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**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM B.1
AUGUST 10, 2021**

Ms. McLean: Chair, so far, no one has indicated they wish to testify on the first item, but we can...let me go ahead and read the first item into the record. This is a proposed bill transmitted from the Planning Department related to the digital zoning map for the Island of Maui, described as a proposed Bill entitled, A Bill for an Ordinance Adopting Digital Zoning Map 3, as the official zoning map for the Island of Maui. The purpose of the proposed bill is to adopt an amended digital zoning map for Maui Island. Kathleen Aoki is the lead on this project. She'll give a presentation and then perhaps after the presentation we can call for public testimony. So, Kathleen.

16 **B. PUBLIC HEARINGS**

- 17
18 **1. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting a proposed bill relating to the digital zoning map for the Island of Maui, described as follows: A proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING DIGITAL ZONING MAP (3) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt an amended digital zoning map for the Island of Maui. (K. Aoki)**

25 Ms. Aoki: Good morning, everyone. My name is Kathleen Ross Aoki, I'm a Division Chief for the Plan Implementation Division. We have before you today a revised digital zoning map. Some of the members are new and may not quite know what our digital zoning map project is about. So, I do have a short presentation just to kind of recap the highlights of the project and then we'll go into the two proposed changes that we're making. So, I'm going to share my screen. Sorry, it started from the back. Can everyone see the screen, the PowerPoint?

31
32 Mr. Tackett: Not yet.

33
34 Ms. Aoki: Can't see it now?

35
36 Mr. Tackett: No, nothing, nothing so far for me.

37
38 Ms. Aoki: Try again.

39
40 Ms. McLean: Kathleen, you need to have PowerPoint open on your, on your computer first before you try to share the screen.

41
42 Ms. Aoki: Okay. Hold on, I...

43
44 Ms. Lindsey: I'm just wondering, did you close public testimony already or did we skip that part.

45
46 Mr. Tackett: No, it's gonna come after the presentation. Nobody was...(inaudible)...

47
48 Ms. Lindsey: Okay, thank you

49
50 Mr. Tackett: You're welcome.

1
2 Ms. Aoki: Okay, let's try this again. How's that?

3
4 Mr. Tackett: Yeah, looks good.

5
6 Ms. Aoki: Okay. And I should format for you. Okay, here we go. Already, so here we have the
7 digital zoning project. You may have heard that acronym DSSRT that we use quite a bit with this
8 project. It was a name we gave to it a long, long time ago for the Dead Sea Scrolls Replacement
9 Team because many of our zoning maps actually look like the Dead Sea Scrolls.

10
11 So, why did we create these maps? Just for those of you who may not be aware of the project,
12 the age, poor quality, lack of detail in the original maps, zoning maps, the fact that we didn't have
13 a complete set of maps for the island. Zoning is a patchwork, and we had to incorporate a lot of
14 different older maps, original zoning maps, comprehensive zoning maps, and put those all
15 together to create one digital layer. This allows for greater public access to the maps because
16 we do have them online for the public to look at and it reflects better and more accurate zoning
17 information. It reduces the amount of determinations that have to be done by staff because now
18 you can just look at it online. We do require, though, that confirmation of zoning still be done
19 through the Department. And this project will be a key player in the upcoming MAPPS or Maui
20 Automated Planning and Permitting System that we will be hopefully having access to in the next
21 few months.

22
23 So, the complexity of the project, we had to do the maps individually. It was just too much to try
24 to do them all for the county at one time. So, the original Map 1 for Maui was adopted in October
25 of 2018. We did do an update in November of 2019, which had some corrections. We recently
26 adopted a digital map for Lanai last year, and we are on our way to getting a map for Molokai,
27 hopefully this year. It has been transmitted up to the County Council for their review and adoption.

28
29 So, why are we here today, just so that we can understand that there are thousands and
30 thousands, over 40,000 parcels on Maui. So, there are many parcel lines and zoning categories
31 that are continually needing to be adjusted. And as we have always stated, nothing is perfect,
32 and we anticipated that we would be coming back to make corrections. And this will be an ongoing
33 process. But obviously, the more we keep doing it and the better we get at it, the less we hope
34 to be coming to you for corrections.

35
36 So, Map 3 today only has two corrections that we're looking at. One is for a parcel located in
37 Hana, and the other is in Paia. So, we are looking for your recommendation to the County Council
38 to make these corrections and adopt Map 3. Because one of the parcels is located in Hana, we
39 did have a meeting before the Hana Advisory Committee. It was not a public hearing because
40 this map has corrections outside of Hana, so we asked for their recommendation and on this
41 particular parcel they voted unanimously to approve the recommendation and we're forwarding
42 that recommendation to you. Just to make sure everyone is on the same page, any corrections
43 that we make to zoning always has to be consistent with the community plan designation. So,
44 anything that we're asking to do is consistent with the community plan, underlying community
45 plan.

