

# PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

## MINUTES

December 18, 2019

Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 9:00 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Tamara Paltin, Chair  
Councilmember Shane M. Sinenci, Vice-Chair  
Councilmember Kelly Takaya King  
Councilmember Alice L. Lee (in 9:31 a.m.)  
Councilmember Michael J. Molina (out 11:01 a.m.)  
Councilmember Keani N.W. Rawlins-Fernandez  
Councilmember Yuki Lei K. Sugimura (in 9:22 a.m.)

**STAFF:** James Krueger, Legislative Analyst  
Ana Lillis, Legislative Analyst  
Clarita Balala, Committee Secretary

*Seated in the gallery:*

Richard Mitchell, Legislative Attorney

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel  
Michele McLean, Director, Department of Planning  
Pamela Eaton, Planning Program Administrator, Department of Planning  
Jacky Takakura, Administrative Planning Officer, Department of Planning

**OTHERS:** Kai Nishiki  
(2) additional attendees

**PRESS:** *Akaku: Maui Community Television, Inc.*

---

CHAIR PALTIN: . . .(*gavel*). . . Aloha kakahiaka, kakou. The time is nine o'clock and will the Planning and Sustainable Land Use Committee meeting of December 18, 2019 please come to order. At this time, I'd like to ask everybody to silence their cell phones and

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

noise-making devices. And we have a bare quorum at this time. My name is Tamara Paltin, and I'm the Chair of your Planning and Sustainable Land Use Committee. With us today we have my Vice-Chair, Councilmember Shane Sinenci.

VICE-CHAIR SINENCI: Aloha kakahiaka, kakou.

CHAIR PALTIN: Aloha kakahiaka. I believe we have Councilmember Mike Molina joining us at this time.

COUNCILMEMBER MOLINA: Good morning, Madam Chair.

CHAIR PALTIN: Good morning. And Councilmember Alice Lee might be coming soon. We have Council Vice-Chair Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair.

CHAIR PALTIN: Aloha kakahiaka. And we have Council Chair Kelly King.

COUNCILMEMBER KING: Ohayo gozaimasu.

CHAIR PALTIN: Ohayo gozaimasu.

COUNCILMEMBER KING: . . . *(inaudible)*. . . Alice Lee today.

CHAIR PALTIN: And I think Councilmember Yuki Lei Sugimura is on her way. Our non-voting Members are Councilmembers Riki Hokama, and Tasha Kama. They're not here today. But they're welcome to join us at any time they want to. Our Deputy Corporation Counsel this morning is Michael Hopper.

MR. HOPPER: Good morning, Chair.

CHAIR PALTIN: Good morning. And from the Administration we have Director of Planning, Michele McLean.

MS. McLEAN: Aloha, Chair. Good morning.

CHAIR PALTIN: Aloha, Good morning. And Planning Program Administrator, Pam Eaton.

MS. EATON: Good morning, Chair.

CHAIR PALTIN: Good morning. In the audience with us we have Administrative Planning Officer Jacky Takakura, and for our Committee Staff today we have Clarita Balala, Committee Secretary.

MS. BALALA: Good morning.

CHAIR PALTIN: Good morning. Legislative Analyst, James Krueger.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

MR. KRUEGER: Good morning.

CHAIR PALTIN: Legislative Analyst, Ana Lillis, good morning, and Legislative Attorney, Richard Mitchell. Today on our agenda we have three items, PSLU-47, which is a Time Extension for the West Maui Community Plan Advisory Committee to Review the Draft West Maui Community Plan; PSLU-26, Renewals for Conditional, Bed and Breakfast Home, Short-Term Rental Home, and Special Use Permits; PSLU-37, Unresolved Land Use Violations. At this time, we'll be opening up for public testimony. For individuals testifying in the Chamber, please sign up at the desk just outside the Chamber door. If testifying from one of the remote testimony sites, please sign up with District Office Staff. Testimony will be limited to items on the agenda today, and pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item. When testifying, please state your name and the name of any organization you may be representing. If you're a paid lobbyist, please inform the Committee. We have established a connection to the Council District Offices, and I'll be starting testimony off today with, from the Chamber. So, our first testifier signed up this morning is Kai Nishiki, testifying on agenda item PSLU-47, and she's testifying on behalf of herself as an individual. Aloha, Ms. Nishiki, thank you for joining us this morning.

**. . .BEGIN PUBLIC TESTIMONY. . .**

MS. NISHIKI: Good morning, Committee Chair, Committee Members. Thank you for having this item on agenda today. I testified previously, so, I'll just keep my testimony real brief. Originally, we were given the six months to review the community plan for West Maui, and I'm sure normally that is adequate time. But because of the holiday schedules that this time period fell in with Thanksgiving, and Christmas, and New Year's, and a few other holidays, it is a little difficult with everyone's travel plans and time with their ohana which is very valuable. And so, we just wanted to ask for a little bit of an extension just to make up for that time. We had originally asked for 60 days and we feel that will be adequate. But of course, if the Committee and the Council feels that it is appropriate, we would welcome additional time just for unforeseen circumstances. But of course, we want to finish it in the, you know, as soon as we can. But we also want to do a thorough job of vetting it with our community. And so, we just ask for this extension. So, I'll be here if there's any questions. But mahalo for your consideration.

CHAIR PALTIN: Members, questions for the testifier? Chair King?

COUNCILMEMBER KING: Thank you. Thanks for being here, Kai.

MS. NISHIKI: Yes.

COUNCILMEMBER KING: So, this is something that the whole, that CPAC, the, your group wants, right, collectively? Okay.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

MS. NISHIKI: Yes, yes, we voted on it.

COUNCILMEMBER KING: Okay. So, basically you don't, I mean, I was just kind of curious 'cause you said you're representing yourself. But actually, you are representing the CPAC. And then, you were asking for two months. I thought when you originally came, we talked about making it longer. I think we had something like two or three extensions on the Molokai plan and, you know, finally the last one we just made so far ahead of it that we knew we would get done.

MS. EATON: It's true. No, sorry, you're, that was the County Council that asked for the extensions --

COUNCILMEMBER KING: Yeah.

MS. EATON: --not the CPAC.

COUNCILMEMBER KING: No, no, not...

MS. EATON: The CPAC had one because the weather with the hurricanes.

COUNCILMEMBER KING: Yeah, no, I was just kind of making the point that sometimes if you're asking for an extension, you just want to go beyond so we don't have to come back for another extension. So --

MS. NISHIKI: Yes.

COUNCILMEMBER KING: --when we get to that, maybe we can explore a later date. Okay.

MS. NISHIKI: Thank you so much.

COUNCILMEMBER KING: Thank you.

MS. NISHIKI: Mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, sorry.

CHAIR PALTIN: Members, further questions for the testifier?

COUNCILMEMBER RAWLINS-FERNANDEZ: Quick one.

CHAIR PALTIN: Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Nishiki. Mahalo for your testimony this morning. So, just to clarify, the extension would, that's being proposed on the resolution on the agenda today is until May 19. The CPAC's request

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

was till March 20. And so, with the May 19<sup>th</sup> extension, you still believe that CPAC would be able to complete its mission by...

MS. NISHIKI: Mission impossible. But yes, yes, I'm fully confident in our ability to get it done by that time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Great.

MS. NISHIKI: And we would appreciate it. Mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR PALTIN: Members, further questions for the testifier? Thank you so much, and good job on the meeting last night. That was a real marathon session there.

MS. NISHIKI: Mission impossible.

CHAIR PALTIN: That was, I was so exhausted after it was over.

MS. NISHIKI: Yeah, and then you had to be here early this morning. So, anyway, mahalo.

CHAIR PALTIN: Thank you.

MS. NISHIKI: Bye.

CHAIR PALTIN: So, at this time there's no one left in the Council Chambers, I'll go out to the District Offices. Lanai Office, Ms. Denise Fernandez, do you have anyone wishing to testify?

MS. FERNANDEZ: Aloha, Chair, there are no testifiers at the Lanai Office.

CHAIR PALTIN: Thank you. Hana Office, Ms. Mavis Oliveira-Medeiros, do you have anyone wishing to testify?

MS. OLIVEIRA-MEDEIROS: Aloha, Chair, there's no one in Hana waiting to testify.

CHAIR PALTIN: Thank you. Molokai Office, Ms. Zhantell Lindo, do you have anyone wishing to testify? Ms. Lindo? Oh, she's not there? If the Members don't mind, let's have a short recess to the call of the Chair to establish connection to the Molokai Office. . . .(gavel). . .

**RECESS: 9:09 a.m.**

**RECONVENE: 9:10 a.m.**

CHAIR PALTIN: . . .(gavel). . . Thank you for that brief recess. The time is 9:10 and the Planning and Sustainable Land Use Committee will return to order. We did make

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

contact with Molokai. There is some issues with the line and they have nobody waiting to testify at this time. So, last call for public testimony. Seeing none, if there's no objection, I will now close public testimony.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. Public testimony is closed.

**. . .END OF PUBLIC TESTIMONY. . .**

**PSLU-47: TIME EXTENSION FOR THE WEST MAUI COMMUNITY PLAN  
ADVISORY COMMITTEE TO REVIEW THE DRAFT WEST MAUI  
COMMUNITY PLAN (CC 19-495)**

CHAIR PALTIN: So, our first item to take up, PSLU-47, the Time Extension for the West Maui Community Plan Advisory Committee to Review the Draft West Maui Community Plan. We're in receipt of County Communication 19-495, from the Planning Director, transmitting a request from the Chair of the West Maui Community Plan Advisory Committee for an extension of time to review the draft West Maui Community Plan. Correspondence dated December 12, 2019 to the Department of Corporation Counsel, transmitting a proposed resolution entitled, Approving a Time Extension for the West Maui Community Plan Advisory Committee to Forward its Recommendations...Recommended Revisions on the Draft West Maui Community Plan to the Planning Director. The purpose of the proposed resolution is to extend to May 19, 2020, the West Maui Community Plan Advisory Committee's deadline to forward its recommended revisions on the draft West Maui Community Plan. So, I scheduled this item because, you know, in the Planning Department's setting of the schedule, the sooner they know how long they have, the easier it would be for them to plan. And I believe the current deadline is January 20. So, in making the plan for when they...last night was the last meeting of the year, so, in making their agenda schedules for the upcoming year, if they're, if they know by the end of this week how long they have, then they can more appropriately set out their schedule and agenda to finish the plan. Either myself or my staff has been at every single meeting, and so, they're not dilly dallying. As you know, community planning and public testimony and whatnot can get messy and it's not something that you can control and say that you have a good community plan. You want everybody to be able to testify and say their piece. And with nine Members, it's difficult to meet our timeframes, and just imagine with, what is it, 13 members, how much more difficult it is and they're all volunteers, and everybody has something to say. So, it does get a good kind of messy. So, there is no legislative action posted for today's meeting. We're going to do similar to Councilmember Molina and take the action on the Council meeting on Friday to expedite things. Corporation Counsel has signed off on the resolution which is in Granicus and is also posted as County Communication 19-514 on Friday's Council meeting agenda. At this time, I'd like to ask the Planning Department if they have any comments on this item.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

MS. McLEAN: Thank you, Chair, and thank you for your opening remarks. We appreciate you scheduling this so quickly. At the beginning of the convening of the CPAC we did lay out schedules to complete the work within the timeframe and we were still prepared to endeavor to complete within that timeframe. And it is understandable with the holidays and so forth not being able to have any more meetings this month. The CPAC did vote in support of requesting the extension for 60 days. And if the reasoning is the holidays, 60 days is probably an appropriate amount of time. We're concerned with just the mental side of it for the CPAC members getting burned out, for our staff getting burned out, Pam can offer some comments in that regard, and I'm just reminded of the old expression that work expands to fill the time. And while it's nice to have that cushion and I, you know, we've all been under the gun for various things, we would request a shorter amount of time if you would consider with the 60 days which is what they supported. So, if I could ask Pam to offer some comments from the CPAC meetings.

