

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

February 9, 2021



Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 2/10/21
Mayor Date

For Transmittal to:

Honorable Alice Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Council Chair Lee and Councilmembers:

SUBJECT: A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28 OF THE MAUI COUNTY CODE, RELATING TO THE AIRPORT DISTRICT

The Department of Planning is proposing to revise Chapter 19.28 of the Maui County Code relating to the Airport District. In Maui County, there are 114 parcels zoned Airport District which are located in the airport areas of Kahului, Kapalua and Lānaʻi City, totaling 1,879 acres. The airports in Hana and Hoʻolehua are on lands zoned Interim and will not be affected by the proposed changes.

The bill proposes to include 'buildings or premises used by the federal, state, or county governments for public purposes' as a permitted use. In the Airport District, buildings for government use already exist, including the Department of Environmental Management's Kahului wastewater treatment plant and the Department of Water Supply's baseyard; state Departments of Transportation, Agriculture, and Land and Natural Resources (DLNR) baseyards and offices; and National Guard facilities in Kahului. These facilities were established decades ago.

The impetus for the proposed change is DLNR's Division of Forestry and Wildlife's proposal to expand its existing baseyard and office facility; it is not clear if the proposed expansion is outright permitted under current zoning or if it requires a community plan amendment and a change of zoning. The proposed bill for ordinance will allow the expansion, and allow the other government agencies to expand their existing facilities for public purposes if needed. The proposed language is the same as that used in other zoning districts.

COUNTY COMMUNICATION NO. 21-124

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In addition, the Department is proposing to make two minor updates:

1. Section 19.28.010 – Permitted Uses: update terms which have not been revised since at least 1960. Some terms, such as soda fountains, bootblack stands, and haberdasheries are obsolete. “Steam bath and massage” is also proposed for removal for the same reason. The names of the government agencies have changed over the years, from “United States Weather Bureau” to “National Weather Service” and from “United States Federal Aviation Agency” to “Federal Aviation Administration.”

2. Section 19.28.020 – Use Restrictions: remove references to state agencies that no longer exist (the last meeting of the state airport zoning board was in 1959, and the Hawaii aeronautics commission was abolished in 1961), and following the state Department of Transportation recommendations, use language consistent with airport regulations in Hawaii Revised Statutes §262-3 and Hawaii Administrative Rules Chapter 19-12.

Therefore, pursuant to Sections 8-8.3(6) and 8-8.4 of the Revised Charter of the County of Maui (1983), as amended, I respectfully propose the Council’s consideration of the attached proposed bill, “A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28 OF THE MAUI COUNTY CODE RELATING TO THE AIRPORT DISTRICT.”

The Moloka`i Planning Commission, Lāna`i Planning Commission, and Maui Planning Commission have all recommended that the Council pass the legislation, with the Moloka`i and Lāna`i Planning Commissions having recommended minor revisions that have been incorporated into the attached bill.

Here is a summary of the planning commissions’ recommendations:

<u>Planning Commission</u>	<u>Date of Vote</u>	<u>Recommendations</u>	<u>Vote Count</u>
Lāna`i	Nov. 18, 2020	Pass the bill with minor revisions.	8-0
Maui	Nov. 24, 2020	Pass the bill as presented.	8-0
Moloka`i	Dec. 9, 2020	Pass the bill with minor revisions.	7-0

Please see the referenced minutes of the meetings on the bill:

- Lāna`i Planning Commission, November 18, 2020:
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/27810>
- Maui Planning Commission, November 24, 2020:
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/27808>

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- Moloka`i Planning Commission, December 9, 2020:
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/27896>

Passage of this bill would further a number of General Plan policies, goals, and objectives, including the following components of the Countywide Policy Plan (Ordinance 3732):

- “Encourage the modernization and maintenance of air-transportation facilities for general-aviation activities.” (page 68)
- “Capitalize on existing infrastructure capacity as a priority over infrastructure expansion.” (page 72)
- “Locate public facilities and emergency services in appropriate locations that support the health, safety, and welfare of each community and that minimize delivery inefficiencies.” (page 73)
- “Simplify and clarify the permitting process to provide uniformity, reliability, efficiency and transparency.” (page 80)
- “Ensure that laws, policies, and regulations are internally consistent and effectuate the intent of the General Plan.” (page 80)

Thank you for your attention and consideration. Should further clarification be necessary, please feel free to contact me.