1
2 So now, we're going to present to you the corrections or just a brief history first so you can follow
3 kind of chronologically how zoning is done. So, way back in the day there was no zoning on Maui
4 or in Maui County. In 1958, an ordinance was passed and Interim Zoning was adopted for the
5 entire county. Then in the 60's, different land zoning maps for different areas were adopted and
6 those are highlighted in the squares. Then from that point to current day, you have individual
7 zoning changes that come before you for your recommendation onto the County Council.

8
9 A Rural Comprehensive Zoning Ordinance was adopted in 1997, so on the map in the areas that
10 you see in blue, which isn't very many, were adopted and the ordinance was very specific on what
11 would become Rural, and you had to have community plan and State Land Use designation of
12 Rural. It had to be under 15 acres, and the way the ordinance was written, it did not apply to
13 Hana.

14
15 In 1999, there was the Agricultural Zoning Ordinance which was passed, which said if you're, if
16 you had community plan Ag, Agriculture, you were to be zoned Agriculture. So, it did not matter
17 what your State Land Use was, it just said anything community planned became Ag. So that's
18 important to remember for the Hana correction which I'll go over. So, this what Maui Digital Zoning
19 Map 2 looks like present day.

20
21 So, getting into the two corrections. The first one is for Hana. On the top map, top portion of the
22 map, you will see a square highlighted in red that has Agricultural zoning that is what the current
23 zoning is and that is the mistake that we made when we adopted Map 1, the zoning should actually
24 have remained in Interim. So, the bottom part of the map shows you what it should be, and I'll
25 explain the reason for the error.

26
27 So, I mentioned that the community plan that 1999 Bill for Ag stated that anything that was
28 community planned Ag got zoned Ag. If you see here on...this is the 1994 Hana Community Plan
29 which is currently the same community plan that we used, in the middle of the screen, you'll see
30 a red arrow with this, this rectangular box which is this parcel in question. There is a, and hopefully
31 you can see my mouse, the boundary line for this community plan, everything below this line is
32 Ag, and I tried to highlight it in Ag. So, all along here, everything makai of that line and up to here
33 it, this is where it's like trying to understand these maps is Ag. Everything mauka of the line is
34 Conservation. This is all community planned. When we did the original map, we mistakenly
35 thought that this community plan boundary went up and around this parcel and that's why it got
36 zoned Agriculture. But that was a mistake, and the boundary line actually just goes straight, see
37 how it's kind of dark here, it goes straight. So, this parcel lies within the Conservation community
38 plan area, and that is why it should remain in Interim. It would not have been part of the
39 Comprehensive Ag Bill. The parcel is taxed at Ag rates. It has been taxed at Ag rates for years,
40 and Interim zoning allows for Ag use. So, there will be no impact on this property for its tax rates
41 or its current use. It can continue doing what it's always been doing. And I did talk to the
42 landowner, she called me. We sent out letters to both property owners and I talked to both of
43 them and she is aware of the change and did not come and testify at the Hana Advisory
44 Committee meeting. She seemed to understand what the situation is.

45

1 Okay, so the next correction is for a parcel in Paia, which some of you probably recently, more
2 recently on the advisory committee, I'm sorry on the Planning Commission would have seen. This
3 parcel was recently rezoned with a change in zoning to P, Public/Quasi Public. We don't really
4 have a P, Public/Quasi-Public zoning category. Way back in the day that was sort of what it was
5 referred to, but there is no zoning district, so we would like to correct the zoning to be P-1. There's
6 P-1 and there's P-2 for this, for this area and the proposal of what, what's going to be done P-1 is
7 more appropriate. P-2 allows a really high height limit of, I believe, 90 feet. So, it's meant more
8 for fire stations and police stations and churches with steeples, really high steeples and the plan
9 so far for this, for this area is to be a parking lot.

10
11 And I just for your reference, I included the zoning ordinance where the mistake was made, so
12 this was last year, and you can see here where it says Public/Quasi-Public. It should have said
13 P-1, Public/Quasi-Public, and here's the zoning map for that recent CIZ, change in zoning, you
14 can see here, it says Public/Quasi-Public. This was just simply an oversight by everybody,
15 everybody. Corp. Counsel, the Planning Department, County Council, nobody caught it.
16 County Council, Tamara Paltin, Councilmember Tamara Paltin did request that we look into
17 making this correction so we told her that we would include this as part of our digital map.

