

PLANNING COMMITTEE

Council of the County of Maui

MINUTES

October 28, 2013

Kihei Community Center, Main Hall

CONVENE: 6:00 p.m.

PRESENT: VOTING MEMBERS:
Councilmember Donald G. Couch, Jr., Chair
Councilmember Gladys C. Baisa
Councilmember Stacy Crivello
Councilmember Don S. Guzman

EXCUSED: VOTING MEMBERS:
Councilmember Michael P. Victorino, Vice-Chair
Councilmember Elle Cochran
Councilmember Mike White

STAFF: Regina Gormley, Legislative Attorney
Yvette Bouthillier, Committee Secretary

ADMIN.: Joseph Alueta, Administrative Planning Officer, Department of Planning

OTHERS: Madge Schaefer, Maui Meadows Neighborhood Association
Peter Davis, Maui Meadows Neighborhood Association
Joe Mitchell
Craig Haueisen
Davis Schoonover
Mike Moran, Kihei Community Association
Karen Heifetz
Larry Shapiro
Michael Trotto
Mark Middleton
Others (5)

CHAIR COUCH: . . . *(gavel)* . . . Will the Planning Committee meeting of October 28th please come to order? With us tonight is Council Chair, Gladys Baisa, and Councilmember Stacy Crivello --

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COUNCILMEMBER CRIVELLO: Hi.

CHAIR COUCH: --and Councilmember Don Guzman.

COUNCILMEMBER GUZMAN: Good evening.

CHAIR COUCH: I'm the Chair of this Committee, Don Couch. We also have from the Administration, Joe Alueta. Good evening, Joe.

MR. ALUETA: Good evening, Chair.

CHAIR COUCH: And then we have, from the Staff we have Gina Gormley and Yvette Bouthillier. Good evening. Alright, Members, this is a Committee meeting. We will be taking testimony and we can also ask questions of the testifiers and, of course, the Staff as well. We won't be taking any action on the item tonight, but we will have discussion if you have any questions or concerns of the Staff. So without further ado, and we don't have remote testimony today because we are going out to the different districts, so we figured it would be redundant. We will have it in the Chambers 'cause we're set up to do that in the Chambers.

ITEM NO. 33: HOME-BASED BUSINESSES (C.C. 12-74)

CHAIR COUCH: Alright, Members, we're talking about Item PC-33, which is the Home-Based Business bill. It's in your binders. We've been talking about it for a while and one of the things requested was that you wanted us to go out to your communities and discuss it with the folks in the communities, and so that's what we're gonna be doing for the next couple weeks. Without further ado, I will start public testimony. First testifier is Madge Schaefer. Everybody please turn your phones on silent mode please. And when you come up, you can only testify on Item PC-33 and please state your name and who you are representing, if anybody. And you have three minutes. We don't have a light so she'll, Gina will tell you when three minutes are up, then you have one minute to conclude after that.

MS. SCHAEFER: Really?

CHAIR COUCH: Yes.

...BEGIN PUBLIC TESTIMONY...

MS. SCHAEFER: My name is Madge Schaefer and I'm here representing Maui Meadows Neighborhood Association.

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UNIDENTIFIED SPEAKER: ...*(inaudible)*...

MS. SCHAEFER: Can't you hear me?

CHAIR COUCH: Just get a little closer so she can pick it up.

MS. SCHAEFER: So one of the, dealing with this, and, you know, I've been before you I think at every opportunity to testify plus we, our organization sent a letter to the Planning Commission when this was heard before the Planning Commission. And I was not able to testify because you didn't accept testimony at the last meeting, so I watched you all on TV and then I went back to my Board and reported on what our input had been and what the Committee's reaction had been. I sent them an e-mail and I also sent a copy of that to Don, pardon me, Councilmember Couch. Councilmember Couch and I have very good rapport. I think that I'm probably not an exception. I think that's probably his role with the constituency, particularly in Kihei. Don said, no, no, no, no, no. I said based on the bill that we are dealing with, and we can only as citizens giving input, we can only address the bill that's before you. And there's so many things wrong with that bill that it's almost like it was premature in coming out the way, in this form. It would have been better, I think, if there had been more input and some changes, because I heard, in listening to each of you, I heard you each had concerns but nothing was done to change or address those concerns. So what we're starting with is kind of a virgin bill instead of one that you envisioned in your mind and we envisioned in our minds as what would be a helpful ordinance. So this is what Don and I disagreed on. This, the situation is, is basically, we are very concerned that the sanctity of the residential neighborhood be preserved. We are not concerned about the accountant, the writer, the neighbor who runs a business from their home and we don't know about it or if we do know about it, it has no impact to the neighborhood. But this is what I said to the committee, to our Board, who worked on this very hard. We took this and spent two hours at a Board meeting going over this chapter and verse. So what's the worse case scenario for residential neighborhoods? Unlimited businesses operating out of a property, each business --

MS. GORMLEY: Three minutes.

MS. SCHAEFER: --limited to 16 customers a day, no restrictions whether they're a resident or not, no restriction on days of operation, no restrictions on noise levels from 8:00 a.m. to 6:00 p.m., each business with a two by two sign listing name and hours of operation in the front yard, begins to sound like a commercial zone. If there's a neighborhood problem created like noise, dust or noxious odors, it will be the neighbor's problem to go to court to resolve the issues, so much for preserving the residential character of the neighborhood. I'm disappointed that, and I don't mean any disrespect by this, but I'm also old enough and cranky enough where I just kind of call it as I see it. And Ms. Baisa and I can relate.

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COUNCILMEMBER BAISA: Okay.

MS. SCHAEFER: I'm disappointed that the Council members appear more interested in promoting small business than preserving residential character. Each of you expressed that that is --

MS. GORMLEY: Four minutes.

MS. SCHAEFER: --priority when we were discussing this ordinance. I'm very concerned about the future of our neighborhood character.

CHAIR COUCH: Okay. Do you have that in writing? Would you be willing to give that?

MS. SCHAEFER: Yes.

CHAIR COUCH: Okay.

MS. SCHAEFER: I already sent it to you.

CHAIR COUCH: Well, for the Committee.

MS. SCHAEFER: Sir, sure, I'd be happy to because the full ordinance, I'm talking about what was there and I took my letter that was sent on behalf of the Board to each of you and I put in red what the action was. And on that letter, there was almost no action. The only thing you eliminated as we discussed this ...*(inaudible)*.... Okay, do you remember this? This is supposed to moo but this has been around with me since I was, a long time, and it has quit mooing. But this is the cow that's in our residential, that's allowed in our residential neighborhood, now the cow, the sheep, the goat, the pigs that are currently allowed in our neighborhood and we ask that you address that too in ½ acre zone, okay?