MS. EATON: Yeah, thank you, Chair, for scheduling this and thank you for being considerate. I understand about not wanting to have to come back. I totally understand that. I do want to say though, in addition to Michele's comments, the concern right now is, and I commend Kai as Chair and our CPAC members. They have been extraordinary. They've taken what we've done extremely seriously, they read everything, they ask great questions of public testimony, and as I'm sure you can imagine, even members who are new to the County Council, when you're delving into policy it's pretty rough. I mean, it's very difficult in terms of understanding the language, the appropriate language, what the MIP's doing versus the Countywide Plan, versus what really is not legal. It's complicated and it takes time. So, I think we first of all scheduled an additional, when we had planned on going into the growth management framework in November, Chair felt, and I think several CPAC members felt that they needed more time to really vet the policies and actions which was fine. So, we took another six meetings to do that. But I think we're at a place where everybody really feels like they've been able to put time toward that. And so, what we're planning on doing January 7<sup>th</sup> is getting to quite frankly the most critical aspect of the plan and that is looking at the growth management framework, nine projected growth areas, and as you know, we've got new community plan land use designation. So, it's learning those, being comfortable with those, and assigning those to all the urban and growth boundaries and projected growth areas. That is going to be very challenging and that's the heart and soul of the plan. So, we, you know, as part of what Michele's saying, I would err on the side of 60 days rather than 120 because we need to push and push hard. But, and I'm not sure shifting time, we also plan to bring in developers and so, and scheduling the, for the projected growth areas specific nights to discuss so they know when that's going to happen so they can prepare appropriately as well as the CPAC members prepare. And so, that we're trying to, we had to shift off, so now we've got to have those really starting in January. So, we have two meetings starting off really with the context and the background of really understanding the Maui Island Plan, what these projected growth areas will be doing, including all the impacts to those growth areas, which is what we've been discussing for the last three months and kind of sewing that together. So, I do feel like we can get this, I understand, and I appreciate why you guys wanted to extend. But I truly do

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

feel that we are shooting for 60 days. And the other thing I want to add is that we have drafted and would like to put out for release probably end of this month or first of January, the scope and the RFP for the South Maui Plan.

COUNCILMEMBER KING: Yay.

MS. EATON: I knew that would make you...Merry Christmas.

COUNCILMEMBER KING: Thank you.

MS. EATON: Mele Kalikimaka. And so, there's that too. And there's, this takes a huge amount of mental capacity doing this. And we're doing it just in West Maui. Now, we're bringing on seriously, South Maui, and it's kind of a different energy and a different sort of flow, if you will. And we still have the staff that we have who are amazing. But so, that's, I'm kind of looking at 30,000 feet and I want to get this going. I've already contacted people in South Maui. So, that's our reasoning for 60 days and really trying to move this forward.

CHAIR PALTIN: Yeah, so, I mean, there's nothing that would stop 60 days from occurring. We all want 60 days to occur, you know, but we don't know unforeseen weather, or, you know, if the highway shuts down which has already happened a few times, fires, floods, and whatnot. And for me, being able to schedule another extension in such a timely manner with the master agenda that I have is a concern. Member Rawlins-Fernandez, you had a comment or a question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, mahalo, Chair. I support your recommendation of 120 days and the intent to discharge it at Friday's meeting. Mahalo, Ms. Eaton and Director McLean, I love this schedule. I think it's really well done, very thorough. So, what you were mentioning, Ms. Eaton, was that you were going, you were planning to have six growth framework meetings instead of four? There's four at the end which was the last four meetings planned for the CPAC.

MS. EATON: I'm not sure what schedule you're looking at --

COUNCILMEMBER RAWLINS-FERNANDEZ: October 28.

MS. EATON: --'cause we've got about four different versions. All right, that's a really old version. But quite frankly, we have a methodology, if you will, in terms of scheduling. But you could talk about Kapalua for say and thinking you could get that done in one night and anything can happen through public testimony. So, I mean, we have the flow where we sequentially want to address the order. But, you know, I can't predict what's going to happen. We're just trying to do the best we can in an orderly fashion and so that everyone knows what's going to be happening and everybody has access to what's happening. Beyond that, I can't foretell what's going to happen on that particular evening.



## PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES

Council of the County of Maui

December 18, 2019

---

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. I think this is great, you know, just the schedule just to keep everyone up to date and on the same page. I completely support this. So, on the October 28 old schedule, I guess I'm looking at, there were, December 17 was, I guess was that last, yeah, that was last night's meeting, and then there's, there was planned a December 19, a January 9, and a January 16. Would you be able to like tell us what the plan would be with this extension? I'm thinking that you would likely keep the two January dates and possibly schedule an additional end of January, beginning of February date, and push everything down? Or do you have the, you know, developer panel discussion committed for the January 9<sup>th</sup> meeting?

MS. EATON: So, committed not so much because we didn't want to just do this before getting your guys' approval. But sort of like save the date cards, you know, like a wedding. So, January 7 and 9 we, yes, that is the beginning of addressing the growth management framework. So, that is where we go over the Maui Island Plan, smart growth principles, and there's been a lot of questions, and we really feel they need to understand the land use entitlement and permitting process, like what's out there, what's happening, you know, in the full context, and discussion about the population and housing demand. You know, there's been a lot of questions about that. So, they had that in their head. On January 9 tentatively, yes, we have scheduled a developer panel discussion of which each developer, if you will, of a projected growth area will have an opportunity to basically do a very brief overview. And we have specifically asked them to address things that are relative to the West Maui Community Plan as it deals with the vision of the plan and the objectives and the goals. We've also, want to invite, have an Aha Moku panel, and then a couple of other individuals from the community like Ekolu Lindsey and so forth to have their reactions so it's somewhat balanced. So, we're hoping to do all that on January 9, and quite frankly, that's pretty aggressive. And then, January 21<sup>st</sup>, 23<sup>rd</sup> the, you know, 'cause we tend to meet, in a week we meet a Tuesday and a Thursday night, and then take off a week, and then Tuesday, and so, that's kind of been the flow so far. So, we would start the growth management, the growth framework on the 21<sup>st</sup> and 23<sup>rd</sup> starting up in Kapalua, Kapalua Mauka, discussing those particular areas, having the developers come in, answer questions and so forth, moving on to Pulelehua, Kaanapali Town would be next, and then we would kind of work our way down to Villages of Leialii, Lahaina Town north, then Lahaina Town south, Makila, Olowalu Town, and that's kind of the order. And then once that's done, we would put together the entire plan, including all the policy sections for the goals. And then, there's several policies, not a lot actually, that we have sort of parking lot'd, if you will, because we felt that it would be better to see what happened with regard to the assignment of the community plan land use designations as it relates to these specific policies. So, there will be a final opportunity to then look at the policies and the implementation. And during this time, by the way, we will be sending out the latest version of the policies and actions, including all the CPAC comment to all of the departments, the County departments who, and this is sort of plug, please, please, will review, can I repeat that again, and they have to, by Maui County Code 2.80B fill in the amount of funding that they think it might take, the timeframe, as well as potential partners and funding source. So, that's happening at the same time so that we will hopefully by the time the community plan land use

## PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES

Council of the County of Maui

December 18, 2019

---

designations are done we will have this whole thing pulled together so the CPAC and the community can take a look at the entire plan and will have time for that. So, that's kind of the order, if you will, the flow of how we'd like to finish with the, and that's the 60-day. I mean, I appreciate you guys giving us more. But that's how we would operate in a 60-day extension.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, mahalo for that overview, so, you're thinking that the last meeting would be closer to March 20<sup>th</sup> time?

MS. EATON: March 12, I mean, because, and I'll tell you why. One of the reasons why we want to shoot for then is because spring break.

CHAIR PALTIN: And Budget.

MS. EATON: Oh and, yeah, Budget.

COUNCILMEMBER RAWLINS-FERNANDEZ: That little thing.

MS. EATON: But no, by then, and so, that way that'll give us some time, you know, to obviously pull together. But yeah, we're trying to do it by mid-March, you know, have it done.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, and last question, Chair. When do you, you know, when are you planning on having CPAC do priorities, the prioritization of the action items?

MS. EATON: So, the prioritization would happen, that's in February but that's after we have finished assigning, when we're done with the growth management framework, then right after that would become prioritization of implementing actions, which is why we need the departments to get their parts done so that we can then appropriately prioritize the implementing actions.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. And are you expecting it to be completed in one meeting?

MS. EATON: Not realistically, no. We've scheduled two meetings for implementation and monitoring. And actually no, one, two, three meetings, three meetings.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, three meetings, great, awesome. I think your Department is doing a great job.

MS. EATON: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Thank you so much, and I hope, you know, I support the extension for the CPAC members to have some, you know, well-deserved, well-earned time off with their families. But I hope, you know, your staff, the Planning Staff --

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

MS. EATON: Oh, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: --will also get some time with their families 'cause I know this is after hours and it can go late into the evening, night really. So, thank you.

MS. EATON: No, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Thank you, Member Rawlins-Fernandez. At this time, I'd like to recognize Member Sugimura for joining us.

COUNCILMEMBER SUGIMURA: Good morning, Chair.

CHAIR PALTIN: Good morning. And then, I'll go to Vice-Chair, Committee Vice-Chair Sinenci, followed by Chair King, followed by Councilmember Molina.

VICE-CHAIR SINENCI: Thank you, Chair. I just had a...I too, support the extension to May 19, 2020, and I appreciate the extra time to meet with the community of West Maui. So, mahalo for that. My question was just for clarification. So, if the extension is until May, but if it did get done earlier, then we could, you could still present it before then? Is that correct?

MS. McLEAN: Yes, if we finish after ten additional days, or after --

VICE-CHAIR SINENCI: For some miraculous...

MS. McLEAN: --50 additional days, or after 70 additional days then we would complete the package and then proceed with forwarding that to the Planning Commission.

VICE-CHAIR SINENCI: Okay. Great. Thank you. Thank you, Chair.

CHAIR PALTIN: Council Chair King?

COUNCILMEMBER KING: Thank you, Chair. I'm really excited with this schedule. Thank you for sharing that with us. I'm, I kind of, I understand what you're saying, I didn't realize it was a vote that the CPAC had taken for the two months so I kind of understand your concerns. And I do agree that sometimes you tend to fill the space if you have it. So, what I would like to see, 'cause since we're not voting on this today is if you could work with the CPAC Chair, with Ms. Nishiki, and then, and come to, you know a decision at the reading on Friday we can, then we can adjust this if you guys decide to do something different. 'Cause I'm open to whatever you can collectively decide. But I do understand the thing about, you know, trying to stick to a schedule. And also, I have concerns about trying to carry it through the Budget, when we get into Budget because we're going to be pretty ensconced in after that March date when

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

we get the Budget. But I also, Chair, wanted to offer that if they end up going for the two months, and then there is some extension that's needed, we can bring that right to the Council without going through Committee, and we can do it on the floor if you, if we end up meeting 'cause we, that's what we did with the Molokai Plan. I think the last time we brought it straight to the floor. So, that would save some time if we have to go into another extension. So, I'm open either way. But I would like to see them work together on what that actual timeframe is, and then bring it to us on Friday.

