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**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM D.2
JULY 27, 2021**

Ms. McLean: Next on your agenda under Unfinished Business we are bringing back to you Resolution 21-55 referring to the Planning Commissions a proposed bill to amend Chapter 19.12 of the Maui County Code relating to the Apartment Districts, to establish transient registration numbers. Some minor revisions and updates are also proposed. This matter was deferred at your last meeting and we were able to turnaround the revised proposed bill pretty quickly for you. So once again, I will turn it over to Jacky Takakura.

Mr. Tackett: Thank you, Director. Thank you, Jacky.

D. UNFINISHED BUSINESS

- 2. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting Resolution 21-55 referring to the three Planning Commissions a proposed bill to amend Maui County Code Chapter 19.12, Apartment Districts, to establish transient registration numbers. Some minor revisions and updates are also proposed. (J. Takakura) (Deferred from the 7/13/21 meeting)**

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/DocumentCenter/View/126257/Draft-Bill-for-Ordinance-Relating-to-Chapter-1912-Apartment-District-Vacation-Rentals?bidId=>

Ms. Takakura: Thank you. Good afternoon Maui Planning Commission. No PowerPoint this afternoon. This is really short. We're once again talking about Maui County Code, Chapter 19.12, Apartment Zoning District and specifically transient vacation rentals. At the meeting, we considered the County Council's Resolution 21-55 and transient registration numbers. There were two takeaways from that meeting. The first one was that the Commission wanted to see a draft ordinance and that's included in the packet and it's very short, it's just three pages, and the second takeaway was the Commission wanted to reconsidered the limitation on the number of bedrooms for transient use. Right now, the Code says that the number of bedrooms for transient use can't be increased, and a suggestion was made to remove that limitation, but as we explained in the memo report, transient use is it's kinda like a nonconforming use and like other nonconforming uses it should be limited to what was allowed before the rules changed and so our...the Department's recommendation is to leave that part of the Code unchanged. I can screenshare the ordinance if you want to see it. I think you all have it. I don't have any other further information except that to remind you that you have four options, recommend approval of the bill from the Council, recommend approval of the bill with the Department's proposed revisions or defer or recommend denial. That's it in a nutshell. I can answer any questions if you have any. Thank you.

Mr. Tackett: Thank you. Commissioner La Costa go ahead please.

Ms. La Costa: I'm the robust one today. On Number 5, I don't know if this is for Jacky or for the Director but it does not talk about eliminating the dashes, it just talks about the property's tax map key and that was one thing that we wanted to be sure that was not present so that it could not be

1 ascertained by the general public what the actual property address was. So, I don't know if that
2 should be in the bill.

3
4 Ms. Takakura: The way the vendor...they use the entire TMK number without the dashes and
5 the colons and the parentheses so we would need to keep the entire TMK number, all the digits
6 in there even Airbnb and VRBO. My understanding is they need all of the digits in there.

7
8 Ms. La Costa: I'm not talking about digits Jacky, I'm sorry, I'm talking about the dashes in between
9 2-4-7-9-...I'm leaving the dashes out, there's nothing in here and we've had discussion about that
10 last time to get rid of those dashes and that might be something to put in here so that if vendors
11 change they don't add those dashes. Thank you. That's my comment.

12
13 Ms. Takakura: Thank you.

14
15 Mr. Tackett: Commissioners, any other comments, any other discussion? Director, we don't have
16 to open testimony on this do we?

17
18 Ms. McLean: Yes, Chair—

19
20 Mr. Tackett: We do?

21
22 Ms. McLean: We do need to take testimony but you do not need to swear in testifiers.

23
24 Mr. Tackett: Okay, well let's go ahead and move onto public testimony then.

25
26 Ms. McLean: Chair, no one has indicated they wish to testify on this item so we can do an open
27 call to anyone participating in the meeting if you wish to testify?

28
29 Mr. Tackett: Please come forward now, state your name and you'll have three minutes, promise
30 to be truthful. Is anybody wishing to testify on this matter? Going once, going twice, going three
31 times, could we please close public testimony?

32
33 Ms. McLean: Yes, Chair. Testimony can be closed.

34
35 Mr. Tackett: I feel like Mr. Croly's gonna be mad at me but it's okay. What's our next...what's
36 next?

