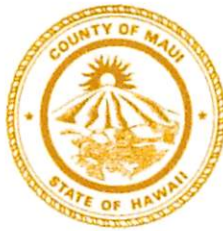


MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



RECEIVED
2020 JUL 20 PM 3:00
OFFICE OF THE MAYOR

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

July 20, 2020

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 7/20/20
Mayor Date

RECEIVED
2020 JUL 21 AM 10:09
OFFICE OF THE
COUNTY CLERK

For Transmittal to:

Honorable Alice Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Council Chair and Councilmembers:

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

The Urban Reserve District is a rarely utilized county zoning district that is intended to be used for lands that are in the state urban district and are set aside for future development. Urban Reserve is purposefully restrictive, as it is utilized when land is not ready to be developed in a manner consistent with its community plan designation. However, the Department of Planning (Department) has found that it is overly restrictive and recommends that it be appropriately amended.

On the island of Maui, 84 parcels are zoned Urban Reserve, usually on only part of the parcel. Of these 84 parcels, 61 have less than one acre in Urban Reserve, and the remaining 23 parcels have Urban Reserve zoning ranging from 1.07 acres to 36.22 acres of the parcel. These parcels are located in Hana, Upcountry, and along the North Shore. There is no Urban Reserve zoning on the islands of Molokai or Lanai.

The Department believes revising Chapter 19.69 – Urban Reserve District would provide clarity regarding permitted uses that are consistent with other zoning districts, including uses and structures related to single family dwellings and accessory dwellings; bed and breakfast homes; and other usual public or government uses that are found in similar zoning districts.

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Alice Lee, Chair
July 20, 2020
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Therefore, pursuant to Sections 8-8.3(6) and 8-8.4 of the Revised Charter of the County of Maui (1983), as amended, I respectfully propose the Council's consideration of the attached proposed bill, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.69 OF THE MAUI COUNTY CODE RELATING TO THE URBAN RESERVE DISTRICT."

Also attached is a map that shows the location of the 84 parcels with Urban Reserve zoning.

The Molokai Planning Commission, Lanai Planning Commission, and Maui Planning Commission have all recommended that the Council pass the legislation, with the Maui Planning Commission having recommended minor revisions that have been incorporated into the attached bill.

Here is a summary of the planning commissions' recommendations:

<u>Planning Commission</u>	<u>Date of Vote</u>	<u>Recommendations</u>	<u>Vote Count</u>
Maui	May 12, 2020	Pass the bill with minor revisions.	6-0
Lanai	May 20, 2020	Pass the bill as presented.	5-0
Molokai	May 27, 2020	Pass the bill as presented.	7-0

Please see the referenced minutes of the meetings on the bill:

- Maui Planning Commission, May 12, 2020:
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/27379>
- Lanai Planning Commission, May 20, 2020:
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/27387>
- Molokai Planning Commission, May 27, 2020:
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/27470>

Passage of this bill would further a number of General Plan policies, goals, and objectives, including the following components of the Countywide Policy Plan (Ordinance 3732):

- "Seek innovative ways to develop 'ohana cottages and accessory-dwelling units as affordable housing." (page 58)
- "Locate public facilities and emergency services in appropriate locations that support the health, safety, and welfare of each community and that minimize delivery inefficiencies." (page 73)

Honorable Michael P. Victorino, Mayor
For Transmittal to:
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- “Simplify and clarify the permitting process to provide uniformity, reliability, efficiency and transparency.” (page 80)
- “Ensure that laws, policies, and regulations are internally consistent and effectuate the intent of the General Plan.” (page 80)

Thank you for your attention and consideration. Should further clarification be necessary, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'michele mclean', with a stylized, wavy flourish at the end.

MICHELE CHOUTEAU MCLEAN, AICP
Planning Director

Attachments

xc: MCM:JMCT:atw
S:\ALL\APO\19.69 Urban Reserve\200720counciltransmittal19.69.docx

ORDINANCE NO. _____

BILL NO. _____ (2020)

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

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

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

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

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

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

6. [Short-term rental homes, subject to the provisions of chapter 19.65 of this title.] Bed and breakfast homes, subject to the provisions of chapter 19.64 of this title.

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

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

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

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

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

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

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

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

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

APPROVED AS TO FORM AND LEGALITY:

/s/ Stephanie M. Chen

STEPHANIE M. CHEN

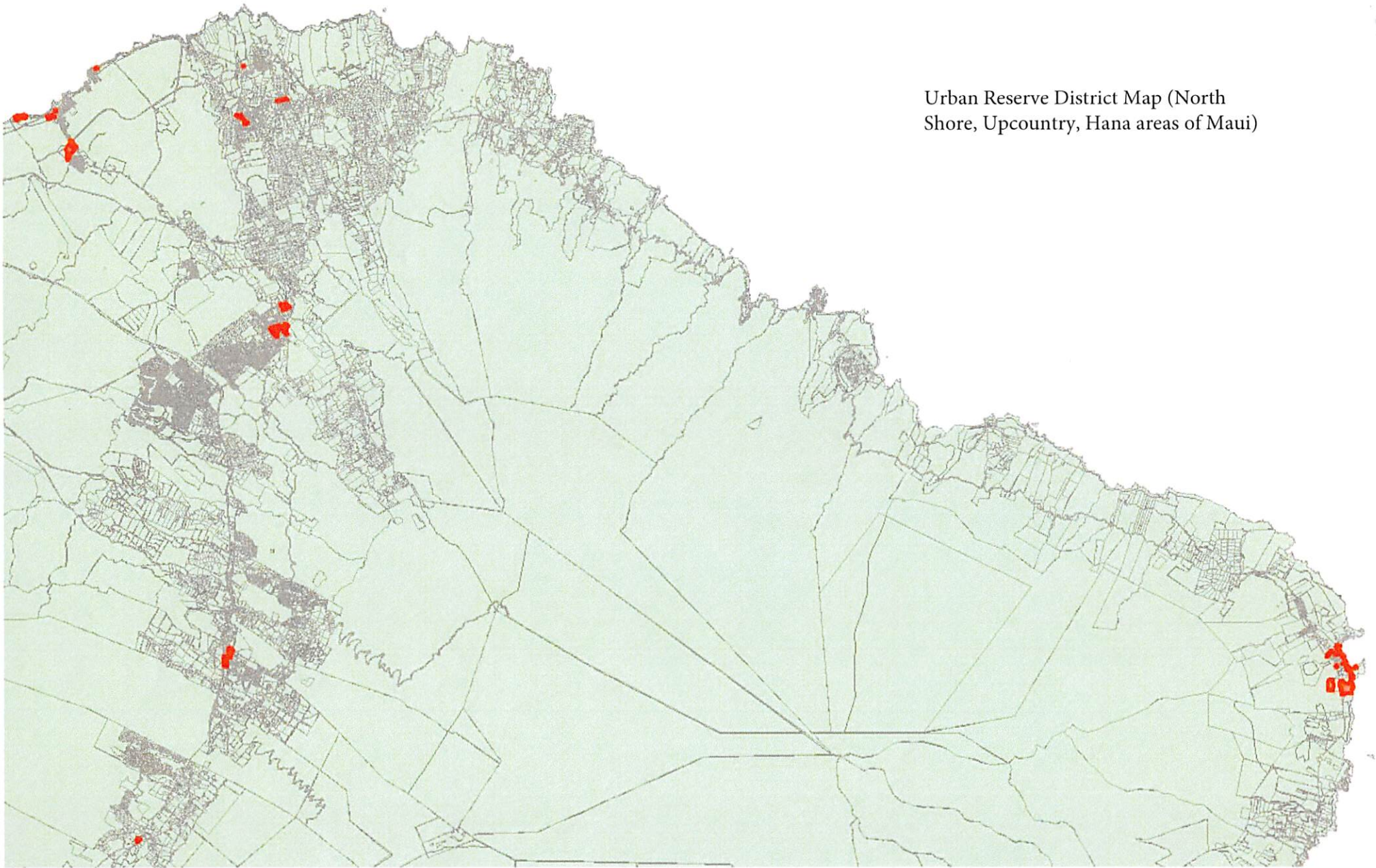
Department of the Corporation Counsel

County of Maui

2020-0795

2020-07-06 Amend section 19.69.020

Urban Reserve District Map (North
Shore, Upcountry, Hana areas of Maui)



**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM C.1
MAY 12, 2020**

Ms. McLean: Yes, Chair, we have three public hearing items this morning. The first is a transmittal from myself with proposed amendments to Title 19 of the Maui County Code, Chapter 19.69 relating to the Urban Reserve District regarding permitted uses, minimum development standards and height regulations. With us on that item and on the next two items is our Administrative Planning Officer, Jacky Takakura and so we can...we have Jacky who is going to give a brief overview. Jacky are you on?

C. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. **MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting proposed amendments to Title 19 of the Maui County Code, Chapter 19.69 relating to Urban Reserve District regarding permitted uses, minimum development standards and height regulations. (J. Takakura)**

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

SUMMARY:

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

Ms. Jacky Takakura: Good morning everyone. So, the first public hearing item is regarding Urban Reserve District and that's Chapter 19.69 in the Maui County Code and we don't see it very often. It's intended to be used for lands that are in the State Urban District and are set aside for future development. Urban Reserve is purposely restrictive and is used when land is not ready to be developed in a manner consistent with its community plan designation. We have found however

that it is a little overly restrictive so we would like to make some amendments and that's what we have before you today.

Just to give a little bit background about Urban Reserve District. On the Island of Maui, we have about 40,000 parcels of that 84 parcels are zoned Urban Reserve so as I mentioned it's a very small number and the zoning is usually only on part of a parcel. Of those 84, 61 of them, three-fourths of them have less than one-acre of Urban Reserve and the remaining 23 parcels have Urban Reserve zoning. They range from about one acre to about 36 acres of the parcel and they're located in Hana, Upcountry and along the North Shore. And I'm gonna share screen right now and so you can see on a map where these parcels located. Just FYI there's no Urban Reserve zoning on the Islands of Molokai and Lanai.

So, if you don't mind bearing with me for just a moment, I'm gonna share screen and show you the map. Can you see a map of the North Shore? Can you give me a thumbs up and I can see? So, can you see the red dots, we have them in Hana, there's a few, and then kind of along the highway Upcountry, and then some in Haiku and Paia. So that's the areas that we are looking at this zoning. So, I'm gonna stop sharing this screen if everybody's okay with looking at that map. I think this map might have also been sent to you. You might have a PDF of it so if you wanted to take a look, but I can also share it again if any questions come up about this map.

So, the bill for ordinance simplifies the existing language regarding single family dwellings and accessory dwellings. It removes short-term rentals as a permitted use, but it does allow bed and breakfast homes and it allows government buildings or premises and assures that structures on land designated as Open Space or Park are only for public purposes. We checked with Public Works and they gave us some recommendations about subdividing for developable versus non-developable lots. We did include their recommendations so that a utility or park or road widening or other non-developable lot may be created if need. So that's the bill for ordinance in a nutshell. Do you have any questions about this one?

Mr. Carnicelli: Jacky I think what we're gonna do is before we go to Q&A we'll go ahead and take public testimony on this.

Ms. McLean: Chair, may I make a comment first?

Mr. Carnicelli: Of course, sure.

Ms. McLean: Thank you. I wanted to add looking at the map that Jacky just showed, I believe a lot of the parcels received their Urban Interim Zoning in the late 90's. At that time the Planning Department initiated an effort to get rid of Interim Zoning and that effort resulted in a lot of parcels being zoned whether it be Residential or Park or Business when the existing use of the parcel matched its community plan designation then those parcels were zoned. And the Urban Reserve was used when either the parcels were large and the Department didn't want to give zoning that would enable extensive development or when the use didn't match the community plan designation and therefore it would be inappropriate to zone the parcel. So that's when a lot of this Urban Reserve Zoning was established and at the time I...I was...I worked for Council Services at the time and I don't believe there was clear understanding of exactly how restrictive it

is, and this came to the Department's attention because of a parcel on Old Kula Highway near Morihara Store, Calasa Gas Station, it's a large parcel that had split community plan designations, business along the old lower road and I believe single-family along the highway and there's one dwelling on the parcel right now on like eight acres and the current Urban Reserve Zoning allows them to do nothing else so we wanted to at least allow them to be able to have the two accessory dwellings that the County Code now allows. And so that's why this came to light and we reviewed the whole chapter and said you know, at least we want to allow housing opportunities wherever we can, and also the few other uses that Jacky described so that's how this came about, just wanted you to know that background. Thank you, Chair.

Mr. Carnicelli: Got ya. Thank you, Director. Also, Jacky just one quick question before we take public testimony is the draft that I have has a Public Work's...whoever's typing that's really loud, please mute yourself...it has—

Mr. Tackett: Yeah, the typing I can't hear anything with the typing.

Mr. Carnicelli: Yeah, whoever's typing, please mute yourself.

Ms. McLean: Tara, Tara, can you please mute your mic.

Mr. Carnicelli: Ah, there we go, thank you. So anyways Jacky, I have the letter from Public Works attached that makes one recommendation but it's not actually in the draft so I'm just assuming that you said you were going to include that is that correct?

Ms. Takakura: Yes, sorry about that. Back when we were originally intending to schedule this I think it was in March or April before the meetings kinda got cancelled I didn't have those comments in there and so you might have received an older version that didn't have it. But the one I have on the proposed legislation website does have the revisions incorporated about subdivisions. I can share that screen if you want. Okay, so I'm gonna, bear with me while I—

Mr. Carnicelli: No, no I don't think we need to.

Ms. Takakura: Okay.

Mr. Carnicelli: Cause I think we understand but we're nothing but recommendation anyways, you know, we're just gonna recommend to the Council, so I mean I think all it is, is to add the word, developable to additional lots, right. I mean that's essentially what they asked for. So okay, I just want to be clear that that was included in. So okay, thank you.

Ms. Takakura: Thank you.

Mr. Carnicelli: So, Director, did anybody direct message you to testify on this particular item?

Ms. McLean: No, Chair I have not received any direct chats for people who wished to testify.

Mr. Carnicelli: Okay, so then if there is someone that would like to testify please state so now. Unmute yourself and state that you would like to testify on this item. Going once, going twice. Okay, so if there are no objections we'll go ahead and close public testimony and go to questions from the Commission. Does anybody have any questions or comments that they would like to add, and remember this is nothing more than just Title 19, changes come to us for review and recommendation ultimately this is Council's kuleana. Jacky, I do have just one other thing, it's minor, is I notice that we erased all of C and we didn't change the letter D to C, I mean it's minor, but if C goes away, then D becomes C.

Ms. Takakura: Thank you, Chair, I'll make that correction before I send it further. Thank you.

Mr. Carnicelli: Okay. Anything else Commissioners? Commissioner Freitas.

Mr. Freitas: On B.2, looks like they're simplifying the sentence and it eliminates, customary, incidental, usual and necessary uses of a dwelling, but when I look at the original Chapter 19 it does mention a little bit about laundry rooms, laundry facilities, utility equipment, like water heaters. So by the change that they put in that eliminates those possible uses or am I reading that whole B.2 wrong?

Ms. Takakura: Those types of uses are typically accessory to the single-family dwellings so those would be included as, you know, just like the garages and carports and storage sheds. Michele, do you have anything to add to that?

Ms. McLean: No. The listing garages, carports and storage sheds as examples of larger structures but the water heaters and laundry rooms certainly would be also accessory to dwellings and would be allowed.

Mr. Freitas: It would be allowed even though it's no listed in there. Okay, and then one more thing I just a little bit confused when you said to allow more than one single dwelling. Oh, you know what I read that wrong, the accessory dwelling is one but now you're saying living dwellings that's where you said you want to go to more than one for like the example of Calasa?

Ms. Takakura: That's right. And like Michele had mentioned this is from the 90's and since then we updated Chapter 19.35 regarding accessory dwellings and so we're making reference to that Chapter consistent with the other zoning districts how they refer to Chapter 19.35 for accessory dwellings.

Mr. Freitas: Okay, so when I started I got a very thick book and you're saying that the 19.35 in that book is different has been updated.

Ms. Takakura: Yes, in 2018 it was updated.

Mr. Freitas: Oh, hello. Okay, I'm good, sorry.

Ms. McLean: Right, and just to clarify for everybody, districts, you know many of our districts allow single-family dwellings and those are allowed by square footage, and so on most lots that

are subdivided you can have one main dwelling and used to be that you could also have one ohana and the change that Jacky mentioned that took effect in 2018 was that on larger lots you can have two ohanas and they're limited in size but that was the change to recognize that a lot of this happening in places around the County already, but also to give a lawful opportunity for people who have a lot that can add a second ohana, and so that's what's referenced here and the most you'd be allowed is two, it doesn't go any more than that.

Mr. Carnicelli: Commissioner La Costa.

Ms. La Costa: Thank you, Chair. I might suggest that in addition to what Kawika said on B.2 that the after shortage shed, you put a comma and put, etc., otherwise it appears that those are the only three things that are allowed even though it says such as. If you don't put et cetera people will think, gee those are the only three things I can do and perhaps that will help some confusion.

Ms. Takakura: Thank you.

Mr. Carnicelli: Maybe instead of just, et cetera, it could be including, but not limited to, something like that. You know I don't know if that's more legally, legalese that something to that effect I think yeah, makes sense, thank you Commissioners. Anybody else? Questions, comments? So, we need to formally adopt this, yes? Or I guess Jacky why don't you kinda just reiterate what we are recommending and then we can encapsulate it, memorialize it, whatever we gotta do here.

Ms. Takakura: So, you have some options. You can recommend approval of the proposed bill which still will also go before the Molokai and Lanai Planning Commissions and then you could recommend approval of the proposed bill with amendments or you could recommend denial or you could defer.

