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February 4, 2026

MEMO TO: DRIP-22 File

F R O M: Tamara Paltin, Chair
Disaster Recovery, International Affairs, and Planning Committee

Tamara A. D. Paltin

SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENTS RELATING
TO BILL 27 (2026), AMENDING CHAPTER 19.35, MAUI COUNTY
CODE, ON THE SIZE OF ACCESSORY DWELLINGS (DRIP-22)**

The attached informational documents pertain to Item 22 on the Committee's agenda.

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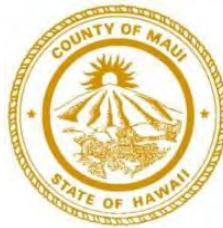
Attachment

**Planning Director's Report to the
Lāna‘i, Maui, and Molokai
Planning Commissions dated
September 17, 2025**

RICHARD T. BISSEN, JR.
Mayor

KATE L. K. BLYSTONE
Director

ANA LILLIS
Deputy Director



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

September 17, 2025

MEMORANDUM

TO: LĀNA‘I PLANNING COMMISSION
MAUI PLANNING COMMISSION
MOLOKĀ‘I PLANNING COMMISSION

FROM: KATE L. K. BLYSTONE, Director



SUBJECT: A BILL FOR AN ORDINANCE REGARDING THE SIZE OF ACCESSORY DWELLINGS

The attached Bill proposes to amend Section 19.35.020 of the Maui County Code (MCC) to standardize the allowable size of accessory dwellings and associated decks and similar structures for lots that are smaller than one-half acre. The Department is generally in support of the proposed Bill.

Background Information

County Council Direction:

On July 8, 2025, the County Council adopted Resolution 25-142 (attached) referring a proposed Bill to the Planning Commissions for transmittal of their findings and recommendations to the Council. Per the County's Charter, the Planning Commissions' response should be returned to the Council within 120 days after receipt of the referral, which would be November 8, 2025.

For context on the Council's July 8, 2025 decision, attached is a highlighted portion of the transcript minutes from the Council's meeting. As discussed in the minutes, it is implied that the proposed Bill would allow owners of smaller lots the opportunity to increase the size of their accessory dwelling units, which would provide another option to address the housing shortage through housing more residents. The minutes reference that this option should be considered along with other current legislative efforts as proposed through Bill 103, which would increase residential density, and State Act 39, which allows up to two accessory dwelling units, or their reasonable equivalent, per residentially zoned lot. Below is a status update on those two legislative efforts.

Status of Bill 103:

Bills 103, as referenced in the attached July 8, 2025 Council transcript minutes, along with Bills 104 and 105, were initiated by the Planning Department with the intent of providing immediate assistance in the re-build of Lahaina but also would affect other properties county-wide. A summary of each bill is as follows:

- Bill 103. If adopted by Council, Bill 103, would allow for an increase in the allowable density in the R-1, R-2 and R-3 Residential Zoning Districts. The Department's proposed density would be 1 dwelling unit per every 2,500 square feet of lot area.
- Bill 104, which was adopted by Council on July 8, 2025, and is now in effect, allows for the construction of a kitchenette in addition to the main kitchen within a dwelling unit. The kitchenette must be internally accessible within the main dwelling, cannot be within an accessory dwelling, must provide for an additional on-site parking space, and must be in a dwelling unit used for long-term occupancy.
- Bill 105, which was adopted by Council on March 21, 2025, and is now in effect, allows for the complete reconstruction of nonconforming structures and/or the reestablishment of uses damaged, destroyed or affected by an emergency or disaster as proclaimed by the Governor or Mayor.

During February and March 2024, all three bills were presented to all three Planning Commissions for consideration and recommendations to the County Council. While Bills 104 and 105 have since been adopted by Council, the Council's review of Bill 103 has been placed on pause. Specifically, while the Council has received the Planning Commissions' comments on Bill 103 and have initiated deliberation during various Committee meetings before the Housing and Land Use Committee (HLU) and the Disaster Recovery, International Affairs, and Planning Committee (DRIP), there has been some concern expressed regarding the significant density increase proposed by the Department coupled with the potential additional density increase realized by State Act 39 (see below). As noted in the attached July 8, 2025 transcript minutes, it is believed that all these actions, including the potential for increasing the size of accessory dwellings should be looked at simultaneously before taking any action on Bill 103.

Status of State Act 39:

Act 39, as referenced in the attached July 8, 2025 transcript minutes, is a State Act signed by the Governor and effective as of May 28, 2024. It requires counties to amend their ordinances to allow for at least two accessory dwelling units, or the reasonable equivalent, for residential use on all residentially zoned lots. The County's ordinance implementing Act 39 must be adopted prior to December 31, 2026.

