

HANA ADVISORY COMMITTEE  
TO THE MAUI PLANNING COMMISSION  
REGULAR MINUTES  
OCTOBER 29, 2019

**A. CALL TO ORDER**

The meeting of the Hana Advisory Committee (Committee) was called to order by Chairperson Gale Notestone at approximately 4:00 p.m., Tuesday, October 29, 2019, at Helene Hall, 150 Keawa Place, Hana Bay, Hana, Maui, Hawaii.

A quorum of the Committee was present (see Record of Attendance).

Chair Notestone: . . . Hana Advisory Committee, Hana Town, October 29, 2019, calling the meeting to order. Today's an exciting day 'cause we have the second item, which is the Election of Officers for the 2019-2020 Year, we're going to nominate and put in place a chair and a vice-chair. And as the Chair, well, first I want to introduce who we have here. We have on my far left Maya Ross, and Linda Clark, we have David Kawika Kaina, the Vice-Chair, we have David Galazin, correct?

Mr. Galazin: Yeah.

Chair Notestone: He's the Corp Counsel. To my right we have Dawn Lono, and then Lehua Cosma, and our Secretary, Suzie Esmeralda. And my name is Gale Notestone, I'm your Chair. Welcome everybody. Calling to order. The second item is our election. Do I have any nominations?

**B. ELECTION OF OFFICERS for 2019-2020 YEAR – Chair and Vice-Chair**

Ms. Clark: I nominate -- I nominate Gale Notestone.

Ms. Lono: I second.

Chair Notestone: We have a second. We have a second.

Ms. Lono: I close nominations.

Ms. Clark: Second.

Chair Notestone: We have a second. All in favor, say aye? All oppose? I see none. I continue.

**It has been nominated by Committee Member Linda Clark, seconded by Committee Member Dawn Lono, then**

**VOTED: that Committee Member Gale Notestone serve as Chair for the 2019-2020 year.**

(Assenting: L. Clark; L. Cosma; D. Kaina; D. Lono; M. Ross)  
(Excused: L. Kahaleuahi)

Chair Notestone: Next is ...(due to technical difficulties, a brief recess was taken)... okay, we'll continue, bringing the meeting back to order, we're going to continue the election process for the Hana Advisory Committee, and we're looking for a nomination for vice-chair. Currently, it's David Kawika Kaina. Do I have a nomination?

Ms. Cosma: I'd like to make a nomination that we use Kawika Kaina again as the vice-chair. Thank you.

Chair Notestone: Do we have any other nominations?

Ms. Clark: We need a second for that? Yeah? I'll second Kawika Kaina.

Chair Notestone: We have a second for Kawika.

Ms. Lono: I move we close nominations.

Chair Notestone: We have a move to close nominations.

Ms. Clark: Second.

Chair Notestone: Second. All in favor say aye? All oppose? It's unanimous.

**It has been nominated by Committee Member Lehua Cosma, seconded by Committee Member Linda Clark, then**

**VOTED: that Committee Member David Kawika Kaina serve as Vice-Chair for the 2019-2020 year.**

(Assenting: L. Clark; L. Cosma; D. Lono; G. Notestone; M. Ross)  
(Excused: L. Kahaleuahi)

Chair Notestone: Okay, moving on to the next item, which is Public Testimony, and at the direction, I gotta read this so:

*Chair Notestone read the following agenda item description into the record:*

**C. PUBLIC TESTIMONY** - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS.

Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

Chair Notestone: And I would like it to go, at this time, public testimony. Do we have anybody in the audience who would like to testify? I see one, John Blumer-Buell. If you'd state your name. Thank you for coming.

Mr. Blumer-Buell: Okay, aloha, Advisory Committee Members, and thanks for serving, and congratulations to Gale and Kawika. Just a brief note. I thank you guys. The last meeting I was at was about a project in Nahiku and I was real impressed with -- I know people feel a lot of ways but I was real impressed with the Committee, and Kawika in particular, he did the right thing, and you asked for due process, no decision, but due process, and that was the right thing to do. It's just in another world right now. So I'm testifying, first, I submitted about 15 pages of testimony to -- hope you had time to read it and, yeah, 15 pages.

Chair Notestone: We didn't get 15.

Mr. Blumer-Buell: Well, whatever it is.

Chair Notestone: Yeah.

Mr. Blumer-Buell: Should have been.

Ms. Lono: Eight. Eight pages.

Mr. Blumer-Buell: Okay, and then there was another four -- four or five pages from Dick Mayer. Did you get --

Ms. Lono: I got Dick Mayer.

Mr. Blumer-Buell: Okay, good. I'll just go ahead, and I hope that anybody that's here, the applicants, like Monyca and so forth, if anybody has any questions, you can always call me, and I'm just, today, I'm just here to help. I think I've got a lot of good background. I'm going to stick around as long as I can if you want me to help out during your deliberations, you have questions, I'm happy to do that. They do that sometimes at Council. So you got the eight pages or ten pages, and the thing -- I went through all of this, it's a -- you know, we have a crisis on Maui right now regarding overtourism, affordable housing, and the vacation rentals, and that's what this hearing's about to a large extent. Now I gave you a lot of information, but I, of course, I had to do it kinda

last minute. I'm going to read you something that's not in there and it says: I should have mentioned in my written testimony that both short-term rentals, STRs, and bed and breakfasts, B&B applicants can already and legally have long-term rentals without this long -- long permit process. Long-term rentals can be rented for a minimum of six months. This is a -- this is helpful to the rental market, for example, rentals to teachers. The owners still have six months for their own use. And the County Council is currently considering a property tax structure that will reward owners making affordable -- affordable and long-term rentals. So these are both things that exist right now. I think what -- whoever -- people to do long-term rentals, they're going to get a tax break. I don't know what it's going to be. You can call Tasha Kama on that. But you can definitely do long-term rentals now and if the Hana Advisory Committee denies either or both, the owners can still rent long-term for income. So I just wanted to be sure that everybody, including the applicants, knew that. And I'm going to -- I highlighted a little of my October 27<sup>th</sup> letter, and you cut me off, Chair, 'cause I know -- it would take me -- if somebody wants to read that out loud, they can, but I'll make sure I read little, if you stop me, that's fine. On page 2 --

Chair Notestone: John, do we have that? We have that in our handout here?

Mr. Blumer-Buell: You should.

Chair Notestone: Yeah.

Mr. Blumer-Buell: I gave it to the -- the -- if you don't have it, it's -- no, right, it's eight pages or ten pages, actually.

Mr. Kaina: I think that's the two pages we're missing. I think we're missing the two pages.

Chair Notestone: I think we're -- I think we're missing those two pages.

Mr. Blumer-Buell: Okay. But is it dated October 27?

Ms. Lono: I have October ...(inaudible - not speaking into the microphone)...

Mr. Blumer-Buell: That's -- okay, and then there's a second one I submitted on the -- yesterday, and I talked to Mr. Quigless, they got it, we had a nice talk, and they were going to distribute it. So it's really unfortunate if you didn't get that.

Chair Notestone: Well, Mr. Quigless hasn't given his presentation yet so --

Mr. Blumer-Buell: But you should have my testimony to refer to. Well, I'll go ahead with this and, hopefully, you can find that and make copies. This is -- it's ten pages, big type, but on page 2, and here's some background. I spent more than five years with 25 other -- with 24 other citizens from Maui working on the Maui Island Plan or General Plan, more than five years, sometimes we met every week, oftentimes every other week. It was a big long process. And the documents are numerous. So I do a lot of quoting from the General Plan. It's law. And for your information, the Hana Community Plan, 1994 plan, is law, and by law, if the Hana Community Plan is more restrictive than the General Plan, the Hana Community Plan overrides the General Plan, and I'm not raising that issue, but just so you know that. Now, I'll read a few and I can stop, but it says: The Maui County Council Shane Sinenci's AACP Committee has a resolution urging the administration to conduct a sustainable tourism assessment for Maui County. You should have that along with -- yeah, along with Dick Mayer's work, and that's -- Dick Mayer is a former professor at U.H. -- I mean at MCC, and has really done -- great person. He was our vice-chair. So I say please consider that Maui Island Plan declares that we need to "comprehensively manage future visitor unit expansion and mitigate the impact to tourism on the host culture, natural environment, and resident lifestyles." Maui Island Plan says: Develop programs and regulations to cap the number and type of visitor accommodations that can be permitted, and manage the number and type of visitor accommodations that can be planned. Then from the Maui Island Plan, we passed this: Promote a desirable island population by striving to not exceed an island-wide visitor population of roughly 33% of the resident population. In other words, we're not going to have more than -- we need to have -- the plan is to have at least two residents for every tourist. Well, I'd just like to point out that we're way over that already. Dick says in his -- I made a note: The Maui Island Plan visitor/resident ratio of 41.3 already significantly exceeds the recommended 33%. And I will say that you know that in Hana we're -- we're twice as much over that. We have -- we have more than a hundred percent of our resident population in the East Maui district every day. It's three times the ratio and so -- so I'm going to keep going, a few more, the Maui Island Plan says, "Comprehensively manage future visitor unit expansion and mitigate the impact of tourism on the host culture, natural environment, and resident lifestyles." Now, I'm a little bit at a lost here because you guys should have my testimony. I mean it's vital. I don't wanna have -- I wish you could look at this and ask me questions.

Chair Notestone: Yeah, I'm sorry, we don't, but -- but --

Mr. Blumer-Buell: Well then I ...(inaudible)... the Planning Department has caused a breach of good faith. This is not due process. I can --

Ms. Lono: Mr. Chair? Mr. Chair?

Chair Notestone: Yes, Ms. Lono?

