

**HANA ADVISORY COMMITTEE
TO THE MAUI PLANNING COMMISSION
REGULAR MEETING
DECEMBER 19, 2023**

The regular meeting of the Hana Advisory Committee (Committee) to the Maui Planning Commission was called to order by Mr. Ward Mardfin, Chair, at approximately 4:33 p.m., Tuesday, December 19, 2023, online via BlueJeans videoconferencing platform Meeting ID: 139 686 528, and at the Current Planning Conference Room, One Main Plaza, 2200 Main Street, Suite 619, Wailuku, Maui, Hawaii 96793, and at the Hana Cultural Center and Museum, 4974 Uakea Road, Hana, Maui, Hawaii 96713.

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

A. CALL TO ORDER AND ROLL CALL

Mr. Ward Mardfin: Hello, I am Ward Mardfin, Chair of the Hana Advisory Committee to the Maui Planning Commission. I am hereby calling the meeting to order and I am going to take roll. Um the roll is ah Becky Lind, Vice-Chair. Becky if you can just say you're present.

Ms. Becky Lind: I'm present. There, it wouldn't unmute, sorry about that.

Mr. Mardfin: Thank you. Ah Clayton Carvalho is I believe absent. Ah Scott Crawford.

Mr. Scott Crawford: Present and accounted for.

Mr. Mardfin: Okay, I don't know if you have to put your face on screen for a second or not or ... Ah Mary Ann Kahana? Is I believe absent. Ah William Matthew Keiley?

Mr. William Matthew Keiley: I'm present.

Mr. Mardfin: Ah Dean Wariner? I don't see offhand. Um and Ward Mardfin, Chair, is me and I am here and present. Thank you, Scott for putting your face on. We hereby have 1, 2, 3, 4 people so we have quorum. Um we are up to item that's Call to Order and Roll Call, um the Item B is a Public Hearing. Ah there is supposed to be Mr. Gary Passon and Ms. Charlene Schulenburg requesting a short-term ah rental home permit (STRH) to operate Hana Aku, a two-bedroom STRH in the County 'R-3, Residential District' at 4933 Uakea Road, Hana, Hawaii and the TMK for that is 2-1-4-005:019 um and Danny are you gonna be doing the ah report?

Mr. Danny Dias: Ah no I'm not, so Item B.1., I'll just read it in for the record. Um I know you went over it but just for the record, Mr. Gary ah I'm sorry, is it Passon um and Ms. Charlene Schulenburg requesting a short-term rental home permit to operate Hana Aku, a two-bedroom STRH in the County 'R-3, Residential District' at 4933 Uakea Road, um TMK 2-1-4-005:019. Um just for your information ah you know obviously the Hana Advisory Committee is basically gonna make a recommendation to the Maui Planning Commission and the reason why this is before you is because there is ah two other

STRH's um near this one. So with that being said, the Staff Planner on this project is Tara Furukawa. Um Tara, I don't know if you had any opening remarks or presentation or something but um anyway, I'll hand it off to Tara. Thanks.

Mr. Mardfin: Tara?

B. PUBLIC HEARING (Action to be taken after public hearing)

1. MR. GARY PASSON and MS. CHARLENE SCHULENBURG requesting a Short-Term Rental Home Permit (STRH) to operate Hana Aku, a two-bedroom STRH in the County 'R-3, Residential District' at 4933 Uakea Road, Hana, Maui, Hawaii, TMK (2) 1-4-005:019. (STHAT20180005) (T. Furukawa)

The Hana Advisory Committee is being requested to transmit its findings and recommendations on the subject application request or take other action to the Maui Planning Commission.

Ms. Tara Furukawa: Yeah, so I'm Tara Furukawa. I just um so this item has come to you for review because there are at least two other permitted STRH's within a 500 foot radius of the property boundaries. Um the Hana Community Plan Region cap is currently 15. When the application was received on August 27th, 2018, the STRH cap was 30 so the application has to be processed with um that number in mind. The applicant is proposing a two-bedroom STRH in the main dwelling. There are two dwellings on site but the other one is vacant for visiting family use. Um the applicant lives in Kihei currently um and so since the wildfires, the applicants thought it may be a good idea ...

Mr. Mardfin: Tara...

Ms. Furukawa: Yeah.

Mr. Mardfin: this is Ward again. I'd like to interrupt you a moment because I see Dean Wariner has checked in I believe. Dean, are you here? I just saw him on a second ago. But I didn't hear anything. Dean, can you hear me? That'll give us five people.

Mr. Dean Wariner: Yeah I did.

Mr. Mardfin: Dean, are you okay?

Mr. Wariner: Ah I'm getting there.

Mr. Mardfin: Yeah, I just heard you and I can see you, so I'm marking you present.

Mr. Wariner: Yeah, okay.

Mr. Mardfin: And we're getting back to the main item of business. Tara, you can continue please.

Ms. Linda Kim: Oh, I'm sorry Chair, this is Linda. I see that Clayton Carvalho, Jr. just joined in.

Mr. Mardfin: Oh, thank you.

Mr. Clayton Carvalho, Jr.: Hi Chair, sorry I'm late.

Mr. Mardfin: That's okay. You're present?

Mr. Carvalho, Jr.: Yeah and I'm joining in from home.

Mr. Mardfin: Okay.

Mr. Carvalho, Jr.: Ah no one else is in the room.

Mr. Mardfin: Okay, thank you very much. So we're up to six. Continue Tara.

Ms. Furukawa: Um so since the wildfires, the applicant kind of thought it may be a good idea to um house displaced residents um in the STRH and if approved, the applicant would be able to do so and then um also not be subject to this higher property tax rate that comes with approval as STRH. So um you know for them the exemption would be in effect from January 1st to June 30th, 2025 and they're kind of thinking about not moving forward with this but I don't know it's kind of like a win-win yeah in a way. So um anyway Gary's the applicant and he has a brief presentation. He and Charlene can answer questions that you might have about the proposed use.

