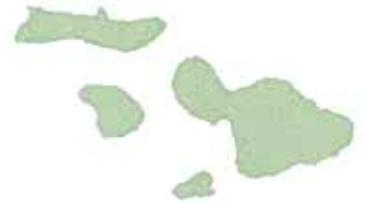
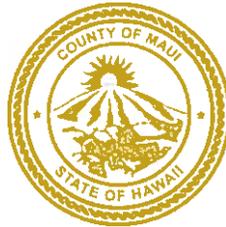


MICHAEL P. VICTORINO  
MAYOR

MICHELE CHOUTEAU MCLEAN, AICP  
DIRECTOR

JORDAN E. HART  
DEPUTY DIRECTOR



DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

January 12, 2021

**MEMORANDUM**

**TO:** MAUI PLANNING COMMISSION

**FROM:** MICHELE CHOUTEAU MCLEAN, AICP   
PLANNING DIRECTOR

**SUBJECT: A BILL FOR ORDINANCE AMENDING CHAPTER 19.69 OF THE MAUI COUNTY CODE, RELATING TO THE URBAN RESERVE DISTRICT**

At its meeting on December 4, 2020, the Hana Advisory Committee (HAC) reviewed the above referenced bill for ordinance, and voted to recommend approval with an amendment to include HAC review of bed and breakfast permit applications in the Hana Community Plan area. The proposal is as follows:

Section 19.69.020.B.6, Maui County Code, Permitted Uses – [Short-term rental homes, subject to the provisions of Chapter 19.65 of this title.] Bed and breakfast homes, subject to the provisions of chapter 19.64 of this title. For the Hana community plan area, bed and breakfast home permit applications must be reviewed by the Hana advisory committee.

Attached are the minutes of the HAC's December 4 meeting, as well as a revised proposed bill that incorporates the HAC's recommendation.

The HAC respectfully recommends the Maui Planning Commission's approval of the amended bill for ordinance and further recommends that its decision be transmitted to the County Council.

Attachments  
MCM:JMCT  
S:\ALL\APO\19.69 Urban Reserve\210112HAC2MPC19.69.docx

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.69, MAUI COUNTY  
CODE, RELATING TO URBAN RESERVE DISTRICT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.69.020, Maui County Code, is amended to read  
as follows:

**“19.69.020 Permitted uses.** A. Except as otherwise provided, uses not expressly permitted herein are prohibited in the urban reserve district.

B. The following uses are permitted in the urban reserve district:

1. One single-family dwelling per zoning lot[;].
2. [Uses and structures that are accessory to the single-family dwelling and located on the same zoning lot as said dwelling. These uses and structures include, but are not limited to, carports and storage sheds, and other uses which are customary, incidental, usual, and necessary to the use of the dwelling or the land of the zoning lot;] Uses and structures that are accessory to the single-family dwelling, such as garages, carports, and storage sheds.
3. [One accessory dwelling; provided that, the area of the zoning lot is seven thousand five hundred square feet or more; and provided further that the provisions of chapter 19.35 of this title are complied with;] Accessory dwellings, subject to the provisions of chapter 19.35 of this title.
4. Pasturing of animals and cultivation of crops, including, but not limited to, greenhouses, flower and truck gardens, and nurseries; provided that, there [shall] must not be any retailing or transacting of business on the premises[;].
5. Private, public or quasi-public utility lines and roadways, drainage improvements, water source and distribution services, including, but not limited to, water wells, reservoirs, tanks, and not more than a twenty-three kilovolt public utility substation[; and].

6. [Short-term rental homes, subject to the provisions of chapter 19.65 of this title.] Bed and breakfast homes, subject to the provisions of chapter 19.64 of this title. For the Hana community plan area, bed and breakfast home permit applications must be reviewed by the Hana advisory committee.

7. Buildings or premises used by the federal, state, or county governments for public purposes.

8. Only structures used for public purposes are permitted on land the community plan designates as open space or park.

[C. Notwithstanding the other provisions of this section, no structure shall be permitted on lands designated for open space or park use by the community plan applicable to the land in question.]

[D.]C. Minimum development standards for the urban reserve district shall be as follows:

1. [Area regulations. Any zoning lot, the boundaries of which are established prior to the effective date of the ordinance codified in this chapter, may be developed in accordance with section 19.69.020(B) of this title. The subdivision of any lot zoned urban reserve district to create additional zoning lots shall not be permitted;] Subdivisions. No subdivision may create additional lots other than restricted use lots or lots for park purposes.

2. Height regulations. No building shall exceed [two stories nor] thirty feet in height [; and].

3. Yard setbacks. There shall be a front yard setback of not less than fifteen feet, side yard setback of not less than six feet, and rear yard setback of not less than six feet; provided that, side and rear yard setbacks for two-storied buildings [shall] must be not less than ten feet.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

          /s/ Stephanie M. Chen            
STEPHANIE M. CHEN  
Department of the Corporation Counsel  
County of Maui  
2020-0795  
2020-12-21 Amend section 19.69.020

HANA ADVISORY COMMITTEE  
TO THE MAUI PLANNING COMMISSION  
REGULAR MINUTES  
DECEMBER 4, 2020

**A. CALL TO ORDER**

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Maya Ross, at approximately 3:03 p.m., Friday, December 4, 2020, via BlueJeans Meeting No. 782047914.

Chair Ross: This meeting has come to order. Since we just started recording, I'll restate. This is the December 4, 2020 meeting of the Hana Advisory Committee. The first order of business is item B, number one Ms. Michele Chouteau, pardon if I -- McLean, the Planning Director ...(inaudible)... for the sake of recording please:

*Chair Ross read the following agenda item into the record:*

**B. COMMUNICATION**

1. 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) ([Memorandum](#))

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed>

**SUMMARY:**

1. Section 19.69.020.B: Permitted uses.
  - Amends language regarding uses and structures that are accessory to a single-family dwelling and language regarding accessory dwellings
  - Removes short-term rental homes and adds bed and breakfast rental homes as a permitted use
  - Adds buildings or premises used by federal, state, or county governments for public purposes.
  - Moved language from 19.69.020.C regarding structures used for public purposes and on land which the community plan designates as open space or park.
2. Section 19.69.020.D.1: Minimum development standards.
  - Amends language regarding subdivisions

3. Section 19.69.020D.2: Height regulations.
  - Removes language regarding two stories.

Chair Ross: Ms. McLean, you have the floor.

Ms. McLean: Thank you, Chair. It would be helpful if the -- if all members can unmute their video so that the Chair can see you. And those of you who are joining ... (inaudible) ... obviously, you can't do that, but those who are, that would be helpful for the Chair. And for the record, we have all commissioners present except for Commissioner Kaina, with Commissioner Kaina joining by audio only. And for this item, I'd like to turn it over to our Administrative Planning Officer, Jacky Takakura, who does have a brief presentation. Take it away, Jacky.

Ms. Takakura: Okay. Thank you. Thank you, Chair Ross and Director. So, I'm going to share screen, so bear with me for just a second. So, if you can see that kinda grayish screen that says, "Urban Reserve District," can you give me a heads up so I know, and I'll follow along? Okay. Thank you. And, as the Director said, this is pretty short. So, what we're talking about here is Chapter 19.69, of the Maui County Code, and this is the urban reserve district, and I'm thinking that probably a lot of you have not heard of urban reserve district, I mean I never heard of it either before this, and that's because it's not a commonly used zoning district. It's zoning for land in the State urban district that is set aside for future development. We use this zoning district when the land is not ready for development in a way that would be consistent with the community plan designation, and it's very restrictive.

Out of the 40,000 or so parcels that we have on Maui, only 84 have urban reserve zoning, and of that, about one-third are in Hana and that's why we're here before you today to get your feedback on the proposed changes just because, you know, a third of them are here. So, I'm going to show you some maps so you can get a better idea of where these parcels are located. This map here, as you can see, is kind of the north east slope of Haleakala, and you can see those red dots, those are parcels with urban reserve zoning, and so you can see they're kinda like in Paia, Haiku, Upcountry, and then you see them in Hana. Like I mentioned, there's only 84 parcels with this zoning district.