Ms. Lono: If you are willing or if the Committee is willing, we can take a recess, and I can run up to the office and make copies of it.

Mr. Blumer-Buell: That would be great. That would be great.

Ms. Lono: If you feel that's necessary ...(inaudible)...

Mr. Blumer-Buell: Yeah, I think that is --

Ms. Lono: Well, I'm not asking you.

Mr. Blumer-Buell: Oh, I'm sorry. I'm sorry. Pardon me.

Chair Notestone: Other Members okay? Yeah, we'll recess for ten minutes to allow Ms. Lono to go get the document. We'll be back in ten minutes.

*(A recess was called at approximately 4:15 p.m., and the meeting reconvened at approximately 4:25 p.m.)*

Chair Notestone: Suzie, you okay to go? Okay. Thank you. Okay, Mr. Blumer-Buell, we have the document, dated October 27<sup>th</sup>.

Mr. Blumer-Buell: Yes.

Chair Notestone: Did you want -- did you want to --

Mr. Blumer-Buell: Is this on? Yeah.

Chair Notestone: Yeah. You want to continue?

Mr. Blumer-Buell: I have a question to direct to the Chair. I think that's the right protocol. And I, you know, I came here to help, but this information is so important to the future of Maui and this community. I mean I feel like things are out of order and I would like to -- I'm not criticizing anybody here, you know. I have been on this -- served on this Committee several times and occasionally we had to recess it until another meeting. I hate to see that, you know. But what do you suggest, if you could ask Corporation Counsel, I mean I feel like there's kind of a breach of process here. The Committee has not had at least ten pages to look at, very important, and should I -- should I ask for a contested case hearing? Should -- should we -- what should we do?

What does Corp Counsel suggest as a remedy 'cause I don't mind what you do but for -  
- to have a very good testimony and not even have it read is just insulting to the  
process, and I can say that -- I will say this now. You guys made a really good  
recommendation for due process at the hearing on Nahiku, it was legal, very good. You  
know what? The Planning Commission ignored every one of your recommendations.  
It's going to go to court if they go forward. So I'm just saying how am I supposed to feel  
to sit here when you know that you haven't even read it, my testimony, and the Planning  
Commission ignores what -- what your advice is anyway, you know.

Chair Notestone: Well, John -- John, I just need to interrupt. As you know, being on --  
being a former member of the Committee, we're not allowed to answer questions from  
the -- from the testifiers, but your point is taken. Your point is taken.

Mr. Blumer-Buell: Well, I was -- I was hoping to direct that to Corp Counsel.

Chair Notestone: Yeah.

Mr. Blumer-Buell: Can he -- is he allowed to speak? I know you can't --

Ms. Lono: Mr. Chair?

Chair Notestone: Dawn Lono?

Ms. Lono: Mr. Chair, may we take a -- a recess to, of ten minutes or so, to read this,  
and I don't know when you sent it, when John sent it, but this is like yesterday.

Mr. Blumer-Buell: Yeah, I --

Ms. Lono: So it came in a little bit late, I would think, for them to process and come out  
here for a meeting today, but if we could take a short recess, and read this, and so we  
can take it under consideration --

Mr. Blumer-Buell: Okay.

Ms. Lono: I think that might be the best thing to do. If there's a second to that motion.

Chair Notestone: Do we have a second?

Ms. Clark: I'll second.

Chair Notestone: It's a reasonable request. Granted. We'll recess for ten more minutes. Read quickly.

*(A recess was called at approximately 4:30 p.m., and the meeting reconvened at approximately 4:40 p.m.)*

Chair Notestone: Ready? Suzie, ready? Okay, we're calling the -- the meeting back to order, and Mr. Blumer-Buell has the mike, testimony, public testimony is still open, so if you could make it -- make it brief, John.

Mr. Blumer-Buell: I would like, with the Chair's permission, I'd like to speak before each of the individual or would you prefer to have me -- I mean I have to wrap it up and then if you -- I would welcome any questions during the individual application deliberations, that's not unusual for boards to do that or the Council, so what -- what is your -- what would you prefer?

Chair Notestone: Well, I'm unable to do that and I would like to point out that, you know, this is a late arrival of information, it has to be at least two days prior to the --

Mr. Blumer-Buell: Okay. Let me be brief here. Just to correct the record. This was emailed in first thing yesterday morning. I checked with the secretary, they received it in good shape. She said they would distribute it. I also talked with the Planner, Mr. Quigless, we had a nice talk, he got it too, so you should have at least gotten it, and so here we have wasted a lot of time, and I apologize to the applicants, but, you know, this is not unusual to get in testimony late, but this is not two days late. It was -- they've had it for two days. No one ever called me to say anything about it not being readable ... (inaudible) ... and I did email it to several people, other people including couple people on this Committee. Nobody told me they didn't get it. So what is your -- what is your preference, Chair?

Chair Notestone: Yeah, if you could just wrap it up for us, John, that'd be great.

Mr. Blumer-Buell: Okay, well, on the first application, the short-term rental, my recommendation is to deny the application, and there's good reason for it. It all ties in to the Maui General Plan and to the Hana Community Plan. With the bed and breakfast application, I am recommending or suggesting approval with conditions, and I gave you the conditions that I think would work. I -- I hope you understand the difference between short-term rental and bed and breakfast. I'll -- this is the last thing. While some people don't --

Chair Notestone: John?

Mr. Blumer-Buell: A lot of people don't. A lot of people don't. Short-term rental -- I mean bed and breakfast, the owner-occupants have to live on the property and manage the property. We have ones that rent bedrooms or guest houses. Short-term rentals, you don't have to have a resident on the property. And so that's a difference. Either of them could be rented long-term bedrooms, STR, or B&B, so --

Chair Notestone: Yeah, thank you, John.

Mr. Blumer-Buell: Yeah.

Chair Notestone: Thank you. Yeah, thank you for the clarification and your testimony. Thank you very much. Do we have any other public testimony? Yes, sir? If you'd stand up and state your name.

Mr. Eric Gage: Hi. My name's Eric Gage. I'd like to testify here on behalf of Ola and Monyca and their application for a bed and breakfast. I'm here on behalf of my wife and myself, her name is Paige. We have been their neighbors for the last four years and own the property next to them for six years now. We strongly support their application for the bed and breakfast. I have no reservations or concerns at all. I think a lot of the concerns that John has brought up here, they've addressed in their application, and we'd just like to thank the Committee for hearing our testimony and would recommend and ask, very humbly, that the Committee go ahead and grant their permit. Thank you.

Chair Notestone: Thank you. Do we have any questions for this -- this testimony? I see none, thank you very much. Anyone else in the audience care to testify? I see none.

Mr. Mardfin: ...(inaudible - not speaking into the microphone)...

Chair Notestone: We can do it -- could you talk to the mike, sir?

Mr. Mardfin: I have a procedural question.

Chair Notestone: Could you state your name?

Mr. Mardfin: My name is Ward Mardfin.

Chair Notestone: Thank you.

Mr. Mardfin: And my procedural question: Is this, I'm a little confused where we are on the agenda, is this at the beginning of the meeting testimony or is this when we get to the individual items testimony?

Chair Notestone: Well, being that we're not allowed to take questions but we are in the item C, that would be the beginning.

Mr. Mardfin: I will wait till the individual items come up.

Chair Notestone: That's fine. Thank you. Any questions, comments from the Committee? Okay, do we have a motion to -- okay, we're going to move on by -- and we're moving on to the Public Hearings, no. 1 is, and it's item D, the first item is for:

*Chair Notestone read the following agenda item description into the record:*

**D. PUBLIC HEARINGS (Action to be taken after the conclusion of each public hearing.)**

- 1. BRADLEY and ROBIN NEWTON requesting a State Land Use Commission Special Permit to operate the Hana Nautilus, a three-bedroom short-term rental home, on property located in the State Agricultural District, at 2575A Hana Highway, Hana, Island of Maui, Hawaii, TMK: (2) 1-3-003:015-0001 (SUP2 2019/0006) (R. Quigless)**

Chair Notestone: And Mr. Ryan Quigless is presenting.

Mr. Quigless: Good evening, Committee Members. Aloha. We meet here this evening to discuss the application for a State Land Use Commission special permit. Again, my name is Ryan Quigless, with the Maui County Planning Department, Staff Planner and Landscape Architect.

Chair Notestone: Could you just speak up a little bit?

Mr. Quigless: Sure.

Chair Notestone: Yeah. That's better.

Mr. Quigless: We meet here this evening to discuss the application for a State Land Use Commission special permit, SUP2, filed on February 4, 2019, by Bradley and Robin Newton, the applicants. They filed with the Maui Planning Department to operate Hana Nautilus, a three-bedroom short-term rental home located in the County agricultural

district and the State agricultural district. It is noted also that the applicant has filed an STRH application with the Department on February 4, 2019.

I'll go briefly into a description of the project. The applicants chose to apply for this special permit in order to operate a short-term rental home in lieu of long-term rental option due to the applicant's need for temporary intermittent housing accommodations for family and friends throughout the year. The property -- the property was CPR'd from the original 4.68 acres to its current 2.68 -- 2.78 acres and has a three-bedroom farm dwelling built in 1999. The applicants purchased the property in 2007. The family farm focuses on food production from the commercial fishing operation and local farming operations within Hana. The Department also verified the farming activities in April 2019. The applicants intend to ensure that guests will be provided with agricultural products from the property. And as part of the communication agreement aspect of the rental, the applicants intend to preserve Hana's heritage, existing character, and ensure that all guests are educated about Maui Nui's history and culture and about potential detrimental impacts to natural and cultural resources, particularly to the coastal environment and near-shore waters, and also to educate guests on agricultural practices and operation on the property.