Mr. Carnicelli: No, I think we're gonna recommend with amendments, I just wanted you to go over just kinda, we talked about a couple things just go over what the amendments are that we gave you and then we can move on that.

Ms. Takakura: The first amendment is to correct the lettering on the bill for ordinance and then second one is on B.2 to extend the sentence, uses and structures that are accessory to the single-family dwelling including but not limited to garages, carports, and storage sheds.

Mr. Carnicelli: And then also to include the word, developable from Public Works.

Ms. Takakura: That is correct, thank you.

Mr. Carnicelli: Okay. So all those in favor of recommending passage as amended, but I guess maybe, I'm sorry Director I'm taking your, your job here. Director.

Ms. McLean: You're doing great, go with it. I did want to comment on that last point about the term, developable. On what's listed as D which should be C.1 when it says, no subdivision may create additional lots other than restricted use lots or lots for park purposes, restricted use lots have a specific definition in the County Code and restricted use lots are not developable. They

can be for water tanks, roadways, utility lots, so it's redundant to put developable in there because restricted use lots and lots for park purposes wouldn't be considered developable lots. There's certainly no harm in putting it in, but on Public Works' comments that how we addressed Public Works' comments by saying that only restricted use lots and park lots could be created just so you're aware of that. We will certainly send the comment back to the Council that you recommended that being clarified by saying, developable lots, but I think the language in there covers it already, but we will send that comment up and then Council can decide how they want to address it.

Mr. Carnicelli: Director, I don't see where you're using...where is it say restricted use lots, my draft doesn't say restricted use lots.

Ms. McLean: So, the underlined language in C or excuse me in 1, no subdivision may create additional lots other than restricted use lots.

Mr. Carnicelli: Restricted use lots, there we go, restricted use, got it, okay.

Ms. McLean: Yeah, yeah.

Mr. Carnicelli: Got it, got it. I get the redundancy.

Ms. McLean: I do think it's valuable to keep that language in there so that the Council is clear on that's what it means so—

Mr. Carnicelli: Well 'cause, I guess the question is, if the definition of restricted use lot changes you know, and I don't know if we're splitting hairs here but anyways...that's why the eighth floor gets paid the big dollars to make decisions like that so...

Ms. Takakura: Excuse me?

Mr. Carnicelli: Yes, Jacky.

Ms. Takakura: I just want to, Jordan Molina, the Deputy Director of Public Works is attending and I don't know if he has any comments but he's available if you have specific questions for Public Works.

Mr. Carnicelli: Okay. Jordan, you have anything for us?

Mr. Molina: Hi, good morning, Commissioners.

Mr. Carnicelli: Good morning.

Mr. Molina: Yeah, we can agree with the Planning Department's utilizing the restricted use lots and park lots to cover the attention of developable lots. The idea was that we didn't want to prohibit creation of things such as like she mentioned road widening lots or utility lots, and so if that's covered in the definitions as presented we can make that work. Thank you.

Mr. Carnicelli: Thanks, Jordan. So I'm not sure if we're including developable...are we taking developable out then, we'll just leave it at restricted lots?

Ms. McLean: Well, we will send your...the process is after we go to you folks and Lanai and Molokai then we do a transmittal back to the Council and we'll make language changes in the bill based on the comments we received and our transmittal letter will indicate other comments that the commissions gave. So after we hear from Lanai and Molokai, we'll make changes to the bill and if we don't make a change based on that comment, our transmittal letter will still say you wanted to make sure that this meant no developable lots. And so with that information, Council can decide if they want to further clarify the language if we don't actually make that change to the bill.

Mr. Carnicelli: Sounds great, thank you. Commissioner La Costa.

Ms. La Costa: Thank you, Chair. What I'm thinking about is when the public pulls up 19.69.02 they don't know what restricted lots are, restricted use lots, so then they'll have to go someplace else to look and will their interpretation be the same as what the County's is. So I think that if we're going to change this then we should be inclusive and perhaps it should say which are not developable after the restricted use lots even if it's redundant when common people read it they won't be confused.

Mr. Carnicelli: Got it. I like that comment.

Ms. La Costa: Because there are a lots that people do buy that have that restriction. Thanks.

Mr. Carnicelli: Right. No, that's great, yeah okay. Then any other questions or comments at this time from the Commission? Director.

Ms. McLean: I—

Mr. Carnicelli: Do we have to vote that we're recommending with changes?

Ms. McLean: Yeah, I don't know if a motion has been made—

Ms. La Costa: It hasn't.

Ms. McLean: --yet.

Mr. Carnicelli: No, it hasn't.

Ms. McLean: So it seems to me that—

Mr. Carnicelli: Here I'll just...is I'll entertain a motion to recommend approval with the amendments discussed. Anybody like to make that motion? Moved by Commissioner La Costa.

Maui Planning Commission
Portion of Minutes
Item C.1 – May 12, 2020
Page 8

Do you I have a second? Seconded by Commissioner Pali. Discussion on the motion? Seeing none, Director.

Ms. McLean: Thank you, Chair. The motion is to recommend approval of the bill to the Council with three amendments. One is to clarify what accessory structures are allowed, one is to correct the lettering, and then the third, to make it clearer that subdivision does not include developable lots.

Mr. Carnicelli: All those in favor please raise your hand? That's unanimous. So, thank you everyone.

It was moved by Ms. La Costa, seconded by Ms. Pali, then

VOTED: To Recommend Approval of the Proposed Amendments to the County Council, as Recommended by the Department with Amendments as Discussed.
(Assenting – P. D. La Costa, K. Pali, K. Freitas, D. Thompson,
C. Tackett, S. Castro)
(Absent – T. Gomes)

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

D. UNFINISHED BUSINESS (PUBLIC HEARINGS CONDUCTED AT THE MAY 13, 2020 MEETING. MATTERS DEFERRED AT THE MAY 13, 2020 MEETING. (Please refer to documents distributed with the May 13, 2020 Agenda.)

- 1. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting proposed amendments to Title 19 of the Maui County Code, Chapter 19.69 relating to Urban Reserve District regarding permitted uses, minimum development standards and height regulations. (J. Takakura)**

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

SUMMARY:

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

Ms. McLean: Thank you, Chair. This is a Department initiated effort and I believe our Administrative Planning Officer, Jacky Takakura, is on the call, and she will give the presentation. Thank you.

Ms. Takakura: Thank you. Good morning, Chair Buchanan and Commission Members. Hello from Maui. The urban reserve district is part of the comprehensive zoning code, but we don't see it very often. It's intended to be used for lands that are in the State urban district and are set aside for future development. This district, urban

reserve, is purposely restrictive and it's used when land is not ready to be developed in a manner consistent with its community plan designation. We have found, however, that it's overly restrictive, we'd like to make some amendments, and that's what we're bringing before you today.

Just a little bit of background information about this part of the code, and it's Chapter 19.69, of the zoning code. On the island of Maui, we have over 40,000 parcels; of that, 84, 84 parcels are zoned urban reserve, and only on part of the parcel for most of them. And of those 84 parcels, 61 have less than 1 acre zoned urban reserve, and the remaining 23 have urban reserve zoning ranging from 1.07 acres up to 36 acres on the parcel, and these parcels are located in Hana, Upcountry, and along the north shore, and I'm going to share my screen and just show you a map, so please hold on for a second while I bring up this map so you can see where these parcels are.

So can you give me a thumbs up so if you are seeing this greenish colored map of Maui. I can see you very small so I can see if you can see it. So this is the northeast shores of Maui, and you can see the red dots where the urban reserve district parcels are at. On the right side, that cluster of red, that's Hana, and then you kinda see in the middle Kula, and then like Makawao, and then, as you get closer to the shore, Haiku and Paia. So that's where these parcels are located. Okay, so I'm going to stop sharing my screen, and I can bring this back up if you have any questions about the locations of these parcels.

Okay, so back to this, continuing with this. Just FYI, there's no urban reserve zoning on the islands of Molokai or Lanai, but we do want to bring this before you because it is a change to the comprehensive zoning code.

What we have before you, the attached bill, tries to simplify the existing language regarding single-family dwellings and accessory dwellings, it removes short-term rentals as a permitted use, but it allows bed and breakfast homes, and it allows government buildings or premises, and it also ensures that structures on the land are designated as - as land -- structures on land designated as open space or park only for public purposes. We did check with the Department of Public Works and they gave us some recommendations about subdividing for developable versus non-developable lots, so we included their recommendations so that in the event a utility or a park or road widening or other non-developable lot may be needed, that they can do -- we can do that. So that's what we have before you today. Do you have any questions on this?

Ms. Espaniola: So the rule apply to Molokai, Maui County I assume?

Ms. Takakura: Yes, if -- if there were any urban reserve parcels on Molokai or Lanai, yes, it would apply. It just so happens that these 84 parcels are all on the island of Maui. But, yeah, it would be across the board for any parcel that has this zoning.

Ms. Lopez: Chair, your mike is on mute. I don't know if you're talking but your mike is on mute, Chair Lori, so we cannot hear what you're saying.