So, now this next slide is the list of the parcels in the Hana Community Plan area, the 26 that I mentioned, that have this urban reserve district zoning, and it's ordered by the number of acres in that urban reserve zoning, and for some of them, like number one, you can see it's the entire parcel, it's 0.03 out of 0.03 so it's the entire thing, but then some of the others, as you go down, you can see like number two, it's only 0.07 out of the whole thing being .67, so a lot of them just have partial zoning in this urban reserve district and then the rest of the parcel is something else, and you can see the size really ranges from

these tiny parts, like 0.03 all the way to 36 acres. So, it's kind of a range of sizes. But this is just to give you an idea of where these parcels are.

And then the next slide is a map of those parcels, and it might be better to see in the handout that you received, it's the gray stripes that are urban reserve, and if you look closely, they have numbers on those parcels and those match up to that spreadsheet of -- of these 26 parcels so that you can kind of get a better view of where they are all laid out.

So, what we're proposing for this zoning code is simplified language for uses and structures, accessory to single-family dwellings. This will allow those families who live on urban reserve district lands a little bit more options similar to the rules like for residential district, and then they could follow the rules in Chapter 19.35 for accessory dwellings. We also want to encourage long-term residency, and so we're proposing that bed and breakfast would be okay, but not short-term rental homes 'cause those don't require the owner to live there. We're also proposing, you can see on the top on the right, buildings or premises used by government for public purposes, and that's language that's commonly found in many other zoning districts, and, you know, these could be things like a water department booster pump station or a well site, you know, government things for public purposes. If the community plan designation is open space or park, we propose to only allow structures for public purposes, and that's in line with the community plan, and this line is actually not new, it's just moved from item C into item B. And then the last item would be no subdivisions except for restricted uses -- uses, and that's things like drainage, roadway, bike, wide open space, and we did consult with Public Works on this one. Really, this one is not that different from the current code, but it's simpler and easier to understand. I do want to point out that even with the proposed changes, existing uses that are not consistent with the code would be allowed to continue as nonconforming or like what people consider grandfathered in accordance with Section 19.500.110, nonconformities.

So that's it in a nutshell. We're hoping that you would recommend approval of the proposed bill to the Maui Planning Commission, but your other options would be making amendments, denying, or voting to defer action on the bill in order to gather more information. And if you do have, you know, no more questions or anything, we can answer those for you. And I'm going to stop sharing 'cause that's basically the whole gist of what we're trying to do, but I can always come back to any of these slides if you have any questions, so I'm going to stop sharing my screen, then the next steps. Thank you.

Ms. Ross: Thank you, Ms. Takakura. The Chair will now ask the Committee if there are any questions before we go into public testimony. And I see that Ward is raising his hand, so I'm going to recognize Ward to take the floor for me, please.

Ms. Desjardins: Hi, Chair. I'm sorry. Before Ward starts, this is Corp Counsel. You know, I had this discussion with the Office of Information Practices and they strongly recommend that prior to asking questions of the presenter, that public testimony be taken first so that the questions that are angled to the presenters would take into consideration what the public might have to say, so I'm going to suggest that prior to asking questions that you open for public testimony. Thank you.

Ms. Ross: Thank you for the clarification. I was under the belief that I could choose. So, I will, not myself, the Chair will open the floor to public testimony. Testimony is limited to three minutes with 30 seconds to conclude. So, do we have anyone in -- that would like to submit public testimony?

Ms. McLean: Chair, this is Michele, so far no one has indicated on the chat function that they wish to testify. If there is anyone who wishes to testify, you can use the chat function or if you're joining by phone, and you can just speak up and let the Chair know you wish to testify.

Chair Ross: Thank you.

Mr. Wariner: Sorry.

Chair Ross: Is there anyone that would like to submit for public testimony before we go into questions from the Committee? Okay, the Chair is recognizing that no one is asking to take the floor for public testimony, so the Chair would like to move us to opening up for questions from the Committee, and I will begin and recognize Ward again. Ward, you have the floor.

Mr. Mardfin: Yeah, I was just going to point out to members of the Committee, it isn't a question, but in the material we received in the mail, there was a spreadsheet with the 26 properties, this is in a different order than was used in the PowerPoint presentation, so if you refer to property number one, it -- it's one thing on the thing we got in the mail and it's a different property on what was in the PowerPoint presentation. I don't know if that makes a difference or not, but the stuff that's in -- on the one we got in the mail, it matches the map that we got in the mail. The numbers -- the numbers here on the map match the 26 properties, and there were several of them I wanted to, sometime today before we adjourn, I'd want to address some of the properties, I think it might make a difference in whether we have comments or not.

Chair Ross: Thank you, Ward. Ms. Takakura, could you clarify that for the Committee, please?

Ms. Takakura: Yes, I'm sorry about that. I sorted it for the presentation based on size, but Member Ward is correct that, in the handout, it's sorted by TMK number, and so I will

-- I can fix that in just a second and pull up the screen in just a second sorted by TMK, which is what you have.

Chair Ross: Thank you, Ms. Takakura. Chair would like to ask, does anyone else in the Committee have any questions regarding this presentation and proposed amendment? I mean, sorry, I hear somebody speaking but I can't recognize you because I don't know who it is.

Ms. Kahaleuahi: I don't think it was me yet, but I have my hand raised. This is Lipoa.

Chair Ross: Oh, thank you, Lipoa. Lipoa has the floor.

Ms. Kahaleuahi: Mahalo. Just recognizing that in our agenda, it mentions height regulations is also another -- was another proposed alteration or addition to this proposal and so just wanted to make sure that the Committee was aware of that one as well and recognizing that it seems that would change our Hana Community Plan if -- if it wasn't clarified, if there -- if it was -- if it became an open or a nonrestrictive measure.

Ms. McLean: Thank you for that comment. This is Michele. I can respond to that. The language, the existing language in the code says that the -- that no building shall exceed two stories nor 30 feet in height, and over time, we are getting away from using stories to measure building height and just sticking with a number of feet. So, what's proposed here is to delete "two stories," but still leave "30 feet." The end result is effectively the same. The reason that we're doing that is we've gotten into these weird situations where someone submits a building permit for a house that has like a mezzanine, and then we get into this discussion of is that a story, and so when the purpose is really just to have an overall height limit because you could have a -- a one-story house that has super high ceilings, or you could have, you know, if the height if like in some other districts is higher, you could have just a couple of stories but, you know, to achieve that height, so that's what the proposed changes is is to still leave the same -- the same 30 feet.

Chair Ross: Thank you. Does any member of the Committee have any questions? Lipoa?

Mr. Kaina: Hi. This is Kawika.

Chair Ross: I'm sorry. We'll give the floor to Kawika.

Ms. Kahaleuahi: I just had a technical -- technical -- e kala mai, not to interrupt, a technical issue. I guess Dean may be blocked from being able to speak.

Mr. Wariner: That's correct.

Ms. Kahaleuahi: Oh. Oh, you're on now. Okay. Sorry.

Mr. Wariner: Thank you.

Chair Ross: Thank you. Kawika, you have the floor.

Mr. Kaina: Hi. Can you guys hear me?

Chair Ross: Yes, we can.

Mr. Kaina: Alright so --

Chair Ross: Okay, now we're having issues, Kawika.

Mr. Kaina: Yes, somebody keeps -- don't mute me.

Chair Ross: We're not going to.

Mr. Kaina: Alright. So, I'm just trying to figure out when the -- when the bill first started, how did it come about that it bypassed the Hana planning or the Hana Advisory Board and then now it was being sent back by the Council? Do we know why it happened in that fashion?

Ms. McLean: Thank you for the question. That was our mistake. That was the Planning Department's mistake to not bring it to the Hana Advisory Committee the first go-around. We went to the three planning commissions and then when the Council discussed the bill, they said they wanted the Hana Advisory Committee to hear it and so that's why we brought it to you now, but that was our mistake, our oversight the first time around.