Also, please note that if the Hana Advisory Committee recommends approval and the Maui Planning Commission approves the State special permit, the STRH permit can be approved administratively.

Chair Notestone: Could you repeat the last --

Mr. Quigless: Sure. So, also, please note that if the Hana Advisory Committee recommends approval to the Maui Planning Commission, and the Maui Planning Commission approves the State special use permit, the STRH permit can be approved administratively by the Maui Planning Department.

So a couple of brief descriptions about the property. The State land use district is agricultural. The Maui Island Plan is it's not located in the growth boundary. Hana Community Plan is agriculture. The County zoning is agriculture. The surrounding uses for east, south, west, and north are agricultural and residential large lots. The parcel is located in flood zone X, an area of minimal flooding. And the property is surrounded by dense vegetation and agricultural trees and plants. There is one other permitted short-term rental located within 500 feet of the subject property, and as of March 19<sup>th</sup>, there are 20 permitted STRHs in the Hana Community Plan region, and the cap for the area is 30. It's also shown in Exhibit 4 of your report. There are currently 11 permitted bed and breakfast homes, and the cap for the Hana community is 48.

And I'd also like to note one comment about the analysis used in reviewing the project that the proposed project is in conformance with the goals, objectives, and policies of the Hawaii State Plan, and it will provide additional opportunities for employment and economic growth in the visitor industry. So, Committee Members --

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Mr. Quigless: That's for short-term only. Yeah.

Unidentified Speaker: ...(inaudible)...

Mr. Quigless: A 30 years update. Okay. And we'd also like to note that the cap was reduced, decreased to 30 permits total allowed in the Hana region for short-term rentals. And as of March 2019, there are 20.

Ms. Ross: Twenty?

Mr. Quigless: Twenty. Correct. Sorry. Okay, and so, Committee Members, at this time, do you have any questions for either myself or the owners/applicants at this time?

Chair Notestone: Do we have any comments or questions?

Ms. Ross: Yeah? Can I ask?

Chair Notestone: Maya Ross.

Ms. Ross: Oh yeah, this thing works. Okay, couple questions, since I didn't get to ask you while we were on your property.

Chair Notestone: Hang on. Hang on, Maya.

Ms. Ross: One question then.

Chair Notestone: Hold on. So do you -- can only ask questions to Ryan and if you wanted -- and then if you want to ask questions to the applicant, once Mr. Quigless is done, then we'll open it to public testimony, and we can ask questions to the applicant.

Ms. Ross: Thank you.

Chair Notestone: So any questions for Mr. Quigless? Mr. Kaina.

Mr. Kaina: If you can just clarify for me, real quickly, the difference between the short-term and the B&B.

Mr. Quigless: Absolutely. So the difference, the major difference between the short-term rental and B&B is that with the short-term rental home permit, the owners are required to -- or not required to live on the property. The bed and breakfast, they are required to live on the property.

Mr. Kaina: Is that the only difference between the permits?

Mr. Quigless: There -- there are subtleties as far as the manager designation and -- but aside from -- and there are certain requirements that are allowed to apply that are different from the short-term and bed and breakfast, but those are all laid out clearly in the application itself.

Mr. Kaina: Okay. Thank you.

Chair Notestone: Any other questions? I see none. Thank you, Mr. Quigless.

Mr. Quigless: Okay. Thank you. That's all I have.

Chair Notestone: And we'll open up public testimony for the Nautilus application. Do I have any public testimony for this?

Ms. Lono: Ward?

Chair Notestone: Would you like to testify in regards to this? I see none. We're going to close public testimony for this item. Thank you very much. Mr. and Mrs. Newton, would you like to speak to any -- testify on your behalf? You don't have to. I do have a question for you.

Mr. Newton: ...(inaudible - not speaking into the microphone)... clarification. For clarification purposes, to my understanding, one distinction between the B&B and the short-term rental home permit is that the short-term rental home permit, before the applicant can apply, he has to prove that he has owned that residence and living in it for five years, and that's a distinction that's pretty major because a B&B, you could move in today and apply for that permit, so that's something that an investor might look at versus a -- short-term rental home permit would be a resident, and that's the case with me. Thank you.

Chair Notestone: Yeah, thanks, Brad. That's a significant difference. I do have a question for you though, maybe two actually.

Mr. Newton: ...(inaudible)... higher.

Chair Notestone: You're making my back hurt.

Mr. Newton: There we go. Hey.

Chair Notestone: So do you have a representative? Did you appoint somebody for that?

Mr. Newton: Right, so you mean a designated manager?

Chair Notestone: Yeah, that's the --

Mr. Newton: The designated manager is simply designated through submitting a form, and, to my understanding, that designated manager can also be hypothecated at any given time by resubmitting that form, replaced. At this point, because -- if I'm getting approved, it doesn't mean I'm going to move into my vacation rental process immediately. I, for instance, have a son in school right now, and we have a shop here in town, we have a -- we have a lot going on, so do I have a designated manager at this point? No. Not -- I'm the designated manager. And another note is that the B&B, yes, it does keep residents there. You have to -- the person of the B&B permit needs to reside on that property. But the designated manager of the short-term rental home permit needs to be able to access that property and reply to a call within one hour, and I can tell you that me or my representative will be here to do that

Chair Notestone: Well, you're well versed. I salute you for that. Second question. Have you considered doing just long-term rental, and if so, why not?

Mr. Newton: Yeah, so I have a kind of a broad opinion in terms of long-term rental rentals. Long-term rentals are, obviously, an issue on the whole island. Those issues are across the board. They don't rest on any one person's shoulder if you ask me. Some of it has to do with affordability. Am I to reduce my house to the level of affordability or do I market it for what everyone else to have a house just like mine market it for? In other words, our incomes here in Hana relative to the price of what rentals are here in Hana do and even if we did have rentals available, are they relative to what -- are they affordable for people? Not necessarily. Does that mean that the homeowner should discount the -- the rent in order to make it afford -- not necessarily. It's the world we live in. It's called "inflation." The median house price is 750,000.

None of the income here also relates to what -- people can't afford that also. So there's issues across the board. It's affordability. It's income. It's inventory. But these issues run deeper than the applicant's, you know, position in the market. And so, yes I have looked into it. The tenant market is difficult. It ties you up. Six months minimum is a long time. I prefer to live here in Hana. I prefer to also take trips to go see my family in the Mainland every -- every summer. Unfortunately, my father can't live here. It's real important to me to bring my children there. Am I to have a caretaker and pay thousands of dollars to have my property looked after for a few weeks at a time 'cause they're not - - I can't rent it to them? So am I to pay somebody to look after my property every single day? It could be cost -- possibly with a short-term rental permit, I could have my designated manager here, I could have my house cleaned every day, I could welcome nice friendly people coming to see our beautiful town here, I can go see my sick father, and I'm legal, I'm legal because I'm not short-term renting my house illegally. Otherwise, I have to find a caretaker, I have to spend thousands of dollars, I've got the maintenance issues. The house won't, frankly, won't carry itself. As long-term rentals, they could barely carry the payment on the property also. The world we live in today is that maintenance is a big issue. It's difficult to maintain property. I hear my friends in this community who are doing really well seem to be the guys who have chippers, excavators, lawn businesses. A few of my friends that are farming are having a difficult time. We're all looking for ways. My wife and I have five different businesses right now. We came here with our backpacks. We've been realizing our dreams every day. We always walked the straight line. We've always done everything by permit, by the books, our taxes, our family, our kids. This has provided us with a dream that, frankly, we started 15 years ago, we penciled it out on paper. The Hana Nautilus, just think. We welcome people like we've always done only we've never gotten paid for it. We welcome people and talk about Hana, we talk about safety, culture, farming, sustainability, and guess what? People who come and stay in our house will respect our house, and our house will get cleaned, and they'll pay a fee. They'll have -- they'll have a chance to have an experience in a Hana house rather than the hotel where you pay a premium; mind you, this is for the exclusive elite, right? I can't afford to stay there. Should they have a monopoly on this? Or should people have the right to access nice farm properties and connect with the people who live there? So, honey, 15 years in the making, looks like we're going to get our permit. It looks like this summer I'm going to go get to see my sick dad. It looks like our house is going to be respected and cleaned every day and we provided work for people to take care of my grass and also for someone to clean my house. And I've made enough money to pay the mortgage this month, honey. We can breathe this month. This month, mind you, not this year, this month, and that's the world we live in. There's a lot of us trying to survive here. It's month to month, yeah. Yeah, it's -- it's -- it's not just important, it's -- it's everything. It's -- it's part of everything we've worked towards, and do I care about shortage in housing? Of course I do. Do I care about people who are hungry and

people who don't have -- of course I do. Do those issues rest on an applicant's shoulders really? In light of -- I know tons of owners here who are out traveling the world with short-term vacation rentals here in Hana enjoying the fruits of the money that they're making off their house here in Hana. I've never seen them at one community meeting let alone a birthday party or down coaching - nothing. They're absentee owners, and they're very wealthy, and their representatives get their permits very quickly for them, and yes they pay their taxes, but guess what? There's a lot of vacant houses sitting up here, and there's a lot of absentee owners. I'm not one of them. I plan to stay in this community. I plan to nurture my children here, foster my relationships, promote sustainability and farming, and if I'm asked to share a voice and opinion in regards to -- to the market and housing, I'm delighted to sit with whoever. So thank you.

Chair Notestone: Thank you. Thank you. Any questions from our Committee? Thank you, Brad.

Ms. Cosma: Hi, Brad. You know when you keep saying "people," you wanna invite people, what kind of people are you looking at to come into Hana? Are they tourists?

