

# PLANNING COMMITTEE

Council of the County of Maui

## MINUTES

February 9, 2009

Council Chamber

**CONVENE:** 1:32 p.m.

**PRESENT:** Councilmember Sol P. Kaho`ohalahala, Chair  
Councilmember Jo Anne Johnson, Vice-Chair  
Councilmember Gladys C. Baisa  
Councilmember Michael J. Molina  
Councilmember Wayne K. Nishiki  
Councilmember Michael P. Victorino

**EXCUSED:** Councilmember Bill Kauakea Medeiros

**STAFF:** David Raatz, Legislative Attorney  
Clarita Balala, Committee Secretary

*Seated in the gallery:*

Leinaala Kihm, Executive Assistant to Councilmember Bill Kauakea Medeiros

**ADMIN.:** Jeff Hunt, Director, Department of Planning  
Joseph Alueta, Administrative Planning Officer, Department of Planning (Item No. 25)  
Cheryl Okuma, Director, Department of Environmental Management (Item No. 5)  
Deidre M. Tegarden, Coordinator, Office of Economic Development, Office of the Mayor (Item No. 25)  
Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

*Seated in the gallery:*

David A. Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** Susie Thieman, CEO, MEO Business Development Corp. (Item No. 25)  
Thomas Croly (Item No. 25)  
Paul Laub (Item No. 25)  
(7) additional attendees

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

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CHAIR KAHO`OHALAHALA: . . .(*gavel*). . . Good afternoon, everyone. This is the Planning Committee meeting for today. We have present, uh, the Planning Committee will come to order. May I please request that everyone in the Chamber disable your cell phones, if you have, and any other noisemaking devices. Thank you very much. I would like to begin by acknowledging our Committee members that are present. We have Vice-Chair Jo Anne Johnson.

VICE-CHAIR JOHNSON: Aloha.

CHAIR KAHO`OHALAHALA: And Members Gladys Baisa, --

COUNCILMEMBER BAISA: Thank you, Chair.

CHAIR KAHO`OHALAHALA: --Members Mike Molina, --

COUNCILMEMBER MOLINA: Good afternoon, Chair.

CHAIR KAHO`OHALAHALA: --Wayne Nishiki, and --

COUNCILMEMBER NISHIKI: Here.

CHAIR KAHO`OHALAHALA: --Member Michael Victorino.

COUNCILMEMBER VICTORINO: Aloha, Chair.

CHAIR KAHO`OHALAHALA: And excused today is Member Bill Medeiros. No other voting Members today. Today, Corporation Counsel, he's represented by Mr. Michael Hopper. Michael, aloha. Good afternoon. And then from our Executive Branch, we have today Mr. Jeff Hunt, the Planning Director.

MR. HUNT: Thank you, Chair.

CHAIR KAHO`OHALAHALA: Aloha. And we have Cheryl Okuma, the Director of Environmental Management.

MS. OKUMA: Thank you. Good afternoon.

CHAIR KAHO`OHALAHALA: And Committee Staff here today is Mr. Dave Raatz, David Raatz, our Legislative Attorney, and Clarita Balala, our Committee Secretary. Okay. Public testimony will be accepted in a few minutes. Those wishing to testify should sign up, if you haven't already done so, and we will limit our testimonies to three minutes. Testifiers are requested to state their names, and for the record, and to indicate who they're representing.

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So, if I may, Members, today we have two items on our agenda and it's PC-5, and that's the Administrative Enforcement, and then we have PC-25, which is Home Occupations. If I may, I'd like to begin with the...opening the item for this afternoon, PC-5, which is the Administrative Enforcement.

**ITEM NO. 5      ADMINISTRATIVE ENFORCEMENT (C.C. No. 09-28)**

**CHAIR KAHO'OHALAHALA:** Before the Committee is a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.530.030, MAUI COUNTY CODE, PERTAINING TO THE ADMINISTRATIVE ENFORCEMENT". The bill's purpose is to establish the administrative enforcement authority of the Director of Environmental Management and the Director of...the Planning Director for relevant violations of the Maui County Code consistent with recent Charter amendments. During the last Council term, the Council formally sent this legislation to the Planning Commissions by adopting Resolution No. 08-55.

By correspondence dated February 3, 2009, I have suggested that the Director of Water Supply also be given appropriate enforcement authority which would also be consistent with the recent Charter amendment.

The Planning Commissions have all recommended approval of this bill, as revised, to incorporate a suggestion by the Director of Environmental Management to establish her enforcement authority over Chapter 8.04 of the Maui County Code. I'm amenable to the suggestion and would suggest that the Committee Members consider adding Title 8 to the bill to go along with the references to Titles 12, 14, 16, 18, 19, and 20.

So, before I call on the Administration representatives to provide further information on this legislation, we will accept public testimony on this item, as well as the next item, PC-25, for anyone who cannot stay here when that item comes up. So...is there anyone here who would like to testify who haven't signed up on PC-5? Okay. Seeing none, then the Chair would like to move to the Director of Planning and at this time, I also want to acknowledge from our...let's see, Economic Development, Ms. Deidre Tengarden [*sic*], from Economic Development Coordinator, who is also here with us. Okay. If I may, then I'd like to go to the Director of Planning and to give us an update on this item before us.

**MR. HUNT:** Thank you, Mr. Chair. As was noted by the Chair, the bill would essentially make the County Code consistent with the County Charter. Back in 1998, I believe, uh, pardon me, 1996, amendments were made to the County Charter to provide for enforcement of the Zoning Code under the Planning Department. Previously to that it was under the Public Works Department. So that was a Charter amendment. The Code, up to today, still has enforcement of Title 19, which is zoning ordinances under the Director of Public Works. So, again, to be brief, this would simply make it consistent with what the Charter says. I believe it's similar for the other Departments, but I won't speak for them.

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CHAIR KAHO`OHALAHALA: Okay. Thank you. At this time, I'm going to also call on the Director of Environmental Management to give us your comments on your input to the bill.

MS. OKUMA: Thank you, Chair, Committee Members. Yes, as Mr. Hunt has explained, for our Department it's basically to be consistent with the Charter amendment. As people are aware, the Department of Environmental Management is a new department having formerly been with Public Works and so we want to, basically, reflect the department with respect to administrative enforcement. And in addition, to be sure that administrative enforcement also covers our refuse collection and landfill operations, which is part of the new department. Thank you.

CHAIR KAHO`OHALAHALA: Okay. Members, any questions to the Department of Planning and Environmental Management? Member Molina.

