

**SOUTH MAUI ADVISORY COMMITTEE
TO THE MAUI PLANNING COMMISSION
REGULAR MINUTES
SEPTEMBER 6, 2022**

A. CALL TO ORDER

The meeting of the South Maui Advisory Committee to the Maui Planning Commission was called to order by Ms. Richelle Thomson, Deputy Corporation Counsel at approximately 4:30 p.m., Tuesday, September 6, 2022, in the Planning Department Conference Room, 250 South High Street, Wailuku, Maui, Hawaii 96793 and online via BlueJeans **Meeting ID: 639794421**.

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

Ms. Thomson: Looks like we have five of you folks on and we can move on. Mr. Weltman, I don't see your camera on, I just see a circle with your initials there.

Mr. Weltman: It should be on. Yeah, it kind of shows it's on.

Ms. Thomson: Can anybody else see Mr. Weltman?

Mr. Moran: No.

Mr. Weltman: I will disconnect and connect then.

Ms. Thomson: Thanks.

Mr. Weltman: Do you see me now?

Mr. Moran: No.

Ms. Thomson: Nope, just your initials still.

Mr. Weltman: Hmm, there must be settings for that. It should be on.

Ms. Thomson: Linda, is there all the board members that we are expecting today?

Ms. Kim: Yes, six.

Mr. Kanahele: Sound check. Sound check.

Ms. Thomson: I hear you loud and clear. Well, Mr. Weltman, we still can't see you but we can see that you're on so if you need to get anybody's attention, you know just speak up or just interrupt, um if something's going on that you'd like to comment on.

Mr. Weltman: Okay.

Ms. Thomson: Um I'm going to go ahead since--if you don't mind and open the meeting of the South Maui Advisory Committee Meeting.

Mr. Moran: Oops, there he is. Rob's in.

Ms. Thomson: Great, there you are. Excellent. Figured it out.

B. CORPORATION COUNSEL – SUMMARY OF IMPLICATIONS OF FAILING TO TAKE OATH OF OFFICE PRIOR TO FIRST MEETING, COUNTY CHARTER SECTION 13-12.

Ms. Thomson: So um the first item on your agenda is just a quick summary from our office. So I think all of you have already been made aware. There was an issue with some of the members taking their Oath of Office prior to conducting what would have been your first meeting last month. The Charter requires an Oath of Office before officials including board members commence their official duties so that's you know literally day one of your job. So that's the reason that we're having to redo this meeting so that your actions can be officially attributed to you as board members as the South Maui Advisory. So sorry for the snafu there but we're going to make this as painless as possible and it will give you more practice.

C. ELECTION OF OFFICERS

So the first thing you get to do is elect your Chair and your Vice-Chair. So without further adieu I'll ask for any motions on um naming a Chair for your Committee. I see Commissioner Mike Moran hand up first.

Mr. Moran: Yes, it's kind of deja vu, you know even it wasn't an official meeting but ah I would like to nominate Rob Weltman as President as Chair.

Ms. Thomson: And are there any other nominees for Chair? Can I get a second on that motion by member Knox and let's go ahead. All those in favor go ahead and raise your hand and say aye. Yes, there you go, it's unanimous.

It was moved by Committee Member Michael Moran, seconded by Committee Member Robin Knox, then unanimously

VOTED: Approved Robert Weltman as Chair

(Assenting – D. Kanahale; R. Knox; R. Leach; M. Moran; F. Pikrone;
R. Weltman)
(Excused – B. Bond)

Ms. Thomson: So Chair Weltman, congratulations, would you like to do the nominees for Vice-Chair? And take it over from here?

Chair Weltman: Well, okay, thank you. Okay, could I get a nomination for Vice-Chair of the South Maui Advisory Committee. Ah Daniel?

Mr. Kanahale: I'd like to nominate Mike Moran for Vice-Chair of the SMAC.

Chair Weltman: Are there any other nominations for Vice-Chair. Mike, Mike has his hand up.

Mr. Moran: Turn it on fairplay for those of you who were here last time. I would like to nominate Daniel Kanahale. For those of you that were here last time that's what we settled on, so hopefully we can do that once again.

Chair Weltman: This is history replaying itself here.

Mr. Kanahele: Déjà vu.

Chair Weltman: Do we have any other suggestions for Vice-Chair? Can I have a second for Daniel as Vice-Chair? We have Robin as second for Vice-Chair. Those who in favor of Daniel as Vice-Chair, please raise your hand and say aye. Looks to be unanimous. There are 1, 2, 3, 4, 5, there are 6 of us voting members here? Is that correct? In that case it's unanimous.

Mr. Kanahele: I didn't raise my hand, I didn't vote for myself.

Chair Weltman: 6 out of 7.

Mr. Moran: Scratched your nose Daniel, you scratched your nose. That counts when your hand is up.

Mr. Kanahele: I'll keep my hands in my lap in that case.

Mr. Weltman: One exception then.

It was moved by Committee Member Michael Moran, seconded by Committee Member Robin Knox, then unanimously

VOTED: Approved Daniel Kanahele as Vice-Chair

(Assenting –D. Kanahele; R. Knox; R. Leach; M. Moran; F. Pikrone;
R. Welton)
(Excused – B. Bond)

Ms. Thomson: Sorry I probably rushed over this a little too quickly, but if you wouldn't mind just identifying for the record the voting members present and then also numbers can you um let the Chair know if there's anyone present in your location or if you are alone. Thank you.

Chair Weltman: I'm going to name names here and ... we have Bud first.

Mr. Pikrone: Okay, Bud Pikrone and I am alone in the office.

Chair Weltman: Okay, now we have Kahalakai. Kahalakai, are you a voting member and if you're alone?

Mr. Leach: That's me Kahalakai. My name is Randol Leach a new member, hello everyone. Ah, where are we now?

Chair Weltman: Is there anyone else in your office at this time.

Mr. Leach: Ah no, alone.

Chair Weltman: Okay. Thank you. And then Mike Moran.

Mr. Moran: Aloha, I'm Mike Moran and to be specific, my 90 lb. Labrador retriever is in the same room but I don't think that makes any difference.

Chair Weltman: He's not allowed to vote, just so you know. Ah Robin Knox?

Ms. Knox: Yes, I'm alone with the possible exception that Mr. Tooie the dog might wander in.

Chair Weltman: And let's see we have someone going by Cy, Cy. Is that a voting member? I guess not. Oh just an observant, okay. And we have Dave Jorgensen. Is that a voting member?

Mr. Jorgensen: No, a testifier.

Chair Weltman: And Evan, Becky. Let's see--just looking at the ones who have their cameras on, the next one would be Daniel Kanahele.

Mr. Kanahele: Aloha ahi ahi kakou, I'm Daniel Kanahele and I'm in my workspace by myself.

Chair Weltman: Okay, did I miss any voting members on presence? Okay so we have Bud Pikrone, ah I'm sorry what's your name Mr. Leach?

Mr. Leach: Randol Leach.

Chair Weltman: Okay, Randol Leach, Mike Moran, Robin Knox, Daniel Kanahele and myself Rob Weltman. That's as I understand it, right Michele? Well, okay.

Ms. Takakura: Chair Weltman, this is Jacky the Deputy Director, um yes that's my understanding of the attendance. Thank you. Thanks for doing that.

Chair Weltman: Okay, so that's 3, 4, 6 people present, okay.

