

(APPROVED: 12/16/10)

**HANA ADVISORY COMMITTEE TO THE
MAUI PLANNING COMMISSION
MEETING OF AUGUST 20, 2009**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, Hawaii. ***

A. CALL TO ORDER

The meeting of the Hana Advisory Committee (Committee) was called to order by Committee Member, Dawn Lono, at 4:09 p.m., Thursday, August 20, 2009, Helene Hall, Hana Bay, Hana, Island of Maui.

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

Ms. Dawn Lono: Okay, we're calling this meeting to order at -- what time is it? Anybody got a watch? At 4:09 p.m. And the first item on the agenda is the election of officers for 2009-2010 Committee year, chair and vice-chair. So do I hear any nominations from the floor for chair?

B. ELECTION OF OFFICERS FOR THE 2009-2010 COMMITTEE YEAR - CHAIR and VICE-CHAIR

Mr. Kawika Kaina: I nominate Shane Sinenci for chair.

Ms. Lono: Is there a second?

Ms. Lehua Cosma: I second that.

Ms. Lono: Any discussion? Shane, will you accept that nomination? Okay.

There being no further nominations, a vote was taken.

It has been nominated by Mr. Kaina, seconded by Ms. Cosma, then unanimously

VOTED: That Committee Member, Shane Sinenci, serve as Chair for the 2009-2010 Committee Year.

Ms. Cosma: Thank you, Shane.

Ms. Lono: Congratulations, Shane. Nominations for vice-chair?

Ms. Cosma: I nominate Kawika as vice-chair.

Mr. Sinenci: I'll second that motion.

Ms. Lono: Okay, we have a motion and a second for Kawika. Do you accept the nomination, Kawika?

There being no further nominations, a vote was take.

It has been moved by Ms. Cosma, seconded by Mr. Sinenci, then unanimously

VOTED: That Committee Member, Kawika Kaina, serve as Vice-Chair for the 2009-2010 Committee Year.

Ms. Lono: Carried unanimously. I now pass the gavel. So he's chair, right, for this meeting - correct?

Mr. James Giroux: Yep.

Mr. Kaina: Before we move on, we just wanna thank Dawn for excellent job as our chair over her run, and then we'll congratulate Shane in leading us into the future.

Mr. Sinenci: Thank you, Kawika. Moving on. We're moving on to the approval of the minutes of the January 22, 2009 meeting. All in favor?

C. APPROVAL OF MINUTES OF THE JANUARY 22, 2009 MEETING

Mr. Kaina: I'd like to make a motion to approve the minutes.

Ms. Lono: I second the motion.

Mr. Sinenci: All in favor? Discussion?

There being no discussion, the motion was put to a vote.

It has been moved by Mr. Kaina, seconded by Ms. Lono, then unanimously

VOTED: to approve the minutes.

Mr. Sinenci: Okay, unanimously moved to approve the minutes for the January 22 meeting. Staff members present? Joe, you ready?

D. COMMUNICATIONS

1. **The Maui Planning Commission and the Maui County Council requesting comments from the Hana Advisory Committee to the Maui Planning Commission on Council Resolution No. 09-53 referring to the Lanai, Maui, and Molokai Planning Commissions and the Hana Advisory Committee a Draft Bill Pertaining to Rural Districts. The bill creates RU-2, RU-5, and RU-10 districts. (RFC 2009/0206) (J. Alueta)**

The Committee may take action to provide its recommendations on the proposed legislation.

Mr. Joseph Alueta: Okay, our first item -- Congratulations, Chair. Today, we have Suzie Esmeralda is our support clerk. I'm Joe Alueta, your Administrative Planning Officer. And then Clayton Yoshida's behind us for -- he's the Division Head for the Current Division. And you have James Giroux as your Corp. Counsel here today.

Your first item is -- the Council has two proposed draft bills before you. We'll take one at a time just to make things easy. One is dealing with the rural bill. This would allow for or create new standards within in the rural -- 19.29. Currently, you currently have County rural, which is minimum acre of half-acre, minimum lot coverage RU-.5, which is also a minimum half-acre for the lot size, and RU-1, and those are currently the zoning categories and development standards for the County Rural District. As you know, within Hana District itself, or in the County of Maui, there was a comprehensive rural bill that rezoned all of the lands that were County interim, okay, State rural, and they were less than -- and if they were less than 15 acres and if it was consistent with the community plan as being rural. So you had to have -- for when the new -- when the rural bill went into effect, right, you had to have, on the State side, you had your State designation as being rural, you had to have your community plan designation line up as rural, and you also had to have the County interim, okay, and it was basically to get rid of -- it was a comprehensive zoning to eliminate the interim district, which is what the goal is for the County, and it was also limited to 15 acres. During that process, the Hana community or some members of the Hana community, I should say, testified that they wanted Hana to be excluded until such time as a cultural overlay. This was part of the -- what they wanted to do was they felt that during the change in zoning process, you would get more of a, hopefully, a more expansive review as opposed to just being able to subdivide the lands into smaller lots. So Hana was excluded. So this doesn't necessarily impact but it indirectly impacts in the sense that it gives you more tools. It, basically, is like an arrow in your quiver. You can rezone something half-acre rural, rezone it one-acre rural, or you can zone it, in the case of what the County Council is proposing, is to create new zoning standards called "RU-2," which is going to minimum acres of two acres, RU-5, and RU-10, okay.

The Department has not drafted any staff reports. We have not done any thorough analysis. This came down. We're under the gun to get comments back from yourself as well as various -- the three Commissions on the island. On the surface -- on the surface, it's -- it doesn't do anything bad, okay, and it's kind of a neutral bill in the sense that it's not rezoning anything, it's not creating -- it's not changing the uses that would be allowed within the rural district at all. It only is just another development standard that's added to the rural district. So someone could come in today and if they had community plan designation as rural, they could come in and say I want -- and they're interim in Hana, they could say: I wanna rezone by property to RU-5, which would be the normal or RU-1, which is one acre. This would just allow them to say: Oh, I wanna have RU-2. Or it would -- potentially, it could allow the Council to say: You know what? You have a five-acre site. If we gave you RU-2 or RU-5, that means we could -- we potentially would have nine to ten lots and this area is not suitable for that, therefore, we're going to give you RU-5 or RU, you know, or RU, you know, something, or RU-10, or whatever. Something that would allow for -- would change the designation from interim but still allow for higher densities. So on that aspect, there's some good there.

The untrusting side - you know, I'm always leery of anything that comes down and where the orientation, cause I didn't generate this bill; this came from Council - as you know, we have many lands that are already in the agricultural district. As part of the sliding scale, we're given -- where two-acre ag lots, some have been five-acre, you have ten, you have twenty-acre ag lots, there has been a great big push by primarily the real estate agents of Maui and some other land developers to try to establish a rural district because they want to have -- potentially, have their existing agricultural lots zoned or rezoned from ag to rural because then they don't have to farm. And a lot of -- and that's one of the potential downfall is that you could have a lot of political pressure to try to rezone existing agricultural lots and the agricultural subdivisions out there into the rural designation, and the -- from the good side is some people would say: Well, these people aren't really farming, you know. It's all been, you know -- and so why should we continue to call them ag when they really just have their -- their farming mansion and have a couple palm trees. The downside to that is, one, is, for me, you kind of -- you're rewarding, if you do that, you're rewarding bad behavior; secondly, once you change a property from ag to rural, you also have the problem of -- you're not protected by the right to farm. In the agricultural district, you are -- you're, technically, you're supposed to be farming, have a farm plan before you even get your -- and your single-family and your home is an accessory to a farm operation, okay. Some people have argued that we haven't been following the law fully and we've been -- people have been allowed to build without having true farms. We're working on that. But that's an issue where if you are in the agricultural district and you have a single-family, you're supposed to be farming. On the flip side, if you are in the agricultural district, and you're a legitimate farmer, right, you have a little more protection from nuisance complaints. That seems to be a big issue. We have had where you have urban encroachment into traditionally agricultural areas, say in Waikapu, Vida Pig Farm. I mean they continue to

get -- they're in the agricultural district, they have a pig farm, but there's a residential subdivision not too far away, and they continually have to deal with nuisance complaints. And that's the same thing that large land -- legitimate farm operations, such as HC&S, Maui Land & Pine, have to deal with on a regular basis by some of these subdivisions that have been created near on the fringe of the agricultural district and you continually have to address nuisance complaints of dust, noise, smell. So that's the one potential downfall.

But on the surface, that bill -- this bill doesn't do anything. It doesn't rezone anybody. And it only comes into play if those agricultural -- existing agricultural zoned subdivisions are somehow redesignated on a community plan for rural, okay. So nothing changes. This bill doesn't do anything. It's tool and it can work if it's used properly, but like any other tool, it can cut you if it's not used properly. And so you just need to be able to -- I just wanted you to understand like it's only good if you use it right. But on the surface, I think what they're -- the bill doesn't have any defects. I mean there's nothing -- because it doesn't rezone anybody and it doesn't change the allowed uses for anybody out there right now. For Hana, like I said, I always try to bring it back because you guys are very regionally specific is that this could be used for Hana Region because, again, you chose to exclude yourself from the -- from the comprehensive zoning that the rural bill did. That is a big issue because that means every single landowner out here, all the -- I forget the name of the subdivision - all the one-acre lots that are rural all along right by Hana High School, coming into town, right, where, you know, Bob Vogel has his - used to, I don't know if he still does - his auto body, but all of those lots, and where Purdy used to do his Dollar Rent-a-Car storage and all that, all of those are one-acre lots. Some of those come in are able to still get their subdivision, their half-acre. But because they're interim, it's very difficult. You know, if they have a five-acre lot, they can't subdivide because once they get into three lots or more, once you get more than three lots, you have to do a change in zoning, okay. So it would help because then, in some aspects, if there is concern by the community for some of these people, you could, theoretically, control the density by saying: Okay, we'll zone you one-acre -- I mean not one-acre, but two acres if they have a large lot, and that's one way. But it's just an option. Like I say, it doesn't -- on the surface, it's just a tool. It's whether how -- it's how you implement it down the line.

Ms. Lono: Could we read through -- could we read through this together so that everybody can understand what it is that we're looking at?