Ms. Charlene Schulenburg: Aloha everyone, sorry it looks like our camera wants to try to find us. Um I'm going to be doing most of the talking I'm Charlene Schulenburg. My husband is Gary Passon. Gary just recently got back from um the Mainland and he has caught something and we just realized he has a fever so I'm going to keep him back there a little bit and, um he can chime in when we're through. Okay, so um thank you first of all Tara for all the hard work that she put into this and thank you Hana Advisory Committee—ah it's always great work when you know when citizens show up and care about their area.

Um I'm originally from Maui and gosh um I don't know if—I guess I don't know any of you. I thought I would know some of you but I don't. Um I went to um Kula grade school elementary and I went to Kihei, the old Kihei middle school and then I graduated from ah St. Anthony and went on to Santa Clara after that for um my studies and ended up in Los Angeles working and had a previous life in um Hollywood doing writing and acting and

producing and all that kind of stuff. So Gary and I knew we would always come home. Was just a matter of when. And I wrapped up my career and we came home ah in 2010, and we found this property I believe in 2017. And it brought back a lot of memories being um on that property because my parents and I and my aunties and uncles and cousins, we used to drive out to Hana all the time and um we would camp at Waikoloa. And you know so it just brought back all kinds of memories. I always wanted to own a home in Hana and when this presented itself, both Gary and I just jumped on it. We're so grateful.

So um I don't know if you all remember but my dad was the manager of the Woolworth's Maui at the old—the Maui Mall and so ah everybody knew him and I'm kind of carrying on his legacy cause he was very involved in the community. And so ah we live in Kihei full time and I'm part of the Kihei Community Association. I serve on the Board. I'm also ah I guess you can call me an Environmentalist as I care about our environment greatly ah and um so I'm also the Secretary on the Sierra Club. Um I'm also Chair of what is called Share Your Mana which is a basically a one woman show ah meaning Lisa Darcy, and she does hands on work with the houseless when they're in crises in the moment. Um so I'm Chair of that and I also serve on my Alma Mater's Foundation Committee. So I'm on the St. Anthony's School Foundation Committee. Um Gary's background—I think I belonged to a few other things too. But Gary's background um I'm gonna read some of it because I understand you guys don't get to see the letter that we send out. But Gary, let's see he ah sits on the South Maui Community Planning Advisory Committee and um he's also—he also ran ah Habitat for Humanity at the State level. He was the Board Chair for six years. So he's put in some really good time and work, housing a lot of our kamaaina and um kind of think what else you need to know. Ah I've started working with a native Hawaiian organization called Pili Koko as I was Co-Founder with um Vernon Kalanikau here in Kihei to something that is called the um South Maui Save the Wetlands Hui and um and in full disclosure, I was ah Richard Bissen's Campaign Chair. He's now our Mayor. Um I did not accept a job in the administration. I'm just not a government girl. But um he has nothing to do with this, and I don't even think he knows that we're doing this. So um just to disclose that. I think that kind of covers our basics on our background.

Um so I try to come out to Hana as often as I can and I do love it there. Um we started this process pretty early. We did start it as soon as we bought the house and thought we would um you know have the ability to do some short-term rentals. At the time, of course short-term rental people were not the boogey man back then. So our timing is weird because our sign to become a short-term rental a possibility here has been out front on our Hana property here for five years. So we've um—you know we've waited patiently and we understand the complications. And this is just a very weird time to be asking for an STR, but we saw um the timing come up. So ah we did think we could also offer this possibly as you know a family for one of the fire victims, but I see that they've put in a 40-mile distance ah regulation. So we wouldn't really be able to do that.

The current house um the part that is ah able to become a short-term rental, the whole thing is not—the ohana is not allowed to be a short-term rental. But the house itself ah we've had it rented to a local couple for the entire time that we've owned it. And we absolutely adore them, have no plans of having them ever leave. They take care of our property um you know and so it may sound weird—why do we need or want this STR if we've got you know a local family in there doing long-term. Well, they were going to have a change in their living situation and they wanted to down size. So they are willing to move to our smaller ohana and then we would be able to come out and ah enjoy the house or have it rented for a short-term rental depending on how the schedules worked out. And so that is that reason and I'm trying to think what else would be helpful for you to know.

We love Hana and I wish I could spend more time in Hana and I would be able to get to know more of you. Ah you know it's just one of those things where the drive from Kihei is just long enough to make it—to make it ah something I have to really plan out. So um yeah I just—I want to be able to ah help out the community if there's anything ah that needs help with because clearly I'm very community ah active and and care. So thank you very much.

Mr. Mardfin: Um does any ah Board Member have any questions—any Committee Member have any questions? Matt, are you trying to speak?

Mr. Carvalho, Jr.: Yeah, there you go.

Mr. Wariner: Can you hear me now?

Mr. Carvalho, Jr.: Yep.

Mr. Mardfin: Who is it, Dean?

Mr. Wariner: Yes, it's Dean.

Mr. Mardfin: Yeah Dean go ahead.

Mr. Wariner: Yes, I was wondering if this new edit from the governor of not allowing ah bed and breakfast to operate and turn over their ah dwelling to ah long-term rental.

Mr. Mardfin: What do you want to know about it?

Mr. Wariner: I want to know if it affects Hana or only ah the rest of the island?

Mr. Mardfin: Tara, do you happen to know that?

Ms. Furukawa: Um sorry no I don't actually.

Mr. Mardfin: Charlene, do you happen to know that?

Ms. Schulenburg: No ah not specifically. My thought on this after reading—there've been many articles and many discussions um about it, and I do know that um it's important to understand the amount of people are in like the 6,000 range, but a lot of them are couples and families. So there's more like 3,000 that need to be housed in that range, and I think they are looking at um the closer areas to Lahaina because there are an awful lot of people that do want to stay you know in their area. There are few that are completely traumatized of course and want to go elsewhere. Um you know I would be willing to write—um you know, yeah I mean I hope that we can find everybody housing but I don't think that there's a specific edit at this time. Um so yeah it—it'll play itself out. I don't know when or if the governor is going to go that far with ah mandatory.

Mr. Wariner: Okay, well I'm mostly interested in long-term rentals for people in Hana, and I'm glad you're able to work out a way for your caretakers to live on the property and ah remain with their job.