Mr. Newton: I'm, okay, I guess I lost the context, but so people who are coming to Hana to stay. Is that what you're asking?

Ms. Cosma: Yes.

Mr. Newton: Well -- well, yeah. I mean the -- I think Hana has gone, in the world we live in, Hana has become a very easy place to discover, and that's the world we live in today, and it's a wonderful place and we've become -- we're Hana Town, don't get me wrong, but we are a destination. We are a destination and, yes, tourists love to come here and love to stay.

Ms. Cosma: Right.

Mr. Newton: And I'm talking about --

Ms. Cosma: And I understand your struggles moving here in a small remote community, but I want you to know too that, as a resident, born and raised here, every day is a struggle for us.

Mr. Newton: Yeah.

Ms. Cosma: But we have to deal with it.

Mr. Newton: Yeah.

Ms. Cosma: Whether it's tourists getting hurt. So one of the things I want to recommend you do is put out the rules and regulation to your people that stays there that don't invite them to Red Sand Beach, you know, all these places where our only personnel, medical team in Hana, we're not -- we're not up to date with that, the infrastructure is not ready for all of that, and we've been through a lot. Two local kids already got left alone because they had to tend to either Red Sand or Kipahulu. So what I wanted to say is emphasize in your rules for the house all these dangerous site and do not recommend it 'cause when people come up to me and ask where's Red Sand, I say there's no Red Sand in Hana 'cause I don't wanna put our medical or Fire Department at risk. We need them for our community, not to cater to tourists or visitors. We need them more in Hana. So just think about it.

Mr. Newton: Thank you. Thank you, Lehua. I appreciate that.

Ms. Cosma: Thank you.

Mr. Newton: I absolutely will. I appreciate that. Thank you.

Chair Notestone: Thank you, Lehua. Any other questions? Maya.

Ms. Ross: Okay, thank you. Your farm plan states that there's going to be an 81% ag use within the property that also includes the Pisano's unit number two. When we went to the site today, I noticed that the Pisano's have a sign sort of advertising that they're a farm already in existence, so my question is how is that part of the property qualify as 81% of the ag use for this application but is also, from what it looks like, being used for the Pisano's farm operation?

Mr. Newton: Thank you for that question, Maya. I wanna be clear. I'm not certain if you have the page in here that points to our farm plan, our farm plan. There's a certain distinction in this that perhaps wasn't clarified and I'm happy to do that. When I bought the property, I did what you call "CPR," that's called a "condominium property regime" and --

Chair Notestone: Could you speak in the microphone ...(inaudible)...

Mr. Newton: Yes, sorry. When I bought the property, I did what you call a "condominium property regime," it's when you -- you share the common elements but you own your individual unit, okay. I'm located at 2575-A, that's unit A. They're 2575

Unit B. And so the farm plan of which I submitted is reflective of my particular unit, which is 2.78 acres. Through the farm implementation process earlier in the deal, mind you I've been doing this two years, farm -- the farm -- one department in the Planning Department asked that I would provide the farm plan of the entire CPR, and so I did that. Their portion of the farm plan somehow ended up in this report, but I just wanna make sure, and the Planning Department has also been made aware, that there's a clear cut and clean distinction between my property and the Pisano's. I have a different tax bill. I have a different tax I.D. I have a different address. I have a bona fide and legitimate condominium property regime. Any questions?

Chair Notestone: Anything else, Maya?

Mr. Ross: Can I just do a follow up really quickly? So I'm confused because on your property, there's 35% of the ag use, but on their unit there's - I'm just doing rough math here - 41%. If -- I don't know where the turmeric -- if the turmeric is included on your side or on their side so I can't talk on the 5% right there.

Mr. Newton: Right. I'm not certain what the objective is.

Chair Notestone: Mr. Quigless?

Mr. Quigless: I can ...(inaudible)...

Mr. Newton: Okay.

Mr. Quigless: If I can -- Ryan Quigless, with the Maui County Planning Department. If I can quickly answer that. It's more of the analysis that was done on our part to verify that 51% or more was in active ag on the -- on the property, and so the site visit in 2019 confirmed that on his property alone, 51% of his property is in ag, so to kinda help understand that whole process a little more, the tallies are taken from the full mature tree height and canopy spread, so a lot of his plants right now are still juveniles or kinda intermittent, so when they expand out, then that'll kind of be more obvious to you guys.

Chair Notestone: Questions for Mr. Quigless?

Mr. Kaina: Yeah, so the SUP that we're looking for to operate, does this apply to that entire five acres --

Mr. Quigless: No.

Mr. Kaina: Or just the unit?

Mr. Quigless: Only his unit. For the purposes of the application review in the Maui Planning Department, each lot is considered individual lots only for this particular application.

Mr. Kaina: Okay.

Mr. Quigless: Other ones, it would be tallied as a whole.

Mr. Kaina: Okay, thank you.

Chair Notestone: Thank you, Mr. Quigless. Any other questions? I would like to -- go ahead, Linda. You had a question? Or Maya.

Ms. Ross: Okay, I promise it might be the last one. You said that you don't have a designated farm manager --

Chair Notestone: Maya, who's this directed to?

Ms. Ross: Sorry. To the Newtons.

Mr. Newton: I'm the manager.

Ms. Ross: Okay. So I -- okay, so then that poses more questions.

Chair Notestone: So, yeah, mister --

Ms. Ross: Did you mention you were going to -- you're going to continue living ...(inaudible - due to technical di)... how are you going to educate people if they're going to be fully vacating your home, are you going to go over and educate them or I don't understand how that works.

Mr. Newton: I mean this isn't -- it's a short-term vacation rental. I'm not -- I'm not -- I'm not signing up as an -- as an educator, per se, but I would say that as I treat all my guests, we're proud of what we have, and through showing them our property, we share what it is we're growing as it relates to Hawaii, and I'm very proud of the fact that I, in fact, share my dry land taro with Uncle Robert every season. He loves to come and collect it. He says it's perfect. The leaf works great. And then plus some other cultural practices. I'm not claiming to be an educator in that manner, but I'd rather -- would rather say that, in my 25 years of living here, I intend on sharing through passion what I do now and it happens to be that I love it a lot and so it'll come through, hopefully, the

right way. In terms of where I'm living, I mean, you know, people often ask that question on a daily basis: Where am I going to be living in the next year? You know, but is this the format to have to divulge all my personal information? I don't believe -- but -- but --

Ms. Ross: Yeah.

Mr. Newton: But I'll be forthcoming with you. I have plans to be living here still.

Ms. Ross: Okay, 'cause --

Mr. Newton: Thank you.

Ms. Ross: If you're going to be designated as the manager, then you have to be within an hour of the place.

Mr. Newton: And I -- and I think I made that statement.

Chair Notestone: Yes, you did.

Ms. Ross: Okay.

Mr. Newton: Thank you.

Chair Notestone: Yeah. Anything else? I see no further questions, thank you, Mr. Newton.

Mr. Newton: Thank you.

Chair Notestone: I would like to note, for the record, we did -- we tried to do a site visit today at -- at the Nautilus -- the Nautilus -- what is it called again? I'm sorry. Hana Nautilus, and, you know, even though that we didn't have a quorum to do an official site visit, we did get a presentation from -- from Brad and Robin, and they've dedicated a lot to make that property the beautiful property that it is and had a cornucopia of fruits and good stuff to eat, and good job. Do we have any -- do we have any discussion?

Ms. Lono: I have a very deep respect for the Hana Community Plan and the Maui Island Plan, you know, I was involved in -- in those plans back in the day, 1996, is that right? In 1994. I was just a child back then. I have a lot of respect for those plans. The Hana Community Plan, obviously, needs to be updated, and although I re-read it and I've read John's input, which I value very much here, he's very knowledgeable and has really good insights into all of this, so as it relates to the Hana Community Plan, the --

the one thing that I'm seeing is the plan discourages transient rental accommodations outside of the Hana urban area, I'm not sure where that demarcation line is for the Hana urban area and how much, you know -- where -- where that is. If the urban area is just this area, Hana Town area. Wakiu? It ends at Wakiu? Okay. So that -- that is something that needs to be taken into consideration. The education part of this is so critically important for our tourist industry as I think you recognize, and it's really important the information that gets put out there to the visitors that it be accurate, that it promote their safety and the safety of the community, and so getting some input on that perhaps, and I know you guys are very knowledgeable and I'm not indicating that you're not, but there may be some things that need to be included and maybe some resources that we could share with you to try to make sure that certain things are included. So we are trying very hard to balance this visitor industry these days because it's -- it's overwhelming, you know, it's completely overwhelming our island and our State, actually, but, you know, this island has just blown up in the last couple of years with -- with the tourism industry, and working with the, you know, with the County Council and seeing what they're trying to do to figure out how to deal with this so we don't destroy what it is that everybody comes here to see, you know. It's -- it's just such a delicate balance and I don't know where those lines are. You know, I don't -- I don't really know what -- what the answers are but I do know that we need to be taking all of this into very serious consideration, and the affordable housing part of it is -- is pretty important and it's not just the -- the poor people that need rentals, but there are professionals here that need rentals that can pay decent amounts of money and they can't find a home to rent, you know. You have two professionals, maybe a teacher and a fireman, or a fireman and a EMT, you know, they make fairly good money and, together, they can afford a decent rental for somebody, so that's something to consider as well. I've been in the rental business for a really, really long time and it's just not hard to find somebody to rent a place. It's not hard at all. And if you put it out there properly, you'll get really good applicants and get really good people. So it's just something to think about. But I know you guys wanna continue to live here and not rent out your home long-term, so I get that. The Community Plan, again, it's very important and it does address a lot of these things, as John pointed out and as highlighted in your report to us. Yeah, I'm a little conflicted, so I just wanna take those things into consideration. Mahalo.