CHAIR PALTIN: Ms. Eaton?

MS. EATON: Yeah, I have one real quick, actually two quick comments. One is, we meet regularly with Kai, with the Chair, and we've gone through the schedule several times. But yeah, we're happy to sit down. It's been great working and trying to figure this out with Kai. It's just that none of us can control, I mean, we can try, but it's going to be very hard to control, for example, on that particular evening and we've scheduled, let's say, one meeting, you know four or five hours, or three hours, sorry, to discuss a particular projected growth management area. But then you've got two hours of testimony.

COUNCILMEMBER KING: Right, oh yeah, I follow you.

MS. EATON: I mean, you know, I don't need to tell you. You know what I'm saying? But, so, that's kind of the unknown part of this --

COUNCILMEMBER KING: Right.

MS. EATON: --is that.

COUNCILMEMBER KING: Okay. Well --

MS. EATON: And then...

COUNCILMEMBER KING: --I just wanted to say I'm open to whatever you guys decide --

MS. EATON: Yeah, thank you. Thank you.

COUNCILMEMBER KING: --because, you know, originally, she did ask for two months. So, I understand. I just know that we, I had high aspirations on the Molokai plan, and I think I was a little naïve thinking we would get it done in the first six months. But there's always things that come up and then discussions take longer than...

MS. EATON: I will point out one thing a little different, and that is that with regard to the CPAC draft and us getting it done, and us pulling in and making all the changes per the community and CPAC, and then preparing it for Planning Commission, I'm not sure of the relevancy of Budget other than if we can then get it to the Planning Commission, you know, April, May. And then, they can get it done in a time well before your Budget starts for the following year. Then that would give you a good

## PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES

Council of the County of Maui

December 18, 2019

---

chunk of time to hopefully have your review completed prior to, you know, the Budget, FY '21 the following year.

COUNCILMEMBER KING: Right.

MS. EATON: So, if we can get it, you know, kind of get it done more quickly, then that gives you guys plenty of time as opposed to having one or two months then bam, you've got Budget. And then, you know what I mean, and then having to go back to it after Budget.

COUNCILMEMBER KING: Yeah.

MS. EATON: Just looking in the long line of progression.

COUNCILMEMBER KING: Right, no, I think that's good planning and, you know, you guys know because you've been to the meetings with, and the Chair, the Committee Chair knows. So, you know, we'll just rely on you to make a decision before Friday. We can adjust the resolution if needed. Okay. Thank you.

CHAIR PALTIN: So, to clarify your point that the, our Budget proceedings aren't going to interfere with your community plan process? Okay. And at this time, I'd like to welcome Member Alice Lee to the meeting. Good morning. And, Member Molina, did you have a question, or comment, or discussion?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. For either Ms. McLean or Ms. Eaton, just following up on that issue of the growth framework for the urban growth boundaries, at this point the CPAC hasn't even touched it, touched upon it yet, yeah? I know when you rattled off the list of projects that, you know, will soon be discussed I can, I know where you're coming from, then it will generate a lot of discussion and testimony. With this extension, how many meetings do you, are you able to squeeze in? And have you had any quorum issues, I don't know, that might've been asked at the last meeting. But thus far, no meetings have been cancelled because of a lack of quorum?

MS. EATON: No, they have not. I mean, they're, you know, no, they have not. I'll just say they have not, which is great. Nine, ten, yeah, so ten additional meetings, but again, the ten additional meetings are sort of keeping with a somewhat mental flow of every other week, but then two in a week. If we were to get into a situation which I would hate to do because I will say not only is Staff approaching burnout, so this is coming at a good time, the Christmas break, but the CPAC members are also. But if we had to, and we did do this on several occasions, by the way, is we added additional meetings in that off week. We have done that, and it is tough, it's grueling. But, you know, we had to do it to try to get through certain things in a timely manner.

COUNCILMEMBER MOLINA: Okay. Well, keep up the good work. I know it's, those meetings average what, three to four hours a night, sometimes longer?

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

MS. EATON: They're three hours. And again, I'm, guys laughing --

CHAIR PALTIN: And it feels like five.

MS. EATON: --it is, yeah, it's, she does a great job of keeping us on task, seriously. And the public testimony hasn't been too, yeah, I mean, I think a couple evenings there was like maybe an hour or so more than we might have expected. But yeah, they are, we are trying to really stick to 5:30 to 8:30, three-hour meetings.

COUNCILMEMBER MOLINA: Okay. Well, thank you for your hard work and good luck.

CHAIR PALTIN: Yeah, I would envision like when we get to the growth boundaries for Makila, Olowalu, that will get probably a few hours maybe. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair. Great job, and I wondered if, because I haven't been attending all of the CPAC meetings like Ms. Paltin, but have you included the Lahaina flood control in this growth? Okay. Good.

MS. EATON: Yeah, that's, so, if you were to take a look, I mean, if you take a look right now, we have the plan organized by goals and it's all centered around resiliency. And basically, one of them deals specifically with drainage, stormwater, and we've had many discussions about the flood control project and many kudo's and thanks to Kristi Ono from Department of Public Works who came and did a really great job really explaining the situations, the challenges, and possible opportunities.

COUNCILMEMBER SUGIMURA: Yeah, that's great. So, just to kind of offer, if you need any more information, Mae Nakahata from my office is also a link with the Federal government who's been working on this for, I don't know, years I think and it died and it came back, and there's farm bill funding and whatever. So, I would like to support that because I know it involves a lot of landowners, you know, that, who will be affected. And then, I like hearing the progress that you've made, and I know that when you first started you launched a new website and your community outreach has been, I guess, vastly improved by, you know, all of the outreach that you've been doing. So, congratulations on that and I hope one day that you, once you go through this process that you would enter yourself, NACo does some recognition of what counties do well. And if you think that it's at that level, at the appropriate time I hope that we can work together to maybe, you know, brag about the good work that you're doing in terms of land use policy 'cause the whole, all the counties, the 36, you know, thousand counties that are throughout the nation all have the same kind of concerns. So, congratulations, I just want to offer that also, both.

CHAIR PALTIN: Member Lee, did you have anything you wanted to contribute to the discussion? Member Lee, nothing? Okay. So, it looks like we've exhausted the discussion. Did you have any final comments? All right, if there's no...oh --

COUNCILMEMBER RAWLINS-FERNANDEZ: Quick one.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

CHAIR PALTIN: --Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo Chair. Okay. So, on the old calendar schedule I have, there were a total of 25 meetings. In your response to Member Molina's question you said there'll be ten additional meetings. Does that mean that there will be a total of 35 meetings at the end? I know you also said that there were meetings on the off week as well. But regarding...

MS. EATON: I mean that, the math, yeah, it could mean that. But I mean that, who knows --

CHAIR PALTIN: More.

MS. EATON: --because if we're really trying to endeavor to finish in a timely fashion, we may have to add additional meetings. Chair Paltin brought up a great point where a couple of these projected growth management areas are going to be particularly challenging. And, I mean, I have no illusions that we probably will not get those done in one evening.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MS. EATON: So, yeah, we may need to add more.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. McLEAN: I believe the schedule --

COUNCILMEMBER RAWLINS-FERNANDEZ: Director?

MS. McLEAN: --you had also included a meeting tomorrow night, December 19 --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MS. McLEAN: --which we're not, which is not going to take place. So, that one, lost one, and so, the new schedule will in a sense compensate for that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Okay. Mahalo for catching that. Okay. And I wanted to also support the effort. And thank you for including the, adding a Aha Moku panel to the night that you'll have the developer panel. I think it's important to have that broad perspective during that discussion. And that's all I have. Mahalo, Chair, mahalo.

CHAIR PALTIN: I just had one last question. You know when you have the presentations by the experts, developers, Aha Moku, and whatnot, do you give them a time allotment? Or do they just make that up?

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

MS. EATON: No, that's a great question. So, given the fact that we have all of these projected growth areas to have a presentation be delivered, we're giving them maybe five minutes at the most because the point is to do the overview in the context of the West Maui Community Plan and then in the context of what has already been recognized by the community is those important values. So, it's to do, really gear it towards that which they should be able to do in five minutes. But in addition to that, they will have an evening in which they can, they will hopefully be there to answer any questions that CPAC or the public's going to have specific to their specific project. So, yes, they're going to do the quick five-minute overview because there's a whole panel of them. But then, on a particular evening for their particular project to be discussed, they will have, you know, whatever time they need.

CHAIR PALTIN: Chair King?

COUNCILMEMBER KING: Thank you. I just have one request because I might forget on Friday. We have a lot of stuff on Friday. But when you figure out your schedule, you know, how, and maybe it's three months compromise or something, but, and redo your schedule, you know, because the one that Keani's looking at is old, can you share a copy of the new schedule with all the Councilmembers so we can kind of follow along and keep track after, you know, after we do the...

MS. EATON: Oh yeah, afterwards, absolutely.

COUNCILMEMBER KING: Yeah, I'm just asking you now --

MS. EATON: Oh sure, sure.

COUNCILMEMBER KING: --because I'll probably forget when we...

MS. EATON: Yeah, so, one of the things, obviously, we didn't want to let loose of a schedule when it hasn't been approved.

COUNCILMEMBER KING: Right, right.

MS. EATON: But once it is, then, absolutely. And we do keep that on the website. So, on...we absolutely will share it, but then there also is ongoing, you know, scheduled itinerary, upcoming meetings --

COUNCILMEMBER KING: Updates.

MS. EATON: --on yeah, on the website.

COUNCILMEMBER KING: Okay. Okay. Thank you.

CHAIR PALTIN: Members, if there's no further discussion on this matter, the Chair will defer this item.



**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION:           DEFER PENDING FURTHER DISCUSSION.**

CHAIR PALTIN: Okay. I'll defer it then. It's deferred.

**PSLU-26:           RENEWALS FOR CONDITIONAL, BED AND BREAKFAST HOME,  
SHORT-TERM RENTAL HOME, AND SPECIAL USE PERMITS**  
(CC 19-67)

CHAIR PALTIN: Next up on the agenda we have PSLU-26, Renewals for Conditional, Bed and Breakfast Home, Short-Term Rental Home, and Special Use Permits. The Committee is in receipt of the following County Communication 19-67, from the Planning Director, transmitting a bill, a proposed bill to conditionally allow for a grace period to temporarily extend various permits while applications for extension or renewal are being processed. The Planning and Sustainable Land Use Committee Report 19-120, which was recommitted by the Council at its meeting of October 4, 2019, and three, correspondence dated December 12, 2019, to the Department of Corporation Counsel, transmitting a proposed bill entitled, A Bill for an Ordinance Relating to Extensions for Conditional Permits. The purpose of the proposed bill is to conditionally allow a grace period to temporarily extend a conditional permit while an application for its extension is being processed. So, Members, if you recall, this was all bundled into one bill originally for short-term rental extensions, B&B extensions, conditional use permit extensions, and special use permit extensions. And due to public testimony and community outcry, we brought it back to Committee and we separated it into each type of extension. So, we have already passed out of Committee, and I believe out of Council, the short-term rental and B&B extensions. Today, we're just simply taking up conditional permit extensions. And then, following that we would take up special use permit extensions to keep everything, you know, clear and clean. And I see we have the audience here keeping us on track so that we don't mess up hopefully. So, that's the reason why I scheduled this item. And at this time, Deputy Corporation Counsel, Michael Hopper, has not had a chance yet to sign off on the proposed bill. And I will ask for any comments, opening comments from the Planning Department on the proposed bill.