D. COMMUNICATIONS

COUNCIL RESOLUTION NO. 22-70, REFERRING TO THE PLANNING COMMISSIONS AND ADVISORY COMMITTEES A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO TRANSIENT ACCOMMODATION CAPS. (J. Takakura)

The entire text of the proposed bill for ordinance is available: https://hi-maui-county2.civicplus.com/DocumentCenter/View/136731/090622_Agenda-Item-D_Council-Resolution-No-22-70_Proposed-Bill-Amending-Comprehensive-Zoning-Ordinance-Relating-to-Transient-Accommodation-Caps

Chair Weltman: Okay so let's look at the agenda. Okay, so now we're at Item D. which is the main focus of this meeting which is Council Resolution 22-70, referring to Planning Commissions and amending the comprehensive zoning ordinance relating to transient accommodation caps. And it has Jacky's name next to it. And last time Jacky gave us a very nice introduction. Do you want to walk us through this time as well? Thank you.

Ms. Takakura: Yes. Thank you Chair Weltman. So I'm going to share a screen and um I guess I will do the presentation first and then you'll take public testimony Chair Weltman, would that be okay?

Chair Weltman: Yes, that's the way to do it, yes.

Ms. Takakura: Okay, okay, so let's see I'm going to share a screen and see if I can do this. So it's a blue screen. Can I get a thumbs up if you can see that, it's similar to the one before. So this is the bill from the County Council to cap transient vacation rentals to existing numbers or to remove the use and there's also some proposals for the parking chapter and other minor revisions. And the goal of this bill is to manage tourism, so um, just showing some background. In the last few years, there's been a lot of updates for vacation rentals. You see some acronyms in here STRH, which stands for short term rental homes and those are you know the single-family dwellings. The house is where the owner doesn't live there and they can get a permit for a short term rental home. There's other activities for bed and breakfasts, like B&Bs. And those are the ones it's a home a single-family home but the owner does live on the property. Um since 2019, there's also been increases in the fines, there's different caps and moratoriums, removing the use in certain zoning districts and then most recently January of this year for the island of Maui, we have a two-year moratorium. Does have a few exceptions in that moratorium, but that's what's going on right now. The bill before you, just a note it doesn't affect the allowed number of B&Bs or short term rental home permits. I just want to make sure that that's clear. That's not included in this. So besides all these changes to the bill, one thing we can't ignore is that the pandemic changed a lot of things here on Maui. It brought to light our dependence on tourism and it also gave us a feel for what Maui is like without visitors. These are just some numbers to look at well where are we. What is the status quo in regards to transient accommodations. These are some numbers from Department of Finance Real Property Assessment Division from last year. And these are different measurements, like hotel rooms are measured in rooms versus some of the others like condominiums are measured in parcels, single-family units are also measured in parcels, but overall there's about 24,000 units according to Real Property as of last year. The next slide is just a summary of the proposal. If you had a chance to look it over you'll notice there's a lot of chapters of Title 19 that are affected. Title 19 is the land use title for the Maui County Code. That's what we look at Title 19 is Planning Department's kuleana. For the apartment district and hotel district the proposal is to cap the number of units to the existing levels. For the other chapters the proposal is to remove transient accommodations as a permitted use and this would be for SBR Service Business Residential, B-CT Country Town Business, B-3 Central Business, B-R Resort Commercial, Planned Development and Lahaina Historic Districts. The one exception is for B-2, community business district and that's for that chapter ah transient accommodations would be allowed, continued to be allowed, no more than 20 bedrooms. Right now that is allowed and so that would remain. That's the only one. There's also some proposal to prohibit temporary parking of camper vans, recreational vehicles used for transient accommodations. We do have a little better wording that we're proposing for this. I'll show you on a later slide. But then just some minor fixes to that chapter on timeshares which is Title 19.32 so that everything's consistent. Um let's look at B-2 a little bit because this is the chapter where transient accommodations would be allowed to continue and actually start up, provided they're not exceeding 20 bedrooms. This map here is just to show you the parcels of B-2 throughout the

island of Maui, some in Hana, a little bit upcountry, north shore, Kahului, Kihei and then West Maui. So like I mentioned um all the other zoning districts whether it would be capped or existing or the use would be removed and what that means for existing is that they are allowed to continue but they would be non-conforming use. Or if they have a permit, they would have to stop when the permit expires. They wouldn't be able to renew. As far as I know there's um two properties that have permits that would probably not be able to renew. The other part of this bill is um the proposal for all districts that temporary parking of camper vans and RVs would be prohibited if they're rented for short term accommodations or commercial purposes. Unless it's allowed by zoning and the proper permit is obtained. We did have some concerns with the wording that was proposed so we do think, what we think is better and I'll show it to you in a couple slides. So ah I just want to review the long term plan documents and how this relates to these documents. The first one is the County Wide Policy Plan and that's from 2010 and I don't want to read it all for you but you can see these key words: renovation and enhancement of the existing, it would limit maintaining a sustainable balance and then discouraging new entitlements for resort or commercial especially around the shoreline. Similarly from the Maui Island Plan, which is from 2012, um the Maui Island Plan establishes growth areas that indicate where development is intended and will be supported for the plans goals, policies, programs and actions in assessment are based on current or future needs and available resources. And this is from Chapter 4 of the plan which is on Economic Development, and you can see again managing expansion. Allow some, you know development of small business. small inns, managing impacts, discouraging some planning of existing housing in consistent with the community plans that establish standards, again managing transient vacation rentals. Then I'm sure you've all heard this last one here. Promoting a desirable island population by striving not to exceed an island-wide visitor population of roughly 33% of the resident population. Back in 2019, um when we were talking about this part of the code revisions, um we were at about 46%, pre-pandemic. So um as I mentioned, we do have a few recommended revisions. Um first one here is adding the word legally to the apartment district, TVR transient vacation rental use was legally conducted in any lawfully existing dwelling unit. Just for some additional background for apartment district, ah there's certain criteria that property has to meet in order to be able to conduct vacation rental use because I mean you think about apartment district because that's for um you know people to live in apartments, right? But um for some properties that were built or got their permits before 1989, the use existed and so it's allowed to continue but no new ones. Like I mentioned, there's a bunch of criteria that these properties have to meet and we want to add this word legally conducted to that criteria. Um the second recommended revision is adding a disclaimer to the wording about this list that we have to maintain and we want it to say that um the list is going to be to the best to the department's knowledge at the time the list is posted. And then you can see on the bottom of this screen here is what we're proposing to add for the um camper vans and RVs that in all zoning districts temporary or permanent parking of camper vans, recreational vehicles, trailers or similar apparatus that are used or rented for commercial transient accommodations is prohibited. Advertising or offers to rent the camper van, RV trailer or similar apparatus for commercial transient accommodations constitute prima facie evidence of the operation of such apparatus. Um just FYI, we did meet with two other advisory committees, the Paia-Haiku and the Hana. Paia-Haiku recommended approval with the Department's revisions, they did want to see more research. Then the Hana Advisory Committee also recommended approval and they would prefer a lower number of allowed units for vacation rentals in B2 district. Right now it would be proposed

to be up to 20 bedrooms. They would like that number to be lower for Hana. And then just FYI, um Lanai and Molokai also supported the bill. South Maui is second to last. It still will go to the Maui Planning Commission and take the advisory committees' recommendations, and what the South Maui Advisory Committee could do is recommend approval, recommend approval with amendments, recommend denial, or vote to defer. That's the presentation in a nutshell. Um I'm going to stop sharing but I can go back to any slide if you have any questions. And I know that in the last one we had talked about getting a map, but I wasn't able to get that in time. So I'm sorry about that. That's it for me; I'll stop here.

Chair Weltman: Thank you.