18
19 So, this is the proposed draft Digital Map 3, you cannot really see where the corrections are, but
20 they're in there. And the amendment that we're making today, the bill before you to make this
21 correction is one area which is down in here on the lower paragraph, we're just...we're striking
22 out Map 2 and changing it to Map 3, and that is it. I'm available for questions.

23
24 Mr. Tackett: Thank you. Commissioners, do we have any clarifying questions before we go into
25 testimony? If not, then we'll go into testimony and then we will have opportunity for questions
26 again. Commissioner Freitas, go ahead, please.

27
28 Mr. Freitas: Thank you, Chair. I had a question Ms. Ross, you said, the one in Hana was
29 supposed to be Conservation was, was mistakenly put down as Ag, and right now, you want it
30 changed and you used the term, Interim, so is it Interim or is it going to be changed to
31 Conservation?

32
33 Ms. Aoki: Thank you for the question. That community plan designation is Conservation, so not
34 the zoning. The community plan was Conservation. It was mistakenly ...(inaudible)...to be
35 Agriculture, so that's why when we did the map, we put Agricultural zoning on that property
36 thinking it was Ag community plan, but it's actually Conservation community plan, which means it
37 never should have been zoned Ag, it should have remained in Interim zoning from the get go.
38 So, it was always Interim. Nothing would have been adopted to change that zoning. So, that's
39 why there's a mistake, it should have just remained in Interim.

40
41 Mr. Freitas: Okay so, I, I didn't understand that Interim was a zoning class or a term or whatever
42 you call it. And then, I have one more question, are there any structures or any development on
43 that piece of property?

1 Ms. Aoki: No, sir, there's no buildings. It's, it's...it's a pretty wild piece of property, but they are
2 doing some farming on there. They are growing some products, but there's no structures.

3
4 Mr. Freitas: Okay, thanks so much.

5
6 Ms. Aoki: You're welcome.

7
8 Mr. Tackett: Thank you, Commissioner Freitas. Commissioners, any other questions before
9 public testimony? Director, could we please open public testimony or Carolyn?

10
11 Ms. McLean: Yes, Chair. No one has indicated using the chat function that they wish to testify.
12 So, we can make a call now that if there is anyone on the call who wants to testify, you can unmute
13 your audio and your video if you wish.

14
15 Mr. Tackett: Thank you, Director. Um, yeah, please, anybody wishing to testify on this item,
16 please come forward. Going once, going twice, going three times. Director, could we please
17 close public testimony.

18
19 Ms. McLean: Yes, Chair. Testimony is closed.

20
21 Mr. Tackett: All right, Commissioners, I believe this is discussion. So, any discussions that you
22 guys, that you guys feel is appropriate, we can have that at this time, and then at the end of that,
23 then we'll entertain a motion and a second. Commissioner Edlao, go ahead, please.

24
25 Mr. Edlao: Yeah, the question is for Kathleen is she still on? Is Kathleen, are you on yet?

26
27 Mr. Tackett: Yeah, I see her Jerry.

28
29 Mr. Edlao: Okay, I hope you can hear me, but my question on that Hana parcel being that it is
30 Interim and they're doing you know farming of vegetables being farmed or whatever they're doing
31 in there now, you say there's no structures on there, but could they build a structure like accessory
32 to whatever they're doing on there?

33
34 Ms. Aoki: Hi, Commissioners. Sorry, I don't know what's going on, but my mouse is stuck and I
35 can't get on my computer, so I've run over to Peter's. Yes, they can do structures. Interim,
36 actually, as I mentioned, allows for agricultural use. So, whatever structures are permitted as far
37 as agricultural is concerned, Interim also allows for residential use. So, it allows for a couple of
38 different uses under the guise of Interim so that, that wouldn't change. It would actually allow
39 them more use than agricultural does.

40
41 Mr. Edlao: And the process would be, how, if they decided to do residence or accessory building,
42 would it be coming to us or administrative or what?

43
44 Ms. Aoki: Yeah, if they were just doing something that's outright permitted and the zoning Interim
45 allows for it, for example, if they wanted to do a farm dwelling or a residential dwelling, it would

1 not need to come to the Planning Commission for your review, just like if someone were to build
2 a house in the Residential District, it wouldn't trigger any kind of permit, discretionary permit from
3 this body.

4
5 Ms. McLean: Um, Kathleen, did you say it's in the State Conservation District?

6
7 Ms. Aoki: A, oh, that is true. I'm sorry, you're right, yes.