Mr. Alueta: Okay. If you look at Exhibit 1, that's the start of the rural ordinance that was sent down. So you should have two -- there were actually -- there's actually two bills. And there's a resolution -- there should be Resolution 09-53. So 09-53. Okay, on the first page of the bill, there's a table. If you see the table format, okay, that's -- all they did was -- I'm not sure if you -- if Hana commented on the previous rule amendments that we did, but we took the first, you know -- where you got the first column going down, that tells you your development standards, and then you have County rural, County RU-.5, and County RU-1,

okay. Those three standards or those three zoning classifications currently exist. Those are existing in law and those development standards. All the Council is proposing is to add RU-2, RU-5, and RU-10, and all that does is, if you look down on the lefthand column on the development standards, and then look down what they say, so on RU-2, you would have a minimum lot size of two acres; lot width, minimum lot width of 200 feet; maximum building height of 30 feet; yard setback 35; minimum yard setback, and then they would have side. So those are just the standards in which you -- so they, basically, just increased the standards for these -- from what's existing of the RU-.5 and RU-1. So it's pretty straightforward as far as that. That's all they're doing. And again, and then you see on Page 2, Permitted uses, all they're doing is adding the reference to RU-2, RU-5, and RU-10. Okay?

Ms. Lono: Okay, so -- so --

Mr. Alueta: So the underlined -- underlined portion is what's being added.

Ms. Lono: Right. So this only would allow just like if you had RU-5, it would allow one single-family dwelling per lot. So if you have RU-2, it still only allows one single-family dwelling. If you have RU-5, it only allows one single-family dwelling. If you have RU-10, it only allows one single-family dwelling.

Mr. Alueta: That is correct. And so what happens is, example, if you had RU-1, right, in -- if that's what the designation is out here, you know, all the lots that we know of -- what's the subdivision called? There was a name for it.

Ms. Lono: Wakiu.

Mr. Alueta: Wakiu. Is that it? Okay, so it's one-acre lots, and they were -- and they're all rural, okay. You could build one house, okay, and one accessory dwelling, so a house and an ohana. If you had -- if that was actually designated RU-5 -- RU-.5, right, half-acre, you could build two houses, right, and one accessory dwelling.

Ms. Lono: ...(inaudible)...

Mr. Alueta: Well, no. One -- you can actually build two houses for every half-acre, and then you would get one accessory dwelling, okay. And so again, if you had a -- so like so if you had a ten-acre lot that was designated rural, and it was designated rural one-acre, right, you technically could build ten houses, okay. But, normally, we require you to -- I mean, at that point, after the, I believe, fourth house, there's a requirement for subdivision so --

Mr. Sinenci: Okay, so some of the advantages of this is where we can control where we want the higher residential -- the numbers, the homes, in different areas. And the areas where we wanna just keep few homes, then we would designate them more the R-10s and the R-5s. Is that correct?

Mr. Alueta: Yes. And like say -- say you -- it's also can be a tool, like say you had a lot that was RU -- that was five acres, right, so there's five acres in the rural. If you designate -- if you designated it RU-5 or RU-10, then they wouldn't be able to subdivide. Same thing if you have -- so if you had like a -- so if you had one-acre lots and you designated them all RU-2, that means they could never subdivide. Or a three-acre lot. You could say you're RU-5, then you could never subdivide it.

Mr. Sinenci: Do each of these -- if people wanna go ahead and change the zoning, they could have to do it on an individual basis? Or we're doing this, the Council is?

Mr. Alueta: You would -- everybody would come in, right now, in Hana and in -- if anybody wanted to fall into one of these categories, they would have to come in individually to get zoned into an RU designation, into a rural designation.

Mr. Kaina: And that's to get out of the County interim and designated --

Mr. Alueta: That's right.

Mr. Kaina: Okay.

Mr. Sinenci: And what are the three areas that we're looking at right now? You said three proposed land areas, I believe, between Koali and Kipahulu, and coming out this way? Was there three areas we're looking at?

Mr. Alueta: No. There's no areas.

Mr. Sinenci: No? No areas?

Mr. Alueta: I mean wherever you have on your community plan that's designated rural and is County interim, those individual lots need to come in and there is no comprehensive zoning for Hana. Hana was never comprehensively zoned. So you -- I mean so you all are interim, and then you may have State rural and you may have community plan designation for rural, and those are the only properties that could potentially come in to seek the rural zoning. This -- all this bill does is give you three more density or development standards for those rural designations, and so it's just -- like I say, it just another type of arrow, you know, you pull out of your quiver, like, okay, am I going to shoot this guy with half-acre or am I going to give him the two acres?

Ms. Lono: So how does this affect those ag lands that you were talking about? If somebody wanted to rezone their ag property to rural, they could then come in and try to rezone like a RU-.5 on a two-acre ag lot, that's what we're -- that's already an option though, correct? What's not an option right now is the 5, and the 10, and the 2?

Mr. Alueta: That is correct.

Ms. Lono: So it would -- it would give them an option to rezone to R-2, 5, or 10, and they would not be required then to farm, basically, to be able to build the homes?

Mr. Alueta: If they were designated on the community plan for rural designation. If they stay designated as ag, they could not -- they could not do a change in zoning. So the community --

Ms. Lono: Well, they could do a community plan -- what, they would have to do an amendment to the --

Mr. Alueta: Right. They would have to do a community plan amendment, a change in zoning, and a district boundary amendment --

Ms. Lono: Right.

Mr. Alueta: Because all of them are most likely going to be State ag also.

Ms. Lono: Right. Okay. Mahalo.

Mr. Kaina: So the control mechanism, basically, for the Hana District would be the designation in the community plan.

Mr. Alueta: You got it. That's the foundation that everything falls. So any zoning permit, any permits has to be consistent with the community plan.

Mr. Kaina: Right. So, basically, any land we're talking about that is out of the designated rural district, they're zoned ag and they wanna rezone as this rural, they wouldn't be able to by the community plan designation. Is that what we're saying?

Mr. Alueta: If they're ag, if they're -- yeah. I mean you could have some that are potentially State ag, right, but community plan rural. And if that was the case, they would need to have a district boundary amendment as well as a change in zoning because the community plan lines up. And then from that point on, you would have to decide -- you would make a recommendation or Council would have to decide: Is this land more appropriate to be RU-5, RU-1, RU-2, 5, or 10? And I think it just gives a little more options where people

have that -- to do that. But again, like I said, I'm always worried about down the road, you know. The dangers. Like once you create this standard, then what happens? But on the surface, the standard doesn't do anything. Like I say, it doesn't change anybody. I think it's beneficial for Hana.

Ms. Lono: Well, also, we have our community plan review coming up very soon and that's when, possibly, some areas might get redesignated through the community plan process, so this would provide another level of designation or another option for designating, which would be another way that it could change down the road. Correct?

Mr. Alueta: Correct. And like I say, it's all about the planning and the dog wagging the tail and not the tail wagging the dog. You need to understand is like when you analyze lands that are coming in for -- from ag or seeking designation from to rural, you need to decide: Is that really appropriate to change the designation from ag to rural? And I think a lot of people make the argument -- I mean it's probably more prevalent on the other side that they're making the argument that I should be changed from ag in this subdivision to rural. In Hana, I don't know. You do have some -- I mean the airport, down by the airport, those are big ag lots. You know, I -- there's a lot -- to me, there's ag, there's some people who are really doing ag and there are some people who are not. I mean it's -- it all depends. And like I say, you have to really analyze it. Do you wanna step over that threshold because once you make that threshold on the community plan, that change from ag to rural, there's no going back. I mean -- that's a --

Mr. Kaina: That's on the plan now?

Mr. Alueta: Yeah, that's on the plan. You need to -- and that's something down the road, but like I say, on the surface, this bill doesn't affect -- I think it helps Hana because you could -- if you have areas that you don't wanna have high density rural or high -- that you wanna -- but you still wanna give them a rural zoning because you think it's more appropriate than ag, or it's already community planned for rural, then this could be very beneficial, especially for Hana.

Ms. Cosma: I'd like to comment on that. Right now, you know, I support ag lands because to me, personally, it keeps our cultural lifestyle, the environment, it keeps all of that -- our image as the local Hana community, and I feel that once we change from ag to rural, everything's going to run away. You won't see any pastures around where I live anymore. Where I live, I'm protected by ag land because they're limited to what they can do on an ag land, you know, you raise flowers, animals. I have no problem with that because we still get that nice Hawaiian atmosphere. So that's my personal opinion that we really gotta think this through. It make work for some districts of Hana, and for some areas, we gotta think of the cultural sites, you know, what's going to happen to that. And I really wish we had more turn out today because I feel a lot of people need to be here and we should have a

big map up showing all the rural districts, the district of Hana so that we know more of what we're looking at before we can decide on something. But that's my mana`o. Thank you.

Mr. Alueta: Thank you. But -- and again, like I say, this is not going to change anybody's land, and this is not proposing to change anybody's land. It's just another tool that you potentially have and I think -- I think Dawn's office, Commissioner, has a map up and that's very good to show where cause it's big blowup of it rather than the small little maps that you all have in your booklet. I mean you can see from your -- from your small community plan maps that you have in the booklet where the rural lands are and where they're mostly situated so --

Mr. Sinenci: I mean do we decide if we wanna see all our hillsides just dotted with -- with houses up there, or our coastlines all dotted with houses and densities all concentrated up in our wao akua and our hunting grounds, our fishing grounds, do we want all those areas being spoiled with, not spoiled, but we wanna control -- and, of course, water, schools, everything else in the community that supports all these things, so we wanna be real strategic about where we wanna put certain areas of runoff, you know, drainage, all that kinda stuff. Do we have any room for public testimony or no?

Mr. Alueta: Yeah, if you're done with me, you should probably have -- you need to hold a public --

Mr. Sinenci: Are you done?

Mr. Alueta: Yeah.

Mr. Kaina: I like just get -- just for make sure I have my thoughts straight on this thing is that say we have someone County interim, two acres, right, and he comes in and zones this RU-.5, he can build four single home dwellings because it's two acres and he's zoned .5, right?

Mr. Alueta: Correct.

Mr. Kaina: Now, if he's two acres and he's zoned RU-2, which is the new zoning we're looking at, he can only build one dwelling?

Mr. Alueta: One house and one accessory dwelling.

Mr. Kaina: So, the same would go for five acres and ten acres where if the ten acres were zoned RU-.5, they could build more dwellings on there?

Mr. Alueta: Correct.

Mr. Kaina: Okay. I just wanted to make sure I got that correct.

Mr. Alueta: Your math is correct.

Mr. Sinenci: Okay, we'll open up for public testimony at this time. Has anyone signed with Suzie? State your name for the record and we'll keep it at a two-minute -- three-minute minimum.