MS. McLEAN: Thank you, Chair, and again, thank you for scheduling this. There are two notable changes to this draft versus the version that was originally sent to the Committee. The first is changing the use of the word "shall" to the word "must." I'm not quite sure why that change is being proposed. The rest of Title 19 uses shall. And I've asked Corp. Counsel if they had any thoughts on that. I don't know if they've had a chance to think about it. But we would ask that the word "shall" continue to be used just for consistency's sake. The other significant change is in the change of how renewals get approved. The existing Code for quite some time has allowed the Planning Department to administratively approve time extensions if the permit holder's in compliance, if there weren't any substantial changes, and if agencies haven't identified any problems. And the proposed bill now has that be Council

## PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES

Council of the County of Maui

December 18, 2019

---

approval instead of administrative approval. And that means it has to go to the Planning Commission, and then to the Council. And this was a streamlining effort that was made many years ago before my time with the Department. And we're not aware of any significant problems with that administrative approval process. And certainly, if there are changes or there has been non-compliance as it's written, as the Code currently says, then certainly those should be forwarded to the Council. But if there's compliance, et cetera, we believe that administrative approval would be appropriate. And this change was not reviewed by the Planning Commissions. So, I don't know if this change would necessitate the three Planning Commissions to review it again. All three Planning Commissions recommended approval of what was forwarded to the Council. And just one note on the last section about reporting, we are prepared to begin doing the quarterly reports to the Council as the Code has required for a long time that to my knowledge hasn't been done. But we'll be starting that beginning next year. Thank you, Chair.

CHAIR PALTIN: Thank you, Ms. McLean. At this time, I just would ask Staff to distribute, was it the original language that, was it 1987? Yeah, so, our, we did a little research as to how conditional permits had originally been extended. And in the handout that you're receiving is the original language for conditional permit extensions. It's on Page 3, and that's 19.40.090, and this is what the ordinance was in Chapter 19. And somewhere along the way, administratively it changed to what it is now. So, we're just trying to really get back to this type of oversight that the Council had already had and never willingly relinquished. And so, the other part of the streamlining was instead of passing it by ordinance it would be by resolution which wouldn't require it to go back to the Planning Commission. So, that's the reasoning for the, this bill that we have. Administrative approval was granted by a Council ordinance in 2011. But we're just trying to get back to the original intents in response to the community feedback that we received when we went through the first time we tried to pass this out of Committee. So, I'll take Councilmember Molina, followed by Councilmember Lee, followed by Council Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER MOLINA: Yeah, Madam Chair, thank you. Yeah, it's just more for my own clarification, the concerns that were shared with us from Director McLean, was that in the Granicus, was that the correspondence that's dated December 12? I guess that version of the bill, is that what Director McLean was referencing?

CHAIR PALTIN: Director McLean?

MS. McLEAN: Excuse me, the correspondence to Corp. Counsel dated 12/12/2019 was the resolution, or excuse me, the revised proposed bill --

COUNCILMEMBER MOLINA: And this is the one --

MS. McLEAN: --that I was reading from.

COUNCILMEMBER MOLINA: --that the Planning Commission said not reviewed yet?

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

MS. McLEAN: Correct.

COUNCILMEMBER MOLINA: Okay. All right, thank you.

CHAIR PALTIN: Sure. Member Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. I would like to hear the Director's comments on this item, 090 Extensions, and the process you've been following.

CHAIR PALTIN: Page 3, 19.40.090 Extensions, Director McLean?

MS. McLEAN: Comments on the, on the 1987 ordinance?

COUNCILMEMBER LEE: Well --

MS. McLEAN: Or on the proposed...

COUNCILMEMBER LEE: --the original one --

MS. McLEAN: Right.

COUNCILMEMBER LEE: --as the Chair said that for some reason these conditional permit extensions were supposed to come back to the Council for approval.

MS. McLEAN: The Code was amended I believe in 2011, or it might've been in 1988. I'm not certain. There are two times that this section has been amended. So, that was a Council action to amend the County Code to change the process to allowing administrative approvals. So...

COUNCILMEMBER LEE: Okay. So, we're looking at an old version?

MS. McLEAN: The ordinance that was distributed today from 1987 was when the conditional permit was created by the Council. And so, this, added this new chapter to the County Code, new at the time, to say oh, here's a process for a conditional permit. And that process called for Council approval of the original permit, as well as renewals. And then, in 2011, the Council amended the Code to say that renewals could be done administratively, subject to certain criteria that there was compliance by the applicant, that the operation hadn't changed, and that there were no agency comments. And that's the way the Code reads today.

COUNCILMEMBER LEE: Okay. So, I'm sorry, Madam Chair, did I, why did you pass out this old one?

CHAIR PALTIN: Because of the community feedback that we received, and to see how it all started to where we got to today, and then the feedback on where it is right now in regards a little bit to resource extraction and sand mining, and whatnot.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

COUNCILMEMBER LEE: Oh, okay. I somehow got the feeling that you thought that the Department was moving away from the Council's intent with administrative approvals. But it was the Council that allowed them to have the authority to give administrative approvals. So, now we're evaluating whether that should remain, or we should make changes to that?

CHAIR PALTIN: Yeah, because, you know, of the testimony we received.

COUNCILMEMBER LEE: Thank you.

CHAIR PALTIN: Sure. Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo Chair. Okay. I wanted to seek clarification first from Director McLean. The information that we received on, when was this, August, September 18, oh, anyway, January 7 from the Planning Department, it says that...so your comment earlier was that all three Planning Commissions recommended passage. But it says here that Molokai recommended not passing the bill, and if the bill is passed, to exclude Molokai. So, I just wanted clarification on your earlier comments that all three Planning Commissions reviewed this bill as you had submitted it, not what we're seeing today, and that all three recommended passage.

MS. McLEAN: Thank you for that clarification. The bill at the time, and I don't have the complete transmittal with me, so, I acknowledge that that's what it said, the bill at the time combined renewals for a variety of permits. And I don't recall there being concerns with the administrative approvals of conditional permits. I believe the concerns were more related to the short-term rental homes, bed and breakfast homes, State special permits, 'cause all of those were combined in the original bill. So, I don't want to suggest what the Molokai Planning Commission might feel about this bill as standalone. So, thank you for that clarification.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for that clarification. Okay.

CHAIR PALTIN: And I think if Molokai wants to be excluded, that's also a, from this bill, that's also a possibility.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. Okay. And so, I think, so, just a, I'm going to kind of repeat what Member Lee said, so, in 1987 when this section was originally passed it allowed for original, or it called for original permits and renewals to be approved by Council. In 2011, the Council amended this section to allow Council to approve original permits but the Department to approve renewals. And so, now we're here deliberating and discussing whether we should amend it back to Council have original permit approval and renewal approval. Is that your intent, Chair?

CHAIR PALTIN: Yeah, can I just clarify a couple points? Yeah.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, please.

CHAIR PALTIN: So, if you look at, on our proposed ordinance, Page 2, Section C, we would be authorizing the Planning Director, you know, what criteria to deny the extensions on one, two, and three if the permit holder is not in compliance with the conditions, if the permitted use has been substantially changed or new uses have been added that may result in significant impacts above what would result from the approved conditional permit, and/or the permit holder has not addressed any agency's concerns, the Director would then have full leeway to deny the extension of the conditional permit. If they satisfy the top three criteria, at that point they would forward it on to the Council. So, not every extension would come to the Council. If they haven't met those first three criteria, then the Director would be able to just deny the extension, which is, you know, those are pretty significant criteria that they have to overcome. And...

COUNCILMEMBER KING: Chair, just point of information. Number one, is that supposed to say the permit holder is not in compliance?

CHAIR PALTIN: Well, so what I'm saying is, if the permit holder is in compliance with the condition, if the permit use has been substantially...sorry wait, the permit...yeah, so if they're in compliance, then they transmit it to the Council. If they're not in compliance, then she has full authority to deny the extension, or whoever the Planning Director is, has full authority. So, these three criteria, if they're not met, the Planning Director can deny the extension. If these criteria are met, then at that point she can forward it on to the Council. And what's being proposed is that we grant the extension by ordinance so that it doesn't need Planning Commission review in an effort to keep the streamlining and make it, you know, be streamlined but to assure that this elected body is accountable to the concerns of the constituents as previously mentioned.

COUNCILMEMBER KING: Okay. Yeah, I just, I got confused with the wording. Thank you for...

CHAIR PALTIN: Yeah, I might've explained it backwards, sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification, Chair. So, it would be passed by ordinance or by resolution?

CHAIR PALTIN: The proposal here is to pass it by resolution so that if it --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, reso then.

CHAIR PALTIN: --does pass by ordinance, then it would need additional review by the Planning Commission, which is, you know, recognizing what the Director said in, you know, trying to keep it streamlined and also trying to be accountable to the constituents.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Okay. Earlier you said resolution, and then in response to Chair King you said ordinance. And so, right now you said resolution. So, it's good, no it's clear.

CHAIR PALTIN: Okay. Yeah, sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, we're all on the same page. Well, I'm on the same page as you, anyway.

CHAIR PALTIN: Okay. Yeah, if you have clarifying questions, I'll be sure to...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I'll yield the floor now. Mahalo, Chair.

CHAIR PALTIN: Okay. Chair King followed by Member Lee.

COUNCILMEMBER KING: Okay. I just wanted to clarify because you said that the Director can, but in here it says the Director must deny the application if those conditions are not met.

CHAIR PALTIN: Yes.

COUNCILMEMBER KING: Okay. And then, did we come to a conclusion on the word must versus shall? Is there --

CHAIR PALTIN: For me, yeah it...

COUNCILMEMBER KING: --the reason why someone chose the word, to put the word must in here?

CHAIR PALTIN: It's okay if we change it back to shall and I'm not...

COUNCILMEMBER KING: I think that's the standard language. So, that's what you were saying earlier. Okay. I just wanted to make sure that that was clear that, because yeah, when you were saying that they can deny it. But in here they have to deny it if those, if that's not met, the conditions in C are not met.

CHAIR PALTIN: So, I think the shall must one, was that in Page 1, Part A that you were talking about?

COUNCILMEMBER KING: It's in this one, too because if you go down to D --

MS. McLEAN: It's throughout.

COUNCILMEMBER KING: --it says, if --

CHAIR PALTIN: Oh, throughout?

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

COUNCILMEMBER KING: --criteria are not met; the Director must deny. So, you can change that back to shall deny. But it's the same thing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Really quick...

CHAIR PALTIN: Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I have some information to add to that. So, during our TIG in our proposed ordinances that we passed, or bills that we passed, the goal in changing "shall" to "must" is to bring our Code to language that is more user friendly for our community members. And so, that, must, and maybe perhaps you can explain it a little better, is clearer than shall.

CHAIR PALTIN: Yeah, it's, per OCS, must is part of our plain language effort to, and it's essentially non-substantive change from shall and must. So, I guess as we're amending ordinances and resolutions and whatnot, the effort is to always change "shall" to "must" throughout the County Code.

