First of all, thank you so much for your hard work on it because it is a lot different from the first iteration we saw, and I really appreciate it. I appreciate Lana`i. I think it was one of my, like, first Commission meeting so it's really nice to see this come back to us. And, you know, all the updates you've done, I think are great.

So today we can recommend to -- sorry, just to clarify with the Commission -- we can recommend to the County Council to adopt it, to adopt with suggested amendments, or reject. So if we have comments today about suggested amendments we can discuss those now or ask you questions. So Commissioners, do you have any questions in reviewing the document for her or any comments?

Mr. Delacruz: Well, I do trust that the County is putting all of the comments we made in the past. And I would actually recommend that we adopt this thing. I would like to see it adopted before Caron leaves because I specifically remember the wood thing.

Ms. Preza: But this is not a motion, yet, right? There's still other comments.

Mr. Delacruz: Well we should have some comments first then I'll make a motion.

Ms. Preza: Oh, okay. Jerry, do you have a comment?

Mr. Rabaino: Yeah, I second his motion.

Ms. Preza: Wait, there is no motion, Jerry. Don't be in such a hurry to leave us. No motion yet. Any other comments or suggestions? I was going to --. Sorry, this is just -- and I think it's very well done, so thank you so much. There were just a couple of things that I was going to suggest. I do think that we should adopt it as well, but maybe with a couple of small changes. On page, oh gosh, 1-6? Is that how it's written or --?

Ms. Kehler: Yeah.

Ms. Preza: So this is in the part about drainage. I'm pretty sure Iwiole is not with an i at the end. This is just a spelling error, so Iwiole, not Iwioli. And I do have a question about --. Sorry, I'm sure this is --. Maybe this was on the document, but it's been a while since we've talked about it last. On page 1-1, so this is in the general design guidelines and standards, about landscaping. Sorry, I know it's kind of hard to find for the Commissioners. This is in part, part-2. There's a part that says that there should be a two-foot buffer between the building and any trees, bushes, any landscapes. And I'm sorry if I didn't make a comment on the last time if it was in it, but I don't --. Maybe there should be some kind of clarification with, you know, if there is, if it is reported that there is some kind moisture problem, or like mold problem being formed, or like deterioration to the building happening. Because I do think there are places around town that have, you know, small shrubs and stuff that I don't think should be -- I think they should just be left. You know, they're not causing any problems, and that's just a small thing. But everything else I thought was fine. I don't know if you, Commissioners, have thoughts or Annalise if that's possible to alter that.

Ms. Kehler: Sure. So the, the intent with the buffer between landscaping and the building, that's just more for people's information. That's not for the County to come in and regulate. Yeah, it's just, it's just a good practice when you own or maintain a historic building. You don't want to keep vegetation super close to it because it can trap moisture and cause problems. And that is something that I added in after you guys reviewed it.

Ms. Preza: So no one will get like in trouble necessarily for having like a bush or something.

Ms. Kehler: No.

Ms. Preza: Okay, sorry, so that was my concern. Well, I think it's okay. I mean, so if, I do think that Commissioners would like to adopt but do they have to say with amendments just because of the small spelling error or is that not necessary? So John, would you like to --? Are there any other comments from the Commissioners at this time or --? Okay, does anyone have a motion?

Ms. Green: I would like to move that we recommend that the County Council adopt the Lanai City, Lana`i City, Country Town Business District Design Guidelines and Standards as submitted.

Ms. Preza: Thank you. So we have a motion. Does anyone second the motion?

Mr. Rabaino: I second it.

Ms. Preza: Jerry seconds, so all in favor to adopt, please raise our hands, say aye. Okay, unanimously passes, so thank you Annalise.

**It was moved by Ms. Caron Green, seconded by Mr. Gerald Rabaino, then unanimously**

**VOTED: To recommend that the County Council adopt the Lanai City Country Town Business District Design Guidelines and Standard as submitted.**

*(Assenting: R. Catiel, J. Delacruz, C. Green, S. Menze, S. Preza, G. Rabaino, C. Trevino)  
(Excused: M. Martin, S. Samonte)*

Ms. Kehler: Thank you.

