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**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM B.1
NOVEMBER 24, 2020**

Ms. McLean: Thanks, Chair. You have two public hearing items today. The first one is from yours truly, the Planning Director referring to you, a proposed bill to amend Chapter 19.28, Maui County Code, relating to Airport District with some minor updates, and to add as a permitted use buildings or premises used by federal, state or county governments for public purposes. Our Administrative Planning Officer, Jackie Takakura has a brief and entertaining presentation.

Mr. Carnicelli: Oh, no pressure, Jackie.

B. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, referring to the Maui Planning Commission a Proposed Bill to Amend Chapter 19.28, Maui County Code, Relating to Airport District, with some minor updates and to add as a permitted use buildings or premises used by federal, state, or county governments for public purposes. (J. Takakura)

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed>

Ms. Jackie Takakura: Okay, good morning, everyone. Good morning, Chair Carnicelli and Commission Members. So, yes, this is a change to the Airport District, and I'm going to share my screen. Can I get a thumbs up if you can see the blue? Okay, so great, thanks. This isn't too long as the Director had mentioned.

So, we have a chapter specific for airports, and this is Chapter 19.28 in Maui County Code. And I was trying to do some research about when the last time this code had been changed, and it matches word for word with the 1960 first comprehensive zoning code for the County of Maui. So, I don't think it has changed in a really long time. It might be older, but I just couldn't find anything older than 1960. So, that's what we're working with. And I included some old photos to give you an idea of the times of when this zoning code was passed. Like I mentioned, 1960., and as you can see, times have changed and the airport has changed too...walk down memory lane.

But the main purpose of this bill for ordinance is to add this language, buildings or premises used by the federal, state or county governments for public purposes as permitted use. This is the same language that's already in some of the other zoning codes, like Residential, B-2, B-3, Park and Public/Quasi-Public Zoning Districts. And the government buildings are actually already there. This is some government buildings that are used for public purposes in Kahului on the way to the airport. On the left side, you can see the Department of Water Supply, NASKA base yard which has been there since the 1950s. In the middle is a state, state offices DOT, and I think Department of Ag is there, and then further on the right is the National Guard office. So, these government buildings used for public purposes are already in existence. ...said, you know, they've been there for a really, really long time. This fun fact. NASKA, the Kahului base yard it stands Naval Air Station Kahului as compare to NASPU which is the Naval Air Station Puunene.

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2 This Bill for Ordinance only affects three of the county's five airports, Kahului, Lanai, and Kapalua
3 because those are in the Airport Zoning District and the black and white photos on the one side
4 are the Lanai terminal from the 60s and 70s, and then the color photos is Kapalua at 1987. The
5 other two airports in Maui County, the Kaunakakai and Hana Airports are in Interim Zoning District
6 so they're not affected because they're in the different zoning district, and actually Interim already
7 has this language. Interim allows publicly owned buildings, public utility uses, public/quasi-public
8 facilities, owner-operated by private or governmental agencies, so Kaunakakai and Hana is
9 already there, but we'd like to get this similar language for Kahului and Lanai.

10
11 So, the next three slides are just to show you the areas that are actually going to be affected. For
12 Kahului you can see the white is the Kahului Harbor, the grey are the parcels that are zoned
13 Airport District, 1,320 acres. This is Lanai, four parcels for a total of 509 acres. And then this is
14 Kapalua that gray, it looks like a T, it's three parcels for a total of 50 acres. And as mentioned in
15 the memo report that you received as your attachments, there is a project that DLNR is working
16 on in the Kahului area. So that's the impetus for getting this addition to the zoning code.

17
18 But while we're at it, because the code is so old, we wanted to propose some changes just to
19 modernize it. You can see, these are some photos, remember when the tree was back in the
20 middle of the airport in Kahului? So, the current code has some outdated terms, like the soda
21 fountains, boot black stands, photo shops. I mean, when we think of photo shop, we think of
22 something that you do to a digital image on the computer. Newsstands. haberdasheries, I had to
23 look up haberdashery that's a men's clothing and accessories or small items store for sewing and
24 things. Bootblack Stand is a shoeshine stand, so we'd like to take out those old terms and replace
25 it with some general terms that are all encompassing, general merchandise, general office,
26 personal and business services, eating and drinking establishments, retail food and beverage and
27 transit accommodations. And for some reason, the current code makes reference to foreign ports,
28 but it doesn't say anything about domestics or adding so that it says, foreign and domestic ports.