Mr. John Blumer-Buell: I hope you'll ask me some questions if I can't get this out. I was on the Hana Advisory Committee twice when we went through all the issues regarding rural zoning in Wakiu. So I know all about that and the precedent for all that. And it's very different in Wakiu where the community agreed that we needed a little bit more dense development there than from Hana Town out to Koali. So this is all in my letter. I don't agree with these proposed designations at all. And in my first letter too I say, "There's simply not enough information in which to make an informed decision on this matter. We need maps and descriptions of the exact locations of the three new proposed districts and how it'll be applied in Hana District and the whole County." And, secondly, I think Mr. Giroux and Joe would both agree that if people want to change their designation, they're going to have to an EA or EIS. When you do a community plan change in designation, which the -- which these things would do, it will trigger an EA or EIS, and the problem is we have potentially thousands of these lots created by the R-2, R-5, and R-10, literally, thousands of potential lots. And if you don't require an EA right up front, you're going to have all this stuff done piecemeal; in other words, people will have to do it individually and, all of a sudden, we'll have these spot rural things all over. I mean I think we need the information for the comprehensive thing right now, and I would argue that it's a real deficiency in planning not for them to have the maps and show us exactly what they have in mind. I agree with Joe, and I sat on your General Plan Advisory Committee, this is -- this is a big push by developers largely, and we heard this over and over and over at the GPAC, people that got two acre and other ag lots created with no public hearing process, no public hearing process, no accountability under the 1998 ag bill, came and it says: Well, we can't farm. You know, poor me. I can't farm. So we need to be rural. So there was big push and it was my friend, Dave DeLeon, from the Realtors Association, and Dave is a friend of mine, but he was pushing this a dozen times during the GPAC. They want to take all those two-acre lots they created with no public hearing process and turn them into rural, and it's going to end up giving them additional entitlements. And so I think we should keep the ag lands in ag; it's protected. Anybody can go in to change zoning anytime they want. If you have a piece of ag land and you want to make a five-acre or ten-acre lot, you can go and try to do that anytime. So, you know, this is not a comprehensive look at what this is going to do to Hana. And Joe is right, you know, I remember when Steve Siegfried had a piggery, actually had a piggery, and I used to landscape -- I used to take care of Tom and Mia Perry's - boy, you know, it was -- it just smelled like a piggery down there, and I loved

it. This is -- it was an ag park, you know. So -- but if those lots started becoming rural, it could eliminate all that ag use.

Now the last thing I wanted to say was, in the Hana Community Plan, this is 1994, it says, "Consider alternative regulatory frameworks to facilitate family residential use of Hawaiian and hui lands." This is -- this important issue needs to be resolved and be a part of the rural district zoning legislation. In other words, the -- all the Hawaiian hui and kuleana lands, particular between Puuiki and Koali, we need to have special legislation that deals with those specifically that gives the Hawaiian families the right to do what they want to do, and I firmly believe that, and we have a real conflict right now because the rural - Joe's right - the rural interim designation is very dangerous. It will let you build a house every 6,000 square feet, which is an urban standard up to I think it's four lots before you have to seek subdivision and do improvements. So, you know, my feeling is we need to do the Hawaiian hui and kuleana lands legislation first and this is the kind of cultural overlay they did in Keanae and Wailuanui. I've talked with John Summers of long term planning. They're interested in doing something like this between Hana Town and Koali. And this would -- you know, we need to, for your information right now, there's -- there's a bill at the County regarding Hawaiian kuleana and taking them, basically, reducing the taxes down to almost nothing. Now this is -- would only apply to people that got their, you know, that go back to the original title. But the point it, I feel, in Hana, we should be dealing with these Hawaiian issues first and then let's see where things come down. In the meantime, I'm for protecting the ag lands and if the County wants to produce and environmental impact statement, that's the best way to go. We'll be able to look at all this. So thanks for the time.

Mr. Sinenci: Thank you, John. Joe, can you explain a little bit of the kuleana lands? No? Has nothing to do with the County?

Ms. Lono: I think agree with -- with John on the fact that we don't have enough information here. We can't really see the maps and what would potentially qualify for this kind of a zoning, you know, down the road. I mean we have to look down the road. If we're going to make this decision now, we gotta kinda look out there at what we're creating, futuristically, and I think we need a little bit more information. So I would vote to defer this to another meeting and really get out there in the community and get those people who have the lands out there that would be impacted by this and our community in here to really take a good look at this before we just pass it out without much comment to -- back to the Council. So I would make a motion that we defer this to another meeting and have some time to look at it with all of the information in our hands.

Mr. Alueta: If I may, Mr. Chair, first, you need to finish your public hearing.

Mr. Sinenci: Yeah.

Mr. Alueta: And then --

Mr. Sinenci: And then we can -- okay.

Mr. Alueta: But also I'd like the -- after the public hearing, I'd like to address some of the comments by the testifiers to address -- to clear up some of the misstatements cause there's a lot of misinformation there.

Mr. Sinenci: Okay, so the -- we'll hold our comments for now until public testimony is over. Anyone else? Please state your name.

Ms. Diana Sargent: I'm Diana Sargent and I have a question, which is: What happens to the people who have multiple designations on their property? Are we going to have to go in for a zoning change or -- like my property had -- was built in the '50's, and it's existing, so I don't know. Will it be grandfathered? Because when I went to check on my property, it says I'm both rural and ag, so I don't know what I am.

Mr. Alueta: You want me to answer -- you want me to address each one of thing? Okay. For her, yeah, a lot of the people have split zoning. Again, you're going to have -- not only are you going to have State zoning. Remember, you have a community plan designation, you have a State designation, and you have a County designation. Chances are you are State ag, okay, and County -- and that State ag is most likely designated as County ag if it was on the community plan map as ag. If -- and you're also -- the rural is probably State rural. And if you were not -- if it's split, I mean if you're not on the community plan, if you're community plan rural, then that means you're still County interim.

Ms. Lono: ...(inaudible)...

Mr. Alueta: Okay, so that means she's State ag, State rural, community plan rural, and County interim. Right. So what that means -- again, this bill does nothing. All this bill is creating standards that potentially could be used in a zoning application. It does nothing to your property. It does nothing to my property. It does nothing to your property. It doesn't do anything to Kahului, Wailuku. It doesn't do anything to anybody. All it does is create a zoning standard that could potentially be used in a zoning change. The County of Maui is not proposing to zone anyone. And the only time that the ag lots could potentially be turned rural is if, during the community plan process, you redesignate it to rural or someone seeks a community plan amendment, okay, which, under Bill 84, requires that all the community plan amendments be handled annually so they can be seen comprehensively and at that time, each -- there is -- if they do it outside of the General Plan Process, an environmental assessment or an EIS is required, okay. So the County is not going to help you get rezoned. You will have to rezone your property from interim and the only -- and if you have a split designation, you will -- the portion that is rural could be zoned

one of the rural designation, one of the County rural standards. Your ag portion, you would not be able to redesignate as a rural designation that's inconsistent with the State zoning, okay. If you went and got a district boundary amendment, you know -- you know, in another -- when I'm 65 and retired, then I'll be able to be a private consultant but I'm not going to be one till then, so you're going to have to hire one on your own to figure out the rest of it. But this bill doesn't do anything to you. So as far as the misstatements by Mr. Blumer-Buell, no EA or EIS is required because we're not zoning anything. No maps are required because we're not designating anything, okay. This -- regardless of this bill -- whether this bill is adopted or not, there is rural standards, and those rural standards would apply to any lands that you currently have designated on your community plan as rural. And so like I say, it doesn't hurt; it doesn't help; it just -- all it is is a standard that could be used. During your community plan process, you will -- you have that opportunity to look at your community plan map and say: You know what? We like -- we know that there's an RU-2 now, maybe we wanna designate this on the community plan as, hey, if they do do something, make it a more restrictive rural designation. In Kula they did that. In Upcountry Kula, on their community plan, they knew -- they said we want this as an RU-1, meaning they wanted one acres. Even though the zoning standard was half-acre, they said -- they created a community plan designation for RU-1 and that kinda drove the process to then make zoning change and add a new designation of RU-1 so it's -- and I think that during your community plan process, that's the time you should examine your rural lots, your existing rural designated land, do they still meet those standards, do you still want them to be rural, and if you wanna give guidance to landowners and say, hey, you have rural land but, you know, more specifically, we think you should be RU-5 or RU-10 if that's the wish of the citizen advisory board or whatever they're called now, okay, and -- but that's when you need to make your call on that, I think.

Ms. Lono: But wouldn't we want to look at the, through this process, look at our map, look at our community plan designations as they are, see where the rural lands are out there, and how these could potentially be applied in the upcoming process of the community plan because we don't know who's going to be making those decisions?

Mr. Alueta: ...(inaudible)... of your community plan -- of your citizen advisory board. Is that the name now, Clayton? What's the -- I mean --

Ms. Lono: Well, but isn't -- but, you know, just to -- just to take this and create these new options, you know, and that's what we're doing. We're creating new zoning options. And I guess for our community, what we -- what I would be interested in seeing is where could these options be applied in our community.

Mr. Alueta: That's great. And all of you have a community plan map.

Ms. Lono: Right.

Mr. Alueta: All of you have a community plan booklet that say where they want rural, and as quoted by Blumer-Buell, there's more specific language. And so that's why, you know, if you had those -- that's why this bill was sent out to you so, hopefully, when you got that bill, since you have that question, you went and already looked at it.

Ms. Lono: No. I didn't go and look at it.

Mr. Alueta: Oh. Oh, okay.

Ms. Lono: I kind of expected that, you know, the planners would bring maps and help and explain this stuff to the community and to us so we would thoroughly understand it. That's, you know --

Mr. Alueta: If it was my bill, I would do that probably, but it's not my bill. This is the Council's bill. I only get what they give me.

Ms. Lono: Okay.

Mr. Alueta: And I try to supplement it when I have time, but given the short time frame that we always have to comment back to the Council, I'm kinda at a lost.

Ms. Lono: Yeah.

Mr. Alueta: And again, I rely on, you know, you all have a community plan booklet. I mean I'm not --

Ms. Lono: That's true. I got this on Monday.

Mr. Alueta: Yeah.

Ms. Lono: Today's Thursday. You know, I'm -- I got a full-time --

Mr. Alueta: And you have the big maps in your office.