COUNCILMEMBER MOLINA: Thank you, Mr. Chair. Question I guess for maybe Corporation Counsel just for clarification. In relation to what you had mentioned, Mr. Chairman, about including the Water Department, I guess, maybe it might be somewhat of a mundane question to ask, but why wasn't Water included, I guess, initially? I guess now we're recommending we include Water as part of the enforcement. Can you give us just a brief background? And we are...so for the record, we are going to include Water as part of...the Water Director as part of this bill.

MR. HOPPER: Well, I, I...Mr. Chair?

CHAIR KAHO`OHALAHALA: Go ahead.

MR. HOPPER: Thank you, Mr. Chair. I do know the Water Department came after the bill was drafted and sent its letter in. As to why it was not in the original proposal from Water, I can't really speak for, you know, the Water Department. The same with Environmental Management, I think their proposal was via letter separate from the original bill. So what you have is the original bill and then two proposals for amendments to deal with other, the Department of Water Supply and Environmental Management, who also would like to apparently use that same section for administrative enforcement. The Public Works Department currently uses it as well. But I can't speak as to, you know, why the Water Department did not have that in there initially. I just don't have that background. I'm sorry.

COUNCILMEMBER MOLINA: Okay, thank you. I think that will...I just needed to know that for the record. I thought it was sort of unusual that they weren't included in the initial bill, but now that they are, I'm okay. Thank you, Chair.

CHAIR KAHO`OHALAHALA: Members, any other questions? Member Johnson.

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VICE-CHAIR JOHNSON: I just want to confirm with Corporation Counsel that this in your view is mainly a housekeeping or a detail that...which is clarify and be consistent with other departments. Is...that's why it's being sent forward?

MR. HOPPER: Certainly, I think the Planning Department and Environmental Management change is the initial ones in the bill, yes. That's exactly what they do because the Charter states those are the departments that have jurisdiction to enforce the titles that are already listed in that...in 19.530 so it wouldn't make sense to list the Public Works Director as the only director with enforcement authority cause he would not be the only director with enforcement authority.

As, as for the other changes, I don't have much of a...of a specific opinion on, on their merits, but you know, Water Supply is listed. I think Title 14 is the title they have jurisdiction under and this would give them the authority to enforce under that title. And as far...as far as Environmental Management, I can let Ms. Okuma speak for her own Department. But I would say that the Director and the appropriate sections you would like those Directors to enforce, if you would like them to use administrative enforcement under this section, then definitely they should be added under this section.

VICE-CHAIR JOHNSON: Okay. Thank you, Mr. Chair. And I think mainly because I think we had this sort of alluding to this discussion the other day on the floor of the Council with regard to our park security officers. And I think it was then Attorney Kushi, Corporation Counsel, had said that the administrative authority did exist and then he gave, I believe, the citation. So in my view I think that this is more of an...I guess a reflection of the changes that were made in the Charter amendment and some of the components that were really left unaddressed when we actually were trying to discover who had charge over what. But I really believe that this will help clarify and I certainly support this. Thank you.

CHAIR KAHO`OHALAHALA: Okay, thank you. Members, any other questions? Okay. Seeing none, then the Chair would like to recommend then that we amend the draft bill and first is to add the Director of Water Supply to the list of officials. Second, to add Title 8 to be consistent with what the Environmental Management is asking for, and recommend that passage of the bill be as revised and to file the communications.

VICE-CHAIR JOHNSON: So moved.

COUNCILMEMBER NISHIKI: Second.

CHAIR KAHO`OHALAHALA: Okay. It's been moved and seconded by Member Johnson, second by Member Nishiki, that we amend the draft bill to include the Water Director...Water...Director of Water Supply and add Title 8, and that we pass the revised bill and file communications. Members, any discussion?

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VICE-CHAIR JOHNSON: Mr. Chair, just to be certain, I'm going to just restate that we actually passed a bill for an ordinance which amends Section 19.530.030 of the Maui County Code, pertaining to administrative enforcement. And then that we, I guess, to amend, you know, that section to include the Water Department, and then finally, the filing of the communications.

COUNCILMEMBER MOLINA: Second

CHAIR KAHO`OHALAHALA: And also to Title 8.

VICE-CHAIR JOHNSON: That's in . . .

COUNCILMEMBER BAISA: In Section 8?

COUNCILMEMBER MOLINA: Yeah.

VICE-CHAIR JOHNSON: In Section 8.

CHAIR KAHO`OHALAHALA: To be included.

VICE-CHAIR JOHNSON: To be included in that so I just wanted to restate and I think, Member Nishiki, are we making two separate motions?

COUNCILMEMBER MOLINA: Yeah...I'm sorry. If I could have the floor for a second, Mr. Chair? Yeah, I'm just wondering procedurally should we have the motion first to pass and then we can amend separately? Would that be a more cleaner, I guess? Would that be okay with Corporation Counsel? Or...on the surface, it sounds like we're doing, you know, two separate or one thing we're doing it all together but do we just separate it as . . .

CHAIR KAHO`OHALAHALA: Okay. Mr. Hopper, then the question is how should we move to pass this motion just as a single motion and then make amendments to the motion...the main motion?

MR. HOPPER: Mr. Chair, as the Chair of the Committee that would be within your purview I think to do it either way.

CHAIR KAHO`OHALAHALA: Yeah.

MR. HOPPER: Whichever you think is cleaner. I think either way would be acceptable.

COUNCILMEMBER MOLINA: Okay.

CHAIR KAHO`OHALAHALA: Okay, at this time then I'll just accept the motion that has been made with the amendments attached to it as long you're clear that we're passing out this

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title, we're adding on the Director of Water Supply, and then we're also adding Chapter 8

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VICE-CHAIR JOHNSON: Eight.

CHAIR KAHO`OHALAHALA: --to this. Okay.

VICE-CHAIR JOHNSON: And then filing.

CHAIR KAHO`OHALAHALA: And filing.

VICE-CHAIR JOHNSON: Thank you very much, Mr. Chair.

CHAIR KAHO`OHALAHALA: Okay. Any other discussion? Okay, seeing none, then all those in favor signify by saying aye.

COUNCIL MEMBERS: Aye.

CHAIR KAHO`OHALAHALA: Opposed, no? Okay. Motion is carried. Let it reflect that we have six ayes, one excused, and no noes.