Chair Buchanan: Okay, you guys can hear me? I going try switch to the actual PDF of the -- the bill, and I'm assuming, Jacky and Michele, that the underline is the new language, and the brackets are going to be omitted. Is that correct?

Ms. Takakura: That is correct. Yes.

Chair Buchanan: Okay. So I have a question, and it's about -- what is the definition because items 7 and 8 -- actually, 6, 7, and 8 -- you know what? Go back to 2. Because I read in something else in the other part of Title 19 that you going use, for number 2, you adding new language that says, "Uses and structures that are accessory to the single-family dwelling, such as garages, carports, and storage sheds," that would also -- you would also be able to do in the other new language like a watchman shed for security guard. Is that correct?

Ms. McLean: If it was a watchman for a -- a residence, I suppose, but only -- there aren't any commercial uses allowed in urban reserve, so I can't think of any occasions where -
-

Chair Buchanan: So the other one is for the other part 2 of the Title 19 amendments that we going be -- that going be coming up?

Ms. McLean: The other item on --

Chair Buchanan: Right?

Ms. McLean: The agenda is a different --

Chair Buchanan: Yeah.

Ms. McLean: A different chapter of the zoning code.

Chair Buchanan: Right.

Ms. McLean: Yes.

Chair Buchanan: Okay. So on items 6, 7, and 8, you deleting the short-term rental homes, and you adding bed and breakfast homes subject to the provisions of 19.64, and then on number 7, you have buildings or premises used by the federal, state, or county governments for public purposes, and is "public purposes" defined somewhere?

Ms. McLean: I will look really quickly. The wording of number 7 is pretty common in other districts in the code. It's in the business districts. It's in the residential districts. And so we just use the same language that we see in other districts. The idea being that if there is a need for any kind of government facility whether it's a community center or a school that those should be allowed to be located in those districts.

Chair Buchanan: And then item 8, new language, "Only structures used for public purposes are permitted on the land the community plan designates as open space or park," what is the purpose for that? To ensure clarity?

Ms. McLean: If you -- if you look at, on the following page, language that's being bracketed, letter C, the district already says that no structures are permitted on lands designated for open space or park use by the community plan, and so we just reworded that same concept to say that if it's designated as open space or park, you could have a structure but only if that's a structure used for a public purpose. So right now --

Chair Buchanan: And then --

Ms. McLean: Go ahead, Chair.

Chair Buchanan: Okay. And you omitting the two stories and you just using the 30-foot height restriction? Yeah.

Ms. McLean: That's an effort that's common throughout the code now.

Chair Buchanan: Okay.

Ms. McLean: Because, for some structures that might have a mezzanine or a loft, and it can get confusing, is that a story, is it not, we -- the concern is the height from an outside appearance, you know, how big you want structures to be.

Chair Buchanan: And really quick, what is the purpose of the designation of urban reserve in the community plan, in the Maui County plan?

Ms. McLean: Well, as Jacky said at the beginning, usually zoning is established to be consistent with the community plan, and, actually, if you change a zoning, it has to be consistent with the community plan. We have areas that are in the State urban district that have whatever community plan designation they have whether it's business or single-family that are -- that are large enough that the County zoned urban reserve because they weren't ready with any sort of -- without any particular development concept, and so it's kind of like interim but urban reserve is even more restrictive than interim, it's just like a placeholder designation until there is some better idea of how that property might be developed, and it's purposely -- it's purposely restrictive because the lands aren't ready

to be developed yet.

Chair Buchanan: So in terms of zoning and, like you said, it's more restrictive because I notice we have urban, State urban designations on Molokai, but they're not urban reserve, so I just trying to figure out how that can be developed or saved and I think it looks like most of these are good in a sense that they trying to define, and in that bed and breakfast, on item 6. Okay, that's it. Thank you very much.

Ms. Mowat: I have a question. This is Bridget.

Chair Buchanan: Commissioner Leonora. Oh, Bridget.

Ms. Mowat: Bridget.

Chair Buchanan: Okay.

Ms. Mowat: Yes. I was looking at the current urban reserve district, and your 7 and 8 was added in, yeah, and this is building or premises used by the federal, state, or county, I am a little bit questionable about the public purposes. I, too, want to know what that means, public purposes, 'cause any building that may be the federal government can build in that area a building and say it's office space for a homeless shelter, or is that what that is saying? I mean public purposes could be anything, right, as long it's going to benefit the public?

Ms. McLean: It is -- it is broad. There is a definition in the code already for public facility or public use means a use conducted by or a facility or a structure owned or managed by the government of the United States, the State of Hawaii, or the County of Maui which provides a governmental function, activity or service for public benefit. The County, typically, doesn't operate homeless shelters. There are nonprofits that operate those that the County gives funding to. Those would be suitable in an area that's zoned public/quasi-public, but those wouldn't be considered allowed under this language 'cause that wouldn't be used by the government for a public purpose.

Ms. Mowat: Okay, I --

Ms. McLean: Or that would be more like a school or a community center or a DMV office, a park, things like that.

Ms. Mowat: Or -- or any kinda State office?

Ms. McLean: It could be a State office, yup.

Ms. Mowat: Okay, I was just using the homeless shelter just as a -- as a example or,

you know, of what that meant. Okay. Thank you.

Chair Buchanan: Anymore questions? I have one last question if anybody doesn't have a question. Director, on item number 3, you guys are omitting the lot size and adding new language that the accessory dwellings are subject to the provisions of Chapter 19.35. In Chapter 19 -- 19.35, is there a lot size for an access -- permitted for accessory dwelling?

Ms. McLean: Yes. Under Chapter 19.35, if a lot is 7500 square feet or larger, it can have two --

Chair Buchanan: Okay.

Ms. McLean: Accessory dwellings. If it's smaller, then it can one accessory dwelling, and that was a change made at the end of 2018, I think, to create more --

Chair Buchanan: Wow.

Ms. McLean: Opportunities.

Chair Buchanan: No wonder we in trouble. Okay. With two accessory dwellings on 7 -- 7,500 square foot lot. Okay. Commissioner Pele.

Mr. Pele: But, if I'm not mistaken, didn't we not vote that for Molokai during that meeting that we talked about the accessory dwellings?

Ms. Lopez: Yes. Hi, Chair, this is Sybil Lopez. I just wanna concur with Commissioner Pele that only for Molokai they have no more than one accessory dwelling per lot. Thank you.

Chair Buchanan: Oh, you on it, Commissioner Pele. Awesome. Okay.

Mr. Pele: Yeah, I was a little emotional at that meeting about my daughter and my mo`opuna.

Chair Buchanan: Okay. Good. That's enforcement. Okay, anymore questions on item D, number 1, for Staff? Okay, so I'm going to open it up for public testimony, and checking with Suzie because I cannot see the chat box if anybody signed up for testimony. I don't think we --

Ms. Esmeralda: This is Suzie. I haven't received any.

Chair Buchanan: Okay. Sybil, you too? Same for you? You got any correspondence or --

Ms. Lopez: Hi, Chair. This is Sybil Lopez and I see no one in the chat box and there was nothing submitted to the Department on my -- on my end regarding any testimony regarding this -- this item, however, I did have a phone call but it was just questions, that's about it, but nothing set in stone. I did have a phone call having questions regarding this topic.

Chair Buchanan: Okay, thank you very much.

Ms. McLean: If I could -- if I could note, I believe Commissioners received testimony that we received --

Chair Buchanan: Yeah.

Ms. McLean: From the Expedia Group for the change to take away short-term rental homes. That's the only written testimony that the Department received.

Chair Buchanan: Okay, thank you. And there was a link on the agenda, memorandum link as well as a testimony link for Commissioners to review, and I'm sure they had an opportunity to review that. If anyone did not have an opportunity to review that, please let me know if you want to. Okay, I'm seeing none. If there's no more discussion, this item was a Communication item. Corp Counsel Stephanie, do we have to make a motion on this item 1?

Ms. Chen: Yeah, I would make a motion, so the, as I understand it, the Commission can recommend approval to -- they can recommend to Council that this -- these items be adopted, or the Commission can also provide recommendations to the Department, or can recommend none -- not approving them to Council.

Chair Buchanan: Can we just move on that our comments or the record be provided to the Department?

Ms. Chen: Sorry. Could you --

Chair Buchanan: Can we have --

Ms. Chen: Everything that you were discussing ...(inaudible)...

Chair Buchanan: Would it -- yeah, would it be appropriate for the maker of a motion to just suggest that we provide the Department with the communications or the discussions from this meeting today and that's it?

Ms. Chen: Well, perhaps, Michele, were you writing down the suggestions would -- perhaps it'll be a good idea to read them back and then make the motion incorporating the comments that you have.

Chair Buchanan: We have a recording yeah?

Ms. McLean: We do have a recording. I don't know if Jacky noted any particular comments. Really, the only -- you asked a number of questions and clarifications, but the only indication that I got was thinking that the current law about accessory dwellings allowed too many of them, but as you pointed out, that doesn't apply to Molokai. I didn't really take away any particular comments; it was more questions.