CHAIR COUCH: Half acre rural?

MS. SCHAEFER: Yes.

CHAIR COUCH: Okay, Members, any questions of the testifier?

COUNCILMEMBER BAISA: Ms. Schaefer, thank you. Am I understanding that somebody on a ½ acre rural lot has animals, that kind of animals?

MS. SCHAEFER: The law allows.

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COUNCILMEMBER BAISA: Yes.

MS. SCHAEFER: It does.

COUNCILMEMBER BAISA: And you're asking, you'd like to have that changed.

MS. SCHAEFER: Yes, and originally it was in and then it was dropped out in a whole segment. It was in that it would not be permitted. Obviously this cow would do just fine on 10 acres rural or maybe even 5 acres rural, but on ½ acre, probably not.

COUNCILMEMBER BAISA: Okay, thank you.

CHAIR COUCH: Thank you. Anybody else? Okay, and just in case, do you know, Maui Meadows is Rural or Ag or...

MS. SCHAEFER: It's Rural.

CHAIR COUCH: It is Rural.

MS. SCHAEFER: Rural. It's RU-0.5.

CHAIR COUCH: RU-0.5, okay.

MS. SCHAEFER: Yeah.

CHAIR COUCH: Okay, thank you.

MS. SCHAEFER: Thank you.

CHAIR COUCH: Next up is Peter Davis followed by Joe Mitchell.

MR. DAVIS: Good evening, I'm Peter Davis, appearing on behalf of the Maui Meadows Neighborhood Association of which I am currently suffering as the President. Our Board has taken a position on this bill or any home business ordinance...okay. This way? It was up towards me. Let's get real close to the mike. Okay. Our Association has taken a position with respect to any proposed home ordinance bill, which is, if we're gonna have businesses in our neighborhood, we don't want to see it, we don't want to hear it and we don't want it to create parking problems, traffic congestion. Anything that doesn't do those three things, we're probably gonna be okay with. We would ask the Council to take note of the fact that we have ½ acre lots. There are some subdivisions that have 7,000 square foot lots. The proximity between the neighbors should be taken into consideration in terms of what type of businesses you're going to allow. On a smaller lot,

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what's happening next door to you is going to impact you a lot more than a 2-acre lot or a 5- or a 10-acre parcel and a broad brush approach, which doesn't take that into account and permits a category business to be in any district regardless of the size of the lot itself, we think is inappropriate. We have particular concern with the bill, this bill in its present form in that it appears to allow auto repair, two at a time, things like that, I don't believe that has been deleted yet. One of our members pointed out that the practicing of and teaching of nature arts to the extent that it would include drumming might lead to neighborhood violence. If you have eight or ten people sitting in the backyard being taught how to drum and you're the person living next door, this is not going to be a good situation. We would also ask you to take note of the fact that we are a unique subdivision. We have CC&Rs. CC&Rs say that you can only do, you can only have residential activities and no businesses within Maui Meadows. But our CC&Rs, unlike the Waileas and the other high-end subdivisions have no body to enforce them. The only mechanism to be enforcing them is to have an individual homeowner take money, hire an attorney and litigate with their neighbor. Doesn't happen and it's really kind of an unfair burden to put on somebody, but that's the way we are currently structured and have been ever since they opened the subdivision. To the extent that you start allowing businesses that we don't want, we're gonna have to find some neighbor who's got the money and the willingness to pursue it to try to shut it down under our CC&Rs and that's just an awful big burden to put on us. So we ask you to be very careful in the drafting of this bill. Thank you.

CHAIR COUCH: Okay, thank you, Mr. Davis. Members, any questions of the testifier? Seeing none, thank you. Joe Mitchell followed by Craig Haueisen.

MR. MITCHELL: Good evening. Does that work? Can people hear? Alright. I am here tonight because for the past several months I have been in contact with the office of Councilman Couch, his very able staff, himself, et cetera. I want to publically thank them for their efforts in trying to answer my questions but I still have two questions. The first of these is this. Is there an illegal business operating in my residential neighborhood? Excuse me. Secondly, what can be done about it? They have been trying to resolve these questions but as of this moment, there's still no answers to them. And I believe that the answers to those questions are directly reflected in this pending bill. What I do know on the other side of the coin is that every day when I leave my house I go past a house which on any day of the week, seven days a week, morning, noon and night, I can see activity on vehicles. There is commercial equipment strewn around the place. It's on the driveway, it's on the lawn, it's in the garage. The garage can be open or shut, it doesn't make any difference. There can be anywhere from 10, 15, 10, 5, 10 or 15 cars in various locations on the property, across the street, on another house and on the street itself, and basically it's a complete eye sore and it has diminished, in my opinion, the value of the property, which I believe is one of stated positions for why we have a Zoning Code. So the current Code of Maui County specifically prohibits automobile

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repair. I do not understand why we should make it easier for somebody to either ignore or violate willingly the Code relative to automobile repairs, and personally I don't know of anybody who feels that it's essential to have an automobile repair operation in their, in their residential area. There are places all over the County where you can get your car repaired and you don't have to, you know, necessarily drive it a half a minute down the street to get it repaired. That's my biggest question. Secondly, the State of Hawaii specifically enumerates various businesses under the--I'll get it here--professional and vocational licensing act or whatever that provision of the State statute is, and stipulates in that that automobile repair and a whole bunch of other things that we license, is to be part of normal business operation in the State. So one of my suggestions to fix this, hopefully as time goes on, the Councilman and his Staff will be able to answer my questions. But why not, if we're trying to be serious about having a decent residential community like one of the prior speakers said, why not link the licensing and our, our view of reality with the State?

MS. GORMLEY: Three minutes.

MR. MITCHELL: One minute? What was it?

MS. GORMLEY: Three minutes.

MR. MITCHELL: That would enable us to fix the necessity for licensing with our situation. Couple of other suggestions. Why make it easier to violate the law? If this case that I just mentioned is violating the law, by reducing or by increasing the number of permitted slots from zero to two, we're simply making it easier for a person to violate the auto repair statute. Thirdly, why not have a permit? We permit everything else around here, vacation rentals, B&Bs, automobile licenses, et cetera. Why not have a permit process for running a business out of your home? But most importantly, let's make sure that we can enforce what we're talking about. I, you know, Google's a wonderful thing, as I'm sure we all --

MS. GORMLEY: Four minutes.