Ms. Schulenburg: We are too.

Mr. Wariner: Yeah.

Ms. Schulenburg: Thank you.

Mr. Mardfin: Any other questions?

Mr. Keiley: Ward, can you hear me? Darn.

Mr. Mardfin: Who is it, Matt?

Mr. Keiley: It's Matt, yes.

Mr. Mardfin: Yeah I can hear you Matt.

Mr. Keiley: Where's this property—it's the lower road, right?

Mr. Mardfin: Yes...

Mr. Carvalho, Jr.: Yeah.

Mr. Mardfin: on Uakea.

Mr. Keiley: And there's two adjacent within short-term rentals adjacent within 500 feet? Is that...

Mr. Mardfin: Um according to the ...

Ms. Furukawa: Yes, there are.

Mr. Mardfin: according to the—I'm going to hold something up to my my ...

Mr. Keiley: Oh I didn't get that.

Mr. Carvalho, Jr.: I can um...

Ms. Furukawa: It's Exhibit 5.

Mr. Carvalho, Jr.: I can point out—I can kind of point it out locally for um Matt. Um...

Mr. Keiley: Yeah.

Mr. Carvalho, Jr.: this house is across from um Collins that the ah the three houses and then the two that are um the permitted operations, one is across from Derek's, kind of going up Keanini ...

Mr. Keiley: Oh that's ah what's his name—Fishers, Pat Fishers.

Mr. Carvalho, Jr.: Ah no, um the one by the steps.

Mr. Keiley: Oh, by the steps—oh okay.

Mr. Carvalho, Jr.: And then the other one is right before Hana Kai. Ah if you're going to...

Mr. Keiley: Those are in red—the permitted ones?

Mr. Mardfin: Yes.

Ms. Furukawa: Yeah.

Mr. Keiley: And the green is this property?

Ms. Furukawa: Yep.

Mr. Mardfin: Yes.

Mr. Keiley: Okay. Ah what is the County—is there any ordinance or anything like that that governs this?

Ms. Furukawa: Ah no, I mean we just have to bring it to you for review.

Mr. Keiley: (...inaudible...)

Ms. Furukawa: So it's Section 19.65.060(A)(2)(f) of the Maui County Code.

Mr. Keiley: Now they're switching it around. I mean only one of the dwellings is going to be ah short-term rental and the other is going to be for long-term family rental or use? Okay, but as I understand the governor is going to mandate that ah short-term rentals are—you know the first of the year, they want 3,000 units here or something. You have to house 3,000 people who are coming out of hotels, so they're just off the top of my head, I imagine that somebody could come over here and rent this property. I mean we have a Hyatt Hotel here.

Ms. Furukawa: Yeah, this is just—I kind of Google searched it and this is just a day ago, so we'll have to wait and see what's passed.

Mr. Keiley: I've been watching it for longer than that, the Governor's, yeah.

Ms. Furukawa: Yeah. It's the most recent though.

Mr. Keiley: It's Executive Order, he's gonna get blow back, but I mean we have to house you know our residents.

Ms. Furukawa: (...inaudible...)

Mr. Keiley: This is a hard decision.

Ms. Furukawa: Yeah um what I was talking about previously ...

Mr. Keiley: Yeah if the fire hadn't happened, excuse me—if the fire hadn't happened, I wouldn't have any problem with this. But the need within—on the island, it's extenuating circumstances.

Mr. Carvalho, Jr.: Ah I had another question.

Mr. Mardfin: Clayton, go ahead.

Mr. Carvalho, Jr.: Um I don't know if it was officially like removed? Were the other permitted STRH's and B&B's removed from this area? Cause I know for a fact that there were two other permitted operations here. Were they—did they get removed?

Ms. Furukawa: Um I actually don't know off hand. I can look it up, um but I mean do you have like an address or name or something?

Mr. Carvalho, Jr.: Ah the address would be the one across from the Beatty's, ah was previously owned by the Notestones that we approved ...

Mr. Keiley: Oh yeah.

Mr. Carvalho, Jr.: and then the other one was um the house that's right next to um—Ward, I'm thinking of Tutu's Place, which is right next to the—that's also one that we approved.

Mr. Keiley: Is that (...inaudible...) ...

Mr. Carvalho, Jr.: Ah yes. And those are both within 500 feet and that's kind of—where we ran into the issue last time with the Notestones because everyone there was kind of like ah has a bottleneck of just STRH's. I don't know if that's if they were removed over there.

Mr. Keiley: Clayton ...

Mr. Carvalho, Jr.: Yes.

Mr. Keiley: it may be good to have all your eggs in one basket, you know what I'm saying as far as that goes. But my problem is the need for housing for local residents.

Ms. Schulenburg: May I address that real quickly just to...

Mr. Mardfin: Please Charlene go ahead.

Ms. Schulenburg: Thank you so very much. Yeah I mean that—we actually have an ohana here and we've been trying to house three different families and for whatever reasons, it's fallen through three times. I mean we would be open to having um a family if we knew we could do that in Hana. But I know that the County I believe placed—oh FEMA placed a 40-mile limitation on from Lahaina to wherever these STR's that might be mandated to change um are. So I don't think we will be able to help ah Hana—I mean Lahaina families you know fire victims even if we could but we're totally open to it. That would be incredible if we could do that. So we're totally open and again we want the STR more for our long-term business plan like in case I—we need to rent it out for you know

helping our mortgage or something. Right now, we're fine so you know this is just our long-term business plan. But right now we'd be happy to do um—yeah we'd be happy to house a family.

Mr. Wariner: Ward?

Mr. Mardfin: Yes.

Mr. Wariner: Ah I believe that the Hana Clinic is searching for a residence ah for a new doctor to come in and there's nothing available.

Mr. Mardfin: That doesn't terribly surprise me, but um I haven't heard about that.

Ms. Furukawa: Can I share the list of permitted STRH's ah since Clayton had asked?

Mr. Mardfin: Go ahead.

Ms. Furukawa: Okay.

Mr. Mardfin: Where are you and where are you calling from?