Chair Notestone: Thank you, Ms. Lono. Any other discussions?

Mr. Newton: Can I state one more thing? No?

Chair Notestone: The -- sorry, Brad. Do we -- oh, we have one question from Ms. Lono. I knew you would have another. Who's the question for?

Ms. Lono: Are you -- oh, it's for the applicant. Are you -- are you on County water? You're not --

Mr. Newton: That's the -- that's the Hana water systems.

Ms. Lono: Right. So that's -- yeah. We done? Okay, well, this deliberation needs to recognize that there's an inaccuracy in this report that it says they're on the County water system, so can we clarify that? Okay. So either the applicant or I don't know if -- right.

Mr. Newton: Just for clarification purposes, I think there was a clerical error. It has been submitted by the applicant that is Hana water systems serviced by their meter.

Ms. Lono: Okay. Mahalo for clarifying that.

Chair Notestone: Good catch.

Mr. Newton: Actually, there was one more oversight, if you don't mind me pointing out, just in the briefing by Ryan Quigless, he stated that it was a four point something acre parcel, originally, it was a 5.68. Thank you, Kawika ...(inaudible)...

Chair Notestone: Thank you. So with that -- yeah, go ahead, yeah, Mr. Quigless, you got the recommendations?

Mr. Quigless: Okay, Ryan Quigless, Maui County Planning Department. The Maui County Planning Department recommends approval of the State special permit subject to the seven standard conditions. Would you like me to go over those seven conditions at this time?

Chair Notestone: Are they long?

Mr. Quigless: Seven standard conditions for the special use permit.

Chair Notestone: Yes, if you could go over those, please.

Mr. Quigless: Sure. Absolutely. Okay, Condition No. 1: That the SUP2 shall be valid for three years subject to extension by the Planning Director upon a timely request for extension filed within 90 days prior to its expiration. The Director may forward the time extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission.

Ms. Lono: Can we -- can we discuss them along the way instead of reading the whole thing and then trying to go back and discuss them? Can we discuss them item by item?

Mr. Quigless: Yeah.

Ms. Lono: Okay, so on that one, if we are to consider approval, the extension, we've been having problems with this, right, in the Planning Department, the timing and all of that and all of those things, so I just would like to see something in there that if the applicant does not apply within that 90 days prior period, there is no option for them to extend their permit period.

Mr. Quigless: That's correct. The Director's been ...(inaudible)...

Ms. Lono: It doesn't say that in here.

Mr. Quigless: That's standard practice.

Ms. Lono: No, it's not.

Mr. Quigless: Okay.

Ms. Lono: So I think we need to delineate that in here, that period. If you don't get your -- get it in within -- 'cause the Planning Department makes exceptions and does their thing, but I think it just needs to be period. If you don't get your application in within the time period, there is no option to extend, period. So I'd like to make that recommendation.

Ms. Quigless: Recommendation taken. Absolutely.

Mr. Kaina: Is the in regards to renewal or the actual -- what are you talking about?

Ms. Lono: That's renewal. That's to -- for extension.

Mr. Quigless: There's some miscommunication about the internal processing of renewals in the Department and for as long as I've been there or known about the process, there's zero exceptions, and then to the point of circumstances of health and -- and medicinal care and those people not being able to be present and still having to go back through the entire process again for the initial permit approval. So it's -- I have never seen it myself, personally.

Ms. Lono: Well, I don't even want to give them the opportunity to go through the process again, period. It's done. It's over with. I you don't comply, and you can't -- I mean you can not register your car and expect to not get a ticket, you know, you can't -- you have to comply with the rules. So if there's not compliance and they don't go in in a timely manner, it's over, it's done forever. Amen. Period.

Mr. Quigless: Yeah, it's, yeah, that's legislation.

Ms. Lono: Well, why can't we put it in the recommendations?

Mr. Galazin: Chair, if I may?

Chair Notestone: Yes

Mr. Galazin: Thank you, Chair. So, Member Lono, what you're talking about would be putting a condition there that is actually in excess of what your authority would be even as a recommending body, so by saying that they wouldn't be eligible for -- to apply for even a new permit if they don't come in for an extension, that's -- the ordinance allows that, so you can't prohibit something like that. Right now, if they -- if they don't follow this, they're in breach of the terms of the conditions if it was granted so they would have to come in and start all over, so there would be a breach of the condition and that's what -- you have it on there. If somebody doesn't have that as a condition that's granted as terms of a special use permit through a commission, for example, that may be something that administratively could be treated differently, but this can't be, so they won't have that situation that you're talking about. Thank you. Thank you, Chair.

Chair Notestone: Oh, thank you for that clarification. Ryan, you got the floor again.

Mr. Quigless: Okay. Going on to Condition No. 2: That the subject special use permit shall not be transferred without the prior written approval of the Director, however, in the event that a contested case hearing preceded issuance of said SUP2, a public hearing shall be held by the Commission upon due published notice including actual written notice to the last known addresses of parties to said contested case and their counsel. No. 3: The applicant, its successors, and permit assigns shall exercise reasonable due care as to third parties with respect to all areas affected by the subject SUP2 and shall procure at its own cost and expense and shall maintain during the entire period of the SUP2 a policy or policies of comprehensive liability insurance in the minimum amount of one million dollars. No. 3 goes on to say --

Chair Notestone: Hold on.

Mr. Quigless: Sure.

Mr. Galazin: Thank you, Chair. And, Ryan, if I could, just back to no. 2 --

Mr. Quigless: Yes.

Mr. Galazin: And, you know, I know that some of this language is pretty standard, but this is a little bit different, so would the Department be okay with changing to say instead of the even that a contested hearing preceded issuance, to say that in the event that intervention was granted, then a public hearing shall be held by the Commission upon due published notice including actual written notice to the last known addressees of all parties to the contested case hearing and their counsel. 'Cause, typically, that's only done if there's intervention that you require it goes back and notify the intervening parties, so if the Department would be okay with that.

Mr. Quigless: That's -- that's -- I think that's okay.

Mr. Galazin: Okay.

Mr. Quigless: I think that's standard.

Mr. Galazin: Thank you, Chair.

Chair Notestone: Thank you. Any other discussion?

Mr. Quigless: David, can you note that change again one more time, please?

Chair Notestone: So recorded. Continue on, Mr. Quigless.

Mr. Quigless: Okay. No. 3 continues with naming the County of Maui and the State of Hawaii as additional insured insuring that the demands of -- for property damage, personal injury and/or death arising out of this permit including, but not limited to, claims from any accident in connection with the permitted use or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights and to all actions, suits, damages, and claims by whomever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional insured shall be submitted to the Department within 90 calendar days from the date of transmittal of the decision and order. The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable TMK and permit numbers.

Moving on to no. 4 Condition that the full compliance -- that full compliance with all applicable governmental requirements shall be rendered.

Condition No. 5: That the applicant shall submit to the Department one copy of a detailed report addressing its compliance with these conditions. The compliance report shall be submitted to the Department within -- with the request for a time extension.

Condition No. 6: That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the special use permit. Failure to develop the property may result in the revocation of the permit. And the final -  
-

Chair Notestone: Hold one. We have a question from Ms. Lono.

Mr. Quigless: Sure.

Chair Notestone: Item no. 6?

Ms. Lono: What is the -- what is the development -- develop the property in substantial compliance with the representations? What are those representations? Is it the farm plan?

Mr. Quigless: The representations is the farm plan, the short-term rental operation, which is allowed by the State land use special permit.

Chair Notestone: Corp Counsel?

Mr. Galazin: Thank you, Mr. Chair. And, Member Lono, the representations also include what was represented by the applicant at this hearing today and any representation made to the Planning Commission subsequent to that.

Chair Notestone: Thank you. Anything else, Ms. Lono?

Ms. Lono: Not till we get to no. 7.

Chair Notestone: Okay. Continue on.

Mr. Quigless: And here go, no. 7: That the --

Chair Notestone: That's the last.

Mr. Quigless: Last -- last of the conditions: That -- that the applicant shall abide by the farm plan throughout the duration of the SUP2. Evidence of implementation shall be submitted as part of any request for a time extension.

Chair Notestone: Questions on that? Ms. Lono.

Ms. Lono: I just have, you know, concern about the implementation of this one and who actually is following up and making sure that, you know, the farm plan is implemented and that throughout the duration and what is the evidence. I'm assuming that, you know, this -- this little plan that they drew, and we did get a lot of pictures, by the way, but you can't see a darn thing on them, so I hope that whatever pictures you have are actually -- you're actually able to see something 'cause some of these, they're just dark and you can't really tell anything, what's there, so I don't know what you use to follow up on this and make sure that the -- the farm plan is implemented throughout the process. If the applicant is not living on the property anymore, then, obviously, they're going to have to hire somebody to do -- take over the business, sell the fruit, yada, yada, yada, so how does all that get taken care of?

Mr. Quigless: I'm going to do my best to try and cover all of that in a response to that. So as it stands right now, active agriculture operation is the key term and to qualify for the permit, they have to have 51% in active ag. Now, ag, trees, plants can die, you know, they come and go, so as long as when we go for the permit renewal they're still 51% in active ag, then it qualifies for a renewal. If all of their plants died and they've done nothing to replace them, there's a problem.

Chair Notestone: So a question is: What's the County's team for enforcement?

Mr. Quigless: So I can give you an example. For instance, on this particular permit, I'm the lead Planner for the permit application. If it's approved, I still am the lead for the project as long as I work there, so I'll be the one following up with that particular project for the duration of that project.

Chair Notestone: Very good. Any other questions, comments, discussion? I see none. Thank you. Do we have a motion? Mr. Kaina.