Sincerely,



MICHELE CHOUTEAU MCLEAN, AICP
Planning Director

Attachments

xc: MCM:JMCT
S:\ALL\APO\19.28 airport\210209counciltransmittal19.28.docx

ORDINANCE NO. ____

BILL NO. ____ (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE AIRPORT DISTRICT AND OTHER MINOR UPDATES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this Ordinance are to include buildings or premises used by the Federal, State, or County governments for public purposes as a permitted use in the Airport District, and to update references to obsolete terms and agencies.

SECTION 2. Section 19.28.010, Maui County Code, is amended to read as follows:

“19.28.010 Permitted uses. Within an area designated as an airport district no land, building, structure or any portion thereof shall be used, and no building or structure shall be erected, constructed, enlarged or altered, except for the following uses:

A. Runways, taxiways, cleared safety areas, aircraft parking and loading aprons, terminal buildings, control towers, fire stations, airport maintenance shops and warehouses, landscaped areas, vehicular roads, auto parking lots, service stations, transient auto garages, [airport post offices, restaurants and cocktail lounges, soda fountains, flower shops, gift shops, bootblack stands, photo shops, lei stands, newsstands, haberdasheries, drug stores, banks, wireless offices, transient hotels, miscellaneous concessions] general merchandising, general offices, personal and business services, eating and drinking establishments, retail food and beverage operations, transient accommodations to serve the traveling public, postal transfer stations and bases of operations for airport ground transportation[;].

B. Offices for passenger reservations, ticketing, flight operations, dispatching and communications, flight kitchens,

aircraft maintenance facilities, aircraft servicing facilities, aircraft parking areas, aircraft hangars, air freight facilities and airmail handling facilities[;].

C. Facilities for the processing of passengers arriving from foreign and domestic ports by federal agencies, meteorological facilities for the [United States Weather Bureau] National Weather Service and communication and landing aid facilities for the [United States] Federal Aviation [Agency] Administration[;].

D. Aviation fuel storage and dispensing, freight warehouses, refrigeration facilities for handling of perishable air freight, electroplating shops, flying schools, flying clubs, civil air patrol, aircraft charter operations, aircraft sales, aircraft parts sales, aircraft tool distribution, utility relays or distribution, aeronautical radio facilities, facilities for contract maintenance of aircraft component parts, air freight pickup and delivery service, airline catering, u-drive business, tour operators and agencies, cold storage plants, animal or veterinary hospitals or kennels, agriculture (other than animal husbandry, poultry and fowl hatcheries), housing for airport personnel, parks, aircraft tire service, aircraft show rooms, bowling alleys, insurance offices, international terminal services, [steam bath and massage,] trade schools, truck terminals, warehouse storage and loft buildings[;].

E. Recreational facilities; provided, that permission for such recreational facilities shall be first obtained from the appropriate planning commission.

F. Buildings or premises used by the federal, state, or county governments for public purposes; provided, that permission for such facilities on Lānaʻi shall be first obtained from the Lānaʻi planning commission, and permission for such facilities on Molokaʻi shall be first obtained from the Molokaʻi planning commission.

SECTION 3. Section 19.28.020, Maui County Code, is amended to read as follows:

“19.28.020 Use [restrictions.] restriction. [Use of land within an airport district shall be subject to the following requirements:

A. Area Regulations. Each lot shall have an area of not less than twenty thousand square feet and an average lot width of not less than one hundred feet.

B. Height Regulations. No building shall exceed the height limitation established by the state airport zoning board for the area in question; provided, however, that heights of buildings used for airport terminal and accessory uses shall be as prescribed by the Hawaii aeronautics commission.] No structure within an airport district may be constructed, erected, altered or maintained, and no tree may be maintained to a height, which would penetrate the imaginary airspace surface established by the state department of transportation.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County clerk need not include the brackets, the bracketed material, or the underscoring.