MR. MITCHELL: --know. And I went to Google today and I found two quotes that I felt were pertinent to this. One is from Michael Bloomberg, the current Mayor of New York City. I've always thought that if we don't want to enforce laws on the books, we should remove them from the books, but when you have laws, you breed contempt if you don't enforce them. So let's enforce what we have. Be serious about it and make absolutely certain that we are enforcing the law. And the last one was by a famous guy who lived a few years back, his name was Abraham Lincoln. He says the best way to get a bad law repealed is to enforce it strictly. And if you think of that, if we have a bad law, let's

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enforce it. Let's enforce it with all its horrible nature, whatever you want to say about it, and the public will jump out of their seats to come and say let's fix the darn thing.

CHAIR COUCH: Okay.

MR. MITCHELL: Thank you.

CHAIR COUCH: Thank you. Members, any questions of the testifier? I have a couple. Okay, Chair Baisa first.

COUNCILMEMBER BAISA: You can go ahead. Since you mentioned it, you were looking into it, maybe you can answer my question without me having to ask it.

CHAIR COUCH: Okay, you mentioned that the property has lots of cars and commercial equipment on the property itself. What do you mean by commercial equipment?

MR. MITCHELL: The primary example of that would be a commercial automobile jack --

CHAIR COUCH: Oh.

MR. MITCHELL: --big, not in the ground, but a monster --

CHAIR COUCH: Uh-huh.

MR. MITCHELL: --jack.

CHAIR COUCH: Uh-huh.

MR. MITCHELL: A second example would be lights on at night using a, you know, a powered cord and hanging it on the garage door. There are various cases with tools in them, either in the garage or out of the garage. If the person is working on the cars, he always has the garage door up so you can see whatever is going on inside the garage, that kind of thing.

CHAIR COUCH: Okay. Okay. Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Mr. Mitchell, for being here tonight. It's really important that we're out here hearing from the folks. You know, unless we hear from you in your neighborhood, what your concerns are, we may miss something and we don't want to do that. My question was, this automobile operation that you concerned about, have you called the Planning Department to ask for service or for help?

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MR. MITCHELL: Through the Councilman's office, we requested that and my understanding of the situation there is that there has been an investigation into it, and the person who did that has been on vacation for two weeks, and hopefully in the next few days that person will be in contact with the Councilman or me or whoever and we can look into the results of that investigation.

COUNCILMEMBER BAISA: Thank you very much. It's important that you report these things. And, you know, when and if we pass this law, it'll be important again that people ask, you know, it's called a Request for Service --

MR. MITCHELL: Right.

COUNCILMEMBER BAISA: -- and they let us know and then we can kind of judge how these laws are going.

MR. MITCHELL: Right.

COUNCILMEMBER BAISA: But, you know, many times we grin and bear it and that doesn't help.

MR. MITCHELL: Well, in that regard, I would also question the reason for removing from the present law an absolute prohibition of automobile repair and leaving it in there. That seems, to me, to be questionable from the wisdom standpoint.

COUNCILMEMBER BAISA: I hear you loud and clear. Thank you --

MR. MITCHELL: Okay.

COUNCILMEMBER BAISA: --very much.

MR. MITCHELL: Thank you.

CHAIR COUCH: Thank you. Members, any further questions? Thank you, Mr. Mitchell. Next up is Craig Haueisen followed by Dave Schoonover.

MR. HAUEISEN: Good evening. My name's Craig and I'm representing the Maui Meadows Neighborhood Association. Couple comments I have to make this evening. One requires keeping the residential character of our neighborhood, and this reemphasizes some of the comments we've heard earlier this evening about the commercialization of some of the properties there, including the auto repair lots and also base yards, which almost look like parking lots. I drove by a lot on the way out of Maui Meadows this evening and it had one commercial truck, one backhoe and one flatbed trailer parked in the vacant lot, and

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that's certainly something that I think that we don't need to have on an ongoing basis in a residential neighborhood. And, finally, I'd like to see enforcement once these rules or regulations are put into place, the enforcement of violators.

CHAIR COUCH: Thank you, Mr. Haueisen. Members, any questions to the testifier? Seeing none, thank you. Dave Schoonover followed by Mike Moran.

MR. SCHOONOVER: Hello. I'm Dave Schoonover, I live up the street here. Before I came here, I worked in municipal government where we were responsible for enforcing rules and regulations. I was the fire marshal in a very large city in California. And so when I read through this, problems that we would run into in my former job popped to mind, specifically, the first thing I would ask is if there could be more clarification of the problem that you're trying to solve. You know, if we're going to pass a regulation, there ought to be a rationale behind it that says we are seeing a problem or we are seeing a need in the County and in order to address that need, we're going to establish new regulation. And if, if the need is that we have unregulated businesses then my question would be, what part of the regulation is going to resolve the problem that you have identified? Specifically when I look at something like the definition of a nuisance, we talk about, you know, I mean, these are all nuisances as far as I'm concerned, I agree with you. But we're talking about a County that doesn't have a basic noise ordinance. Now you're talking about noise as a nuisance. So is the nuisance to the ear of the beholder or is there some other standard that the County could adopt as a noise ordinance as an underlying thing to say, there's a noise ordinance that everybody should be following and if you have a business that's violating the noise ordinance, you know, we're gonna whack you twice on the head. The second thing is what I see missing from this nuisance list is traffic because one of the biggest issues that I see in, you know, neighborhoods where people have home-based businesses is whether or not they're creating an impact to their neighbors by, you know, noise, smoke, dust, odors, whatever. If my neighbor's barbequing chickens to take out and sell at the beach, well, that's one thing because it smells pretty good and I'll probably get a chicken out of it. But, you know, if he's repairing cars in the front yard --

MS. GORMLEY: Three minutes.

MR. SCHOONOVER: --even where I worked before with the car repair, you'd have these levels of, if you're tuning a motor, that's one thing, if you're taking a motor out, that's another thing, if you're doing auto body repair and chopping and cutting and welding, that's another thing, because you have different levels of requirements there and you would have other codes and ordinances that would come into play like fire codes and hazmat codes and things like that. The final thing that, that, well, there's two more quick things. One, there are business that people are running out of their home and trying to, you know, make money and provide a service to the County whether it's somebody doing

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taxes, who never sees the client, somebody who's doing sewing, somebody who's babysitting. I'm a photographer, I go out, take pictures, I come back, I process them, I print 'em, I go out somewhere else and sell 'em. There's no impact to the neighborhood, zero, none. But under this, there would be no tiered level of saying we're regulating impacts as opposed to just regulating all businesses. I don't have any problem getting a permit for my business. I've got a bunch of permits already. I got my, you know, all that stuff. The final question I have is when I --

MS. GORMLEY: Four minutes.

