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**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM C.1
JANUARY 12, 2021**

Ms. McLean: Thank you, Chair. Next, we have the first of three communication items. The first is from the Hana Advisory Committee transmitting their recommendations on proposed amendments transmitted by yours truly, to Title 19 of the Maui County Code, Chapter 19.69, relating to the Urban Reserve District regarding permitting uses, minimum development standards and height regulations. This may ring a bell and our Administrative Planning Officer, Jackie Takakura, is here to explain why his probably sounds familiar to you.

C. COMMUNICATIONS

1. The Hana Advisory Committee transmitting their recommendation on the following:

- a) MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting proposed amendments to Title 19 of the Maui County Code, Chapter 19.69 relating to Urban Reserve District regarding permitted uses, minimum development standards and height regulations. (J. Takakura)**

The Commission may transmit the Hana Advisory Committee's recommendation to the Maui County Council.

Mr. Carnicelli: Good morning, Jackie.

Ms. Takakura: Good morning. Thank you, Chair Carnicelli, good morning, Commission Members. We're here again for the third time, hopefully quickly to discuss the bill for ordinance regarding Chapter 19.69, which is the Urban Reserve District. On the Island of Maui, we have 84 parcels zoned Urban Reserve and they're in Upcountry, along the North Shore area and in Hana, and of these, 26 parcels or about a third are in Hana. We don't have any on Lanai or Molokai. And if you recall, we're trying to allow a little bit more use in the district so property owners can build accessory dwellings or have a bed and breakfast like in some of the other zoning districts and other minor changes, so that Urban Reserve is not so restrictive.

Just a brief timeline. If you recall, back in May, we had our three public hearings, Maui, Molokai and Lanai, and then over Summer, it transmitted the bill to Corporation Counsel and then sent the bill for ordinance to County Council. And then in October, the County Council Planning and Sustainable Land Use Committee heard the bill and asked for Hana Advisory Committee review because 26 of the parcels are in that community plan area. So, in November, we brought this back to the Maui Planning Commission so that it could be referred to Hana Advisory Committee. And then on December 4th, the Hana Advisory Committee met and discussed the proposed revisions and recommended that bed and breakfast permit applications in Hana be reviewed by them. So, after that meeting, we had the revised bill reviewed again by Corporation Counsel and that's what you have before you today. And it now has that added language about Hana Advisory Committee review bed and breakfast permit applications. And so, the next step would be for the Maui Planning Commission to approve the amended bill for ordinance and then transmit the bill back to the County Council so it can continue on its way to hopefully become part of the Maui

1 County Code. We hope that the Planning Commission will approve, but the commission can
2 make further amendments or deny or defer if more time for review is needed. And I do have a
3 map of the Hana parcels and also a list if you want me to screen share if you're interested in
4 seeing that. So, that's the information I have. It's just adding that part about bed breakfast permit
5 applications in the Hana Community Plan area that are zoned Urban Reserve would be reviewed
6 by Hana Advisory Committee. ...(inaudible)...information. Thank you. If you have any questions,
7 I can answer.

8
9 Mr. Carnicelli: Great. Thank you, Ms. Takakura. Director, is anybody signed up to testify on this
10 particular item?

11
12 Ms. McLean: No, Chair, no one has indicated they wish to testify.

13
14 Mr. Carnicelli: Okay, if anybody would like to testify on this particular item, please unmute
15 yourself, and if you also wish, unmute your video. Going once, going twice, all right, if there are
16 no objections, we're going to close public testimony for this particular item. Seeing no objections,
17 public testimony is now closed. Is there any questions on this from the commission?
18 Commissioner Freitas.

19
20 Mr. Freitas: Thank you, Chair. I tried reading through it all, I had time, but I have one question
21 Mr. Kaina asked that a parcel that was 70 acres, if they were only allowed to put two dwellings
22 and the response from the Department was that they can make changes. Can I ask if any
23 changes were made after that question was asked or is it going to stay with two no matter what
24 size?

25
26 Ms. Takakura: If I may, Chair?