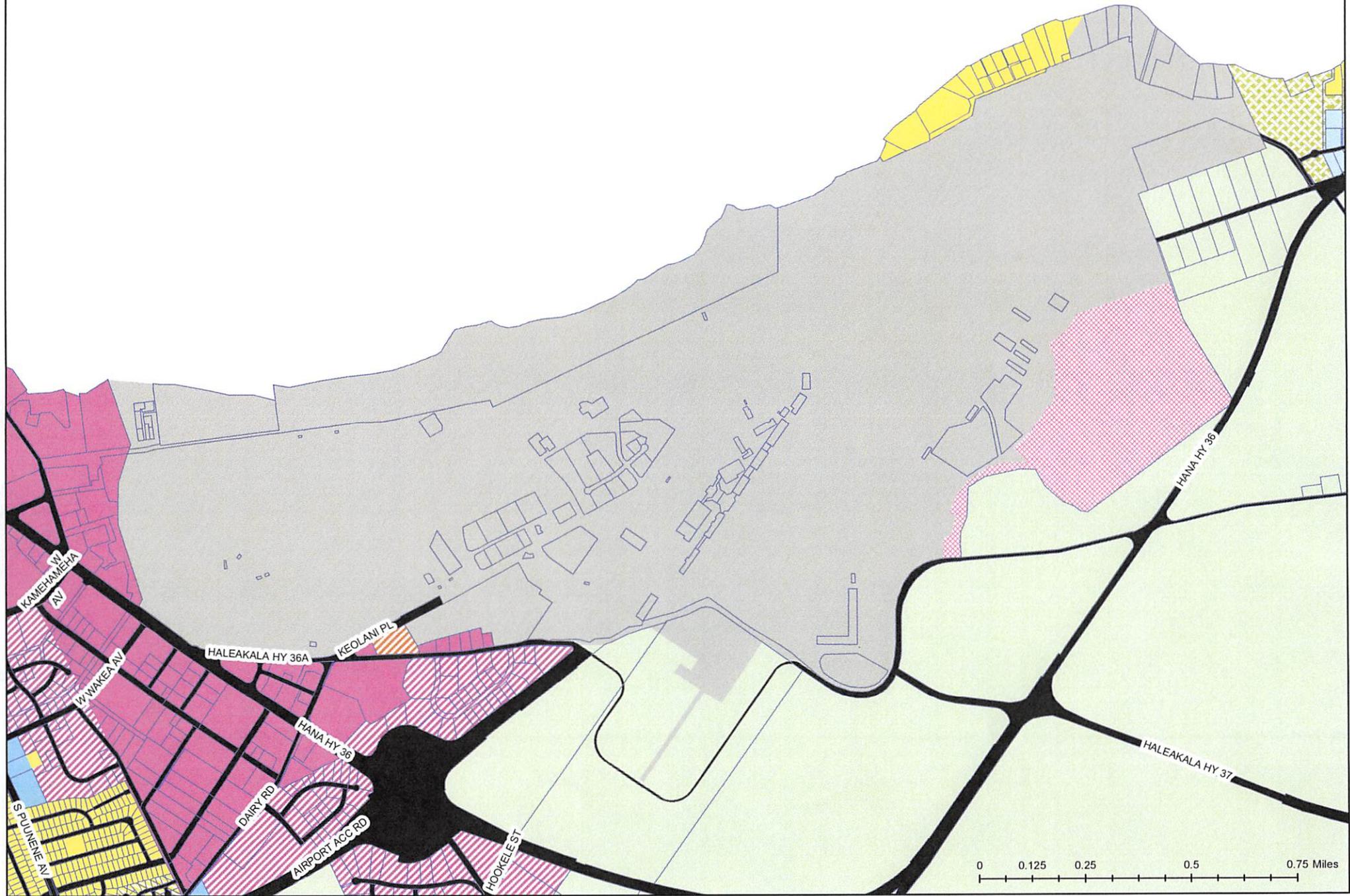
SECTION 5. This Ordinance takes effect upon approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Stephanie M. Chen
STEPHANIE M. CHEN
Department of the Corporation Counsel
County of Maui
LF2021-0042
Ord Amd 19.28, Airport District