Mr. Kaina: Thank you. Okay. It's my understanding this whole bill got to the Planning Department because of a parcel up in Kula. Is that correct?

Ms. McLean: That -- yes, to an extent. That is what first alerted us to how restrictive the urban reserve district is. So, once we realized that, we had some discussions within the Department and talked about whether we should propose allowing a few more uses, at least for housing, and so that's what we decided to do. We're not -- we didn't --

Mr. Kaina: Okay, and then --

Ms. McLean: Use that one parcel, but that's what brought it to our attention.

Mr. Kaina: The -- the uses that we're probably looking at adding to the zoning, so as the way the law is or the way the code is written now, are those uses allowed or are they not allowed at all with the current wording of -- of the zoning?

Ms. McLean: The current wording of the zoning allows only one ohana, and the proposed change would allow two ohanas on larger lots. The current language now allows short-term rental homes, but not bed and breakfast homes, and we're proposing to switch that so that it would allow bed and breakfast but not allow short-term rental homes. And then the other change is allowing buildings or premises used by government agencies for public purposes. That language isn't in there now.

Mr. Kaina: Right. And then in Hana, I think we have a few properties that are like that, which is Hana Bay, if I'm not mistaken, or down near Hana Bay?

Ms. McLean: Yes.

Mr. Kaina: Okay. So, the wording would affect or would affect those properties? Is that my guess?

Ms. McLean: The wording would affect all those properties shown in gray on the map, on the close-up map of Hana, or the ones shown in red on that larger area map.

Mr. Kaina: Okay. And then, now when we look at -- when we look at the rural code, I think the rural code, you have .5, you have 2.0, if I'm not mistaken, where it uses a certain acreage designation per building, if I'm not mistaken. Is there any kind of measure like that in this, say we get like, you know, you got the Hana Ranch Partners, which is like, what, 70 acres I think, so are we saying we're only going to allowed two ohanas for the full 70 acres, or is there like a breakdown with the larger parcels versus the smaller ones?

Ms. McLean: That's a -- a great idea. Right now, the bill would only allow the two ohanas on those larger parcels.

Mr. Kaina: Regardless of size?

Ms. McLean: Regardless of size. This Committee could recommend something different, but, right now, the bill doesn't go that far.

Mr. Kaina: Okay. Okay. I think -- I think that's the only questions I have. If I have more, I'll fire away.

Chair Ross: Thank you, Kawika. Are there any more questions from our Committee? Ward? I recognized Ward on the floor.

Mr. Mardfin: Yeah. I guess reading -- I'm kind of slow in reading this, but under permitted uses, number two, you're taking -- I am unclear as to what's being changed unless it's just a wording stylistic. You're taking out uses and structures that are accessory to the single-family dwelling and putting in uses in structures that are accessory to the single-family dwelling, and then specifying such as garages, carports, storage sheds. I don't -- can somebody explain to me what the difference is?

Ms. McLean: It -- it's just trying to simplify the language. Substantively, it doesn't change the -- the application of it. It just takes that long paragraph and -- and condenses it into one sentence.

Mr. Mardfin: Okay. And, Michele, maybe you can help with the second one. A minute ago, you said that we -- it used to allow one ohana and now it allows two ohanas. Where does that come in? Where -- where does that show up?

Ms. McLean: In item B.3., the old language is one accessory dwelling, that would be per lot, provided that the area of the zoning lot is 7,500 square feet or more, and that you follow the provisions of Chapter 19.35. Chapter 19.35 has been amended to allow two ohanas on larger lots, so the language in the urban reserve district now specifies just one ohana. What we're proposing is to say ohanas are allowed in accordance with this other chapter of the code, which allows two ohanas on larger lots, and I -- I --

Mr. Mardfin: When you say ...(inaudible)...

Ms. McLean: I should --

Mr. Mardfin: When you say, "larger lots" --

Ms. McLean: A larger lot in this case is 7500 square feet or larger. And if the property is less than 7500 square feet, then one ohana is allowed. That's a big change that happened in the law relating to ohanas a couple years ago to facilitate more legal housing. It used to be that you could have one ohana on a property of 7500 square feet or larger, and now that threshold is still the same but it's two ohanas versus one ohana if you're below that.

Mr. Mardfin: Well, I -- I looked through here and converted, 7500 square feet is .17 of an acre and only the top, based on the map we -- in the presentation, most of the lots are more than .17 acre, there's only about seven of them that are smaller than that, so, basically, we're saying there could be a lot of double ohanas on these things.

Ms. McLean: That's correct as proposed. The Committee can certainly recommend against that for Hana if you wish, but the -- the objective was to allow more ohanas, more housing opportunities, and actually we -- we suspect that a lot of this is going on already

and so this change would allow those to be legal, whereas, today, they -- they would not be, garages converted into studios and things like that.

Chair Ross: Thank you, Ward. Does the Committee have any more questions?

Mr. Kaina: I got one more question.

Chair Ross: Thank you, Kawika. You have the floor.

Mr. Kaina: Let's see here, on the bill I see Section 19.69.020.D.1., the minimum development standards where it says, "amends the language regarding subdivisions." But I didn't see any -- any literature underneath that. Can somebody kind of clarify that section? What that means? What we are amending in the language?

Chair Ross: Ms. Takakura, you have the floor.

Ms. Takakura: Chair Ross, currently, this part is currently listed as C.1. and it currently restricts creation of additional zoning lots, so it takes a whole paragraph to basically say that, and so we're changing that into one sentence, but we do want to allow restricted use lots in the event that Public Works might need to develop a drainage way or a bike path, or something like that, so it basically simplifies it but keeps the restriction except for when -- in the event that Public Works might need to create a restricted use lot -- lot, which we do have defined in the code. That's what that -- the purpose is for that one. That explains that?

Mr. Kaina: Okay. Thank you.

Chair Ross: Thank you, Kawika. Does the Committee have any additional questions? Ward?

Mr. Mardfin: Yeah, I -- when are we going to get around to talking about individual lots here?

Mr. Kaina: You have the floor.

Mr. Mardfin: Okay. I'm going from the map we were sent 'cause that's what you probably have in front of you, lot one is a big one, 76.72 acres total, 36 zoning -- urban reserve zoning acres, it's owned by Hana Ranch Partners, and the blue dot, the blue square at the bottom is the Buddhist Church, as far as I can tell, and I don't know what number two is exactly. I guess it's the -- I don't -- I don't know what Mani HTC Hana is, but that's a huge lot.

Mr. Kaina: That's the new -- that's the new hotel company.

Mr. Mardfin: Oh, okay. And it looks about where the -- either where old camp was or the parking lot right across from Hasegawa's. The old Hasegawa's, sorry, not the new Hasegawa's. That's a huge lot. And you're telling me that, right now, you could put up one regular house and two ohanas. Is that my -- the correct interpretation?

Ms. Takakura: Chair, if I may?

Chair Ross: Yes.

Ms. Takakura: So, in answer to your question, yes. This is -- this zoning district is kind of an unusual one and, to me, it's kind of like a holding place for when -- for properties that are not quite ready to be developed in line with the community plan, and say this landowner had some plans to do something that is in line with the community plan and, at that time, that's when they might come in for a change of zoning or something that would be appropriate for whatever use it is, and I think that's why there's so few parcels of this urban reserve district because when they were trying to zone things comprehensively, these ones didn't have a -- a place or either that or that the use, at the time, didn't match the community plan, so when it is ready for development, it would probably be coming in for a change of zoning to whatever the use would make sense and that's in line with the community plan.

Mr. Mardfin: ...(inaudible)...

Mr. Kaina: Do we know what the State zoning is?

Chair Ross: Oh, Kawika, Ward still is -- has the floor for the moment.

Mr. Kaina: Sorry.

Mr. Mardfin: ...(inaudible)... I might take a long time. So, right now, it's -- it's -- it's this reserve, "urban" is a funny term to use in Hana but -- so I'm going to call it "reserve," not urban reserve, but if somebody wanted to develop on that, they would have to come to the Hana Advisory Committee as well as the Maui Planning Commission?