Mr. Carvalho, Jr.: It's Tara.

Ms. Furukawa: Oh no, it's me, yeah.

Mr. Mardfin: Tara, that was you?

Ms. Furukawa: Yeah, it was me.

Mr. Carvalho, Jr.: Just really quickly I added the addresses to the chat. I looked through the Real Property Tax and found the two addresses.

Mr. Mardfin: We're not supposed to use chats but let me ...

Mr. Carvalho, Jr.: It says 4981 and 4888 Uakea. And I know those were permitted um I don't know if it affects the decision anyone makes—just to let you know.

Mr. Mardfin: that's okay I see it. I got it. Um, I know there's—Charlene, there's a house two doors down from you toward Hana Bay.

Ms. Schulenburg: Correct.

Mr. Mardfin: It's it's now occupied—it used to be a B&B. It got purchased by Mark Sanders and Maureen Sanders. Um and the first thing they did is they moved in—they owned a piece of property behind me in Uakea—in um Wakiu and they moved in and took out the B&B side. They are no longer using it for B&B. If that's the one you're talking about, that one is gone. Um ...

Mr. Carvalho, Jr.: I think it is, okay that would be the one two doors down. I was unclear whether they changed status.

Mr. Mardfin: It was Andy's house.

Mr. Carvalho, Jr.: I didn't know if it changed hands and what that affects or if it didn't actually change hands and it was still being used.

Mr. Mardfin: I don't know who they bought it from but it ...

Mr. Keiley: They bought it from a doctor.

Mr. Mardfin: I'm sorry?

Mr. Keiley: They bought it from a doctor ...

Mr. Mardfin: Okay.

Mr. Keiley: from Kahului.

Mr. Mardfin: And they don't use it for a short-term or long-term rental. They do take a lot of vacations to the Mainland and um they have their relatives from the Mainland stay there. But that eases up pressure a little bit. Um it looks like one of the red things in Exhibit 5 is where um the um the Kaiwi's used to have their place. And I don't know what they're doing with it.

Ms. Furukawa: Um so ...

Mr. Mardfin: Go ahead.

Ms. Furukawa: ah I looked up 4981 Uakea Road and that was Tutu's House and um so that one shut down in 2016 and since then, they've been illegally renting so there was a notice of violation that went out um ...

Mr. Mardfin: Okay.

Ms. Furukawa: the Hanchett Ching's? Is that it?

Mr. Keiley: Yeah, Bully and (...inaudible...).

Ms. Furukawa: Yeah.

Mr. Carvalho, Jr.: Yeah, but—okay.

Ms. Furukawa: But so I think it shut down and since then there's no permit for that property. I'm gonna look up the other one too.

Mr. Mardfin: You know when I was reading this, now let me just make a comment here. When I was reading this, I was very shocked—ah hurt, um bothered by well there was supposed to be 30 things there and then it became 16 things or 15 things, and I don't understand why this is happening. They shouldn't be um messing it all around. If it was supposed to be 15, it should be 15, and I don't know why there's 16 or 18 now. Um and I'd like to get some clarification of this.

Ms. Furukawa: Um so when Council approved the lower cap to 15, it's kind of the case that they were already in excess of that amount so it was kind of the idea that you know with sort of like attrition, so as they sell the property or something, the permit wouldn't be transferred. So they would possibly get it down below 15.

Mr. Mardfin: It shouldn't be—short-term rentals aren't supposed to be transferred anyway.

Ms. Furukawa: No, yeah so that's why they set the cap lower than the amount actually permitted. Um cause the hope was that you know eventually people would sell the property and then they'd be under that amount. But um this application came in um in 2018 so there was a moratorium for a couple of years and um we were told we can't process any more applications and there's various reasons why it was kind of on hold for awhile, and then we had staff turnover as well in-house so nobody picked it up. Um so finally we just kind of got around to it and um they actually volunteered to hold off on bringing this application forward but once we saw the County um article saying that you know something was making its way through Council um that would allow them to rent out you know to displaced residents and then um benefit. Once they're permitted as STRH, they kind of thought maybe they'd go ahead and move forward with it. So I don't think it was approved or anything yet by Council though. I think it's still making its way through, so.

Mr. Mardfin: Which, the number 15 or the number 30 ...

Ms. Furukawa: No no no, so the 30 was approved um in 2018 and it switched to 15. I think later than that.

Mr. Mardfin: When you say switched to 15, what does that mean?

Ms. Furukawa: Ah they lowered the cap to 15 but because of the way the Maui County Code is written, um we have to you know honor the date that it was received in-house, and we have to process according to that. So the cap at the time was 30, so we kind of have to allow for it um even though the cap now is 15.

Mr. Mardfin: This is very strange.

Ms. Furukawa: Yeah.

Mr. Dias: Chair, can I take a stab at it? Chair...

Mr. Mardfin: Yeah.

Mr. Dias: so basically you know as you folks know, the cap was 30 um ...

Mr. Mardfin: And we asked for 24.

Mr. Dias: and so that's why we have 19 permitted right now currently. The Council then changed the cap to 15 um but they also, when they changed the cap basically said anybody that already applied you know they can still be processed. So that's why there's like this weird number thing where it's like the cap is 15, but we have 19 and then yet we're bringing this before you. So it's all the timing of everything has made it confusing. And I don't know if that added some clarity.

Mr. Carvalho, Jr.: Chair, I do remember that when I was—this was when I served my first term, the cap was 24 that we voted on. And then when I left it was raised to 30 but that was not decided on by the Committee.

Mr. Mardfin: Scott, do you have any memory of this?

Mr. Crawford: Um I mean I remembered it being discussed back in the day but I don't have any recollection of exactly when it was changed or anything but I understand um what he's saying about—what Danny is saying about you know they were already in the queue basically so um their application is able to move forward even though it's after the cap because they applied before the cap was put in place.

Ms. Furukawa: Um so I just went on the Code too and um the ordinances were issued since 2016 I think. There were nine ordinances issued. That's how many times things changed over the past few years so it might explain some of the confusion.