COUNCILMEMBER KING: Okay.

CHAIR PALTIN: So, it's a transition we're making across the board.

COUNCILMEMBER KING: Oh, okay. So, is that clear to the Department then? We're just, as we go forward, we just change all the shall's to must? I guess that's what we must do.

MS. McLEAN: I understand the thinking that "must" is more understandable than "shall." I don't know if that applies so much to the law, which is a lot more direct. The concern is that this bill amends three, four, subsections of Chapter 19.40. I would imagine that the other sections of this chapter use shall. And so, you'll have some paragraphs that say shall, others that say must. We will be asked, is there a difference, it says "shall" here, and "must" there. And the rest of Title 19 says shall. So, if that's the direction the Council wants to go, I'd ask that all of Title 19 be changed. That's quite an effort to amend that entire chapter. But it's the consistency 'cause the questions will arise, is there a difference between the two. So, my main concern is consistency.

CHAIR PALTIN: Thank you. So, I'll take Member Lee, followed by Member Sugimura, followed by Member Molina.

COUNCILMEMBER LEE: Thank you, Madam Chair. I have a question for the Director. Director, how many renewals are we talking about, extensions, renewals?

MS. McLEAN: We process I believe fewer than ten, probably more like five new permits each year. So, and they have different durations, 3 years, 5 years, some have, older ones have no time limit, some have been granted for 10 or 20 years. So, not that many on a yearly basis.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

COUNCILMEMBER LEE: So, as far as extensions go, about five per year or something?

MS. McLEAN: I would guess ten or fewer per year.

COUNCILMEMBER LEE: Ten or fewer. Okay. This is for all of these, all of these permits, right? Or is it only conditional use permits?

MS. McLEAN: This would apply just to conditional permits.

COUNCILMEMBER LEE: I see. Okay. Thank you.

CHAIR PALTIN: Yeah, and just to say, you know, we, once we get the quarterly reports going again, then we'll know. We haven't been getting those quarterly reports for a number of years. Ms. Sugimura followed by Mr. Molina.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, just for the Director then, based upon this change and the impact that it would have to the applicant, when things come to us it takes us a little bit to get it on our agenda. And it depends on, you know, whatever busy schedule, calendar you may have. So, what kind of impact would this actually have to the applicant?

MS. McLEAN: The impact would essentially be the additional time and...

CHAIR PALTIN: If I may, I just wanted to bring your attention to Part G on Page 2. And if the application for an extension is accepted, the conditional permit will remain in effect while the application is being processed for up to 12 months. So...

COUNCILMEMBER SUGIMURA: They can just continue --

CHAIR PALTIN: Yeah, and then --

COUNCILMEMBER SUGIMURA: --without having an impact?

CHAIR PALTIN: --part A requires that they get it in within 60 days. So, I mean, I feel that's sufficient timing. But...Director McLean?

MS. McLEAN: The, I've been talking just briefly with Mike about the renewal by resolution, which is unusual because it's, a conditional permit is granted by ordinance. I don't know that you can extend or amend an ordinance by resolution. If it is by resolution, then it's arguable that the Commission, the Planning Commission doesn't need to see it. I'd, you know, I don't know procedurally how a resolution extending an ordinance would work if it has to go to Commission, and then Council, then 12 months would be very, very tight to do that, especially we were on the previous item talking about Budget if it gets transmitted to the Council in February, likely won't have time to consider it until after Budget. So, that process is unusual to having a resolution extend an ordinance. So...



## PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES

Council of the County of Maui

December 18, 2019

---

COUNCILMEMBER SUGIMURA: So...thank you, and just curious, I, if all of this handled administratively through the Director, you know, whoever he or she is, if you followed whatever criteria is, I wonder if there, it's necessary to have this become, you know, come back to Council, because if the Director is supposed to run the Department and they can read whatever is required of the permit, then is Council then, you know, unnecessary.

CHAIR PALTIN: Yeah, you bring up an interesting point also that, you know, if it's an unusual that an ordinance be extended by resolution, it would also seem unusual that a Director can in fact, amend an ordinance to extend the permit. So, I mean, both scenarios are a little bit unusual in that an ordinance is either being amended to extend by a Director, or it's being amended to extend by resolution. So, we're kind of in that situation where it's an unusual world.

COUNCILMEMBER KING: I have a suggestion if I can --

CHAIR PALTIN: Chair King?

COUNCILMEMBER KING: --just interject. Would it be possible to do it by resolution if the resolution was authorizing the Director to extend? Mr. Hopper, would that be a way to get through the resolution process so that you don't have to go through two readings at the full Council?

MR. HOPPER: Madam Chair, so, we received this last Friday and had a list of some concerns that we had. One of them was the resolution issue. We thought it may be cleaner to go back to the...there's a policy part of this and there's a legal part of this, I think the policy part of it is whether the Council would like to be approving all of the conditional permit extensions or not. And I think if the decision is yes, Council should be approving everything, then I think it may be cleaner to have the original method where the Council just approves an extension by resolution, by sorry, by ordinance, by amendment to the ordinance as it was before because that's a cleaner, a bit cleaner of a process, would probably be recommended I think by our office. The exact legal question of whether a resolution can be used to extend an ordinance is something that I'm still considering right now. But I do believe it would be a cleaner situation to have it state as we had before that the, if there's an extension it's done in the same manner as an original application and 'cause we're definitely familiar with that process.

COUNCILMEMBER KING: Can you do a resolution to authorize the Director to, could we do it that way?

MR. HOPPER: I --

COUNCILMEMBER KING: You don't know?

MR. HOPPER: --still considering that. But I think it would be a lot cleaner because you're looking at Council action at the time and I don't know if something like that's been done before. I think directors have been allowed to administratively extend not

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

necessarily cases of ordinances, but to extend permits and things like that, it's a bit more common. And as part of this discussion I think it may be good to look at what happened in 2011 with the language change was, what the basis was for that. So, that's still an open question that I had had. The other questions I had was, you know, originally this was a ordinance to say you get a grace period. If you apply for a timely extension and while your extension's, while your permit's being processed your permit expires you can continue to operate while your permit's being considered. And that has changed to the purpose of no longer allowing directors to extend permits at all and those having to come to Council. I looked at that as something that I think we would advise sending to the Planning Commissions to comment on that change because that's not, that wasn't part of the original bill and is quite different than the original purpose. And then, the other issue was if this does change, which, and I don't want to question that the Council has the authority to say it wants to review and approve all permit extensions, it certainly has that authority by changing the ordinance, the issue would be what do you do with existing permits that in their language in the ordinance it may say extended by the Director pursuant to this Code section. I don't know if there were existing ones. I think you would want to deal with that in the ordinance somehow, maybe in a different section saying something like those permits are no longer eligible for that type of extension, something like that. So, sorry to get into all of those issues but I wanted to let you know what I was looking at as part of this bill as ongoing issues.

COUNCILMEMBER KING: Well, I think that's good.

CHAIR PALTIN: Okay. Thank you. Member Molina, sorry about that.

COUNCILMEMBER MOLINA: Oh, no problem, Madam Chair. Just a couple of quick general questions first for the Department, for Section 19.40.09 where the wavier will be provided to Council, so, the written waiver will be submitted by the Department or would it be the applicant under this proposal?

CHAIR PALTIN: Are you on Section A?

COUNCILMEMBER MOLINA: Yeah, I believe so, 19.40.09.

CHAIR PALTIN: I believe that's the portion where like, you know, if they don't submit the complete application no later than 60 days due to unusual circumstances if the person is on vacation, in the hospital, somewhere, and the Director says --

COUNCILMEMBER MOLINA: The Director would submit it?

CHAIR PALTIN: --waives it. Then they would send --

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: --at that time a copy of the written wavier to all Councilmembers.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: Does that answer your question?

COUNCILMEMBER MOLINA: Yeah, that's fine. And then, just for Director McLean now, what's the Department's preference? Are you okay with the 90 days? 'Cause currently it's what, 60 days, yeah, submission of the application?

CHAIR PALTIN: It was 90 days and we're changing it to 60 days.

COUNCILMEMBER MOLINA: Oh, you're reducing it, yeah, so, is that, from the Department's perspective, I know the Planning Commission hasn't reviewed this yet, but are you guys okay with that?

MS. McLEAN: Yeah, we don't have a strong --

COUNCILMEMBER MOLINA: You can live with it?

MS. McLEAN: --preference one way or the other between 60 and 90.

COUNCILMEMBER MOLINA: Okay. And then, under Section C of 19.40.09 requires the Director to transmit time extension application to Council under certain circumstances. Just for me, Madam Chair, I'm just kind of just wondering why we would want to consider taking more, I guess, as I see more administrative duties from the Department. Basically, why would we want to add more work for us, as well as with Section F, where it grants Council authority to approve or deny time extensions. But upon hearing what the Director said, there's only what, five, maybe on average per year. It may not be that much of a workload. But I know you got a very busy Committee, Madam Chair, so I'm just --

CHAIR PALTIN: Yeah.

COUNCILMEMBER MOLINA: --stating my opinions on it.

CHAIR PALTIN: So, I think...oh, I...do you...the feedback that I have gotten from Maui Tomorrow and Auntie Clare and whatnot was, you know, some of the conditional permits that were being granted time extensions, they had been trying to stop the sand mining and they were just being extended administratively and that the Council wasn't able to do anything about it. They had concerns with the sand mining situation.

COUNCILMEMBER MOLINA: Okay. So, this was I guess a Director's discretionary, with the Director's giving approval or --

CHAIR PALTIN: Yeah, they...

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

COUNCILMEMBER MOLINA: --it wasn't so much a part of like having maybe folks having lost confidence in the Planning Commission?

CHAIR PALTIN: Yeah, no, it's, you know, they wanted the Council to take back the authority that they had originally had in '87 I guess and, you know, us being accountable to the constituents to a greater degree than an appointed Director. Council Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER MOLINA: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I understand the concern that Member Molina shared. For me, I believe...so, administrative approval doesn't allow for community, public input. And so, I think that this would give the community that opportunity to provide input on what may be harming our people and our environment. In the last round of amendments to this section the Council gave the Molokai Planning Commission the power to renew STR and B&B permits instead of it being administratively approved because the community on Molokai felt like their concerns were not being heard by the Department. And leaving that administrative approval in their hands was not mitigating the problems that the community was experiencing on Molokai. And so, I guess I see this amendment in a similar fashion and would be supportive of this, you know, move for additional transparency and, you know, additional feedback from our community to have an open discussion about whether we should be renewing a permit or not. So, mahalo, Chair.

CHAIR PALTIN: Yeah, and in light of Deputy Corporation Counsel I would be amenable to amending it to ordinance instead of resolution if that's what he feels more comfortable with. I'll take Member Sugimura, followed by Chair King.

COUNCILMEMBER SUGIMURA: Question for the Department then, the five permits that may come before, you know, for renewal, was it about resource extraction? That's a, I thought that was Public Works.

MS. McLEAN: Thank you for the question. Yeah, I'm not aware of the concerns that have been shared with the Chair about permits that have been renewed relating to sand mining.

COUNCILMEMBER SUGIMURA: Yeah.