Mr. Kaina: Alright, at first I'd like to acknowledge John. You've always been a wealth of information every time you showed up, and I see nothing but a wealth of information right here in this pamphlet as well. I will let you know, and I'm pretty sure it goes for most of us that's sitting in this seat and making decisions like this, we all take everything you've written in there to heart especially being residents of Hana. That being said, I

still have concerns about the actual project, but I've known Brad and I've known Monyca and Ola for a while, and I've seen them grow up, I've seen them raise their children, I've even helped coach some of their children as well, and there's a form of aloha you -- you feel from a community member that influences - how do you say - how you view visitors coming into their place, meaning I know Brad has a lot of aloha, I know he knows the concern for Red Sands, like Auntie Lehua said, so I know for a fact if a visitor came in and stayed with him, they would get educated, maybe not directly, as to where is okay to visit and where is not okay to visit, so I don't really see that as a concern. My concern is the high amount of B&Bs and short-terms that we see happening on this side of the island, and from what I know, those numbers are not created here or not advised by this board either. So the other point, and I see this come up in John's, is that we know that, as a community, I believe like a high 50 maybe more percent of the community is employed by the hotel, which means by approving a lot of these, we are technically pulling business away from the hotel, which "may jeopardize it economically," but the experience of visitors coming into this town there versus what I see they can get here is a total night and day difference. They come to the hotel, they view us just as a vacation place, and they go. They come and they spend their money and they go. They aren't -- they aren't really educated on what Hana is and what the community is about, and that used to be true up at the hotel, but it's not anymore, and so with these smaller operations popping up, you start to see more of that aloha spirit, not generated, but being passed on to visitors that are coming in and that's something I think the community is really missing. That being said, with the seven conditions I see the County have spread out here, I -- I'd like to make a motion to approve this and I have no further recommendations besides the conditions set.

Chair Notestone: Thank you, Mr. Kaina. Do we have a second on his motion?

Ms. Cosma: I would like to second that motion.

Chair Notestone: We have a second. All in favor? Oh wait. Oh wait, discussion first. Any discussion on -- on the motion? Any other recommendations? Can we have a vote? All in favor? Any no -- nays? I see none. Motion carries.

**It has been moved by Committee Member David Kaina, seconded by Committee Member Lehua Cosma, then**

**VOTED: to approve the request of Bradley and Robin Newton for a State Land Use Commission Special Permit to operate the Hana Nautilus short-term rental home with the conditions as presented.**

(Assenting - L. Clark, L. Cosma, D. Kaina, D. Lono, G. Notestone, M. Ross)  
(Excused - L. Kahaleuahi)

Ms. Lono: Congratulations.

Chair Notestone: Yes, congratulations and all the best to your father.

Mr. Newton: Thank you. Thank you, the Hana Advisory Committee, for all of your service.

Chair Notestone: Thank you, Brad. Next item, it's a doozy.

Ms. Lono: Are we going to ...(inaudible)... break?

Chair Notestone: You need a break?

Ms. Lono: I don't know.

Chair Notestone: Do we need a break? Negative. We're ready to roll. Okay, item no. 2, on the Public Hearings, is:

*Chair Notestone read the following agenda item description into the record:*

- 2. MONYCA and OLAMANA ELEOGRAM requesting a State Land Use Commission Special Permit in order to operate The Farm Cottage, a one bedroom bed and breakfast located on approximately 5.189 acres in the State Agricultural District at 180 Ulaino Road, TMK: (2) 1-3-009: 060, Hana, Island of Maui. (SUP2 2019/0011) (R. Quigless)**

Chair Notestone: And, Mr. Quigless, you got the floor. Oh, public -- okay, we'll have -- okay. I'm getting it from both sides over here. Okay. No, no, Ryan, you go first and then we got public testimony.

Mr. Quigless: Okay. Thank you, Chair. This agenda item is quite similar to the other one. The details are different. This is a B&B instead of the STRH, but we meet here tonight because of the same reason to operate a vacation rental in ag. So I will start off with a brief description of the project. We meet here this evening to review the State Land Use Commission special permit filed February 26, 2019 by Monyca and Olomana Eleogram, they're the applicants, with the Planning Department to operate The Farm Cottage, a one-bedroom bed and breakfast home. One guest bedroom is located in the secondary farm dwelling on the property located in County ag and State ag. The

applicants reside in the main farm dwelling. It's also noted that the applicants have also filed for a bed and breakfast permit application with the Department on February 26, 2019.

The justification for the application is that the applicants chose to apply for their SUP2 in order to operate a bed and breakfast home in lieu of a long-term rental option due to the applicant's intermittent use of the dwelling for friends and family. The property is abundant in active agricultural orchards suited for guests to become educated about agricultural practices in Hawaii and to sample produce harvested from the farm.

So here's a portion that deviates a little bit from the prior application in how they plan to go about their bed and breakfast operation. The property is on 5.189 acres. It has a 1,151 square-foot one-bedroom farm dwelling built in 1988, and also a 462 square-foot one-bedroom secondary farm dwelling built in 1979, and, finally, a 384 square-foot garage. The applicants purchased the property in 2013. The farm consists primarily of citrus and avocado varieties, but the applicants also have crops of papayas, bananas, lilikoi, breadfruits, coconuts, coffee, macadamia nuts, and mangoes. There are also exotic fruits grown on the property, such as soursop, lychee, longan, roselle, star apple, star fruit, jack fruit, and cacao. The owners cultivate the vegetables and herbs, medicinal plants, and their abundance of flower and trees and tropicals. The site inspection done in 2019 showed that the food growth and harvesting was in active production and amounted to 51% or more in active agriculture. The applicants intend to market the rental as a tourism operation where the agricultural operation will continue and the guests will be provided with agricultural products from the property and the ability to participate in production efforts.

As part of the communication agreement aspect of the rental, the applicants intend to preserve Hana's unique heritage, existing culture, and ensure that all guests are educated about Maui Nui's history and culture, about potential detrimental impacts to the natural and cultural resources, particularly to the coastal environment and the near shore waters, and also to educate guests on agricultural practices in operation on the property.

The farm plan is -- the photos of the property are located in Exhibit 1 through 1j of your Staff Report, and this includes the site plan, parking plan, and floor plans shown in Exhibit 2 through 2b.

I'd also like to go over a little bit about this educational portion that we brought up on the last agenda item. We make ourselves available to the applicants throughout the process to develop their own individual education process, so we have templates and kind of a -- an outline paradigm at the Department that helps them kind of suit it to their

needs and it goes over the major topics, such as safety, entertainment, where to go, where not to go times of the evening where they can find entertain, things like that.

Description of the property. State land use district agriculture, Maui Island Plan not in growth boundary, Hana Community Plan agriculture, County zoning agriculture. Also, east, south, west, and north are agriculture and residential large lots. And, finally, the proposed project is in conformance with the goals, objectives, and policies of the Hawaii State Plan, and it will provide additional opportunities for employment and economic growth in the visitor industry. Committee Members, did you have any questions for either myself --

Chair Notestone: Any questions from the Committee? I see Maya. Maya Ross

Ms. Ross: Hi. Thank you. I just want to thank you for clarifying on what basis the education is and that you guys are actually providing it, but I also wanted to ask: Do you provide to applicants sort of more of the host culture information of the place to pass on as education for the visitors that come here, such as ahupuaa, wahi pana, all of that kind of information that I am not seeing in this or what you just brought up?

Mr. Quigless: I think that's why I pointed out that each particular applicant kind of has the freedom to develop their education program as they -- as they see fit. We don't really go as far as to interject cultural components, but if they inquire, correct, because there are -- there's --

Ms. Ross: What -- what your definition of "culture" is ...(inaudible)...

Chair Notestone: Maya, if you could speak into the mike --

Ms. Ross: Sorry.

Chair Notestone: For the record. Thank you.

Ms. Ross: So what I see it's boilerplate language that's living in each application and you do have the word "cultural" in there as part of the education, but from what you just described, I don't see any part of that being cultural.

Mr. Quigless: I guess the best way to explain is with an example, and so, for instance, if -- if the applicants have guests who would like to go down to Red Sand Beach or down to Venus Pools or down to -- there might be cultural archaeological areas where they need to be sensitive to and so we may point that out to them that those areas are to be protected.

Ms. Ross: So here's my issue is there is no such thing as Red Sands Beach or Venus Pools. They're actually called "Kaihalulu" and "Waioka," and so we're already starting with providing false information about our place; that is not culturally sensitive to Hana.

Mr. Quigless: Point noted.

Chair Notestone: Thank you, Ms. Ross. Anyone else?

Mr. Kaina: Maybe in relation to this project, are there any current SUPs or SMAs within the area?

Mr. Quigless: Not within a 500-foot boundary of the subject property.

Mr. Kaina: Okay, the Cave Tours across the street, does that have a permit?

Mr. Quigless: But that's not a short-term rental or bed and breakfast.

Mr. Kaina: It's okay. I just -- just wondering if there is a --

Mr. Quigless: I don't know what the dynamics are of their particular permit because I'd have to go into the TMK and look at all their list of permits to see if they're permitted or not. For this particular application, it's only whether or not there's short-term rentals or bed and breakfasts within 500 feet.

Mr. Kaina: So when we say "within 500 feet," there's -- that shouldn't be an SUP in that area? I guess that's my main question.

Mr. Quigless: An SUP can be, but no short-term rentals or bed and breakfasts within the 500-foot.

Mr. Kaina: Okay.

Mr. Quigless: Yeah.

Mr. Kaina: Okay. Perfect. Thank you.