Chair Buchanan: Okay, well, I leave it up Commission Members then. They can make a motion to approve or concur or whatever they wanna do. Okay, thank you very much. So if there's no more discussion or questions from the floor, which I cannot see right now, I can only see four people, three of them is Staff, so speak up --

Mr. Poepoe: I have some discussion first.

Chair Buchanan: Unmute and speak up if you like say something. Commissioner Poepoe?

Mr. Poepoe: I like -- I just wanted to ask the -- the -- speak on the relevance of this change as applied to Molokai Island. Is there any -- a map, it's not going to pull up any of this? Would it be -- make more sense to be accepted -- I mean exempted from the changes rather than approve a change to another island from the Planning Commission? I was just having that kinda clarified by the Department, if can.

Ms. McLean: That, in a sense, Molokai is already exempted from it because there aren't any lands on Molokai with this zoning, so the only lands in the County that have this zoning are on the island of Maui. If urban reserve were ever to apply to Molokai, that would have to go through the Commission and then the Council before it would get applied, so it really doesn't, right now, it doesn't have any applicability to Molokai.

Chair Buchanan: Good question.

Mr. Poepoe: But I thinking if it's implied that we -- we're not included in this, how do we get ourselves out of being niele, you know, voting on something that doesn't apply to our island?

Ms. McLean: That's a requirement of the Charter that this has to go to all three planning commissions even though lands on Molokai or Lanai don't have urban reserve zoning, it's a change to the zoning code, so I guess the -- the thinking is maybe some day you might have lands with this zoning so you get to comment on it, but again, if you were ever to have lands with that zoning, you folks would have to see it and the Council would have to see it, it's not just something that the Planning Department can -- can apply.

Chair Buchanan: Commissioner Poepoe, oh, hang on. You can hear me? Were you asking the question because you, like what we've done in the past, if we just added "except for Molokai," then the -- it doesn't pertain to us? Is that -- you shaking your head in the affirmative since people on the line cannot see, and the purpose of that was to avoid some future conflict should Molokai, in the future, have urban reserve zoning, then all of these changes would apply to Molokai. That's a good question. It's a good thought. And I don't know, unless Staff can reply how that would negatively impact Molokai, the current proposed changes, had we have urban reserve. I don't think it would be substantive. Director? But I think, Commissioner Poepoe, that's an option to opt out.

Ms. McLean: Some of the changes are really just making it more clear. The change to number 2 doesn't really change the substance of number 2. Number 3 does allow properties on Maui, and as you've pointed out, not Molokai or Lanai actually, to have the additional accessory dwellings, but Molokai is already exempt from that so that wouldn't -- there wouldn't be a reason to make a -- a different statement for Molokai for number 3. For number 6, by the end of this year, Molokai will not have any short-term rental homes so deleting that won't have much of a change. Changing it to bed and breakfast homes would be different, so you could say "except for Molokai" for B&Bs for number 6. Number 7 and number 8 are -- are new, so you could say "except for Molokai" for number 7 and number 8 if you wanted to. And D is like a restatement so there's not a whole lot of change there either. So if you wanted to get to the substantive parts where Molokai might not want to be covered by this, I would say number 6, 7, and 8 you could say "except for Molokai" if you wanted to, if you didn't want those things to be allowed on Molokai.

Chair Buchanan: Okay, John Pele, Commissioner Pele.

Mr. Pele: Yes, I have a question along that line, so if we put in language that says - can you guys hear me? - "except for Molokai," does that stop urban reserve district from applying for that zoning on this island in the future? Or it's still -- they could still, even though we have a -- we put "except for Molokai," in 30 years, could they come and apply for that urban -- is it urban reserve district and they would still have to come to the Commission and the County?

Ms. McLean: That's correct.

Mr. Pele: Or this is just --

Ms. McLean: If you said "except for Molokai" for whatever parts that you didn't want to apply to Molokai, urban reserve zoning could still be given to a parcel in Molokai but those particular uses would not be allowed.

Mr. Pele: Oh, okay. Alright.

Ms. McLean: On Molokai.

Mr. Pele: So once we vote, it's set in stone?

Ms. McLean: Yes. Well, I shouldn't say that. Those comments would go to the County Council and if the Council chooses to pass this bill, they could include those comments or not. It would be up to the Council. So what you're doing today is giving a recommendation to the Council.

Chair Buchanan: Yeah.

Mr. Pele: Okay.

Chair Buchanan: So, Director McLean, I wanted to -- I wanted the Commission to fully understand, like item 4, in the urban reserve district, you can -- an allowable use is the pasturing of animals and the cultivation of crops including, but not limited to, greenhouses, flower and truck gardens, nurseries provided that there should not be any retailing or transaction of business on the premises, so when it says "pasturing of animals and cultivation of crops," the urban reserve, the allowable uses in the -- would seem to conflict with types of businesses that may not appreciate pasturing of animals and cultivation of crops, and I'm thinking about several cases that came out throughout the State with the islands of Kauai, even on like Waianae Valley where you have the cultivation of crops next to residential areas, spraying of pesticides of those crops, and also I don't know if pasturing of animals would be different than say a dairy, maybe not a full on dairy, but pasturing of animals would be cows, chickens, horses, pigs and that -- that's correct. You're shaking your head yes in the affirmative. Okay.

Ms. McLean: It wouldn't include dairy and it wouldn't include an egg farm, but just animals in the pasture, yes.

Chair Buchanan: Okay. Okay, I can see how -- I can see how that would be kind of a conflict on the allowable uses adding uses that may or may not appreciate the pasturing of animals.

Ms. McLean: So what that means is that if there is a parcel anywhere in the County, that the County is considering zoning urban reserve; part of that change in zoning process is to look at the potential impacts to surrounding properties so --

Chair Buchanan: Okay.

Ms. McLean: If there was a property next to businesses or next to homes that, for whatever reason, we were thinking to zone urban reserve, it would be decided through the process, oh, maybe we're going to put a condition on that zoning to not allow pasturing of animals. The other uses are okay, but not that. So urban reserve isn't established on a widespread basis, it would be specific to a parcel, it would get reviewed by the

planning commission, it would get adopted by the County Council, and in the analysis would be the potential impacts of all of the uses listed here on surrounding properties, and if any of those would be problematic, you put conditions on them to minimize the impacts.

Chair Buchanan: So then is item 6 appropriate within the district?

Ms. McLean: Item 6, the B&Bs?

Chair Buchanan: Yeah.

Ms. McLean: Well, right now, again, we approach this as changes to the existing code and the existing code allows short-term rental homes, which are generally falling out of favor, and so we replaced it with bed and breakfast homes because there tends to be more --

Chair Buchanan: Okay.

Ms. McLean: Support for bed and breakfast homes. So we didn't really make a call on whether any of these things are good or bad, we just looked at how we could change it and make it better.

Chair Buchanan: Okay, so if we omitted short-term rentals, it seems that the offering up of the bed and breakfast was a compromise, I don't know, I mean I would appreciate deleting item 6 from the urban -- I mean not having both of those as allowable uses only because they are allowed uses in other districts, and the urban reserve district is -- is what it is, it's to reserve urban type of uses, and so I guess my -- my suggestion would be to not have both of those as an allowable use in the urban reserve district because justification is it's allowed everywhere else except for conservation district and like this urban reserve where you have to reserve the pasturing of animals and cultivation of crops and stuff, so thank you for giving me time to think about it.

Ms. McLean: And that's -- that can be the Commission's recommendation.

Chair Buchanan: Okay.

Ms. McLean: You can recommend whatever you want to.

Chair Buchanan: Okay. Thank you. Okay, that was my input. Okay, Commissioners, anymore discussion, and I cannot see half of you so unmute yourself and say something if you like say something?

Mr. Moore: Chairman, this is Billy Moore. Can you hear me?

Chair Buchanan: Hi, Billy. Yes, I can.

Mr. Moore: I have a question for Michele. Would you tell me the definition of "urban reserve district" again?

Ms. McLean: Yup, I can. The general purpose and intent of the urban reserve district is to accommodate a reserve of lands in the State urban district for future development, which is consistent with the community plan designation for those lands, to prevent premature subdivision and development where infrastructure services are unavailable or inadequate, and to establish standards that aren't subject to other County zoning regulations, and to set minimum and maximum development standards. So it's like a holding --

Mr. Moore: Thank you.

Ms. McLean: A holding pattern.

Mr. Moore: Right.

Ms. McLean: Putting them on hold.

Mr. Moore: Right. I understand that then. My only other question is are there utilities and roads available in these districts now?

Ms. McLean: In some areas, yes, but not in all areas.

Mr. Moore: So wouldn't that be classified as developed land?

Ms. McLean: I would say that land is -- is developable, but most of these properties are either vacant or they have a single dwelling on them, they might be zoned -- or, excuse me, community planned for business or residential, so they're larger acreage and could be subdivided and developed, but they're just put in this holding -- this hold category for now because they might have adequate infrastructure for a home or two, but not for a full-on subdivision or a large commercial development.