**VOTE:       AYES:       Councilmembers Baisa, Molina, Nishiki, Victorino, Vice-Chair Johnson, and Chair Kaho`ohalahala.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmember Medeiros.**

**MOTION CARRIED.**

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

CHAIR KAHO`OHALAHALA: Would you like to come and join us then, please?  
*... (requesting that Economic Development Coordinator Deidre Tegarden come down from the gallery to sit at the Administration desk) . . .*

**ITEM NO. 25   HOME OCCUPATIONS (C.C. No. 07-284)**

CHAIR KAHO`OHALAHALA: Okay, Members, the Chair just would like to acknowledge the presence of Deidre Tengarden [*sic*] from the Economic Development Coordinator. And

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also with us is Staff member Joe Alueta from the Planning Department as well. Okay. Members, moving along.

Our second and final item this afternoon is PC-25, entitled "Home Occupations". So, before the Committee is a draft bill entitled "A BILL FOR AN ORDINANCE TO AUTHORIZE HOME OCCUPATIONS IN VARIOUS ZONING DISTRICTS". The bill's purpose is to establish home occupation as a permitted use in residential, R-0 Zero Lot Line Residential, Apartment, Country Town Business, B-1 Neighborhood Business, B-2 Community Business, and B-3 Central Business zoning districts. As define...defined in Title 19 of the Maui County Code, a home occupation is a residence-based business that provides a product or service subject to certain listed conditions. For instance, the signage, the use of outside delivery vehicles and customer visits are prohibited. Transient vacation rentals and automobile repair shops are not valid home occupations.

Currently, home occupation is permitted, is a permitted use only in a few project districts in Central Maui. During the last Council term, the Council formally sent this legislation to the Planning Commissions by adopting Resolution No. 08-5. The Planning Commissions have all recommended approval of this bill, as revised, to add the Rural Zoning District to the list of zoning districts in which home occupation shall be permitted. The Planning Commissions also recommended revisions to the definition of home occupations relating to the maximum area of a home in which a home occupation may be performed. But I would respectfully suggest that any changes to the definition of home occupation were not envisioned by the prior Council according to my review of the Planning Committee Report No. 08-15, and the Council was merely concerned with increasing the number of zoning districts in which home occupations, as currently defined, would be permitted. Okay.

So, likewise, I would suggest that the revisions proposed by the Planning Director in his correspondence to the Committee, dated February 2, 2009, represent policy changes that appear to be beyond the scope of what the Council visualized when adopting Resolution No. 08-5. So, those broader policy issues may be considered in separate legislation and that is why I will recommend that this communication not be filed and even if the Committee recommends passage of the legislation before us today.

So, before we begin on the deliberations on this matter, the Chair will accept public testimony. Okay, if there is no objections, then I would like to open up for public testimony.

**COUNCIL MEMBERS VOICED NO OBJECTIONS.**

**CHAIR KAHO`OHALAHALA:** We have three testifiers here who have signed. If there's anyone here present that has not already signed up for testifying, please do so. The Chair would like to remind the testifiers that we have three minutes of time for you, and if you would state your name for the record and who you represent. So, the first testifier is Susie Thieman.

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

MS. THIEMAN: Good afternoon, Chairman and Members of the Committee.

COUNCILMEMBER BAISA: Good afternoon.

MS. THIEMAN: My name is Susie Thieman. I'm CEO of MEO Business Development Corp. I prepared the written testimony which I think you all have a copy of. I'd just like to hit some of the high spots of it if I might. You all know what we do. You've been to a lot of our graduations and attended some of our classes with us, and you know that as we've met...as I've noted in here that we've had...taught classes to over 1,200 students in the 12 years since MEO BDC was started.

As we have brought graduates to the various budget hearings, we have talked and we have them discuss with you their successes, how they've been able to start out virtually on a shoestring and make something for their family out of their business that has helped them elevate their standard of living. One of the things that has always bothered me in the five years that I've been teaching the class is the fact that we don't have home-based businesses like we should have...or at least like I wished we had.

For many of these businesses, the idea that they can only start their businesses by going out and renting space, running an office, is a handicap from the standpoint that the cost of that for many of these businesses is just outrageous as compared to what their initial incomes are going to be. With the home-based business, they'll be able to start at home. And as I stated in the last paragraph, there will be many of them that will continue on with their feet firmly planted on the ground, be successful and prosper remaining as a home base business because they are one person business or a couple doing a business and have no need for an outside office. As they visit with clients, they will go to their offices or their places of business. We see this as just a giant step. It also allows us to, in the classes, talk about and emphasize how this is a legal operation. In the past, we've, I've at least I've been a little embarrassed to say unless you live in these certain areas you can't do this. I've had to say that because that's the basis of our courses is getting businesses up and running in a legal manner. That's about all I have to say. Thank you.

CHAIR KAHO`OHALAHALA: Thank you very much. Members, are there any questions for the testifier? Member Baisa.

COUNCILMEMBER BAISA: Thank you, Chair. Thank you, Susie, for being here and thank you for the great job you're doing with MEO Business Development. I'm just wondering, have you had the opportunity to discuss this with any of your students? You have a class going at the moment?

MS. THIEMAN: We have a class going right now. And as a matter of fact, next week we'll be talking about this exact subject. Some of the students that have started doing business

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prior to coming into class, they come up to us and they tell us what they're doing, you know, and we kind of stand there and shudder a little bit because we have to clean this up, right, and it...it's, it's kind of hard for me because I can't shut down somebody who thinks they've got something really going. And yet, I know what they're doing is wrong and, and the old theory of if nobody says anything, it's okay. I can't do that in class. So, I'm looking forward to being able to say, here you are, go for it.

COUNCILMEMBER BAISA: Thank you very much. Yeah, don't ask, don't tell, doesn't work. You know, I know many, many, many businesses that are going on in areas where they're not legally permitted and I think this is an ordinance whose time has come. Thank you very much.

MS. THIEMAN: Thank you. Thank you very much.

CHAIR KAHO`OHALAHALA: Thank you very much. Members, any other questions? Okay, seeing none. The next testifier is Thomas Croly.

MR. CROLY: Aloha, Chair.

CHAIR KAHO`OHALAHALA: Aloha.

MR. CROLY: Aloha, Council members.

COUNCILMEMBER BAISA: Aloha.