Ms. Green: Thank you for your all very, very hard work.

Ms. Preza: Yeah, we appreciate it.

## **E. COMMUNICATIONS**

- 1. MS. LYNN P. MCCRORY, Senior Vice-President of Government Affairs, PULAMA Lanai, submitting the 2018 annual report dated September 23, 2019 regarding water usage at Manele pursuant to condition no. 24 of the Special Management Area Use Permit and Project District Phase 2 Approval five-year time extension for residential and multi-family development at TMK Nos.: 4-9-017:001, 002, 003, 004, 005, and 4-9-002:049, Manele, Island of Lanai. (95/SM1-015) (95/PH2-001)**

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

Ms. Preza: So moving on to agenda Item E.1. I believe Lynn McCrory has left, but Joy, are you going to present? Okay, so Joy Gannon is here from the Lanai Water Company.

Ms. Joy Gannon: I'll be brief unless there are questions. So the report is fairly self-explanatory. We included the 2018 consumer confidence report which describes the water quality on the island in 2018. It's pretty consistent year after year. We're in compliance with the Hawaii Department of Health. Some of the numbers you can see they kind of go up in the beginning part of the year. We're kind of low in the beginning part of the year 2018, and go up throughout the year. You might remember how wet it was at the beginning of last year, around January and February. 2019 looks quite a bit different than 2018. It's been a real dry year. Some other things, I can answer any questions on the report.

Ms. Preza: Commissioners, do you have any questions for Joy about the report that was given to us? Great, if there are no questions, thank you for staying all this whole time to be here.

Ms. Gannon: Okay. Thank you.

**F. DIRECTOR'S REPORT**

- 1. Memorandum from Ms. Michele McLean, Planning Director, requesting a special meeting on February 13, 2020, Thursday, from 4:00 - 6:00 p.m. to introduce the Title 19 zoning code rewrite (T19) by the Department's consultant Orion Planning + Design (OPD). This will be the first of several meetings and public engagement workshops for the estimated four-year project.**

Ms. Preza: Great. So moving onto agenda Item F, which is the Director's Report. So Item F.1. memorandum from the Planning Director requesting a special meeting on February 13<sup>th</sup> from 4:00 p.m. to 6:00 p.m. Do you want me to --? I have some clarification on this. So this is the Title 19 Zoning Code rewrite. And if you folks remembered that we had concerns about it is, you know, is that enough time to discuss this. Someone, a representative from her team called me for clarification because it was not told to us that this is just the preliminary meeting. So it's just to introduce the changes to us. So it's not going to be like --. Because our concern was, oh my gosh, that's not enough time to discuss everything. But it's just one of other meetings that will happen in the future. But Jordan, sorry, do you have anything to add?

Mr. Hart: Yeah, I think that I would add that it's not even necessarily to introduce the changes, but to introduce the project, the project team, the audit that identified problems in the Title 19. And so just an introduction that this is a beginning of approximately four year process that we're expecting, not, not the end of the process.

Ms. Preza: Does that makes sense to everyone? Because I think that was our concern was we thought it wasn't told to us that it was just going to be the first of many meetings. So my only concern is -- I don't know everyone, what everyone's schedule is with work if that would be possible in February to meet from four to six. Does anyone know off the top of their heads that that would not be okay or would that be okay for everyone...as it stands? I think it would be okay. Do I have to make a --? Okay, that's just a chatting comment.

Mr. Hart: Thank you.

- 2. Update of Digital Zoning Map for Lanai -- Public informational meeting scheduled on December 3, 2019, Tuesday, from 4:30 p.m. to 6:00 p.m. at the Lanai Senior Center. Planning Department staff will provide information on the County's digital mapping project (DSSRT) which includes converting the County's old paper zoning maps to a digital format and correcting inconsistencies and errors. A presentation of the proposed Lanai digital map will be made. The digital map will be reviewed by the Lanai Planning Commission next year and then by the Maui County Council for adoption.**

Ms. Preza; Number two, the digital zoning map.