During the Commissions' review of Bill 103, there were various State Bills moving forward in the

2024 Legislative Session that were proposing to increase residential density statewide. These Bills, while in their infancy during the Commissions' review of Bill 103, eventually led to Act 39. While the Department provided information to the Commissions on the State's efforts, it was during the Council's subsequent review of Bill 103 when Act 39 came into effect. As noted earlier, during Council Committee meetings, concern was expressed regarding the potential effects of Act 39's mandate for two accessory dwelling units combined with Bill 103's proposed density increase.

During the Council's review of Bill 103, the Department provided information to the Council regarding the potential combined effects of Act 39 and Bill 103. Specifically, the Department pointed out that as shown in the tables below, Act 39 will increase density further than envisioned through Bill 103, but the effect of that varies per island and Residential land use district type (i.e. R-1, R-2 or R-3). On Maui island, Act 39 will increase Bill 103's envisioned density only in the R-1 district by allowing 1 more ADU. On Lāna‘i, Act 39 will increase Bill 103's envisioned density in the R-1 district by 2 ADUs, and in the R-2 and R-3 districts by 1 ADU. On Moloka‘i, because the Moloka‘i Planning Commission recommended that the Council not increase the density in the R-1, R-2 and R-3 districts, the effect of Act 39 will result in an increase density of that only beyond the existing MCC requirements; an increase of 2 ADUs in the R-1 district, and 1 ADU in the R-2 and R-3 districts.

Maui Island				
District	Min. Lot Size	Existing Code Density	Bill 103 Density	Act 39 + Bill 103 Density
R-1	6,000 sf	1 du + 1 ADU	2 du + 1 ADU	2 du + 2 ADU
R-2	7,500 sf	1 du + 2 ADU	3 du + 2 ADU	3 du + 2 ADU
R-3	10,000 sf	1 du + 2 ADU	4 du + 2 ADU	4 du + 2 ADU

Lāna‘i Island				
District	Min. Lot Size	Existing Code Density	Bill 103 Density	Act 39 + Bill 103 Density
R-1	6,000 sf	1 du	2 du	2 du + 2 ADU
R-2	7,500 sf	1 du + 1 ADU	3 du + 1 ADU	3 du + 2 ADU
R-3	10,000 sf	1 du + 1 ADU	4 du + 1 ADU	4 du + 2 ADU

Moloka‘i Island				
District	Min. Lot Size	Existing Code Density	Bill 103 Density	Act 39 + Bill 103 Density
R-1	6,000 sf	1 du	1 du	1 du + 2 ADU
R-2	7,500 sf	1 du + 1 ADU	1 du + 1 ADU	1 du + 2 ADU
R-3	10,000 sf	1 du + 1 ADU	1 du + 1 ADU	1 du + 2 ADU

Additionally, the Department identified that it is important to frame expectations of Bill 103 by pointing out that the cost of construction to increase density on a lot that already contains a single-family home can be significant, and that development of potential units will occur over time. Further, existing development standards (setbacks, building height, limits on impervious surface, and required area for parking) and infrastructure availability (water and wastewater management) will still control the number

and type of units a lot can physically support. The Department did not believe that Act 39 will alter these expectations enough to warrant a change to Bill 103. It is expected that property owners trying to provide housing for multiple generations or extended family will take advantage of the proposed allowable density increase resulting from Bill 103/Act39; specifically, families in the fire affected areas needing to re-build multigenerational housing, which would not be permitted without these proposed changes.

Finally, since Act 39 requires the County to revise its ordinances prior to December 31, 2026, it is important to note that any change to the County's ordinances will first be sent to the Planning Commissions for comment prior to any final action by the Council. While Resolution No. 24-143, which would initiate an amendment to implement the changes required of Act 39, appeared on the Council agenda of August 27, 2024, at that meeting, the Council referred that matter to the Housing and Land Use Committee for further discussion. A meeting of the HLU Committee on this topic has not yet occurred, more than likely because of pending Bill 103 and the importance of considering them concurrently. Nevertheless, the Commissions will have the opportunity to provide input into any ordinance change resulting from the requirements of Act 39 in the future after the Council sends it forward to the Commissions for consideration.

Discussion

Proposed Amendment:

As shown in attached Resolution 25-142, the proposed Bill would allow smaller residential lots to have larger accessory dwellings and decks or similar structures than what the current MCC requires. Specifically, it would increase the maximum gross covered floor area for accessory dwellings from 500 to 720 square feet on lots less than 7,500 square feet, and from 600 to 720 square feet on lots less than 10,000 square feet. The proposed Bill also increases the maximum cumulative floor area for covered and uncovered decks, walkways, lanais or similar structures from 200 to 280 square feet on lots less than 7,500 square feet, and from 240 to 280 square feet on lots less than 10,000 square feet.