MR. CROLY: In light of the Chair's remarks, I'm not sure how much of my testimony will be relevant here. But I do want to acknowledge Councilmember Baisa for bringing forward this legislation last year and for championing it over, over ten years. The bill under consideration today is important as the change to our County zoning ordinance to allow thousands and probably tens of thousands of home-based businesses operating in Maui County to become compliant and legal under the Code. However, as the commissions noted, it does fail to include Rural Zoning, which would be important, and we certainly would like you to consider what could be included in Agricultural Zoning. That would be within HRS 205. Our zoning ordinances here in Maui County, in general, are decades out of date with today's lifestyles. For example, in my Rural-zoned residential neighborhood there's allowance for a pig farm; however, a person working on a computer at their home is out of compliance. So, we really need to take a broader look at, at all of our zoning things.

A home occupation bill could be thought of as a positive action towards the smart growth principles that we are always talking about in terms of the future. Smart growth – people not having to go to work centers to work and working at home and creating less traffic and so forth. So we need to look at it in that perspective.

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For the purpose of a home occupation bill, it should allow low-impact home-based businesses to take place in many residential zoning districts. And for this to be successful, it needs to take a very close look at the types of businesses that are now occurring, what the impacts that they're creating are, and what impacts would be consistent with the usage for that given district. The current Maui County Code has a definition, as noted, for home occupations that is extremely limiting. And before we really can do anything about where to apply this I think we have to go back and revisit what that definition is.

In the written testimony that I've submitted, I've made comment on the nine criteria that are in the current definition of home occupation and how, it's perhaps too limiting for most businesses to occur. And I would just ask also one, one other thing be considered and that would be the taxation of, of this type of, of business. Currently, under our County Code we have a home exemption, which is granted to properties exclusively used for residential use. Now, if we extend home occupations much in the same way that we've, we've now made bed and breakfast allowed, we have to think about what the taxation is. I will point out that in the Code with respect to that, it says that you won't get an exemption for that portion of the property used in, in the business way, and that's how I would have liked to have seen it addressed in the bed and breakfast bill but that's behind us. But let's move forward in a positive way on home occupation. Thank you.

CHAIR KAHO`OHALAHALA: Okay. Thank you. Members, questions for the testifier? Seeing none. Thank you very much, Mr. Croly. Our next testifier is Mr. Paul Laub.

MR. LAUB: Aloha mai kakou.

CHAIR KAHO`OHALAHALA: Aloha.

COUNCILMEMBER BAISA: Aloha.

MR. LAUB: . . . (*Spoke in Hawaiian*). . . Komohana on West Side, they call me Pauly, the recycle bicycle guy. And I brought you Friday's newspaper, if you guys haven't seen it yet. Everything that's not blocked off is a foreclosure. I think the newspaper is probably going to have a foreclosure section pretty soon. I mean it's just...it's just terrible. And...under the circumstances, since this is going to go back to the Planning Commission or Planning Department, I won't go over this little list I gave you. But I want to share with you that it used to be when we had more freedoms that people could do things in their homes. Everyone had...everyone knew somebody who fixed the toaster, who repaired this, who did that, who sharpened your lawn mower blades – there was always this. And somehow over time these little freedoms get taken away – 1, 2, 3 – and so now in your home you can't do that. And in here in this, you know, I mean I shouldn't probably even refer to it, but in one of these here it says you can't have any employees that don't live there. That means if your mother doesn't live there, she can't work for you. I mean I don't get it. These are people's homes. They fight for their homes. Many of them are losing their homes. They need to be able to keep their homes.

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They need to be able to work there. They need to be able to do things other than just tourist-based. About 90 percent, I don't care if the statistics say 40 percent, about 90 percent of our economy is tourist-based one way or the other, however you...however you slice it.

The people need to be able to reach out and do other things and learn other things and learn other trades and be able to...to be sustainable you have to trade back and forth. To be sustainable, you have to be able to do things for yourself. Take a look at the big storms that are happening in the East, big storms, people are freezing. Who's not freezing? The Amish. They're having no problems. They don't use electricity so they don't have any problems. They're getting by and they're helping their neighbors. We, if we want to get sustainable again, have to go back to relying on ourselves and our skills and our abilities. I teach kids, kids come over, I teach them how to change flats, how to repair chains, whatever. Under the old bill I can't do it. I mean if two kids come, hey, teach me how to do this, I can't do it. So, what I want to see is those freedoms come back. That we can go and do things in our own homes without everyone saying, oh, you can't do this and you can't do that. And you know, that's it. Thank you very much. Aloha.

CHAIR KAHO'OHALAHALA: Thank you. Mahalo. Members, any questions for the testifier? Okay, seeing none. Thank you very much. Okay, at this time then the Chair would like to go to the Department of Planning and ask for your comments on this bill.

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

MR. HUNT: Thank you, Chair. A little background is your Code, the Maui County Code, the zoning ordinance does contain the definition of a home occupation. However, it doesn't go on to then further explain which zoning districts they're allowed in. So even though we have interpreted that as saying, well, since it included the definition these are allowed. We think it's cleaner if you actually list them in those districts. They are currently listed in a few project districts, specifically. But the bill would provide for these in Residential, Apartments, Business Districts. We support that. We don't believe they're needed in the Business Districts as you can just operate a business in those districts, but no harm done.

The Planning Department, in reviewing the bill, suggested to the Planning Commissions that the Rural District also be included. We wanted to expand the number of districts so that there would be greater opportunity, and that was discussed. During the, the bill, the definition of a home occupation was discussed. The Planning Department suggested that a square footage be added to it. The Planning Commission considered that . . . *(change tape, start 1B)*. . . recommendation but also within the...within their discussions there was discussion about the actual definition itself. That was the basis of our February 2<sup>nd</sup> memo to you folks where we thought that given the timing of this legislation and the economy that it would be good to consider a loosening of the definition to provide more home occupations. Our analysis shows that the existing definition of a home occupation in Maui County is fairly strict, and we did a lot of research in other home occupations and

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we found that there's a variety of approaches but we could liberalize ours or loosen it. Perhaps also add some protection for the neighbors. So that was the intent of our February 2<sup>nd</sup> memo to loosen the definition but if the Committee believes that this is beyond the policy envisioned by the original resolution we can respect that. We were just hoping to take advantage of the legislation for you.

**CHAIR KAHO`OHALAHALA:** Okay. Thank you. The Chair would like to call on Deidre Tengarden [*sic*] from the Department of Economic Development. Comment on the bill?