Mr. Hart: Yes, and so that will be an informational meeting scheduled December 3<sup>rd</sup>, Tuesday, from 4:30 p.m. to 6:00 p.m., at the Lanai Senior Center. Planning Department staff will provide information on the County's digital zoning mapping project, DSSRT, which includes converting the County's old paper zoning maps to digital format, and correcting inconsistencies and errors. The presentation and the proposed Lanai digital map -- presentation of the proposed Lanai digital map will be made. The digital map will be reviewed by the Planning Commission next year, and then by the Maui County Council for adoption. So this is an initial presentation of, of the, the work product as it is now.

Ms. Preza: So this is just a meeting open to the public so just letting us know that it's happening.

Mr. Hart: Yes.

**3. Report from the Lanai Planning Commission members who attended the 2019 Hawaii Congress of Planning Officials (HCPO) Conference, September 11-13, 2019 at the Sheraton Maui Resort and Spa, Maui. (M. Martin and S. Menze)**

Ms. Preza: Okay, any questions Commissioners about that? Great. Did -- does anyone who went to the Planning Official Conference? Would anyone --? Oh, I guess Sherry. Mili is not here. Do you have anything to share about it or would you like to share about it?

Ms. Menze: Yes, I did go to the Planning Commission Conference, and there was two key things that were really stood out for me anyway. One was a speaker, the keynote speaker Jeff Speck. He talked about what's happening in today's designs for planning because it was all about urban planning and design, of course. And he, he's talking about he was an excellent speaker and he talked about how society has changed. At one time we were all like in a, in a developed area in the 1900's. Everyone lived where they worked. The stores were down the street. You really had real neighborhoods. And then people started to get sick, and they started to move the factories out of towns. And you've got cars and everybody was driving and made pollution pretty bad. And now we're going back to, the planners are going back to designing, and as you've seen in Oahu they're talking about walkable towns and areas where you live. The stores are underneath the condos, a lot of condo living, and people would be working in these little areas. He was a great speaker, very terrific.

The other one -- I'm only going to bring up two that we -- we went to several. But the other one was about -- the other one that I thought was super exciting was short-term rental enforcement and data innovation. It opened my eyes. When I first came to the planning commission as you all know, I was totally against the cap. I was pro-kind of short-term rental.

But now and after going to this guy's session, this is not just a Hawaii problem. This is not just a United States problem. This is an incredible worldwide problem with the short-term rentals. And it's not individuals buying a house, renting it to someone. Big huge corporations are buying up the houses to short-term rentals to make money. Airbnb is number one top money maker in all of the hotels throughout the entire world. Marriott is second. But the Airbnb, he had a chart. I wished I had taken a picture. He didn't even have handouts. But if we really need a cap now, we really need to protect our community, and every community in the world has to step out and make these regulations to protect their community. Because I thought that this was just a couple of people. You know Maui coming over, taking over. It's not, it's a word wide to all communities. But anyway that as my gist from the conference.

**4. Approval of the Proposed Meeting Schedule for Calendar Year 2020.**

**The Commission may take action to approve or modify the proposed meeting schedule.**

Ms. Preza: Thank you Sherry. So next is approval the proposed meeting schedule for the next calendar year 2020. Can you believe it's a new decade? So this is the same, it's the third Wednesday of every month, correct? So does anyone have any major issues with this? So I think it's safe to say we are okay with it.

**5. Open Lanai Applications Report as distributed by the Planning Department with the October 16, 2019 agenda.**

**6. Open Lanai Applications Report as distributed by the Planning Department with the November 20, 2019 agenda.**

Ms. Preza: Great. And then next is just the open applications reports. I don't know, Jordan, do you have any --? Do the Commissioners have any questions or for Jordan or are we okay?

Ms. Green: So how many short-term rentals do we have now?