As noted in the attached July 8, 2025 transcript minutes, it is believed that the proposed Bill would allow owners of smaller lots the opportunity to increase the size of their accessory dwelling units, which would provide another option to address the housing shortage through housing more residents.

Department Recommendation:

During the Council's DRIP Committee review of Bill 103, the Department was asked if Bill 103's purpose is to increase allowable density and accessory dwellings are permitted in the MCC, should the maximum cumulative floor area of accessory dwellings be increased? Without any consideration for how much of an increase in size, the Department initially responded that it believed that the maximum size restrictions for accessory dwellings, as currently required in MCC Chapter 19.35, should remain. The Department noted that an accessory dwelling is a specific type of dwelling unit intended to be incidental, subordinate and smaller to the main or principal dwelling on a lot. It includes specific restrictions,

including, but not limited to, requiring only one parking space instead of two spaces as required for a standard dwelling unit. Increasing the size of an accessory dwelling may indirectly generate the need for additional parking not required by the MCC. Additionally, it was noted that maintaining their relatively small size will assist in keeping their rental rate lower and/or help with the production of more attainable “starter homes” if the accessory dwelling units are even subject to a condominium property regime (CPR).

Nevertheless, the increase in accessory dwelling unit size as proposed in the attached Bill is relatively minimal; an additional 220 square feet allowance for a lot up to 7,499 square feet, and an additional 120 square feet allowance for a lot between 7,500 and 9,999 square feet. While this increase could result in an additional one or two bedrooms, even at 720 square feet maximum, the accessory dwelling will in most cases still be considered subordinate or smaller than the main dwelling. Importantly, accessory dwellings must comply with all existing development standards (building setbacks and height, parking, and maximum 60% impervious surface area), which on smaller lots may constrict them from reaching the proposed maximum size.

Further, since this ordinance only sets a revised maximum size and an owner may construct an accessory dwelling smaller than the maximum, it is unknown if increasing the maximum size will result in fewer smaller and more attainable units than would otherwise be constructed under the current code. Allowing a slight increase in size may actually result in more accessory dwelling units being constructed to offset the cost of construction.

In general, the Department believes that the proposal is consistent with the General Plan (see attached relevant General Plan policies) and is supportive of this minimal increase. At the Council’s request, the Department seeks the Commissions’ input and recommendations that will be forwarded to the Council for consideration. As discussed in the attached July 8, 2025 transcript minutes, the Department believes that this input may be considered during the Council’s future deliberations on Bill 103 and Act 39.

Comments from the Department of Fire and Public Safety:

The Department forwarded the proposed Bill to various other Departments within the County for comment. The Department of Fire and Public Safety replied with the following comments:

- The proposed bill to increase the size of accessory dwelling units has no conflict with the current fire code.
- Hazard assessment. The increase in size will in turn increase density and fuel load to the properties in which they are implemented.
- Considerations. Maintaining building separation, setbacks from property lines and provisions for clear apparatus access both in the street and to the structures will help mitigate the increased risk.

- Water-supply for these urban areas was based on the developable allowance at the time. If we are to increase the size and number of dwellings per lot, we should also consider revisiting the associated water-supply requirements. The same could be said for the fire apparatus access.

The Fire Department's comments will be forwarded to the Council for their consideration.

Planning Commission Options

The Commission has the following options:

1. Recommend approval of the proposed bill to the Maui County Council.
2. Recommend approval of the proposed bill with amendments and/or comments to the Maui County Council.
3. Recommend denial of the proposed bill to the Maui County Council.
4. Vote to defer action on the proposed bill to gather specific additional information.

Attachments:

- Resolution 25-142
- Council Meeting Transcript Minutes from July 8, 2025 Meeting
- General Plan Policies

cc: Ana Lillis, Deputy Director (pdf)
Carolyn Cortez, Acting Planning Program Administrator, ZAED (pdf)
Danny Diaz, Planning Program Administrator, Current Planning (pdf)
Jacky Takakura, Planning Program Administrator, Long Range (pdf)
Scott Forsythe, Planning Program Administrator, PID (pdf)
Gregory Pfost, Administrative Planning Officer (pdf)

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Department of Planning's Long- Range Division Analysis

Council Resolution 25-142 - Proposed Bill to Increase the Size of Accessory Dwelling Units – General Plan Policies

Prepared by: Long-Range Division, Planning Department

The proposed bill would increase the maximum gross covered floor area for accessory dwelling units from 500 to 720 square feet on lots less than 7,500 square feet, and from 600 to 720 square feet on lots less than 10,000 square feet. The proposed bill also increases the maximum cumulative floor area for covered and uncovered decks, walkways, lanais or similar structures from 200 to 280 square feet on lots less than 7,500 square feet, and from 240 to 280 square feet on lots less than 10,000 square feet.