Mr. Moore: Okay, thank you. I better understand now.

Chair Buchanan: Alrighty. Sorry, the Chair is playing with different types of viewing over BlueJeans.

Mr. Sprinzel: Lori, if you --

Chair Buchanan: Yes?

Mr. Sprinzel: Want to change -- if you want to change the view, at the bottom left-hand corner of your screen, there are three alternatives. Have you tried those?

Chair Buchanan: Right.

Mr. Sprinzel: The one with the four squares gives you --

Chair Buchanan: Yeah.

Mr. Sprinzel: Pictures of everyone.

Chair Buchanan: Yeah. Thank you, Commissioner Sprinzel. I just zoomed all through that while I was hiding my face. Okay, so, Commissioners, if there's no more questions, I think we already had public testimony and we closed that so, and if I'm wrong, somebody correct me, then we are open for a motion on the floor. Commissioner Sprinzel, you're muted if you're talking.

Mr. Sprinzel: I propose we accept because those items you commented on, if anybody wants to put them on Molokai, it's going to come before the Commission anyway, so there's not really any need to isolate ourselves if you like. Thank you.

Chair Buchanan: Thank you, Commissioner Sprinzel.

Ms. Mowat: Lori?

Chair Buchanan: Is there a second?

Ms. Mowat: Lori?

Chair Buchanan: Yes?

Ms. Mowat: I just have a question. I don't know if I can do that but are you going to like amend that 6, number 6? Are you going to do something with that bed and breakfast?

Chair Buchanan: I think -- I think there's a motion on the floor that needs to be seconded, and then we can have discussion. And if there's no second, then motion fails.

Mr. Pele: Second.

Chair Buchanan: Oh, I see John Pele giving me a peace sign --

Mr. Pele: I second.

Chair Buchanan: So I'm assuming that -- now I gotta be interpretive.

Ms. Mowat: Okay.

Chair Buchanan: If he saying he second or --

Mr. Pele: I second in the matter of sanity.

Chair Buchanan: It's peace on earth.

Mr. Pele: I second.

Chair Buchanan: Okay, thank you very much.

Mr. Pele: We can move on with sanity.

Chair Buchanan: Commissioner Pele for the second, so we are now in discussion on the motion which is to accept the Department's amendments or proposed amendments or recommendations. Commissioner Mowat, now you can discuss.

Ms. Mowat: I -- I, yeah, I just had that question because -- 'cause it seemed unfinished to me 'cause you did make a comment on number 6 and we never talked about that, so just wondering if we're going to move with that number 6, with the recommendation or not. That's my question. Are we going to discuss that? Does anybody feel like we should discuss it? For my --

Chair Buchanan: I guess we're discussing it now.

Ms. Mowat: Well, for myself, I'm kinda like, you know, there are families, and especially I think about the seniors who, you know, can make a little bit of income, they have to be living in the home, and which I think of our local families who rent out a room to our college students for little income and stuff, you know, I'm thinking about them and -- but I don't know if this would be appropriate for our urban reserve district, so somebody help me make up my mind over here, some -- some little more information.

Mr. Sprinzel: But we don't have an urban what's it district.

Ms. Mowat: I -- I know we don't have but we are making it for Maui. You know, we are making a decision or helping Maui so I wanna make sure I -- I'm going to be doing something that Maui people will benefit from and not have them make comments like, gee, Molokai, you know, dah dah dah dah, why they voting for us for, so that was just my question and -- and I think it's worth discussing. Thank you.

Chair Buchanan: Commissioner Pele, you have discussion?

Mr. Pele: Yeah, I just wanna make sure, since I seconded, I want to make sure I'm correct here, we're not making any decisions correct, Director? We're just -- we're just giving recommendations and the County will be making any decisions, I mean we really don't -- this is not a decision-making process for us right? They might tell us go kick rocks. They don't care -- we don't care what you say, this what we're going to do. Is that true or not true?

Ms. McLean: That's correct. What you decide today will be a recommendation to the County Council and then --

Mr. Pele: Yeah, so we're not -- they're making the decision.

Ms. McLean: Correct.

Mr. Pele: Okay. I just wanted to make sure.

Ms. Mowat: But I think our -- our -- our discussion here is to make a recommendation so that's it. Thank you.

Mr. Sprinzel: Bridget, could you just turn your volume down a little bit, please? You're very loud.

Ms. Mowat: Sure. Okay.

Mr. Sprinzel: Thank you.

Ms. Mowat: How is that? Is that better? Can you hear me?

Mr. Sprinzel: About the same.

Ms. Mowat: Huh?

Mr. Sprinzel: About the same.

Ms. Mowat: Maybe you gotta turn down yours 'cause I'm turned -- I'm down. I wouldn't know how to turn -- turning my volume down.

Mr. Sprinzel: At the top of your screen.

Ms. Mowat: Yes, I see that and it's down.

Mr. Sprinzel: There's a settings on the right-hand corner.

Ms. Mowat: Left-hand, I see it, but I'm down.

Mr. Sprinzel: Okay. I'll believe you.

Ms. Mowat: Thank you.

Chair Buchanan: Okay. Commissioners, any -- anymore discussion? I can -- I can have just a second discussion on, Bridget, on item 6, but you heard earlier, I would assume that there's other -- several other districts, because this is a -- more restrictive, urban review is more restrictive of a zoning, it makes sense to keep it restrictive because all the rest of the zonings is all so inclusive of so many other -- I mean the sky's the limit, so when you get to conservation and reserve type of districts, it does help to be -- to be more reserved because everything else is pretty not reserved, so that's my only comment and -- and I can vote in the affirmative to go with the Planning Director's suggestions, but I would hope that the County Council would -- would see that we have a concern on Molokai with the adding bed and breakfast as an allowable use in the urban reserve. I would not want it to be part of that but, okay, that's it. Anybody else? If not, we can take a vote. Any last minute -- okay.

Mr. Poepoe: Is that recommendation --

Chair Buchanan: Commissioner Poepoe.

Mr. Poepoe: Will that recommendation be included without amendment or just the comment?

Chair Buchanan: Okay, can talk up, Laa, little bit? I get hard time hear you. Oh, so your comment is to -- for that to be included? Okay.

Ms. McLean: Chair, we could do --

Chair Buchanan: Okay, thank --

Ms. McLean: If I could. You could either vote on this motion that's recommending approval and we can be sure to note to the Council that you had concerns about including bed and breakfasts, or you could amend the motion to make your recommendation be that the bed and breakfast be removed either throughout the district or just for Molokai. So those are different ways you could handle that one item.

Mr. Sprinzel: I think if you recommend no -- no --

Chair Buchanan: What say you, Commissioners?

Mr. Sprinzel: I think if you recommend no bed and breakfast on Maui, you're going to get murdered.

Chair Buchanan: What about just for Molokai, Commissioner Sprinzel? What are your thoughts?

Mr. Sprinzel: Well, there's a lot of families who probably rely on having a bed and breakfast. I don't think we need to ban it. Anyway, it doesn't apply to this particular island at the moment. We're just talking about an area which we don't have. That's why I wanted to make it simple because if it comes to us having one of these areas, which is very unlikely anyway, it would come to the Planning Commission and we could say, well, no bed and breakfast in those areas. Anyway --

Chair Buchanan: Okay.

Mr. Sprinzel: To vote or not to vote.

Chair Buchanan: Okay. Thank you. Alright, if there's no more feedback, we'll just vote on the motion to approve the recommendations. Okay, I'll call for the vote. Roll call. Commissioner Poepoe?

Mr. Poepoe: Aye with the submitted recommendations.

Chair Buchanan: I beg your pardon. Can you repeat that?

Mr. Poepoe: Aye.

Chair Buchanan: Okay. Thank you. Commissioner Pele?

Mr. Pele: Yes.

Chair Buchanan: Commissioner Mowat?

Ms. Mowat: Yes.

Chair Buchanan: Commissioner Leonora?

Ms. Espaniola: Yes.

Chair Buchanan: Commissioner Bill?

Mr. Moore: Yes.

Chair Buchanan: Commissioner Sprinzel?

Mr. Sprinzel: Yes.

Chair Buchanan: And I also vote aye. Motion carried unanimous. Thank you very much.

It has been moved by Commissioner John Sprinzel, seconded by Commissioner John Pele, then

VOTED: to accept the Department's proposed amendments.

(Assenting - L. Buchanan; L. Espaniola; W. Moore; B. Mowat; J. Pele; L. Poepoe;
J. Sprinzel)
(Absent - J. Perez, III)
(Excused - J. Bicoy)

Chair Buchanan: Anybody need a break before we move on --

Mr. Poepoe: Aye.

Chair Buchanan: To the next agenda item? What's that? See, I get hard time hear Commissioner Poepoe.

Ms. Mowat: I think Laa -- I think Laa said yes and he left.

Chair Buchanan: Okay, so can we take a, oh, Pele is leaving too, so we're on recess.

Ms. Mowat: What time?

Chair Buchanan: We also on like a five-minute recess, okay. Thank you very much.