**MS. TEGARDEN:** Thank you, Chair, Committee Members. We always have to balance the needs of the economy along with the needs of our community and availing the option to residents to have home occupations...home businesses offer as many economic and social positives to our community, including the opportunity to supplement their income, to have a much shorter commute time perhaps from your kitchen as opposed to across town, which is very good for the wallet, as well as for our environment and infrastructure. It also allows people to have more time with their families, which we know in Hawaii is very important. It also gives the people more creative freedom and when you allow people to spend more time with their families, give them that creative freedom, it makes for happier people, which makes for a healthier and happier community. A home-based business has very few start up costs. The overhead is also much lower so again these are positives for that new business owner, that new entrepreneur. It also allows the employment of family members, which is a benefit. So we certainly support this draft bill in allowing low impact home businesses in the various zoning districts in Maui County. Thank you.

**CHAIR KAHO`OHALAHALA:** Thank you. Corporation Counsel, do you have any...anything to add? Okay. Members, do you have any questions to the Departments that are here? Go ahead, Member Victorino.

**COUNCILMEMBER VICTORINO:** Thank you, Mr. Chair. First of all, for Ms. Tegarden. You know in reviewing the various permitted uses, and they're quite extensive, but most of them have very low impact to a neighborhood. The question I had for you is, how would you then from the economic opportunity side gauge the success or lack of success in these various types of businesses because now when you build a business or put a business in a certain business in an office, you know it's a business. Simple. And I guess when you start any kind of business you're supposed to get a GET but sometimes that doesn't happen. So, how would you gauge this now? And I guess that's my question for you.

**MS. TEGARDEN:** Thank you. I know that right now most of the...all of the information goes to the State and we don't have access necessarily to all that information. It is certainly something to, to look at and find a way that we can monitor the success. I know that we have a lot of businesses that, of course, go through MEO BDC, also through our Maui County Business Resource Center, people who are definitely wanting to start home-based businesses. So I think this legislation, although this doesn't quite answer your question,

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is one step...is a good step forward for those...for those entities and then making sure that there's a way to track it is something we can...we can certainly work on.

COUNCILMEMBER VICTORINO: Okay. And then for the next Department, which would be Planning, my question to you is if we allow home-based, right, businesses, how would you then be able to, again, basically the same thing, keep track because now if I dedicate a certain portion of my house for my home-based business, would it have to be in your mind a separate section, walled off, doored [*sic*] off, or hey, you know, my whole house can be my business in that respect. How would you then have some, some idea on what is a home-based business? Because I think they, they said 25 percent. I mean that's the recommendation that they're making. How would you verify these...this particular part of the bill?

MR. HUNT: Again, there's an existing home occupation definition --

COUNCILMEMBER VICTORINO: Right.

MR. HUNT: --and that's where the 25 percent is. That's, that's in your law right now. There's no suggestions to change that other than to add...there is a suggestion to add a square footage --

COUNCILMEMBER VICTORINO: Right.

MR. HUNT: --in addition to that, but even if you don't accept that, the existing definition already exists. So we would, in answer to the question, how would we monitor the 25 percent, if there's complaints, we would go through some kind of enforcement, some kind of investigation essentially.

COUNCILMEMBER VICTORINO: Okay. And then moving right down to Corp. Counsel as far as complaints and, and enforcement. My concern is like anything else it is good intentions what we start out with but then there's always "the abuser". How and where would that really trigger in because would it be necessary only triggered by a complaint by someone or would there be other mechanisms? Because when I read through this it really doesn't seem like a lot of methodology to enforce. And again, we've had to potentially create bills or correct bills or try to get something done, and again, I've always said there's no perfect bill, no perfect ordinance, no perfect law. However, we don't want to start on the wrong foot and give people the impression there's no enforceability. So, again, I go to Corp. Counsel because generally you're the one that says these are the enforcing...enforcement mechanisms or the administrative rules that the various departments would put forward. So, what is your thought process on that, Michael?

MR. HOPPER: Well, I can talk a bit about zoning enforcement. The bill that you just passed out or recommended passage was the zoning enforcement section that the Department would have to go under. Basically, they would issue a notice of warning if they had

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evidence of a business operating illegally. And then if it found sufficient evidence, they could issue a notice of violation in the future and the alleged legal business owner would have 30 days to appeal that to the Board of Variances and Appeals. And if they do appeal that, there would be a hearing before the Board, and that hearing would determine whether or not the Board felt that the notice of violation, which could require a fine to be paid up to \$1,000, was sustainable or not. Now, the...that provision would require that the Department essentially show that there was a violation of the definition here. For example, that the person was using more than 25 percent of the gross floor area of their home. Is that a difficult thing to show? I would imagine that would be difficult. The enforcement strategies and the enforcement techniques that's with the Planning Department and its investigators are charged with, and the Department of the Corporation Counsel through its litigators represent the Department in that hearing. The basic standard of proof would be to prove to the Board of Variances and Appeals that it was more likely than not that a violation did occur of this Code.

So looking through the various definitions you have or if you would amend the definition to add what the Director is recommending, that would be where you would be looking at whether or not this person was running a home-based business. And if they were not, if it was proved that they were not, then essentially if it was not listed in that zoning portion, that use is prohibited. So if they were doing a use that was prohibited, it would be punishable by a fine of up to \$1,000 per day if that use...an initial \$1,000 fine and a \$1,000 per day fine thereafter and that's true of anything in the entire zoning ordinance. So any violation of Title 19 would go under that same procedure.

COUNCILMEMBER VICTORINO: Okay, thank you. Again, conceptually I like the bill. I mean I think its time has, has come to, but I just don't want a proliferation of home-based businesses all over the place and then getting neighborhoods and divide it like we've had with the B&B and TVR issues. If we're going to do it right, let's do it right from the get go so that we won't have some challenges as the time goes on or at least minimize the challenges. And whatever we come up with we got to make sure that, you know, everybody is comfortable with it and is treated fairly, and I guess that's always been my, my take on that. You have something you want to add, Mr. Hunt?

CHAIR KAHO`OHALAHALA: Go ahead, Director.

MR. HUNT: We need to realize that the definition of a home occupation means it's a permitted use outright so there's no regulation, there's no permit applied for. However, if you don't meet the very strict definition of home occupation there are provisions for a Special Use or a Conditional Use Permit. During that permitting process there's generally an opportunity to go and visit the site and perhaps do an inspection. And if there's a renewal, then we would go and do that again. So, if the more intrusive type of home occupation that requires a permitting, then there would be greater opportunities to, to assure compliance with the impacts or regulations guarding against impacts.

