

PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

November 17, 2022

Online Via BlueJeans

CONVENE: 9:04 a.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member (in 10:36 a.m.)
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member

EXCUSED: Councilmember Kelly Takaya King, Vice-Chair
Councilmember Yuki Lei K. Sugimura, Member

STAFF: Wilton Leauanae, Legislative Analyst
Paige Greco, Legislative Analyst
David Raatz, Deputy Director
Clarita Balala, Committee Secretary
Nalani Fujihara, Hawaiian Language Communications Specialist
Lenora Dinneen, Council Services Assistant Clerk

Mavis Oliveira-Medeiros, Council Aide, East Maui District Office.
Denise Fernandez, Council Aide, Lānaʻi District Office
Jade Rojas-Letisi, Council Aide, Makawao-Haʻikū-Pāʻia District Office
Zhantell Lindo, Council Aide, Molokaʻi District Office
Daniel Kanahele, Council Aide, South Maui District Office

Kate Griffiths, Executive Assistant to Councilmember Johnson
Evan Dust, Executive Assistant to Councilmember Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember Kama
Lois Whitney, Executive Assistant to Councilmember Kama
Ellen McKinley, Executive Assistant to Councilmember King
Sarah Sexton, Executive Assistant to Councilmember King
Laura McDowell, Executive Assistant to Councilmember Molina

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel
Michele McLean, Director, Department of Planning
Keola Tom, Acting Assistant Chief, Uniformed Services Bureau,
Department of Police

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OTHERS: Aliko Biniaris
 Dick Mayer
 Jason Economou
 Lantana Hoke
 Faith Chase
 Tommy Russo
 Thomas Croly
 (2) additional attendees

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

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use Committee meeting of November 17th come to order. The time is 9:04 a.m. If everyone can please silence their cell phone or other noise-making devices. Members, in accordance with the Sunshine Law, if you're not in the Council Chamber, please identify by name who, if anyone, is with you today. Also, please see the last page of the agenda for information on meeting connectivity. My name is Tamara Paltin, and I'll be your Chair for today's PSLU meeting. Hensci and aloha kakahiaka and Lonoikamakahiki.

COUNCILMEMBER LEE: Hensci.

CHAIR PALTIN: Committee Vice-Chair King is traveling abroad, and I don't know that she'll be joining us. Member Johnson, hensci, shensci. Aloha kakahiaka.

COUNCILMEMBER JOHNSON: Hensci to you, Committee Chair, Councilmembers, and Committee Members. There are no testifiers at the Lānaʻi District Office. I am in the County Building on my side of the office, and there's no one with me. Mahalo, Chair.

CHAIR PALTIN: Mahalo. And next up, from the neighborhood, Member Kama has an appointment, and she'll be a little late. Next up, Chair Lee. Hensci and aloha kakahiaka.

COUNCILMEMBER LEE: Aloha, Chair. My mistake, it should be hensci. Hensci --

CHAIR PALTIN: Oh.

COUNCILMEMBER LEE: -- from the Indian Nation of the Creeks from the southeastern United States. So, hensci is the morning greeting. I'm here in my workspace alone, looking forward to your meeting. Thank you.

CHAIR PALTIN: Thank you. Okay, hensci it is. Hensci, Member Molina, from...it looks like the 8th Floor. Hensci.

COUNCILMEMBER MOLINA: Hensci and aloha, Madam Chair. You got that right. I'm transmitting from the County Building out of my office this morning, and in the next room is my Executive Assistant Laura McDowell. And there are no reports of testifiers

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out at the Pā'ia District Office. Looking forward to a very productive meeting this morning. Mahalo, Madam Chair.

CHAIR PALTIN: Mahalo. And next up from the Island of Moloka'i, we have Councilmember Keani Rawlins-Fernandez. Hensci and aloha kakahiaka.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i nui a Hina. I'm at the Moloka'i District Office, alone on my side of the office, and we have our Community Outreach Specialist Zhantell Lindo on the other side of the office, as well as her daughter Lucy Wilhelm. Happy birthday, Lulu. And we have no testifiers. Mahalo.

CHAIR PALTIN: Thank you. And then next up, we have Councilmember Shane Sinenci, broadcasting from someplace, but living in East Maui. Aloha kakahiaka and hensci.

COUNCILMEMBER SINENCI: Hey, hensci, Chair, and Lonoikamakahiki kākou mai Kaualanipili a i ka pūnāwai o Waiū. Happy to join this morning. This is the virtual...the Oklahoma City Native American Museum, here with District Staff Mavis Medeiros, and currently there are no testifiers. Aloha.

CHAIR PALTIN: Mahalo. And I think Yuki Lei Sugimura's excused. And I have with me Christian Balagso. And we have nobody waiting to testify at the Lāhainā District Office. Mai ka Administration, we have Planning Director Michele McLean, either Chief John Pelletier or his representative, and Deputy Corp. Counsel Michael Hopper, I hope. Next up we have Committee Staff, Committee Secretary Clarita Balala, Legislative Analysts Wilton Leauanae and Paige Greco, and Legislative Attorney Remi Mitchell. Our Assistant Clerk for today is Lei Dinneen. We have a pretty ambitious agenda today. We have four items, so I'll be talking faster. PSLU-26, Renewals for Conditional Permits; PSLU-51, Status of Active Conditional Permits, which I'd like to take up together because they're related; PSLU-70, Resolution 22-240, Relating to Nuisance in the Residential Districts; and Communications for Referral to the Council Chair for the 2023-2025 Term...Council Term. Testimony...let's begin with public testimony. Information on providing testimony can be found on today's agenda. We will receive oral testimony as the item is called up on the agenda. A link to the list of testifiers is posted in the chat. You may indicate in the chat that you do not wish to testify, but please be mindful that chat should not be used to provide testimony or commentary. If you have joined this online meeting, Staff will assume you wish to provide testimony and will add you to the list of testifiers. Testifiers wanting to provide audio testimony should call 408-915-6290 and enter meeting code 149 341 846, also noted on today's agenda. Written testimony is encouraged, and can be sent via eComment. Search for the meeting date on mauicounty.us/agendas, click on the eComment link, then select the agenda item to submit comments on. Oral testimony is limited to three minutes per agenda item. When your name is called, please unmute yourself by clicking the video and microphone icons, or if calling in, press star-4 to unmute yourself. Please be courteous to others by muting your video and audio while waiting for your turn. Once you are done testifying, or if you are not providing testimony, you may also view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us. Members, I would like to proceed with public testimony. At this time, I will call on testifiers wishing to

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testify at this time (*audio interference*). Okay. I think the first person that was signed up to testify was--I'll mute the nontestifiers--was Alik. I see...Alik.

MS. BINIARIS: Sorry. I'm not meant to testify. I was just listening to the meeting.

CHAIR PALTIN: Oh, okay. Right on. Thank you for letting me know. I really do appreciate that. The picture of this I don't have. Next up, we have Dick Mayer. And if you have...are listening on any other device, (*audio interference*) mute that other device. Okay, you got your three minutes. We're ready.

MR. MAYER: Thank you very much. Can you hear me?

CHAIR PALTIN: Yes.

MR. MAYER: I had to turn off my sound, so please let...put a thumbs up if you can hear me. Okay, thank you. I want to testify on the first two items on your agenda, which are...as the Chair has just said, are related, regarding conditional permits and the extension given to the Planning Department. I'm concerned that there's a interaction here between the ordinance, which you all passed about two weeks ago now, regarding vacation rentals and tourist accommodations, et cetera. These conditional permits that the Department is asking you to give an extension on contain many, many, many, many vacation rentals of various kinds, some B&Bs, some short-term rentals, all kinds of things, some dating back...way back and constantly getting renewals, et cetera. What I'm asking is that you adopt their recommendation to give them an extension, but make it all...for all units except vacation rentals. I think those should be handled separately. And the reason I say that is by just giving them an...sort of an automatic renewal, the neighbors in the area aren't able to know that they're being extended for another five or ten years. Notice even one of the renewals last time was done for 20 years by the Department. So, I would urge you to pull those out, extract those out from all the automatic renewals by the Department from the bill so when you...when you give them authorization to have an extension, and then ask that all of the conditional permits for vacation rentals be handled as if they were brand new to see whether they conform with your recently passed ordinance regulating the number of units, and the type of units, and the districts that they can go in, et cetera. That needs to be put up against that test, and I would urge that each one be looked at quite separately. And if necessary, the applicants may put in a brand new reservation...a new application for the vacation rentals. I think you understand what I'm saying. I hope you do. And I'll turn my volume back up and listen to you. Do you have any other questions?

CHAIR PALTIN: Members, do you have any questions for the testifier? Seeing none. Thank you so much for your testimony. Next up, we have Jason Economou, to be followed by Lantana Hoke, and then Faith Chase. And I believe Keola Tom is policeman.

MR. ECONOMOU: Good morning, Chair Paltin.

CHAIR PALTIN: Good morning.

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MR. ECONOMOU: My name is Jason Economou, and today I am testifying on behalf of myself, and really, my family and my neighbors. Over the past couple of years, it's become clear that there is a glaring loophole in our zoning enforcement. Right now, you know, the Maui County Code really says that industrial activities don't belong in residential areas. Neither do commercial. The Code also says that there are exceptions that are made for certain commercial activities, but no exceptions are made for industrial activities in the County Code. So, according to that alone, it should be prohibited to do something like welding or blacksmithing in a residential neighborhood. However, there's this big loophole that the Planning Department has created that says if the person claims it to be a hobby, then they can do pretty much whatever they want. This has impacted, you know, probably countless residents over the years, but nobody's helped. You know, I've watched a lot of Schoolhouse Rock, so when this impacted my neighborhood, I talked to my neighbors. I saw what their concerns were, and I reached out to the Department of Health, and they said, this is a County issue. This is really zoning enforcement. Yeah, the decibels are too high for what's allowed, but really, your County should be enforcing this. When I brought it back to the County, the police basically said, if you've got a hobby, you can do whatever you want. I asked if I could stand outside with an air horn just blowing it between 7:00 and 10:00 at night, and they said, if it's your hobby. So, that's kind of insane. I can tell you that industrial activities are not intended for residential zoning for a reason. A lot of these activities, the noise and vibration causes severe hearing damage. This is backed up by the CDC. The chemicals that are involved, or the chemicals that are released when metals are heated or melted, are severely toxic. And that's not just toxic to people. That stuff leeches into the soil. It leeches into everything around it. When somebody sets up a forge or a metalworks in a residential neighborhood, especially R-1, where it's really tightly packed, there is no protection, no mechanism of safety for those around that person, and they're really at the mercy of the neighbor who has this disruptive hobby. I've heard criticism that this might be just, you know, two neighbors...a dispute between two people. And in this instance, you know, you could look at the testimony that was sent online. We went out yesterday and we talked to a lot of the neighbors. This is impacting dozens of families. But beyond that, you know, we don't even know the untold number of folks who have been impacted by being forced to live next to industrial activities because I doubt the Planning Department is reporting to you all the people they refuse to help, or all the things they refuse to enforce on. There's a hole in the law here . . . *(timer sounds)*. . . and your residents need your help. And I'm asking you, please fix this hole. Thank you.

CHAIR PALTIN: Members, questions for the testifier? Chair Lee.

COUNCILMEMBER LEE: Hi, Jason. Have you tried to talk to your neighbor, you know --

MR. ECONOMOU: Yes, I...

COUNCILMEMBER LEE: -- in a...in a cordial way so that maybe he doesn't understand what kind of impact he's causing in the neighborhood?

MR. ECONOMOU: I have. That has happened, and we've been...you know, initially met with being ignored. And then, you know, he'll look at his watch and wait for us to leave. And

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then, you know, if you...if you continue to complain, you get belligerence. If you call the police, you get harassment. It's really pretty terrible. And, you know...