8
9 Ms. McLean: Okay, so it would require a Conservation District Use Permit from, from the State,
10 from the Board of Land and Natural Resources, and then building permits on the County level.

11
12 Ms. Aoki: Right, thank you Michele.

13
14 Ms. McLean: Yep.

15
16 Mr. Edlao: Okay, thank you. That's all.

17
18 Mr. Tackett: Thank you. Commissioners, any other questions? I have no, I have no questions
19 at this time myself. Commissioner Freitas, go ahead.

20
21 Mr. Freitas: If there's no questions, can I make a motion to go ahead and approve this bill as
22 drafted to the Maui County Council?

23
24 Mr. Tackett: Thank you, Kawika.

25
26 Mr. Edlao: I second that.

27
28 Mr. Tackett: Okay, we have a motion, and a second. Kawika, would you like to speak to your
29 motion?

30
31 Mr. Freitas: Well, I think this is something that needs to be done to correct a oversight, a simple
32 error, and I think we're about making things right, making it pono, and I feel that this should just
33 be a quick, easy approval here. Thanks.

34
35 Mr. Tackett: Thank you, Kawika. Jerry, would you like to speak your second?

36
37 Mr. Edlao: No, I think this change speaks for itself and it's time, it's being done and corrected.
38 Thank you.

39
40 Mr. Tackett: Outstanding. Anybody else want to speak to...go ahead, Commissioner Thayer.

41
42 Ms. Thayer: Thank you, Chair. I just want to say, good job to the Planning Department for making
43 this happen, getting the maps into digital form. Way back when I used to work in planning years
44 ago, I've seen the actual paper maps and I remember it was like a dream to make them digital.

1 So, good job. I know it took a lot, a lot of effort and it's really cool to see them actually come to
2 fruition, so good job.
3
4 Mr. Tackett: Thanks. Commissioners, anybody else want to speak to the motion? Hearing none,
5 Director could we have a roll call vote?
6
7 Ms. McLean: Yes, Chair. Commissioner Edlao.
8
9 Mr. Edlao: Yes.
10
11 Ms. McLean: Commissioner Freitas.
12
13 Mr. Freitas: Aye.
14
15 Ms. McLean: Commissioner Hipolito.
16
17 Mr. Hipolito: Aye.
18
19 Ms. McLean: Commissioner Lindsey.
20
21 Ms. Lindsey: Aye.
22
23 Ms. McLean: Commissioner Pali.
24
25 Ms. Pali: Aye.
26
27 Ms. McLean: Commissioner Thayer.
28
29 Ms. Thayer: Aye.
30
31 Ms. McLean: Commissioner Thompson.
32
33 Mr. Thompson: Aye.
34
35 Ms. McLean: And Chair Tackett.
36
37 Mr. Tackett: Aye.
38
39 Ms. McLean: Chair, that's eight ayes, zero noes, one excused, Vice-Chair La Costa, the motion
40 passes.
41
42 Mr. Tackett: Thank you, Director.
43
44 Ms. McLean: And thank you Kathleen and Peter.

1
2 Mr. Tackett: Yeah, thanks you guys.

3
4 **It was moved by Ms. La Costa, seconded by Mr. Thompson, then**

5
6 **VOTED: To Recommend Approval of the Proposed Bill to the County Council**
7 **as Recommended by the Department.**
8 **(Assenting – K. Freitas, J. Edlao, M. Hipolito, A. Lindsey, K. Pali,**
9 **K. Thayer, D. Thompson, C. Tackett)**
10 **(Excused – P D. La Costa)**

11
12
13 The following discussion took place after the action of Agenda Item B.2 which pertained to this
14 matter, Agenda Item B.1:

15
16 Ms. McLean: Chair, before we proceed to the next item, we need to make a correction to the
17 DSSRT map discussion. Kathleen Aoki, contacted me to correct that the parcel in Hana is not in
18 the State Conservation District. It is in the State Agricultural District. So, uses on that property
19 would be limited to the uses in common between the State Agricultural District and the Interim
20 Zoning District and that does allow farm dwellings to be built. It does allow agricultural activity. If
21 the commission wants to revisit that discussion, we can bring the item back on another agenda.
22 I wanted to make that correction. The commission is aware it's not in the State Conservation
23 District, like we said.

24
25 Mr. Tackett: Does anybody care to, to revisit that? If not, then we'll let we'll let it stand as is.
26 Going once, going twice, going three times.

27
28 Ms. McLean: Thank you, Chair.

29
30 Mr. Tackett: Thank you.

31
32 Ms. McLean: And Commissioners.

33
34
35 Respectfully Submitted by,

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