MS. McLEAN: I'm not familiar with any permits that specifically allow sand mining. There are a few permits for quarrying, Ameron and so forth. I would need to review those files to see if those permits allowed sand mining as well. And if they did, and that activity is occurring, then that would be a violation, or if the permits cover...included sand mining, then I wish that the concerns about renewal had been conveyed to the Department because it could've been our prerogative to transmit to the Council. If those permits didn't include sand mining and that activity has been going on, then that would be a violation of the permit and that would be an activity that was being conducted without proper permits and we could take enforcement action. So, I'm not

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

Council of the County of Maui

**December 18, 2019**

---

prepared to respond to those concerns 'cause they haven't been brought to the Department and I haven't been able to look into them. But that's very serious and I'd like to be able to look into them. So, yeah, I mean, we are aware that there are permits relating to rock quarrying. But I don't know that those include sand mining. And if they do, and if there are concerns, then those could be brought to the Department and we could forward those to the Council for renewal if we had been told about them.

COUNCILMEMBER SUGIMURA: So, the five permits, maybe you don't have the information, but in general, what kind of renewals are they, for what kind of, you know, what kind of permits are they?

MS. McLEAN: Oh, there are various activities.

COUNCILMEMBER SUGIMURA: For example, I mean, if we're talking about sand mining it's very specific and, you know, a concern...

CHAIR PALTIN: Sorry, I think there were concerns about rock quarrying as well, yeah, not just sand mining. But and, in the whole package that we originally had tried to pass through first reading, I think special use permits cover sand mining in Ag areas. And, you know, there were concerns about rock quarrying as well. So, those were some of the concerns that we came back to Committee to try and mitigate.

COUNCILMEMBER SUGIMURA: Department, do you have any comments?

MS. McLEAN: The kinds of activities that are permitted --

COUNCILMEMBER SUGIMURA: Yeah.

MS. McLEAN: --under conditional permits?

COUNCILMEMBER SUGIMURA: Or what the, what are they, you know, that is bringing up this concern. Or did it not even come before you? It sounds like you're surprised by this.

MS. McLEAN: I am surprised, yes, yes.

COUNCILMEMBER SUGIMURA: Yeah. So, I would like us to...

MS. McLEAN: And I'd like to make a suggestion if I could, Chair, that maybe a lot of the discussion that we're having wouldn't be needed if we had been giving the Council the quarterly reports that the Code calls for. So, perhaps we could, or the Committee could choose to defer taking action on this until we put those reports together --

COUNCILMEMBER SUGIMURA: Could you?

MS. McLEAN: --and then we'll have a better idea of the types or permits --

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

COUNCILMEMBER SUGIMURA: Yeah, I really would appreciate that. That's a...

MS. McLEAN: --and their duration and what activities are authorized and the frequency of renewals, that might give a better idea of what we're talking about. So, that's just a suggestion.

CHAIR PALTIN: Yeah, I agree that, you know, not having the quarterly reports does make it harder for now. Chair King, did you have something?

COUNCILMEMBER KING: Yeah, thank you. I just wanted to just kind of, I wanted to talk about that issue of the sand mining, because I believe that was Public Works that brought the concern up and it was when the issue of sand mining at the moratorium was being discussed. And then, I believe it was grading and grubbing permits that were given out, you know, kind of overnight before we could pass that moratorium. And so, I think that's where some of the concern comes from. But it's a general concern I believe. I agree with Member Rawlins-Fernandez that it's a general concern that the public, you know, would like to have that opportunity to input and to me, it's not a big deal if there's only five to ten of them to actually have that input because there may be some things going on that we want to take a look at after a period and rather than automatically renewing and the public may want to step in. I think that's the concern you were getting from the public, what, you know, we should have an opportunity to look at these and also to know who is and isn't in compliance because we've had some issues in South Maui where, and, but it's not, most of these, I mean, we're going to have to look at I think Public Works, too, because most of this stuff that I recall having problems with is not Planning Department, it's really Public Works because it has to deal with, you know, that Moomuku project that we, some people found in the middle of the night instead of. So, it's a general feeling...

CHAIR PALTIN: I think when they have that sort of concern, then they, then people then tend to look at every single situation where there may have been a loophole here, let's plug up all the loopholes in general.

COUNCILMEMBER KING: Right.

CHAIR PALTIN: Like let's not just focus on Public Works and then we get, you know, side swiped by Planning maybe or something like that. So, I think it's, you know, it's in the attempt to take a broader look at things and not let these types of things occur in any department.

COUNCILMEMBER KING: Right, and I think it was just, it was sort of a reaction of what could happen, rather than what is happening in this Department. So, if we are going to, you know, be considering that, I think we should look at the extensions that are happening in Public Works as well.

CHAIR PALTIN: Okay. That's not under my purview, but I'm supportive. Member Sinenci?

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

VICE-CHAIR SINENCI: Thank you, Chair. Yes, I did want to speak in support of the added scrutiny of conditional permits by the Council. Conditional permits are given for activities that are not within the Code. So, having that extra time to look at that and I think it safeguards us from permit extensions for long periods of time, too. I agree that we need to keep on looking at these continued projects. Thank you.

CHAIR PALTIN: Okay. I'll take Vice-Chair Rawlins-Fernandez, followed by Member Lee.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just a quick question. Perhaps the Department would be able to share why the Council hasn't been receiving the quarterly reports.

CHAIR PALTIN: Well, I can.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure, Chair.

CHAIR PALTIN: So, in the Code it was written that Public Works would give the quarterly reports. But Public Works no longer has oversight of the conditional permits, Planning does. So, it was kind of a, you know, Public Works does it, but they don't have the information to give the quarterly reports and Planning wasn't identified in the Code as the one to give the quarterly reports. So, it's just, you know, in updating things if you agree with that.

MS. McLEAN: That answer makes us look better than what I think the truth is. So, I'm reluctant to comment further.

CHAIR PALTIN: I'm trying.

MS. McLEAN: There are a number of places in Title 19 that refer to Public Works because back then before a Charter change in the '80's I think that separated, or that put land use and Codes from Public Works into Planning, there were a number of things that the Public Works Department was responsible for in Title 19. After that title, or after that Charter change, then all those responsibilities transferred to Planning. Even though the Code in Title 19 still refers to Public Works in a lot of areas, we know that that's a Planning Department responsibility. So, thank you for the cover. But it, when I, at the last time that this item was scheduled and I saw that and talked to our staff, some of them who have been with the Department for more than 30 years and showed them that, they, their eyes were like this. They're like, we're supposed to be doing that. Like yeah, they're like we've never done that. I'm like well, we need to start. So, I can't give you a good answer other than we, maybe we didn't know we had to do it, or we hadn't done it. But we will start.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that explanation. So, just a follow-up. Is there anything that the Council would need to do to clean that up in the Code, or are we all good now?

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

MS. McLEAN: We know it's our responsibility. There is a proposed change here to change that to Planning Director to make it clear. But for the time being, we know that that's our responsibility.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. Mahalo Director. Mahalo, Chair.

CHAIR PALTIN: Yeah, it's on the third page 19.40.110 we're making that, and it's being considered as a non-substantive.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: Member Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. I am not a strong proponent of taking on administrative work. But if you are willing to do that my only concern is fairness to those who are applying for extensions. Some of them may be innocent and have nothing to do with sand mining at all, and they are, you know, have the misfortune of having to extend their permits when we're busy like during Budget. So, I think we need to take that into consideration. If you folks think this is important enough, then the Budget has to stop, and we got to take it up. Otherwise, maybe we can give them automatic approval or refer it back to the Director, yeah? Because in all fairness, yeah, there are people out there who are trying to follow the law and trying to be in compliance, and I think we have to consider those people as well. Thank you.

CHAIR PALTIN: Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I understand the concern that Member Lee just expressed about, you know, if we're busy during a time like Budget. What Chair King had said earlier is that we could all, you know, we could take it up during Council and pass it at the Council meeting if there's no problems and it should easily go through. And if it's resolution, then it would be one reading, if it's ordinance, then it would be two readings. And if there's only, you know, like five or six of these permits, you know, we, as, you know, whoever's PSLU or Planning Chair could plan for that and, you know, schedule those around the times that we would be busy. Mahalo, Chair.

CHAIR PALTIN: Member Sugimura, followed by Member Lee.

COUNCILMEMBER SUGIMURA: I feel the concerns expressed by Member Lee because I think this is not necessary, you know. I believe that the Department is trying to do the best job they can for the people. And I don't think the Council needs to again, you know, or try to take over what the Department is supposed to be doing. The quarterly reports, that's an interesting reaction from the Department, somebody who's been there for 30 years, they would've done it if they knew they had to. But we changed the Charter, we changed the laws, we do things and not necessarily the information may not have been filtered down. But I bet you they would have if they knew. So, things



## PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES

Council of the County of Maui

December 18, 2019

---

like that. Okay. That's one thing, but I really don't think we need to do this. I mean, if the body thinks that, you know, we need to look at everything, I don't think that's necessary. The Department has the right intentions with the, what we've asked the departments to do. I don't think we need to, you know, double check it, so...

CHAIR PALTIN: You know, I hear what Member Sinenci is saying, like a conditional permit is kind of an exception to what is generally allowed and sometimes they go on for 10 or 20 years, 5 years. And when things are done administratively, the public doesn't have a chance to weigh in. And, you know, I do think that if they want to weigh in, then we should allow them to, yes.

COUNCILMEMBER SUGIMURA: Okay. Thank you for that response. So, I wonder if we take, before we take action, could we ask the Department to give us, I don't know how difficult it is to give us a report so we can see what we're talking about. We're all kind of guessing. So, I wonder if that could happen --

CHAIR PALTIN: We can defer it --

COUNCILMEMBER SUGIMURA: --then we can defer it.

CHAIR PALTIN: --if we need to. Member Lee, and then Member Molina.

COUNCILMEMBER LEE: Yeah, thank you, Madam Chair. I don't feel like we need to belabor this issue unnecessarily, unless, of course, somebody needs more answers because it appears that there are enough votes to pass this, yeah. And I'm not one, I'm not the beat a dead horse kind of person. So, but I did want to say something, yes, conditional use permits are for uses outside of what's ordinarily allowed. But we allow them, we're the ones that allowed them. Okay. So, we're talking about essentially extensions, yeah? So, again, the idea of, and us taking it up on a Council, at a Council meeting, you know, that presumably this item is not controversial, et cetera, but that's a big presumption, you know. Council meetings are not meant to take up Committee items. You know, there could be discussion. So, again, you know, I would hope that there would be some kind of provision that allows for this matter to be referred to, in other words, the decision would be sent back to the Administration if the Council can't deal with it within a certain period of time, then I think that's fair.

CHAIR PALTIN: Yeah, you did bring up a good point. I mean, if it is a controversial thing, then we do want the public to be weighing in on it and take a good look at it. So, I mean, like you said, I guess I agree with what you're saying because we don't...and it comes back to we don't know what we're talking about because we don't see the reports quarterly. So, I'll take Member Molina, and then it looks like it's time for our morning recess. Maybe we can, my crew can huddle with Planning crew and we can possibly come up something, with something that everyone's amenable to. But, Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair, and thank you for reminding us of the recess. I shouldn't take more than 15 minutes. No, just kidding.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

A lot of what Member Lee I kind of support. And I know the Director had mentioned the concern about maybe having the Planning Commissions review it and provide comments which I can understand. Yet at the same time, I know there's been permits that have been passed with the Director discretion when maybe it should've received some public input on it. So, for me today, my preference would be to consider a deferral, allow the Director maybe to present it to the Planning Commission, get it on their agenda as soon as possible, and then you can bring it back and then we, it'll also give the public an additional opportunity to weigh in on this proposal as well. So, I think it's a good step. You're addressing some issues that I think need to be addressed and heard. So, for me, that would be my position, a deferral, give the Department a chance to give the Planning Commission to weigh in, and then bring it back as soon as they're done and then we go from there, Madam Chair. Thank you.