Ms. Takakura: Yes.

Chair Ross: Yes.

Ms. Takakura: Thank you. There's three things going on that we have to remember, there's State zoning, which is urban and that's why the name "urban reserve," and then there's the community plan designation, and then there's the zoning code. And so, all of those would have to line up at the time that the owner wants to develop and yes, they

would -- change of zoning is something that would come to the commissions and something like this would definitely be referred to the Committee, yes, would see that. If that answers your question. And I can also, by the way, share the screen with the list sorted by the numbers, and I have also the map on my screen, if you would like to see it, too. Just let me know and I can do that.

Mr. Mardfin: I'll -- I'll pause for now. I think Kawika wants to ask something.

Chair Ross: Kawika, you have the floor.

Mr. Kaina: Just real quickly, all of these lots in Hana that are zoned urban reserve, I believe that's the County zoning. Do they all have the same State zoning?

Ms. Takakura: Chair Ross, thank you. Yes. That's why these are in there because they are State urban district and set aside for future development.

Mr. Kaina: So, the zoning for both codes match the State and the County?

Ms. Takakura: That would correct. Yes.

Mr. Kaina: Okay. Perfect.

Chair Ross: Does the Committee have any additional questions? Ward, you have the floor. Oh, I'm sorry. Before I recognize you, Ward, I see, Aunty Lehua, are you raising your hand to speak? I -- I, excuse me, I didn't mean to overlook you.

Ms. Cosma: Yes. I just have one concern I want to share.

Chair Ross: Thank you. Sorry, Aunty Lehua.

Ms. Cosma: Okay, like Ward said, urban in the Hana District is such a weird word. But my most concern is overdevelopment, that's my biggest fear. You know, the amendment and all this, and it's in the future, how overdevelopment are we going to get in our remote community? And without the -- this urban lands being touched or used, it keeps the beauty of Hana, and that's my only concern. Mahalo.

Chair Ross: Thank you, Aunty Lehua. For the Committee Members that I can't see, does any -- anyone want to speak up before I give the floor to Ward? Okay, Ward, you have the floor.

Mr. Mardfin: Okay, now let's now talk about there are a whole bunch that Zenzo Nakamura had, and they're all together, I need a bigger magnifying glass, I think they're somewhere around 19, 20, 21, 22. You guys all know where the Nakamura property is.

Well, I guess I -- I mean they're fully built upon, I think. It's -- it's sort of a grandfathered in short-term rental or bed and breakfast, I'm not sure exactly how you've defined it, but I don't know how you could put much more on there. Can somebody answer my question?

Chair Ross: Ms. Takakura?

Ms. Takakura: So, regarding that property, I did do some research on properties that had a vacation rental approval letter from the Department, and I couldn't find one for that one. I know that I saw some old documentation requesting information from them, but I didn't see any documentation of response, but that doesn't mean that we don't have them, it's just I didn't find them, but the one that I did see was for the Hana Inn L.L.C. that does have an approval, I know that doesn't answer your question about the Nakamura property, but any of these properties would be limited to whatever is allowed by the code, which is like, you know, what we talked about, the single-family dwelling, accessory dwelling, pasturing, you know, the government property, and bed and breakfasts. So, I don't know that they would be able to put much more than, I don't know what they already have, but they would be limited by what's in the code.

Mr. Mardfin: It's -- it's pretty packed in there, but it's been one of the ones that have been -- I'm sorry, should I speak up? It's pretty packed in there, but they've been operating for many, many years. By the way, you may not know it, but both Zenzo and his wife recently passed away, so I don't know whether it got inherited by their son Keith or what but -- and I -- I don't know whether they're still operating or not. I presume they are. The next one I'd like to kinda talk about is number 18, which is where the old laundry used to be for the hotel, and prior to that, it was the old Hana Store and the old post office back, if you go back a hundred years or seventy-five years, and does anybody know -- if they wanted to do something, they'd have to come to a board, if the hotel decided that, or Hana Ranch Partners, I can't tell which, yeah, it's the new hotel owners, if they wanted to do something, they'd have to come to this board? This Committee?

Chair Ross: Ms. Takakura, you have the floor.

Ms. Takakura: Thank you, Chair. If they wanted to do something that's permitted in this list of allowed uses, say a single-family dwelling or pasturing or so forth, those would be outright permitted, it wouldn't need Committee approval, not that I'm aware of. If they wanted to do something different from this, then definitely, yes. That -- that's a whole other ball game. Yes.

Chair Ross: Ward.

Mr. Mardfin: And behind that is 23, which I think is where the Castros live, but I don't -- it's a different name on there so I don't really know if ...(inaudible)... stuff that we have and so that -- that would be the same thing.

Chair Ross: Ward, you -- you cut out. Was that -- did you say number 23 or three? I --

Mr. Mardfin: Twenty -- twenty-three.

Chair Ross: Okay

Mr. Mardfin: Twenty-three I have here is I think where Castros lived.

Mr. Kaina: Yes. It's under -- it's under Uncle Bill Kamai.

Mr. Mardfin: Okay. Yeah. Okay. And then there are some around Waikoloa, number 12 and -- that and so that's urban reserve so they so they could put up a house and two ohanas without having to see anybody, and if they wanted more, they'd have to come, with the big properties too, I think.

Mr. Kaina: I think 12 and 13 are State properties.

Ms. Takakura: Correct.

Mr. Mardfin: Oh. You're -- you're correct. I guess I'd wonder what the State would want to do down there. Oh, I know what they could do.

Mr. Kaina: As I do as well.

Mr. Mardfin: In -- I found an old document from the 1940s where they wanted to put a small boat harbor down there and they never did it, but who knows. Potential government use.

Ms. McLean: Chair, this is Michele. Could I make a comment about that?

Chair Ross: Yes. You can.

Ms. McLean: Thank you. It's also important to note that this whole area is in the SMA and so development of like a State facility, it's unlikely that would qualify for any kind of exemption so it would most likely need an SMA major permit that would come to you folks to conduct the public hearing and then would go to the Maui Planning Commission. So, what the bill proposes is to allow government facilities that would be allowed by the zoning, but they would still need to go through SMA review and that would most likely come to you even if the zoning doesn't need to be changed, the SMA would probably be required.

Mr. Mardfin: Thank you, Michele.

Ms. McLean: Anything significant.

Chair Ross: Thank you. Lipoa, I see that you would like to speak. You have the floor.

Ms. Kahaleuahi: Mahalo, Chair. And thank you. I think that was -- Michele kind of answered my point as well as that third Waikoloa property is currently not developed and so that would -- that would be a change for that area but I am glad the SMA, at least we'll hear about it again in order to determine the SMA. Mahalo. That's all.

Chair Ross: Thank you, Lipoa. I recognize Ward.

Mr. Mardfin: Now I'm looking at a -- a block of four, number 10, 14, 15, and I can't read the other number, 16 maybe, those all have houses on them. It's -- it's right down on your way down to Hana Bay, and I know they all have houses on them, so what this would allow would be to add ohanas to them? It might be small.

Ms. Takakura: Chair, if I may? Thank you.

Chair Ross: Yes.

Ms. Takakura: If they meet the criteria in 19.35, of the code, then yes, they'd be able to add, it depends on what they have, but they might be able to add an accessory dwelling or an additional accessory dwelling in accordance with 19.35, just like in a residential district. But, yeah, those are the ones on Uakea Road.

Mr. Kaina: Yes. What numbers were that again, Ward?

Mr. Mardfin: It's makai of Uakea just as you're going down toward Hana Bay, not the big stuff up above where Akule Hale is. I think it's 10, 14, 15, 16.

Mr. Kaina: Ten, fourteen, sixteen, and fifteen. Okay.

Chair Ross: Thank you. I -- the Chair noticed that, Dawn Lono, you put in the chat: Do SMA rules apply? We spoke on that. Did we answer your question or do you have any additional questions? I apologize for not recognizing your question in the chat. I'm still getting used to this new form of meeting.