Chair Notestone: Thank you, Mr. Kaina. Anything else? And we'll open for public testimony, and we have one. If you'll -- steady young man. Take the mike and state your name please.

Mr. Mardfin: Thank you, Chairman. My name is Ward Mardfin, and I'm here to speak highly in favor of this project and for this SUP. I came here -- I've been in Hana a long, long time ago, since 1961, but I was working on Oahu, I decided to come back, in the mid-'90s I decided I would come back, and I bought some property in Wakiu, and there were long-term renters in there, and I contacted Dawn, who I knew, and she agreed to be the manager, and so I kept long-term rental. I think that's an important thing in Hana. We need more and more long-term rentals, and it was an affordable long-term rental. The only reason -- when -- and then when I came back in 2001, we had to ask them to leave 'cause I needed to have it rebuilt. It was also in 2001 that I first met Ola. He was one of my students. I think he was a freshman that year, but I could be wrong on that. And I've known Ola and Monyca for -- since 2001, which, let's see, if my math is correct, that's about 18 years. I think they're doing exactly the right thing. I know they've been -- have used that property for long-term rental; in fact, it helped out our current TA Principle, who would have been homeless and -- but I do understand the -- why -- they give it a try, I can understand why they'd wanna go into this. This is exactly the kind of thing we want to have. It's small-scale. It wasn't built just for this purpose. And I think they'll do a great job with it. I do want to point out two things, however, if I may. One is it's -- it is -- the Community Plan, which is more than 25 years old, needs to be redone, and I think the idea that all the short-term -- short-term units be within the urban core would be changed if it were done today, and this is outside the urban core. I think we'd extend the core at least to this area. The second thing is I believe the Planner is slightly wrong. If you look at the two applications, and look at the map on them, you have the purple dot on one piece but not on the other piece. I'll point it out to you later. I think that's a trivial point, but you guys all know me that I'm a nitpicker at times, anyway, I really hope, urge you to approve this project. Aloha.

Chair Notestone: Thank you, Ward.

Mr. Mardfin: Oh, the other thing is --

Chair Notestone: Oh, one more?

Mr. Mardfin: Born and -- born and bred here. That's an important thing. We get very few of these things where it's local people trying to do this and I really appreciate them making the effort to do this kind of --

Chair Notestone: Well -- well noted. Do we have any questions? Any questions for Mr. Mardfin? Any other public testimony? Okay, we'll close public testimony. Do we have any questions? Yeah, I was going to say, the applicants, would you like to have a -- have a go at the microphone? You don't have to but I have a couple questions for you.

Ms. Oleogram: Okay. I did want to just kinda say that we've been thinking a lot about how to educate tourists or visitors because we -- we'll be there so they can ask us questions if they want to; hopefully, they're not invading our space too heavily, but I'm definitely super down to be involved if they wanna ask me things that I wanna tell them do not do, and all that, and so we've been sort of putting together a little booklet talking about things that are appropriate to talk to locals about or what you should definitely talk to locals about, and it probably would have been smart for me to bring that tonight, but I just want you know that it's something that's we've been thinking about and it's been in the works since the beginning because, like Ward said, you know, born and raised Hana people, we understand all the concerns completely, and we just wanna be able to farm and be able to afford to keep our property so we can continue to love it and continue to raise family there, and that's our main goal. So, yeah, I mean if you guys have more suggestions on what should go in this book that we're devising and maybe we could even, you know, encourage other people who are doing -- doing rentals to maybe throw that same page in their booklet too because especially if it's, you know, suggestions from people who are on this board or just other concerned citizens of the community, I would love to figure out who would like to have a small meeting about what we should put in this book because I think it's a great idea, and let's do it. Yeah.

Chair Notestone: Thank you. Any questions for the applicant? We have one.

Ms. Lono: I just wanna know, although I know the answer, are you on the County water system?

Ms. Oleogram: I'm on the same one as Brad.

Ms. Lono: Right. So that's an inaccuracy in the report. Mahalo.

Ms. Cosma: I have something. I too am on the Hana water system. It sucks. But anyways, I envy you and Ola as a young couple starting out in your life to go out and purchase your own property, and you're such wonderful people that I've grown to know over the years at Hana School, while I was working there, and I really have a lot of aloha for you both 'cause at one time we were short of oranges for our Christmas program and Ola, that place, provided us all these oranges and I know that with all that aloha behind both of you, you really live up to the standards of good host cultures, good people born and raised here, and I just wish you guys all the luck and a very successful journey, and that's it. Mahalo.

Ms. Oleogram: Mahalo. Thank you so much.

Chair Notestone: Very good. Thank you, Monyca. Any other discussion, questions?

Mr. Kaina: Just because I haven't seen it, I know a part of the SUP2 application is that you do have a farm plan, but I didn't see one in the packet, is that in the works or is --

Mr. Quigless: We do require a farm plan but it doesn't have to be a County-approved farm plan through the application process.

Mr. Kaina: What does that mean?

Mr. Quigless: So there is a farm plan approval process where the applicant fills out a application, submits their farm plan, it's reviewed, and they're issued an approval number, so for that particular farm plan for the short-term rental and bed and breakfast, they do not need an approved farm plan but they do require a farm plan, so we require their farm plan as part of the application but it does not have to be approved through the County.

Mr. Kaina: Okay. And then when the renewal comes around for the SUP2, is it treated the same as the short-term to where they have to be in compliance in order to renew?

Mr. Quigless: Exactly the same. Yeah.

Mr. Kaina: Okay. Okay. Perfect.

Chair Notestone: They do have one? Good catch. Do we see that?

Ms. Lono: Yeah. Did you find it? Yeah.

Mr. Kaina: ...(inaudible - not speaking into the microphone)...

Ms. Lono: Yeah.

Chair Notestone: Very good. So the farm plan, Mr. Quigless, the farm plan approval process, that's -- you can find that online how to do that?

Mr. Quigless: Correct. There's a farm plan application available online at [mauicounty.gov](http://mauicounty.gov) and it can walk you through the steps, and then you can submit formally through the Current Division or Zoning and -- no, Current Division.

Chair Notestone: Thank you. Thank you. Discussions, questions? We have a motion?

Ms. Cosma: What's that?

Chair Notestone: Do we have a motion? Ms. Cosma.

Ms. Cosma: Oh, go ahead.

Mr. Quigless: We still have to go through the recommendations.

Chair Notestone: Okay, let's -- let's hear some recommendations. Thank you.

Mr. Quigless: The Department recommends to the Hana Advisory Committee approval of the State special permit subject to the following seven standard conditions, they're very similar to the project that we reviewed before, but I can go over them again at this time if you'd like.

Chair Notestone: Are there any differences from the previous to this one in particular? 'Cause I don't see any and that's --

Mr. Quigless: They're exactly the same.

Chair Notestone: So we don't need to go through those.

Mr. Quigless: Okay.

Chair Notestone: We'll move on. Thank you very much.

Ms. Cosma: Okay, thank you. With that --

Chair Notestone: We have a motion from Ms. Cosma?

Ms. Cosma: Yes. With that being said, I'd like to make motion that we recommend approval of Monyca and Ola's B&B.

Mr. Kaina: I second that motion.

Ms. Cosma: Oh, with the conditions here in place, yes.

Chair Notestone: With the conditions.

Mr. Kaina: I second that motion.

Chair Notestone: And we have a second. All -- all in favor? Any nays? I see none. Congratulations.

**It has been moved by Committee Member Lehua Cosma, seconded by Committee Member David Kaina, then**

**VOTED: to recommend approval of the request by Monyca and Olamana Elogram for a State Land Use Commission Special Permit to operate The Farm Cottage bed and breakfast with the conditions as presented.**

(Assenting - L. Clark, L. Cosma, D. Kaina, D. Lono, G. Notestone, M. Ross)  
(Excused - L. Kahaleuahi)

Chair Notestone: Thank you again, John.

Ms. Cosma: We'll be by to pick up our oranges tomorrow. Thank you.

Chair Notestone: Okay, moving on. And thank you everybody who testified. John, thank you. On E.3. Moving on, let's -- okay, we have the Director's Report last. Yeah, last item, and that comes from our -- our leader, Mr. Clayton Yoshida. You got the mike.

## **E. DIRECTOR'S REPORT**

- 1. Report from Members Who Attended the June 7, 2019 Native Hawaiian Law Training**
- 2. Scheduling of other Hana Region Applications**
- 3. Discussion of Future Hana Advisory Committee Agendas**

Mr. Yoshida: Thank you, Mr. Chair. The first item is the report from members who had attended the June 7 Native Hawaiian Law Training. I don't know --

Chair Notestone: I'm sorry. I was --

Ms. Clark: I guess that's me. Thank you, Clayton. What do I have to say? I highly encourage everyone to attend the Native Hawaiian Law Training. It was an excellent training by the staff, the professors there at U.H. and very informative, so I encourage everyone to attend that hasn't already.

Chair Notestone: Now did -- did you get paid to do that? That's an honest question.

Ms. Clark: No. No.

Chair Notestone: No. It was all volunteer. That's -- that's a tough one. Okay, thank you.

Mr. Yoshida: I would only add that the -- we've been informed that the next Native Hawaiian Law Training will be conducted on the Big Island December 16 in Kona, and December 17 in Hilo, so there'll be two of these workshops on the Big Island.

Ms. Clark: So you can attend either one?

Mr. Yoshida: Yeah, it's -- it's the same training but they just having one on the west side of the island and one the east side of the island. It'll start at 8:30 and run till about 4:00, but they have a talk story session after the training.

Ms. Clark: And lunch?

Mr. Yoshida: Yes.