COUNCILMEMBER LEE: Jason. Jason, what kind of hobby is this? What is he doing? Is it horseshoes?

MR. ECONOMOU: In our case, it's blacksmithing. So, there's a propane forge that gets run for hours, you know, about eight feet from our bedroom window. The forge melts the metal that he then pounds with a hammer on an anvil. The...all of this is outdoors. Because it's not a commercial activity, he doesn't really have to meet any licensing or trade requirements. So, the fire hazard aspect of it, or the noise dampening aspect of it...it's a hobby, so he doesn't have anybody that regulates him. So, you know, this stuff belongs in commercial zoning or industrial zoning for a reason, and that's why industrial zoning is generally separated from housing. And, you know, we really hope that activities like this...you know, we're not trying to ban them. We...we're not trying to ban parties. We're not trying to ban people working on their cars, working on their houses. Those are common activities that need to happen in a neighborhood, especially like ours, where it's old houses by the sea. You know, we're...we do that too. This neighborhood put up with this for two years. And our initial request to the neighbor was just to do it during the day while people were at work. But over these two years, it's become apparent this is just not okay ever. The...I tell you, it's...people use noise to torture folks for a reason because it drives you nuts. It really kills you over time.

COUNCILMEMBER LEE: Yeah, thank you. Thank you, Jason.

MR. ECONOMOU: Thank you.

CHAIR PALTIN: Members, any further questions? I just had one clarifying question. When you said it would be okay during the day, is that off the table now?

MR. ECONOMOU: You guys are the lawmakers, the policy makers. In my opinion, industrial activities don't belong in residential ever, but as I said, you know, exceptions need to be made for people working on their houses or working on their cars during reasonable hours. So, I think, you know, the ordinance that you have in front of you now might not be perfect because it might want to be a little more specific as far as what industrial activities are, and taking those off the table. Because we don't want any cultural or family activities to be impacted by this, it really is just something like, you know, grinding, pounding, noxious fumes. These are the types of things that really need to be kept out of...out of residential communities just for safety purposes.

CHAIR PALTIN: So, you know, like if we were to say not between the hours of 5:00 p.m. and 8:00 a.m., would that be a good place to start?

MR. ECONOMOU: That would...that would pretty much take care of it. Most people are at work; most kids are at school. You know, that's pretty reasonable.

CHAIR PALTIN: And I mean, we can come back if it needs to be revisited.

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MR. ECONOMOU: Yeah. I mean, sure.

CHAIR PALTIN: Okay. Member Molina has a question.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Economou. You mentioned the Department of Health in your testimony. Did they actually come out and do some type of analysis of the situation, or was it just a phone conversation you had with them?

MR. ECONOMOU: Yeah. So, over my phone conversations--it was multiple conversations with them--I spoke with the inspector that said he did come out. He had sent multiple letters to the property owner just sort of warning them that the activity was too loud. But once again, because it was a hobby, the inspector's supervisor said that the State shouldn't be regulating it, which I don't...I really didn't understand at all. The inspector did acknowledge that the decibel levels go above what...what's appropriate. And if you look at the CDC guidance, it's pretty clear, you know, like, a washing machine is basically above what should be going on after 7:00 p.m. But...yeah.

COUNCILMEMBER MOLINA: Okay. Thank you for that. That is...that's somewhat perplexing when it comes from certain State agencies on their own analysis and assumptions. But anyway, that's just my opinion. But thank you. Thank you, Madam Chair.

MR. ECONOMOU: Thank you.

CHAIR PALTIN: Okay. Anyone else have any questions? Seeing none. Thank you for your testimony.

MR. ECONOMOU: All right. Let me grab Lantana. I'll switch the baby. She'll be right here.

CHAIR PALTIN: Okay. So, next will be Lantana, followed by Faith Chase.

MS. HOKE: Hello? Hi. I'm so sorry. Good morning, Committee Chair and Councilmembers. And I have to also start this by saying I'm so sorry, Chair. I misspelled your name in my testimony. I think I just have mom brain. So, apologize about that. I have a...also a name that's frequently misspelled. My name is Lantana Hoke, and I am testifying in approval and strong support of the nuisance ordinance. I...there's many reasons I think this legislation is not only important, but just absolutely essential for the health and wellbeing of not only my family, but my entire community, and probably other communities that we're just not aware of. Clearly, there's a loophole or a hole in our laws that is causing real pain to people. You know, the...industrial activities in residential neighborhoods is well documented to cause physical and mental stressors, adverse health outcomes, and lots of problems, right. And this is due to, you know, noxious fumes and...but also sound is something that can cause adverse health effects. And, you know, not incidentally, this is more common in working class neighborhoods, right. And the effects seem to be more pronounced for women and children. And so, you know, I think the definition of nuisance here needs to really be strongly considered

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in that, you know, it's not just everyday nuisances that you might just be annoyed at a neighbor. It's prolonged, it's sustained, it's inappropriate behavior that somehow seems to be allowed because it's not a commercial activity. So, you know, even in other examples that I can think of, you know, I think we all know my...our circumstances in our...in our neighborhood, but, you know, say somebody has a heavy metal band and they play in their garage until 10:00 p.m. every night. Is that an acceptable activity for the rest of the neighbors? I'm just not sure. And I think there was some question about day and night, and that's also been a question in our neighborhood, but also encourage everyone to think about who's home during the day. It's mostly elderly folks, and babies, young children who are not...are not yet in school. And also, now, we're in the age where more people work from home, like myself. I teach from home. And so, you know, we have tried every avenue that we can think of to address this--County, State, Police. It's...you know, I can't stress enough the emotional and physical stressor of living in these conditions, not just...and again, not just for me. We...you know, at least a dozen of our neighbors have also testified about this. But there's no help for it. There's no...there's nothing we can actually do to address it, and that just seems like how good policy works, right. Somebody tests the law, it seems it's not adequate to address what's happening, and then, you know, new policy has to be introduced to help the folks that are being affected by whatever behavior is testing the policy. So, thank you for listening to this. I strongly encourage this, a consideration of passing this on. . . .(timer sounds). . . It will benefit many lives. Thank you so much.

CHAIR PALTIN: And I just wanted to clarify. The previous testifier said between 5:00 p.m. and 8:00 a.m. to restrict it would be a acceptable time, but you're saying you work from home. So, is that acceptable to you?

MS. HOKE: Yeah, I listened to that, and I think...I think...to me, I don't think that these activities should ever be done in a residential neighborhood, unless...in cases of emergency, right. Like we've worked on our car in the driveway too. You know, like in rare occurrences, you need to fix something, you need to do something. But I just don't think...no, I think it's never appropriate for a residential area, and that's why we have industrial districts, to keep these health hazards away from places where, you know, vulnerable people. And on...in this small vicinity in this tight packed neighborhood, we have newborn babies, we have pregnant women, we have children. It's...I just don't see how exposing vulnerable populations to this activity at any time of day could be appropriate.

CHAIR PALTIN: Okay, thank you. Any...oh, Chair Lee.

COUNCILMEMBER LEE: Yeah. I have a question. Thank you for your testimony. Does the noise happen every day, and during what time usually?

MS. HOKE: So, in our case, it does not happen every day. Some...in the past, it has. Lately it has not, I think because we've just been working really hard to...every time it happens, we politely ask for it to stop, which is a very stressful thing to have to do, just...yeah. And, you know, for months, it was every night from about 7:00 to 10:00, which again, you know, there's a reason they use noise to torture people. It...I have a very long fuse.

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I do not cause problems with my neighbors, and this is the breaking point, I think. So, right now, it's, you know, a little more intermittent, I think, because it's clear that the neighbors are really stressed by this, and it's coming to the Council, right. But in previous times, it has been every single night.

COUNCILMEMBER LEE: Thank you.

MS. HOKE: Thank you.

CHAIR PALTIN: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Ms. Hoke. So, just dovetailing off Chair Lee's question, continuing on with that. So, how...when it does go on, how long does it go for, like an hour, two hours typically, or more than that?

MS. HOKE: Yeah, it depends. Anywhere from an hour to four hours, I would say.

COUNCILMEMBER MOLINA: Okay. All right. Thank you.

MS. HOKE: Um-hum.

COUNCILMEMBER MOLINA: Thank you, Chair.

CHAIR PALTIN: Okay. Seeing no further questions, our next testifier is Faith Chase.

MS. CHASE: Good morning, Chair Tamara Paltin. Good morning, Committee. I just would like to say that everything that Mr. Dick Mayer said was just fabulous. I absolutely agree with that regarding the vacation rentals. Yes, if you could take his advice, I would appreciate it. I'm kind of...I'm kind of shaken by that last long-winded testimony regarding the nuisance in residential districts. I just...it's such a sad day that it's stressful to talk to your neighbor. I don't...we don't have the bandwidth to enforce what we already have on the...in our Departments, that's for sure. So, I...wow. I don't...I have...is this fellow good at welding? Does he need...is he Hawaiian? Could he have his own welding shop in the new Department of Hawaiian Home Lands industrial area? Like, I just...I'm so sad that squabbles have to take up our Council time, but also, at the same time, you want to talk about nuisance in residential districts, I'm all over this. Watch me freaking write all my complaints about Mahi Pono, and the dust storms blowing into residential districts. I will use this legislation. I don't know what you guys are going to do, but nuisance? You want to talk about nuisance in residential districts? Ugh. Which brings me to my next item. Well, actually, no. I just want to say I totally agree with the...increasing the dwelling size for agricultural district. What is that, CC 21-55 [sic]. That's really key. That's an important...it's kind of a quiet little piece, but it's actually really, really key. But yeah, relating to...directly relating to nuisance in residential districts, I have had a hard time with the Permitting and Planning Department this past couple years. I've brought it to my AP Committee, maybe my GREAT Committee one time. You know, I understand...I appreciate this Council body asking piercing questions, the investigative sort of tenor of the Department, trying

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to...trying to go into the belly of the beast and to fix stuff. I really do. I think it's been very sophisticated and very, you know, polite, quite frankly. Thank you for all that, but there are...I can't...I can't really speak to the item I want to speak to because it's not really on the agenda, but let's just...let me just say that the permitting...I'll try to find another time, but the permitting...the after the fact permitting is still really--sorry, I'm not just hijacking this--is that, you know, they laid petrochemical groundcover, and then they went in Waikamoi, and then they went back, and they said that they cleaned it up, and they didn't. There's 20 feet worth of poison in that area, so I need to figure out how to reopen that case within the investigator...the inspectors within the Planning and Permitting Office. That's neither here or there for you, but I just needed to say . . . *(timer sounds)* . . . that you found that...oopsie...I'm wrapping it up...two sentences. It was on that...they discussed it on the CWRM meeting that Waikamoi, at the river, at the mouth by the ocean wasn't showing any biota, and that's not true. And if it is true, quite frankly, it could be because of that, that after the fact permit. Yes, I'm wrapping it up. Okay, so one last thing. The compliance reports, I would say, as this moves forward, PSLU-54, when you move these compliance reports to the next year, that whoever...if it's you or whoever it is, you please need to look at everything that A&B owns, Mahi Pono owns. You need to look and consider the Land Commission awards always because there are...there's future work there to be done. There's a lot of...there's a lot of unclear titles. I know this body is aware of it. Thank you.

CHAIR PALTIN: Thank you. Members, questions for the testifier? Seeing none. And that concludes our list of testifiers that wanted to provide testimony at the beginning of the meeting. If there's anyone else that would like to provide testimony at the beginning of the meeting, please unmute and identify yourself. Okay. Hearing no one, I'll now proceed with our first item on the agenda.

MR. LEAUANAE: Chair?

CHAIR PALTIN: If there are no...yes.

MR. LEAUANAE: We do have another testifier here in Chambers that would like to testify at this time.

CHAIR PALTIN: Oh, okay. Go ahead.