27
28 Mr. Carnicelli: Yeah, go ahead, Ms. Takakura.

29
30 Ms. Takakura: So, I think you're asking about one of the largest parcels, the one that 76.72 acres,
31 and of that, a portion about half, 36 acres is Urban Reserve and it's owned by Hana Ranch
32 Partners, LLC. If they wanted to do something bigger, they would have to come in for a change
33 of zoning because if you remember, these are zoned because...or they're left in Urban Reserve
34 because either they don't match...the use doesn't match the community plan or there's something
35 that is not ready to be zoned appropriately. So, if they were going to do something more than
36 say, accessory dwellings, you know, the main dwelling and accessory dwellings, they'd have to
37 come in for change of zoning. But if we do pass the proposed bill for ordinance as it is, they'd be
38 able to do the main and the two accessories, just like if it's residential or any of the others. But to
39 do anything more, they'd have to do a change of zoning. Does that answer your question?

40
41 Mr. Freitas: Okay. That does. So, I guess what you're saying is it's going to stay with two as the
42 max, no matter the size for now. Okay, thank you.

43
44 Ms. Takakura: And that's...some of the smaller ones are limited. They can't even do two because
45 they're too small. So, really depends...they have to meet the 19.35 criteria.

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Mr. Freitas: Yeah, seventy-five hundred square feet, right? Okay, thank you.

Mr. Carnicelli: Any other questions from the commission? I have a question. I don't know if this is for you, Jackie or for the Director, but by practice we've done this anyways. We've always sent these to the Hana Advisory Committee for their input. This just codifies it. Is this correct or just codifies it for this particular...for the Urban Reserve District. But we've always sent B&Bs to Hana Advisory Committee. So, this just codifies what we kind of do in practice. Yes? No?

Ms. McLean: Relating to the B&B question, yeah, if there is a public hearing required for the B&B, then yes, it would go to the Hana Advisory Committee.

Mr. Carnicelli: Right. So, yeah, I mean, this is fine for me. Any other questions from the commission? Okay, then Jackie if you'd go ahead and just state on the record what the recommendation of the Department is, please.

Ms. Takakura: We're asking for the Maui Planning Commission to approve the amended bill for ordinance so that we can transmit it to the County Council.

Mr. Carnicelli: Great. Thank you. Can I get a motion on the floor, please? Commissioner Freitas.

Mr. Freitas: Thank you, Chair I make a motion to approve.

Mr. Carnicelli: As recommended by staff.

Mr. Freitas: Yes,

Mr. Carnicelli: Okay, Moved by Commissioner Freitas, seconded by Commissioner Thompson. So, the motion on the floor is to approve as recommended by Staff, seconded by Commissioner Thompson. Any need for discussion on the motion? Seeing none, all those in favor of the motion, please raise your hand. That is one, two, three, four. Opposed? I don't see Commissioner La Costa in my screen, so let's go ahead and do this again. There's a motion on the floor to approve as recommended by Staff, all those in favor, please raise your hand. Okay, I have five ayes. Opposed? Seeing none opposed. So, Commissioner Tackett, I will take yours as a abstaining which is an affirmative. So, since I don't see Commissioner La Costa, I'm going to go ahead and say that is six ayes and no opposed. Is that correct, Director?

Ms. McLean: Yes. Chair. She seems to have dropped off the call.

Mr. Carnicelli: Okay, but is we still have an affirmative.

Ms. McLean: Yes.

Mr. Carnicelli: So, let the record show that Commissioner La Costa somehow technology took, took her out of the picture, but we have 6-0. Motion passes.

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It was moved by Mr. Freitas, seconded by Mr. Thompson, then

**VOTED: To Recommend Approval of the Amended Bill to the County Council,
as Recommended by the Department.
(Assenting – K. Freitas, D. Thompson, S. Castro, J. Edlao,
M. Hipolito, C. Tackett,)
(Excused – K. Pali, P. D. La Costa)**

Mr. Carnicelli: And so, thank you, Jackie, appreciate it.

Ms. Takakura: Thank you.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II