37
38 Ms. McLean: So, Chair, what's before you is the revised proposed bill and we're asking for the
39 Commission to make a recommendation to the Council whether you recommend adoption of the
40 bill as presented to you today or if you have changes you'd like to see.

41
42 Mr. Tackett: Understood. So, Commissioners do we have a, do we have a recommendation?
43 Go ahead P Dee.

44

1 Ms. La Costa: Thank you, Chair. My recommendation is to add the wording without showing
2 dashes or other delineations in the TMK to the end of Number 5.

3
4 Mr. Tackett: Okay, and that is to go along with Number 1 or Number 2 of the—

5
6 Ms. La Costa: Number 5, Chair.

7
8 Mr. Tackett: Yeah, Number 5, but of the appropriate actions if you look on your page was it, was
9 it, so you want that...if you look on recommendation and options on the Page 2, would that be an
10 amendment to Number 1 or an amendment to Number 2? Number 1 was recommend approval
11 of the proposed bill to the Maui County Council of the proposed bill to the County Council or
12 recommend approval of the proposed bill with amendments to the Maui County Council.

13
14 Ms. La Costa: It's Number 2 Chair, I'm sorry I was confused. So, it is Number 2 with amendments.

15
16 Mr. Tackett: Okay, outstanding. Director, is this a, is this to be considered a motion and then ask
17 for a second or is this just straight up recommendations and we move through it.

18
19 Ms. McLean: That can be a motion. She, I believe Vice-Chair La Costa is recommending that
20 the Commission recommend approval of the revised bill to the Council with the one amendment
21 that she described, that the numeric digit does not have dashes or colons.

22
23 Mr. Tackett: Okay, that sounds great. We are still in discussion although I know that all of us
24 commissioners have spent hours and hours and hours on that, so if we, if...I'm gonna, I gonna
25 leave it open to you guys if you wanna say something on it, but I'm sure we've probably all been
26 through it quite a bit from the weeks before. So, if there's no objection I would like to, I would like
27 to, to let P Dee's motion proceed and move forward from that case, so...I don't see any objections
28 at this point. I'm gonna consider discussions closed and if we could have a second for P Dee's
29 motion on the floor please? We got a second by Dale Thompson. P Dee would you like to speak
30 to your motion?

31
32 Ms. La Costa: As we discussed two times ago, we just don't want anyone to know the actual
33 address and without those marks they wouldn't be able to figure it out if they're not familiar with
34 Maui County address TMKs. Thank you Chair.

35
36 Mr. Tackett: Thank you P Dee. Commissioner Thompson.

37
38 Mr. Thompson: No additional comments.

39
40 Mr. Tackett: Thank you. Commissioners any other additional comments, if not, I'll leave it to the
41 Director for a roll call vote. All right Director if we could please have a roll call vote. I believe our
42 discussions are over.

43
44 Ms. McLean: Okay, Commissioner Edlao.

45

1 Mr. Edlao: Yes.
2
3 Ms. McLean: Commissioner Freitas.
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5 Mr. Freitas: Aye.
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7 Ms. McLean: Commissioner Thayer.
8
9 Ms. Thayer: Aye.
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11 Ms. McLean: Commissioner Thompson.
12
13 Mr. Thompson: Aye.
14
15 Ms. McLean: Vice-Chair La Costa.
16
17 Ms. La Costa: Aye.
18
19 Ms. McLean: And Chair Tackett.
20
21 Mr. Tackett: Aye.
22
23 Ms. McLean: Chair, the motion is approved six to zero with three commissioners absent,
24 Commissioners Hipolito, Lindsey and Ms. Pali.
25
26 Mr. Tackett: Thank you, Director.
27
28 Ms. McLean: Thank you.
29
30 Ms. Takakura: Thank you.

31
32 **It was moved by Ms. La Costa, seconded by Mr. Thompson, then**

33
34 **VOTED: To Recommend Approval of the Revised Bill with the Amendment as**
35 **Discussed to the County Council.**
36 **(Assenting – P D. La Costa, D. Thompson, J. Edlao, K. Freitas,**
37 **K. Thayer, C. Tackett)**
38 **(Excused – K. Pali, M. Hipolito, A. Lindsey)**
39

40
41 Respectfully Submitted by,

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43
44 CAROLYN TAKAYAMA-CORDEN
45 Secretary to Boards and Commissions II