General Plan review summary: The general plan policies support more housing, and some refer to ADU development, but none specifically address the size of the ADU.

Countywide Policy Plan

Policy E.2.a Seek innovative ways to develop ohana cottages and accessory dwelling units as affordable housing

Policy E.2.d. Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development

Implementing Action E.2.a Revise laws to support neighborhood designs that incorporate a mix of housing types that are appropriate for island living.

Policy J.1.b Direct urban and rural growth to designated areas.

Policy J.1.e Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farmland and open-space resources

Maui Island Plan

Objective 5.1.1 More livable communities that provide for a mix of housing types, land uses, income levels, and age

Policy 5.1.1.a Promote livable communities (compact/walkable/bikeable, access to transit) that provide for a mix of housing types and land uses, including parks, open space, and recreational areas.

Policy 5.1.1.b Promote planning approaches that provide a mix of multifamily and single-family housing units to expand housing choices.

Policy 5.1.1.e Use planning and regulatory approaches to provide higher housing densities.

West Maui Community Plan

Policy 2.5.12 Support missing middle housing types (multiunit or clustered housing types compatible in scale with single-family homes such as 'ohana, duplex, tri-plex, fourplex, courtyard apartments, bungalow court, and live/work units) and simple style single-family homes to meet the growing demand for a diversity of housing options and affordability.

Makawao-Pukalani-Kula Community Plan

Housing Goal 2 Provide increased opportunities for affordable housing through provision of variable housing densities in areas designated for residential use.

Housing Goal 3 Provide a mixture of housing types, smaller lot sizes, and coordinated assistance programs aimed at lowering housing costs and expanding housing opportunities.

Lanai Community Plan

Housing Policy 11.C.5 Encourage development of a mix of quality multifamily and single-family housing units to expand housing choices and price points.

Housing Policy 11.C.6 Support opportunities for multigenerational housing and efficient use of existing infrastructure through the development of 'ohana units on Lāna'i.

Molokai Community Plan

Housing Policy 6.2.C.4. Encourage development of a range of lot sizes and housing types (e.g. single family, ohana units, duplexes, multi-family, and live-work units) to expand housing choices and price points.

Housing Implementing Action 6.2.03 Amend the zoning code to allow a greater variety of housing types to address affordability, including mixed-use, mixed housing types, co-housing, prefabricated homes, and small lots.

**Lāna‘i Planning Commission
September 17, 2025, Meeting
Minutes on Item (A)(2)**

**LĀNA'I PLANNING COMMISSION
REGULAR MEETING
MINUTES - PORTION OF AGENDA ITEMS A.2. AND A.3.
SEPTEMBER 17, 2025**

CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Mr. Reynold Gima, Chair, at approximately 5:00 p.m., Wednesday, September 17, 2025, online via the Microsoft Teams videoconferencing platform, **Meeting ID: 231 548 750 676 8** and **Passcode: u5sR2wo6**; and at the Current Planning Conference Room, One Main Plaza, 2200 Main Street, Wailuku, Hawaii, 96793; and a courtesy testimony site at the Maui County Council, Lanai District Office, 814 Fraser Avenue (entrance on Gay Street), Lanai City, Hawaii 96763.

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

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

2. A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35 OF THE MAUI COUNTY CODE REVISING THE MAXIMUM GROSS COVERED FLOOR AREA REQUIREMENTS FOR ACCESSORY DWELLINGS

Ms. Kate L.K. Blystone, Planning Director, referring to the Maui, Moloka'i, and Lāna'i Planning Commissions, a proposed bill amending Maui County Code Chapter 19.35 – Accessory Dwellings. The proposed bill initiated by the County Council through Resolution No. 25-142 would increase the maximum gross covered floor area for accessory dwelling units from 500 to 720 square feet on lots less than 7,500 square feet, and from 600 to 720 square feet on lots less than 10,000 square feet. The proposed bill also increases the maximum cumulative floor area for covered and uncovered decks, walkways, lanais or similar structures from 200 to 280 square feet on lots less than 7,500 square feet, and from 240 to 280 square feet on lots less than 10,000 square feet. (G. Pfost)

The entire text of the proposed bill for ordinance is available at:

<https://www.mauicounty.gov/DocumentCenter/View/154297/Reso-25-142>

Mr. Gima: Moving on the agenda. A bill for ordinance amending Chapter 19.35 of the Maui County Code revising the maximum gross covered floor area requirements for accessory dwellings. Ms. Kate Blystone, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions a proposed bill amending the Maui County Code Chapter 19.35, accessory dwellings. The proposed bill initiated by the County Council through Reso number 25-142, would increase the maximum gross covered floor area for accessory

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dwelling units from 500 to 720 square feet on lots less than 7,500 square feet, and from 600 to 700 square feet on lots less than 10,000 square feet.