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COUNCILMEMBER VICTORINO: And I thank you, Mr. Hunt, because that's exactly what I don't want happening. In other words, it would be very clear what is acceptable and what is not before we have to get to regulating and having us into a quandary. So that's, that's all basically I want people to understand that if it's permitted, fine. And if you're going to go beyond the boundaries, then there are the repercussions and that they're enforceable, I guess that's what I'm looking for. Thank you, Mr. Chair.

CHAIR KAHO`OHALAHALA: Okay. Thank you. Members, questions? Member Johnson.

VICE-CHAIR JOHNSON: Yes. This would be to Mr. Hunt. I noticed in the documents from the Hana Advisory Committee, for example, they generally tended not to favor the adoption of this particular resolution. When I read between the lines it's because of the existing definition within home occupation, is that correct?

MR. HUNT: Could I ask Joe Alueta to answer that?

VICE-CHAIR JOHNSON: Yeah.

CHAIR KAHO`OHALAHALA: Mr. Alueta, go ahead.

MR. ALUETA: Good afternoon, Mr. Chair, Council Members. At the May 5, 2008, they did recommend approval of the Department's proposed changes and at that time, the Department's proposal for the changes to the resolution was to include the Rural District, as well as establish a cap, which is as the current definition as a 25 percent of the house can be used for home occupation. We felt that this should have been a cap because as you know a lot of people are building McMansions, so a 4,000 square foot house, 25 percent would be 1,000 square foot and that's quite a, from our aspects that size could consider...have an impact. So at the time we had recommended approval of a cap at 250 square feet.

VICE-CHAIR JOHNSON: Okay. So...but they had a caveat attached to their approval because I think initially they expressed, at least in the minutes, they were a little bit concerned. I think one of the early letters in there it says that they didn't really favor it but what they were saying is that or what you're saying now is that based on the recommendations that you made with the changes to the bill itself that that was why they were willing to support it with those little alternations, is that correct?

MR. ALUETA: That's what I have in my notes. I can go back and read the minutes again on that last section. But from based on what our transmittal letter, from what I had from my notes in going to the meeting, that's what they want...that's what they voted on.

VICE-CHAIR JOHNSON: Okay. But in some of these situations, some of the recommendations with the little, you know, they each...I think Hana Advisory Committee, Molokai Planning Commission, and Lanai Planning Commission, all expressed within the minutes a little bit different concern for their community and then

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some of the issues actually having to do with the definition of home occupation came up and so if we look at what the Chair is doing right now we're just looking at the zoning categories in which it would be able to be taking place and then we'd look at a separate bill addressing the issues that you had raised and not the various communities had raised. Is that sort of where we're coming from right now?

MR. ALUETA: Sort of. What's happening is that the initial resolution came...coming down strictly was to list home occupation within the various zoning categories. We felt that was...that was fine. It would make it clearer. We were already doing, from an administrative standpoint, we were already recognizing some home-based occupations based on the definition. We felt this is an opportunity to clean up that definition by establishing a cap that was on the size rather than leaving it open-ended, and that would also facilitate an enforcement side if there was a complaint, if there was a maximum square footage we could tell how big it was. As you said, each community did have their concerns – what about this? And a lot of it is discussion among the Board during their deliberation. But what's the final vote is what I record and what I am obligated to transmit to you is what they, they voted on. We did note in all of our presentations to the Commissions, as well as the Advisory Committee, that we feel that a home occupation as a definition and it's that sort of development standard should not be in the definition section, but should be added to the residential districts or each district and create the standard of what is considered to be a home occupation, and that will come before you later on and most likely would take the form of, of another ordinance. And...but from our aspect, this is a good resolution and the proposal...proposals is a quick fix and I believe it will help 90 percent of the small business...small businesses that operate out of their home.

VICE-CHAIR JOHNSON: Thank you very much, Mr. Alueta. And Mr. Chair just as a procedural because we have gotten into, I guess, through the evolution of these hearings. The other comments that were made it's my understanding that if we introduce the new bill to address the other components even though they were brought up and discussed by the various Planning Commissions that because it's a new bill it would then have to go through the whole process again.

CHAIR KAHO`OHALAHALA: That's correct.

VICE-CHAIR JOHNSON: Okay. Thank you. And I do support this bill the way it stands with the inclusion referral.

CHAIR KAHO`OHALAHALA: Okay. Thank you, Member Johnson. Member Molina.

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman. For the Department, so the way this bill is structured we're going to, if we go ahead and proceed and authorize, support this bill, then if the Department could share with us...right now there's, I'm looking at the enforcement aspect, I'm sort of dovetailing off of what Councilmember Victorino said. I'm hoping we're looking at small scale types of occupations because, you know,

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one thing we have to make sure we have to protect the integrity of our neighborhoods as well so as not to potentially allow for any types of businesses that could be somewhat disruptive to the I guess the so-called tranquility of our neighborhoods so we don't get a thousand phone calls after this thing is passed and we don't have a sudden escalation of, you know, businesses that could sort of disrupt the harmony of our neighborhoods. The enforcement aspect, can you share with us how, if we allow for this, what the Department will do if there are complaints?

MR. HUNT: We would rely on the existing definition and we would do investigation into whether there's evidence that people are not complying with the definition of a home occupation. So as long as they operate within the existing definition, then there's no issue. Once they...once it appears through gathering of evidence that they are operating outside of that definition, and again, that definition exists right now, then we would pursue enforcement.

COUNCILMEMBER MOLINA: So will you be acting on the premise of more complaint driven or will you have so-called enforcement officers going out and checking? Would this probably, in all likelihood, have you folks come back as a Department and request additional positions? Can you share that with us if we may be looking at that as well down the road?

MR. HUNT: Generally speaking, because of our lack of resources most of our enforcement is complaint driven. That's a generalization. That's not absolute across the board. Given the current budget, I don't anticipate us asking for further inspectors, though I believe we need them and we've had this discussion I think in the last couple of years that we're understaffed, and two years ago you gave us more money and we hired two more inspectors. We're still not, we still don't have the amount of inspectors that we need. Some of it, I think, some of the burden needs to be shared by the community, and to simply put the burden on the inspectors to enforce our zoning ordinances, I think as a community we need to ask ourselves how are we going to enforce our laws that our community adopts? There is a tendency, in my opinion, there's a tendency in our community to, for Council to adopt these laws and then it's kind of a wink and a nod and there's semi-compliance, and well, go and have the inspectors enforce it. And I think as a community we need to say, hey, if we're going to adopt these laws as a community, we need to abide by our laws. And not just to put the burden on the inspectors but as a community. If your neighbor is violating a law, perhaps the burden is on you to scold them and tell them they should abide by the law. So, it's a community effort of enforcement.