Ms. Lono: You are doing beautifully, my dear. You really are. Thank you so much. And yeah, Michele McLean read my mind and answered my questions, so thank you very much. I appreciate the acknowledgement.

Chair Ross: Thank you, Dawn. The Committee -- Ward. I recognize Ward

Mr. Mardfin: The last one I think I have a real question about is number 25, Hana Ranch Land, it's the furthest north and it's between the subdivision and the Pa`ani Mai Park, and I remember some discussion about Pa`ani Mai Park when we were going to do more development there, and I think that piece, it -- well, it's Hana Land property, I think the intent of that was to become an access road from Uakea up, the Planning Department or the building department said coming down from Hana Highway is not a good idea because of the twists and turns. We had a different route that we were suggesting coming across the land but the Planning Department looked at it and thought there was a river across there. There isn't a river, just when it rains, it -- it sheet flows, but there's -- so there's no stream, but I think they were talking about there, right behind there ...(inaudible)... that there would be a road going up to the park and I don't know if that's still in the conceptual stage or not.

Mr. Kaina: The last discussion I heard on that was there were problems with one of the landowners down there in the subdivision and that's why they changed the route to that road that now goes down to the lower road, and I don't know if that was set in stone, but this was the last conversation I heard and I can't remember what County meeting I heard that in, but there are issues there by Russell Kahookele because that was the entrance to go in.

Chair Ross: Thank you, Kawika. Aunty Lehua. I recognize Aunty Lehua. You have the floor.

Ms. Cosma: Okay. I wanna say when the subdivision, in 1976, got started, there was no house there at that time when the Hana -- by the access to Pa`ani Mai Park, and I believe that was a safe place for the kids to go to the park, it's off the highway, and we've always grown up to know that was the access, but, according to the landowner, they had fought for that not to be used, so I just wanted to put it out there, and they're still working on finding a better access besides the original one that was supposed to be used, so I just needed to share that. And that's the hold up right now from being -- adding more playground for the kids, more playground equipment, and that's why we cannot move forward on that. So, thank you

Chair Ross: Thank you, Aunty Lehua.

Mr. Kaina: I got a quick couple clarifications before I lose them, if that's okay?

Chair Ross: Yes, Kawika, you have the floor.

Mr. Kaina: So, with 26 and 25 that Ward pointed out, those are, I believe, Hana Ranch Lands, I don't believe those are develop -- developable properties because there's a stream that goes through it, and I'm not exactly sure, but I think DLNR has some kind of

thing where they own just like conservation, so many feet on either side of a running stream, so that may come into play with 25 and 26, I'm not exactly sure if those lots are developable. With 10, 14, and 15, I believe that's the Hanchett-Ching or the Chang family, majority of those lots are really small and they're pretty much maxed out as far as building-wise, so I don't think that's a problem. Number 16 is the Akana residence, and I believe our paramedics are stationed there. Then we got 23 that Ward brought up, that's under William Kamai, I believe that property already has two homes on it. Number 18 was the hotel laundry room, that one's kind of sticky because the Mani brothers own it and the Hyatt is managing it, and I do believe they have some kind of purpose that they're looking into for the building but that's very, very beginning stages, so I don't think we'll see any of that come through the board in the near future. And then with a Nakamura residence, 19, 20, and 22, let's see, 19 has one home on it that's two stories, so one home and one accessory, if I'm not mistaken, 20 also has one home, and 22 has one home also, so the Nakamura properties I believe all just have one two-story home on each property, if I'm not mistaken, and those I believe are pretty maxed out building-wise too. I don't believe you can fit another property on there. So I don't feel like any of these new rules or recommendations would come into play with these new -- I mean these older properties because they're all pretty much maxed out and, in fact, I think some of the wording in regards to two-story will actually help some of these older properties, like the Nakamuras, because I don't think any of that writing is in the original zoning for it, and they are currently already built that way, I'm not exactly sure. And then I do know the -- the Nakamura's has been taken over by their son, Keith. I'm not exactly sure if they're operating, but I know that they're in a renovation stage and they're trying to get things up and running. I think that's all I had. It's just to clear up some of the properties that Ward pointed out.

Chair Ross: Thank you, Kawika. Ward. I recognize Ward. Take the floor, please.

Mr. Mardfin: Yeah, this is for Michele. When we -- we were talking about -- I was looking at the 7,500 square feet, I'm under B.3., and you're deleting the stuff about 7,500 square feet and refer to 19.35, and you said that would allow two ohanas, was there a size requirement, a minimum size requirement, and if so, how much?

Chair Ross: Ms. Takakura, you have the floor.

Ms. Takakura: If I may? Thank you. Nineteen-point-three-five has, for Maui, that you can have one accessory dwelling on any lot that is less than 7,500 square feet, and two on lots that are 7,500 square feet or greater. So, on some of these lots that are 7,500 or smaller, they can only have one anyway, that's what, 19.35 says.

Mr. Mardfin: But 7,500 is -- is big on the other side, but not here in Hana. I converted 7,500 feet is .17 acres, and 10 has .3 acres, I forget which -- where we went next, but 14 has .21, so that would allow two ohanas; 15 has .32, that would be two ohanas; 16 has .14, that one couldn't. But I don't know how much is in there, jammed in there already,

but 7,500 isn't -- that's small in Hana, Hana has bigger property sizes in general, so there might be considerable development that could be put in there. I know -- I know when you drive by it looks crowded, but there are places on Oahu and other parts of Maui where you can really cram stuff in if you want to. Oh, let me ask one more thing. For B&Bs, it used to be the rule, and I don't know whether it still is, that to do a B&B, it has to be an existing building. You couldn't put up a new building and then use it for B&B. Is that correct?

Chair Ross: Ms. Takakura.

Ms. Takakura: I believe you're referring to short-term rental homes has a five-year ownership and construction requirement.

Ms. McLean: And I believe B&B's have a two-year requirement. I can double-check that right now.

Mr. Mardfin: So, you could build it now, and two years later, you could turn it into a B&B? Well, we do need housing and so that wouldn't be -- but a B&B wouldn't be for permanent resident, it would be for short-term rentals.

Ms. McLean: But a B&B has to have a -- the owner proprietor living there so --

Mr. Mardfin: I -- I understand that but --

Ms. McLean: Yeah.

Mr. Ward: But I mean, it's not going to be a resident here that would be -- go into a B&B, typically, it would be a guest that came from the other side.

Chair Ross: Thank you, Ward. While we're waiting for clarification from Michele, I'd like to recognize Lipoa.

Ms. Kahaleuahi: Mahalo, Chair. And it's just on this same topic regarding B&Bs and just wanting to clarify if the language that's being proposed is merely having -- so there's, and I always get mixed up between how many short-term rentals and how many B&Bs there are, I get mixed up between which one is which, but the terminology would just be making the B&Bs take the place of the amount of short-term rentals that our community is allowed. Is that correct or --

Chair Ross: Ms. Takakura.

Ms. Takakura: If I may, Chair? Thank you. It wouldn't, if I understand your question correctly, it wouldn't change the number of permitted bed and breakfasts or short-term

rental homes. It would just allow the owner of this kind of property -- a property with this zoning to apply for a bed and breakfast permit but they would not be eligible to apply for a short-term rental home because bed and breakfast permits have to have somebody living there so there would be some long-term occupancy, along with a guest coming and going; with the short-term rental home, you don't have to have anybody living -- a resident there. So, for bed and breakfast permits, the Hana Community Plan region allows 48; that doesn't change.

Ms. Kahaleuahi: So, it wouldn't be increased to add the number, I think the short-term rentals was 30?

Mr. Kaina: Short-term is capped out.

Ms. Kahaleuahi: Okay. Okay. Great. Thank you.

Mr. Kaina: And then I believe, I think there's something in Council where they're working on trying to adjust the B&B number as well because we felt 48 was way too much.

Chair Ross: Michele?

Mr. Kaina: But -- sorry. Go ahead.

Chair Ross: Michele, you have the floor.