Mr. Leach: I have a question

Chair Weltman: Yeah, go ahead.

Mr. Leach: Can you hear me?

Chair Weltman: Yes.

Mr. Leach: This is Randol Leach. My question is when there's a legal permitted vacation rental, the property tells, is the permit transferable?

Ms. Takakura: It depends on what it is, but usually there is a process for them to let us know and it can be transferable. And then um, I'll stop there because that's all you asked.

Chair Weltman: Jacky, will you be staying on for the rest of this meeting? Okay so I suggest we keep the suggestions for this meeting until we actually do more discussion and allow testimony now. Daniel?

Mr. Kanahale: Thanks, Chair. Can I ask who is here for support today from Planning. I don't know who is here. I know Jacky's here but I don't know who else is here.

Ms. Takakura: Commissioner Kanahale um, Director Michele McLean is also here. She came in a little bit late because she had something, but she's here now. So the two of us are here, then we also have Secretary Linda and I wasn't sure if Clayton--yeah Clayton Yoshida also from Current Division is also in the Conference Room.

Chair Weltman: Thank you. Okay, I'd like to proceed with testimony, present their testimony and then we'll go to discussion in the Committee. So if I'm reading this right; looks to me that the first person is Dave Jorgensen. And so Dave I'd like to invite you to testify. And the limit is 2 minutes or 3 minutes. Jacky? 3 Minutes?

Ms. Takakura: 3 Minutes. Yes 3.

Chair Weltman: Okay.

(Public Testimony started at 4:58 pm: Dave Jorgensen, Lawela Aiwohi, Tom Croly, Albert Perez)

Dave Jorgensen: Thank you, good afternoon Chair Weltman and members of the Committee and Planning staff. My name is Dave Jorgensen, I'm an attorney in Wailuku. I'm testifying today on behalf of the American Resort Development Association of Hawaii. I am a registered lobbyist. I'll try and be real quick and I apologize I can see that my video over there is real dark and I don't know how to fix that. So I apologize. Um I said I'll be real quick, ah I testified before the committee minus Mr. Leach at the last hearing and we've testified many times on the moratorium and on the caps. The main point I want to make is that we went through a whole process with the Council um about them implementing a moratorium and ultimately the moratorium was adopted, was implemented in January. During the hearing on that process it was represented by the supporters of the moratorium that this was a temporary measure so everybody could take a break, step back and see what the situation was and come up with a plan. Almost immediately after the moratorium was adopted, this resolution was proposed to establish caps on transient accommodations contrary to the representations of several Council members that this was not a permanent moratorium. These caps would in effect establish permanent moratoriums on transient accommodations. The number of transient accommodations could never exceed that current and is not current the number of transient accommodations that existed as of January 2022. So our strong position is that we should give the moratorium a chance to work or a chance to see if it works. See what the impacts of it are before rushing into a situation of having caps on further transient accommodations. So we would ask that your recommendation be to deny or reject this proposal to implement caps. The rest of the issues we brought up before as far as economic impact, jobs that is not necessary, that there's legal issues they've all been addressed before. I appreciate your time and consideration and I'm available for any questions you might have.

Chair Weltman: Thank you Mr. Jorgensen. Precisely 3 minutes. Are there any questions from the members for Mr. Jorgensen? Yes, Daniel.

Mr. Kanahele: Aloha, Mr. Jorgensen.

Mr. Jorgensen: Aloha.

Mr. Kanahele: Thank you for being here this evening. I remember you testifying when we met before. I was just wondering why you would think the caps would be permanent.

Mr. Jorgensen: Well because there'll be in the law that the number of transient accommodations may not exceed a certain number which that number would have been established as of January 2022 and the only way--it's very rare that somebody will take their property out of short term rentals although it may happen. And very rare that a project would cease to be transient accommodations so the chances that the number of transient accommodations in Kihei or on the west side would go down is very small. The chances are minimal. But to be honest, it could happen. It's just once that cap is established as the number that existed in January, it will never go above that and it's already at that number. So part of it is my connecting the dots but that's why I believe it is permanent. It would in effect be permanent. Thank you for that question though.

Mr. Kanahale: Can I ask a followup. Do you think a future legislative body could change the caps?

Mr. Jorgensen: Yes, I do. Do I think they will, I don't know. But yes, I mean that is the process, right? I mean if a legislative body could implement them, the next legislative body can reverse them. So that is a possibility, yes.

Mr. Kanahale: Thank you, I don't have any other questions. Thank you, Mr. Jorgensen.

Mr. Jorgensen: You're very welcome.

Chair Weltman: Any other questions from members? Thank you Mr. Jorgensen.

Mr. Jorgensen: Your welcome. Thank you all for your service.

Chair Weltman: Let's see, next we have is Lahela Aiwohi and I see her camera is already on. Welcome.

Lahela Aiwohi: Aloha Chair, aloha Committee Members and mahalo for allowing me the opportunity to testify at this time. My name is Lahela Aiwohi and I am a registered lobbyist. I am with Hawaii Hotel Alliance and I've testified in the past in the first meeting. So I am going to start by saying that I am in opposition of Resolution 22-70. The moratorium if you recall was passed in January 7 of this year and I believe the moratorium was put in place for this whole reason you know which the purpose is to do a study and kind of find out what can be done and find a balance solution to address the issues that we're hearing from the community and the impact on what they're alleging is over tourism, which I do agree. I do agree that there is a problem and I also agree that I do feel that there is a solution that can be done by bringing in all the stakeholders to the table. Um I think that the message that we have been hearing is that the hotels will continue to be able to operate but the question is to what capacity. And so although they would be able to operate, we don't know to what capacity because even --and so although there can be renovations is done, the renovations is limited. And so there is a formula in there that would limit what can be done through the renovations, which will eventually put a burden on the hotels because they wouldn't be able to—they'd lose their face value in the competitive market that we have out there. The currently we have--we've seen a huge burst of tourists that came over to our islands and Maui of course being the number 1 destination being very crowded with our tourists, and we weren't expecting it coming out of such a pandemic. And right now if you look at the hotel occupancy rate, we have about 76% in our hotels right now. 76% hotel occupancy but yet there is an increase in tourism and if you look at that--if you take the 76% of our hotels and you look at that and the increase that we have seen of tourist coming here, where's that 14% staying if they're not staying in the hotels. So we continue to say that you have to put a cap on the hotels but would that really fix that problem of over tourism. The tourist will continue to come. In the last 15 years we haven't seen an increase of it in any additional units, nor have we seen a new hotel built. So do we really need a moratorium to be put in place to tell our hotels, no more hotels. The tourist will continue to come like I said. If you look at the short term rentals, if you wake up, you'll see tourist cars going up and down right outside of our homes in our own neighborhoods. So I don't believe that it's the hotels, I believe that we should really be pushing and create to have more of a hotel bubble to be more effective. If there's anybody that can manage tourist or tourism, it is

our hotels and it is our general managers that we have in place. And we need to be a little more—maybe we can be a system in creating or helping them find more cultural aspects. But I do know right I have to say that the hotels and their general managers have been doing really good on the cultural part. And but it is our responsibility and our due diligence to help manage that tourism.

Ms. Kim: 3 minutes

Ms. Aiwohi: Mahalo.

Chair Weltman: Thank you Ms. Aiwohi. Are there any questions for Ms. Aiwohi from any of our members? Daniel.

Mr. Kanahele: Aloha, Ms. Aiwohi. Good to see you back again.

Ms. Aiwohi: Aloha.

Mr. Kanahele: Aloha. I was just curious as to what the rates are now for hotels. You know what are they charging...