Mr. Mardfin: Well some of the confusions comes from some people not contacting this body or remembering what was agreed to and changing things. Um but that's my problem I guess.

Mr. Keiley: Ward, I ...

Mr. Mardfin: What?

Mr. Keiley: How many of these applications are in limbo and will be coming before us again?

Mr. Mardfin: That's a good question.

Mr. Keiley: We're entitled to know the backlog or whatever it was that—the number change.

Mr. Mardfin: That's a good question.

Ms. Furukawa: Okay so in this vicinity um so if you look at Exhibit 5, the pending STRH's would be in yellow. So there are none currently shown um on the map right now. But I'm not sure for the whole area though, the whole Community Plan area. Cause um ...

Mr. Keiley: What does the Community Plan encompass? From Nahiku to Kipahulu or ...

Mr. Mardfin: No, no Matt, Matt no. Um the Community Plan is sort of limited to ...

Mr. Keiley: (...inaudible...)

Mr. Mardfin: police station—our police station out to um maybe I'm not sure where um Kuwela Eve used to live.

Mr. Keiley: Oh that's it, Honokohau then.

Mr. Mardfin: Yes.

Mr. Keiley: Okay. (...inaudible...)

Mr. Mardfin: I'm not sure of that.

Mr. Keiley: The cap is 15 in that area?

Mr. Mardfin: Yeah.

Mr. Keiley: Under the new changes—was 30, 24, then 15?

Mr. Mardfin: I think. But I'll tell you something else. We've done other things too because the—if you look at the um green Community Plan, it says it has to be done in the central area. But we haven't done that. People have applied from outside that area and we've granted it to them. I know Gina Flammer um Gina Young has um used to bring those things to our body and John Blumer Buell used to be there and it would be outside of the central area, and he would be screaming and yelling about giving it—granting it outside the area. I sort of felt um that they were putting it in the area actually was worse because it would um get up next to people's houses ...

Mr. Keiley: Yeah.

Mr. Mardfin: and if you had it outside of that, you wouldn't be affecting people's housing and it would interfere less with the neighbors. So I had some issues with that whole stuff going on then but I um—it sort of depends on the intensity of use from my mind—this is my mind. It sort of depends on the intensity of use. If you're gonna ah put it in the um central area where you're right up against neighbors, and people go in and start having parties and that happens; I attended some actually and um like the one on top of the—nah. The problem is that we—I don't want the people that live in the subdivision to be going nuts because people are coming in on the weekends and having a big party and putting on a lot of loud music. And I read about what it says about music and house rules that they're supposed to have, but getting that enforced is sometimes not the easiest thing to do. Yes, Charlene.

Ms. Schulenburg: Um because our caretakers will be on the property, that'll be one of the safety nets and of course we would have all the house rules um posted clearly um including you know within the house itself. But um our renters would not appreciate parties either. And that's not the kind of person that we would be trying to rent to. We're—we're, yeah, so.

Mr. Mardfin: I understand and I understand all the B&B's are supposed to have housekeepers to do the same thing.

Ms. Schulenburg: Right, STR's are not required like B&B's are. They can have a manager but the manager can live offsite, so this is not a B&B request. This is a short-term rental request.

Mr. Mardfin: Thank you for explaining that.

Ms. Schulenburg: I hope it's helpful (...inaudible...)

Mr. Mardfin: And Michele Horen is your caretaker?

Ms. Schulenburg: Yes, she handles ah coordinating anything that we need her to do while we're not there.

Mr. Mardfin: Is she on the line here?

Ms. Schulenburg: She is not.

Mr. Keiley: Robert is.

Ms. Schulenburg: But yes, her father is.

Mr. Mardfin: Yeah but that's her father.

Ms. Schulenburg: There he is.

Mr. Mardfin: Is Michele around, Otto?

Mr. Robert Horen: I saw her (...inaudible...).

Mr. Mardfin: I was a teacher at the school when Michele was a student there.

Mr. Wariner: I was her teacher.

Mr. Carvalho, Jr.: Hey you guys taught me too.

Mr. Wariner: She's the best.

Ms. Furukawa: So can I just ask (...inaudible...)

(...inaudible speaking...)

Mr. Mardfin: Hi Michele. You've been a caretaker at this house for sometime?

Ms. Michele Horen: Yes.

Mr. Mardfin: You had any problems with people trying to throw parties or loud music?

Ms. Horen: No.

Mr. Mardfin: Okay. What do you do, just shut em down?

Mr. Robert Horen: You know if I can say something. What it is, it's only for one couple, right? And usually when its one couple, there's no big parties. That's my experience.

Mr. Mardfin: Do I—do any of us know the couple?

(...inaudible speaking...)

Ms. Schulenburg: The couple that lives on the property right now?

Mr. Carvalho, Jr.: Yes.

Mr. Mardfin: Yes.

Ms. Schulenburg: Oh. Yes.

Mr. Carvalho, Jr.: Dan. Dan and Hilo.

Ms. Schulenburg: Dan and Hilo.

Mr. Carvalho, Jr.: Yeah.

Ms. Schulenburg: (...inaudible...)

Mr. Mardfin: I don't think I know them. You know them Clayton?

Ms. Schulenburg: Hilo teaches art at the school.

Mr. Carvalho, Jr.: Yes, she works with Miho. Ah she does a lot of screen printing. She's ah, yeah, and Dan worked at Hana Ranch, Hana Health, Kahanu Gardens ...

Ms. Lind: Kahanu Gardens.

Mr. Carvalho, Jr.: He's a farm (...inaudible...) He came from Oahu.

Mr. Mardfin: Okay, I've actually been in the house. He used to do tai chi and I was in there with him doing tai chi. But that was quite a ways. You might not have owned it back then. Okay, um, so is the plan to let him stay in there?

Ms. Schulenburg: The plan is that Dan and Hilo want to downsize so they will move into the ohana, and they will still be caretakers. And then Gary and I will come out as often as we can or if we do get an occasional STR renter then we would entertain renting to them but um we always go for the peace and quiet to be honest. I do a lot of my spiritual meditation work when I'm there and ah yeah.

Mr. Mardfin: You said your rooms are very peaceful.