Kahului Airport



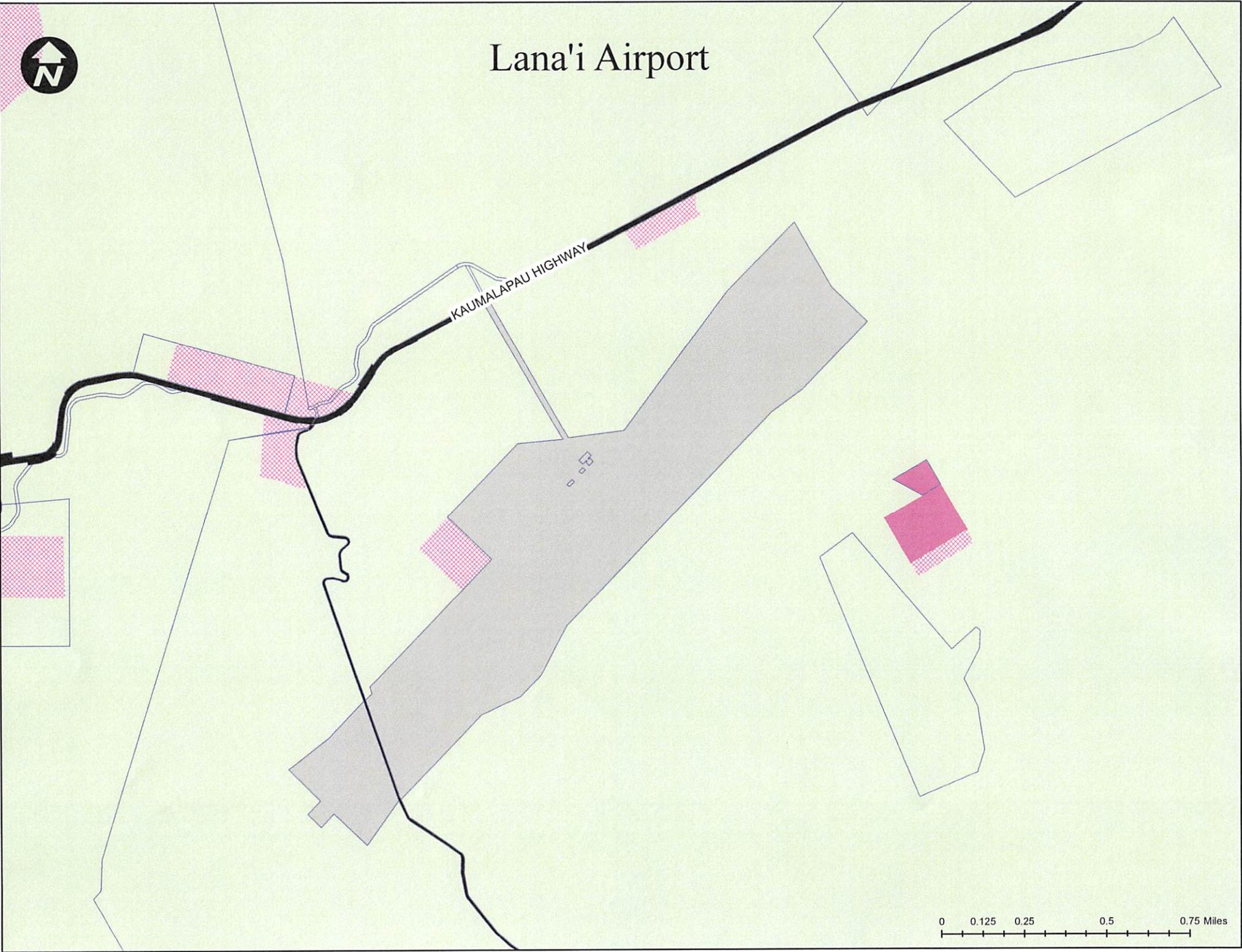
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Lana'i Airport