CHAIR PALTIN: Okay. I'll just, we'll just try see if we can come up with something during the recess. And if not, then that's probably the course of action that we'll take. So, if there's no objection to a 15 --

COUNCILMEMBERS: No objections.

CHAIR PALTIN: --minute recess. We'll come back at 10:47. . . .(gavel). . .

**RECESS: 10:33 a.m.**

**RECONVENE: 10:52 a.m.**

CHAIR PALTIN: . . .(gavel). . . It's 10:52. Will the Planning and Sustainable Land Use Committee meeting of December 18 return to order. So, we did have a quick discussion and what I'd like to happen now is Director McLean has a proposal and I'd like to just have her present her recommendation, and we can take about ten minutes to do a temperature check and get any kind of feedback that the Members have on her proposal. And based on the feedback that we get from the Members, we can then defer it and then craft a bill that might be amenable to all and she can then present it to the Planning Commission. So, if there's no objections, Director McLean, would you like to present your proposal?

MS. MCLEAN: Yes, thank you, Chair. The idea is that the existing process of administrative renewals remains the baseline process. When new permits come to the Council, and this has been going on since the Code was changed back in 2011, when new permits come forward, the Council has the option of saying that the Council will be the renewal authority. If the Council doesn't do that, then it's an administrative renewal. But the Council can specify that now and that has been going on for years. So, all that would remain the same. The difference would be in the quarterly reporting section, that the Council can review the quarterly reports and then indicate any of those permits that are coming up for renewal, that the Council wants to be the renewal authority for. So, we would do the quarterly reports, transmit it to Council, it would get referred to Committee. Committee could refer, could review the report and then indicate oh, we want to see these when they come up for renewal. And then by

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

resolution the Council could say we want to be the renewal authority for those. And then, when we get those renewal applications, we would process them and transmit them to Council for renewal.

CHAIR PALTIN: So, I'll just go down --

MS. McLEAN: And that's the suggestion.

CHAIR PALTIN: --the line from my Vice-Chair down and see if there's any feedback on that proposal. Vice-Chair Sinenci?

VICE-CHAIR SINENCI: Yeah, thank you, Chair. Is there, my question is, would that be written in the bill? Or is it already?

MS. McLEAN: Yes, we would work with Committee Staff to come up with a new bill that we would have to take back to the Planning Commission. So, we would work on a revised bill together and then the Department would initiate the process to take it to Commissions and then bring it back to Committee after the Commissions have commented.

VICE-CHAIR SINENCI: Okay. Thank you. Thank you, Chair.

CHAIR PALTIN: Member Molina?

COUNCILMEMBER MOLINA: No, certainly open to that suggestion from the Director. Thank you.

CHAIR PALTIN: Thank you. Member Lee?

COUNCILMEMBER LEE: I'll give you a preliminary no objections.

CHAIR PALTIN: Okay. I like that. Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, I just wanted to clarify what the process would be. So, the Department would transmit a quarterly report to the Council, the Council, Planning Committee would then schedule it, schedule the quarterly report in, you know, whatever next Committee meeting, we would review the report which would give the community an opportunity to testify on any of the permits which is on the quarterly report, and from there, we would request specific permits to be approved by the Council. I guess my only question is how would we communicate that to the Department? Would it be by resolution or...okay. Okay. So, then it would probably be, the permits would be specified at that quarterly report meeting, and then at a subsequent meeting, the Council would pass a resolution requesting the Department to, or I guess taking its authority to approve, yeah, I guess it, that part I'm not super clear on. But this sounds like a good compromise. I could support this because it would still give the community an opportunity to weigh in on

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

Council of the County of Maui

**December 18, 2019**

---

all the permit holders and communicate to us if there are any, you know, problems with any of the permit holders' activities. So, okay, mahalo, Chair.

CHAIR PALTIN: Council Chair King?

COUNCILMEMBER KING: Thank you, and I apologize for being late. So, I don't have a problem with it. But it, I just wanted to reiterate the process. We kind of have a similar process when we go through grants, you know, we have this whole chart of all these grants that we file, and then Councilmember in, you know, at the full Council, and then Councilmembers can request to pull the ones that have concerns about to be referred to Committee. So, are we talking about something like that? Or are we talking about actually making a resolution that we want certain ones to come to the Council 'cause that's like an added process?

CHAIR PALTIN: Director McLean?

MS. McLEAN: We'd have to figure out the appropriate language. I think if, you know, if there's a Code provision that says Council reviews the quarterly reports and will adopt by resolution, you know, its authority to review permits for renewal, and then, in the resolution, the resolution would cite that Code section pursuant to the Council's authority under Maui County Code section whatever, notifying the Planning Director that it, that the Council wants to review these certain permits, and then we would know that those would then have to be sent to the Council for renewal.

COUNCILMEMBER KING: Okay. 'Cause the process that we do with our grant reviews seems to be a lot easier where we, we just, I mean, we have pages, you know, reports on grants that have come to us periodically. And then, individual Councilmembers will ask to have certain ones of those pulled out and then they refer them to Committee. So, that would be another way that would get us through, you know, kind of not have to go through all that paperwork. It might be easier, but I just wanted to offer that might be something to look at too. And then, if we, if a Councilmember sees something that might be controversial, or that we've heard that the public is interested in reviewing, we can ask to have that referred. And then, the rest of the file, if anybody, you know, everyone pulls out their concerns and then the rest of the report gets filed and then you don't have to, and then once it's filed you can do whatever with the rest of them. But that might be, you know, I'm willing to, you know, I support, you know, looking at a new version of, I just wanted to offer that that's how we do the grant reporting reviews.

MS. McLEAN: When we work on the bill with Committee Staff, maybe they can check with the others in OCS who are familiar with that --

COUNCILMEMBER KING: Okay.

MS. McLEAN: --process and maybe we can replicate that.

COUNCILMEMBER KING: Yeah. Okay. Thank you.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

Council of the County of Maui

**December 18, 2019**

---

CHAIR PALTIN: Member Sugimura?

COUNCILMEMBER SUGIMURA: It sounds like you've come up with a idea of how to put all of these concerns together. So, I look forward to seeing what you propose. Thank you. And of course, Corp. Counsel will then be able to weigh in and sign it 'cause this one's not signed. So, thanks for presenting your concerns to us today. But thank you.

CHAIR PALTIN: Okay. So, we'll --

COUNCILMEMBER SUGIMURA: Yay.

CHAIR PALTIN: --take that back and work on that based on the feedback to the proposal. And if there's no objections, I would like to --

COUNCILMEMBER SUGIMURA: Defer it.

CHAIR PALTIN: --defer this item.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR PALTIN: Okay. Consider it deferred.

**PSLU-37: UNRESOLVED LAND USE VIOLATIONS (CC 19-290)**

CHAIR PALTIN: Next up on the agenda we have PS LU-37, which is Unresolved Land Use Violations. And the Committee is in receipt of County Communication 19-290, from the Planning Director, transmitting a proposed bill entitled, A Bill for an Ordinance Amending Section 19.510.010, Maui County Code, Relating to Unresolved Land Use Violations. The purpose of the proposed bill is to prohibit or suspend the processing of an application for land use on a lot that is the subject of a pending enforcement action by the Planning Department. So, I scheduled this item at the request of the Planning Department. And at this time, I'll entertain discussion and question, or I'll ask Planning for their opening comments, sorry.

MS. MCLEAN: Thank you, Chair. As you described, the intent of this is to make it clear that any kind of application that we process would not be considered complete until any outstanding violations are satisfied unless of course the permit at hand is needed to cure the violation. So, if there are outstanding fines or other outstanding enforcement action, those need to be corrected before we can process the permit at hand. Thank you.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

Council of the County of Maui

**December 18, 2019**

---

CHAIR PALTIN: Thank you, Director McLean. Member Lee, you had a question or discussion?

COUNCILMEMBER LEE: Thank you, Madam Chair. Director McLean, I heard you say something about unless it's to cure an outstanding violation. I received a couple of calls from people who have had the experience of other people dumping rubbish and dumping things on their land by the ocean. So, they weren't responsible for that, but they were responsible for removing that. So, when they tried to remove that, they now had to get an SMA. So, how do you take care of those people, and I've had similar calls about, in Wailuku where the homeless come and they dump all kinds of trash and cars and whatever. But then when they try and remove it, now they're violating something else, the owner. So, you said there's a cure for that, did you?

CHAIR PALTIN: Director McLean?

MS. McLEAN: Particularly relating to SMA, we are proposing rule amendments to our SMA rules that would enable them to remove that debris without having to get an SMA permit. This Code change wouldn't apply to SMA permits 'cause this only applies to permits administered through Title 19 and SMA permits don't go through Title 19. But that's sort of dodging your question because conveniently there are two separate laws. I'm not really sure, so in that situation if they needed some kind of Title 19 permit to remove that material, we would've had to have had an enforcement action against them. And so, if they remove that material and we cited them saying you needed a permit to do it... that's the kind of situation where we would work with them to come into compliance because it's not their fault. They weren't responsible for it. This bill would come into play if at the same time they were applying for a different permit for us for something else, they were applying for a special use permit for something else and we said oh, you removed this debris on your property without a proper permit. So, we would work with them to reconcile the two. But that violation would have to be resolved before we could issue them the permit that they were applying for.

COUNCILMEMBER LEE: Okay.

MS. McLEAN: Even though it wasn't their fault, it's unfortunately their responsibility still.

COUNCILMEMBER LEE: Well, it doesn't seem that fair, you know?

MS. McLEAN: No, it's not fair that people...

COUNCILMEMBER LEE: I mean, their recourse is like throwing themselves at your mercy, is that it? Or is another recourse going to the Board of Variances and Appeals, or I mean, is there any real, real recourse other than just relying on your generosity?

MS. McLEAN: If we cited someone for removing debris from their property that someone else dumped there and we said you needed a permit to remove that debris, we would've

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

Council of the County of Maui

**December 18, 2019**

---

cited them with a notice of warning. I can't imagine that we would have fined them or imposed any other burden on them other than getting the permit. And in the case...

COUNCILMEMBER LEE: That's right now, that's right now. But now, when we pass this bill, that's then again, we're, you know, you're allowing some wiggle room. But yet, we have this ordinance that we are about to pass.

MS. McLEAN: So, if the bill is passed in that same situation and coincidentally, they were in for a permit with us at the same time, then this bill would allow us to say well, we're not going to issue you your permit until you get the permit to remove the debris.

CHAIR PALTIN: Member Lee, what kind of debris are you referring to that requires a permit to remove? I just curious.

COUNCILMEMBER LEE: I don't know all the complete details. But I'm, my understanding is that it's, you know, pretty substantial rubbish, it could be a car or two on beachfront property, which would require an SMA to remove. So, that's the call I got, you know.

CHAIR PALTIN: You require an SMA to remove a car on beachfront property?