MR. SCHOONOVER: --sorry. When I look at the, when I look at the parking requirements in here, it raises two questions in my mind. First of all, most the parking requirements are minimum parking ratios. In other words, if you have a house, you'd have to have a parking space. If you have to have a bowling alley, you need five parking spaces for each alley. You get down to home business and says a maximum of two parking spaces, it doesn't say a minimum and so I'm confused as to whether now that I have a house and I have a business and suddenly we have a regulation for parking, do I need to put more parking spaces in my front yard because it doesn't say as a minimum, it says as a maximum? Does that require me to do that and is that retroactive? I've had the business for a while, I've had my home for a while, am I now going to have to build parking lots? The final thing I will say very quickly is if somebody has...I have a business, my wife has a business, does that double the regulations on us? Do you understand that piece?

CHAIR COUCH: Uh-huh.

MR. SCHOONOVER: Okay.

CHAIR COUCH: Thank you. Thank you, Mr. Schoonover.

MR. SCHOONOVER: Yeah.

CHAIR COUCH: Alright, thank you. And just to, a couple comments before I ask for questions. One is, you may want to see Mr. Alueta, we have an opening for enforcement officer since you have experience on that. No, the other thing is you mentioned the reason for this bill and one of the reasons for this bill is to allow for certain things that may or may not have impact. Like, for instance, somebody who's cutting hair. It certainly allows, I mean, there're already, your type of business is sort of allowed, more the CPA or somebody who doesn't have a client is definitely already in the home occupation field. So we're kinda combining that and making a little more, we're trying to make a little bit more less-impactful businesses allowed. And then we do have a tier. We have, if there's gonna be some, more impact...we only have two tiers, and we could

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make more tiers if we'd like but right now we only have two tiers, the Special Use Permit and the outright permitted.

MR. SCHOONOVER: And everybody else.

CHAIR COUCH: Well the outright permitted stuff.

MR. SCHOONOVER: Yeah.

CHAIR COUCH: So, and we're looking to, the biggest thing is to not have impact on the neighborhood. That's, we're hearing everybody loud and clear and that's how we're trying to figure out we can make it so we're not listing exact things that you can and can't do 'cause you can never list everything --

MR. SCHOONOVER: Uh-huh.

CHAIR COUCH: --as opposed to just say what impacts are acceptable and what aren't.

MR. SCHOONOVER: I appreciate that.

CHAIR COUCH: So, Members, any questions?

COUNCILMEMBER BAISA: Thank you so much. I just wanted to comment. You know, we live in neighborhoods too.

MR. SCHOONOVER: Uh-huh.

COUNCILMEMBER BAISA: And I don't want that car guy next to me. You know, none of us want to live in a neighborhood that is unpleasant because of something going on that's irritating. So I think all of us will be very sensitive to trying to preserve quiet and not having too many cars going back and forth and noise. But again your thing about nuisance --

MR. SCHOONOVER: Uh-huh.

COUNCILMEMBER BAISA: --when we first started on this, we decided, we know we need a better definition of nuisance. And I believe we're working on that, Mr. Couch. Yeah, so we're aware. But thank you very much for your comments. They're very good.

MR. SCHOONOVER: Thank you.

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CHAIR COUCH: Members, any further questions? Seeing none, thank you, Mr. Schoonover. Mike, next testifier is Mike Moran followed by Karen Heifer [*sic*].

MR. MORAN: Good evening, Chair, and Committee members. My name is Mike Moran for the Kihei Community Association. First I'd like to thank you for coming out in the evening and coming to us instead of us having to come into Council. It doesn't always work for everyone, but I think we got a reasonable turnout tonight. And of course folks that can't make it in during the day sometimes can't make it in the evening either for the logical reasons we all know, but we certainly appreciate your coming out. KCA, our primary concern is preserving the character of our South Maui residential neighborhoods, which is, you know, pretty general statement but I think that sums up. Some of our specifics. We feel that the homeowners exemption should be allowable to home businesses. On signage, the closest we could come, I know this is not too specific but it's guidance, no signage beyond a small ID sign on the home. How small, well, we'll leave that to your discretion but I think you get the gist of what we're looking at. If there are employees for a home business, we feel no more than one single employee. This does not include family members, but there are two employee, only one. Single, unobtrusive, home-based businesses...let me try that again. A single, unobtrusive, home business per home regardless if an ohana exists or not. So no they don't a second business because they have an ohana. No on-street parking for business. We're already jammed with parking. Hours of operation, we feel 8:00 to 5:00 is standard business hours and we feel that should apply as well without exception. This was a tough one and the closest we could come to was...regarding noise type of things. No machinery allowed beyond normal household types. Normal household has power tools, has a drill that somebody's using but nothing beyond that. If it becomes heavy duty, it doesn't belong in a residential area. We're sometimes offered extreme examples of extraordinary entrepreneurs who start world class business out of their homes as an inducement to permit fewer restrictions on home-based businesses. Our feeling is these entrepreneurs would have found a way to accomplish these achievements regardless. Let us not confuse them with regular citizens who feel it is fine to offend and inconvenience their neighbors for their own monetary gains. Mahalo.

CHAIR COUCH: Thank you, Mr. Moran. Members, any questions to the testifier? I have one. You mentioned, and this is going to be a big sticking point, a big argument, or I mean, discussion point. You said one single business per lot, but the previous testifier mentioned that well he does one thing, he is a photographer, and his wife does another thing. She might be a bookkeeper. You know, what does the KCA, how would they handle something like that?

MR. MORAN: Okay, I'll have to give my own interpretation. I don't think we thought of that issue. We did say family, we're not counting family members. We were thinking of two physical buildings on there. Personally I expect our interpretation would be well if the

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husband has his business and the wife has hers, that's certainly fine, that's not what we were trying to address.

CHAIR COUCH: Oh, okay, alright. I just wanted to clarify that. I think that will be a big discussion point as well. Okay. Members.

COUNCILMEMBER BAISA: Mike, do you have that written so that we can have that list? I took notes --

MR. MORAN: It's, I can...

COUNCILMEMBER BAISA: --but I don't know if I got it all.

MR. MORAN: How about if I send it to the Committee tomorrow by --

COUNCILMEMBER BAISA: That would be fine.

MR. MORAN: --e-mail? Cause this is pretty ratty and kind of embarrassing to give out.

COUNCILMEMBER BAISA: They're like my notes then.

MR. MORAN: Yes, I think so.

COUNCILMEMBER BAISA: Okay, thank you.