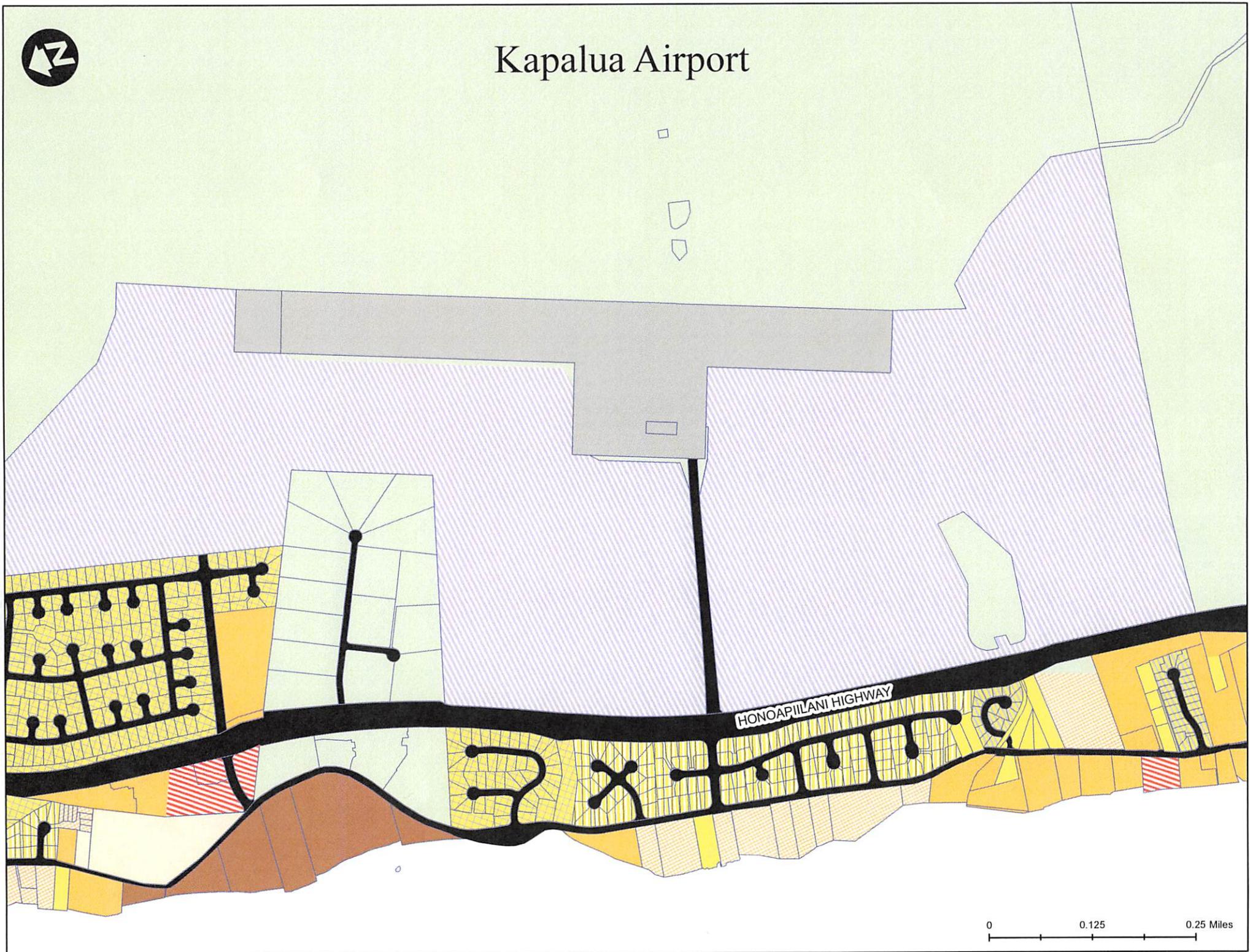
KAUMALAPAU HIGHWAY

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Kapalua Airport



HONOAPIILANI HIGHWAY

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Ms. Preza: Thank you. Shirley Samonte? Maybe not here, but we do have quorum so we'll get started. And so there doesn't seem to be too many people joining us. But just for the sake of making sure we're on the same page I'm just going to read over the rules like we do at every one of these virtual meetings so please bear with me.

So public testimony will be taken when each agenda item is discussed, and testimony will be limited to a maximum of three minutes. Testifiers will be called by me to offer testimony, and are asked to mute their audio and video when they're not testifying. So if you're here with us as part of the audience if you wouldn't mind making sure that your mic is muted and video as well. That would be really helpful. And I will --. So if you are testifying via video and would like to, would like to offer testimony, then you could sign up using the chat function. You directly chat Leilani if possible and by --. And we only have one item on the permitted, or on the public hearing items but you can let her know what, what you would like to testify on specifically. And then I will call on any testifiers via phone after the video, after any video testifiers. And we won't be checking the chat function, the commissioners won't, so if you could be sure to address any questions to Leilani that would be very helpful. Great. Are there any questions from anyone who might be joining us?