Ms. Aiwohi: You know I believe that ...are you talking just for...I'm sorry I should let you finish that question.

Mr. Kanahele: Yeah, I know that there is a wide variation on what hotels charge but just kind of the average going rate for someone who wants to stay in a hotel. What is the daily rate being charged right now. Sort of a ballpark.

Ms. Aiwohi: I believe I would have to say and I haven't looked at the hotel rates but I would have to say it would be right around...if you're looking at Wailea/Kaanapali side, it would be right around \$800 a night. And I will tell you this, I'm going to Vegas this weekend and the hotel rates--room rates there where they have way more hotels, was about \$450/\$500 a night. So I think the competitiveness is there anywhere you go.

Chair Weltman: I think I understand why people would pay twice as much to go to Wailea versus Las Vegas.

Ms. Aiwohi: I agree.

Mr. Kanahele: Um 76% is the current occupancy for our hotel accommodations?

Ms. Aiwohi: Yes

Mr. Kanahele: Did it get above that during the past year?

Ms. Aiwohi: We did not get above that. I believe 76% was the highest occupancy rate that we have seen on the island basically since everything opened up.

Ms. Sato: May I answer that question. Can I answer that question?

Chair Weltman: Bud, did you have a question as well? You need to unmute yourself.

Mr. Pikrone: Aloha Lahela.

Ms. Aiwohi: Aloha.

Mr. Pikrone: Did the 76%, did that include because there was over the last number of months since the beginning of the year, there was some renovations going on and room renovations, so a number of rooms and wings were taken out of service I believe in a number of hotels. So was the 76% built on the potential of a 100% or 50%.

Ms. Aiwohi: I believe that was built on the potential 100%. Due to Covid, that's you know why they went ahead and did the renovation or I shouldn't say due to Covid because all the permits were already in place. But that I believe is on the potential of 100%.

Mr. Pikrone: Even though, I'm sorry, even though the number of rooms that weren't being used because they were under renovation you know. If you have 200 rooms and you've got 50 of them out, so the 74% based on the 150 or under 200.

Ms. Aiwohi: ...Can you clarify that one more time?

Mr. Pikrone: Yeah, you have a hotel or hotels and say the hotel has 200 rooms but they've taken 50 of them one wing and they're renovating them for months and so now you've got 150 rooms and so is that 74% was that taken during the period; do you know if it's based on the 150 rooms?

Ms. Aiwohi: You know I'm not sure so I'm not going to answer the question. But my understanding was there was only yeah couple hotels doing it, but I'm not going to--yes I'm not going to confirm that it's yes or no.

Mr. Pikrone: I could.

Ms. Aiwohi: Okay, go ahead.

Mr. Pikrone: It'll probably go into another conversation later with the group.

Ms. Aiwohi: Yeah that would be great if you can share on that part.

Chair Weltman: Any additional questions for Ms. Aiwohi? Thank you, Ms. Aiwohi.

Ms. Aiwohi: Thank you.

Chair Weltman: Next up we have a Tom Croly.

Mr. Croly: Aloha Committee, Tom Croly. I'm testifying on my own behalf with no financial or business interest in any property that would be impacted by the proposed amendments to Title 19. I know that this Committee saw this item two months ago and made some type of a recommendation but I did not see that meeting and I don't know what was advised before. But my advice to this Committee is that you recommend denial of all of the proposed changes to Title 19 in this proposal. While the intent of this legislation might have been to reduce the number of visitors coming to Maui, I do not believe that it would achieve that goal in anyway. And this legislation actually makes a mockery of our zoning code. The proposal before you took no consideration of the history of the code that it proposes to change and it completely ignores the fastest growing segment of Maui's visitors and that is part time residents who own second homes on Maui. This trend of Canadians and mainland residents buying homes on Maui, it's not new. In

fact it predates most of the residents of Kihei, Kihei's arrival on Maui. Most of those condos that you see on South Kihei Road were purchased by those folks well before most people came to Kihei as a place to live. Um the idea that freezing the number of visitor accommodations would um stop visitors coming really is absurd. And the idea of taking hotels and saying you have to freeze the configuration of your hotel in its current configuration and you can't move a wall by two feet is completely absurd. So there's so many things wrong with this legislation that it's really even hard to know where to start. But if the goal is to freeze or reduce the number of hotel rooms there could be a better way to accomplish this. Perhaps by density limits on lots or geographic areas of the islands, but what's before you is nothing more than a redlining of all instances in current code where short term rental, time share and hotel uses are currently allowed. And it's inconsistent with the entire purpose for zoning in the first place. South Maui and West Maui are the cash cows for Maui County, provide for—and 84% of the County's revenues come from visitors accommodations. Only 9% of the County's revenues come from resident home owners. But the visitor accommodations that need to be reigned in are not the 154 bed and breakfast homes, not the 177 permitted short term rental homes, not even the 10,000 short term rental properties that gained their use--gained their right to that use over 30 years ago, nor the 41 hotels of the island. But rather the 15,000—I'm going to say that again 15,000 second homes throughout the island that are not—are not short term rentals. 15,000 second homes throughout the island that are contributing to the numbers in the visitor counts. Every person who comes to Maui who doesn't live here full time 270 days a year or more and file their income taxes as a Hawaii resident, is counted by DBED as a visitor so these visitors some of them that you know as your neighbors but are actually part time residents they are the number of people who are counted as visitors. Why has Maui gotten more crowded? Why has Kihei gotten more crowded? Because we have 50,000 new visitors--um residents over the past 25 years. In fact Kihei alone has increased its number of residents from 5,000 back in 1990 to 15,000—no to 20,000 by 2010. Now since 2010, Kihei hasn't grown all that much but it's all of us. If you weren't here in 1990, it's all of us that are increasing how crowded the beaches are, how crowded the hotels are and so forth. This legislation isn't going to solve this problem in anyway but it is going to create a lot of problems for the existing properties when you turn a property into existing non-conforming. That's a big deal. I'm sure I've hit my 3 minutes but I also can answer any questions about the transferability of permits which Jacky didn't fully answer for you and the permitted short term rental and bed and breakfast permitted homes. Thank you, Chair.

Chair Weltman: Thank you. Are there any questions from the members for Mr. Croly? Daniel.

Ms. Knox: Yeah, sorry, it took me a minute. I would like to hear about—did you say the nonrenewal of permits, Mr. Croly?

Mr. Croly: Yeah, thanks Robin. Good question. Um if someone gets a permit, a bed and breakfast permit or a short term rental permit of which there are 154 bed and breakfast permits island wide and there are 177 short term rental permits island wide. None of those permits are transferable. They say very clearly, not transferable. Now could a new person buy the property and apply for a permit? They used to be able to, but the law has recently been changed to where you now must own the property for five years before you're eligible to apply for a bed and breakfast permit. So the 154 bed and breakfast permits that are out there, that number cannot be increased by the sale of that bed and breakfast. Someone has to own the property for five years before

they can apply for a permit and the 177 short term rental permits, there they've changed it to 15 years. You have to own the property for 15 years before you can become eligible to apply for a short term rental permit. However, when we talk about short term rentals, most of them the 13,000 are the condominium units that were built prior to 1990 and they gained their use—their allowable use back in 1990 or before when they were built because that were built when that was a legal use and we have not taken that use away and know that use doesn't go away when they sell the units to someone else. I hope that's clear. The difference between a permitted property and the one that gets its use by the zoning that it's in.

Ms. Knox: And then I had another question. What do you see as the implications of the nonconforming use.