MR. MORAN: But probably maybe not as clear.

COUNCILMEMBER BAISA: Thank you. It's a good list.

MR. MORAN: Thank you. And again I thank you guys for coming out. And one other thing which I should've said is we felt that this is how you form the bill. You know there's --

CHAIR COUCH: Right.

MR. MORAN: --some questions about what's in the bill. But this isn't a final version that you're saying take it or leave it. That's why you're having these people give input to formulate the bill. So we think everything is going fine. Mahalo.

CHAIR COUCH: Thank you. Members, any further questions? Seeing none, thank you, Mr. Moran. Karen Heifer followed by Larry Shapiro.

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MS. HEIFETZ: Good evening. My name is Karen Heifetz and I've been, my husband and I have been property owners in Maui Meadows for the past 14 years. Even though Maui Meadows has ½ acre lots, most of the lots have two dwellings, and we feel that any home business that would bring any cars to Maui Meadows would be detrimental to our property values. We already have parking problems that are not enforced in Maui Meadows. The all night parking ordinance is not enforced in Maui Meadows. The parking on cul-de-sacs where it is posted is not enforced. Seven years ago I requested no parking anytime signs on my cul-de-sac where my husband and I reside because we could not access our property and there was also a safety concern of emergency vehicles. There are many cul-de-sacs and dead-end roads in Maui Meadows. My understanding also is there's no parking on the sidewalk which, to my understanding, is the area between the property and the roadway and that's another thing that is not being enforced. So any home-based business is only gonna make parking issues, parking in front of other people's homes, blocking access to other people's property more of a problem. There's so many illegal businesses operating in Maui Meadows. If you go to Google Maps, you can see the name of the businesses right on the Google Maps, massage, yoga, everything. So there's also noise issues in Maui Meadows, and business signs should also not be allowed in our residential area. Those are my comments. Thank you for allowing me to speak.

CHAIR COUCH: Thank you. And that's Heifetz?

MS. HEIFETZ: Yes.

CHAIR COUCH: Oh, okay, they have E-R here. Is it H-E-I-F-E-T-Z?

MS. HEIFETZ: Yes.

CHAIR COUCH: T-Z, okay, thank you. Members, any questions for Ms. Heifetz? Seeing none, thank you very much for coming out. Alright, next testifier is Larry Shapiro followed by Michael Trotto.

MR. SHAPIRO: I just wanted to reiterate thanking you all for coming here so that we don't have to come to see you during the day. I had previously submitted some extensive comments and suggested changes that related to the very first version of this bill and now we're, I guess, on version two. So I won't repeat all of those comments but I did just have a few things that I wanted to mention that I've heard other people say. And I'm glad to hear that it sounds as though you all are aware of this and are striving for it, which is maintaining the residential character of neighborhoods. I think it's important to try to support home-based businesses but not at the expense of neighbors. I think that when home-based businesses becomes so successful or so busy, they need to move out. And what I object to is the idea of basically neighbor or neighborhood-funded home-based

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businesses. In other words, the neighbors are sacrificing their peace and quiet, the amenities of the neighborhood and their property values because someone doesn't want to rent a commercial space. They want to continue to operate their business out of their home. I think that one of the standards that is in the current proposal allows up to 16 customers a day, which, to me, is a huge amount. One of the, just to go back for a minute to the original comments that I had submitted some time back, I had mentioned a possible standard of a home-based business being such that it's one that other neighbors don't really know under ordinary circumstances that it exists. And I still think that that's an appropriate standard because it does maintain the essential character, residential character, of the neighborhood and it also helps to maintain the home-based business to the extent that they are low impact. I think that, as other testifiers have mentioned, auto repair shops are completely inappropriate in a residential neighborhood no matter how many autos are being worked on. I don't think anyone who owns a property, for example, would be excited about mentioning it in a disclosure if they go to sell it that there's an auto repair shop next door to their house or any other business that has say 16 customers a day. I also think some standards, even though I understand that the current proposal is trying to focus on impacts, I think that there should be some specific standards so people have an idea of what's expected of them. So, for example, if you came up with a number, and I'm sure it's arbitrary, but you said, alright, six customers --

MS. GORMLEY: Three minutes.

MR. SHAPIRO: --a day, something like that or particular hours of operation so people knew what was expected, it's easy to see what's violated as opposed to just that the overall nuisance standard, which is not so easy to determine and is very subjective. And lastly I wanted to mention another issue having to do with neighborhood impacts which my neighbor, Craig, has already mentioned, we have a problem and this relates to enforcement as well and also to kind of home-based business creep. We have a contractor who lives around the corner from us whose equipment just kind of has not taken over the neighborhood, but has expanded on the corner of Keha and Kupalau. He's got a big dump truck, he's got a backhoe and a trailer. There's been all kinds of stuff over the years. We've made various and numerous requests for service.

MS. GORMLEY: Four minutes.

MR. SHAPIRO: Stuff is still there. It's gone away, come back. So enforcement is a big issue and one of things that I had originally put in my proposal was the suggestion that home-based businesses have to keep their equipment and motor vehicles on their property, not on the public street and not on vacant lots. Thank you very much.

CHAIR COUCH: Thank you, Mr. Shapiro. Members, any questions of Mr. Shapiro? I do have one. You know, we talked about, you talked about the 16 customers per day and that

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may be worded a little, you know, not very clearly. The idea behind that was, for instance, I think one of the other testifiers said you may have somebody who's a CPA and have somebody come and visit, you know, a customer come. The idea was to have one per hour, one customer per hour, but typically on somebody like a CPA or whatnot, you want, sometimes you have a husband and wife come, so are they violating if they both come? So maybe we can reword that somehow, but that was the intent, it's just not to have 16 different customers during the day but maybe a couple, you know, once a day for eight hours. So we're gonna look into how we can tweak that but, yeah, I can see how, the way it's written now, you know, 16 per day means you can get one every half hour and that's...

MR. SHAPIRO: It's kind of alarming.

CHAIR COUCH: Yeah, that is a little bit too much. Okay.

MR. SHAPIRO: Great. Thank you very much.

CHAIR COUCH: Members, any questions? Okay, thank you.

MR. SHAPIRO: Thank you.

CHAIR COUCH: Next testifier is Michael Trotto followed by Mark Middleton.