MR. RUSSO: Thank you, Chair Paltin. Appreciate your time. Let's be honest. I'm the neighbor, and I have been very quiet on the issue. Let's be honest on a few things. That's what I want to hear...be here...just for honesty. My neighbor is not representing himself as a regular citizen. He's a lobbyist, first of all. Regular citizens don't get hurry up legislation at the...at the end of the bell if there wasn't some sort of power, okay. Second, they haven't been honest with you, and I appreciate your questions, Chair...Councilmember Molina and Councilmember Lee, asking about time and place and such. I have a string of notes. I've been keeping notes all along, every time they've harassed me. Thirteen minutes into hammering, the police show up, okay, at 6:00 p.m. at night. I have the right to do this, okay. I've broken no laws. The other thing is that these guys have four dwellings on their property. One went for more than 18 months

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without them ever saying a word about it. They never talked to me. In that 18 months, I took classes, I flew to the mainland, I learned, I tooled up...spent thousands of dollars on tools. I've made thousands of dollars of tools that I use. They never complained. They never said a word. The first contact ever was in April, when he yelled and screamed at me, came onto my property in a violent manner and screaming at me at the top of his lungs in front of my father, who was there for a special visit. The next time was the police. He's never tried to speak to me, not once. Not once before calling the police and coming onto my property like a crazy person. He also didn't complain for 18 months. So, yes, this is a neighbor issue. I have a powerful neighbor. He's a lawyer. He's a lobbyist. I'm not anybody. I am a crafter. I'm a hobbyist. I'm here for my education. My health is being damaged right now. I have bad diabetes, and I've kept it under control so hard for the past two months. I have a monitor in right now, and I've kept my blood at 100 for the past two months. I haven't had a carb in two months. Right now I'm at 200. I'm peaking because of fight and flight because my neighbor just won't stop harassing me, okay. It doesn't matter what I do. I'm fixing my wife's car, and he calls the police. It's not blacksmithing. I can't drill. I can't grind. I can't file. I can't hammer. That means nobody can. That also means nobody can feed the bird, nobody can barbeque, nobody can learn to play the drums. This is a gentrification law. Ask him how many dwellings he has on his property. Four. He didn't care for his tenants the first year and a half that I was blacksmithing. No...and also, I've never had one complaint from a single neighbor. Not one complaint. So, this man is not being honest with you at all. And the other thing is, is I'm willing to go all the way. Make this a law. Put me in jail, okay. You guys here, put me in jail. Make the law. Pass it. I don't care. You know, I don't care, okay. It's my right to do this, okay. It's my constitutional right to live and have liberty and not have a lobbyist neighbor that has four properties, has been on the record . . . *(timer sounds)*. . . saying that sometimes gentrification's a good idea, okay. This guy needs to live in a homeowner's association. That's what he needs. Thank you, Chair. I'm available for questions. Thank you.

CHAIR PALTIN: Thank you. Members, questions for the testifier?

MR. RUSSO: Yes.

CHAIR PALTIN: Member Lee, followed by Member Molina.

COUNCILMEMBER LEE: Hi, Mr. Russo. Now, it was said earlier that the Department of Health dropped by your property. Did they speak to you about this issue?

MR. RUSSO: He...so, Jason wasn't honest. Jason said that he had some sort of decibel. The guy came to see me. He did not look at my shop. He did not enter my shop. He asked me, hey, I got a complaint and I came over. And he said...he said what are you up to? I said, oh, I'm learning to blacksmith. And then I said it's my hobby. He goes, oh, it's your hobby. You won't hear from my Department ever again. Thank you. And he hopped on a plane and he flew back to O'ahu.

COUNCILMEMBER LEE: Thank you.

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MR. RUSSO: And I've had multiple conversations with Planning Department, and they've told him also. So, he's ran out of...you know, I have the right to do all this, so now he's making laws over this. This is the power of what a lobbyist can do for a real estate group. It's just ridiculous.

COUNCILMEMBER LEE: Thank you.

MR. RUSSO: It's four different dwellings. Why don't you live on one of the other sides of your thing? There's four different dwellings there. So, it's just...I mean, it's only because he remodeled and moved to my shop in the past six months. That's why the problem entered. There was no problem for the past year and a half that he's been on property. Never one complaint until he moved to the front property. So, he's not being honest.

CHAIR PALTIN: Member Molina, you had a question for the testifier?

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Madam Chair. Good morning, Mr. Russo. Just wanted to, you know, clarify information that's been expressed to us by your neighbors, and now from you. So, since the concerns were first brought to your attention, you've decreased the activity. And typically your activity goes...your neighbor says it goes anywhere from one to four hours. Is that confirmed, or...

MR. RUSSO: That's not...that's also not true. I can't forge for four hours. Look at these little arms. I can't do it. I can't swing a hammer for more than 90 minutes. So, they're being ridiculously dishonest by saying I can forge for four hours. It's just...it's just lies. The other thing is, I've made...I have...every time that I forge, okay, I'm averaging less than three times a month for the past 90 days, okay. And it's just...they're being dishonest. And every time I do anything, they're screaming and yelling. Having a conversation, can't do that. And it's at 6:00 p.m., okay. Curfew's 10:00 p.m. And I've made so many concessions, and he's not...he's not...I moved the forge away from the fence. I created privacy. I put up shields. I put up barriers. I moved the whole shop around for him, okay. I've been working endlessly, tirelessly, to try to quiet the anvil more. I'm having discussions with people on an international level on all kinds of experimental things to keep the anvil quieter, okay. And I've went through countless hours and hours. It's all I've worked on for the past 90 days, is made a few tools and tried to quiet the anvil for my neighbor. I've moved the forge around. I don't run the other...the different type of forge, I don't run. And this whole thing about gases and propanes...the reason there's no regulation is because it's treated like a barbeque. It's no different than a barbeque. It's propane. And barbeques are made out of metal also. So, this heating metal, and this fear tactic...okay. If it was a bad thing, it would've been dealt with. This is thousands of years' old practice, okay. So, if...I've made many concessions...time concessions, sound concessions. I've moved stuff around, okay.

COUNCILMEMBER MOLINA: Okay, thank you.

MR. RUSSO: And none of those are considered. So, thank you. Thanks for the question.

COUNCILMEMBER MOLINA: Okay. Thanks, Mr. Russo. Thank you, Chair.

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CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Russo. Mahalo for your testimony. Did the Councilmember who introduced this legislation speak to you outside of these public meetings to try to figure out things outside of these Committee meetings?

MR. RUSSO: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Thanks for answering the question. Mahalo, Chair.

CHAIR PALTIN: Thank you. Any further questions for the testifier? Seeing none, I had one. Do you only want to do the blacksmithing at night?

MR. RUSSO: Well, the work that I do requires me to see what the metal looks like, so it cannot be in direct sunlight. Afternoon light is so much better for me. Morning light's bad. I've tried to fully enclose the area so that I can get more shade so that I can do it more, so I have been working more in the afternoons lately. And frankly, I don't want to be working at 10:00 at night. My life has changed so I don't have to work that late. But I do like to see the metal in the light at night, and that's how my education is. Learning what the color is, is part of the very subtleties of what temperature looks like, trying to discern 700 from 900 degrees by color. It's not easy to do. It's something that...the light changes stuff. So, yeah, I'm okay...I've already made those concessions. I've already went from 10:00 to 9:00, and then from 9:00 to 8:00. And now I've went from 8:00 to 7:00. And now I'm getting the police called on me at 6:00 p.m. So, at some point, I'm just going to...I also turned my music off. I always used to forge to rock and roll because it feels good to bang a hammer to some rock and roll. So, I turned all my music off. So, the music's been off for a few weeks, but that doesn't seem to matter. They're still complaining, okay.

CHAIR PALTIN: Would you...oh.

MR. RUSSO: And if you look at the resolution, it's like everything and the kitchen sink is in there. So, everyone's going to get caught up in this thing. And if it's just to give the police more tools, just arrest me now. I'll walk right now. I mean, it's silly.

CHAIR PALTIN: I was just wondering if you would be open to mediation.

MR. RUSSO: Sure, yeah. I mean, I've already...yeah, I mean, it's...mediation's going to be in my favor because I've already made countless concessions.

CHAIR PALTIN: Okay.

MR. RUSSO: I mean, are we allowed to have four dwellings on a residential area too, all this zoning he keeps talking about? Really, you know, I mean...

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CHAIR PALTIN: I did see Member Johnson had a question.

MR. RUSSO: Okay. Thank you.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Tommy. Good to see you. I just have a question about you mentioning the police coming to your...to your dwelling. Did they...did they just...

MR. RUSSO: It was extremely traumatic. I have PTSD from police.

COUNCILMEMBER JOHNSON: I...

MR. RUSSO: I've been beaten. I've had my liberty taken away by the Maui PD.

COUNCILMEMBER JOHNSON: Right. I'm very aware of your past on that.

MR. RUSSO: It's terrible what they've done to me. And they come to my house, on my property, and I tell them get off of my property. You have no reason to be on my property. They're entering my shop when it's dangerous and I'm working with hot material. And they do it time after time, and they think it's funny. They think it's funny to put my health at risk. I can get very hurt being startled in a shop like that.

COUNCILMEMBER JOHNSON: Um-hum.

MR. RUSSO: And I put barricades up, and they put...and they pull them down. And then they won't leave when I tell them to.

COUNCILMEMBER JOHNSON: When the police come for...to your place, have you gotten any citation? They just come, and what have they asked you?

MR. RUSSO: No, there's no citation.

COUNCILMEMBER JOHNSON: Right. What do they ask you?

MR. RUSSO: No. I've went to the Police Department. There's no...no, I haven't broken any laws or rules, right.

COUNCILMEMBER JOHNSON: Right. So, what have they asked you?

MR. RUSSO: So, I went to the Police Department, and I filed harassment charges against my neighbor because I have...like at this point, I think more than a dozen unwanted contacts from them.

COUNCILMEMBER JOHNSON: Yeah.

MR. RUSSO: And it's just ridiculous. And that's why I don't speak to them. It's because they

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got violent, came onto my property, and then called the police. That's not how you mediate things. That's not how you talk to a neighbor. And this was after more than 18 months. So, it's just...I mean, the deception is just ridiculous. I mean, he's a lawyer, obviously. I mean, this isn't...he's a lobbyist for a reason. And he's going to...

COUNCILMEMBER JOHNSON: Okay. All right. Thank you, Tommy. I just wanted to find out what...

MR. RUSSO: I hope I haven't been disrespectful. I really appreciate you guys.

COUNCILMEMBER JOHNSON: Okay. Thank you, Chair. Thank you, Tommy.

CHAIR PALTIN: Members, any further questions for the testifier? Seeing none. Thank you for your testimony. Is there anyone else wishing to provide testimony before the meeting starts? Seeing no one, I will now proceed with our first item on the agenda. If the Members have no objections, I would like to take up the first two items on the agenda together, PSLU-26 and PSLU-51. And for the Members' information, we did receive an updated copy of the quarterly report. If folks need to refresh their Granicus, PSLU-51, we should have uploaded it today, which is just a little bit more current than the one you received at Council. So, if Members want to refresh their browser, that's there. Members wishing to speak during today's meeting should say my name and raise their hand so that I may recognize you. So, no objections on the 26 and 51 together, right?

COUNCILMEMBERS VOICED NO OBJECTIONS.