Ms. Lono: I don't. My map got lost. It got left here. But I do have a big map at my office and had I had the time to sit and take a look at it and, you know, just decipher and absorb it all, then I certainly probably would have done that, but I haven't. So I'm just -- I'm just thinking, you know, I guess I'm just feeling like I don't really have enough and clear information about how this really affects our community to say, yeah, I think this is a great idea. We should create these designation -- we should create these new zoning options. I don't -- I can see that it could be a really good thing, but I can also see that, oh, maybe

it's not such a good thing if it's used inappropriately, and there are people out there who would want to use it to -- in a way that I don't think is good.

Mr. Alueta: And I'm not going to push you guys for a recommendation. Ideally, yeah, I wanna get some kind of comments and get them back because I -- because we are under a deadline to get these back to Council and that's the only reason but --

Ms. Lono: So what is your deadline ...(inaudible)...

Mr. Clayton Yoshida: I believe it's a 120 days from the date of receipt so it's stamped that we received it on June 26, 2009. We have 120 days for the Planning Commissions to make their recommendations to the Council or, otherwise, under the charter and the code, the Council can act independently of the Planning Commissions. Yeah, I would think -- well, as Joe said, you know, you're not zoning specific properties.

Ms. Lono: No, I understand that.

Mr. Yoshida: It's just you're creating another tool in the box. I mean if the commission -- I mean the board or the Committee may recall, you know, they had a application that they dealt with last year from, you know, Roger Williams, out on the way to Kipahulu, and his property was designated rural, and he wanted to do a subdivision, and the only choices for the Commission at that time was rural half-acre or rural one acre for the Committee to recommend as to what kinda zoning if he wanted to zone the property in conformance with the community plan so then he could move forward with his subdivision. I mean some places may be half-acre or one acre may not be appropriate, but those particular zoning applications will come before you at another time for public hearing and your recommendations on whether the property should be zoned rural half-acre, rural one acre; if we have these tools in the box, maybe we might say, no, not half-acre, maybe rural five acres. You know, maybe they have a 20-acre piece of property and you want it to be rural five acres. Right now, you don't have that tool.

Mr. Sinenci: But it'll still be zoned rural or ag?

Mr. Yoshida: Well, right now, they're zoned interim.

Mr. Kaina: Interim, right.

Mr. Sinenci: County interim.

Mr. Yoshida: So they have to come in to change the zoning if it's community plan rural to rural - some sub-district. Right now, you only have half-acre and one acre.

Mr. Sinenci: And we're not changing the County interim today?

Mr. Yoshida: No. You're not changing -- you're not zoning -- recommending zoning of any lands. You're just creating another tool that, you know, you can use to determine what is maybe more appropriate in some of these areas that are designated rural.

Mr. Kaina: Okay, wait, wait. Can we stop and close public testimony before we start getting offhand?

Mr. Sinenci: Before we close, anyone else?

Mr. Alueta: I've answered mine.

Mr. Blumer-Buell: ...(inaudible)...

Mr. Sinenci: Okay, you have to have a mike ...(inaudible)... to your previous statement.

Mr. Blumer-Buell: I was misunderstood by Joe so this isn't a rift with Joe. Here's the point I was making about the environmental impact statement. We agree that if somebody comes in to get any of these zonings, they're going to have to do an EA, environmental assessment, or EIS. Okay, we agree with that. No? If somebody wants to change their community plan designation? Okay, that's what this would be because we're talking about changing ag into rural, so that is a -- there's no -- there's no lots that are going to -- bigger lots, that's why maybe we need maps cause I don't know of any rural, big rural lots. We have rural lots in Honokalani, Wakiu, and Hana to Koali. Now, the last thing. The point I was making is that if you had a whole bunch of these applications come through where people had to do individual environmental assessments, we have this big cumulatively -- cumulative impact that's never going to be really looked at. It's going to be like just one thing at a time and, in the end, we may have -- we have these impacts we've never looked at, so that's why I was suggesting the maps and really taking a comprehensive look at it and protecting the ag land. Thank you.

Mr. Sinenci: Okay, anyone else? Please state your name. Oh, Joe, you was going comment?

Mr. Alueta: ...(inaudible)...

Mr. Sinenci: Okay.

Mr. James Burke: I'm James Burke. Quick question. At the beginning, they said that Hana voted to not be included with the rest and that we would be, I guess you said, on a case-by-case basis. That seems like that we're leaving the back door open. Does that

open a lot of loopholes for wealthy clientele or that doesn't expose Hana to any unnecessary risks?

Mr. Alueta: No, it actually prevents it because what happens is rather than someone getting automatically zoned to an RU-5 -- RU-.5 and they could then subdivide a five-acre lot into, you know, ten single-family homes, right? They would have to come in and get a zoning change from County interim to a rural designation of RU-.5 or RU-1, and at that point, this commission or this Committee could then make recommendations to the Maui Planning Commission and ultimately that goes to the County Council and say, look, you know what? This guy is, you know, yeah, he's got five acres but the sewer system we can't have -- I mean we're concerned about the environmental impacts of the sewer system of having that many -- we recommend that if he does do it, he has to put in R-1 quality sewer system or septic system, he has to, you know -- we feel that during the subdivision, he needs to have an archaeological study done because we know that there are some historic sites in the area, we know that there's a beach or there's a access, a hunting trail, or a hunting access, he needs to provide that type of access through his subdivision and during that change in zoning process, you fair it out, all of that information. All of that information is then brought -- is required during, one, the zoning change as well as from agency comments as well as comments from this board as well as comments from the Maui Planning Commission and then, ultimately, the County Council. So, yeah, that's exactly why Hana was excluded because they felt that they had so many unknown archaeological sites that could potentially be discovered that a lot of times -- I mean there's some sites that people don't talk about because they don't want people going there and --

Mr. Sinenci: And some that we lost already.

Mr. Alueta: That we would rather not -- huh?

Mr. Sinenci: And some that we've lost already.

Mr. Alueta: Yeah, and so you want to -- and there's also like beach access and hunting trails that only a few people know and they're not going to normally come out. They're going to tell their friends and, hopefully, it'll come out during the change in zoning process.

Mr. Sinenci: Okay, anyone else? Ward?

Mr. Ward Mardfin: My name's Ward Mardfin and I want to -- I don't want to directly address this particular issue because I'll probably later see it at the Maui Planning Commission, but I do wanna mention a couple of things, and it's related to that. You've been asking about maps and John Blumer-Buell had this here and it deals with going from about the airport down to about Kuhio's -- the cross by Wailua, and all this blue here is proposed -- is scheduled to be rural within the rural growth boundary. There's a lot of land there under

the rural growth. This particular issue is going to come before the Maui Planning Commission on Tuesday, this coming Tuesday, and I'm doing this mostly to let everybody know that I can what's going on. On Tuesday, August 25, from 9 a.m. to 5 p.m., at the Maui Planning Conference Room in Wailuku, there's going to be a meeting of the Maui Planning Commission to deal with the Maui Island Plan, that's what came out of GPAC and where this map is from. In particular, we're going to be looking at the mapping of urban growth and rural growth boundaries based on the maps. At the beginning of the meeting, 9 a.m., there's going to be public testimony. After the public testimony is concluded, the -- which was about 11:00 last week, who knows what it's going to be this time, the Maui Planning Commission will deal with the mapping, first of Haiku is on our agenda, and then we're going to be dealing with Hana second, and then with all the rest of the island. So that's where, if you wanna have input on to what goes into the maps, this Tuesday is the time to do it. The reason it doesn't have directly have to do with this bill is because, as Joe says, this is dealing with giving you some tools, it does not deal with the mapping, which is why they presumably don't have the mapping here. If you want to see the maps for yourself in Hana, there are two locations that I know of. I believe Dawn has a copy up in the Council Office, and the Hana Library has a copy. The whole document is this thick, but you wanna find two maps in that: One is for Hana by the GPAC recommendation, and the other is Hana by the Director's recommendation, and that's what we're going to be working with on Tuesday. So I'm doing this sort of as a public service to let everybody know, you let your friends know, after Tuesday, we'll have decided on the maps for the Hana area reasonably confident. Thank you very much.

Mr. Sinenci: Okay, is there anyone else? Leslie.

Ms. Leslie Bruce: ...(inaudible)...

Mr. Sinenci: Hold on. We'll pass you -- pass her a mike someone.

Ms. Bruce: Thank you. This is Leslie Bruce. I'm going to pass around the calendar for the Planning Commission so that everybody in the room can see what the General Plan will be considered next few weeks; very few meetings; they're mostly looking at maps and, as Ward said, the key for Tuesday, this Tuesday, for Hana but actually you can come anytime, but it'll be too late after Tuesday for Hana, if you're concerned about other parts on the island. Thank you.

Mr. Sinenci: Thank you, Leslie.

Ms. Lono: But I think that's precisely why we do want to look at this cause it only gives us -- say there's 3,000 acres there that's designated rural. These are the four options or five options that -- of potential zoning in the rural area. Correct? Half, one, two, five, and ten. So if we have 3,000 acres of rural, potentially it will be one of those. Right now, it's --

Mr. Alueta: Right now, you have only two.

Ms. Lono: Right.

Mr. Alueta: Right now, regardless of what --

Ms. Lono: I know. I'm just asking the question.

Mr. Alueta: I'm just saying --

Ms. Lono: Am I clear on that?

Mr. Alueta: Yes.

Ms. Lono: We have five choices now. Do we need more choices? Are there large parcels that we need --

Mr. Sinenci: I'd go higher.

Ms. Lono: An R-20, you know? I mean that's the kind of stuff we're supposed to be looking at, right? And --

Mr. Sinenci: R-100.

Mr. Alueta: But, at that point -- at that point, right, again, tail wagging the dog.

Mr. Kaina: Right.

Mr. Alueta: Do you wanna have it rural? And the answers and the concerns that you have, right, don't speak to this bill. They speak to your community plan. They speak to your General Plan and these rural. If you feel that there should not be these lots -- I mean you have the -- then you need to not have them in the rural growth boundary. You need to have them in the ag. I mean you need to keep them as ag. And that's where -- again -- and also, that rural growth boundary doesn't designate it as rural. That's my understanding. It's just -- all it does is where potentially future areas could be designated for rural.

Mr. Kaina: Under the community plan, where is designated urban? Is it from Wainapanapa to the hotel or -- I know the community plan has some kind of --

Mr. Alueta: The only urban designation that you have -- I mean, off of the top of my head from listening -- remembering, is basically right here.

Mr. Kaina: Right.