MR. TROTTO: Good evening. Thanks for being here. I'm glad to hear some of the comments you're making 'cause one of the things I was gonna bring up that hopefully we'll have a little common sense when we put this ordinance together and I know that's kinda contrary to when you do laws, right, common sense? Nobody does that. But anyway, I see it's coming out, you're thinking about things like that. The one thing about some businesses, I feel that if you have a business and that involves an activity and equipment and things that would normally be found in an industrial or a light industrial setting, it doesn't have any place, it doesn't belong in residential. I mean, that's the baseline. So this, talking about car repairs, I lived next door, somebody did it, it was horrible. Some of our newer neighborhoods that have zero lot lines, you know that's gonna be a problem for the neighbors. So anything like that, big jacks, things like that, like a person said, I think that should be common sense, no. Small business, offices, you know, I'm a real estate agent, if I want to have somebody, I should have, it should be a permitted use in my home, same with bookkeepers, things like that. They're very benign. Sometimes neighbors don't even know it's going on. I know, I'm trying to think of what business you can have in your house where you'd have a trail of cars coming all day long. I really don't know but you'd have to look at it on a case-by-case basis and your neighbors would be, so, but home-based business to me goes with private property rights. I think it should be preserved. And we've had this for many, many years. I mean, I grew up where

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doctors worked out of their homes. They put a sign no much bigger than what you have in front of yourselves right now. It just said so and so MD on the window, wasn't out by the road or anything. So I think that's permissible. You should be able to do that in your home. I know it gets carried away. I called a bus company, believe it or not, a commercial bus company to complain about their bus and they told me that was permitted by them that their bus drivers could bring their busses home. In this case, the bus driver wasn't parking it in front of his house, he was parking it in front of my house, so it was an issue. So those kind of things but bus companies need to know that too, right? If they have their laws or they have their way of doing business, permits that then you gotta say no to that. You drive through the neighborhoods, you see all kinds of commercial vehicles parked after business hours, right? End of the day, they bring their trucks home or whatever it is. I did that with downhill bike. We had a business on a street, took a year to get that moved, one year of working. They had seven or eight employees come, do a tailgate meeting, then they'd all get in the vans, they left their cars there all day, you know, that kind of thing. So those are the things you'd wanna say no to. There's one other thing in the bill, it said that you couldn't exchange for money or, you know, if somebody, I don't know if it's still in there, but hopefully, I read that in the old bill maybe so hopefully that's gone. And also, about deliveries, now, to me deliveries is if you're gonna have a 45-foot flatbed with a tractor and a forklift coming to your house every week, well then --

MS. GORMLEY: Three minutes.

MR. TROTTO: --no, you're not going to have that in a residential, right, you gotta get that out. But UPS, FedEx, you know, if I have a business and I need overnight mail, I mean I should have that, everybody gets FedEx to their house. They don't have it coming every day but it should be allowed, it shouldn't be in the bill. So again, common sense kind of things and trying to keep the character of the neighborhoods is paramount. I like the fact that you're thinking about that but I don't want a have a, somebody has a very benign business, have to get a permit. I don't think it needs a permit. I don't think it needs to get the property tax division involved or any of that. So thanks for doing what you're doing. That's all I have to say.

CHAIR COUCH: Thank you, Mr. Trotto. Members, any questions of the testifier?

COUNCILMEMBER BAISA: Not a question, but congratulations on your award. I saw it in the paper. Well deserved.

MR. TROTTO: Thank you very much. Thank you.

COUNCILMEMBER BAISA: Also I want to tell you about there was houses where cars come and go regularly, generally you need to call the police. We had one in our neighborhood

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and we saw them on the front page several weeks after I turned them in. That's usually not a very good thing. But, you know, I really like the things you mentioned, particularly about base yards in neighborhoods. I'm very familiar with this. We see it a lot with small business that instead of having a base yard, they have it in their yard and they're all over the place. And also busses being taken home, big busses, and parked on the street. So those are things we can watch out for while we do this. Thank you.

MR. TROTTO: Okay, thanks.

CHAIR COUCH: Thank you. Members, any further questions? I have one. You mentioned the people coming home in their commercial vehicles for the night. Are you saying that we should completely not allow that or keep it off the street?

MR. TROTTO: I don't think it should be allowed in a residential area. I don't think you should be able to bring your work vehicles and park 'em on a public street in a residential area. That's what...

CHAIR COUCH: That's what I'm saying. In their driveway, they can park in their driveway?

MR. TROTTO: If it's a one vehicle in your driveway and, you know, that's --

CHAIR COUCH: Yeah.

MR. TROTTO: --that's in your private yard --

CHAIR COUCH: Yeah.

MR. TROTTO: --okay. But --

CHAIR COUCH: Yeah.

MR. TROTTO: --I mean, I'm talking about truck lined up along the street on --

CHAIR COUCH: Yeah.

MR. TROTTO: --both sides in front of other people's houses, that kind of thing. Cause usually it starts with one truck and then you get another one and then you get another one so.

CHAIR COUCH: Okay, thank you. Members, any further questions? Seeing none, thank you Mr. Trotto. Last person signed up to testify is Mark Middleton. Anybody else wants to testify, please sign up with Arthur over there. I think it's with, oh no, I'm sorry, with Yvette.

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MR. MIDDLETON: Okay, aloha, Planning Committee. Thank you very much for holding this community opportunity for people to give inputs. As many small business as I've seen around the community, I'm shocked that there's only a couple pro small business people here. I am one of which but before I moved to Hawaii I used to be kind of like Schoonover, and we're both photographers so we know each other outside of this venue. But I used to be the corporate safety manager for Intel and I had about all of the company at that point, I was also regional manager with a third of the company. But when I was in charge of the overall safety environment and health of the corporation, we had this great idea of doing these home-based businesses in Germany, and because we ran it through the company we did all the things that we thought were important and I understand the seats you're sitting in. It's incredibly difficult because when it gets down to it and you really put it to paper, some of the regulations can be onerous. And we actually killed the entire home-based business stuff for our corporation in Germany. Most of those people that were excellent engineers, we wanted to go inspect their electrical, we required, I mean we did inspections, it was \$40,000 per person and we ended up basically losing all of those great people. So it's a lesson learned. I just wanted to share it real quickly. But there is something in safety and in the 1970s, OSHA came out with these great laws about how to protect people. And we built from there and added new laws and more regulations when new things came into place and we had new scaffolding, new ways of doing trenching. There's different things that would come up and allow different changes, which is what is happening here I believe. We've got computers, we've got this ability to do more work from home. We've got an ability, which I'm really glad to hear a little bit, I'm normally a little more prepared, I've got some thoughts down but I didn't know the full differences between the home occupation versus the home business. But I would like to share a couple of my thoughts. The tiered system is what worked for us. Performance standards is what worked for OSHA and for taking care of safety. There's a general duty clause, 5A, that says as an employer you will not hurt your employees. If there's no law in the books anywhere and you still end up doing something that hurts your employees or puts your employees at risk, you're still liable. Performance standards are the things that's gonna help us, right? It's not, it's actually the opposite of saying the house has to be 7,500 square feet or the lot, or the lot has to be 7,500 square feet or the house has to be so big. It's what is the impact. It is what are we really trying to fix and I hear what we're trying to fix. It's exactly what I would be trying to fix, is the nuisance, noise-making businesses. So the home occupations, I see like three tiers. I see a first tier where it's the, you don't know they're there. There's no signs, there's no marketing, there's no even maybe visitors or there's whatever number you end up coming up with that's just a couple, but I see it as really the benign, you know, who might be having a lot of people come over, a music teacher, a tutor, a yoga instructor. They might be having people come over. If they're cranking their music then we should have a noise standard, 50 decibels at the property line, 110 decibel impact noise. We have standards that have worked in a lot of places. So there's some wisdom out there that we can gather from.