29
30 And then some of the federal agency names have been changed over the years. United States
31 Weather Bureau is now National Weather Service, and FAA, I guess, used to stand for Federal
32 Aviation Agency and now its Federal Aviation Administration. We would also like to get rid of
33 obsolete use of steam baths and massages. And then there are some references to these state
34 agencies that are no longer in existence. The State Airport Zoning Board was in existence from
35 1952 to 1959 and then there's reference to Hawaii Aeronautics Commission was from 1947 to
36 1961. It was abolished in 1961. So, we want to take those out and replace them with the Hawaii
37 Department of Transportation, Airports Division, because that's the agency that controls and
38 manages the fifteen airports within the state and that's in accordance with Hawaii Revised
39 Statutes, 26-3, and the Hawaii Administrative Rules Chapter 19.12.

40
41 And the new language that's in the attachment that you have in the bill for ordinance. It makes
42 reference to imaginary air space surface and that's described in the Administrative Rules of the
43 State and this term... 'cause I had to look it up, it refers to the surfaces in relation to the airport
44 and the runways which is based on the category of the runway and the type of approach available
45 or planned for that runway. So, it's going to vary by airport, but it's really the state's prerogative
46 to determine what that is. So, that's what we'd like to change it to so that we're consistent with

1 what the State says too. So, that's the changes in a nutshell, and we're hoping that you will
2 recommend approval of the proposed bill. We took this to the Lanai Planning Commission last
3 week, and then we still have the Molokai Planning Commission, and that's the presentation, and
4 I will stop showing my screen and we can...(inaudible)... Thank you.

5
6 Mr. Carnicelli: Thank you, Ms. Takakura. So, Director, has anybody signed up to testify on this
7 particular item?

8
9 Ms. McLean: Surprisingly, no. I would point the Commission to we did receive one letter in
10 support from the DLNR, written testimony.

11
12 Mr. Carnicelli: Correct. If anybody would like to testify on this particular item, please unmute
13 yourself, and if you also would like to unmute your video as well and just step forward. If you'd
14 like to testify on this item, please come forward now. Auntie Mopsy save the airport? All right.
15 going once, going twice, okay if there are no objections, we're gonna go ahead and close public
16 testimony for this particular item. Seeing no objections, public testimony is now closed and I
17 guess we can, just to be in consistency we'll go ahead and close the chat function at this particular
18 time just to kind of get in the habit of that, and go to Q&A from the Commission. I will start with
19 Commissioner Freitas.

20
21 Mr. Freitas: Thank you Chair. Question for Jackie. The zoning currently is Airport District and
22 on the other airports, the smaller one they're Interim and you say in the...in this report that it does
23 not affect the smaller airports. Is that because they don't have the number of buildings that like
24 Kahului has? I guess what I'm leading to is...if Interim fits all of what the other airports are getting
25 by with why don't we just change the zone to Interim?

26
27 Ms. Takakura: So, may I Chair? When we did the research for what the zoning districts are, I was
28 actually a little surprised to see that only three out of the five are in the Airport Zoning District. In
29 terms of changing things to interim, I don't know, that's kind of a big picture question about, you
30 know, general zoning. But I think we're trying to zone things to a zoning district that's appropriate
31 for its use, like say, you know, if it's airport, it should be zoned Airport versus taking it out of the
32 Comprehensive Zoning Code, and maybe Michele could, the Director, could add a little bit to that.
33 But it's basically the land zoning, not necessarily, and it's probably something historical versus
34 the size of the airport.

35
36 Mr. Freitas: That's good. That's good. Director don't need to explain. I think it...I think we're at
37 the point of making things zoned or called what it should be. So, I agree. Okay, no questions.
38 Thanks.

39
40 Mr. Carnicelli: Thank you. Mr. Thompson.

41
42 Mr. Thompson: Nothing to add. Thank you.

43
44 Mr. Carnicelli: Thank you. Commissioner Hipolito.

45
46 Mr. Hipolito: No questions, Chair.

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2 Mr. Carnicelli: Thank you. Commissioner Tackett.
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4 Mr. Tackett: I have no questions. Thank you.
5
6 Mr. Carnicelli: Commissioner Pali. No? Okay. Commissioner Edlao.
7
8 Mr. Edlao: No questions.
9
10 Mr. Carnicelli: Commissioner La Costa.
11
12 Ms. La Costa: For Jackie or perhaps Director, under 10.28.020, Use Restrictions, under A it gives
13 each lot to have an area of not less than 20,000 square feet and an average lot width of not less
14 than a hundred feet. I'm just curious as to how you came up, it's not quite half an acre. So just a
15 curiosity question.
16
17 Ms. Takakura: If I may Chair?
18
19 Mr. Carnicelli: Go ahead. Go ahead.
20
21 Ms. Takakura: That's the existing language from 1960, and we didn't have any proposed changes
22 to that language.
23
24 Ms. La Costa: Okay, thank you.
25
26 Mr. Carnicelli: And Commissioner Castro.
27
28 Mr. Castro: Just a comment. I miss the old Kahului Airport. The big feet walking out to the plane
29 or going up to the restaurant and have breakfast. Other than that, it's all good for me.
30
31 Mr. Carnicelli: Great. Thank you. My only concern is what if steam baths and haberdasheries
32 make a big comeback? I guess we'll have to reamend the ordinance again, okay, okay.
33
34 Ms. McLean: Chair, I just need to make clarification in response to Commissioner La Costa's
35 question.
36
37 Mr. Carnicelli: Okay.
38
39 Ms. McLean: If you look at the formatting from that section, you'll see that we're proposing to
40 delete A and...(inaudible)... in their entirety.
41
42 Mr. Carnicelli: Yeah.
43
44 Ms. McLean: So, the existing Code had that lot area restriction, and we are proposing to remove
45 that.
46