Ms. McLean: Thank you. Chair. First, I stand corrected. Jackie was correct that there is not a requirement for a B&B home to have been owned or constructed for any preceding period of time, so what Commissioner Mardfin commented on that, yes, someone could build a home and then immediately apply for a B&B permit for that home. And related to the caps, there is a bill with the Council to adjust the B&B and short-term rental home caps initiated by the Council to reduce them down to the current number of STRH permits, so, basically, not allowing any new STRH permits and that is pending with the Council.

Chair Ross: Thank you, Michele. Does any member of the Committee have additional questions?

Mr. Kaina: I just wanna kinda play off on that last thing Ward spoke about that if somebody wanted to open a B&B or create a B&B, it would still trigger the B&B process and that would still need to come back to the advisory board again. So, if we decide we want to pass this measure today, it wouldn't nullify that process. They would still have to go through the B&B again and come forward to the board for public hearing.

Chair Ross: Thank you, Kawika. Ward, I see that you're nodding your head. You have the floor.

Mr. Mardfin: I was actually shaking my head. I don't think that's right, Kawika, that all B&Bs come to this body. I think the planning -- Planning Commission, not the Planning Department, not the Maui Planning Commission, the Department, if they meet certain rules and if they don't need other stuff, like change of zoning and small management area stuff, that they administratively approve B&Bs and short-term rentals now without having to come here. There are occasions when they have come to this body, but there are occasions when they do not. They don't even go to the Maui Planning Commission.

Mr. Kaina: Michele, can you clarify that for us?

Ms. McLean: Yes, that's correct. I'm looking through the B&B code now because I do think there are some provisions that are different for Hana, but in general -- in general, B&B and STRH permits can be issued by the Planning Department unless there are triggers that require that it go to the Planning Commission and that would require a public hearing, so if those are in Hana, then those would go to Hana to conduct the public hearing, those would go to the Hana Advisory Committee to conduct a public hearing.

Mr. Kaina: Okay, so that might be something we recommend there because I don't want a change in the rule for the zoning to allow a landowner to bypass that B&B process strictly because the zoning allow for it. I feel that should actually be triggered to come into the board for a public hearing no matter what, and I don't know how we can -- how we can recommend that become a part of this ordinance, but we should definitely look at that.

Chair Ross: Ms. Takakura, you have the floor.

Ms. Takakura: If I may, Chair? I'm just looking at the chapter for bed and breakfast, 19.64.050, and it does say that the Maui Planning Commission conducts -- will conduct a public hearing for bed and breakfast home permits within the Hana Community Plan area for which the number of bedrooms shall be greater than three. So, it's when the number of bedrooms is greater than three, that's the trigger for the public hearing right now for -- and that's just generally for bed and breakfast. But if you wanted to make a recommendation to include that caveat that bed and breakfast -- bed and breakfast applications in the reserve district come before the Committee, you know, that's certainly something you can recommend.

Mr. Kaina: Is that something we just recommend or does that -- is that something that requires a change that's a little higher up than just a recommendation?

Chair Ross: Ms. Takakura?

Ms. Takakura: If I may, Chair? Well, the Hana Advisory Committee will make a recommendation to the Maui Planning Commission, and then it'll go back to the County Council, so this is exactly the place where we need to hear what your recommendations are so --

Mr. Kaina: Yeah, it's just because we -- we know that in Hana we're capped out short-terms, so there's no more allowable short terms anyway, the cap on B&B is very high. I don't think there is any other -- I don't think there's properties in Hana that could definitely open a B&B without having to rezone, at least I don't think so, so if we don't put some kind of measure within this that says -- I mean that's my main worry right now is I don't want to bypass that. The people should be able to comment on a B&B that's being open on their front door, and this is scary to me that just the whole urban reserve district could potentially have someone bypass that entire hearing process. I don't know. I'm trying to think of how to word that. Ward, any ideas on how to word something like that?

Chair Ross: Michele, you have the floor.

Ms. McLean: Thank you, Chair. Yes. The -- the provision of the bill where we are proposing to eliminate short-term rental homes in urban reserve and instead allow bed and breakfasts in urban reserve, you could recommend that language be added to say, provided that if the bed and breakfast home is in the Hana Community Plan region, that the bed and breakfast application shall be reviewed by the Hana Advisory Committee.

Mr. Kaina: That sounds feasible. I don't -- what do you guys think?

Ms. Cosma: I think it's a great idea. I like it.

Chair Ross: Thank you, Aunty Lehua. Ward, you have the floor. Oh, you're on mute, Ward. We can't hear you.

Mr. Mardfin: Sorry. I'm sorry. Sorry, sorry, sorry. Sorry, Chair. We're in the questioning stage. I have something that I'm concerned about the small lots, 7500 to me is small. I would -- I think in B.3., you're deleting stuff including the 7,500 square feet, but it's referring to another thing. I think we need to add a sentence there for the Hana region, you have to have a half-acre in order to do two accessory dwellings.

Mr. Kaina: My -- my only concern with that, Ward, is that these smaller properties that we see that'll -- are falling into that threshold are the ones that are owned by local residents, so we are -- we're, in turn, putting a roadblock up for the local residents, and the larger ones that we see that are owned by businesses or B&Bs are going to have an easier time building second ohanas.

Mr. Mardfin: You're -- you're correct, but where I was -- do you want to see three or four more buildings down by Uakea Road? I know it's owned by local people.

Mr. Kaina: Yeah, like -- but pretty sure if you -- if we had a chance to go and tour these properties, there's no spot to build a second ohana on 'em. I've been to the Akana's residence before, I've been to the Chang's residence before, the newest property there was the one that Andy used to own, I believe that one was just renovated, and there's no -- no more room on that property to build another one either.

Mr. Mardfin: I think that

Mr. Kaina: So I mean --

Mr. Mardfin: That's not one these areas, but I think you're wrong on that. Andy's property can put a ohana on now.

Mr. Kaina: Who's property? Which one?

Mr. Mardfin: Andy's property can get -- put an ohana on it as of right now.

Mr. Kaina: Well, which --

Mr. Mardfin: It's not one ...(inaudible)...

Mr. Kaina: Which number was that?

Mr. Mardfin: The yellow one.

Ms. Cosma: But it's not for sale.

Mr. Kaina: So that's the yellow -- yeah, the yellow one not going be affected by the zone change.

Mr. Mardfin: No. I agree.

Chair Ross: Sorry. Aunty Lehua, you have the floor.

Ms. Cosma: Yes, I just wanna let you all know that the newly renovated home of Andy Oliveira is now up for sale in case you didn't know. So, it was built -- I mean it was renovated with the intentions to sell it. Just to let you know.

Chair Ross: Thank you, Aunty Lehua.

Ms. Cosma: Thank you.

Chair Ross: Sorry, it's a little hard to moderate because, Kawika, you're on the phone, so I can't ever see a hand raised and I don't mean for the back fourth. Ward, did you have any additional comments before I had given the floor to Auntie Lehua?

Mr. Mardfin: I -- I understand Kawika's point of view, but I'm looking at 14, which is the old -- I think it's 14. Maybe. No, I'm sorry. I'm wrong. Number 18, the old laundry room, and that's .48, so half-acre. Oh, a question. Do we -- what governs the urban reserve zoning acres or the total parcel tax acres?

Chair Ross: Ms. Takakura?

Ms. Takakura: It would be the size of the parcel, the total size of the parcel that would -- that's what --

Mr. Mardfin: Total parcel.

Ms. Takakura: Is -- is in 19.35.

Mr. Mardfin: Well, the laundry room, at .5, the laundry room is -- would -- could -- could - - laundry building could still be put on that way.

Mr. Kaina: Yeah, I don't think they have an intent to build any ohanas on that piece of property. The rumblings -- the rumblings on the railroad are that they're hoping to open up the laundry room again, but it's beyond repair at its current state, so I do have -- I do hear that they're planning on coming to the Planning Commission on what they have planned out but, I mean again, like I said, that's in the baby stages and they don't plan on putting ohanas on that piece of property.

Chair Ross: Thank you. Are there any questions from the Committee, additional questions?