The proposed build also increases the maximum cumulative floor area for covered and uncovered decks, walkways, lanai or similar structures from 200 to 280 square feet on lots less than 7,500 square feet and from 240 to 280 square feet on lots less than 10,000 square feet. Okay, I will now turn this over to Greg.

Mr. Gregory J. Pfost: Yes, thank you, Chair. I'll try and keep my presentation brief since we've been going for a long time here, so hold on a second here. I just have a real quick power point presentation. You should see that slide before you, and hopefully you see this next slide, is that correct?

Mr. Erin Atacador: Yes.

Mr. Pfost: You see a slide that says background? Thank you. So just real quick background on this. The County Council back in July adopt a Resolution 25-142 referring this bill to the Planning Commissions. This was initiated by the Council, and for, to the Planning Commissions for your review, comments, and or recommendation back to the Council. We're here tonight for the Lanai Planning Commission. And next week we will be before the Maui and Molokai Planning Commissions on this issue.

The purpose of the bill is to provide another option to help address housing shortage by allowing flexibility to maximize living areas in ADUs or increasing those size of ADUs on smaller lots. And in addition also not increasing the size of -- in addition to increasing the size of ADUs, but also increasing their associated accessory structures, such as covered and uncovered decks, walkways, lanais and similar structures.

Within the packet that I provided to you and within the staff report include some discussion on some other density related issues that the Council's currently considering. And within the minutes of the transcript minutes that are provided to you in your packet the Council had mentioned including this bill and a future discussion with Bill 103 and State Act 39. And I just wanted to give this as some background information. You may recall that the Commission in the past, reviewed Bills 103, 104 and 105 and recommended those to the Council. The Council actually reviewed and approved Bills 104 and 105. Those were in regards to adding a kitchenette to a dwelling unit. That was Bill 104. And Bill 105 was allowing nonconforming structures to be rebuilt in disaster areas. Both of those were approved by Council and are in effect today.

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However, Bill 103, which was a proposal by the Department to increase density in residential districts to one unit for 2,500 square feet lot area is currently on hold at the Council and on pause. They had some concerns regarding that density, that significant amount of density that the Department was proposing. Also, in addition to that, there was a State Act 39 which was in the legislative session in 2024, which was adopted and signed by the Governor that requires all counties within the State to allow for two accessory dwelling units per residential lot or the reasonable equivalent. And the County to implement that must adopt an ordinance by December 31st of 2026. So that Bill and or that Act by the State and also Bill 103, all of this density stuff caused some concern from the Council. And so they wanted to put forward this Bill, but they would, they were also talking about looking at this Bill and in relationship to those Bills as well is because it all affects residential properties. So that's just a background on, on kind of density issues that the Council's considering right now at the same time.

But the Bill is before you, right now, is simply just increasing the size of the maximum allowed size of an accessory dwelling unit and its accessory structures. So as shown in this slide right here and it's described in the report as well, this affects really the smaller lot areas or lot sizes. So it changes County wide from lot sizes that are up to 7,499 square feet, it would change that to a maximum gross covered area from 500 square feet to 720. And for lot sizes between 7,500 and 9,999 square feet, it would change that from 600 square feet to a maximum of 720 square feet.

Interesting and just to point out on Lanai, you're only allowed to do an accessory dwelling unit if, if that lot size is over 7,500 square feet. On Lanai, it only allows one accessory dwelling unit. And so on Lanai, it would only change the maximum square footage of an accessory dwelling unit from 600 square feet, which is the current maximum size, to 720 square feet.

Additionally, their proposed revisions to the maximum uncovered and covered decks and similar structures, it's a very slight adjustment. As noted within the report and here, it's basically from on smaller lots under 7,499 square feet would change from 200 to 280 square feet, and on lots between 7,500 and 9,999, which is what would be affected on Lanai would change from 240 square feet to 280 square feet for those exterior kind of improvements, decks, lanais, and so forth.

The Department is in support of the proposed Bill. We believe it's consistent with the General Plan. In your packet there's a list of policies within the General Plan that we feel it's consistent with. It's really a minimal increase, only about 120 square feet to 220 square feet more on the smallest lots, which may be a one or two additional bedrooms depending upon the size of those bedrooms. It may importantly, it maintains a small size and

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accessory dwelling unit by and ensuring that ADUs are continued to be incidental and subordinate to the main dwelling. That's what's important about an accessory dwelling unit. And also there's -- this does not change any development standards on a lot. So all the existing setbacks, height, parking maximum 60 percent impervious surface requirements will still control the amount of development on a lot. So you won't see significant changes.