(A recess was called at approximately 12:12 p.m. This is the end of Part 1 of the Audio Recording. The meeting reconvened at approximately 12:38 p.m. and the start of Part 2 of the Audio Recording.)

Chair Buchanan: We resuming the Molokai Planning Commission meeting of May 27. We are moving on to item number 2, item D, number 2, Planning Director McLean submitting proposed amendments to Title 19, Chapter 19.35, relating to accessory dwellings and fire code requirements. And I will hand it over there to Planning Staff.

- 2. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting proposed amendments to Title 19 of the Maui County Code, Chapter 19.35 relating to Accessory Dwellings and Fire Code requirements. (J. Takakura)**

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



May 13, 2020

Lori Buchanan
Chair, and Members
Molokai Planning Commission

Re: Proposal to Amend Chapter 19.69, Maui County Code, Relating to the Urban Reserve District.

Dear Chair Buchanan and Planning Commission Members:

Thank you for the opportunity to provide comment on the County of Maui's efforts to regulate short-term rentals (STRs). Expedia Group is a family of brands that includes vacation rental leaders Vrbo and HomeAway. Our experience working with communities around the world gives us a unique understanding of the kinds of regulations that work for municipalities like Maui County, and we are grateful for staff's outreach to Expedia Group to date.

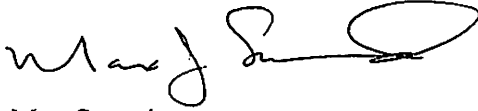
The Expedia Group supports regulations or oversight of the short-term Rental (STR) industry, but not a full ban. In fact, we are open to the responsible regulation of the industry because we see STRs as an important part of the fabric of tourism. They provide an essential option within the visitor industry for travelers, such as families, and gives them an opportunity to enjoy our island and culture in a more personal setting.

In its current form, this proposal would alienate that segment of visitors by banning short-term rental homes in the Urban Reserve District. An often-unacknowledged casualty of the banning of STRs would be the community of small businesses and local homeowners who will be severely harmed. We believe a fair and enforceable solution would create a regulatory structure for the whole vacation rental industry, which would limit the number of rentals but also allow for a reasonable number in each zone.

Maui deserves a short-term rental law that responsibly limits inventory while also recognizing the important economic value short-term rentals provide to the local economy and the families who benefit. Expedia Group has learned that policies work best when governments and platforms work together.

Expedia Group believes we can work with Maui County to build a solution that solves the need for STR limits.

Aloha and Mahalo,

A handwritten signature in black ink, appearing to read "Max Sword". The signature is fluid and cursive, with a large loop at the end.

Max Sword
Hawaii Policy
Expedia Group

CC: Mayor Victorino
Council Members

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

MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting proposed amendments to Title 19 of the Maui County Code, Chapter 19.69 relating to Urban Reserve District regarding permitted uses, minimum development standards and height restrictions. (J. Takakura)

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

SUMMARY:

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

Ms. McLean: Thank you Chair. This is relating to a bill for an ordinance amending Title 19 – excuse me, Chapter 19.69, Maui County Code, relating to the Urban Reserve District. And this is regarding permitted uses, minimum development standards, and height restrictions in the Urban Reserve Zoning District. And, for the third time tonight, we'll turn it over to Jacky.

Ms. Takakura: Okay, thank you. Okay, so Urban Reserve District is part of the Comprehensive Zoning Code, but we don't see it very often. In fact, there is no Urban Reserve Zoning on the Island of Lanai. It's intended to be used for lands that are in the State Urban District, and set aside for future development. This zoning district is purposely restrictive, and it's used when

lands is not ready to be developed in a manner consistent with the community plan designations. But what we have found that is overly restrictive so we would like to make some amendments.

Just a little background information about Urban Reserve District. On the Island of Maui, we have over 40,000 parcels. Of that 84 have -- are zoned Urban Reserve. And it's usually only on part of a parcel. Of those 84 parcels, 61 have less than one acre of Urban Reserve. And the remaining 23 parcels have Urban Reserve zoning ranging 1.07 acres to about 36 acres of the parcel. And the parcels are located in Hana, Up-country Maui, and along the North Shore. And I'm going to share my screen and show you a map. Let me get that for you in just a second. Okay, so I'm going to share screen, and you're going to see a map of --. Okay, so can you see a part of the north shore of the main part of Maui? It's green, and you see some red dots. Thumbs up if you can see that. Those red dots are where the Urban Reserve District is. So on the far side, the far right, is Hana. And then kind of in the middle is up-country. Then more towards the left is, you know, Paia. But that's where these 84 parcels are located so there's not very many of them. Okay, so I'm going to stop sharing the screen unless you have any questions about this. And I can always pull this up again if you want to see it. Thank you.

Mr. Delacruz: So Jacky is there a generalization on who builds on these lands?

Ms. Takakura: I'm going to let Michele answer that one but --. Actually, Michele, do you want to answer that? You could answer that now if --?

Ms. McLean: Well, it's whoever owns the property would be able to build on them. But they're not very large areas of land. And what we're proposing is just to allow an additional dwelling. Just because the housing is so tight to allow a very fundamental use of the property to allow another dwelling to be built is the main part of the proposal.

Ms. Preza: Thank you Michele. Sorry, John, perhaps before we get into our questions and discussions, we could see if anyone would like to testify, of the public, so we can close public testimony. Is that okay? Okay, thank you. So Leilani is there anyone who would like to testify on this agenda item?

Ms. Ramoran-Quemado: No, I didn't receive any direct message.

Ms. Preza: Okay, great. Thank you. Anyone by phone would like to testify? Okay, no one, so public testimony is closed for that agenda item. Thank you. Sorry, I just wanted to get that out of the way. And Commissioners, do you have any questions, or John, if you wanted to continue your question?

Mr. Delacruz: Well one comment is there would be 7,500 square foot requirement if the second dwelling discussion is the same as ohana housing almost any place else. But I found it interesting that you took away the restriction for limiting the structure to two-stories with a 30-foot height, and no restrictions on stories, you could have monster houses like those you

find in Kalihi or even Mililani now. So is there a story behind taking away these second-story restrictions?

Ms. McLean: Yes, that's a great question. That has been an effort that the Department has made over many years to remove story because it's somewhat debatable what constitutes a story when really what the concern is is just from the outside, the overall height. So whether someone has, you know, a single-story with a really high ceiling, or has two-stories, or one-story and a mezzanine, it doesn't really matter as long as the building meets building code. The development standard is really just from the exterior; how tall do you want that building to be.

Mr. Delacruz: Okay.

Ms. Preza: Thank you. Commissioners, any other questions?

Ms. Kaye: Yeah, I have two. I have two Shelly. One, I just wanted to make sure that the provision that's going in that allows bed and breakfast doesn't conflict with 19.35, which seems to prohibit them. That's number one.

And number two...the restricted use...of the lot is, is by definition what's in the Code, it's restricted to those uses? Okay.

Ms. Takakura: I can answer that.

Ms. Preza: You can go ahead Jacky.

Ms. Takakura: . . . (inaudible) . . . a definition of restricted use lot, and those are only for drainage, open space, bike way, pedestrian walkway, greenway, landscaping, roadway, or minor utility facility purposes.

Ms. Kaye: Okay, I'm sorry, I had one more. I wondered if one of you could address the building or premise used by government for public purposes. Where did that come from? What need is that addressing?

Ms. McLean: Thanks for that question. That's also a permitted use that where appropriate the Department is recommending be allowed in a variety of zoning districts. For example, we have a lot of community centers in the agricultural district, and that's not a specified permitted use. And so we wanted to be able to allow public uses in most zoning districts, and this, this being one of them. So just allowing government facilities in other zoning districts.

Ms. Kaye: Okay, so, so it's just kind of a blanket consistency with other measures? It's not like somebody wants to put a government facility on an Urban Reserve parcel?

Ms. McLean: That's correct. We don't -- I don't know of any proposal at the moment to, to use an Urban Reserve lot for any sort of government facility.

Ms. Kaye: Yeah because, I guess, what came to mind was how would that, how would that fly in residential district that had an Urban Reserve parcel?

Ms. McLean: Right. It would be --

Ms. Kaye: Has to be a . . . (inaudible) . . .

Ms. McLean: Well, the residential districts, for example, allow schools and other what we call a quasi-public uses already. And so a school would also be considered a government facility, or a community center which would be a reasonable amenity in a residential area.

Ms. Kaye: Okay, so the 81 parcels then that you're talking about that are on Maui are not privately owned. They are?

Ms. McLean: They are privately owned. Yes.

Ms. Kaye: So a private owner could then have an accessory dwelling that then could be used by the government agency?

Ms. McLean: Conceivably. If a property is privately owned, they could lease it to the government, and the government could build the structure. A private individual, we wouldn't be able to sign off on the building permit if a private individual wanted to build a, I don't know, a school or a community center if it was private because that's not, that wouldn't meet the definition as a, a premise used by the government for a public purpose if it was a private individual who wanted to do this. If it was the government who had a lease on the property who is proposing to build this structure then that could be approved as conforming with the zoning.