Mr. Kaina: I got one for Michele. Well, see, number 24, we're looking at the Hana Inn, do we know if that property has an SMA or anything like it on there?

Chair Ross: Ms. Takakura.

Ms. Takakura: I can answer that question about the Hana Inn LLC. That one does have a letter from the Department allowing it continuous nonconforming use for a vacation rental. Is that in answer to your question?

Mr. Kaina: Yes, thank you.

Chair Ross: Are there any more questions from the Committee?

Ms. Cosma: No. No questions.

Chair Ross: Okay. It looks like the Committee is finished with questions. The Chair will entertain any motions.

Mr. Kaina: Sorry, I'm still trying to work through the wording.

Chair Ross: Okay.

Mr. Kaina: Michelle, is there a way to tack the recommendation that B&Bs be brought to the Hana Advisory Board without including the wording "The Hana Community Plan?"

Ms. McLean: I -- I think we would have to be specific of which bed and breakfast come to the Hana Advisory Committee.

Mr. Kaina: All of them.

Ms. McLean: You want to see B&Bs from Lahaina?

Mr. Kaina: Well, at least all the Hana ones but see --

Ms. McLean: Right.

Mr. Kaina: I -- I don't want to -- I don't want to construe it to the community plan, I mean our community plan is old, and, in fact, if you look at the boundaries of what is considered the Hana District, it probably goes beyond what is described as the Hana Community Plan, and so I'm trying to figure out a way to encompass that without restricting it to just the Hana community area.

Ms. McLean: Okay, yeah, well, what we're talking about today is the urban reserve zoning area and those parcels are right in and around Hana Town, so to put that language in this bill that relates just to parcels that are in urban reserve, we would say that bed and breakfast in the Hana Community Plan region have to be reviewed by the Hana Advisory Committee --

Mr. Kaina: That are zoned urban reserve.

Ms. McLean: And that would just apply --

Mr. Kaina: So any B&B -- sorry. I'm sorry.

Ms. McLean: That would just apply, yeah, that would just apply to bed and breakfasts on urban reserve zone land in the Hana Community Plan region, and we know that the urban reserve zone lands in the Hana Community Plan region is just on that map that you folks have been looking at, so it's -- it's right in there.

Mr. Kaina: What are the odds that other property owners out of the area apply or try to apply for that zoning? What is the likelihood?

Ms. McLean: Oh, no one would apply for urban reserve zoning.

Mr. Kaina: Okay.

Ms. McLean: If you're going to go through the process to get your property zoned, you wouldn't want something as restrictive as urban reserve, but even so --

Mr. Kaina: Okay.

Ms. McLean: Like if somebody wanted to do that, that change in zoning request would be reviewed by the Hana Advisory Committee.

Mr. Kaina: Okay. So, I guess I'd like to entertain a motion to go ahead and approve the bill with recommendations --

Chair Ross: Kawika? Kawika, may I cut you off? I just saw Ward. Ward, did you have any questions before Kawika made a motion?

Mr. Mardfin: No. I was just going to make the same motion.

Chair Ross: Oh, I'm sorry. Okay, Kawika --

Mr. Mardfin: To get the motion on for the sake of discussion. Go ahead, Kawika.

Chair Ross: Thank you. Kawika, you have the floor. I just didn't wanna cut off Ward before you made the motion.

Mr. Kaina: So we'll just make a motion to approve with the current recommendations from the other advisory boards and we'd like to add the recommendation that any B&Bs on the urban reserve area in the Hana Community Plan region be brought to the Hana Advisory Council. Does that sound like it encompasses it?

Chair Ross: Could you repeat the recommendation for me for the sake of my having to restate the motion?

Mr. Kaina: So we just want to recommend that any B&B applications on an urban reserve zoned property in the Hana Community Plan region or area be brought to the Hana Advisory Board.

Ms. Cosma: I would like to second that recommendation and motion by Kawika.

Chair Ross: It has been -- oh, sorry. It has been moved and seconded that the motion is to approve the current proposal with the added recommendation that any bed and breakfasts within the urban reserve zone before the Hana Advisory Committee. Is there any further discussion by the Committee for this motion? Seeing that there is no further discussion, those of you who are in favor, please say aye.

Mr. Mardfin: You need -- you need a better count.

Chair Ross: Yes. Actually, thank you, Ward. If we could all just hold our hands up and then, Kawika, we knew -- you made the motion so we know that you're in favor

Mr. Kaina: Thank you.

Chair Ross: Seeing that the ayes have it, the motion is carried.

Mr. Mardfin: Is that seven, unanimous, seven-zero? Was that unanimous, seven-zero?

Chair Ross: Yes, Ward.

**It has been moved by Committee Member David “Kawika” Kaina, seconded by Committee Member Lehua Cosma, then unanimously**

**VOTED: to approve the proposed bill with the recommendation that any bed and breakfast applications on an urban reserve zoned property in the Hana Community Plan region be brought to the Hana Advisory Committee.**

(Assenting - L. Clark; L. Cosma; L. Kahaleuahi; D. Kaina ; W. Mardfin; M. Ross;  
D. Wariner)

Mr. Kaina: Great job.

Chair Ross: Great job. That was a lot of great questions. The next order of business is the Director's Report, I believe that is Clayton. Clayton, you have the floor.

## **C. DIRECTOR'S REPORT**

## **1. Scheduling Quarterly Hana Advisory Committee Meetings**

Mr. Yoshida: Thank you, Madam Chair. We were going to discuss this back in March, before we had the influx of COVID-19 but if the Committee wants to have -- set aside a day for a quarterly Hana Advisory Committee meeting, like once every three months, every third Thursday of that month, at 3:00 or 4:00, or whenever, because the previous operation was more on a case-by-case basis, as the need arose, we would contact the members and see if it could have a meeting on whatever, SMA application or the landfill expansion, or zoning change, or what have you, but I guess the thought has come about if we set aside a regular meeting day throughout the year, and if we have to cancel, we don't have any business for the Committee, the Committee doesn't have any business, we can cancel a meeting, but just to kinda throw it out before the Committee if they would want to have a regularly scheduled quarterly meeting set aside.

Chair Ross: Is there any discussion from the Committee?

Mr. Kaina. No. I agree. We should have more meetings.

Ms. Cosma: I agree.

Ms. Kahaleuahi: I also think that's a good idea.

Mr. Yoshida: So, I guess the other -- the item would be if -- is there a day of the week and a time of the day? I mean, typically, the advisory committee meetings have started at 4:00 because people work until three or whenever, or they wanna start earlier if they want to have it on whatever day of the week, the Thursday, the third Thursday of the month.

Mr. Kaina: I think the current structure is good, Clayton. The timing, the day. It's just a matter of how often you all want to hold the meeting.

Chair Ross: I agree. I do like the day and the time for the sake of job and child. Is the third Thursday something the Committee would like to entertain as a possibility for those quarterly meetings?

Ms. Cosma: I think that's good. This is Aunty Lehua.

Mr. Mardfin: What months were you going to select?

Mr. Wariner: I agree.

Mr. Mardfin: Starting with what month?

Chair Ross: The first month of the quarter?

Mr. Yoshida: Yeah, I think we have sort of a backlog of applications because of the COVID kind of -- kind of the halting of the in-person meetings and trying to wait to have in-person meetings, so we have probably several applications that may be ready to go in the next few months, but maybe, I don't know, the starting from the third, the sixth, and the ninth, and twelfth month of the year for the regular quarterly meeting. And if we have to have additional meetings in-between, then we'll canvass -- canvass the board.

Mr. Mardfin: So, you're thinking March, June, September, December?

Mr. Yoshida: Something like that. Yes.

Mr. Kaina: And then we're still going to have on a -- on a case-by-case basis as well, or are we going to hold out until these quarterly meetings?

Mr. Yoshida: I think it will filter down to quarterly meetings but, right now, we have kind of a somewhat of a backlog because of this -- what COVID-19 has caused as far as in-person -- not being able to have in-person meetings and then moving to virtual -- virtual meetings.