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

1. A BILL FOR AN ORDINANCE AMENDING TITLE 19.28, MAUI COUNTY CODE, RELATING TO AIRPORT DISTRICT

MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, referring to the Lanai Planning Commission a Proposed Bill for Ordinance to Amend Chapter 19.28, Maui County Code, relating to Airport District. (Jacky Takakura)

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

Section 19.28.010.A, Permitted Uses, is proposed to be amended with some minor updates and to include buildings or premises used by federal, state, or county governments for public purposes.

Ms. Preza: If not, then we'll get right into it. We're starting item B.1. which is a bill for an ordinance amending Title 19.29, Maui County Code, relating to the Airport District. I believe we got sent slides to a presentation. I think Michele, are you going to be doing that? Great. Thank you. Thanks for being here.

Ms. Michele McLean: Thank you Chair and thank you Commissioners. This is a pretty simple, straight forward bill. It's proposing to amend the Airport zoning district. And we're proposing

to amend it because some recent applications came in for uses, not related directly to Kahului Airport but on properties nearby that are zoned Airport District, and they would have to have gone in for a Community Plan Amendment and Change in Zoning to, to do the uses that they were proposing. So if it's okay I'll go ahead and share my screen and go through the power point.

Ms. Preza: Sounds good. Thank you.

Ms. McLean: It's a little slow. Let me stop sharing first. I think for some reason the power point is not happening. So let me try this again. Okay, are you seeing the full slide there?

Ms. Preza: Yes we are. Oh, now -- sorry, something glitch, but now I think I we're seeing it.

Ms. McLean: Okay. So these old photos will give you an idea of the times when the current zoning code was passed some 60 years ago. And certainly, as you can see, times have changed and the airports have changed.

The main purpose of the bill is to just add one new permitted use which is buildings or premises used by the federal, state, or county governments for public purpose. And this is the same use that's allowed in a variety of zoning districts: the residential districts, some of the business district, park district, public-quasi/public district. And so here's a slide that shows various government uses nearby Kahului Airport. You have the Department of Water Supply. You have the State offices and the National Guard. And so it was -- one of these State offices nearby that wanted to do, put up a new . . . (inaudible) . . . and the airport zoning currently wouldn't allow that.

Ms. Preza: Sorry Michele to interrupt you. I think if people are just joining our call if you can make sure that you're muted because right now I'm hearing a lot of feedback from someone else and it's interrupting the presentation. So if you could make sure you're muted while Michele is presenting that would be great. Thank you so much.

Ms. McLean: Thanks Chair. Only three of the county's five airports are affected. The Kaunakakai and the Hana airports are in the Interim zoning district. And the interim zoning district actually has similar language already to allow public owned buildings and government buildings. So we're talking about here with Lanai, Kapalua, and Kahului.

And you can see the gray shaded area shows the Airport zoning district for the Kahului Airport, and there are all of those little tiny parcels within it so that's 106 parcels that are zoned Airport District in Kahului. And then on Lanai, there are four parcels that are Airport District zoned. The main parcel and then these little ones.

Ms. Kaye: Michele, can I ask you a question while you're on that slide so you don't have to go back?

Ms. McLean: Sure.

Ms. Kaye: Okay, so the pink areas you're saying those are zoned in the Airport District?

Ms. McLean: No, just the gray.

Ms. Kaye: Just the gray. What is the pink?

Ms. McLean: The pink is typically interim zoned.

Ms. Kaye: Okay. It doesn't have anything to do with this?

Ms. McLean: Correct. It's just the gray areas. You see into the large gray portions there are those little tiny.

Ms. Kaye: That's 509 acres.

Ms. McLean: All total within the gray, yes.

Ms. Kaye: Okay, thank you.

Ms. McLean: Yeah, you're welcome. And then in Kapalua, in West Maui, there are three parcels that are zoned Airport District. And we're also proposing some changes to modernize the Code. And that's to replace some of the really old items and terms that are used. Although we'll really be sad to see haberdasheries is no longer listed in the Code, or bootblack stands, soda fountains.

Then also in that second -- or excuse me, the third bullet, those two agencies referred to in the current language are no longer in existence. And the State Airport zoning board and the Hawaii Aeronautic Commission are no longer in existence. And the Hawaii Department of Transportation Airports Division is the, is the main regulatory authority for our airports now.

And the options for the Commission are to recommend approval of the bill, recommend approval of the bill with amendments, recommend denial, or defer action if you need any additional information. And we are asking for you to recommend approval today.