The options for the Planning Commission today are to recommend approval of the proposed bill to County Council, recommended approval of the. approval of the proposed bill with amendments or comments to the Maui County Council, recommended denial of the proposed bill to the Council, or vote to defer action to gather additional information. And that concludes my presentation.

Mr. Gima: All right. Thank you, Greg. At this time I'll open it up to. Public testimony before we get comments and questions from the Commissioners. Leilani, any anybody in the chat or in the conference room?

Mr. Leilani A. Ramoran-Quemado: Thank you, Chair. I don't have anybody in the conference room or signed up on the chat. Thank you.

Mr. Gima: Thanks Leilani. Roxanne, anybody in Gabe office?

Ms. Roxanne K. Morita: Thank you. No, there's no one here to testify.

Mr. Gima: All right. So at this time, I will close public testimony. Commissioners, questions, comments for Greg? Lisa?

Ms. Grove: I just have a quick one. You, the, the Depart, the comments from the Department of Fire and Public Safety on page five said that it will -- the increase in size will in turn increase density and fuel load to the properties in which they're implemented. Did they express any concern about that or any inability to manage that increased fuel load, or was that all within the confines of what they have to do right now understanding that their jobs keep getting bigger every day?

Mr. Pfost: Yeah, I, I think, you know, this is just the comment that we received from the Fire Department. I, I think it's, it's important to understand that the, the existing development standards of setbacks, building height are not changing. So whether or not you have an ADU that could be that size, you could increase the size of your main dwelling structure, you'd still be within those confines. So I agree what they're saying is it there would, there may be larger structures on the site, but there's gonna be no more larger

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structures than there would be anyways. So it's kinda, you can kinda counter that point a bit. I recognize the issue though. They're always concerned about increases and development and so forth, but that's the only indication that they've indicated with what exactly what you see here. They didn't indicate anything otherwise. They did note, you know, that first bullet point is, has no conflict with the fire code, so they did note that, which it does not. ADUs do require Fire Department review before they are issued permits. So just like other things to your main dwelling structure. So they will have the opportunity to review individual ADUs as well and provide comment.

Ms. Grove: Thank you.

Mr. Gima: Erin, Michelle, Nikki? Yes, to follow up on that, Greg, I'm, I'm trying to understand the, the rationale for the Planning Department to, to agree with this proposal for, for several reasons. One, you got 103 and 39 pending. Number two, as Lisa brought up, I mean, the fuel load increases and even though what you just mentioned about the main house can just get larger, I, I think from the wildfire report, the, the fact that houses that were so close to each other contributed to somewhat to, to the wildfires. And so density on a lot going to increase. And then third, was there any consideration about traffic impacts? Because you're gonna have more people living on a property, invariably you're gonna have more cars, more vehicles, and then added to that, then it may impact fire lanes, well, definitely on Lanai. I mean the, we have poor fire lanes as it is right now. Fortunately, we don't have that many 7,500 square foot lots on, on Lanai. So could you comment on that please?

Mr. Pfost: Sure. You know, it's a really good, good point, and in fact, the Department was actually asked that almost a similar question about increasing ADU sizes and what the Department's position on that would be when we are actually discussing Bill 103 with the Council. I made mention that in the report. And at that time, the Department mentioned it like, hey, we have concerns depending upon what you're talking about, right? You know, we want to make sure that one ADUs are subordinate to the main structure, so they should be smaller and that's their purpose. In this particular case the size increase that we're talking about, we felt was relatively insignificant. An ADU does require a separate additional parking space by Code. So the additional area may kick in additional parking, but it we felt there was fairly insignificant on, on the amount that, the increase. And, and really the amount of the increase also counters the, the importance of it, I think the Council made mention of this, the importance of increasing the size is to provide more housing opportunity or increasing size of accessory dwelling units allowing more people to live in accessory dwelling units where we have, we have problems where people can't find places to live. So for that reason and that was the sole purpose of the Department moving forward with Bill 103 and Bill 104 to increase density as well as dealing with the adding the

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kitchenette was to actually provide more additional housing opportunities. The General Plan talks about, and all of those policies talk about improving housing opportunities within the County and trying to address the housing issue. So I think the Department felt that the, the, the amount of improvements that are being done or the, the proposal, the maximum, it's just, and it just sets a maximum bar. It doesn't say you have to construct this amount. But it just says that that maximum is an incremental increase. It doesn't change the overall development capacity on a piece of property because you're still confined with setbacks, parking issues, so you're still gonna have to meet all those regulations. And it was minimal enough and, and to offset to, to all of that, and combined with trying to provide a little bit more housing opportunity, that's why the Department was in support of it and felt it was consistent with the General Plan.