Mr. Alueta: Is in town.

Mr. Kaina: So, now if we're talking about - cause a lot of people are bringing up kuleana lands and Hawaiian lands - now if we're talking further on down out of Hana Town, these places wouldn't qualify to be zoned rural, right, under the community designation, right?

Mr. Alueta: I don't know. I don't know what they are. That's too -- I'm not sure where -- no, no, but I'm saying is like if there -- oh, thank you, Clayton. So here's your -- here's your map.

Ms. Lono: ...(inaudible)...

Mr. Alueta: So here's your community plan map that shows where your rural designations are currently in town.

Mr. Kaina: Right. Cause, from what I see in this bill, the two choices that we're trying to avoid are actually the ones that are available right now, right? They're the ones that can urbanize us the most?

Mr. Alueta: Right. Yes.

Mr. Kaina: So, by approving these bigger rural areas, we're actually cutting the urbanizing down, right?

Mr. Alueta: Yes, if you look at -- if you look at half-acre and one-acre rural as an urbanization, yes.

Mr. Kaina: Now, my only problem -- my only problem with making a recommendation on this bill is the fact that we're so close to redoing the community plan and if we do go through this, these -- when we go through the community plan, all these things can change. It's kind of my worry. But, from looking at what I see on paper, the two worse options are already available. So we're actually putting better options to cut the urbanization down by approving this bill.

Mr. Alueta: Right.

Mr. Kaina: Okay.

Mr. Sinenci: Yes?

Mr. Alueta: Exactly. And also the thing is if you feel that there should be, during your rural designations, somehow you feel that, or during your discussions and look at the plans, like I say, the tail wagging the dog - do you really want it to be rural or should it really be -- if you're not comfortable with RU-10, then are you sure you even want to have it a rural designation on your community plan? Maybe it should stay as an ag designation. Or if you feel that it's, you know, scrub land - we had talked about this - like totally unusable as far as -- as far as farming or ag or grazing or anything that would resemble an agricultural operation, but you still wouldn't want to give it one of these RU-10, you can recommend, during your community plan process that, hey, we want another designation besides this RU-10, we want an RU-50, and you want to designate it on this, and meaning you would say, hey, when somebody comes in for a change in zoning, if they wanna change this area, we think it should be minimum lot size of 50 acres because we don't really wanna -- I mean we don't wanna take away all the uses of land, we think they should be able to have a house and not have the requirement to farm, but at the same time, you know what I mean? Because that way -- because under the ag designation, you still can subdivide into two-acre lots, you got seven two-acre lots in the first 15 acres, and then everything else gets -- so this would allow you to create actually higher densities in some areas than are allowed under the -- I mean, sorry, lower densities than in some areas then is currently allowed by the agricultural designation. Kinda backwards, but that's how it works.

Mr. Sinenci: Okay, we'd like to -- one quick comment before we close public testimony. Thank you, Joe.

Mr. Mardfin: Yeah, my quick comment is, and I should have mentioned it earlier - Ward Mardfin - that the community plan shows very little. It only shows sort of the central part of Hana Town. You're responsible for Mile Marker 8, all the way through Keanae, Wailua, Hana, Nahiku, Hana, Kaupo -- Kipahulu, Kaupo - all the way out there, and we only have a little bit where we had the map for community plans. I will add, we're not going to be seeing them at the Maui Planning Commission either because they said we're not making any changes so they're not giving us those maps. I would urge whatever puts the new community plan together to look at the whole region - 25 miles that way, 25 miles that way - and map it so that you know what's going on. The rural blue stuff on the map that John Blumer-Buell had that shows from Hana out to Koali is not in your community plan so -- and we were told that the blue stuff is what's already there.

Mr. Alueta: ...(inaudible)...

Mr. Mardfin: Oh is it? I apologize. But we've been told that the blue regions are what's already there that they're not making any changes so --

Mr. Alueta: And that reflects -- that rural reflects existing settlements. I mean you have -- I mean you drive out there there's old Hawaiian families that have been there and that just

reflects the rural settlement. The same situations incurs where I live in Waihee Valley where we have rural designations up the valley because it just reflects existing kalo patches with homesteads on it and --

Mr. Sinenci: Sugar cane.

Mr. Alueta: Yeah. So whatever so -- I mean that's again -- this bill before you, again, doesn't redesignate anything on your community plan, it doesn't do a zoning change, it doesn't -- it doesn't do anything. It's just another tool, and I think Kawika said it pretty well, I mean --

Mr. Sinenci: It does make us think about things in the future, yeah? Okay, right now we're going to close public testimony and move on to discussions. Thank you everybody for your testimonies and your discussions. It really helped us enlighten all of us. Mahalo. You wanna make a motion? Okay, we're going to recess for ten minutes. We'll be back in ten minutes for -- thank you.

(A recess was called at 5:20 p.m., and the meeting reconvened at 5:30 p.m.)

Mr. Sinenci: Let's call this meeting back to order. Thank you.

Mr. Alueta: So, Mr. Chair, do you have any questions or did you guys wanna go back over the bill and the standards? That was where you last broke.

Mr. Sinenci: I think we're pretty okay with it.

Mr. Alueta: Okay.

Mr. Sinenci: Okay, so in regards to Resolution No. 09-53, a draft bill pertaining to rural districts, do we have any motions?

Ms. Lono: Well as far as the standards go, you know, they look fine to me.

Mr. Kaina: My -- I'm trying to think of a recommendation and, again, my fear is that we're so close to changing the community plan that I kinda feel that the community plan change will have a bigger impact than this bill itself will have. Who handles the community plan? Right. There's a committee that does it, right?

Mr. Alueta: Correct, and then it goes before you as well as the Planning Commission, the Director, and then back up to the Council.

Mr. Kaina: So it already come to --

Mr. Alueta: It will come to you. Any --

Mr. Kaina: Okay.

Mr. Alueta: And like I say, so you can make recommendations during that time if you wanna see additional changes --

Mr. Kaina: Right.

Mr. Alueta: If you feel, like I said, from what I've been listening in your discussions that you wanna have a larger lot, then you can make that recommendation. I mean so a motion could be that you recommend approval of the changes as proposed with the addition that the Council consider a larger lots, you know, in addition to the RU-10. I mean -- but again, that's -- you have to discuss that as to whether that's something you want.

Mr. Sinenci: Let's remind ourselves that this bill creates RU-2, RU-5, and RU-10 districts to the already existing R-.5 and R-1 rural zoning designations.

Mr. Alueta: That is correct so -- so right now, without any changes to the zoning categories that are proposed, the only option, realistically for someone when they come in for a zoning change, is to either be designated RU-5 -- RU-.5 or RU-1, so again, I think as you pointed out, you leave yourself open to more harm at this point without these changes. I think for Hana itself, given the fact that you have concerns over the densities in some of these other areas, that this actually benefits you. You have to put stuff on the record. Sunshine Law, please. Please.

Mr. Kawika: Well, I guess what the Chair just asked was wanting to make sure that the zoning would -- the people that are zoned interim right now will not be changing their zoning unless they themselves make ...(inaudible)...

Mr. Alueta: That is correct. We are not proposing any zoning changes.

Mr. Kawika: Right. Okay. So I guess I'd like to make a motion to approve with the recommendation that the Council do look at larger lots.

Ms. Lono: I'll second it for discussion purposes.

Mr. Sinenci: Okay --

Mr. Giroux: Joe, did you guys make a recommendation?

Mr. Alueta: No, we're only taking comments.

Mr. Giroux: Okay.

Mr. Alueta: So we're -- I mean --

Mr. Giroux: Okay, I just wanted to ...(inaudible)...

Mr. Alueta: We don't have any formal recommendations. I mean -- yeah.

Mr. Sinenci: Okay, so to recap. A motion has been made that --

Mr. Kaina: To approve -- to approve the conditions --

Mr. Sinenci: To approve --

Mr. Kaina: The bill to create --

Mr. Sinenci: A bill -- Resolution Bill No. 09.53 to add RU-2, RU-5, and RU-10 to the already existing .5 and .1 with the addition -- with the recommendation that the Council take into consideration even larger divisions on specific applications. Is that correct?

Mr. Kaina: Correct. So we had a second?

Mr. Sinenci: We also had a second made.

Mr. Alueta: Was that on specific -- was that on -- I heard you on specific applications or was that to just add another standard to the RU-10, that you go larger lots on specific applications?

Mr. Sinenci: Case-by-case.

Mr. Alueta: Oh, okay.

Mr. Giroux: Joe, I think -- Joe, I think, just to clarify because this is going to be transmitted to the Planning Commission and then it's going to be transmitted to the Council, so your -- I guess it's a motion to recommend approval of the bill as written but with a recommendation to consider creating even bigger designations within the bill?

Mr. Alueta: Oh, within the bill. Okay.

Mr. Giroux: Okay, that's where the planner was having problems with - within the bill not --

Mr. Alueta: Within the bill, not on -- yeah.

Mr. Kaina: Yeah.

Mr. Alueta: Thank you.

Mr. Kaina: Yeah.

Mr. Sinenci: And on a case-by-case --

Ms. Lono: ...(inaudible)...

Mr. Alueta: Yeah, that would make more sense.

Mr. Sinenci: Okay.

Mr. Kaina: You guys don't handle case-by-case, right? It wouldn't --

Mr. Alueta: This bill doesn't handle case-by-case.

Mr. Kaina: Right. Right.

Mr. Alueta: Yeah.

Mr. Kaina: I guess that was kinda what I was trying to say.

Mr. Alueta: You got it. You got it. You got it and a second.

Mr. Kaina: So we had a second?

Ms. Lono: Yeah, I second.

Mr. Sinenci: Dawn second.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Kaina, seconded by Ms. Lono, then unanimously

VOTED: recommend approval of the bill as written but with a recommendation to consider creating even bigger designations within the bill.

Mr. Alueta: Okay, thank you. You got unanimous. Four.

Mr. Sinenci: Unanimous. Okay, moving on to the next bill entitled --

2. The Maui Planning Commission and the Maui County Council requesting comments on Council Resolution No. 09-60 containing:

- a. **A draft bill entitled “ A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.08 MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS”.**

The purpose of the draft bill is to permit affordable accessory dwelling units on lots of 6,000 square feet or more in residential districts.