Ms. Schulenburg: Yeah, it's pretty, it's very peaceful. Yeah, it's lovely.

Mr. Mardfin: Um Committee Members, are there any other questions?

Mr. Crawford: I had one thing I was curious about. Um in the conditions, um ah the proposed conditions from the Department, the very last item talks about um talks about—where'd this go. Um "That the Applicant shall ensure that all guests are educated about Maui Nui's history and culture, and about potential detrimental impacts to natural and cultural resources, particularly to the coastal environment and nearshore waters. Evidence of such an education program shall be provided to the Planning Department for approval prior to operation." Um I'm curious um is this a standard? For the Department, my question is—is this a standard condition that is applied to all STRH's and for the applicant, my question is what is your educational material look like to meet this ah requirement?

Ms. Furukawa: Um, yes so it is a standard condition, um it was added by the Maui Planning Commission. Um I don't remember how long ago, maybe like five years ago or something. So was prior to the moratorium—I think just prior. Um and then I just wanted to answer some of the questions that you guys had previously, so I looked at the STRH's in our GIS map viewer, and there are no other pending STRH applications in the Hana Community Plan area. So also it's a two-bedroom STRH so and it have to be rented to only one group at a time. It can't be to like two different people or anything.

Mr. Mardfin: Okay. If you say there are no other applications, Tara if there are no other applications, does that mean that they haven't been previously put in so you won't be telling us in six months that um—well these guys applied three years ago so we're letting them in under the 30 number.

Ms. Furukawa: No, this is the only one. I promise. I just looked it up and I went all up and down the coast so.

Mr. Mardfin: Okay.

Ms. Schulenburg: Thanks for checking, Tara.

Mr. Mardfin: Yeah.

Ms. Furukawa: No problem.

Mr. Mardfin: Ah, I agree with Scott. I saw that same thing about you're gonna teach them about um Hawaiian values and issues. I thought that was an interesting requirement too. Um are you going to use the Department of Planning's um information?

Ms. Schulenburg: Who was that question directed to?

Mr. Mardfin: I think more for you than anybody else.

Ms. Schulenburg: Oh, okay. I think ...

Mr. Mardfin: Maybe it would be ah Ms. Horen.

Ms. Schulenburg: Oh.

Mr. Mardfin: I know she knows Hawaiian lore. Charlene, what do you think?

Mr. Crawford: I'm just curious Charlene what is your—how do you intend to comply with this requirement?

Ms. Schulenburg: Well, so because um where we are located right now in Kihei. We're the only um house that is immediately adjacent to the Laie Wetlands, so I've been personally caring for the Laie Wetlands myself and I helped find—I was the Co-Founder along with Vernon Kalanikau of the Save the Wetlands Hui here in South Maui. So we have um, we have multiple types of working plans and we are taking students out all the time. All types of different cultural practices and understandings about the area and about how to care for the wetlands and the different flora and fauna and it's quite exhilarating and quite—you know it's a happy thing that we're you know taking our keiki out there. Um we do tours—they're not tours, but we show them the areas that we've worked on and we show where we've removed the invasive species and where the ah native plants have flourished and that type of thing. So I mean I can start you know with something basic like that. But I was raised here so I understand um you know the cultural values and respect them as well and I've tried to practice them—you know I try myself to practice as much as I can. I mean you know it could be actually a fun project to just put you know a little mini binder together of some sort that allows people to you know sort of turn the pages and comb through um what is special about that area too. So I can you know I can do it all sorts of different ways but I'm happy to you know tell our renters you know over the phone if they want to talk you know—I mean I can do it a bunch of different ways.

Ms. Horen: I also have a guestbook template that maybe you could look at and start from there...

Ms. Schulenburg: (...inaudible...)

Ms. Horen: yeah, it has all the Hawaiian values and it has resources for Hana—has ah things—warnings about flash flood flooding and that kind of thing but um yeah definitely that would be a good start.

Ms. Schulenburg: Super helpful.

Ms. Horen: That's what—okay.

Mr. Mardfin: Good. It sounds like you guys are—since you're an employee ... I'm sorry?

Ms. Furukawa: Oh I was just going to say we have it at the Department as well, so if you guys want samples or anything of this um we can send them over to you and you can you know pick and choose what you want to do. We really not you know too picky about it, so.

Ms. Schulenburg: That's fabulous. I'll followup.

Ms. Furukawa: Yep.

Mr. Mardfin: If the Department send a copy to Scott or me or—we'd appreciate it. Cause I...

Mr. Crawford: I think it's just interesting that this is in here and I think it's a good thing you know and I'm not trying to you know put you on the spot Charlene. I mean I'm just honestly curious about how you know how you go about—if it's up to each individual owner, you just like figure this out for themselves or is there some kind of templates they can use? And in my other hat, I work for the Nature Conservancy of Maui Marine Program and do—I'm involved with education and things regarding coastal impacts on coastal environment and so I'm interested how are residents are getting educated about these kinds of issues. And I would be interested in seeing the um the materials that the Department has that they provide to um operators when they approve their you know their applications.

Mr. Mardfin: and maybe we could help make it better. You know, Scott, I'm a professor of economics but I've been out here for a long time. Okay, any other questions from the Committee? Clayton? Okay, then I think we are up to—I'm gonna turn to page 17—no—yeah 17. At the very bottom, it says testimony, "As of November 21st, 2023, the Department received no letters for or against the STRH operation." The fact that they don't care about you is fine.

Mr. Crawford: Um, Ward did you want to just see if anybody wants to testify from the public?

Mr. Mardfin: Yeah, where would they be?

Mr. Crawford: I don't know but I'm just not sure if there's anybody on like you know...

Mr. Mardfin: Thank you.

Mr. Crawford: like Otto was raising his hand to get Michele but so...

Mr. Carvalho, Jr.: Yeah someone was raising their hand.

Mr. Mardfin: Otto, would you like to ask a question?

Mr. Horen: Sorry, okay we're back. Thank you.

Mr. Mardfin: Or make a statement?

Mr. Horen: My technician just turned on the sound. Ah um no, I just wanted to testify for them. I've known them for a long time, well about five years I guess.