So we acknowledge those concerns that the Fire Department has raised and in fact, those concerns that the Fire Department has raised in regards to Bill 103 as well, as, as when State Act 39 ends up making it through process, through the ordinance, the Fire Department is already applying to the to the, to the Council, about concerns with the increase in density that the Department was proposing. So they, they were concerned already with that and that's part of the stumbling block I think with the Council and Bill 103 moving forward is because of the, these exact issues that you're bringing up relates to fire related issues. But again, as I mentioned, we felt that the increase was fairly minimal; you're still constrained by all the development standards. So we, and ADUs will have to already provide parking so we felt that those issues were addressed.

Mr. Gima: So in terms of risk reward going ahead with this, the, the reward with the, the intent of having more housing units. And, and the concerns about the fire risk do not outweigh the rewards, it, it appears. Is that, is that an accurate summary?

Mr. Pfost: I think that's an accurate summary, yes.

Mr. Gima: Okay. Yeah, I mean I'm, I'm not so concerned about the increase in size, just the proximity, proximity to from one building to another on one property. Not, not so much on the larger, not so much on the larger lots, but on the on the smaller lots.

Mr. Pfost: Even and importantly though, if I may chime in as well, accessory dwelling units don't have to be detached. They can be attached as well. So and smaller lots you, you may find that to be able to get your accessory dwelling unit on the lot, right? And so it's an important fact just to keep in mind. You still have the setback standards that you have in between properties, you know, from one property to another. That's important. I think a big part about what we saw in wildfires is what happens within those setbacks, right? What types of materials are in those setbacks? What type of landscaping we have in the

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setbacks? What type of fencing; wood fencing versus concrete block fencing right? They make a difference in how fires transfer from one property to another. The Fire Department can probably chime in more on that, but that's what I've heard from the Fire Department.

Mr. Gima: Thanks for the clarification about ADUs can be attached to the, the main house. That that's helpful. In, in terms of pending 39 and 103, does one supersede the other? Or can they --?

Mr. Pfost: No, just we have a deadline on, on Act 39 by, I mentioned, December 31st, of 2026. So we've got a little bit more than a year to get that ordinance through. That ordinance, incidentally, because it is an amendment to Title 19 will come to you for comment as well. There's one part of the ordinance that the Council or that the Act that the Council was kind of struggling with, is it the requirement was two ADUs or their equivalent of. And so where the Council is kind of struggling with Bill 103 was what is the equivalent mean of? You know, can we, can we, can we do, will Bill 103 increasing density equal the equivalent of the ADUs that are required by State law? So that's part of the whole discussion that the Council was struggling with. They were actually working with Corp Counsel on that specific issue trying to figure out what does this mean. How does the Act gonna be implemented? You know, and so that's the whole discussion why Bill 103 and Act 39 are kind of stalled at the moment. But they felt, I think, as this was put forward, I think that this is kind of an interim measure that kind of may help with rebuild that's going on, and it may provide more opportunities for housing opportunities without Bill 103 or Act 39. And so that's kind of where they're at.

Mr. Gima: Lastly, could you comment on the last bullet point on the comments from the Department of Fire and Public Safety, especially in light of today's headline where the Century Golf Tournament was cancelled for lack of water?

Mr. Pfost: Yeah, that that's a, it's a good, it's a good point. I know that building permits for ADUs also go to the Water Department as well, Department of Water Supply as well as Fire. They'll have the opportunity to provide input, and they'll look at what your ADU is composed of to make sure that you're still within the water guidelines of what your property can provide, or, or the requirements of what your what your property can provide, so it'll still be reviewed by that department. But beyond that, I, I can't opine upon any more than that. I mean, it's interesting to see, I guess the only other comment I would have is, is, you know, how many of these are gonna be built? You know, I don't think we're gonna see -- what we have seen, I know, in a 10-year period we saw about 500 of them being built within the County. I can't remember the, the time period that was. And which meant about average in about 50 a year. So you're not gonna see an onslaught of development

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of these, but yeah, I think it's, it's a good point that the Fire Department raised. The Council will also consider that as we move forward to Council as well.

Mr. Gima: Alrighty. Thanks Greg. Last call on comments, questions from the Commissioners. Okay, hearing none, I will entertain a motion to recommend approval of the proposed bill to the Maui County Council.

Ms. Fujie-Kaauamo: So moved.

Ms. Grove: Second.

Mr. Gima: Okay, it's been moved by Commissioner Fujie-Kaauamo, and seconded, seconded by Commissioner Grove that we recommend approval of the proposed bill to the Maui County Council. Any further discussion or questions on the motion? Hearing none, all in favor, please raise your hands. Okay, motion is carried unanimously. Thank you. That one went pretty quick.