COUNCILMEMBER MOLINA: I can somewhat agree with you there but at the same time we don't want to jeopardize neighborhoods, pitting people against each other because, you know, we're the ones that we're going to pass legislation and we don't want to put our residents in some difficult predicaments. But anyway, I'll lay off of that. One of our testifiers mentioned about the taxation issue, Mr. Chairman. Maybe under your signature if at a later point if we could get comments from the Finance Department with regards to

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real property tax issues and taxation if possibly we may have to consider a separate category if we go into this area. So if that could be . . .

**CHAIR KAHO`OHALAHALA:** We'll take note of that. We'll follow up on that.

**COUNCILMEMBER MOLINA:** Thank you, Mr. Chair. One more question, Mr. Chairman, with regards to the parking issues, you know, in some of our residential areas we have people parking on two sides of the road. If we, you know, we allow these additional areas to have, you know, home-based businesses, how are we going to address the parking concerns? Do we make it a requirement that these businesses have to have parking only on, you know, on their home...on their property or allow for off-street parking? Because you know, in some of these neighborhoods it's very difficult to pass through. You see, you know, you have a lot of folks living in one dwelling and then you have all of these cars parked already using the on-street parking for people who are living on the properties. And now if we allow for additional home-based businesses, how do we address the parking issue? We just...I guess the homeowner would be responsible to find a way to deal with the parking. Is that the way we're going to deal with this?

**CHAIR KAHO`OHALAHALA:** Director.

**MR. HUNT:** Your existing definition limits the amount of people who can visit the home occupation. It actually says, to paraphrase it, no visitors or customers are allowed except for a one-on-one instruction. So the only instance where parking would come in would be some kind of educational instruction – teacher to pupil type thing. Other than that, and this is what I alluded to earlier your...the existing definition is rather strict when I researched other home occupations. Many jurisdictions allow customers and clients to come to the home occupation but they regulate it perhaps by the number that can be there at one time, by the hours of the day, or whatever. But given our strict definition that we have right now, there shouldn't be much of a parking problem.

**COUNCILMEMBER MOLINA:** So you wouldn't consider putting in the bill maybe, you know, limiting the amount of parking time, no more than one hour onsite or something to that effect at this point?

**MR. HUNT:** Well, in our February 2nd memo where we proposed to loosen the definition, we did suggest that visitors could come to the...or clients could come to the home occupation but then we added extra protections to make sure that there was some protections for the neighbors. So, for instance, I believe we suggested that there can only be two vehicles at a time and at certain hours of the day. This is based on other ordinances that we researched. But as your definition stands right now no clients can come to the home occupation except for the pupil one-on-one teaching example... exception.

**COUNCILMEMBER MOLINA:** Okay, thank you, Mr. Director. Thank you, Chairman.

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CHAIR KAHO`OHALAHALA: Okay. Member Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I'm very interested in this parking issue. I think that, you know, when we did the B&B ordinance, we made it very clear that parking for the B&B had to be accommodated on the parcel or on the residence, on the lot, the same lot that the B&B is on, and I personally feel that this should be the same thing with the home occupation, that you ought to have space for that car if you're going to have it. And it should be, of course, very limited. When I talk about home occupation, I'm talking about a very small business and I'm talking about the people who might want to work on a computer, might want to do taxes, might want to do something, you know, CPAs or people like that that don't really disrupt the neighborhood at all.

I also happen to know because I'm a woman, about ladies who do fingernails, you know, do manicures and things and they have one client at a time and one comes and one goes. There are also some who do hair dressing and that's one client at a time, one comes and one goes. And I don't see that that is disturbing anybody any more than when your family comes over for dinner. And knowing local families we may have six cars in front of our house because, you know, we have big families.

So I think that we need to be reasonable and that we want to be fair in what we're doing. And if we're going to require the B&Bs to park on your property, then we should require the home businesses to park on their property. And I don't, you know, the reason why I brought this up and I've been campaigning with this now for...since 1997 was then when we were starting the business which Susie Thieman now runs now it was just a tiny little micro-enterprise program. But what we were running into was teaching people to be entrepreneurs and teaching them business skills, but then not being able to legitimately start a business in their home. And I don't know what the sense of that is because most tiny businesses cannot afford to go into a business area and rent a storefront. And by the time they pay lights and water and signs and telephones, and whatever, they can't do it, but they certainly can begin making crafts in their...in their living room or their family room or whatever it is that they're doing without a whole lot of investment. But I think that, you know, particularly in these times when we're having such a horrible economic situation and I appreciated Mr. Laub showing us *The Maui News*, you know, it's not funny any more. Every weekend when you pick up *The Maui News* we used to have four pages of ads. Now we have four pages of foreclosures and that I think is the tip of the iceberg as to where we're going.

So if you can stay at home, manufacture a little product like jewelry or something or sewing that you can take to the swap meet and sell on the weekends, or Saturdays, or whenever to supplement your family income, meanwhile watch your child or your mother who's aging and needs somebody there to be with them, save gas, save people from being on the roads and blocking up our roads with cars, I really think that we need to do this. And, you know, we can sit here and if and and forever about all the dangers that might come, but folks, they're already here. I can point you to a neighborhood where there are at least ten businesses and some of them, in my opinion, intrusive and

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complaints have been made and they're still doing it. What I would like to see is us have a reasonable ordinance, have people go in for a permit so that people can go out and check what's going on, pay a little fee for a permit, and then regulate it. And also, there's the other thing of underground economy. You know, once you have a permit then, you know, you probably would feel very comfortable in knowing you have to pay your taxes because now everybody knows that you have a business. So, you know, there's a certain amount I think of common sense and reasonableness that has to happen here if we're going to pass a law. And I certainly would like to see us do something sooner than later because of the situation we are in right now.

CHAIR KAHO`OHALAHALA: Thank you, Member Baisa. Any other questions for any of the Departments here? Go ahead, Member Johnson.

VICE-CHAIR JOHNSON: Yes, Jeff, with what Member Baisa just stated in terms of the actual securing of a permit, because home occupation is listed if it falls within the parameters or the definition of home occupation, how will these businesses be registered or permitted, or are there other things that they have to do besides just comply with the law? They don't need anything more? Just look at what the ordinance says and if they fall within that definition it will be fine?