PSLU-26: RENEWALS FOR CONDITIONAL PERMITS

PSLU-51: STATUS OF ACTIVE CONDITIONAL PERMITS

CHAIR PALTIN: Cool, thank you. Okay. PSLU-26 is Renewals for Conditional Permit. The Committee was in receipt of the following: County Communication 19-67, from the Planning Director, transmitting a proposed bill to conditionally allow for a grace period to temporarily extend various permits while applications for extension or renewal was being processed. We also got Correspondence dated December 12th, 2019, to the Department of the Corp. 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 for a grace period to temporarily extend a conditional permit while an application for the permit's extension is being processed. The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication 19-67 and other related items. So, a little bit of history on this bill. It's already gone through the Planning Commission. We took it up in 2019. It got all the way to full Council, and then it got recommitted. And if Members that were on that Council recall, this was around the time we first started getting the quarterly active status of conditional permits. And so, we kind of, I think, to my recollection, wanted to see how those quarterly permits were going before we passed this bill that was proposed

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by the Director. And it's kind of in alignment with the assessment on the Zoning Division in terms of codifying current practices. And so, that's why I believe it's related to status of active conditional permits, PSLU-51. I have printed the updated conditional permit with me. And I did have one discrepancy, but we can take it up after the testimony. At this time, are there any opening comments from Director McLean?

MS. MCLEAN: Yes, Chair. Thank you. As you mentioned, this was a Department-initiated effort that started several years ago. It has, for many, many, many years, been the Department's practice that if a permit renewal request was timely submitted before the permit expired, then we would honor that permit as valid, even if the renewal wasn't approved before the expiration date, right. So, someone...someone's permit expires in March, and they submit a renewal in January, and we're not able to process it until May, we don't say that their permit expires because we weren't able to process the renewal in time. So, we proposed this bill. That had been the Department's longstanding practice. Then when the renewal is approved, it starts from the expiration date. It doesn't add time. So, that had been the Department's longstanding practice. So, we proposed this bill to codify that practice, and we referred to this as the grace period bill...so, just allowing that cushion for the applicant and for the Department in case we weren't able to process renewals within that time frame. When the bill got to the Council, the Council separated it, and moved forward with those grace period provisions for B&Bs, STRHs, and other permits, so it's just conditional permits that remain. Now what's being proposed is a bill that would require all renewals pretty much to come to the Council...either that, or they get denied. And that's not at all what this effort started out to be. And I don't know if that bill can move forward without going to the commissions because that's not something that the commissions considered. I understand the concerns, but at the same time, I'm also regularly hearing from you folks and others, how can we streamline the permit process. And it used to be that a lot of things had to go to the Council, and there were a number of streamlining bills that passed several years ago. One of those was giving the Director the authority to renew conditional permits. So, now, this is going backwards on that, and taking what's an administrative authority, and making permits have to go all the way to the Council again. My recommendation, if that's the way you want to go, is to continue to allow administrative renewals, but for all new conditional permits that you consider, if you want the Council to renew it, then put that in the language in the bill itself...in the permit itself because all conditional permits go through you folks initially. And so, you have the authority to say one of the conditions of this permit is that Council has to renew. So, depending on the use, the location, the potential impacts, et cetera, if you feel like that renewal has to come to you, then go ahead and make that a requirement. But changing the Code, making that apply to all 40-plus conditional permits that are out there, some of which are very innocuous, just seems to be going...well, it...it's not even in line with what the original proposal was, and seems to be going farther than it needs to, to address the concerns you have. With the report that we sent, I apologize for the errors. We have a new Staff person, who's wonderful, doing these reports, so he's pulling the information from MAPPS. So, there were some glitches and so forth. We did email the updated one in today. I know we're not supposed to do that, but we'll officially transmit it within the next day or so. And so, you know, from that point on, they should all be accurate. So, I do apologize for those errors. Thank you, Chair.

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CHAIR PALTIN: Thank you. And just for everybody's clarification, we're working off the correspondence from Corp. Counsel October 9th, 2019, the bill that was recommitted, correct? Director McLean.

MS. MCLEAN: Well, that's...well, there are two bills posted under this, the County Communication, and then the correspondence to Corp. Counsel from you, Chair. So, it's...you know, both items are posted. The comments I made about the direction the bill is going relates to your correspondence to Corporation Counsel.

CHAIR PALTIN: The October 9th from Corporation Counsel is the signed version.

MS. MCLEAN: What's also posted on the agenda is Correspondence to Corp. Counsel from December 2019. That was your request for legal services. So, that was the bill that my comments related to.

CHAIR PALTIN: Okay. And I'd like to work off of the correspondence from Corp. Counsel, October 9th, 2019. Sorry for any confusion on that. And that one is signed by Corp. Counsel. Date October 7th, 2019, was request for legal services. Do you see that one?

MS. MCLEAN: I am looking right now.

COUNCILMEMBER JOHNSON: And just to clarify, so that one talks about...like 19.64.060(C) says permit renewals may be granted by the Director for terms up to five years on Lānaʻi and Maui, and up to one year on Molokaʻi, except that renewals for permits initially approved by the Molokaʻi Planning Commission may only be granted by the Molokaʻi Planning Commission for terms up to one year. In reviewing a renewal application, the Director, or Molokaʻi Planning Commission, as appropriate, shall require evidence of compliance with conditions of the bed and breakfast home permit in this chapter. No permit shall be renewed without written verification of appropriate State and County tax filings.

MS. MCLEAN: I just skimmed through this bill, and it looks great.

CHAIR PALTIN: Oh, okay. So, that's the bill that we're working off of.

MS. MCLEAN: Okay. And that, to me, is very much in line with what we had originally proposed, and then obviously incorporating the Molokaʻi Planning Commission's recommendation.

CHAIR PALTIN: Okay. So everyone's clear, we're working off of the correspondence from Corp. Counsel, October 9th, 2019. It's a...signed by Mr. Hopper. That's the bill we're working off of. Okay. At this time, I'd like to open it up for public testimony. I believe we have Mr. Croly. Your turn to testify.

MR. CROLY: Aloha, Committee. Tom Croly. What I can add to this matter...I wasn't going to testify, just...but when Dick Mayer brought up the vacation rental issue, I want to make

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clear, there are only 12 conditional permits that allow vacation rental. And 11 of those 12 permits came about before we had a bed and breakfast ordinance or a short-term rental ordinance that would've applied to those uses. Most of those 12 permits that are on there are all because they are making a use that doesn't fit exactly into the bed and breakfast or short-term rental. And that's why they had to get a conditional permit...because the use that they were making didn't fit the criteria of bed and breakfast or short-term rental. So, they had to go the longer route, the more scrutinous [sic] route, which took it to the County Council. And then the County Council approved those conditional permits with conditions. And that's the whole point of a conditional permit is that it adds additional conditions that are specific to that project, okay, in this case TVR use, that might be unique because of the neighborhood or whatever the case is. Now, when those come up for renewal, I want everyone to understand, that notice has to be sent to everyone within 500 feet upon that renewal coming up, okay. And if even one person in that 500 feet--and sometimes notice is being sent to as many as, I don't know, 300 people if you're close to a condo, okay--if even one person puts in a...an objection to it, then the permit has to go through the entire process, and go all the way back to County Council for its renewal. So, there already is a process in place that is protecting everyone. And again, there's only 12 permits that we're talking about with respect to vacation rental in this conditional category. And only one of those permits came up since we've had a bed and breakfast and short-term rental ordinance. All of the others came up before we ever had those ordinances that allow people to apply under that. So, I support what is being proposed, that the Department can renew these permits without them going to Council. But do understand that notice is already sent out--that's part of the process--to everyone within 500 feet. There is one thing that I would like the Department to know, and maybe you too, knowing this, and that is because we're extending the term of the permit six months beyond its expiration date, and the expiration date is a public record that's published in MAPPS, for example, it's important that these get shown as in renewal status in MAPPS because we're all...we're having difficulties right now with bed and breakfast and short-term rental permits . . .(timer sounds). . . where they haven't been processed--I'll finish quickly--during the...before the end of the expiration. And then even though there is an application in to renew them, the status hasn't been set to in renewal. So, the third parties now that are looking at these permits and determining whether or not a place has a valid permit doesn't have...don't have the correct information. So, it really will be important, both for the conditional permits, B&B permits, and the short-term rental permits, that the status of the permit is updated to in renewal when the permit is in renewal so that that six-month expiration period, you know, the six months grace period, is not a place where it then gets triggered into enforcement...because that could happen if they're not properly noticed. Thank you, Chair.

CHAIR PALTIN: Thank you. Members, questions for the testifier? Seeing none. Thank you for your testimony.

MR. CROLY: Aloha.

CHAIR PALTIN: Aloha. Okay. So, at this time, if there's no one else wishing to testify on PSLU-26 and 51, which have been taken up together, I will close public testimony.

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COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Seeing no one else come forward with testimony, I'll close public...oh, Director McLean, did you have public testimony?

MS. MCLEAN: Well, after you close public testimony, Chair.

CHAIR PALTIN: Oh, okay. So, public testimony is closed. Go ahead, Director McLean.

MS. MCLEAN: Thanks. I was just...had a little sidebar with Mike Hopper, and the October 2019 bill, that relates just to bed and breakfast and short-term rental homes, and has already passed.

CHAIR PALTIN: Oh.

MS. MCLEAN: So, that bill's been adopted. That's in the County Code now. That was adopted a couple years ago.

CHAIR PALTIN: Okay.

MS. MCLEAN: So, the only remaining permits where we're asking for this grace period concept to be applied would be special use permits and conditional permits.

CHAIR PALTIN: And that would be the correspondence to...which part is it? Because I thought that was recommitted.

MS. MCLEAN: No, the other aspects were recommitted. I don't...on your side, I don't know how that works, but the...when the Council last met on it, they...we took out just the B&Bs and STRHs and moved forward with the bill just for those. I don't think a bill with just the remainder was created at that time. So, it still...the complete bill is left under County Communication 19-67.

CHAIR PALTIN: Oh, okay, so...I see what you're saying. So, basically 19.40.090 and 19.40.100, 19.40 and .110 is what's left? Okay.

MS. MCLEAN: Let me check from the original...from the original bill. From the original bill, it would just be 19.40.090.

CHAIR PALTIN: Okay, great. Not .100 and .110?

MS. MCLEAN: Not from the original bill. And also 19.510.070 relating to special use permits.

CHAIR PALTIN: Okay.

MS. MCLEAN: So, if you look at County Communication 19-67 and the bill that was transmitted there, it would just be Section 2 and Section 5 that would be...

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CHAIR PALTIN: What we're looking at today? Thank you for that clarification.

MS. MCLEAN: Yeah. Sorry for the confusion.

CHAIR PALTIN: Okay. So, Section 2 and Section 5 is what we may pass today to close this out before Director McLean finishes her tenure...and codify things that...so, we're working off of that original transmittal from the Planning Department, focusing in on Section 2 and Section 5. Okay. So...oops.

UNIDENTIFIED SPEAKER: 5?

CHAIR PALTIN: Section 2 talks about a conditional permit shall not be extended unless the terms of the initial issuance expressly provide for extension. An applicant for an extension must submit a complete application no later than 90 days prior to expiration. And did it...in the...what we came to...didn't you want to change this to no later than 60 days or something, or is 90 days good?

MS. MCLEAN: It has varied. You know, honestly, with the Department, it has varied. I've seen 60, I've seen 90. Ninety gives us more time to process the extension, but a lot of people don't plan three months in advance, so 60 days is sometimes more realistic. I don't...I...honestly, I don't have a strong recommendation either way.

CHAIR PALTIN: Okay. Do Members mind starting with a motion to approve this...or scratch that. Sorry. If I can take up the PSLU-51 and just talk about that for a moment in the context of renewals here. Number 5 on the updated conditional permits as of September 30th, 2022, in the context of this, we had discussed if the Council flagged a conditional permit that they wanted to see, that you would bring it to us for renewal. And I think number 5 was the first trial of that procedure. In the updated conditional permits, it said Planning Department received and transmitted to Council a renewal request dated August 23rd, 2022, and that this is...expires at the end of the month. So, the situation with that one...I looked at our August 23rd Council agenda, and I didn't see it being transmitted. I also looked at the September 2nd Council agenda, and I don't have this item on my master agenda. So, that's kind of one of the situations that I was referring to. If I had received it on August 23rd, and I noticed that the expiration date was November 30th, 2022, I would surely have taken it up. I looked at the August 23rd Council agenda in the meeting.us.agendas [sic] or whatever, and I didn't see it on there. How else would it be transmitted to the Council, or to my Committee?