- b. **A draft bill entitled “A BILL FOR AND ORDINANCE AMENDING CHAPTER 19.35 RELATING TO ACCESSORY DWELLINGS.”**

The purposes of the draft bill are to: (1) permit affordable accessory dwelling units on lots of 6,000-7,499 square feet; (ii) increase the maximum gross square footage of accessory dwelling units; and (iii) require that accessory dwelling units built on lots of 6,000-7,499 square feet remain affordable.” (RFC 2009/0215) (J. Alueta)

The Committee may take action to provide its recommendations on the proposed legislation.

Mr. Alueta: Again, the next bill you have is Resolution 09-60, and this is again a bill that was referred to the Lanai, Maui, Molokai Commissions as well as the Hana Advisory Committee and this would amend 19.08 as well as 19.35, which is your accessory use structures or, as some people like to call it, the ohana -- ohana dwelling provision. If you recall way back, way back when, back in the '80s, there was a housing crisis and that seems to always crop up in Hawaii. I mean a lack of affordable housing for the residents of our community. The State Legislature encouraged us and they adopted this ohana bill, which authorized and encourage the counties to adopt legislation that would allow for what they call “ohana dwellings” that would be used for, in its purest intent, for extended family, for families to have -- rather than living under one roof, they could have a separate accessory structure and the primary motivation was to create more housing units; the primary motivation in the things was, hopefully, that these would be affordable housing units. They would be used mostly for immediate family but, as in our culture, everybody is family, everybody is one big ohana, and, thus, the whole term of the ohana dwelling came about. But when the law was adopted, you know, during the accessory dwelling, they created a new chapter called “19.35,” which deals with accessory dwellings, and as you

know, you can have a what they call "ohana cottage" or cottage on your property if your lot was of a certain size, so not everybody could have an accessory dwelling, and the size standard, the minimum lot size in which you could an accessory dwelling or living unit was 7500 square feet, okay. So during that -- 7500 -- as you know, many of our accessory dwellings are not being used in its purest form. They're not necessarily -- a lot of them are. They're not -- yeah, so they -- they're not being used -- they're not necessarily -- still a lot of them are still being used for long-term rentals for local residents and long-term residents of this thing, but also, as you know with the passage of the amendments of 19.64, which is the bed and breakfast ordinance, the definition of a bed and breakfast home has been expanded to include second -- an accessory dwelling. So now there is a potential that there will be, in its purest form, they've limited it to 400 units total across the County, or for Maui I should say, and broke it down -- huh? Yeah, to allow for accessory units. So they allow 400 total B&B operations and that could potentially mean that there is 800 single-family dwellings and ohanas converted because a B&B home can be a single-family home and your ohana, okay. So that's the impact that the County Council did when they adopted the amendments to 19.64.

What this does is, you know, it allows for accessory dwellings on smaller lots, down to as small as 6,000 square feet up to -- and it allows for a 500 square-foot cottage, okay. However, this -- if you build one, according to the bill, the way the bill is written is that they are purely defining it as an affordable dwelling -- affordable accessory dwelling, so meaning if you wanna build one on your lot that's 6500 square feet, right, you have to provide the units to accommodate either immediate family by blood, adopted, marriage spouse, or individuals from the low -- a very low to gap income as described. So they're restricting it -- these particular units to family members as well as to a certain income level. So long term residents can be -- and that probably should be clarified in here that, you know, you could have someone who's on a -- a very low or gap income but they're on vacation, so you may wanna make that clear.

Ms. Lono: So it should say "long-term."

Mr. Alueta: Yeah. I've never -- anyway, and it's basically making deed restrictions that it remain in affordable for life of the unit and, you know, that it has to meet HUD criteria. And so you have your bill before you and this was brought out by Councilmember Molina and he did it with -- in discussions with us. This -- besides amending 19.35, which is the bill that allows for accessory dwellings, they also provided -- they're amending 19.08 to add it as a permitted use, and that's the current bill. Yeah, that's it.

Mr. Kaina: So the bulk of this bill is, basically, taking the required square footage from 7500 down to 6000?

Mr. Alueta: Correct. And the Department's initial concerns was for densities, lot densities, so you had the -- and we recently amended our 19.08 or we have a proposed bill that would amend the residential zoning district and it would it allow for - what do you call - floor lot coverage, okay, and that lot coverage would restrict it, not only with the setbacks, but also the 40%, have a 40% lot coverage. That did not come before this -- this body. It only went before the -- it's only gone before the three Planning Commissions, okay.

Mr. Kaina: So even with the density, I mean even with the size of this going down for accessory dwellings, they cannot cover more than 40% of their lot?

Mr. Alueta: That is correct.

Mr. Kaina: Okay.

Mr. Alueta: And then, at the same time, one of the other issues that we have with the potential added densities is that you're going to have - what do you call - some of the infrastructure in some of the areas where you have these smaller lots were not intended to accommodate the amount of family units living in these -- in these individual family units, and that's one of our concerns, and the main issue is, as you know, with any parking, if you've ever been in Wailuku or in Kahului where they have apartments, everybody parks on the street. There never seems to be enough parking. And if you go into -- well, in some of our older communities, there is no sidewalks, there is no -- the streets can be narrow, and so that's one of our concerns. We hope to alleviate some of those issues and concerns with the fact that we're issuing -- we're putting out this lot coverage. So by virtue of requiring, not only the setbacks from the buildings, but also lot coverage, you're going to make more room on the property where they can park, okay, so that's the intent. Hopefully, that pans out. But our -- like I say, our concern is still with these -- our concern is still with the amount of traffic or cars cause most families are two car, if not three, and then you got an ohana and if you have two people who are living in a small ohana, they probably both work - chances are they both work.

Ms. Lono: So why wouldn't you just require parking within the lot rather than assuming that they'll do if the lot coverage is --

Mr. Alueta: That's a good comment that you should probably make to the --

Ms. Lono: Okay.

Mr. Alueta: Which I have but you should probably make those comments that 19.36 needs to be amended also. The parking ordinance.

Ms. Lono: So it couldn't be done within this? It would have to amend the parking ordinance?

Mr. Alueta: Yes.

Ms. Lono: You couldn't require it within this accessory dwellings, put it as a D, that parking -- onsite parking be provided?

Mr. Alueta: You can but -- you could but it would be cleaner if we put it into the accessory dwelling -- I mean you can put it there as well as make a recommendation that 19.36 be amended for accessory dwellings to increase the parking for accessory dwellings.

Ms. Lono: Okay, thank you.

Mr. Kaina: Of the 400 B&Bs that are allowed, how much do we have?

Mr. Alueta: In Hana?

Mr. Kaina: On Maui?

Mr. Alueta: Oh.

Mr. Sinenci: Four hundred.

Ms. Lono: ...(inaudible)...

Mr. Alueta: I'll defer to the division chief who processes all the B&B permits.

Mr. Yoshida: Yes, the question again was how many B&Bs we have?

Mr. Kaina: Right. I think we said we have about 400 openings that we're allotting on Maui County. About how close are we to the quota?

Mr. Yoshida: I think the Hawaiian Institute Study that was done for the Board of Realtors stated something like there are 1200 bed and breakfast operations.

Mr. Kaina: And this includes --

Mr. Yoshida: How many have we approved? According to the newspaper article in - when was that - Saturday's *Maui News*, we've approved 18 --

Mr. Kaina: Only 18?

Mr. Yoshida: Bed and breakfast permits under the ordinance that was effective in --

Mr. Kaina: Okay.

Mr. Yoshida: January of this year.

Mr. Kaina: Just 18?

Ms. Lono: How many are allowed in Hana? Don't we have a designation for Hana? Don't we have a designation for Hana specifically?

Mr. Yoshida: There are caps, permit caps by community plan region.

Ms. Lono: And Hana is?

Mr. Yoshida: Hana I believe is twenty -- twenty something.

Ms. Lono: Oh. I thought it was like 80.

Mr. Yoshida: Well, the big -- the big areas are Paia-Haiku, 88, and, well, I guess we can get the ordinance out.

Ms. Lono: Oh, this is B&B.

Mr. Kaina: Yeah. Yeah.

Ms. Lono: Oh, okay.

Mr. Kaina: I'll just kind of --

Ms. Lono: I think you're right.

Mr. Kaina: Cause the red flag I have flying out at me right now is telling me that this bill right here will allow people with smaller lot sizes to build specifically for that B&B.

Ms. Lono: Yeah, but this doesn't allow that.

Mr. Alueta: No. No. This bill would not allow for it. That's what this bill does.

Mr. Kaina: Okay.

Mr. Alueta: This bill, basically, says -- this bill would have been great if it was adopted for the whole accessory use dwelling, which it should have been - meaning it should have been very specific that ohana units were only meant for long-term and for affordable housing but it never did. I think this bill corrects it by adding it from 6,000 and 75, and then putting that language in that restricts it that it can only be for affordable housing and for those of low and gap income groups. So I think that really helps.

Mr. Sinenci: Joe, does this -- the zoning have anything to do with this bill? No? Like high density zoning - rural, urban? No?

Mr. Alueta: This would only apply to -- this would only apply to the residential districts. I mean it would apply for -- it does apply for rural but, most likely, you don't have a lot that's 6,000 square feet in the rural district. So this would probably -- the majority of the lots that would be impacted are going to be already zoned R-1.

Mr. Yoshida: To answer Commissioner Kaina's question, the cap for the Hana Region on B&B permits is 48.

Mr. Kaina: Thanks, Clayton.

Mr. Alueta: Mr. Chair, can you use the corded mike cause I think we're having trouble with that thing. If you guys can just share that one corded mike.

Ms. Lono: So, I would like to make a recommendation that we add that requirement for onside parking to 19.35 -- perhaps 19.35.110 just to add item D on that requiring onside parking for at least two cars. And then to also amend 19. -- whatever Joe said.

Mr. Alueta: 19.36, Parking Ordinance.

Ms. Lono: Yeah, the parking ordinance to require onsite parking.

Ms. Cosma: Okay, I'd like to second that.

Mr. Sinenci: That's fine. Let's table that for now. Let's take some public testimony before we continue with the recommendations. We'll keep it to a two-minute minimum. State your name. Open for public testimony.

Ms. Jo-Ann Carreira: Hi. I'm Jo-Ann Carreira. You know, this accessory building, if you need to -- wait, the accessory dwelling, 7,500 square feet, you're allotted that dwelling on that 7,500 square feet lot, and then right under that, if it's affordable, you can add another dwelling on a 6,000 square feet lot. So if you take like maybe any property in the subdivision, it's not more than one acre or not even half-acre, it's less than, but it's --

Ms. Lono: They're about 10,000 -- 10,000 square feet.