Mr. Mardfin: Okay.

Mr. Horen: And ah they're very conscientious people ...

Mr. Mardfin: Okay.

Mr. Horen: I think where they want to do this is probably the best place you know in town for the you know where the Hana Kai is as well. I think it's a good spot um I think that they'll be good custodians and ah not much else I can say I guess. You guys have covered most of it already.

Ms. Horen: Yes, I'll second that. What he said.

(...inaudible...)

Mr. Mardfin: Alright is there anybody else that wants to give testimony.

Mr. Tom Croley: I just chimed in, this is Tom Croley.

Mr. Mardfin: Hi Tom, I remember you.

Mr. Croley: Yeah, and ah...

Mr. Mardfin: How are you doing?

Mr. Croley: I'm doing well. I'm here in Kihei and and I know um Charlene and Gary because we are fellow bed and breakfast operators and you know me because ah I have been involved since the very um beginning of the bed and breakfast ordinances and

short-term rental ordinances, so if anyone's an expert on that stuff, I am. I've been biting my tongue through this but when some of the questions come up because there were some questions that I know like rote because I've been involved in this from the very beginning. So I know these guys, I know they would be good operators, they run a fabulous bed and breakfast here in Kihei, so I can speak to them as good operators and knowing how to properly ah vet their guests and so forth. But the other part that I might want to add to the discussions that you had um were that the caps. You were concerned about the caps.

Mr. Mardfin: Yes.

Mr. Croley: Originally, the cap was 48 for Hana and then in 2016, the cap was reduced to 30. I think you're referring to when the cap was reduced to 30, the recommendation that came out of the Hana Advisory group was to make it 24, but they didn't take that recommendation and the Council made it 30.

Mr. Carvalho, Jr.: Yeah.

Mr. Croley: And then the cap was later reduced again to 15 and when it was reduced to 15, there were already 21 and they said how can we reduce it to 15 if there was already 21. And they said let's let attrition bring the number down. Now I was at the Council meeting when that happened and raised my hand and said what about the guys who have their applications in process. And the Council did write it into the ordinance to say any applications that are in process right now will not be subject to this 15 cap, they may be granted. Not they will be granted but they may be granted. So that's where we are and as Tara has happily pointed out at this point, there are no more that are going to come forward. But this one has been stalled in the process for so long that you know here you go. So that addresses the cap issue and then the one other thing that I hope everyone understands about this application and about short-term rentals in general, the maximum occupancy that someone can have at a short-term rental is two people per bedroom and they must be rented to one party. So the largest party that they can have on this place is four people. Okay, so it's—I know that they wouldn't rent it out to someone who would be renting it specifically to throw a party but the concern about noise and so forth, the maximum number of people that they are allowed to rent to is four. Okay? So...

Mr. Mardfin: Thank you very much.

Mr. Croley: I hope that some of that is helpful to you guys. Good luck.

Mr. Mardfin: Good comments to the Committee. Good to see you.

Mr. Croley: Nice to see you all.

Mr. Mardfin: Anybody else want to speak. Go ahead.

Mr. Carvalho, Jr.: No, just confirming that's exactly how it happened. We voted on 24 and then we submitted it to the Maui Planning Commission and then we didn't hear back. I know that was two different meetings in a row that we were strongly suggesting to reduce the cap (...inaudible...) out of sync with everyone else in the region.

Mr. Mardfin: Okay. Anybody else like to give testimony? Then I'm gonna read one thing and then I'm gonna ask my Board Members for somebody to make a motion. Um there were no letters for or against STRH operation on page 18. It says these are the alternatives: we can have deferral, we recommend that the Commission defer action to another meeting in order to obtain additional information—that doesn't particularly sound like it's necessary—ah that will assist in their deliberation on the request; Item 2. They can approve with no conditions. Ah recommend that the Commission take action to approve the permit request without imposing any conditions; 3. Approve with conditions. The HAC may recommend that the Commission take action to approve the permit request with conditions—and I'm not sure where those conditions are off hand; 4. Denial. We can recommend that the Commission take action to deny the permit request. Ah Conclusions of Law: The application for a STRH permit complies with restrictions and standards outlined in Chapter 19.65, MCC, for the results—reasons stated below. And...

Mr. Crawford: Ward, just to clarify, the conditions that the Department—is right in the recommendations section. It's the 23 items listed there. The Maui County Planning Department recommends approval of the subject application subject to the following conditions.

Mr. Mardfin: To the following conditions. Thanks a lot Scott. I appreciate that. Um do we—does someone want to—want it read or you guys okay with just having it there. What are you saying Scott, not to read it? Well, would one of you Board Members pick one of those four alternatives and state it as a motion?

Mr. Wariner: I'll come forward.

Mr. Mardfin: Okay.

Mr. Wariner: Um and move that we approve with no conditions and recommend to the Commission to take action to approve the permit request without imposing conditions.

Mr. Mardfin: Um so you're ignoring the recommended ...

Mr. Crawford: Do you want to see if you can get a second?

Mr. Mardfin: Is there a second? You know where I'm going, don't you Scott? The problem is that the um the Planning Department recommended 23 things and we're skipping them all. Matt, you're moving your mouth...

Mr. Wariner: Oh. I see. Okay. I'll amend my motion to include the recommendations from the Planning Department.

Mr. Mardfin: So you're making to approve with conditions?

Mr. Wariner: Yes.

Mr. Mardfin: Is there a second? Was that you, Clayton? No. Does anybody want to second Matt's motion to approve the 23 conditions listed? Matt's motion.

Mr. Crawford: Dean's motion?

Mr. Mardfin: Matt's motion.

Mr. Crawford: Oh that's Matt's motion, okay. Yeah, I'll second.

Mr. Mardfin: Okay. So Matt's moved, Scott second, to approve with conditions that have been made by the Planning Department. That's the motion. We're going to vote on that motion. Okay? Becky.

Ms. Lind: Um, I'll vote for it. That's to um approve with those conditions.

Mr. Mardfin: Okay. Clayton?

Mr. Carvalho, Jr.: Um, we—I'm going deny.