MS. MCLEAN: Give me one second. So, in the earlier draft of the report, I didn't catch that.

CHAIR PALTIN: In the earlier draft of the report...

MS. MCLEAN: Oh, okay. I don't think...the August 23rd date, I don't think, is the date it was transmitted. I think that's the date we received the request. I'll have to check with Staff, but I don't see that with a conditional permit renewal, we would send it straight to Council. We would go through Planning Commission first. So, I'm guessing it hasn't

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gone to Council yet because it has to go to Planning Commission first.

CHAIR PALTIN: Oh, okay.

MS. MCLEAN: But I can check with Staff on that.

CHAIR PALTIN: Okay. In the earlier draft of the conditional permits, all it did was say Council renewal has been requested.

MS. MCLEAN: Right.

CHAIR PALTIN: Okay. All right. Okay. So, that's the process that it'll work. It'll go through the Planning Commission, then it'll come to the Council from the Planning Commission is what you're saying?

MS. MCLEAN: Right. For any renewals that go the Council, we would go through Planning Commission first.

CHAIR PALTIN: Okay. Okay, I think I'm ready now. This original transmittal, Section 2...I'd still like to work off the correspondence that we got back from Mr. Hopper. It does have Section 2, and it...I believe Section 5 in that one is now in Section 8. So, if Members would allow us to work from the correspondence from Corp. Counsel dated October 9th, 2019, that was the version that was signed off by Mike Hopper. And we can take up the sections that haven't been passed, and delete the sections that have already been passed. The sections that we would be looking at on the October 9th, 2019 version would be Section 2 and Section 8. Mr. Hopper.

MR. HOPPER: Thanks, Chair. I'm still trying to locate that version, but I did want to note the posted agenda item today says renewals for conditional permits. That's all. I understand renewals for special permits were in the original bill, and perhaps they're still part of this legislation, and maybe if this goes to Council the item can be retitled to allow the Council to act on that. But with how this is agendized for today, it says renewals for conditional permits. So, I think the Committee can only really pass out the renewal portions for conditional permits. Again, the special permit renewal was part of the original legislation. I understand some of this got passed, some of it got recommitted. I don't know what happened to the special permit language because it's not in the Code, like the bed and breakfast and other language is, and it's not agendized today, though it's in the original bill. So, again, I'll try to locate the bill. You said October 9th is the bill date. But again, I don't think we can pass out the special permit language today because of how this particular item was agendized today.

CHAIR PALTIN: The part...are you talking about Section 2 or Section 8? Or 5?

MR. HOPPER: I can't find Section 8, but I think Section 5 in the bill...the original bill...basically the portion that changes 19.510, the...for special permits, I don't think that's something you can act on today because the...of the way that this was agendized. And maybe...

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CHAIR PALTIN: Okay. Maybe a second opinion from our Legislative Attorney?

MR. HOPPER: Certainly.

MR. MITCHELL: Thank you, Chair Paltin. Mr. Hopper and I are on the same page.

CHAIR PALTIN: Okay. So, we can only pass out Section 2 then?

MR. HOPPER: Yes, I think you can...you can make the changes to conditional permits, the grace period changes. And then I think the changes to 19.510, if they're still pending, maybe you should probably check on what was done at full Council to make sure that was, in fact, recommitted or what happened to it. I think you can still make those if you've got an item pending or if it's still before the Council, but I'd want to go into some more background on that because it looks like that...I'm not sure where that is. Even though that's part of the posted bill, it's just not the title of your agenda item today.

CHAIR PALTIN: Oh, okay. All right. So, just Section 2. Member Lee.

COUNCILMEMBER LEE: Chair, is this time sensitive?

CHAIR PALTIN: I don't think...

COUNCILMEMBER LEE: Can this just wait for the next Council?

CHAIR PALTIN: Well, we won't have Director McLean to walk us through it, and it's been...

COUNCILMEMBER LEE: Because I...I'm hoping it doesn't end up on the Council floor to be finished.

CHAIR PALTIN: I don't think it will be.

COUNCILMEMBER LEE: Okay. If you can do it in Committee, that's fine.

CHAIR PALTIN: Yeah, okay. All right. So, we're working off the October 9th, 2019 transmittal, and we're looking only at passing Section 2. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I've been writing in the chat that the October 9, 2019 version did not have a Section 8. I understand that you just said that we're going to be working on Section 2, but I did find that the Granicus bill dated September 26th, 2019 has a Section 8. So, I just want to make sure that I'm working on the Section 2 that you want us to work on. So, if someone could please put it in the chat, and then that way we can all be on the same page. Mahalo, Chair.

CHAIR PALTIN: Yeah, I don't know how to do that, but it's the Section 2 from the correspondence --

COUNCILMEMBER RAWLINS-FERNANDEZ: Or if Staff can, or, you know, whoever.

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CHAIR PALTIN: -- to Council October 9.

MR. MITCHELL: Chair, if we could take a brief recess to make sure we're all looking at the same documents. I want to make sure that everyone communicates which version...Granicus item we should be looking at please.

CHAIR PALTIN: Okay. Recess. . . .*(gavel)*. . .

RECESS: 10:16 a.m.

RECONVENE: 10:26 a.m.

CHAIR PALTIN: . . .*(gavel)*. . . All right. So, we got that straightened out. We would like to work from the one that's in the chat, but because of notice issue, we have to work off of the one that was posted, which is correspondence to Corp. Counsel, December 12th, 2019. So, we'll just amend that version to the September 26 stuff. Yes, Mr. Hopper.

MR. HOPPER: I just also noted that the...there was...the original version that came back from the Planning Department from the Commissions was also posted today. I don't know if that's helpful, but I wasn't in the discussions you guys just had. But if you're substituting, I don't know if it matters tremendously, but that was also posted.

CHAIR PALTIN: Yes. I don't know. It might be easier to work off the 12/12/2019 one because we just have to scratch some stuff and swap some stuff. Okay. So, if I can get a motion to approve...motion to approve renewals for conditional permits, the legislation attached to the December 12th, 2019 signed bill.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

CHAIR PALTIN: And then we'll amend it. Moved by Member Rawlins-Fernandez, seconded by Member Johnson. Okay. And now, I will entertain a motion to amend the proposed legislation by striking Sections 3 and 4. Because as Director McLean mentioned --

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER JOHNSON: Second.

CHAIR PALTIN: -- we had already passed those. Moved by Member Rawlins-Fernandez, seconded by Member Johnson. All those in favor of striking Section 3 and Section 4, which had been previously passed according to Director McLean, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR PALTIN: Okay. That measure passes unanimously.

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VOTE: AYES: Chair Paltin, Councilmembers Johnson, Lee, Molina, Rawlins-Fernandez, and Sinenci.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair King, and Councilmembers Kama and Sugimura.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Back to the main motion as amended. Okay. So, basically --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR PALTIN: -- what...yes. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Was...mahalo, Chair. Would Staff or Mr. Hopper or...be willing to also put the ordinance number in there, just so that we can see what it was that passed? I remember it passing, but I would like the ordinance number if possible...if can. Mahalo, Chair.

CHAIR PALTIN: Oh. Director McLean, do you have the ordinance number when you spoke with Mr. Hopper about the portion that already passed?

MS. MCLEAN: I can tell you in just a few seconds.

COUNCILMEMBER RAWLINS-FERNANDEZ: And we can...Chair, we can...we can move forward while you wait to get that information.

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's not a nonnegotiable or anything. I just wanted to see it. Mahalo, Chair.

MS. MCLEAN: Yeah, they're two recent bills. I'll just need to check which one is the one that made that change.

CHAIR PALTIN: Okay. And then I guess my next...or the next question on...as far as direction is for either Mr. Hopper or Mr. Mitchell. Would it be okay to work off the December 12th,

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2019 legislation and substitute Section 2 from the September 26th, 2019 legislation, or do we have to do it word by word? Mr. Mitchell.

MR. MITCHELL: Thank you, Chair. Yes. I think in order to comply with the notice requirements, we have to work off...with the version that's listed in the agenda, which is the 12/12/2019 version, and then substitute the sections as necessary that we want to substitute to make the changes.

CHAIR PALTIN: Okay. So, we can substitute the Section 2 from September 26th, 2019?

MR. MITCHELL: Correct.

CHAIR PALTIN: Okay. I'll entertain a motion to amend Section 2 from the December 12th, 2019 version with Section 2 from the September 26th, 2019 version.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER JOHNSON: Second.

CHAIR PALTIN: Moved by Member Rawlins-Fernandez, second by Member Johnson. So, any discussion? This is just bringing it to the bill that we want to work off of. Okay. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR PALTIN: Measure passes unanimously with Members King, Kama, and Sugimura excused.

VOTE: AYES: Chair Paltin, Councilmembers Johnson, Lee, Molina, Rawlins-Fernandez, and Sinenci.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair King, Councilmembers Kama and Sugimura.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Okay. So, now we're back to what's posted in the chat, Section 2. And the

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only other amendment, I think, is codifying the practice of if the Council requests in writing that they extend by resolution, putting that in the legislation, if Members would like. Oh, Director Michele McLean posted Ordinance Number 5011, effective November 26th, 2019, gave the grace period to B&Bs and short-term rental homes. Okay. So, Members, there were a couple items in the conditional permits. Number 5, I requested Council review, and I think Number 40, Member Johnson requested Council review. It's Lānaʻi Resort's helistop pad and related improvements in the ag district. And that expiration date was April 25th, 2022. Current Planning is researching the status of conditional permit and SUP 2 renewals. Member Johnson, did you want to hear more about that item in...that's...oh, Member...or Director McLean.

MS. MCLEAN: Yeah, we did confirm that those permits expired.

CHAIR PALTIN: Oh, okay.

MS. MCLEAN: So, the Lānaʻi helistop permits have expired.

CHAIR PALTIN: Okay. So, then the whole conditional permit is now expired. Is that...

MS. MCLEAN: Yes.

CHAIR PALTIN: Okay.

MS. MCLEAN: Yeah. So, that's done. It'll be taken off the formal report that we send to you.

CHAIR PALTIN: Okay. So, there's no need for Council review. So, Members, is that something that you want to have codified? I know Director McLean is working through the process where if we would send her in writing which of these conditional permits we would like to review, that she would flag it for Council review. But Director McLean is leaving, so it...if that's the practice we are going to do, then we should codify it. And I understand her saying that if it's something that we want the Council to be able to renew, we should say that when we grant the initial conditional permit, but as Members leave, and new Members come on, that's not always possible. So, my preference would be to just put it in the Code, that if it's requested in writing by Council, Council...conditional permit renewal would happen through Council resolution. And it already says in Section E, if an application for extension is accepted, the conditional permit shall remain in effect while the application is being processed, for up to 6 months after the expiration date, or for up to 12 months after the expiration date if Council approval of the extension is requested, unless the applicant fails to provide requested information to the Department within 60 days. So...yes, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. If you would allow me to ask a question for Director McLean in regards to the conditional permits for affordable housing. I don't know if they exist. Are there things like that? Is there a conditional permit for affordable housing? Would...and because I would...does...would this slow down affordable housing projects, is where I'm going with it. Thank you, Chair.

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MS. MCLEAN: I'm not aware of any conditional permits that have been issued for affordable housing, but if there were, then having those renewals having to go to the Council would potentially slow things down.

COUNCILMEMBER JOHNSON: So, you don't know of any conditional permits for affordable housing projects. What about for ADUs?