1 Mr. Carnicelli: It's bracketed.

2

3 Ms. McLean: Right. Because it's unlikely that any area is going to be zoned Airport District unless
4 it's used for airport uses. And there are lots of tiny parcels adjacent to or within some of the
5 existing airport zoning, so we want them to be considered conforming and not have to comply
6 with that size or width, and then in terms of the height regulation, we're leaving that to the State
7 Department of Transportation which is also subject to FAA requirements. So, we didn't want to
8 impose a local limit, leaving it to the airport experts to determine the appropriate height.

9

10 Ms. La Costa: Thank you, Director.

11

12 Mr. Carnicelli: Great, any other questions, comments, concerns? Okay, so at this point in time,
13 I will entertain a motion to recommend approval of the proposed bill to the Maui County Council.
14 Would anybody like to make that motion? Moved by...(video froze)...

15

16 Ms. Pali: So move, Chair.

17

18 Ms. McLean: Froze.

19

20 Ms. Pali: I think we might have lost our Chair, but I'd like to make the motion to move forward
21 with the Planning Department's recommendation and I see Denise, we've got a second. Any
22 discussion on the matter.

23

24 Ms. McLean: This is a friendly Ku. Perhaps the Vice-Chair could step in?

25

26 Mr. Tackett: I would love to, but I believe isn't it protocol that we have to wait for him to come
27 back as long as he's part of the...as long as he's part of the meeting? Is that true Mr. Hopper?
28 Cause I remember people leaving before and we had to wait for them, so I'm more than happy,
29 but just wanted to make sure that that's appropriate. Hearing no response, then I believe we have
30 a motion and a second.

31

32 Ms. McLean: Commissioner Tackett, Vice-Chair Tackett, the concern that you're raising is
33 definitely a significant one. I believe that's more applicable with contested cases where you're
34 making a final decision. Oh, Mr. Hopper's on.

35

36 Mr. Hopper: I, I was frozen, too, for a minute. I hope we're not having connection issues, but
37 yeah, that's correct. This isn't a contested case. If something like that happened on one of your
38 other items that was a contested case, you would have to wait, but this isn't so you can take your
39 vote.

40

41 Mr. Tackett: Awesome. So, Kellie moved, and P. D. is a second, and then I believe Kawika has
42 something to add. Kawika what do you have brother.

43

44 Mr. Freitas: Thanks, Vice-Chair. I should have asked this question earlier. So, if we move to
45 approve this will the smaller airports that are zoned Interim now be zoned Airport or will they stay
46 as Interim?

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2 Ms. McLean: Commissioner Freitas, they will stay as Interim. We could initiate an effort to
3 rezoning them and that effort would have to be reviewed by you, and then with final approval by
4 the County Council though that's not part of the effort today

5
6 Mr. Freitas: Because we are trying to make things match what they are could we put it as a
7 recommendation that they become or that takes all kinds of legislature?

8
9 Ms. McLean: It's certainly something the Department could initiate that or a council member could
10 initiate that, so I'll bat it around with staff to see if there are any reasons why we shouldn't. And if
11 there isn't any reason why we shouldn't, then we can move forward and initiate that.

12
13 Mr. Freitas: Okay, thank you.

14
15 Mr. Tackett: Thank you, Kawika. All right, you guys, we got a motion on the floor and a second,
16 all those in favor, please raise your hand. Opposed? I believe, I believe we had all in favor.

17
18 Ms. McLean: That's correct.

19
20 Mr. Tackett: Motion carries. Thank you.

21
22 Ms. Takakura: Thank you.

23
24 **It was moved by Ms. Pali, seconded by Ms. La Costa, then**

25
26 **VOTED: To Recommend Approval to the County Council the Proposed Bill to**
27 **Amend Chapter 19.28, Maui County Code, as Recommended by the**
28 **Department.**
29 **(Assenting – K. Pali, P. D. La Costa, S. Castro, J. Edlao, K. Freitas,**
30 **M. Hipolito, C. Tackett, D. Thompson)**

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33
34 Respectfully Submitted by,

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36
37 CAROLYN TAKAYAMA-CORDEN
38 Secretary to Boards and Commissions II