MR. HUNT: From the Planning Department's perspective, again, we enforce Title 19. So from our perspective, if you meet the definition of a home occupation, that's all you need to do. Now, there may be other laws or business licenses, taxation, et cetera. But just because you have a home occupation or just because you meet the definition doesn't mean that you probably can't declare it on your income tax or whatever. I mean there's other laws that they would have to comply with but that wouldn't be subject to the Planning Department's enforcement. In terms of the permitting, there's certain uses that are outlined as special uses. So if you don't meet the definition, then you could come in and apply for a Special Use or perhaps a Conditional Permit.

VICE-CHAIR JOHNSON: And then that's where, that's the only time that you would be dealing with the specific permitting, and as Member Baisa had said, the acknowledgement that a business is taking place and then, you know, looking for compliance that would be the only way that you could do it is through a permit process?

MR. HUNT: Different jurisdictions do it differently and there's kind of a hierarchy. Some of them are allowed outright like we have in our definition. Some of them require a notice to the neighbors and an application to the Planning Department. Some require a declaration merely be filed with the Planning Department stating you will comply. Some require a public hearing. And most of the time, it's depending on the type of the use. It's up to us as a community on how we want to regulate these. There seems to be at least some push to have a basic, if you meet the definition, you're allowed to operate. Now there's no permitting there involved, there's no monitoring, there's no inspections.

VICE-CHAIR JOHNSON: Okay.

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MR. HUNT: If you set up a permitting system, then that puts a little more regulation and review on it but it comes with a price. It puts a little more burden on the home occupation.

VICE-CHAIR JOHNSON: Yeah.

MR. HUNT: It puts a burden on Planning Department staff.

VICE-CHAIR JOHNSON: And that's where I see right now the way this is structured it's pretty much self-regulation and we're relying on the honesty of the individuals that are conducting the business to be in compliance with the Code. So, Mr. Chair, I look forward to some of the discussion on other measures that as Member Baisa said may, you know, from a taxation perspective I think one of the testifiers had raised and then also with the nuisance aspect, businesses that do intrude into a neighborhood that do create some problems or conflicts. But I see this, Mr. Chair, as something that at least it's moving in the right direction to acknowledge and decriminalize people occupations because it is, as Member Baisa said, it's going on already. . . .*(change tape, start 2B)*. . . I think this is really an important first step and there are other aspects such as the, you know, I guess in agricultural zones what, you know, can and cannot take place. But I think this is reasonable at this point and I definitely do support it in rural areas as well. Thank you.

CHAIR KAHO`OHALAHALA: Thank you, Member Johnson. Members, any other questions? Member Nishiki.

COUNCILMEMBER NISHIKI: Jeff, 19.04.040, if someone calls your Department, have you told your staff to somehow quote 19.04.040 to the person inquiring about home occupation? And the reason why I say this is because at least, and I'm glad that it is strict, we need to look at this if we need to make some changes, but will that person be told to look at 19.04.040?

MR. HUNT: Yes. That's the standard that we use right now to regulate home occupations. Even though the law doesn't technically allow them in the Residential District, for example, if they are operating within the existing definition, we assume that that was the intent of adopting that definition. I mean, there's no word in there that says these are to be prohibited or any kind of direction like that. The direction seems to be if you meet this, you're a home occupation. So if people are operating or want to operate, we use the existing definition in 19.04 as our guidelines.

COUNCILMEMBER NISHIKI: I'm done.

CHAIR KAHO`OHALAHALA: Okay. Thank you. Members, any other questions?

COUNCILMEMBER MOLINA: Recommendation?

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**CHAIR KAHO`OHALAHALA:** Okay, seeing none. Then before we take action on this item then the Chair would just like to say, are there anyone here that would like to test...give testimony before we close? Okay, seeing none, then the Chair will officially close public testimony and take action on this item.

Before we do, Members, I think your intent of moving this and I want to thank Member Baisa for initiating this, this movement forward. It's clear that in these times what we're trying to do in our communities and we're going to have other opportunities through other initiatives through economic stimulus ideas that are being also proposed in other committees, but this is at least one area that we can assist in our communities. It's not an opportunity that would answer and would satisfy every single idea for home occupation but at least we have some guideline that is already in place, and we're merely going to expand the area in which we want this to be allowed. And that's what our task is today.

I think the recommendations that I said earlier that we would put off coming from the Department is that as we move forward we will surely be meeting with some of those other kinds of issues that will come up from time to time and at that point we will take them individually. So this is not to ignore them but just say that let's take one step first and that is to allow it to happen in an expanded area and we'll deal with the issues as they come forth. Taking note also of the question of taxation, that we're going to also be probably having more discussions in light of Budget coming up before us as well. So, as I said earlier, we'll keep the item before us so we're not going to file this. So the Chair's recommendation is that we just pass out this item. We pass out the amended draft bill and add the Rural Zoning District and recommend the passage of the bill as revised.

**VICE-CHAIR JOHNSON:** So moved.

**COUNCILMEMBER NISHIKI:** Second.

**CHAIR KAHO`OHALAHALA:** It's been moved by Member Johnson that we pass out the draft bill, as amended, for Rural Zoning District and the recommended passage of the bill as revised, and seconded by Member Nishiki. Members, any discussion on the motion? If not, then all those in favor signify by saying aye?

**COUNCIL MEMBERS:** Aye.

**CHAIR KAHO`OHALAHALA:** Any opposed? Okay. Let it show that we have six ayes, one excused, and no noes.

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**VOTE: AYES: Councilmembers Baisa, Molina, Nishiki, Victorino, Vice-Chair Johnson, and Chair Kaho`ohalahala.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Medeiros.**

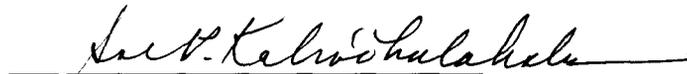
**MOTION CARRIED.**

**ACTION: Recommending FIRST READING of revised bill.**

**CHAIR KAHO`OHALAHALA:** Okay. With no other business, this meeting for Planning is now adjourned. . . .(gavel). . .

**ADJOURN: 2:38 p.m.**

APPROVED:



SOL P. KAHO`OHALAHALA, Chair  
Planning Committee

pc:min:090209

Transcribed by: Jo-Ann Sato  
Reviewed by: Clarita Balala