Mr. Croly: Thank you for that question because that's more complicated and I'm going to give you a real life situation. I know someone who owns a condominium unit in a complex that's allowed to make short term rental uses. And all the guy wants to do is move a wall out by 2 feet. He would be adding 2 feet to a bedroom and that would facilitate that bedroom being large enough to be used for a handicap access that he needs for his mother. But he's not allowed to move that wall 2 feet because there's a moratorium currently and this legislation before you would continue it on expanding short term rental uses and even though he doesn't use his unit for short term rental, no question about that. He's in a unit--complex that allows that use. So the Planning Department says, oh no you would be increasing the size of your unit by moving that wall by 2 feet so you can't do that. So all of those 13,000 short term rental units that are out there, when they try to do something as simple as that, that's what this nonconforming use situation brings in to play. Is that they say, well now you're expanding the use that you're making so we can't let you make this little renovation that you were previously allowed to make before we had this legislation in place. And there are parts of the code that are not really relevant to Kihei, but that address specific complexes in West Maui that has made their use clearly allowed by code that would be taken away and then that use would be nonconforming and that's what I'm talking about here. Where someone simply wants to make a small renovation to their property and they're told, sorry can't make that renovation because that's expansion of your use. I hope that's clear.

Chair Weltman: Daniel, did you have a question for Mr. Croly?

Mr. Kanahele: Hi Tom, nice to see you. I always see you in the neighborhood when you're walking your dog. Actually, Robin asked the question I wanted to ask Tom so I'm glad the question was asked. I just--maybe as a followup question that you talked briefly about, what would be your solution—the goal of this is to manage tourism, what would be your solution to managing tourism?

Mr. Croly: Well, this is not management of tourism. This is simply saying, we're going to take away the legal places people can stay and I'm saying well that's not all the tourist that we have. Or at least not what we're defining as tourism. So I believe that we should be approaching each of the over tourism issues as a separate issue. If we have problems at beach parks, let's address the beach parks. Like there's this parking proposal that's out there, let's address the parking proposal—parking proposal. If we have problems on roads where there is not enough you know capacity on that road, let's address that road because whether it's visitors that are coming and

staying and leaving, visitor accommodations. Or there's new people that are coming to these islands, those are problems that we're gonna face one time or another. So we can't just say, hey look it was great when we had no visitors here cause that wasn't a realistic look at our island when Covid was on and none of us were on the road because we had no where to go or we were told to stay home. So just the growth that we're having on this island is causing a problem and sure it's exacerbated by having more visitors coming to the islands but we need to address it by problem by problem, not this sweeping, let's just cap the number of visitor accommodations idea.

Mr. Kanahele: Thank you, Tom.

Mr. Croly: Thank you.

Chair Welton: Any more questions for Mr. Croly from the members?

Mr. Croly: I wish you all good luck. Thank you.

Chair Weltman: Thank you Mr. Croly. I don't see any more requests to testify in the chat. Is there anyone on this call who wants to testify?

Mr. Perez: Aloha Chair Weltman, Albert Perez here.

Chair Weltman: Okay, go ahead.

Mr. Perez: Hi thank you for your service to the County and South Maui. Um I testified last time so I just wanted to remind you that in the Maui Island Plan, which is law that has been adopted by ordinance in Maui County. I have several policies that call for doing exactly what this caps bill proposes. So this bill is just implementing the Maui Island Plan. For example, a policy says to manage transient vacation rentals through permitting in accordance with adopted regulations and community plan policies. Another policy says specifically, cap the number and type of visitor accommodations that can be permitted. I don't see how it could be any more plain than that. Um manage the number and type of visitor accommodations that can be permitted. And finally of course, promote a desirable island population by striving to not exceed an island-wide visitor population of roughly 33% of the resident population. Well we just looked at the latest numbers from the Hawaii Tourism Authority and it's about 48% right now. We are way over and so we need to follow the plan and try to implement some of the things that it directs us to do. So we support this very strongly. I think you know the Maui Island Plan since it's an ordinance, it's very relevant to the South Maui Advisory Committee and there shouldn't be any additional expansion of visitor accommodations until the numbers go below 33% of the resident population. Thank you very much.

Chair Weltman: Are there any questions of Mr. Perez? Bud?

Mr. Pikrone: I'm here okay. So you mentioned the number of 40 some percent and we just heard before that there's thousands upon thousands of part time residents that don't rent their units out but they're still considered visitors. Do you still consider them visitors and they should be in that count?

Mr. Perez: I do, I do. And you know, just going off the numbers that the Hawaii Tourism Authority provides, I don't know how they count them but if in fact we do have all those people who are also visitors and they're not being counted, the situation is worse than I just described.

Mr. Pikrone: Ok, followup on—worse, but they're already being counted as a visitor even though they live here six months out of the year and the rest of the time their unit is not being utilized so it's not putting any pressure on the island and so why would you count them as a visitor, a transient vacation person and put them in that count.

Mr. Perez: Well, the fact is people who I know that have second homes, they stay there some portion of the year, but they also let their friends go there. And so you know you have to just count all of these visitors as visitors, if they're not residents, they're visitors and so I don't think that the fact that their second homes has any bearing on whether or not they're counted as visitors. I think HTA is counting them a certain way, we don't have a better way to count them and it's clear to me that we need to control our over tourism problem.

Mr. Pikrone: Thank you.

Mr. Perez: Thank you.

Chair Weltman: Any more questions for Mr. Perez? Thank you, Mr. Perez. And I don't see any additional requests for testify, so this is the last call for anyone on this call who would like to testify. Okay, so I move to close—I forget if I need to officially move to formally move to close testimony? Do I need to make a motion to close testimony, Jacky, or how do I do that?

Ms. Takakura: You can just close it. Thank you.

Chair Weltman: Okay perfect. Testimony is closed as there's no one else waiting to testify. And we can go into discussion. And I would like to begin discussion by asking Jacky or if she wants to defer it to Director McLean. To explain that one thing that kind of troubles me over what Mr. Croly said that somewhere around 13,000 apartments or residences and is not a short term rental is not allowed to expand his bedroom by 2 feet or under cap accommodations. Is that the case?

Ms. Takakura: So Chair Weltman, I'll try to answer that but I might need the Director's help. My understanding is because the vacation rental use would be allowed even if they're not conducting it at the time, the vacation rental use would be allowed—that expansion of that room would constitute as an expansion in the area that can be used for transient accommodation use and that's why they can't approve that request to expand. My understanding. If it was something that was not—that couldn't be used for transient accommodation use, let's say um storage, then that would be something we could consider or like say if you have a hotel property and they wanted to expand by building a restaurant, that's something that would be allowed because it's not expanding that transient accommodation use purposes. Does that kind of answer the question?

Chair Weltman: ...Because even if its not currently being used for vacation rental, they could expand it and then rent it out for transient rental?

Ms. Takakura: Yes. Exactly.

Chair Weltman: Okay, so we did discuss this and I think everyone here except for a Mr. Leach was in the last round of discussions. I'll give you the floor first Mr. Leach if you have any questions or comments on what you heard so far.

Mr. Leach: No questions.