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That being said, I would like to have a lot of these home businesses next to me and a lot of the smaller, benign home businesses, an accountant or a real estate agent or a artist or a sculptor as long as they're not making those noise or noxious odor type problems. I was also next to, the second largest ever cocaine bust was one of my neighbors. Another one ran prostitution for a year and a half. Another one ran their illegal contracting. Another one was a painter and they had, this has been a bad house. Well I told the neighbor because he felt so bad that I wanted to rent the house. And so now I have and that is where I like to do some of my photography. Basically we print and then we send out the prints. But once in a while --

MS. GORMLEY: Three minutes.

MR. MIDDLETON: --you stretch a print and so we have a little bit of table saw noise, gun noise, and then we make a crate and we send it out. I have, and I've heard a little bit in this, I'm trying to go fast because I don't want to miss all my points. But I've got basically three people that come over anywhere between three hours a day or for like four days a week or one person who comes over twice for five hours and another person who comes over one day for seven hours just to help with different things. Both, one's a grandmother, one's a grandfather, the other one's a new college student, I'm mentoring. I just put a little studio up in the garage, not because I have time to do any portrait studios, I don't want to have people coming over at my house and all of that, we just needed a little bit more space. But I put it there so that they could actually grow and go off and do head shots for realtors or do family portraits, they do quinceañeras and a lot of stuff in their community. I try to support that --

MS. GORMLEY: Four minutes.

MR. MIDDLETON: --and I've had three interns over the past year. So if you end up saying that an employee, a specific number of employees or contractors, I think it should be a full-time equivalent, you know, if you have different talent that comes over just for a few hours. I wouldn't want to pigeonhole and require me to get rid of interns and not do that anymore or, you know what I mean? I'm talking about a total of like 15 hours of work that happens during the week and I like that as a performance standard. So one, my three tiers basically is the, tier one is kind of the integrated home occupation where you're not really doing anything to the neighbors. Tier two is where it gets more confusing and tier three, to me, is just basically not acceptable. It's running these automotive places or having, you know, giant commercial kitchens and stuff like that. And that happens too, wedding cake industries. I happen to shoot a lot of real estate photography. I've been in a lot of houses. I've seen a lot of things. There's a lot of 'em out there. I'm surprised there's less people here but I think some people get a little worried about showing --

MS. GORMLEY: Five minutes.

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MR. MIDDLETON: --their faces.

CHAIR COUCH: Mr. Middleton, could --

MR. MIDDLETON: Yes.

CHAIR COUCH: --you wrap it up please.

MR. MIDDLETON: I absolutely will. So those are my main thoughts. It's if we can, you know, maybe the third tier is completely off limits but I think there needs to be a very large tier of there's no traffic on the street, there's, and somewhere in the middle is where it gets more difficult. And, frankly, that may be permitted and...

CHAIR COUCH: Hang on. Members, any questions to the testifier? I have a comment or two. One is, yeah, we do have a tiered system and pretty much like you're saying.

MR. MIDDLETON: Okay.

CHAIR COUCH: We have one tier that is benign, it's outright permitted. The second tier would be, you'd have to have some sort of public hearing for the neighbors to talk about, say yes or no, we want this in our neighborhood and that would be a permitted, you would have to get a permit for that. Then the third tier, as you say, is completely off the books, we just don't allow 'em. That's how we're trying to base this at this point. You did mention full-time equivalent. Thank you for that comment because I, you know, nobody brought that up before, that you have a couple part-time people come in.

MR. MIDDLETON: Small business is small so.

CHAIR COUCH: Yeah, yeah. Okay. And for the rest of the, you know, for your benefit and for everybody who's still here, we are trying to have an outright permitted home occupation type thing where if there's no impact then it's outright permitted, and then what we are trying to determine is where that line is to go to the permitted and then the not permitted. So that's why we're having you guys here to talk about it.

MR. MIDDLETON: That's outstanding.

CHAIR COUCH: And, Ms. Baisa.

MR. MIDDLETON: Outstanding.

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COUNCILMEMBER BAISA: Thank you, Chair. In the old ordinance, we had a laundry list of things that were permitted and it really made it very cumbersome because if it wasn't permitted then it wasn't permitted. So I think we're trying to narrow this down to no impact, and, you know, those are the ladies that do nails and, you know, take care of a baby, or, hopefully it's not a crying baby. I know all about those. Or, you know, something very innocuous and that should be, in my opinion, that should be okay. But then there's these other folks who might have a customer once an hour or once every two hours, might be somebody consulting with financial things or insurance, or God knows what, you know, might be and that we want to regulate. And then the folks like the cars and noise and smell and irritation until late at night with lights and whatever. I really feel that belongs someplace else and not in a residential neighborhood. So we got a lot of work before us to try and narrow this down and lot of more communities to talk to but I think we're all going in the same direction. We just want people to be comfortable doing their business at home and not be afraid of being reported that I'm doing taxes in my home, but we want to make sure they're not destroying our neighborhoods either, 'cause, you know, the world's revolving and if some folks can work at home on their computer without bothering anybody, why not. Also I like it in terms of providing care in the home. You know a lot of us might have a child that needs to be cared for and it's expensive to send them to daycare but mom could do something at home. My landlady is a medical transcriptionist and she stays at home, doesn't bother anybody and has raised her family. And then there's, you know, other people that could do something like that, or take care of an elderly parent and still have, be at home. So that's, you know, it's a new world and we're trying move with it. But thank you.