Ms. Kaye: Thank you.

Ms. McLean: Thank you. And if I could, your first question was about B&B's and conflicting with 19.35, and that's a great question. So B&B's would be allowed. Because right now Urban Reserve already allows the single-family dwelling. And so -- and it allows short-term rental homes. And what the proposed amendment would do would be to not allow a short-term rental home to occur in that dwelling, but would allow a bed and breakfast to occur in that dwelling.

Ms. Kaye: Thank you.

Ms. McLean: And not in the accessory dwelling as you pointed out.

Ms. Preza: Thank you. Commissioners, other questions or any comments? If not, would anyone like to make a motion? Or is there further discussions, further questions that need to be answered? I'm hoping everyone is taking time to think. So I'll just read through what our options are. So we, the Department is recommending approval of the proposed bill. We can one, recommend approval to the Maui County Council. We can recommend the approval of the proposed bill with amendments to the County Council. Or, we can recommend denial. Or, we can vote to defer action. So those are the four options we can take. Would any commissioners --? Yes, Sherry, I see your hand raised.

Ms. Menze: I'd like to recommend approval for the proposed bill to the Maui County Council.

Ms. Preza: So you're making a motion to recommend approval?

Ms. Menze: Yes.

Ms. Preza: Great. Would anyone like to second that motion?

Ms. Samonte: I second.

Ms. Preza: Shirley seconds. So we have a motion to recommend approval of the proposed bill. Is there any further discussion on this? Okay. So we'll take a vote. For all in favor please raise your hand and say aye. All opposed? Any abstaining? Sorry, John, did you raise your hand and said aye? I couldn't see. Is John frozen?

Mr. Delacruz: Sorry, my mic was off. Aye.

It was moved by Ms. Sherry Menze, seconded by Ms. Shirley Samonte, then unanimously

VOTED: to recommend approval of the proposed bill to the County Council.
(Assenting: R. Catiel, J. Delacruz, S. Kaye, S. Menze, S. Samonte)
(Excused: C. Trevino)

Ms. Preza: Okay, so it seems like the motion to recommend approval passes unanimously. Thank you. Oh man, technology. Thank you all very much.

Ms. Takakura: Thank you.

E. DIRECTOR'S REPORT

- 1. Open Lanai Applications Report as distributed by the Planning Department with the May 20, 2020 agenda.**

MICHAEL P. VICTORINO

Mayor

MICHELE CHOUTEAU MCLEAN, AICP

Director

JORDAN E. HART

Deputy Director




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

May 12, 2020

MEMORANDUM

**TO: MAUI PLANNING COMMISSION
MOLOKAI PLANNING COMMISSION
LANAI PLANNING COMMISSION**

FROM: MICHELE CHOUTEAU MCLEAN, AICP 
PLANNING DIRECTOR

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

The Urban Reserve District is a rarely utilized county zoning district that is intended to be used for lands that are in the state urban district and are set aside for future development. Urban Reserve is purposefully restrictive, as it utilized when land is not ready to be developed in a manner consistent with its community plan designation. However, the Department has found that it is overly restrictive and recommends that it be appropriately amended.

On the island of Maui, 84 parcels are zoned urban reserve, usually on only part of the parcel. Of the 84 parcels, 61 have less than one acre urban reserve, and the remaining 23 parcels have urban reserve zoning ranging from 1.07 acres to 36.22 acres of the parcel. These parcels are located in Hana, Upcountry, and along the North Shore.

There is no Urban Reserve zoning on the islands of Molokai or Lanai.

The attached bill for ordinance simplifies the existing language regarding single family dwellings and accessory dwellings, removes short-term rentals as a permitted use but allows bed and breakfast homes, allows government buildings or premises, and ensures structures on land designated as open space or park are only for public purposes.

A summary of the proposed changes and rationale are as follows:

Subsection	Summary of change	Rationale
19.69.020.B2	Clarifies uses and structures accessory to single-family dwellings	Simplifies the language
19.69.020.B.3	Clarifies how accessory dwellings are regulated	Refers to Chapter 19.35 which regulates accessory dwellings

19.69.020.B.6	Removes short-term rental homes as a permitted use, and instead allows bed and breakfast homes	Requires owner-occupied vacation rental use.
19.69.020.B.7	Buildings or premises used by government for public purposes	The Department recommends that public government uses be allowed in most districts
19.69.020.B.8	Allows structures used for public purposes on land the community plan designates as open space or park	Revises and simplifies the language of existing subsection 19.69.020.C to allow public facilities
19.69.020.D.1	Subdivisions may not create additional lots other than restricted use lots or lots for park purposes	Simplifies the language and is consistent with recommendation from the Department of Public Works
19.69.020.D.2	Clarifies minimum development standards	Simplifies the language and is consistent with other recent revisions to the Maui County Code regarding height

The proposed bill was reviewed by Department staff and the Department of Public Works (comment letter attached).

Recommendation and Options

The Department is recommending approval of the proposed bill. 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 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 in order to gather specific additional information.

Attachments

MCM:JSR:JMCT:ckk

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ORDINANCE NO. _____

BILL NO. _____ (2020)

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

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

SECTION 1. Chapter 19.69, Maui County Code, relating to the Urban District, is amended to read as follows:

19.69.020 - Permitted uses.

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

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

1. One single-family dwelling per zoning lot;
2. [Uses and structures that are accessory to the single-family dwelling and located on the same zoning lot as said dwelling. These uses and structures include, but are not limited to, carports and storage sheds, and other uses which are customary, incidental, usual, and necessary to the use of the dwelling or the land of the zoning lot;] Uses and structures that are accessory to the single-family dwelling, such as garages, carports and storage sheds.
3. [One accessory dwelling; provided that, the area of the zoning lot is seven thousand five hundred square feet or more; and provided further that the provisions of chapter 19.35 of this title are complied with] Accessory dwellings, subject to the provisions of chapter 19.35 of this title;
4. Pasturing of animals and cultivation of crops, including, but not limited to, greenhouses, flower and truck gardens, and nurseries; provided that, there shall not be any retailing or transacting of business on the premises;
5. Private, public or quasi-public utility lines and roadways, drainage improvements, water source and distribution services, including, but not limited to, water wells, reservoirs, tanks, and not more than a twenty-three kilovolt public utility substation; [and]
6. [Short-term rental homes, subject to the provisions of chapter 19.65 of this title.] Bed and breakfast homes, subject to the provisions of chapter 19.64 of this title;
7. Buildings or premises used by the federal, state or county governments for public purposes; and
8. Only structures used for public purposes are permitted on land the community plan designates as open space or park.

- C. [Notwithstanding the other provisions of this section, no structure shall be permitted on lands designated for open space or park use by the community plan applicable to the land in question.]
- D. Minimum development standards for the urban reserve district shall be as follows:
1. [Area regulations. Any zoning lot, the boundaries of which are established prior to the effective date of the ordinance codified in this chapter, may be developed in accordance with section 19.69.020(B) of this title. The subdivision of any lot zoned urban reserve district to create additional zoning lots shall not be permitted;] Subdivisions. No subdivision may create additional lots other than restricted use lots or lots for park purposes; and
 2. Height regulations. No building shall exceed [two stories nor] thirty feet in height; and
 3. Yard setbacks. There shall be a front yard setback of not less than fifteen feet, side yard setback of not less than six feet, and rear yard setback of not less than six feet; provided that, side and rear yard setbacks for two-storied buildings shall be not less than ten feet.

APPROVED AS TO FORM
AND LEGALITY:

Department of the Corporation Counsel
County of Maui

201613

MICHAEL P. VICTORINO
Mayor

ROWENA M. DAGDAG-ANDAYA
Director

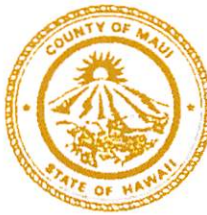
JORDAN MOLINA
Deputy Director

GLEN A. UENO, P.E., L.S.
Development Services Administration

RODRIGO "CHICO" RABARA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

Telephone: (808) 270-7845
Fax: (808) 270-7955



DEPT. OF PLANNING
COUNTY OF MAUI

FEB 13 2020

RECEIVED



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM 434
WAILUKU, MAUI, HAWAII 96793

February 6, 2020

MEMO TO: MICHELE MCLEAN, PLANNING DIRECTOR

FROM: ~~FOR~~ ROWENA M. DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS *gm*

SUBJECT: **TITLE 19 UPDATE TO CHAPTER 19.69 REVISIONS TO URBAN
RESERVE DISTRICT**

We reviewed the subject application and have the following comments:

Comments from the Development Services Administration (DSA),
Construction/Subdivision Plans Review Section:

1. A provision is being added that "No subdivision may create additional lots." I recommend that this be amended to restrict "developable lots". It is possible that a utility, park, road, road widening or other non-developable lot may be necessary for some reason.

If you have any questions regarding this memorandum, please call Jordan Molina at 270-7845.

RMDA:JM:da

xc: Highways Division
Engineering Division

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