Chair Weltman: Okay, thank you. In my summary, I went over and looked in detail at the testimony provided by Airbnb and I think that the proposal as it stands and with the amendments proposed by the Department are fully satisfactory and I don't find the objections from any of the testimonies so far outweighing that. So for example, I'm looking at the Airbnb testimony from John Choi and it says that if we limit the amount of TVR inventory, then the prices will go up. And--but he previously said that if we go with them then taxes will go down, but if prices go up then taxes will go up too. So that doesn't really make sense to me. You could focus on having lots of low priced rental facilities, but then you'd have more tourists and less income. I don't see how that benefits. I mean traditionally we've strided more towards quality than quantity. Moving towards quantity over quality would be a wise move on our part. If you move towards lower income in tourism then there'd be more strain on Maui for tourists and less benefit. That doesn't really make sense. And then he says that there's legal concerns because there's things that the Maui Island Plan wants us to allow for unlimited expansion of TVRs and it doesn't at all. It's quite to the contrary as Jacky illustrated in the walk through. The Maui Island Plan directs us to look at how we can manage and control tourism and not how we can increase tourism infinitely. And the proposal does not say--does not reduce STRH and TVRs, it actually--that it only puts a limit on it to say we reached our limit. It actually went beyond the limit but we reached this limit so it's time to do something about it. And the testimony actually acknowledges in the first paragraph what this law--this ordinance is about. It's limiting rather than stopping--reducing the TVRs. Yeah and that's it. I don't really see any other reason in the testimony that I've heard and read that we would argue against adopting the proposal with the amendments made by the Planning Department. So I'll let that sink in a little bit and let you guys comment on it and then make a motion to adopt the proposal with amendments by the Department. Daniel?

Mr. Kanahale: So we had a lot of input from the Planning Department the last time we met and they seemed--you know they're the ones that do a lot of the leg work when it comes to land use, probably 95% of it. And they seem to support the proposal with you know some tweaking here and there and we see what that is what they'd like to change and you know I just want to ask the Planning Department to comment on the current proposal if they would.

Chair Weltman: Jacky--is that Jacky?

Mr. Kanahale: Jacky or Michele if she's available, either one.

Ms. Takakura: Because the proposal is consistent with the community--long term plans, County Wide Policy Plan and the Maui Island Plan, we do support the bill and I'll see if the Director has anything further to add.

Ms. McLean: Thank you, Jacky for your work on this and aloha Advisory Committee Members. Yes, because of the language in the Maui Island Plan, we are tasked with tracking and implementing our Long Range plans and this has been a provision that existed since the MIP was

adopted. It comes up often with various projects and this would be a clear way to implement that requirement. We do appreciate the comments from the visitor industry and it may be that down the road, the bill gets tweaked in some fashion or another to allow things like you know kinds of expansion and so forth because as written, it is—it is very black and white and rigid. But without going further into or substantive revisions, the minor revisions that we've recommended continue to be the Department's recommendation. Thank you.

Mr. Kanahale: Thank you Director McLean, good seeing you always. And thank you Deputy Director Takakura. I just wanted to hear first hand you know what you hear say it rather than read it because your input at our last meeting was one of the reasons why I voted the way I did then. And I see we're an advisory committee, we advise the Maui Planning Commission. I know it's going to get a lot of review in the Maui Planning Commission and they look over things at much more finer detail and even much more so when it goes back to the Council so I think there will be a lot more tweaking ahead. I don't think we can—I don't think we expected to do a lot of tweaking. I know I don't expect myself to do a lot of tweaking. So yeah that's all I have to say. Thank you for your comments.

Chair Weltman: Thank you. Ah Bud? You need to ah unmute yourself.

Mr. Pikrone: Sorry about that. As I was saying I just want to go back and kind of clarify a few things. We hear talk a lot about quality over quantity and that it came up in a little conversation before about the percentages of the hotels. I think we've seen, talking about room rates and they have gone sky rocket, and people are still coming. They were brought up—they brought these rates up for a reason: 1) they did have rooms shut down on some numbers of hotels especially on the South side that they were doing room renovations because they thought they weren't going to get anybody here as the pandemic played out and they also were short on staff, which has been a problem island-wide country-wide. And I don't understand that too much, but anyway they raised rates to try and hold back people a little bit. Well it didn't work, people were still paying the money. They were pent up desire to go out and do something. So I'm seeing that's also playing out that it's not keeping tourist out of here, it's not keeping them from going to other rental units. It seems as when they don't have so the hotels couldn't give them accommodations, so they went somewhere else. But it was still high rates for everything. I don't think the moratorium—we haven't gotten enough information from that. It was supposed to give us a glimpse into what would happen on to try and curb as we heard a couple times here. Curb the tourism and the number of people coming here. We don't know from what I gather, but still hasn't happened haven't seen any data based on what happened in six months. This was supposed to be two years to gather data and see if it would work and come up with a plan and other plans. As was mentioned, this plan came up here; this bill came up almost immediately after the moratorium and conversations started on it. So you know if it talks like a duck, walks like a duck, it's a duck. This is just an extension permanent—extension of the moratorium and I know Daniel brought up what is permanent and yes it probably could be changed and overturned or you know like I said changed in some way in the future but that's going to be how far down in the future. In the meantime is it doing anything to help us. So I'm not really in favor of this bill as it stands.

Chair Weltman: I didn't understand the hotel moratorium as being a two-year experiment. It was just stop the madness until we can put in effects; it was a maximum of two years. Either maximum

of two years or something was fixed before that—the plans were changed before that. So this is fixing the plan and then maybe we can...

Mr. Pikrone: But did it fix the madness?

Chair Weltman: No, no, absolutely not. So that's why...

Mr. Pikrone: So I don't think this bill is going to which is basically taking that moratorium a step further. I don't think that's going to have an effect either. So we're going to find better ways to fix the madness.

Chair Weltman: That's the thing, this does not reduce the number of tourists, just prevents them from increasing and that I would hope we can agree that we can't take more than we have right now. That's what this is about. Do we want to...

Mr. Pikrone: No, I agree but I also the way it's being countered I brought that up before too. Is I've heard this a number of times. Is the part time residents here who are not using as much ah of the resources as TVRs because they are rented more often and you have the people who come here six months and then they're gone for six months. They don't rent their place out and they say that their families are hearing that this is being in most communities being monitored very closely—why, because people don't want that to happen in their community. They don't want people to have—people claiming to be relatives in their rentals. So they're being counted though—those people are being counted as tourists. So that just makes the numbers look better when you start looking at striving for 33%. It just makes the numbers look better to say that oh yeah we're way over that. So how do you count that. I agree that we need to keep ah close watch on keeping tourism at a level which I think was going to change because as the pent up energy as I mentioned before—the pent up energy of people just needing to get away from that and that's just been happening for the last number of months. But that's going to fade, people aren't going to have maybe as much money to travel. They've been saving their money for 2 years, 3 years because they didn't go anywhere and they splurged it now. That may start to go away and so I don't think we're going to have that continued influx of tourism. I hope it just kind of levels out and we can breathe and then we can come up with some better plans to mitigate it.

Chair Weltman: I don't see any evidence that would support that other than increasing increasing the tourism unless it's regulated. Which is why we have regulations to begin with. I know of a number of houses that are owned by people—very rich people who rarely use them and they don't rent them out. But I also know many people who have condos and are here only 3 months, 1 month of the year and they are all rented it out. Either they rent it out or they have friends coming in the rest of the time. So even if the Hawaii Tourism Authority numbers are not perfect, but it's the best that we have and I don't think they're really all that far off if you count in all factors. And the other thing is I just don't get this when they're saying increasing the number of traffic and congestion is because the resident population was increasing. If that was true then why would it be so seasonal, why do we see such a big boom during the tourist season and then it dying off during the other seasons. I think it is tourists. I think it's true for us, I mean how do you define the tourist. Maybe the Hawaii Tourist Industry is not capable of doing that but it corresponds to my sense of reality; what I see on the streets.