MS. MCLEAN: Same thing. I'm not aware that any have been issued because we did amend the Code to allow additional ADUs. And I'm not aware of any conditional permits relating to...relating to housing in general.

COUNCILMEMBER JOHNSON: Okay. Okay. That's what I was clarifying is, you know, anything...because, you know, like you were mentioning earlier, we don't want to slow down the process. But also, I understand that if we're going to...I mean, is the...is the option on the table--and maybe this question is for Chair--is that we codify and say all of these conditional permits are going to come before the Council, or we can pick and choose which conditional permits we want to bring up and bring to the Council? Is that the kind of topic? Like, you know, is that the...

CHAIR PALTIN: I think the part about all the conditional permits coming before the Council is off the table. It's either the Director's going to extend it 100 percent, unless it's been specified when the conditional permit was issued that it comes back to Council, or that and if we flag something, that we want to have the purview. So, that's the options on the table. And I wanted to recognize Councilmember Tasha Kama. Hensci and aloha kakahiaka.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. And sorry for being late. I had a dental appointment this morning. Now my jaw feels normal, and I feel like I have my tongue in my mouth. So, thank you.

CHAIR PALTIN: Thank you.

COUNCILMEMBER KAMA: And I am here in my workspace alone.

CHAIR PALTIN: Thank you. So, those are the options, of just having the Director renew everything unless we had flagged it when we initially issued the conditional permit, or that and we request in writing that we would renew it by resolution. Is that your understanding, Director McLean?

MS. MCLEAN: So, I'll defer to Mr. Hopper, if you'd like, Chair.

CHAIR PALTIN: Okay, Mr. Hopper.

MR. HOPPER: I do think there's a issue with extending a conditional permit by resolution because it's an ordinance originally. So, I don't think we've ever done anything like that. I'd also sort of want to look at the process where the Council would request that. Generally, we don't have things where individual Councilmembers could act. If a

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permit...if a permit is under the Director extension process, there may be something we could write that would allow the Council to sort of say the renewal will have to come before you despite that, but I...I'm not sure what the process would be. But again, I think any renewal would still have to be by amendment to the ordinance, the change of the date, or approval there. And I'd want to get a look at sort of what...how...what would that mechanism be. Right now it sounds like it's a little informal. And so, if you're going to put it in the Code, I don't know if it's a...maybe the Council could take some sort of action to say we want to renew this specific permit, and then it would come before it, but I don't know of a case where an individual Member would be able to do something under the legislation that would then trigger another review. That would sort of be different. Maybe Director McLean has an idea, but those are my thoughts.

CHAIR PALTIN: Okay. Director McLean.

MS. MCLEAN: Now, if we were having this meeting in person and I was sitting next to Mr. Hopper at the table, I'd be kicking him going, I have an idea, I have an idea. If we look at 19.40.090(C), that lists criteria under which the Director may approve the time extension, and there are four criteria. And then (D) says if the criteria aren't met, then the application is processed the same way as the original, meaning it goes to the Council. So, I'm thinking maybe a criteria could be added to letter (C), a new number 5, that says if the Council, by resolution, requests review...so, then it would have to be a full Council action, which, you know, if you want to see it, then you're going to want a majority to agree with that. So, the Council passes a resolution requesting review of that permit. So then that would be a condition 5, which means that has to go to Council. So, then you would be able to, you know, formally in the Code, identify any that you want to see.

CHAIR PALTIN: Yeah, I like that.

MS. MCLEAN: Because that would...okay.

CHAIR PALTIN: Mr. Hopper, are you good with that?

MR. HOPPER: Conceptually, I think, but we would want to establish sort of a time frame where if somebody...when does that happen in the process, and does that mean the Council's going to...I guess there's a quarterly report for all of these permits. I don't know at what time in the process the Council would act. I mean, you know, it would be...if the Director has the authority to do an extension, I don't know when Council would have to act to say, no, we want to review this particular permit. I assume earlier the better, but you wouldn't necessarily want it if you're in year one of the permit, or something like that. So, I'm trying to think of, you know, in what time frame that resolution would have to be adopted. Conceptually, I think that might...may work as far as this is a triggering event that requires Council review. I mean, fundamentally, I still think that should really be done in the original ordinance, to say Council has to grant this extension. And if the original ordinance says the Director can grant it, it's a little odd for Council to come in after that and then say, no, we disagree with the past Council. We want the Director to not be able to do that on a given permit. But I suppose this is a potential way to do that. I would just want to get the timing and the process down. So, I guess

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presumably, every ordinance is going to be given to the Council maybe a certain amount of time before the expiration, and then the Council would have to have passed a resolution. It wouldn't necessarily have to review every single one of them, but if a Member wanted it reviewed, I guess they would propose a resolution, and maybe say that resolution has to be acted upon a certain amount of time before expiration. I'm not sure. But again, this is all things that are kind of just coming up now that we're thinking of. But maybe it could work some... somehow that way.

CHAIR PALTIN: Yeah, I see in the chat 19.40.090(C)(5), the Council, by resolution, adopted at least 90 days prior to expiration, requests to review the time extension. That works for me.

MR. HOPPER: I...offhand, I think that could work. I mean, I'm not sure how you're getting notice of all of the extensions and things like that, but I think that that's...that that's possible.

CHAIR PALTIN: Yeah, the notice of...or the notice that Members would work off would be the active status of conditional permits, which we receive quarterly. And I...

MR. HOPPER: Right, that's required. Right.

CHAIR PALTIN: Yeah. I've been taking them up in Committee, but I don't need to because it's transmitted to the full Council. So, if any Members were interested, they could just look at that transmittal. I don't need to hear it. I've just been hearing it because we started the practice, and to get Members acquainted with conditional permits. And so, I'm okay with that language. Would anyone like to move to amend the ordinance to include it?

COUNCILMEMBER SINENCI: So moved.

COUNCILMEMBER JOHNSON: Second.

CHAIR PALTIN: Moved by Member Sinenci, seconded by Member Johnson. Any discussion? Member Rawlins-Fernandez, followed by Member Kama.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, in 90 days...so, about three months before the expiration. We know how Council can be, the scheduling, budget, you know, when Committees kind of rest...or stop scheduling meetings until Budget Session is over. Anyway, so, my question for Director McLean is, when that resolution is...so, it would need to be the adoption...yeah, adoption 90 days...

CHAIR PALTIN: At least 90 days.

COUNCILMEMBER RAWLINS-FERNANDEZ: So...okay. And then if complete...okay. So, in that 90 days, if the...if there isn't a decision on whether the conditional permit is extended or not, it would basically be extended until a decision is made, right?

CHAIR PALTIN: Yeah. That's the current practice that we're codifying, I believe.

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MS. MCLEAN: Right, right. Yeah, the grace period would apply.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then it would just continue until a decision is made?

CHAIR PALTIN: For 6 to 12 months.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, that could be up to a year.

MS. MCLEAN: Well, your bill, if it's going to Council, it gives 12 months.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR PALTIN: And if it's not going to Council, it gives six months.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. All right. And then it would...it would need to be...if it will be extended...so, after the resolution is adopted, Council would then need to schedule the item for review. And then if the Council...the future Council would want to extend that deadline or end the permit, it...they would need to do it via ordinance...Mr. Hopper? Okay, Director McLean. Okay. For both...

MS. MCLEAN: Well, the extension...the extension would be by ordinance. If you deny it and don't review, then I think your decision is just to deny. I don't think that's done by ordinance.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. It could be administrative.

MS. MCLEAN: No, it's...the Council's action is, you know, to file the communication and terminate the permit. That doesn't need to be done by ordinance, but that's still a Council act.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MS. MCLEAN: It's not an administrative act.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, Mr. Hopper?

MR. HOPPER: I would say I think that's normally true, but in this case, if there's a conditional permit that says that the Director renews it, maybe you would need to amend that section or something along those lines. But I mean, either way, you would need a Council action...the reso to review it, and then a Council action on the conditional permit itself, either by ordinance to extend the permit or, I suppose, potentially, a change to the ordinance if there's something that says something other than the Council...the Council does the extension. It's just this is just unprecedented. We've never done something exactly like this before, so I don't want to say you wouldn't have to pass an ordinance in a case like that, if you're going to decide to deny it. But I think that if you

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have...in a case where you've got Council renewal in an ordinance, and then the ordinance comes up for renewal, you would be amending the ordinance to extend the date. And so, I think Director McLean's correct in those cases. If you just take no action, that amendment's not made, and then the permit expiration date is just what it was in the original Code. And then you wouldn't need to take further action. So, I just don't want to say...guarantee anything here. If you've got permits that say the Director may grant extensions, and then the Council wants to review them, you may need to alter that as part of the --

COUNCILMEMBER RAWLINS-FERNANDEZ: Condition.

MR. HOPPER: -- as part of that. And I think you'd still need to go through the Planning Commission public hearing in those cases, and then come back to you. But again, this is unprecedented, so we may need to think about exactly how that process would work. It's very different than what's currently done.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. That was going to be my follow-up question regarding commission review. Okay. So, I will yield the floor. I did have a follow-up question, but I lost it. Mahalo.

CHAIR PALTIN: Okay. Member Kama, followed by Member Lee.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Director McLean and Mr. Hopper, for being here. So, my question is, when a conditional use permit is not extended, or is denied, and that operator ceases to do whatever it was that he was...what he was doing, how do we know he's ceased doing what he's supposed to...or not allowed to do anymore?

CHAIR PALTIN: The only way we have enforcement is through complaint.

COUNCILMEMBER KAMA: Oh.

CHAIR PALTIN: We have complaint-driven enforcement.

COUNCILMEMBER KAMA: This is not a . . . *(inaudible)*. . .

CHAIR PALTIN: Does that satisfy your entire question?

COUNCILMEMBER KAMA: No, it doesn't satisfy my entire question, but it satisfied my answer to the question. Thank you.

CHAIR PALTIN: Okay. Member Lee --

COUNCILMEMBER LEE: Thank you, Chair.

CHAIR PALTIN: -- followed by Member Molina.

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COUNCILMEMBER LEE: I think...okay, thank you, Chair. I just want to let you know that I'm...I kind of understand what you're doing, but I would prefer personally to wait until we have new conditional permits to require...allow for the Council to flag these...you know, the renewals, et cetera, rather than try to do it patchwork now. So, just for your information, I'm not going to be supporting this motion. Thank you.

CHAIR PALTIN: Okay, thank you. Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Just a question for Director McLean. Currently on these permits before us, have you...which, if any, have received protests or complaints from neighbors, and have there been any...or is there any pending enforcement actions or complaints against those that have received complaints from citizens?

MS. MCLEAN: In the Code now, I'm not able...the Director is not able to approve if they're not in compliance with conditions, or if there have been protests. So, any that have been approved administratively have not had protests, and have been in compliance with their conditions.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I remembered what it was. I...well, either Director McLean or Mr. Hopper. So, when the extension is up for review by either, I guess, the Director or the Council, if the...is there a process for additional amendments to the permit, amendments to the conditions, like additional conditions, or even removal of conditions, any amendments to the conditions of the permit? Director.

MS. MCLEAN: The...other than time extensions, the Director doesn't have the authority to amend an ordinance, you know? The Code allows the time extensions, but other than that, the conditions can only be removed by Council. In terms of the permit's scope, the Code does allow...well, right now, it says the Director may approve the application for time extension, provided the permitted use has not been substantially changed, and new uses have not been added that may result in significant impacts above which would result from the approved permit. So, there is an opportunity for minor nonsubstantive amendments. I'm trying to think of the kinds. I know that we have talked about this before, and Staff gave me a list of the kinds of changes that we have seen. Certainly, a reduction in the scope would be allowed. But in terms of an expansion or changes in use, I'm looking at the list of permits, and I...I'm...it's not coming...nothing is coming to me that would...of changes that have happened to these existing ones. Yeah, I can't think of any. I mean, maybe things like there's a conditional permit for the visitors center at Haleakalā Ranch. Maybe if there was an adjustment in the hours of operation, you know, by a small amount of time, that might be something that we would allow administratively.