Mr. Hart: Active? I can't quote it.

Ms. Green: Well, that, that would be important information for next, next meeting because when we put a cap of 30, if we're already at 27, we're already at the 90 percent.

Mr. Hart: Sure. Jared just counted it and was corresponding with Butch within the past few weeks, but I can't remember the number off the top of my head. I was on the e-mails and I read it, and I forget.

Ms. Green: Oh, we have several more coming up, right? And those are coming to the Maui County, or I mean, to the Council or are they just going to be administratively handled?

Mr. Hart: I, I don't know. I haven't personally reviewed those applications.

## **7. Agenda Items for the December 18, 2019 meeting**

**The department is requesting to hold the meeting from 3:30 p.m. to 5:30 p.m.**

Ms. Preza: Any other questions about the, you know, open applications? So before we finish this, this is Item-7, which is agenda items for the December meeting. So I think we've all agreed that we would like to continue our discussion about short-term rental/B&B regulations, and I would actually --. And I don't --. Do I have to reopen public testimony if I'm asking Butch to talk about this or...or can he just come up? Butch had some suggestions for potential agenda items coming up, so would you like to come share? This is the, the colored paper that was passed out.

Mr. Gima: Good evening again. Butch Gima. So yeah, I'm proposing to the Planning Commission that you have as a standing agenda item titled, "Status of the Lanai Community Plan's Monitoring and Implementation Plan" with proposing that one chapter be on the agenda every meeting. And I listed the 10 chapters that are in the Community Plan and --. I didn't make copies for everybody, but this what, this is what the implementation matrix looks like. And so it has the action item, the type of, you know, whether it's a project or a program, the timeline, the lead agency, estimated cost and the funding source. And one of the reasons why I'm proposing this to the Planning Commission is at the Mayor's budget meeting, I proposed to the Planning Department to increase their budget so that the Planning Department can come to Lanai and report on the status of this implementation matrix. Kathleen Aoki, a long time Planning Department employee, has two or three staff and they're supposed to be doing this. But over the last three or four years, I mean, there really has been nothing provided to the community in terms of implementing the actions that were proposed in the Community Plan.

So...even though I listed it in order, Chapters 3 to 12, if you do choose to put this on the agenda as a standing agenda item, you don't have to go in this order. I would pick, I would propose that you pick what's most important. Maybe Land Use is the one that you want to have the County report on first or Infrastructure and Utility, so you decide that.

This was completed in 2012-2013, right Caron, and then finally adopted by the Council in 2015-2016. And so ideally Kathleen Aoki or the Planning Department would come over and say, yeah, under, under the Land Use chapter and all these action items, these are the things that have been completed, these are the things that have not been completed, and these are

kind of the challenges the Planning Department has in ensuring that these actions have been completed.

If you don't put this on the agenda item, then all the hard work that went into our Community Plans pretty much sits on the shelf and referred to only when an application comes before the Planning Commission, and then the Planning Department has to make a reference whether the application comports to, you know, the Community Plan. But there's a lot of good stuff in here. There are a lot of important stuff. And I think for accountability purposes, the Commission should have an opportunity to review that and for the community to hear what progress or lack of progress has been made regarding the Community Plan action items in each of the 10 chapters. Thank you.

Ms. Preza: Thank you. I don't --. Do you folks have any questions for him? I personally think that it's a good idea just because, I mean, most of us except for Caron, I think, were involved with the creation or, you know, the, the revision of the Lanai Community Plan in 2013. I know we've all been presented with a copy of it when we got on the Commission, but I personally would like to hear about, you know, updates about what's happening since there were action items and because community plans, the community plans are revised every 10 years. You know, we're kind of --. It's going to be 2020 next year, so we're kind of three years out from the next revision, correct? Is that correct?

Ms. Thomson: . . . (inaudible) . . .

Ms. Preza: It's supposed to be every 10. But I do think it would be good for, you know, us as a Commission and, you know, future Commissions to make sure that they are keeping up to date about what is happening with this. So is everyone in agreement in that or any thoughts? Richelle?