Ms. Preza: Thank you Michele for the presentation. Sorry.

Ms. McLean: No, that's it. Thank you.

Ms. Preza: Great. So before Commissioner we have any questions or comments I'm going to open public testimony. Is there anyone who would like to offer public testimony at time? Leilani, have you gotten any requests?

Ms. Leilani Ramoran-Quemado: Hi. Can you hear me?

Ms. Preza: Yes.

Ms. Ramoran-Quemado: Thank you Chair. No, no one has signed up to provide public testimony.

No public testimony was provided from the public.

Ms. Preza: Okay, great. Well, one more opportunity for anyone calling in via video chat. Would anyone like to offer public testimony? If not, then is anyone calling via phone who would like to offer public testimony? Okay, if not, then I'll close testimony, public testimony at this time.

And Commissioners, if you have questions for Michele or just want to discuss anything about this or, please feel free to unmute yourselves. And I see that Sherry and Chelsea are now here, and Shirley, so hello, welcome. I just want to make sure I note that on the record. If there's no discussion then we do have the options to recommend approval. I mean, I know it's a relatively short document so hopefully you've all got a chance to read it.

Ms. Kaye: I do have a couple of questions Shelly.

Ms. Preza: Sure, go ahead.

Ms. Kaye: The definition of public purpose, I couldn't --. I mean, I'm not sure how you define that. The definitions in the Code, in 19.04, define public facility and public use, but not necessarily purpose. And words matter so I'm just not sure who gets to decide what a public purpose is. That's one question.

And second, this seems to be driven by a situation in Kahului. And, and so I'm just wondering if this was adopted what could happen at our airport that couldn't happen now?

Ms. McLean: Thank you for the question. I'll answer the second question first. What could happen at the airport now that couldn't happen or what could happen at the airport if the bill were adopted that couldn't happen now would be that...a, a county, state, or federal government agency could conduct a governmental use on the airport property that is not specifically related to the airport. So if, for example, the County Council wanted to have an office at the airport they could. Or another county or state agency wanted to use an unused building at the airport for a use that's not directly related to the airport, they would be allowed to.

Ms. Kaye: And so, so this isn't -- you mentioned that it's prompted or driven by a need in Kahului and, and I'm not sure that --. I assumed it might just be existing uses. But you're saying no; it could be anyone that wanted to come in. And who gets to decide that?

Ms. McLean: Well, with any use the...the...approval of the land owner would be needed so that would be one thing to be mindful of. If you're looking at the Lanai Airport, because it's only four parcels and three of those are contained within that larger parcel, I would imagine that they are all owned by State Airports. So, it seems unlikely to me that other agencies might come in. But if there are any structures on that property that aren't being used right now and there's another government agency that could utilize them for a government function that's not directly related to the airport, the proposed change would allow that. But it's, it's not as it becomes a free for all for any government agency to just start doing things because the authorization from the landowner is needed.

Ms. Kaye: But when you say landowner you're talking about the State Department of Transportation?

Ms. McLean: Correct.

Ms. Kaye: They own that parcel. And, and also you mentioned that if they wanted to use an un, unused building, but, but I understood this to say that they could come in and build something. Would that be accurate?

Ms. McLean: Yeah. Saying that they could use an unused building was just an example of... how the proposed changes could be helpful. It might not be something you anticipate today where there might be an existing building that's unused, and yet you have to go through an entitlement process to let a government agency to use it if, if the, if the bill isn't adopted or isn't applicable to Lanai. But, yes, it would also allow new structures to be built for government purposes.

Ms. Kaye: I noticed that the section above (E) permission for -- I'm not sure why it's there -- but permission for recreational facilities needs to get, needs to be obtained by the Planning Commission. Is there some way to think about adding this in but to require any new or additional use to come before the planning commission?

Ms. McLean: Certainly if the Lanai Planning Commission's recommendation is that this particular change would only apply to Lanai with approval of the Lanai Planning Commission, that's absolutely doable.

Ms. Kaye: Thank you.