Ms. Carreira: No, but it's less than half an acre, which is Rural-1, but this doesn't -- this doesn't limit it to under half-acre, you know, so everybody in the subdivision going to be able to put up a --

Ms. Lono: They already do.

Ms. Carreira: Another dwelling. That's right, but they can even be putting up more than one. They can put up two depending if -- you know, they can put like a 20-by-20, that's only 400 square feet so you can really be putting up more. So anyway I noticed that everybody all voted to pass this resolution on top of that bill but if you -- if you just picture where we're at just in Hana and not the whole Maui, cause you can see how we can work outside of Hana, but inside of Hana, anybody can make it one affordable housing and so they don't have to have 7,500 square feet to have an accessory dwelling.

Ms. Lono: ...(inaudible)...

Mr. Alueta: No, no. Let me just -- I just wanted to clarify. Sorry. Is that if you have a half-acre lot, right, that's designated as rural, right, you would -- your size of your ohana that you could build, right, would be around 800 -- it would go up to 800 square feet. If you had half-acre rural and you were smaller, you're zoned half-acre rural but you had a smaller than a half-acre lot, say it was 15,000, right, you can have your -- you're allowed to have your one house and the accessory dwelling that you could build would only be 700 square feet. So this provision for the affordability is basically saying is that people right now who have half-acre or just under half-acre, they can still build an accessory dwelling. As long as they have a main dwelling, they can already build an accessory dwelling. It's the ones that have less than 7500 square feet where you can get your main dwelling but you're not allowed -- you're too small to, by the existing code, to be -- to build an accessory dwelling and what this law does is it's saying is that if you have a lot smaller than 7500 square feet, we're going to grant you the right to build an accessory dwelling, right, but we're going to restrict the use of that accessory dwelling to only as an affordable house - as an affordable unit. But people who can -- anybody can build -- anybody who has a bigger lot can build an accessory dwelling and they can rent it out for as much as they want or as little as they want, so they can make it affordable if they want, but most people, when they build their accessory dwelling, they charge as much as they can and the only time it ever becomes affordable is when you have an economic crisis where everybody gotta drop their price.

Ms. Carreira: But you had said earlier about the affordable being HUD approval -- I mean HUD guidelines but not everybody qualify for HUD guidelines or to receive HUD or to even be on this three-year waitlist and then -- and then how do -- how do they get to build if, you know -- something attaching it to HUD should be reconsidered.

Mr. Alueta: It's not attached to HUD. It's only the guidelines, the monthly rental guidelines, will be using HUD guidelines for income limits, but the -- it'll be -- the affordable housing will be described by the County's Chapter 2.96, so the housing code, and then the house will be deed restricted and the Department of Housing and Human Concerns will make the decision on -- when they sell the property so that's --

Ms. Carreira: Do you have 2.96 ...(inaudible)...

Mr. Alueta: No, I do not. Maybe we could -- we might be able to find it. Okay. But the -- but your concerns are legitimate but that -- and so -- so there's not a requirement that you "meet the HUD guidelines" or the property meet the HUD guidelines or somebody qualifies under -- the HUD guidelines are based on your income. That's the only section of HUD that we're taking.

Mr. Sinenci: Okay, thank you. Any other comments from public testimony? Ward? Thank you, Aunty. Okay, that concludes our -- oh, Joe?

Mr. Alueta: No. You going to close public testimony?

Mr. Sinenci: Did you have one last comment?

Mr. Alueta: No.

Mr. Sinenci: Okay. So that concludes public testimony for Bill No. 09-60. We'll open it up for discussion.

Ms. Lono: I just -- what are the income guidelines in 2.96.020?

Mr. Alueta: That's the Housing and Human Concerns - how they qualify people for affordable housing.

Ms. Lono: Do we have that? What is that?

Mr. Alueta: It was not transmitted to me. It is -- let me go see if I have a copy of it.

Mr. Sinenci: They're just -- they're just using those HUD guidelines so that you're not charging renters this exuberant amount.

Ms. Lono: No, that doesn't refer to HUD. HUD is below in C.

Mr. Sinenci: Oh.

Ms. Lono: But this is --

Mr. Sinenci: Gap income --

Ms. Lono: Low to gap income as described in --

Mr. Sinenci: Ratio.

Ms. Lono: This would be the Maui County Code, right, 2.96.020? Cause I'd just like to see what the -- what that gap income -- low to gap income is and see how that compares to Hana.

Mr. Sinenci: Yeah, that might not --

Mr. Alueta: 2.9 -- oh, I'm sorry, 2.96.020, that's the definition section for HUD and it makes specific reference to very low to gap income. So --

Mr. Sinenci: Can you read it for us?

Mr. Alueta: Yeah, that's why I'm looking for it. Very low income, which are those household whose gross annual family income is 50% or less of the area median income as established by HUD, or as adjusted by the department for Hana, Lanai, and Molokai. So that adjustment provision is already in there. Let's see -- and then low income is 50% but does not -- more than 50% but not more than 80%, okay. And gap income is which are those household whose annual family is more than 140% but not more than 160% of the median income established by gap. So they're saying, based on this definition or what they're proposing, is that very low to gap income, so anybody from very low, which would be less than 50%, to up to 160%. So if you have a -- again, that's the proposal out of Council. If you wanna make adjustments, you can either raise it to above-moderate or drop -- I mean drop it down to -- drop down the categories that would qualify to use these accessory dwellings. It's up to you.

Ms. Lono: Well, I would think it would be most appropriate used for low-income housing. I mean when you're talking about making, you know, 150% of the median income, you're not doing too bad, right?

Mr. Alueta: 150%?

Ms. Lono: Yeah.

Mr. Alueta: Yeah.

Ms. Lono: I mean you're -- yeah, you can afford a decent rental. So if we're talking about trying to provide these for as affordable rentals, then I would think that we would want to cover that very low income level, and the gap people probably -- you know, they can afford something a little bit better I would think. So I'm trying to catch -- I'm trying to capture or focus on the really -- the low income people that really need this.

Mr. Kaina: What does HUD use as their qualifying scale? Do they just use the normal Federal Poverty Scale to gage or --

Mr. Alueta: Yeah, HUD comes out with a list of what -- and the percentages what their income for each region.

Mr. Kaina: Right.

Mr. Alueta: And then I guess for Hana, Lanai, and Molokai, there's some adjustments downward probably because of the -- or because of the amount of income, lower income. I would, again, you have -- there's six groupings --

Mr. Kaina: Right.

Mr. Alueta: And that is: your very low, which is less than 50%; low income, which is up to -- from 50 to 80; below moderate income, which is 80 to 100% of the median income; moderate income, which is 100% and not more than 120; and then above moderate income is 120 to 140; gap income is 140 to 160 --

Mr. Kaina: That's percent, right? The percentage?

Mr. Alueta: Yes, percentage, 160% of the median income. So I'm not going to do any quick math here but, you know, if you make a 100, then somehow the median income is 100,000, then 160 would be 160, but mostly likely median income is like 36,000 for a family of four sometimes. I mean depending on what it is.

Ms. Carreira: When you're dealing with HUD, for instance, there's several homes in Hana that are HUD qualified, HUD tells you, the landlord, that if a family of four is coming to rent your three-bedroom house, that they will allow -- their allowed income for rent would be \$1,600. Now if a family of eight came for that same house, they can pay up to \$1,800. So -- but that is HUD have the ability to control that. But if you're not HUD and you got a house to rent to a low income, how do you enforce what you guys trying to do?

Mr. Kaina: Yeah, I think they use the Federal Poverty Guidelines, which would be, if I'm not mistaken, 18,000 and below would be considered low.

Mr. Alueta: Individual or family?

Mr. Kaina: My hunch tells me would be family of three because that's what I remember stating, and that's just kind of to give us a ballpark frame when we're picturing low income and gap - what we're looking at.

Mr. Alueta: I think your main discussions, from what I'm hearing, is I don't think you need to get into specific numbers, I think you just need to get into if you wanna establish a more restrictive guideline or a less restrictive guidelines with regards to the use of the accessory dwelling. And then again, do you feel that having accessory dwellings on lots between 6,000 and 7499 is appropriate at all. And that's --

Mr. Kaina: Yeah.

Mr. Alueta: Those are your two main --

Mr. Kaina: Yeah.

Mr. Alueta: I think your main issues you've be haggling with.

Mr. Kaina: Well, I think the main thing is that we need to get -- we need to get -- because it's kind of a big thing, this exception, you know, the low to gap income, we need to get that clarified cause I mean even -- even in that section, it doesn't really clarify what we're looking at.

Ms. Lono: Could we request that Hana just be excluded from this all together?

Mr. Kaina: I mean because we're saying percentage-wise and then we're saying these exceptions for Hana and, basically, there's no way of knowing what the actual income limit will be for them to be qualified as low income.

Mr. Alueta: Well again, I see your point that --

Mr. Kaina: Yeah.

Mr. Alueta: That that information is not readily available but I think the issue that is probably the main focus is is, one, do you think accessory dwellings or the increased density of having an accessory dwelling on a lot between 6,000 and 7500 is okay; and secondly, should that be restricted? If you're going to allow these, what restrictions should be placed on? Council is saying that they're okay with this gap group, you know, from very low, moderate, up to gap income, which gap income is up to 160% of the median income.

I think that should be your focus, like should you really go that high, or should you go higher, should you go lower, and then should it be gap or should it be moderate or --

Mr. Kaina: Yeah.

Mr. Alueta: Because the percentages are there already I think.

Mr. Kaina: I think that's kinda what we're -- we're kind of -- I think we're all okay with -- with the square footage, but what we're trying to get to is a recommendation about that income. I mean just to kinda clarify that.

Ms. Lono: I would -- I would think that we should consider low to low moderate and maybe we make that for Hana because it's different in other areas, but I think in Hana that very low to low moderate rather than going all the way to the gap income, that's pretty high, so --

Mr. Alueta: Okay, yeah --

Ms. Lono: I'd like to discuss it with all the Committee Members and see how all of you feel about it.

Mr. Alueta: Okay.

Mr. Sinenci: How many people can fit in a 500 square-foot room, basically?

Mr. Alueta: It wouldn't matter. I wouldn't matter in the sense that -- as far as the below moderate because that below moderate income level will adjust based on the amount of family members so -- do you follow me? And it's basically -- it's below moderate so it would be -- so you're looking at very low income, low income, and below moderate, and that would basically be taken up to not more than 100% of the median income.