Ms. Thomson: One of the things --- I just want to make sure the Commission knows that you don't have any current business in terms of revising the plan or really implementing the plan except as Butch Gima said, you know, it's through applications that come before you that, you know, trigger some kind of compliance with it. So that's one of the things to really just consider is that, you know, the Commission doesn't have any current authority over it and having it on the agenda may, you know, seem like it. There might be a better forum in terms of what the Planning Department can come up with.

Ms. Preza: So even if we ask for just an update it would still not look good or --?

Ms. Thomson: Just not board business.

Ms. Preza: John, did you have a thought?

Mr. Delacruz: Well, first I've got a question. How many in here were on the Community Plan thing besides Caron?

Ms. Green: Me.

Mr. Delacruz: Just you. The Community Plan.

Ms. Green: Yeah.

Mr. Delacruz: Advisory Committee. You were on that thing, right? When it was finalized, did you get a copy?

Ms. Green: Yes.

Mr. Delacruz: You did. Okay.

Ms. Green: Did your wife not get a copy?

Mr. Delacruz: I don't think she got a copy.

Ms. Green: Really?

Mr. Delacruz: Yeah. Well that was one thing. I'll ask Debbie if she got a copy. I don't think she ever got a copy. But the thing about this is we just don't have the time to do everything, but we need to do something. I think what we could do is we could pick the number one priority...and...you know, make it a continuing thing until there's a resolution on it. Because, if, you know, there's a concern especially about housing, you know, maybe we could look at the housing, but do a limited time thing. We cannot dedicate the whole meeting to one chapter of . . . (inaudible) . . .

Ms. Preza: Right. So, Jordan, is it even possible to ask if -- or Richelle, I guess -- is it even possible to ask for, you know, just an update on the status progress challenges?

Mr. Hart: Sure. So just to clarify it, we monitor it and annually update the status of each of the items for, for the Island Plan and all of the Community Plans. So, you know, it's constantly, not constantly as in daily or monthly, but continuously done. I think that an easy way to address this, not maybe by the Commission as a body, but, you know, Kathleen is going to be here for the, for the digital zoning map presentation. You know, having a conversation with her about what she would be able to do. Obviously we have the monitoring reports, just dropping those on you might not be the most convenient method but it's all the information and ---. Yeah, Jacky, Jacky reminded me that they are on the County website. And so basically, you know, having those be top of mind for the Commissioners as far as things that they might be looking for if projects are coming through and there's relevant impacts that pertain to some of these implementing actions for the Community Plan. It is important to keep in mind because that's, that's a way to get some of those things done. But, you know, if you would like to discuss it, you know, that is something that can be done. I think that that

Corporation Counsel's comments are relevant, though, you know, as far as, you know, an update is appropriate but, you know, what direction do you take it as far as, you know, beyond that, I don't know. I don't know the answer to that.

Ms. Thomson: I'm not suggesting that it would be improper to have it, just wanted to be clear that there's no current authority that's, you know, being asked of the body.

Ms. Preza: I think, even if it is online, it might be nice just to, you know, even if it was delegated 10-15 minutes at every meeting, maybe in 2020 or something, we decide, you know, for the January one we'd like to hear a little bit about what's happening with Cultural, Historic, Scenic Resources. And even it's online, just having an allotted time so we can just see with the understanding that we can't take any action on it or anything, but just discussed or just see what's happening. Would that be okay?

Mr. Hart: That would be okay. I would say that if you wanted Kathleen who is, administers the Plan Implementation Division and would be the most knowledgeable person to go over it with you, that you do it in one meeting rather than ask that she comes, you know, to a series of meetings to do a snapshot update. But, again, you know, if any of you have the opportunity to be at the digital zoning map presentation, you can take a couple of moments afterwards and discuss and maybe, you know, come to a conclusion on a feasible approach to it.

Ms. Preza: Butch, do you have a thought?