Ms. Lono: I have a --

Mr. Yoshida: It's funded by -- the training is funded by the Office of Hawaiian Affairs so, you know, they supply the -- the lunch, Office of Hawaiian Affairs. The next training after that would be in May or June of next year, so they do it twice a year. So a lot of us attended the training that they had here on Maui in December of last year, and then there was the June training this year, and then the December training on the Big Island, and then the June training -- May/June training on Oahu. So they'll send a formal, this group from the Richardson School of Law, will send a formal invitation, you know, in a week or two. Okay. And --

Ms. Lono: I have a question.

Mr. Yoshida: And the Members are required, Planning Commissioners and Hana Advisory Committee Members are required to attend this training at some point during their tenure on the planning Commission or the Hana Advisory Committee; that was passed by the Council two years ago. Okay, the next item is --

Chair Notestone: We have question from Ms. Lono.

Ms. Lono: If we attend an off-island training, does -- do we get compensated for our travel or anything like that? Do they provide airfare or accommodations or anything?

Mr. Yoshida: Yeah, we would, the Department would pay for the travel if there is a need overnight accommodations within reason, I mean, you know, not -- not stay at a \$500 hotel or whatever, but, you know, within reason, and ground transportation to get from the airport to the training center and then back to the airport, but we would give more detailed information once the invitation comes out from the -- this Richardson School of Law.

Okay, scheduling of other Hana region applications, Ryan tells me there's a lot, we still have several short-term rental -- permits for short-term rental homes and bed and breakfast permits that need to come to this -- to the Advisory Committee and so that will be scheduled at some time in the future. We have the Gary Stice application that came before the Committee about a year ago and was scheduled to come before the Committee in January and was scheduled to come, but they're still trying to work out the -- some of the details with the I think State Historic Preservation Division on some of the neighboring -- the fishponds and so forth in the area. So we have that and then I believe there a de Jetley subdivision in the area that's in the area of the Stice property that's coming for an SMA use permit. We are processing that. And then I don't know what's happening with the -- the zoning change at Kawaipapa but that seems to have gone on for couple of years now but --

Chair Notestone: That's the Bill Sides?

Mr. Yoshida: Yeah.

Chair Notestone: Yeah.

Mr. Yoshida: That's the one. That's the one. So that's what we have pending. I think the next meeting, well, probably would be maybe sometime early next year. I would say again if the Members -- now is a good time if people wanna get on a County board or commission to apply with the Mayor's office before the end of -- by Thanksgiving so they would have a full range of choices. If you know people that wanna serve on this, who'd be good to serve on this Committee or if you're on this Committee and your term ends on March 31<sup>st</sup> of next year and you wanna serve on another Committee, now would be a good time to apply because the Mayor has to send down his nominees I think by the end of January in order for the Council to have 60 days to decide on a nomination or it automatically becomes -- the Mayor's nomination is automatically approved. So I would just say that now is good time to apply.

Chair Notestone: Great. I would like to give a couple minutes, Mr. Blumer-Buell had a -  
- he's want to ...(inaudible - due to technical difficulty)...

Mr. Blumer-Buell: Thank you, Clayton. Yeah, I have requested to testify on agenda  
item E.3.

Chair Notestone: Correct.

Mr. Blumer-Buell: And it's about future Hana Advisory Committee agendas, it's on page  
10 of my testimony, and I'm suggesting -- I suggest the Hana Advisory Committee to the  
Planning Commission put discussion of a proposed -- all -- put discussion of proposed  
Hana special use management area, SMA permits, on future agenda, every proposed  
SMA permit in the Hana District should be heard in Hana, not Wailuku. There's been so  
many SMA permits and I -- there's been some fraudulent SMAs, I'm not going to go into  
that, but every SMA should be heard in Hana, and I just heard -- did he say the de  
Jetleys doing a subdivision? It should be heard in Hana. Second, I suggest the Hana  
Advisory Committee put -- to put discussion of a Hana planning commission on a future  
meeting agenda. Decisions impacting the Hana District should be made and heard and  
decided in Hana, not Wailuku. Then under that, there's a history. I was part of that,  
Dawn was part of it, the formation of the Hana Advisory Committee in 1987 was brought  
forward by former Council Member Velma Santos, God bless her, and it's been a good  
thing, but we need our own planning commission, and this is all in writing. The third  
thing I'd like to bring up is I think there -- it would be good if the Planning Commission I  
think they need to, or maybe Clayton knows, we need to have a discussion of all the  
vacation rental issues and maybe you folks could sponsor it and then it could be  
officially transferred to the Planning Commission and possibly to the Council. The  
reason I'm adding is there's so many, you know, it's become so complicated since 1994  
and I was hoping somebody would say, well, you're -- John, have you changed your  
positions? Yes I have 'cause I've been dealing with this for 30 years and, you know, I  
thought Brad and -- he raised a lot of good points and brought up some that -- there's a  
lot of things that need to be dealt with, and like Bradley and Robin are good neighbors.  
I knew Bradley in -- when he was out in Kipahulu. He's a good man. But the point is,  
there's a lot of nuances in this and I -- I kind of -- there's other people that have studied  
this too, feeling that the short-term rentals are a good way to get a grip on this. Now, if  
Bradley had a guest house and was applying for a -- a B&B, I would have supported it.  
No question. So let's have a meeting to talk about it.

Chair Notestone: Yeah, John, we need to wrap it. If you could wrap it up.

Mr. Blumer-Buell: I will.

Chair Notestone: Yeah, thank you.

Mr. Blumer-Buell: I wanna read you one thing from the Community Plan, '94, it's a statement of aloha. It says, "Encourage community-based dialogue regarding proposed land use changes in order to avoid unwarranted conflict." Amen. That's why we're here. That's one of the best statements in any Community Plan.

Chair Notestone: Thank you, John.

Mr. Blumer-Buell: And let's -- let's do that.

Chair Notestone: Thank you. That was, you know, good -- good. Thank you.

Ms. Cosma: Thank you.

Chair Notestone: Dawn.

Ms. Lono: Surprise. Oh. My understanding of how this works is that we only hear things that the Planning Commission assigns to us as the Hana Advisory Committee, so we would have to, to agendize these things, would we have to -- we would have to have the Planning Commission agendize it. Correct?

Mr. Blumer-Buell: I believe so.

Ms. Lono: Okay. So I just wanted to make sure that that was understood that we can't just agendize whatever we want. There's -- they're the controlling body. And I totally agree that there should be a planning commission, a Hana planning commission. I would save the County a lot of money 'cause you wouldn't have to come to Hana and then go to the Planning Commission; it could just be done by the Hana planning commission, and I really support that, that idea, so I'm not sure what way to go about making that happen, but, yeah, that's what I assume, yeah, it would have to be legislated, and I know that there are other communities in Maui County right now that are asking for advisory committees, you know, West Maui I think wants one, and Upcountry wants one, a similar situation as this, but it kinda doubles the work of the Planning Department that have to go to the advisory committees and then have to go to the planning commission to follow up; maybe they should just be their own planning commissions and let their own communities decide what happens in their communities rather than some central body, you know, that may not be familiar, so I agree with that a hundred percent and I'd like to see this be discussed more. Mahalo.

Chair Notestone: Sounds good to me.

Ms. Cosma: I'm sorry. I have something to say.

Chair Notestone: Oh, go ahead.

Ms. Cosma: I understand Molokai now has their own Planning Commission, so maybe we can follow their -- their role in what they did to get it started on their island, so I'm up for that too for Hana. I think it's the perfect place to have your own planning. Right on. Thank you.

Chair Notestone: Thank you, Lehua. Anybody else? We have a motion? Oh, Clayton, are you finished?

Mr. Yoshida: Oh, I believe that the creation of a planning commission would require amendments to the County Charter, which will have to be, if placed on a ballot, would have to be voted on by the citizens of the County as the other Commissions have been. So with that said, I mean I believe that the Council would have to move that forward to be placed on the Charter.

Chair Notestone: We know somebody.

Mr. Yoshida: As a Charter amendment. But I would defer to the -- your attorney who can best advise you on that.

Chair Notestone: Alright.

Mr. Yoshida: But I believe that the Planning Commissions are part of the County Charter and so creation of a -- like with Maui, Molokai, and Lanai Planning Commissions, they're all part of the County Charter.

Chair Notestone: Thank you, Clayton.

Mr. Yoshida: Yeah, so that's all we have to report.

Chair Notestone: Awesome. Thank you very much.

## **F. ADJOURNMENT**

Ms. Lono: I move we adjourn.

Chair Notestone: We have a move for adjournment.

Ms. Cosma: Second.

Chair Notestone: And we have a second. We are done. Thank you very much.

Ms. Cosma: I'm hungry. I wanna go home.

Chair Notestone: We need to vote. Gotta vote on closing adjournment. All in favor say aye? We gotta do that. No nays. We're out. Thank you very much everybody.

**It has been moved by Committee Member Dawn Lono, seconded by Committee Member Lehua Cosma, then**

**VOTED: to adjourn the meeting at approximately 6:13 p.m.**

(Assenting - L. Clark, L. Cosma, D. Kaina, D. Lono, G. Notestone, M. Ross)  
(Excused - L. Kahaleuahi)

Submitted by,

SUZETTE ESMERALDA  
Secretary to Boards & Commissions II

**RECORD OF ATTENDANCE:**

**Present:**

Gale Notestone, Chairperson  
David Kawika Kaina, Vice-Chairperson  
Linda Clark  
Lehua Cosma  
Dawn Lono  
Maya Ross

**Excused:**

Lipoa Kahaleuahi

**Others:**

Clayton Yoshida, Planning Program Administrator, Current Division, Department of Planning  
Ryan Quigless, Staff Planner, Current Division, Department of Planning  
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel  
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Division, Department of Planning