Mr. Mardfin: Okay, so you're gonna vote no on the motion to approve with conditions.

Mr. Carvalho, Jr.: Yeah, or I mean I'm not trying to start a conversation. That was just quick. So I'm going to deny.

Mr. Mardfin: Um Clayton, we already have a motion on the floor.

Mr. Carvalho, Jr.: Right.

Mr. Mardfin: You can vote aye or nay.

Mr. Carvalho, Jr.: Nay.

Mr. Mardfin: Nay. Okay. Scott?

Mr. Crawford: Aye.

Mr. Mardfin: Mary Ann is not here. Matt Keiley? Matt, your sound is off.

Mr. Keiley: I got it. I'll vote in favor.

Mr. Mardfin: Okay. Dean?

Mr. Wariner: Aye.

Mr. Mardfin: And I will vote aye. So that's 1, 2, 3, 4, 5 Ayes—1 Nay. So the motion passes, it's approved with the recommendations on pg 18 and 19 and 20. Tara, motion passes.

Ms. Furukawa: Okay, thank you.

Mr. Mardfin: Who's keeping track of this. Is it you or Danny or Linda?

Ms. Furukawa: All of us. I have to draft the approval letter too.

Mr. Mardfin: Charlene, it looks like you guys won.

Ms. Schulenburg: Thank you very much.

Mr. Mardfin: It passed. It sounds like ...

Mr. Crawford: It has to go to the Planning Commission but ...

Mr. Mardfin: Yes, we're recommending to the Planning Commission.

Ms. Schulenburg: We understand. Thank you.

Mr. Mardfin: They do what they do.

Mr. Gary Passon: We super appreciate your taking the time to evaluate.

Mr. Mardfin: You should thank Tom Croley who I've known for many many years.

It was moved by Mr. William Matthew Keiley, seconded by Mr. Scott Crawford, then

VOTED: To Recommend Approval of the Short-Term Rental Home Permit with Conditions as recommended by the Planning Department.

(Assenting: S. Crawford, W. Keiley, B. Lind, W. Mardfin, D. Wariner)
(Dissenting: C. Carvalho, Jr.)
(Excused: M. Kahana)

C. DIRECTOR'S REPORT

- 1. Acceptance of the (2024 Hana Advisory Committee Meeting Schedule)**
- 2. Agenda items for the March 19, 2024, 4:30 P.M.**

Okay, next. Item C. Director's Report, Acceptance of the 2024 Hana Advisory Committee Meeting Schedule. Danny, do you handle that or does Linda do that?

Mr. Dias: I guess either would work but essentially um the meeting schedule for 2024, I'll just read it out loud. Would be for all Tuesday's: March 19, 2024, June 18, 2024, September 17, 2024 and lastly ah December 17, 2024. So you know essentially what we're asking is if those meetings at this point, you know if that sounds okay for you folks.

Mr. Mardfin: Does anybody on the Committee have any problems with that? Okay, ah the next regular meeting date is March 19th at 4:30 p.m. and I take it that's a Tuesday.

Mr. Dias: That's correct.

Mr. Mardfin: Does anybody know what we're going to be seeing or hearing or worrying about?

Mr. Dias: Ah possibly there's ah one project is very likely another one we're hoping it'll be ready. Um so that will be the Dejetly 4 lot subdivision and that's for a special management area permit and the second if we get comments from SHPD in time, not looking too good right now, but would be the Wainapana Park Comfort Station Improvements so hopefully we can get those two items on but most likely it'll just be the Dejetly ...

Mr. Mardfin: Didn't that go through?

Mr. Dias: I'm sorry?

Mr. Mardfin: Didn't that go through?

Mr. Dias: The which project?

Mr. Mardfin: What are you talking—oh, we're not talking about Helene Hall.

Mr. Dias: No, no—Wainapanapa.

Mr. Mardfin: What do they want to do?

Mr. Dias: Ah comfort station improvements. I don't know the exact details but, yeah.

Mr. Mardfin: Okay.

Mr. Dias: ...refurbish or something.

Mr. Mardfin: Okay, thank you Danny. If you can—what's going on?

Mr. Dias: Ah, I think somebody left their mic on. I don't hear them anymore though. I think that might have been the applicant but.

Mr. Mardfin: Okay.

Mr. Dias: So real quick um so the County—I'm not exactly sure what the reason is but we're moving away from BlueJeans at least temporarily.

Mr. Mardfin: (Clapping hands)

Mr. Dias: So just be advised but we're gonna use Webex. Um there's some technical thing going on. So I know ITS it's like a temporary move to Webex. So just be aware that probably by the next meeting. Um yeah we're not going to be using BlueJeans. It'll be a different program.

Mr. Mardfin: Thank goodness. I'm happy for that. I really am. Okay.

E. ADJOURNMENT

Mr. Mardfin: If that being the case, I will adjourn this meeting as of now which is 5:44 and thank you all for being here. Aloha.

Mr. Keiley: Aloha, Merry Christmas to all.

Mr. Dias: Merry Christmas everyone.

Mr. Crawford: Thank you.

There being no further discussion brought forward to the Committee, the Chair adjourned the meeting at 5:44 p.m.

Respectfully Submitted by:

LINDA KIM
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE:

Present:

Clayton Carvalho, Jr. – via Bluejeans (joined at 4:39 p.m.)
Scott Crawford – via Bluejeans
William Matthew Keiley – via Bluejeans
Becky Lind, Vice-Chair – via Bluejeans/partly on cell phone
Ward Mardfin, Chair – via Bluejeans
Dean Wariner – via Bluejeans (joined at 4:37 p.m.)

Excused:

Mary Ann Kahana

Others:

Danny Dias, Planner Supervisor, Current Division, Department of Planning – via Bluejeans
Wesley Bradshaw, Staff Planner, Current Division, Department of Planning – via Bluejeans
Chris Nahulu Nunokawa, Deputy Corporation Counsel, Department of Corporation Counsel – via Bluejeans
Linda Kim, Secretary to Boards and Commissions I, Current Division, Department of Planning – via Bluejeans