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COUNCILMEMBER RAWLINS-FERNANDEZ: And for this new process that we're discussing, when it comes up for Council review, if the Council is leaning toward extending the permit at that time, the Council would be able to add further conditions?

MS. MCLEAN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Or would we need to add language to give Council that authority?

MS. MCLEAN: No. The application would go through the Planning Commission. We would certainly recommend the existing conditions, but if things have changed and...you know, we might recommend changes to the conditions as well, and then the Planning Commission would comment on those and send their recommendation to the Council. So, you would have the Planning Department's recommendation and the commission's recommendation, and then you could do...take whatever action you felt appropriate. But the existing conditions would be the starting point.

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

CHAIR PALTIN: Mr. Hopper, did you have something you wanted to add?

MR. HOPPER: That's correct. I wanted to...I can point to the sections we're talking about. First is 19.40.080(C) talks about the Planning Director, when they're doing...Planning Director authority to approve amendments to conditional permits if they're nonsubstantive. That's in existing Code. And then I do agree that if the permit's being reviewed by Council, the language I think they use is, will be renewed in the same manner as the original application. So, I think that involves commission and Council review, and could involve additional conditions. So, that...I was just going to give the additional details, but it's all...it's all correct.

CHAIR PALTIN: Okay. Thank you. So, we do have a motion to amend on the floor. And for my discussion on this, you know, it's not always bad, and it's not always good. You know, sometimes we want to come back and we want to give them more because it's such a loved thing in the community...or the reverse, you know, or just minor tweaks, or what...it just...and it's not like any one Member is going to be able to pull a power trip because it needs...the request needs to be made by resolution. So, it's...it has that standard to pass. So, at this time, I'll call for the question on the motion to amend. And for everyone's recollection, it's a new (C)(5), the Council, by resolution, adopted at least 90 days prior to expiration, requests to review the time extension. And then we'll take up Director McLean's request after that. So, all those in favor of that amendment, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR PALTIN: Oh, sorry. Roll call. Let's see. Myself, aye. Vice-Chair King, excused. Member Johnson.

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COUNCILMEMBER JOHNSON: Aye.

CHAIR PALTIN: Member Kama.

COUNCILMEMBER KAMA: Yes.

CHAIR PALTIN: Member Lee.

COUNCILMEMBER LEE: No.

CHAIR PALTIN: No.

COUNCILMEMBER LEE: No.

CHAIR PALTIN: Member Molina.

COUNCILMEMBER MOLINA: Aye.

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

CHAIR PALTIN: Member Sinenci.

COUNCILMEMBER SINENCI: Aye.

CHAIR PALTIN: Okay. For our...oh, and Member Sugimura is excused. So, that passes, six ayes, one no, Member Lee, and two excused, Member Sugimura and Member King.

VOTE: AYES: Chair Paltin, Councilmembers Johnson, Kama, Molina, Rawlins-Fernandez, and Sinenci.

NOES: Councilmember Lee.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair King and Councilmember Sugimura.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Okay. Now, we have a request from the Director for another amendment.

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First sentence in 19.40.090(E), if a complete application is submitted pursuant to 19.40.090(A), the conditional...okay, so, she would just like us to add the word complete...if a complete application for extension is accepted.

MS. MCLEAN: Right. So, so --

CHAIR PALTIN: Director McLean.

MS. MCLEAN: -- wait. Yeah, add complete application, and then rather than use the word accepted, use the word submitted, and then refer back to 090(A), which talks about the time requirement.

CHAIR PALTIN: Okay. So, the amendment would read, if a complete application for extension is submitted pursuant to 19.40.090(A), the conditional permit shall remain in effect while the application...okay.

MS. MCLEAN: Exactly.

CHAIR PALTIN: That's a good one. Good catch.

MS. MCLEAN: Thank you. You're welcome.

CHAIR PALTIN: Moved by Member Rawlins-Fernandez, seconded by Member Johnson. And this is just so that, you know, somebody doesn't submit an incomplete application and say they're good, you know. So, that was a good catch by the Director. Let's see. Any discussion? Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just a quick question for Director McLean. For those specific TVR conditional permits on ag, residential, and rural districts, are...do they still have to go through additional steps?

CHAIR PALTIN: Oh, we're not discussing TVRs, are we? Or...oh, we are because we just did the bed and breakfasts and the short-term rental.

MS. MCLEAN: There are some conditional permits for TVR use, and if they're on ag or rural, then they also need a State special permit.

COUNCILMEMBER SINENCI: Okay.

MS. MCLEAN: So, that would be an additional requirement for those.

COUNCILMEMBER SINENCI: Advisory Committee review?

MS. MCLEAN: Again, that depends. State special permits, kind of like with conditional permits, if the original renewal allows the Director to extend, then that can be done administratively. But if the original approval calls for commission approval, then it would have to go to the commission.

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COUNCILMEMBER SINENCI: All right. Thank you. Thank you, Chair, for the leeway.

CHAIR PALTIN: Sure thing. Members, do we need a roll call for this amendment? No? Okay. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR PALTIN: Seven ayes, two excused, Members Sugimura and King.

VOTE: AYES: Chair Paltin, Councilmembers Johnson, Kama, Lee, Molina, Rawlins-Fernandez, and Sinenci.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair King and Councilmember Sugimura.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: All right. I think we're at a place where we're ready to move this forward. Ready for the motion...the vote on the main motion as amended?

UNIDENTIFIED SPEAKER: Roll call.

CHAIR PALTIN: Do we need a roll call for this one? Yeah? Okay. So, myself will be an aye.
Member King is excused. Member Johnson.

COUNCILMEMBER JOHNSON: Aye.

CHAIR PALTIN: Member Kama.

COUNCILMEMBER KAMA: Yes.

CHAIR PALTIN: Member Lee.

COUNCILMEMBER LEE: No.

CHAIR PALTIN: Member Molina.

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COUNCILMEMBER MOLINA: Aye.

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

CHAIR PALTIN: Member Sinenci.

COUNCILMEMBER SINENCI: Aye.

CHAIR PALTIN: And Member Sugimura is excused. So, we have...motion passes, six ayes, one no, Member Lee, and two excused, Members Sugimura and King.

VOTE: AYES: Chair Paltin, Councilmembers Johnson, Kama, Molina, Rawlins-Fernandez, and Sinenci.

NOES: Councilmember Lee

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair King and Councilmember Sugimura.

MOTION CARRIED.

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

CHAIR PALTIN: That concludes our review of PSLU-26 and 51.

PSLU-70: RESOLUTION 22-240, RELATING TO NUISANCE IN THE RESIDENTIAL DISTRICTS

CHAIR PALTIN: Okay, Members. Moving right along. Next up we have PSLU-70, Resolution 22-240, Relating to Nuisance in the Residential Districts. This bill has been introduced by Member Lee...is it part of the agenda? The Committee is in receipt of Resolution 22-240, entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL TO AMEND CHAPTER 19.08, MAUI COUNTY CODE, RELATING TO NUISANCE IN THE RESIDENTIAL DISTRICTS." Resolution 22-240's purpose is to refer to the Lānaʻi, Maui, and Molokaʻi Planning Commissions a proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.08, MAUI COUNTY CODE, RELATING TO NUISANCE IN THE RESIDENTIAL DISTRICTS." The Committee may consider whether to recommend adoption of Resolution 22-240, with or without revisions. The Committee

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may also consider the filing of Resolution 22-240 and other related action. And I've got a lot of calls on this item, so I scheduled it. Opening comments or presentation, I'd request comments first from Director McLean, then Officer Tom, and then Chair Lee, unless...did you want to go first, Member Lee? Oh, okay. Member Lee, and then Director McLean, and then...

COUNCILMEMBER LEE: Thank you, Chair. The reason why I wanted to go first is because I would like to either file this or defer this because we...I would like more time to come up with different options. There may be an option to exclude heavy industrial activities, whether it's a hobby or commercial, in residential areas as one option. Another option might be to limit the hours of the use of the activity. And there may be other options. So, I think perhaps we can...I'd like to spend more time looking at the options, and seeing if there are other alternatives to advance to the next Council.

UNIDENTIFIED SPEAKER: Oh, that's fine.

CHAIR PALTIN: Oh, okay. You want to file it. All right. Okay.

COUNCILMEMBER LEE: Sure, yeah.

CHAIR PALTIN: Do we discuss...do we need to vote on a filing? We do. Okay.

COUNCILMEMBER LEE: But I just wondered if anybody else disagreed with me. I mean, if they have other ideas, please present them now.

CHAIR PALTIN: Any discussion? I had an idea. Okay. Member Sinenci, you can go first.

COUNCILMEMBER SINENCI: Yeah. No, I...and I support the motion on the floor, just would request of Chair Lee, you know, as some of the questions was what are some of the ramifications, or if there are some things that might...as far as noise in the neighborhood, just looking at all the different options, and what are the ramifications of. Thank you.

CHAIR PALTIN: Okay. Member Kama, followed by Member Molina.

COUNCILMEMBER KAMA: Thank you, Chair. I was just looking at the definition of nuisance, according to 19.08.015, and it says nuisances are prohibited in residential districts. This says nuisance means a use, such as a hobby, that results in material annoyance, inconvenience, or discomfort to the neighborhood or public, including offensive noise, vibrations, smoke, odors, dust, heat, glare, and garbage. So, I look at that, and I said, okay, so it has to be a hobby...such as a hobby. But, you know, just this morning, I heard a complaint. One neighbor's clothes is on the line, the other neighbor, cleaning their yard, and rake, rake, dust, dust. Neighbor is mad because their clothes gets all dirty. I mean...and then they do these other things like, okay, so the neighbor's clothes is dirty, goes to the neighbor, yells at the neighbor, is mad at the neighbor. Then the neighbor whose clothes is dirty decides they're going to pay the other neighbor back, so when they clean their dog kūkae off the road, it goes to the neighbor's yard. All of this

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stuff just keeps going back and forth. It's like unless we have a deep discussion about this, we're not going to resolve those kinds of neighbor-neighbor things. But if it's a hobby, then that's something different, right? But we got to define hobby then, you know? But anyway, that's just my comments, Chair.

COUNCILMEMBER LEE: Just for your information, the hobby is blacksmithing.

COUNCILMEMBER KAMA: Ah, so it's particular. Okay.

COUNCILMEMBER LEE: Yeah, it's particular.

COUNCILMEMBER KAMA: Then why don't we just call it out as opposed to...because people have all these weird hobbies, right, in their backyards, right, that some people don't approve of, that makes loud noises at night, and whirring noises and stuff. So, I...thank you. I think, yeah, next year, we should take a look at that. Thank you.

CHAIR PALTIN: Okay. Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. I can appreciate Chair Lee as the maker of this legislation asking us to consider deferring or filing to take a deeper look into an issue that, you know, can be described as a kitchen table issue, an issue that can hit home for many people. So, I would certainly support, you know, the new Council looking at this, and taking more input from the public, and reworking this. But, you know, appreciate Chair Lee making that offer. So, thank you.