MR. MIDDLETON: Excellent. Just five seconds because I didn't hear it and it was one of my main thoughts. Yes, regular business hours, might be 8:00 to 5:00, but not in a residence. In Hana the noise is like 10:00 to 4:00 or 3:00 and I think that's how it should be in residences. Eight is too early. People are trying to sleep in on their day off. In a residence, if you want to cause a lot of issues, I think you allow noise work to start at 8:00 and you'll have plenty of problems. I would really limit those hours and that'll help you take some of those businesses and force them into proper locations. Thank you very much.

CHAIR COUCH: Okay. Any further questions for the testifier? Seeing none, Mr. Middleton was the last person to sign up to testify. Anybody out there, get one last chance to come up and testify? Seeing nobody rushing up to the microphone, Members, without objection I want to close public testimony.

COUNCIL MEMBERS: No objections.

...END OF PUBLIC TESTIMONY...

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CHAIR COUCH: Okay, thank you. Members, this is a regular meeting so we have the Planning Department here. If anybody has brought up anything that you have questions for Mr. Alueta, feel free to ask. If not, we can go on from here. Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And I won't belabor this but, you know, for many years I've been working with Mr. Alueta on, you know, zoning ordinances and rules and all this kind of stuff. And it's often said well I made a report and nothing happened. I wanted Mr. Alueta to comment on that. Maybe he can explain why it's so difficult to have anything happen, Mr. Chair, if that's okay.

CHAIR COUCH: Yeah.

MR. ALUETA: Thank you, Mr. Chair. As far as the RFS system goes, Request for Services, it can, you know, when a complaint comes in, it gets sorted out as to whether the complaint actually is for the Planning Department. Sometimes if they come through, not directly to the Planning Department, it may, the complaint may actually have been routed to Public Works because it was a building issue. If it's a land zoning issue, then it will make its way to the Zoning Enforcement Division. We do have three inspectors basically for the entire three islands. So as you can imagine, we can get a little overworked. However, they do try to, if, as long as somebody files a complaint and they leave their name and number and contact information, we will respond back to that person with the resolution. Either we'll contact them and say we investigated, we found nothing wrong or not enough evidence at the time to pursue the matter and the issue is dropped. If it does become, based on our investigation, there is enough information gathered that we would, it would warrant a notice of warning, we would then issue a notice of warning first to let the person know that there was a complaint, we investigated, we feel that there is enough information, let them know what they did, what's wrong and what they need to stop and we give them a time frame. It's, but again, normally, if someone doesn't get responded back to, it's because we don't have a contact information.

COUNCILMEMBER BAISA: Thank you very much, Mr. Alueta.

CHAIR COUCH: Mr. Alueta, some of the comments made by the testifiers, your thoughts on enforceability, et cetera or possible additions or changes we could make to the current ordinance or current bill.

MR. ALUETA: I think a lot of the comments were very well. I think some of it is already addressed in the bill so that's a good thing. It was interesting, again, everyone has their different view or, of how the bill should be and there's such a wide variety, and so you're probably not going to get consensus no matter how well we try to draft the bill. But currently again, the position of the Planning Department in assisting the Council with drafting this bill is, we prefer a, again, a tiered system. We currently have what we call

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home occupation, which is an allowed use by right listed in the variety of residential districts. We then believe that there should be some type of home-based business with a different set of standards that would be allowed by a Special Use Permit. I believe that the current bill is trying to merge home occupation with a sort of a, some additional standards for the home, for home-based business. Again we would prefer to keep them separated and again have one listed as an accessory use within or I guess I should say both of them should be some type of accessory or permitted use --

CHAIR COUCH: Right.

MR. ALUETA: --within the residential district, and then the next one should be by special use within the residential districts. I think one of the things that we, that wasn't talked about is that within whatever type of business whether it's, if it's done by a Special Use Permit, it should be made clear that it's, should be part of and the principal use is still a residential --

CHAIR COUCH: Right.

MR. ALUETA: --unit. So again one of the first things I thought of when I saw this was I would go buy a great residential property on a nice busy corner. I wouldn't live there but I would operate my business out of there.

CHAIR COUCH: Right.

MR. ALUETA: And so no one would actually, so no one would actually live at the residential house but that's where I would conduct my "home-based business", and in Kihei you have many busy corners so that would be, it could be anyone could open up a little "snack stand". I think some of the hours mentioned about it would be better to have a finite defined hours, I think that's, we'd wanna have those standards put back in. As far as the number of employees, it should be, as in within the home occupation and the home-based business, you should have, you have the principal residents and so it can be family members provided those family members are living on site. So if you just say that you can have any family members, you gonna have, what if the family members live in Haiku but the business is in Kihei. So are you gonna say you're not going to count those as off-site employees. I think you need to specify that if you gonna have the occupants as well as family members, but they have to be living on the site I think. And then as far as full-time or part-time, that's a unenforceable thing. There is no way that we would be able to regulate or determine whether or not you have a part-time. It's just, if there's another employee on the site other than the occupants of the home, that's easy enough for us to determine if there is, someone files a complaint then we need to investigate. I don't want to have to have an inspectors try to figure out, are you a part-time resident or a

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part-time worker. You can have, as long as there's only one additional or how many additional employees you say to be on the site.

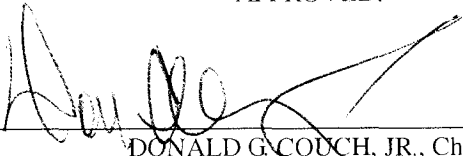
CHAIR COUCH: Okay, thank you. And I know you were mentioning some of the things. Just so you know, definitely in the general standards section it does say the home-based business shall be clearly incidental and secondary to the use of the dwelling as a residence. Is that sufficient enough language for you, okay. Members, any further questions for Mr. Alueta? Okay, if you have any, feel free to submit 'em to me and we'll get 'em in the next set of meetings that we have. And you guys out there, thank you very much for joining us. This is by no means the end of this. You can always send us e-mail and I think some of you are going to send us what you testified in e-mail. Keep watching, keep an eye out on this 'cause we want your input, we want to make it so it doesn't affect the neighborhood, but it also allows for certain people to be able to work out of their home without a lot of impact.

ACTION: DEFER pending further discussion

CHAIR COUCH: So thank you very much. Without any, if there's no further discussion, this meeting is adjourned. . . . (*gavel*) . . .

ADJOURN: 7:10 p.m.

APPROVED:



DONALD G. COUCH, JR., Chair
Planning Committee

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Transcribed by: Annette Perkett

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South Maui District

CERTIFICATE

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

DATED the 18th day of November, 2013, in Haiku, Hawaii.


Annette L. Perkett
Annette L. Perkett