Mr. Pikrone: Well I disagree on some of that but that's why we're here to discuss.

Chair Weltman: So just to—we had some discussion last time a little discussion this time and allowed testimony. And just to move this forward, I'm going to make a motion that we adopt the proposal with the amendments proposed by the Planning Department and it doesn't mean the discussion is over, I just want to put that on the table and maybe we can get a second and maybe we can have some additional discussion. I can see Daniel and Robin competing for a second. I think Daniel was slightly before, so Daniel is second. So now let's have discussion on this motion to adopt the proposal with amendments from the Planning Department. Daniel.

Mr. Kanahele: Yeah, I think Bud had made some good points on you know the data--getting data as we move forward. And I would also be interested in finding out how the Hawaii Tourist Association counts part time residents. I'd like to find out how they get that—if they are in fact counted as tourist. So that's something I'd like to get some information I would like to see us have, not us than you know moving forward maybe the Maui Planning Commission. I noticed that Paia-Haiku Committee Advisory Committee also wanted to get more data. Data is good. How are we collecting the data as we move forward with the moratorium and if we move forward with the bill that we're looking at right now and who's collecting it. Is it the Planning Department? What is the Planning Department doing or who's collecting the information. I know this isn't implemented right now but you know the moratorium is implemented and it is putting a hold. It is a way to help manage tourism. I like what Bud said about you know it's good to have more data. If we approve this, that would be a recommendation that I would like to make to... I'd like to know who is collecting the data and what that process is. Thank you.

Chair Weltman: Bud?

Mr. Pikrone: That's something I forgot to mention, it's good to get data. And if this moves forward I think we need to have something in here that mentions about timeshare. Well what about the fractional ownership that is popping up on the island. I think that's pretty dangerous also. And so we may need to have the County look at some kind of language that would control fractional ownerships.

Chair Weltman: Jacky, would you like to give an answer to that? Is that something you all are thinking about?

Ms. Takakura: Is it okay to answer now or do you want to wait till later? Or shall I wait for Commissioner Knox to speak?

Chair Weltman: Oh, I'm sorry. Were you going to speak a question, Robin?

Ms. Knox: Yeah, but you can go ahead first Jacky and I'll go after.

Ms. Takakura: Okay, thank you. So regarding data, yeah the Paia-Haiku Advisory Committee had recommended looking into two areas that had similar I guess moratoriums. One of them was Barcelona, Spain and I was able to get the study from the Paia-Haiku Advisory Committee Member Rod Antone and it basically said that grass roots organizations and hotel operators were advocating for the moratorium that passed the hotel operators and made a lot of money off of that because they were able to raise their prices. But that was basically the extent of that study. The

other one that he referred me to was Asheville, North Carolina, but I think they're just implementing theirs and they have a lot of information. I couldn't really get like a summary of positives and negatives of what they were doing. But they have a lot of information but it's just how they're doing the process. Like I said I couldn't tell, did it work, did it not work. But yeah so Barcelona and Asheville, North Carolina were the two. And regarding fractional ownership and that's um these limited liability corporations buying up homes and then selling you know ¼ of the ownership. We do have a bill that I just transmitted to the County Council to make those subject to all the transient accommodation rules. Just like any other vacation rental that they'd be subject to that 180 days. At the most you'd have somebody there six months, just like any other. Hope that helps.

Chair Weltman: Thank you. Robin, go ahead.

Ms. Knox: Yes, I hear you know a lot of good discussion with a lot of good points, but it all seems ancillary to what we're supposed to be doing today, which is look at the four options that we have to either you know recommend approval, recommend approval with the amendments by the Planning Department and correct me if I'm not understanding that correctly, are to deny it, I forget what the fourth one was. But anyway it seems like a lot of these things are things to be voted by Planning Commission or County Council and I feel like we're just supposed to make a recommendation. I worry about this idea that we need more data. I'm a big fan of data; think we do need data, but data takes time to collect to analyze to report and then for the public and the Commission, County Council, and we're already three quarters of the way through the first year of the moratorium. So I think that we should recommend going forward with the amendments to the Planning Commission—Department recommended recognizing that either the Planning Commission or the County Council now or in the future can address these other issues that are being raised you know outside of this. You know passing this on to the Maui Planning Commission recommendation to adopt it with those amendments doesn't preclude any further changes in the future.

Chair Weltman: Okay. Any further discussion on the motion. Jacky, you have the floor.

Ms. Takakura: Just FYI I'm in the HawaiiTourism.org and the glossary, the visitor is an out of state traveler who stays in Hawaii for at least 1 night but less than 1 year. That's just an FYI how that HTA number gets counted. At least 1 night but less than 1 year. Thank you, that's all.

Chair Weltman: Okay, seeing no further discussion I would take a vote, so all those in favor of the motion raise your hand and say aye.

Mr. Kanahele: Can you restate the motion Rob, sorry.

Chair Weltman: Yes okay. Let me just read from the document just to be absolutely sure how I'm phrasing this. Recommend approval of the proposed bill with amendments to the Maui Planning Commission as proposed by the Planning Department.

Ms. Thomson: May I just recommend you take a roll call vote since it may not be unanimous.

Chair Weltman: Okay, will do. Okay, first ah, I'll just call everybody's name and then you can say aye or nay. Randol Leach.

Mr. Leach: Aye

Chair Weltman: Daniel Kanahele.

Mr. Kanahele: Aye

Chair Weltman: Robin Knox.

Ms. Knox: Aye

Chair Weltman: Mike Moran

Mr. Moran: Aye

Chair Weltman: Bud Pikrone. You're muted.

Mr. Pikrone: I keep muting myself. Nay

Chair Weltman: And myself Rob Weltman, Aye. So I find that the motion passes and let's see. Looking at our agenda here.

Ms. Takakura: Chair Weltman, thank you very much. Just FYI, we'll be taking your recommendation to the Maui Planning Commission on September 27th. Thank you very much.

Chair Weltman: Thank you.

It was moved by Chair Robert Weltman, seconded by Vice-Chair Daniel Kanahele, then

VOTED: To recommend approval of the adoption of the proposed bill to the Maui Planning Commission with amendments as recommended by the Planning Department.

(Assenting: D. Kanahele, R. Leach, R. Knox, M. Moran, R. Weltman)

(Dissenting: F. Pikrone)

(Excused: B. Bond)

Chair Weltman: I think—I don't have it in front of me right now, but I think the next item is future meetings. Is that right?

Ms. Takakura: Yes, Chair Weltman, Announcements – Meeting Schedule.

E. ANNOUNCEMENTS – Meeting Schedule

Chair Weltman: And is there a proposal for a meeting schedule. I have no idea at this point how often the Planning Commission may ask us to look at an issue.

Mr. Yoshida: Mr. Chair, Clayton Yoshida with the Planning Department. We thought it would be beneficial if we had for the advisory committee members as well as for the staff to have our regularly scheduled quarterly meetings which would facilitate your schedules and would facilitate our schedules in terms of reserving a meeting place. We were thinking of since we're meeting today on the first Tuesday in September, scheduling the next meeting for the first Tuesday in

December—ah December 6 at 4:30 and then every three months after that on the first Tuesday of that month at 4:30. So you can—well the staff can mark it down on their calendars, you can mark it down on your calendars and we could reserve a meeting place. If we don't have any agenda items for that meeting, we can contact the Chair or Vice-Chair and recommend canceling the meeting. If there are items that require your more immediate attention between the three months, then we would confer with the committee about having a special meeting because some of these items have a time limit of deadlines when we have to get back to the Planning Commission and the Planning Commission has to get back to the Council with the Council Resolution. So we would just put that proposal before the Advisory Committee so everybody can kind of plan their schedules.