Mr. Gima: A couple of things. I'm not suggesting that Kathleen is to be here at every meeting. I mean, the Planning Department can provide a report on the status of the implementation matrix. I mean, for example, Housing has 11 action items. The first action item is develop and implement a comprehensive affordable housing plan for Lanai within one year of adoption of the Community Plan. We talked about that a lot during the community plan deliberations. That's, that's the kuleana of the Department of Housing and Human Concerns, so Lori Tshaku either shows up here or provides an updated report to the Planning Department who then can share it at the meeting when housing is the standing agenda item. That's the thought. Because without it, Kathleen lives on Maui, I think she has good intentions, but she doesn't live here, so it's not a biggy for her to provide us updates on each of the chapters. You, all of you live here, it's your kuleana to ensure that what was proposed there's some accountability to that. And, and this is, this is the best forum to do it. I can't think no other forum where this can be brought up. And it's appropriate because it was managed and coordinated by the Planning Department.

Mr. Rabaino: Jordan, I think if --

Mr. Hart: Nah, it's probably better. Just go ahead.

Mr. Rabaino: It's a good idea. Summary of, like he said, for housing because there's an issue on Lanai.

Mr. Hart: Let me, let me just say that we do...in the mechanics of the County of Maui, it's important to understand the authority structure, and the Department of Planning is authority to command other agencies to initiate certain project this year or that year is non-existent. The Community Plans exist and that is direction. I would say that the County Council is also a forum to address the priority of funding for specific things. It's relevant that you guys -- we do provide these monitoring reports and they are made available on our website. We can bring them to the Commission and present to the Commission. But I do think it's really important to recognize the...where the Planning Department sits in the County framework, and our ability to command other agencies to prioritize their project. We do try very hard. I can attest to it consistently in our director meetings, talk about the relevance about the implementation actions and the budgeting process and all of those kinds of things. But, anyway, we're definitely willing to provide update and respond the best that we can of what is going on with each of the items. Thank you.

Ms. Preza: I think it's a good idea. Commissioners, yes? So maybe for, you know, upcoming meetings especially 2020, we can start to have updates, if possible? Okay, thank you. Well, that's all we have, so our next regular meeting date is December 18<sup>th</sup> and --. Oh, sorry, real quick, the Department is requesting to hold the meeting, the next meeting, from 3:30 p.m. to 5:30 p.m.

Mr. Rabaino: 5:30 p.m.?

Ms. Preza: 3:30 p.m. to 5:30 p.m. So, is that okay, is that not okay for anyone? I know with work and, you know, I'm not sure what everyone's schedule.

Mr. Rabaino: Sounds good.

Ms. Preza: Can everyone make that work? I think I can. I don't think there's anything else right now that's come up so --

Mr. Hart: Yeah.

Mr. Rabaino: So 5:30 p.m.

Mr. Hart: I don't know what else might be on that agenda. I know, we can -- the short-term rental home ordinance is, and the B&B ordinance can be there. But whether or not any applications might come forward, I don't know the answer to that now.

Ms. Preza: So for now, we'll just say that's okay and then, you know, when Leilani forwards me the draft we can see what we think will be reasonably able to fit in that time.

Mr. Hart: Thank you.

**G. NEXT REGULAR MEETING DATE: December 18, 2019**

**H. ADJOURNMENT**

Ms. Preza: Thank you so much. So it's 7:40 p.m., and we're officially done. Thank you.

Respectfully submitted by,

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

**RECORD OF ATTENDANCE**

**PRESENT:**

Roxanne Catiel  
John Delacruz  
Caron Green  
Sherry Menze  
Shelly Preza, Chair  
Gerald Rabaino  
Chelsea Trevino, Vice-Chair

**EXCUSED:**

Mililani Martin  
Shirley Samonte

**OTHERS:**

Jordan Hart, Deputy Director  
Jacky Takakura, Administrative Planning Officer  
Annalise Kehler, Cultural Resources Planner, Long Range Division  
Richelle Thomson, Deputy Corporation Counsel