Mr. Kaina: Yeah, I just don't want to -- 'cause I know the Planning Department and especially the Maui Planning Commission are swamped with projects and I don't want anything to be held up because we're waiting for a quarterly meeting, so I think if there are important projects that are coming up, we should see them as they start to come through because that makes the Planning Commission's job a little bit easier too. Let's try and make the flow a little easier instead of bottlenecking it here while we wait for the next quarterly meeting.

Ms. Cosma: You're right, Kawika. I agree.

Mr. Yoshida: Yeah, it probably -- probably will be like that for the first six months of next year to try to -- try to deal with the backlog. Oh, the Director has some comments.

Chair Ross: Michele, I see ...(inaudible)...

Ms. McLean: Thank you. Chair. It might be a good idea to accommodate both and maybe have fixed dates on a quarterly basis so we know those are planned, we know everyone has this on their calendars; then if something comes up that's timely, like maybe you just had a meeting and the next one isn't for three more months, and we want to schedule something, a special meeting, there's nothing that says we can't do that, and then we would just reach out to members and see if we can find another date that works. We

could go ahead and schedule monthly meetings, but if those end up getting canceled, then we've found that, with some of our other boards and commissions that, when we have to have a meeting, people aren't available because they just expect that it's going to be canceled, so it would be good to have, like the firm quarterly meeting and then we can schedule additional meetings if -- if we need to. If that sounds reasonable to you folks.

Mr. Kaina: That's perfect.

Chair Ross: Hi, Ward. You have the floor. Ward, you're on mute again. I'm sorry.

Mr. Mardfin: My button doesn't show mute.

Chair Ross: Oh, now we can hear you.

Mr. Mardfin: Okay, I move that we hold quarterly meetings on the third Thursday, at 4 p.m., on the months of March, June, September and December.

Mr. Kaina: I'll second that motion.

Chair Ross: It has been moved and seconded that the motion of the Hana Advisory Committee host quarterly meetings on the third Thursday, at 4 p.m., starting in March into June, September and then December. Is there any further discussion? Seeing that there's is no further discussion, those in favor please say aye. Thank you. Any opposed, say nay. Seeing that there are no oppositions, the ayes have it, and the motion is carried for those quarterly meetings.

**It has been moved by Committee Member Ward Mardfin, seconded by Committee Member David "Kawika" Kaina, then unanimously**

**VOTED: that the Hana Advisory Committee host quarterly meetings on the third Thursday, at 4 p.m., in March, June, September, and December.**

(Assenting - L. Clark; L. Cosma; L. Kahaleuahi; D. Kaina ; W. Mardfin; M. Ross;  
D. Wariner)

- 2. Scheduling of other Hana Region Applications**
- 3. Discussion of Future Hana Advisory Committee Meetings**

Mr. Yoshida: Thank you, Madam Chair. Moving to item 2, other Hana region application, we have a couple of pending State special permit and short-term rental home permit

applications. We have the DeJetley subdivision on -- in the Haneoo Road area, that's an SMA permit. We have, well, at some point in time --

Mr. Kaina: Hey, Clayton? Clayton, let's make sure that one is scheduled alone. Make sure that one's scheduled by itself.

Mr. Yoshida: Yeah, okay. We have the Stice application, that was Gary Stice application in the same area as the DeJetley one, that's still pending, and then we have the Kaupo School renovations project. So, those are the ones that we have that are off the top of --

Chair Ross: Lipoa, you have the floor.

Ms. Kahaleuahi: Thank you. I might recommend the same for the Stice property, as Kawika mentioned, to do that one by itself as well.

Chair Ross: Ward, I see that you're speaking but we can't hear you. You have the floor.

Mr. Mardfin: Clayton, what the third item was?

Mr. Kaina: The Kaupo School renovations.

Mr. Mardfin: Kaupo School?

Mr. Yoshida: Improvements -- improvements to the property.

Mr. Kaina: That one should come through as soon as it's ready because I think they're waiting on it. They're doing a lot of good things out there.

Mr. Yoshida: Okay. And then, also, I guess we're going to lose some members at the end of March, I believe commissioner -- Board Member Cosma and Board Member Clark, their terms end at the end of March. Whatever background they've had with Stice or whatever, we have to bring in some new members.

Mr. Yoshida: Okay --

Chair Ross: Clayton, sorry. I see that their terms will be ending in March. Would we be scheduling the March quarterly meeting for nominating and electing new members or would we be doing that sooner than that quarterly meeting. Ward is --

Mr. Kaina: I think the Mayor does that one.

Chair Ross: You're correct.

Mr. Yoshida: Ward has had a lot of experience in being on the Maui Planning Commission, and on the advisory committee previously, but I guess the term ends, you know, whenever they say your term end, that's when the term ends, whether they have a replacement ready to start on April 1st or not, the term ends on March 31st.

Chair Ross: Okay, I understand.

Mr. Yoshida: It will be good right now, the Mayor is out there, the Mayor's office, if people want to serve on boards and commissions, they've extended the deadline from November 16<sup>th</sup> to December 15<sup>th</sup>, so if people want to serve on the Hana Advisory Committee, this will be a good time to put their name in for -- for consideration.

Chair Ross: Thank you

### **3. Discussion of Future Hana Advisory Committee Meetings**

Mr. Yoshida: Let's see, the other item, yeah, on future Hana -- so we'll -- we'll contact you as to if we have any -- need to have any meeting between the now and the March quarterly meeting. Okay, and then the other thing is you folks are required to attend the Native Hawaiian Law Training sometime during your tenure -- sometime during your tenure, so they had a training before, the next one is scheduled for January 11<sup>th</sup> and 12<sup>th</sup>, a virtual training, January 11, from 9 a.m. to 2 p.m., and January 12<sup>th</sup> from 9 a.m. to 12:30 p.m., this is conducted by the Center for Excellence in Native Hawaiian Law from the Richardson School Law at the University of Hawaii. So, if you're interested, Suzie can, this is via Zoom, Suzie can send out the information to the Committee Members, then we can register you or you can register yourself. So we will share that. And then we thank you for having this kind of two meetings in the same week but we're trying to get back on our feet with the applications that we have to deal with in the Hana region, and we wish all of you a happy and safe holiday season.

### **D. ADJOURNMENT**

Chair Ross: Thank you so much, Clayton. Is there any further business? Seeing that there is no further business to come before the Committee, the Chair will entertain the motion to adjourn the meeting.

Mr. Wariner: So move.

Chair Ross: Is there there is second to the motion to adjourn the meeting?

Ms. Cosma: Yes. Aunty Lehua. I second that motion to adjourn the meeting.

Chair Ross: Thank you, Aunty Lehua. It has been moved and seconded that we adjourn this meeting, Hana Advisory Committee of December 4, 2020. If there are no objections, this meeting will be adjourned, all in favor please say or motion aye. Hearing no objections, Chair declares this meeting adjourned.

**It has been moved by Committee Member Dean Wariner, seconded by Committee Member Lehua Cosma, then unanimously**

**VOTED: to adjourn the meeting.**

(Assenting - L. Clark; L. Cosma; L. Kahaleuahi; D. Kaina ; W. Mardfin; M. Ross;  
D. Wariner)

**The meeting was adjourned at approximately 4:36 p.m.**

Submitted by,

SUZETTE ESMERALDA  
Secretary to Boards & Commissions II

**RECORD OF ATTENDANCE:**

**Present:**

Maya Ross, Chairperson  
David "Kawika" Kaina, Vice-Chairperson  
Linda Clark  
Lehua Cosma  
Lipoa Kahaleuahi  
Ward Mardfin  
Dean Wariner

**Others:**

Michele McLean, Planning Director, Department of Planning  
Jacky Takakura, Administrative Planning Officer, Department of Planning  
Clayton Yoshida, Planning Program Administrator, Current Division, Department of Planning  
Mimi Desjardins, Deputy Corporation Counsel, Office of the Corporation Counsel  
Suzette Esmeralda, Secretary to Boards & Commission II, Current Division, Department of Planning