It was moved by Ms. Michelle Fujie-Kaauamo, seconded by Ms. Lisa Grove, then unanimously

VOTED: **To recommend approval of the proposed bill to the Maui County Council.**

(Assenting: N. Alboro, E. Atacador, M. Fujie-Kaauamo, R. Gima, E. Grove)

(Excused: Negus Manna, S. Rabaca)

(Motion carries.)

3. A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.36.B OF THE MAUI COUNTY CODE REGARDING ELECTRIC VEHICLE PARKING REQUIREMENTS

Ms. Kate L.K. Blystone, Planning Director, referring to the Maui, Moloka'i, and Lāna'i Planning Commissions, a proposed bill amending Maui County Code Chapter 19.36.B – Off-Street Parking and Loading. The proposed bill initiated by the County Council through Resolution No. 23-163, CD1 would require newly constructed places of public accommodation outside of the erosion hazard line with at least 50 parking spaces to provide two parking spaces designated for electric vehicles and equipped with electric vehicle charging systems. Additionally, for each additional increment of 50 parking spaces, two additional parking spaces and vehicle charging systems

**Molokai Planning Commission
September 24, 2025, Summary
Meeting Minutes on Item (A)(1)**

**MOLOKA'I PLANNING COMMISSION
SUMMARY MINUTES
September 24, 2025, Regular Meeting**

[Hyperlink to Audio Recordings: PART 1](#)

[Hyperlink to Webex Video Recordings: PART 1](#)

CALL TO ORDER AND ROLL CALL

The regular meeting of the Moloka'i Planning Commission was called to order by Chairperson Zantell Lindo at 11:01 A.M., on Wednesday September 24, 2025, at the Department of Planning's Moloka'i Office, 100 Ainoa Street, Kaunakakai, Moloka'i, Hawai'i 96748 and via TEAMS Meeting No.: **255 235 948 666 5**

(At 00:01:59 of the Meeting Recordings)

Chair Lindo conducted a Roll Call of the Commissioners at 11:01AM. A quorum of the Commission was present. (See Record of Attendance.)

PUBLIC TESTIMONY: NONE

(At 00:05:54 of the Meeting Recordings)

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

**1. A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35 OF THE MAUI COUNTY CODE
REVISING THE MAXIMUM GROSS COVERED FLOOR AREA REQUIREMENTS FOR
ACCESSORY DWELLINGS**

Ms. Kate L.K. Blystone, Planning Director, referring to the Maui, Moloka'i, and Lāna'i Planning Commission a proposed bill amending Maui County Code Chapter 19.35 – Accessory Dwellings. The proposed bill initiated by the County Council through Resolution No. 25-142 would increase the maximum gross covered floor area for accessory dwelling units from 500 to 720 square feet on lots less than 7,500 square feet, and from 600 to 720 square feet on lots less than 10,000 square feet. The proposed bill also increases the maximum cumulative floor area for covered and uncovered decks, walkways, lanais or similar structures from 200 to 280 square feet on lots less than 7,500 square feet, and from 240 to 280 square feet on lots less than 10,000 square feet. (G. Pfost)

The entire text of the proposed bill for ordinance is available at:
<https://www.mauicounty.gov/DocumentCenter/View/154297/Reso-25-142>

PUBLIC TESTIMONY: NONE

(A motion was made at 00:27:02 of the Meeting Recordings)

It was moved by Commissioner Bishaw Juario, Seconded by Commissioner Kaahanui; then unanimously.

(a vote was taken at 00:31:17 of the Meeting Recordings)

VOTED: TO APPROVE

(Assenting: Z. Lindo; K. Bishaw-Juario; S. Kaahanui; K. Sagario; H. Place)

(At 00:31:36 of the Meeting Recordings)

2. A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.36.B OF THE MAUI COUNTY CODE REGARDING ELECTRIC VEHICLE PARKING REQUIREMENTS.

Ms. Kate L.K. Blystone, Planning Director, referring to the Maui, Moloka'i, and Lāna'i Planning Commission a proposed bill amending Maui County Code Chapter 19.36.B – Off-Street Parking and Loading. The proposed bill initiated by the County Council through Resolution No. 23-163, CD1 would require newly constructed places of public accommodation outside of the erosion hazard line with at least 50 parking spaces to provide two parking spaces designated for electric vehicles and equipped with electric vehicle charging systems. Additionally, for each additional increment of 50 parking spaces, two additional parking spaces and vehicle charging systems would be required. The proposed bill mandates that the vehicle charging systems must be in working order and references Hawaii Revised Statutes for definitions of "electrical vehicle charging system" and "place of public accommodation." The proposed bill also provides that any conflict with Maui County Code Title 16's Energy Code will be resolved in favor of the stricter provision. (G. Pfost)