MS. McLEAN: Yeah, it's interesting with SMA, I mean, this is just for your information, the Public Works Department, for example, if there's illegal construction, they don't require a permit to remove the illegal construction. It went up illegally, take it down, we just want it gone. And we've talked about a similar kind of thing in SMA. Well, if someone does something illegal in the SMA, can't we just allow them to remove it without having to get a permit too, same as Public Works does 'cause that makes sense. And the response was, well, some of the cleanup or removal activity can be impactful to the shoreline environment. And so, particularly if it's dumped cars, you know, we don't know what kind of material, or fluids, or hazardous waste might be involved. We'd want to make sure that the cleanup activity is done in a responsible way. If the activity doesn't fall under an exemption and requires a permit, then we would put conditions to ensure that there aren't any detrimental impacts to the coastal zone.

COUNCILMEMBER LEE: One last follow-up question? Director, did you say earlier that this ordinance wouldn't impact the example I gave you about the SMA permit? It doesn't affect SMA permits?

MS. McLEAN: This would apply to permits issued under Title 19. So, if we're talking an SMA permit and a Title 19 permit then no.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR PALTIN: Vice-Chair Sinenci?

VICE-CHAIR SINENCI: Thank you, Chair. I just had one question under the Planning Commissions. So, it looks like both Lanai and Molokai agreed, voted to pass the bill

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

as presented, whereas Maui had a couple minor revisions. I tried to access the file, but I couldn't from my...are you aware of any of those revisions?

MS. TAKAKURA: Thank you, Chair.

CHAIR PALTIN: Ms. Takakura?

MS. TAKAKURA: The Maui Planning Commission's concerns were being, regarding, they wanted to make it really clear that it's by lot, versus by property owner or CPR, condominium property regime. So, that's why you see on Section 1, it's clear, application for land use on a lot. So, that was the main part of the discussion there at the Maui Planning Commission was to be clear that it's by the lot. Thank you.

CHAIR PALTIN: And by saying lot versus condominium property regime, does that mean the entire, all the CPR owners, or just, I mean, maybe we're not clear on what the difference between a lot and a CPR is.

MS. TAKAKURA: Well, it...thank you. In Part C it does, or relates to land use on a lot or on a unit in a condominium property regime. So, it's either the lot or the unit in the CPR versus as compared to say the property owner or any other way that it could be defined.

CHAIR PALTIN: So, if one of the CPR owners wants to get a permit and they have a land use violation, the other CPR owner has the land use violation, it's not going to affect the person that wants the permit. Is that what you're saying?

MS. TAKAKURA: Yes, that's correct. It's because it's by unit.

CHAIR PALTIN: Okay. Is that clear? Okay.

VICE-CHAIR SINENCI: Thank you. Thank you, Chair.

CHAIR PALTIN: Council Chair King?

COUNCILMEMBER KING: Thank you, Chair. I have two questions. One just because of the follow-up on the talk about cars is, are we having an abandoned vehicle department that's supposed to be picking up all those abandoned vehicles? I mean, I recall we put millions of dollars into that environmental protection and sustainability, and that was one of their big things is abandoned vehicles. So, that hopefully you should be able to call somebody if it, or can they do that on private property, do you know?

MS. McLEAN: That would be Department of Environmental Management, and I don't know if their authority extends to private property --

COUNCILMEMBER KING: Okay.

MS. McLEAN: --or if it's just County rights of way --



**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**December 18, 2019**

---

COUNCILMEMBER KING: Okay.

MS. McLEAN: --or County land. I don't know, I don't know.

COUNCILMEMBER KING: Interesting, 'cause if someone dumps it there illegally, it seems like that should be. Anyway, I kind of wanted to just understand what prompted this bill. So, do we have a lot of, I mean, is this going to help you with your numbers of permits that you're issuing because you can kind of set aside all the ones that have these issues? And are there a lot of them?

CHAIR PALTIN: Director McLean?

MS. McLEAN: It's come about because we have been in situations where someone has an outstanding violation and they're applying for a permit and we're saying well, we're not going to issue you your permit until you clear this up. And they say where's your authority to do that?

COUNCILMEMBER KING: Okay.

MS. McLEAN: And we say, well, I guess we should amend --

COUNCILMEMBER KING: Trying to make the case for common sense.

MS. McLEAN: --I mean, we should amend the Code and make it clear that we have that authority. It's like you're asking for something, you know, you're asking for an entitlement of sorts and yet, you're violating the Code. So, we want those resolved before --

COUNCILMEMBER KING: Okay.

MS. McLEAN: --they get...

COUNCILMEMBER KING: And is that happening a lot?

MS. McLEAN: Not often, but it comes up enough that Staff wanted another enforcement tool in the toolbox.

COUNCILMEMBER KING: Okay. Okay. Thanks.

CHAIR PALTIN: I had a call, some questions about this proposed legislation and some of the complaints were, is there cases where a person is not sure what the fines are specifically for, and how much, and how to pay them? I guess the party lives on a hui lot where there's multiple buildings and maybe they know that they're not in compliance and they're trying to get in compliance and they've said that, you know, they haven't been given a clear sheet on what they're not in compliance for, what the

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**December 18, 2019**

---

finances are for, how to pay, how much to pay, and so on and so forth. So, if maybe you could comment on that?

MS. McLEAN: With enforcement action, the first thing we do is issue a notice of warning. And that says we believe you have this unlawful activity and if you don't correct it by this certain time, then you could be subject to fines. That's usually when people respond and say, oh, you know, I'm not doing that, or oh, that's my tenant, or whatever the reason might be. And that notice of warning is sent to all property owners. So, if it's a hui property, everyone listed that has their information in the Real Property Tax system will get that notice sent by certified mail. If we don't hear any response and we follow-up, and the violation occurs again, then we send a notice of violation and that's when fines begin. And so, between the notice of warning and the notice of violation, it should spell out what Code section or sections are being violated. That should be in both the notice of warning and the notice of violation, and the notice of violation indicates when the fines begin and what the fines are, initial fine and daily fines and that those accrue until the violation is cured. Now, sometimes we do have to have discussions with people about when the violation is cured because they can say oh, you know, I took down that unpermitted shed the very next day and we don't go out there for a week. So, we don't verify it until a week after they say did all that. So, that, those we work out. But otherwise, the fines accrue until we have the evidence that the violation was cured. So, if someone has a question, they should contact the inspector who's listed on the notice of violation. And they also have the opportunity, the notice of warning indicates that it can be appealed, and the notice of violation indicates that it can be appealed, if we're just flat out wrong they can appeal that. Usually we get that contact at notice of warning if they say no, this is, you know, you have the wrong address or whatever the reason might be.

CHAIR PALTIN: Who is the agency they appeal to?

MS. McLEAN: The Board of Variances and Appeals.

CHAIR PALTIN: So, like maybe the example would be an unpermitted structure. Then they would either have to tear it down, would it be a possibility that they pay the fines and get an after-the-fact permit?

MS. McLEAN: That's certainly one way to cure the violation. Again, if it's at notice of warning and they say well, I don't want to tear it down, I want to get whatever permit I need, we understand that getting that permit can take time. And so, we'll allow them the time, and if it, they show that they're pursuing that, then we won't go to violation. But that happens sometimes oh, I'm going to apply for a permit and they never do, and then, we might issue an additional notice of warning or go straight to violation. But yes, getting the proper permits is a way to cure the violation.

CHAIR PALTIN: And then, this would stop you from issuing another permit for like a building or things like that, would it prevent folks from pursuing say an agricultural subdivision?

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**

Council of the County of Maui

**December 18, 2019**

---

MS. McLEAN: This would just be permits that we issue under Title 19. So, subdivisions aren't processed under Title 19. And building permits are processed through Public Works, but this could allow us to not sign off on a building permit if we have an outstanding zoning violation. Mike is saying no, so, maybe not, 'cause building permits aren't under Title 19 either.

CHAIR PALTIN: Okay.

MS. McLEAN: So, if someone, for example, let's see, has a zoning violation, they have an unpermitted dwelling on their property, and they come in and apply for a B&B permit. We say well, you need to resolve that unpermitted dwelling before we'll consider your B&B application to be complete.

CHAIR PALTIN: And if somebody is just, you know, having a hard time they can come to you and say like, you know, what needs to be done to resolve this and work with ZAED on that?

MS. McLEAN: Right, the inspectors are in ZAED and so, the first contact would be with the inspector. But I certainly get contacted, or the ZAED Division Chief, or the Deputy Director, if people don't feel like they're getting through to a staff member they can contact us.

CHAIR PALTIN: Members, any further questions or discussion on this item? Wow, okay. So, one last question, if the fines do not stop accruing as the application which would resolve the violation is being processed, when will the Department collect the fine payment?

MS. McLEAN: If the permit is needed to cure the violation, usually at some point we would stop assessing the daily fines if they're pursuing the permit to cure the violation. And if the permit, you know, the permit process is complete, we're ready to issue the application and fines have accrued to be a huge amount, we would work with the applicant to determine what range of fines would be appropriate because the initial fines would still have to be paid. But the daily fines can be waived if they're pursuing compliance.

CHAIR PALTIN: So, the intent of subsection C is to require fine payments before the violation remedy permit is issued?

MS. McLEAN: Yes.

CHAIR PALTIN: Okay. All right, seeing no need for further discussion, the Chair will entertain a motion to recommend passage on first reading of the proposed bill entitled, A Bill for an Ordinance Amending Section 19.510.010, Maui County Code, Relating to Unresolved Land Use Violations; incorporating any revisions made by the Committee and non-substantive revisions; and the filing of County Communication 19-290.

COUNCILMEMBER LEE: So moved.

**Council of the County of Maui**

VICE-CHAIR SINENCI: Second.

COUNCILMEMBER SUGIMURA: No.

COUNCILMEMBER SUGIMURA: All in favor.

COUNCILMEMBER KING: We gotta pass one thing.

CHAIR PALTIN: All those in favor of the motion, say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Any opposed?

COUNCILMEMBER SUGIMURA: Nope.

CHAIR PALTIN: Okay. So, the motion passes six "ayes" and one excused, Councilmember Molina.

**VOTE:**      **AYES:**    Chair    Paltin,    Vice-Chair    Sinenci,    and  
                         Councilmembers King, Lee, Rawlins-Fernandez, and  
                         Sugimura.

**NOES:** None.

**ABSTAIN:** None.

**ABSENT: None.**

**EXC.: Councilmember Molina.**

**MOTION CARRIED.**

**ACTION: Recommending FIRST READING of bill and FILING of communication.**

COUNCILMEMBER LEE: He went to the dentist.

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

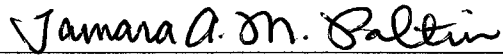
**December 18, 2019**

---

CHAIR PALTIN: He went to the dentist. This concludes today's Planning and Sustainable Land Use Committee meeting. Thank you very much, Members. The time is now 11:22 and this meeting is adjourned. . . .*(gavel)*. . .

**ADJOURN:** 11:22 a.m.

APPROVED:



---

TAMARA PALTIN, Chair  
Planning and Sustainable Land Use  
Committee

pslu:min:191218:mt

Transcribed by: Marie Tesoro

**PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

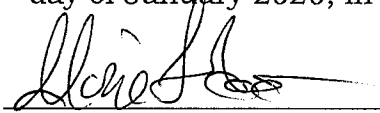
**December 18, 2019**

---

CERTIFICATE

I, Marie Tesoro, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 6<sup>th</sup> day of January 2020, in Wailuku, Hawaii

A handwritten signature in black ink, appearing to read 'Marie Tesoro', is written over a horizontal line.

Marie Tesoro