CHAIR PALTIN: Okay. If Members wanted to hear my suggestion, I can just throw it out there. And if we want to continue to defer, it'll auto file, and that's less work for our overburdened Staff. But I was looking at Chapter 19.25, which is our M-3 Heavy Industrial, Restricted Industrial District. And as some of you know, I've been a long proponent of no heavy industrial and residential intermingling, as we saw with the Queen Ka'ahumanu. And it's kind of for these reasons. There's M-1, which is Light Industrial, that does allow multifamily. M-2 is Heavy Industrial, it doesn't allow residential. And M-3 is Restricted Industrial District, and the uses for Restricted Industrial District are pretty noxious and egregious, and that's why I think the Planning Department made this whole new Restricted Heavy Industrial section. It includes acetylene gas manufacture or bulk storage. I can...I think we all don't want to live next to that. Acid manufacture, alcohol manufacture, ammonia, bleaching, powder, or chlorine manufacture, asphalt manufacture of refueling and asphaltic concrete plant, automobile wrecking. And then the next one is glass furnace or coke oven. And those are blacksmithing things that are used. There's also boiler and steelworks. Brick, pile, or terracotta manufacture, cannery, cement, lime, gypsum...so, my suggestion was...19.25.010 reads, purpose and intent. Those uses which include the manufacture, processing, storage, or treatment of goods from raw materials are permitted in the M-3 Restricted Industrial District. The industrial...the district is intended to include manufacturing and nuisance industries. General retail and office uses are specifically excluded from this district. So, we can just add something in there, if you want, that these uses are only allowed in the M-3 Restricted Industrial District, unless there's a

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conditional permit or something, whether it's a hobby or something else. So, just putting it out there, but we can defer today if that's the body's preference...look into it some more. Member Kama.

COUNCILMEMBER KAMA: I would prefer that we just defer it.

CHAIR PALTIN: Member Molina.

COUNCILMEMBER MOLINA: Yeah, Chair. I appreciate your ideas. I think there's some good possibilities with that, but maybe...I would like to defer. Maybe you and Chair Lee can get together and work on something, you know, for the upcoming term.

CHAIR PALTIN: Oh, sure.

COUNCILMEMBER MOLINA: And, you know, mesh those ideas with her ideas, as well as additional input. And I think you can put out a pretty good piece of legislation for next term.

CHAIR PALTIN: The one...the one part about it was the slaughter of animals, where if the slaughter of animals is for your home consumption, or maybe if the alcohol manufacture was for your home consumption, I'd be kind of okay with that. Like, you know, people got to eat, some people got to drink...not this people, but...you know. Those are...those are some of the things. Maybe, you know, since we won't have Director McLean next term, if she could give us some thoughts on that direction.

MS. MCLEAN: I think it's an interesting approach that the proposed bill, if I understand you correctly, would say something like, you know, the uses allowed in the M-3 district are prohibited as hobbies in the residential districts, or are prohibited in all districts, even as hobbies. But you are correct, there are a number of things in here that you could see being conducted just at a...you know, at a --

CHAIR PALTIN: Home scale.

MS. MCLEAN: -- home scale, where, you know, we would have neighbors saying, oh, you know, this is...this is a violation because the guy is like making a table in his spare time, you know, for his own use. They would say, oh, you know, they're, you know, planing wood or treating wood, or like you said, alcohol manufacture. Soap making, you know, people do that as a...as a craft. So, it is difficult. And I'm glad that Police is here too, because it does need to be discussed. You know, what is...what are...you know, we're responsible for land use. So, is this a land use violation? Are people using their land incorrectly? You know, if it's a hobby, then they're probably not using their land incorrectly. It's just becoming what's the threshold for nuisance, disturbing the peace, whatever. So, that's when it gets into MPD's realm. And so, it wasn't clear to me if we're going...you know, we want to try to get a handle on really horrible neighbors--and I'm not saying that's the case with the folks who testified--should that be Planning that enforces that, or should that be Police that enforces that? And I'm not sure. So, I think you...

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CHAIR PALTIN: Okay. I guess for the purposes of discussion, maybe Officer Tom, did you want to add anything to this discussion?

MR. TOM: Okay. Good afternoon, everybody. You know, she's right. It's going to be...for us to...well, first of all, the definition, I think, needs to be changed, yeah. Like when I...when I read it, you know, we...the definition of a hobby for you could be something different to somebody else. So, you know, a nuisance, loud noise like, you know, kids practicing baseball, it...the neighbors might not like the...might not like each other and then, you know, they're going to be picking on these guys just because they're making loud noises, and stuff like that. So, you know, the definition of hobby could be, I guess, more refined because everyone's definition is going to be little bit different from everybody else's, yeah. Like blacksmithing, like the guy said he blacksmiths or whatever, working on metal and stuff like that, you know, could be work, could be a hobby, who knows? So...but as far as the enforcement issue, you know, that's going to be a touchy one as well. It's going to be hard to determine who's going to be enforcing that stuff. So, that's something we got to work on, yeah, figuring that out.

CHAIR PALTIN: I just was wondering...so, it's a dispute, there...I mean, there's a dispute. Does HRS 5-7.5 ever come into the play when you have two neighbors not being neighborly?

MR. TOM: It really comes...so for us, it would be like disorderly conduct, yeah, under the HRS, unreasonable noise, violent, tumultuous behavior, stuff like that. What...that's more what we would enforce under rather than housing violations or codes.

CHAIR PALTIN: Okay. All right. So, the preference of the body is to defer this then, and look into it a little bit deeper in terms of Police, ZAED, I'd say HRS 5-7.5. All right. The Chair will defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KTK and YLS)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR PALTIN: Okay. That's...

COUNCILMEMBER LEE: There was a motion, but that's okay.

CHAIR PALTIN: Oh.

COUNCILMEMBER LEE: There was a motion to...I can withdraw.

CHAIR PALTIN: Oh, you need a...oh, there was a motion to file. Members, is it okay that we don't file it because we'll just defer it, and...yeah. Thank you.

COUNCILMEMBER LEE: Yeah.

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CHAIR PALTIN: So, Chair Lee withdraws her motion, and Member Rawlins withdraws her second.

**COMMUNICATIONS FOR REFERRAL TO THE COUNCIL CHAIR FOR
THE 2023-2025 COUNCIL TERM**

CHAIR PALTIN: Okay. The last item on the agenda is Communications for Referral to the Council Chair for the 2023-2025 Council Term. Your Chair has posted a number of communications pending before the Committee for your consideration to refer to the Council Chair for the term beginning January 2nd, 2023, in accordance with Rule 22 of the Rules of the Council. These items are currently listed on the Committee's master agenda, which, if not referred, will be deemed filed at the end of this term. As a reminder, requests can be made to remove items from the discretionary referral list, but at this point, no items can be added. Please also keep in mind that any filed item can be reintroduced in the next Council term. At this time, I would like to open public testimony for Communications for Referral to the Council Chair for the 2023-2025 Council Term. Is there anyone wishing to testify? Seeing nobody come forward wishing to testify, then I will now, without objection, close public testimony, and accept written testimony into the record.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. There was one item that I was hoping to hear before the end of the year, which was the PSLU-42, Increasing the Size Allowance for Second Farm Dwellings in the Agricultural District. So, if we can make that happen, I would entertain a motion to remove that once we get the main motion. But any discussion from the Committee? Okay. The only issue is the trial that we got like subpoenaed, or issued. It could be an off meeting...off-week meeting, or I could try and squeeze it in the last week, and then discharge it to the Council for referral to the Planning Commission. So, there was another item that I was going to take up, but I mean, maybe I can't take it up because of the trial, but we'll see. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. That was my question. I did have an email from somebody, Greg Brown house.

CHAIR PALTIN: Yeah, that was going to be my last week one --

COUNCILMEMBER SINENCI: Oh.

CHAIR PALTIN: -- but this is kind of the one. I mean, if it's between this and the Greg Brown house, I kind of would do this one. But maybe I'll get an extra meeting date from somebody for the Greg Brown house. Or actually, Members all agreed to meet on an off-meeting week for the Greg Brown house one. So, we could play it like that.

COUNCILMEMBER SINENCI: Thank you, Chair.

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CHAIR PALTIN: Okay. So, if there's no further discussion...oh, Member...or Director McLean.

MS. MCLEAN: Thanks, Chair. I know Councilmember Sugimura isn't here, but we had been working with her on a bill relating to second farm dwellings and other dwellings in the ag district. I don't know the status of that, and I don't know if she...if she were to come up with a revised proposed bill, if that would have to go through Council before it comes to you. But I know she was working on it.

CHAIR PALTIN: I don't...I think she was...

MS. MCLEAN: I don't know what the status is though.

CHAIR PALTIN: Yeah, yeah. She...I mean, before she went into her surgery, I thought she wanted to still hear it, so this was going to be on my next agenda, the PSLU-42. And I've been holding off because every time I go to schedule it, she said she wasn't ready. And then I get some flack on that, but I'm trying to listen to the bill's introducers here. So, I wanted...I really wanted to hear it next Committee week, but then we have to go to trial, so I'm not sure how that'll all play out. It would be cool if maybe I could do it on Monday or something because I don't know if we have to be on trial on Monday. But...yeah, so there's that. So...yes, Member Kama.

COUNCILMEMBER KAMA: Since you brought up Monday...so I'm just going to piggyback off that. I'm hoping that I'm going to hear my hospital bill on Monday and pass that reso out on the floor, but I understand that we could...we probably...I'm not sure because Monday they'll be choosing witnesses, so we might not need to be there. That's my understanding, that the Monday meetings can still go on, and then I was going to bring it up for passage on the floor on Friday. But there might not be a Friday meeting to pass it on to. So, I'm...

CHAIR PALTIN: Well, on Friday...I think there's no trial scheduled on Friday. So, that'll work out.

COUNCILMEMBER KAMA: Okay.

CHAIR PALTIN: Maybe Member Sugimura will let me her Committee slot --

COUNCILMEMBER KAMA: Yes.

CHAIR PALTIN: -- because of the window, and it's her bill.

COUNCILMEMBER KAMA: Yeah.

CHAIR PALTIN: Kind of like how Member King did this week.

COUNCILMEMBER KAMA: Yeah, yeah. You know, I think that's doable. I think, you know, you can call her up and ask her, you know.

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CHAIR PALTIN: Okay.

COUNCILMEMBER KAMA: Okay. Thank you, Chair.

CHAIR PALTIN: Okay. So, if there's no further discussion, I'll entertain a motion to refer the posted communications to the Council Chair for the term beginning January 2nd, 2023, in accordance with Rule 22 of the Council.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER JOHNSON: Second.

CHAIR PALTIN: Moved by Member Rawlins-Fernandez [sic], second by Member Johnson. And the Chair will entertain a motion to remove CC 21-555, PSLU-42 from the list.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER JOHNSON: Second.

CHAIR PALTIN: Moved by Member Kama, seconded by Member Johnson.

CHAIR PALTIN: Okay. Any discussion on the amendment to the main motion? Okay. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR PALTIN: Seven ayes, two excused, Members Sugimura and King.

VOTE: AYES: Chair Paltin, Councilmembers Johnson, Kama, Lee, Molina, Rawlins-Fernandez, and Sinenci.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair King and Councilmember Sugimura

MOTION CARRIED.

ACTION: APPROVED AMENDMENT to remove PSLU-42 from the communications for referral.

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CHAIR PALTIN: Now for the vote on the main motion as amended. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR PALTIN: Seven ayes, two excused. Motion passes...main motion passes as amended. I have a couple people in the room with me, Josiah and Rochelle Nishita. Thank you. Once...oh, okay, sorry. So, the motion passes unanimously.

VOTE: AYES: Chair Paltin, Councilmembers Johnson, Kama, Lee, Molina, Rawlins-Fernandez, and Sinenci.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair King and Councilmember Sugimura

MOTION CARRIED.

ACTION: Referral of communications to the Council Chair for the 2023-2025 Council term, as amended.

CHAIR PALTIN: This concludes today's Planning and Sustainable Land Use Committee meeting. Great work, everyone, getting through a four-item, confusing agenda. The time is now 11:25. This meeting is adjourned. . . .(gavel). . .

ADJOURN: 11:25 a.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use Committee

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CERTIFICATION

I, Brenda Clark, hereby certify that pages 1 through 46 of 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 19th day of December 2022, in Wailuku, Hawai'i



Brenda Clark