Ms. Lono: Cause isn't the intent to capture that lower income group?

Mr. Alueta: I thought it was but after seeing that there's a -- there's that gap group --

Mr. Sinenci: 160% of the median --

Mr. Alueta: Yeah.

Ms. Lono: Yeah. So I would make a motion, and I think I'd like to make this specific to Hana because it may be appropriate different for other areas, so I would like to make a motion that 19.35.110, starting with "or individuals of very low to" and instead of saying gap

income say "low moderate as described in Section 2.96.020 of this code for the Hana District," or however you would --

Mr. Alueta: It's below moderate.

Ms. Lono: Low moderate. Below moderate?

Mr. Alueta: Yeah.

Ms. Lono: Oh, I'm sorry. I thought it was low moderate.

Mr. Alueta: The term is below moderate.

Ms. Lono: Below moderate. Okay, so below moderate.

Mr. Kaina: I think we gotta start with the bill first? So you're approving the bill and then the recommendation?

Mr. Alueta: Is that your intent, Dawn, Ms. Lono, to approve the bill as presented with the amendment that it be from very low --

Ms. Lono: Well, that's one. I don't know if we considered all the other amendments yet.

Mr. Alueta: At least you're starting out somewhere.

Ms. Lono: Yeah.

Mr. Alueta: And then someone can amend it later after that.

Mr. Sinenci: Okay, so we got one for now. Another one I wanted to bring up is we've got this building program in town where some high school kids will actually build a, not a ohana unit, but some times 500 square-foot for kupuna.

Ms. Lono: Not even 500.

Mr. Sinenci: Five-hundred square-foot, and so that have any bearing on this resolution?

Ms. Lono: No, it's not considered an accessory dwelling. It's actually an addition.

Mr. Sinenci: Attached.

Ms. Lono: Yeah. Yeah.

Mr. Sinenci: It's attached to the main house?

Ms. Lono: Exactly.

Mr. Sinenci: Okay. Sorry.

Mr. Alueta: But was the original motion seconded by --

Mr. Kaina: I'll second that motion.

Mr. Alueta: Okay.

Mr. Sinenci: Alright, so motion on Council Resolution 09-60 permitting affordable accessory dwelling units on lots of 6,000 to less than 7500 square-foot with the recommendation that the -- the low to gap ratio be from low to below moderate when considering Section 2.96.020.

There being no further discussion, the motion was put to a vote.

It has been moved by Ms. Lono, seconded by Mr. Kaina, then unanimously

VOTED: to recommend that 19.35.110, starting with "or individuals of very low to," and instead of saying "gap income," say "below moderate, as described in Section 2.96.020 of this code for the Hana District."

Mr. Sinenci: Okay, motion carried. Okay, any other motions or any other amendments? We've already approved the motion.

Ms. Lono: Okay, I would like to -- I would like to make a motion that we add a parking requirement and I would think that we would need at least two onsite parking spaces per accessory dwelling, so that means if you have a main dwelling and you add an accessory dwelling, you would have to make sure there were at least two onsite parking spots.

Ms. Cosma: And I second that. Thank you, Dawn.

Mr. Sinenci: Okay. We had a motion to recommend that two onsite required parking per accessory dwelling added to 6,000 to 7500 square feet with -- that was the recommendation. We had a second.

There being no further discussion, the motion was put to a vote.

It has been moved by Ms. Lono, seconded by Ms. Cosma, then unanimously

VOTED: to add a parking requirement that two onsite parking spaces be required per accessory dwelling.

Mr. Alueta: My understanding is that you're trying to -- you're going to add parking, one more stall, so two stalls total for the accessory dwelling?

Ms. Lono: Correct.

Mr. Alueta: It would be an amendment to 19.36. And then did you want to add it to the language in the bill itself?

Ms. Lono: Yeah, so we -- and I'd like to make a motion that we add it to -- well I added it to this bill. This is what I was talking about. So now we need to add it -- request that it be added to the parking ordinance.

Mr. Alueta: Yeah, where was it in the -- under H? Were you adding it to permitted uses of H? Or were you adding it under 19.08 or under 19.35?

Ms. Lono: 19.35D

Mr. Alueta: B.

Ms. Lono: D.

Mr. Alueta: D.

Ms. Lono: We would make it a "D."

Mr. Alueta: Okay.

Ms. Lono: "D" as in Dawn.

Mr. Alueta: Two parking for the -- for the ohana.

Mr. Sinenci: Per accessory dwelling.

Mr. Alueta: For -- per accessory dwelling. No?

Ms. Lono: Four parking stalls onsite.

Mr. Alueta: If you have a house and ohana, you would require four parking stalls. No, because right now, you're required three - two for the main -- we're just adding one more stall. Okay, and then, if I may, Mr. Chair, when you're done with this motion is that I'd like to make a recommendation with regards to 19.35.025, if you look at that section.

Ms. Lono: 025.

Mr. Alueta: Yeah, we would -- the Department has got another bill going forward and that we would change -- yeah, the 50 to 40% of the lot size, and that we would strike the FAR all together.

Mr. Kaina: So you guys are making that recommendation?

Mr. Alueta: Yes. We are. That we would recommend that to you.

Ms. Lono: That we recommend it also.

Mr. Alueta: Yeah, that you recommend it also.

Mr. Sinenci: So 40% of the lot size.

Mr. Alueta: Right, and -- and the reason is, one, we don't think it should be in 19.35. We think it should be in 19.08. That's the standard. But if they -- I mean that's -- that's how we're looking at it.

Mr. Kaina: Okay, so I'll make a motion to make a recommendation, under 19.35.025, that the lot -- I'm sorry, the floor area ratio shall not exceed 40% instead of 50 of the lot size.

Ms. Lono: I'll second that.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Kaina, seconded by Ms. Lono, then unanimously

VOTED: to make a recommendation, under 19.35.025, that the floor area ratio shall not exceed 40% instead of 50% of the lot size.

Mr. Sinenci: Okay, motion carried.

Mr. Alueta: Okay, then also to strike the FAR reference. That we don't think that there needs to be a floor area ratio of 25%. Floor area ratio is like if you had a -- yeah, like two stories. So if you have 10,000 square feet, right, a 10,000 square-foot lot, a 25% FAR means that you could build a 2,500 square feet of floor area, so you could split that between the two floors and have 1200 on one floor, and 1200 on another floor, you know, but we don't think -- we don't wanna deal with floor area. We think that the lot coverage as well as the existing setbacks in the zoning code are -- are enough to control the densities and that -- that the FARs would be too cumbersome to enforce and to administer.

Mr. Sinenci: What, do we need to make our --

Mr. Alueta: No, if you think it should stay that way, you can leave it that way also. I mean I'm not -- okay. So, right now, you have -- Mr. Giroux can help with the amendments to make sure we're on track. So the amendments that I have heard so far are changing it from gap income to below moderate; changing the --

Ms. Lono: For Hana.

Mr. Alueta: For -- okay. And this is only for Hana.

Ms. Lono: For Hana.

Mr. Alueta: Okay. For Hana. And changing 50% to 40%; adding a D., which would require two parking stalls for an accessory dwelling -- huh?

Ms. Lono: Onsite.

Mr. Alueta: Onsite. Okay, two parking onsite. Yeah, all parking has to be onsite, but that's good. Clarified. Not on my neighbor or on the street. And then -- and that's it. That's all -- that's all I heard. So those three amendments to the main bill.

Mr. Giroux: We just have to go back to the main motion and accept all these amendments into the main motion to approve the --

Mr. Kaina: So I'd like to make a motion to approve -- I'd like to recommend approval, alright, with the recommendations stated.

Ms. Cosma: Second.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Kaina, seconded by Ms. Cosma, then unanimously

VOTED: *to recommend approval with the recommendations stated.*

Mr. Sinenci: Okay, motion carried. Okay, we'd like to move on to the Director's Report.

D. DIRECTOR'S REPORT

1. Scheduling of other Hana Projects

Mr. Yoshida: Mr. Chair and Members of the Advisory Committee, the Department is processing several land use applications from Hana, the Hana Region, none of which are close to being scheduled. We have Mark Collins' rezoning to BC-T, which he may change to SBR if the Council finalizes its approval on the SBR ordinance. We have a bed and breakfast permit from Richard Lopez located on rural lands zoned interim, which because the Council, you know, recently passed interim ordinance allows for bed and breakfast permits in interim now. We have a State special use application for Ala Kukui Retreat Center. I think it's at Kawaipapa on agricultural lands. None of these are close to being scheduled. I think the closest is probably Mark Collins if the Council finalizes its approval on the SBR bill. So the next time we'll be here probably, unless there's another piece of legislation that comes forth from the Council or the Department, probably sometime after October. And that's kinda the status of the Hana Region applications that we are currently processing.

Ms. Lono: I move that we adjourn.

Mr. Sinenci: One last -- what is the -- what about the ramp?

Mr. Yoshida: The ramp -- oh, the Hana Boat Ramp?

Mr. Sinenci: Hana Boat Ramp?

Mr. Yoshida: Yeah, that was approved by the Planning Commission several months ago. Yeah, so they got their SMA and their shoreline setback variance, and the Commission did examine the conditions and the testimony that was presented to the Advisory Committee when we met on this and did our walk through, yeah.

Mr. Kaina: ...(inaudible)...

Mr. Yoshida: I'm not sure. I know it's on the Governor's -- you know, the list of projects that they're trying to speed up to help the --

Ms. Lono: ...(inaudible)...

Mr. Yoshida: Yeah, I'm not -- yeah.

Ms. Lono: ...(inaudible)..

E. ADJOURNMENT

Mr. Kaina: Okay. Alrighty. I'd like to make a motion to call it a day and adjourn the meeting.

Ms. Lono: Second. Everybody seconds.

Mr. Sinenci: We have a second.

There being no further business brought before the Committee, a vote was taken.

It has been moved by Mr. Kaina, seconded by Ms. Lono, then unanimously

VOTED: to adjourn the meeting at 6:24 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Shane Sinenci - Chairperson
Kawika Kaina - Vice-Chairperson
Lehua Cosma
Dawn Lono

Excused

Tina-Marie Kahula
Kau`i Kanakaole
Marilyn Tau`a

Hana Advisory Committee
Minutes - 08/20/09
Page 46

Others

Clayton Yoshida, Planning Program Administrator
Joseph Alueta, Administrative Planning Officer
James Giroux, Deputy Corporation Counsel