Chair Weltman: I'm okay with that. It's just that my sense is that more often than not the Planning Commission, Planning Department and the Council will not want to wait three months. I mean there are already complaints how long a process takes for review of things going through the Planning Commission so my sense is just that it's fine to put a placemark every three months but in reality we're going to have to do it more frequently as the need arises.

Mr. Yoshida: Yeah, I guess if there's just items that require more immediate attention we can contact the Advisory Committee members about having a special meeting. If it's an affordable housing project, it's a change to Title 19, um and has a more immediate deadline, we'll schedule a special meeting.

Chair Weltman: Right. And then one additional request, I wonder would be possible to do it on a Monday instead of a Tuesday or is Tuesday the best day for everybody. I'm looking at first Monday in December.

Mr. Yoshida: Um, if that's the preference of the majority of the advisory committee, we'll try to see if we can find a meeting place. But I guess we'll work more around your schedules because I understand you're busy people, you're involved with other boards, community associations, etc., so I mean whatever your schedule would allow and we can find a proper meeting place.

Chair Weltman: Daniel?

Mr. Kanahale: Yeah, Monday or Tuesday is fine with me schedule wise you know. First Monday or Tuesday that's in December, that works. Yeah I did have two questions: 1) if we can't meet you know for some reason we can't be at the meeting, will we have a hybrid option so if you want to meet in person and the other person can't be there, and can they meet virtually with the committee. I guess that would be a question we can ask the Planning Department. 2) the second question I had I notice are we down to six advisory committee members? I'm not sure if we have a full complement of committee members at this time or do we have some vacancies. Thank you.

Ms. McLean: May I respond to those questions? Um, if you wanted to have an in-person meeting and the location was equipped with the capacity to do a hybrid meeting and also have BlueJeans, then members could appear by video as well as in person. So it would be the members' choices. Same for public testimony, testifiers could appear in person or by BlueJeans. So it would depend on the meeting location to see if it had that capability. For example, the Hana Advisory Committee is meeting later this week and it's going to be completely in person because the location in Hana

doesn't have the ability to do hybrid. And so that requires not only the meeting location but also the willingness of members to participate in person because if there's only 1 or 2 members who want to be in person, maybe there won't be much point in going through all of that. So that's just something that can be an ongoing discussion with you folks seeing how the pandemic is playing out and so forth. Um in response to the second question, we do still have 1 alternate and I believe the process is for the Council to move that alternate into a regular member position and then they could appoint new alternates. Cause right now you have 6 members and 1 alternate. And so we'd need to see if the alternate was ready to become a regular member if that could be approved and then see about getting new alternates.

Chair Weltman: Actually trying to remember who did we lose last time.

Ms. McLean: Tom Cook resigned.

Chair Weltman: That's right.

Ms. McLean: And Ray Phillips also stepped down as an alternate.

Chair Weltman: Oh okay.

Mr. Moran: Didn't we also lose that lady from Maalaea. She didn't appear at the first meeting but she was on the initial list because when the Council was looking for getting representatives from districts, her name was sketchy now--Debra I think it was from Maalaea. I don't know if she ever participated but she was on the original agenda for the phantom meeting that we had--now her name is no longer on there. So something must have happened to her.

Ms. McLean: Clayton or Linda do you know.

Mr. Moran: Hughes--Debra Hughes. Yeah she was on the original agenda for the meeting that happened in July, but she didn't participate and now I don't see her even included. I'm assuming something happened--she left or.... We lost her, we lost Tom Cook, we lost 1 and we lost 3 and have to replace Tom Cook I believe. So we're still...

Mr. Kanahele: Yeah, they're dropping like flies.

Mr. Moran: This is our first meeting.

Ms. Kim: I do believe that Debra Hughes went to the mainland for some family issues and she did not have a specific period as to when she would return.

Mr. Moran: Okay.

Ms. McLean: Thank you, Linda. I got a note from Corporation Counsel from Richelle saying that if an advisory committee has an alternate the alternate will fill the remainder of the departing member's term. So it seems like it's automatic. I'll confirm that with Corporation Counsel. We did have on the Paia-Haiku Advisory Committee because we had two alternates. The Chair designated which alternate would become the permanent member. In this case because we only have one alternate, it appears to be automatic so we'll confirm that with Corporation Counsel. If we need to reach out to the Chair to make a designation, we can do that. But it appears that

Bruce Bond could become a regular member and then we would ask the County Council to appoint 2 alternate members.

Chair Weltman: ...inaudible...Daniel.

Mr. Kanahele: Are all our terms 15 years? Or is it 5 years.

Chair Weltman: That's with good behavior.

Ms. Thomson: It's 5.

Chair Weltman: Thank you.

Mr. Moran: You're on forever.

Mr. Kanahele: That's what I'm afraid of. Anyway, 5 years right? Thank you.

Mr. Moran: Well, I would certainly support Bruce. He did a fine job as an alternate at the meeting that didn't happen but if we can pretend that was a real meeting he was a good participant. He can fill in for that missing slot. I would certainly do so.

Chair Weltman: So for you guys that have not spoken up, is the first Monday okay in December instead of Tuesday for the first meeting.

Mr. Pikrone: Fine. I'm good.

Chair Weltman: Okay.

Ms. Knox: It's fine with me.

Chair Weltman: Okay. So I request for the Planning staff to aim for the Monday the 5th of December and if that's not possible then we'll stick with the 6th. And I really do expect that we're going to be asked to meet before then. So as to not gum up the process. We don't want to make things slower, we want to make things more efficient if at all possible.

Mr. Moran: Rob, I'll just offer that conversely from that there was a development in South Maui that was suggested to the Planning Commission that they refer it to us, but they were against referring it to us. Sometimes it goes in the other direction.

Chair Weltman: I'm aware that can happen. But I think that if it does come up that we're requested to be part of the process so we should be responsive.

Mr. Moran: Totally agree.

Chair Weltman: Having trouble looking up the agenda here. In a minute. Okay, so let's see we have finished um--do we have any other Announcements under Item E here? Meeting schedule but do we have any other announcements? Nope, okay.

F. ADJOURNMENT

Chair Weltman: So we're off to our final item which is F. Adjournment. And so I would officially call this meeting adjourned. Thank you all members and for the Planning staff for making this an

efficient meeting and I'm sorry that we lost so many members and alternates from the last meeting but hopefully we can do better—keep them alive for a couple years at least.

Mr. Kanahale: We're dropping like flies. Sorry.

Chair Weltman: A hui hou. Thank you.

There being no further discussion brought forward to the Committee, the meeting ended at 6:10 p.m.

Respectfully Submitted by:

LINDA KIM
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE:

Present:

Daniel Kanahale, Vice-Chair – via BlueJeans
Robin Knox – via BlueJeans
Randol Leach – via BlueJeans
Michael Moran – via BlueJeans
Frank Pikrone – via BlueJeans
Robert Weltman, Chair – via BlueJeans

Excused:

Bruce Bond

Others:

Michele McLean, Director, Department of Planning – via BlueJeans (Joined at 4:42 p.m.)
Jacky Takakura, Deputy Director, Department of Planning – via BlueJeans
Richelle Thomson, Deputy Corporation Counsel, Department of Corporation Counsel – via BlueJeans
Clayton Yoshida, Planner VI, Current Division, Department of Planning – in person
Linda Kim, Secretary to Boards & Commissions I, Current Division, Department of Planning – in person