Ms. Preza: Thanks Sally, and thank you Michele for answering questions. And I don't know how other commission members maybe feel about that, requesting that, you know, future uses might be --. Or, you know, if anyone tries to make a building or update a facility for the use of that we're talking about if we would like it to come before the Planning Commission. Personally I don't feel --. I mean, I'm not --. I'm actually interested in hearing on what you folks say. I mean, it can't hurt to have an extra check in place, you know, with the -- and a forum for a community to provide feedback. I think, you know, we're all aware of like what the

airport looks like now. And, you know, besides the addition of the, you know, fire fighter station down there, or the fire station down there, it hasn't really change much in the decade previous. But, I'm not sure how others feel that if you think that you would like it to come before the planning commission or if you feel comfortable with the Department of Transportation to be the one dictating what is okay. Thoughts?

Ms. Kaye: Well, I'd like to add that. I make a motion that this could -- that we would...recommend to County Council that the proposed bill be approved with an amendment that any additional public purpose use that's proposed for Lanai come before the Planning Commission.

Ms. Preza: So Sally has made a motion to recommend with amendments -- what she just said. Is anyone -- would anyone like to second that?

Ms. Catiel: I second.

Ms. Menze: I second. Oh, okay.

Ms. Preza: Did you make a motion?

Ms. Menze: No, I just wanted to second. That's okay.

Ms. Preza: I think Roxanne seconded. But is there any further discussion on this before we take a vote? Any clarifications needed from Michele, or does that make sense? Michele, does that wording make sense? Sorry, before we make a motion, I just want to make sure that what she's asking -- what we are proposing is okay.

Ms. McLean: Yeah, I, I understand. So the language in the bill is all fine, except for that additional use, that buildings or premises used by the federal, state or county government for public purposes. That for that particular use on Lanai that would have to be reviewed by the Planning Commission.

Ms. Preza: That sounds good.

Ms. McLean: Okay. Got it.

Ms. Preza: Thanks. So if there's no further discussion, I'm going to call everyone's name, and if you could tell me how you vote that would be helpful. Let me get my roll call here. Okay, so Chelsea?

Ms. Trevino: Yes.

Ms. Preza: Thank you. Roxanne?

Ms. Catiel: Yes.

Ms. Preza: John Delacruz?

Mr. Delacruz: Yes.

Ms. Preza: Sally Kaye?

Ms. Kaye: Aye.

Ms. Preza: Sherry Menze?

Ms. Menze: Aye.

Ms. Preza: Thank you. John Ornellas?

Mr. Ornellas: No.

Ms. Preza; Natalie Ropa?

Ms. Ropa: Aye.

Ms. Preza: And Shirley Samonte. I'm not sure -- I saw her kind of coming in and out. Shirley are you there?

Ms. Samonte: Yes, I'm on the phone because I'm having technical issues. But my vote, yes.

It was moved by Ms. Sally Kaye, seconded by Ms. Roxanne Catiel, then unanimously

VOTED: to recommend to County Council that the proposed bill be approved with an amendment as discussed.

(Assenting: R. Catiel, J. Delacruz S. Kaye, S. Menze, S. Preza, N. Ropa, S. Samonte, C. Trevino)

(Dissenting: J. Ornellas)

Ms. Preza: Thank you. And I also vote yes, so it passes with eight votes, and one no. Thank you everybody. Thank you Michele.

C. DIRECTOR'S REPORT

1. [Open Lanai Applications Report](#) as distributed by the Planning Department with the November 18, 2020 agenda.

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

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

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

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

And the new language that's in the attachment that you have in the bill for ordinance. It makes reference to imaginary air space surface and that's described in the Administrative Rules of the State and this term... 'cause I had to look it up, it refers to the surfaces in relation to the airport and the runways which is based on the category of the runway and the type of approach available or planned for that runway. So, it's going to vary by airport, but it's really the state's prerogative 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. Aunty 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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1
2 Mr. Carnicelli: Thank you. Commissioner Tackett.
3
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

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

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

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

Mr. Freitas: Okay, thank you.

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

Ms. McLean: That's correct.

Mr. Tackett: Motion carries. Thank you.

Ms. Takakura: Thank you.

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

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

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
DECEMBER 9, 2020

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan at approximately 11:08 a.m., Wednesday, December 9, 2020, via BlueJeans Meeting No. 342402193.

A quorum of the Commission was present. (See Record of Attendance.)

Chair Buchanan: You guys -- open my agenda in one separate screen. Aloha, everyone and welcome to the December 9, 2020 meeting of the Molokai Planning Commission. If you need assistance, for the public, this meeting is online via BlueJeans and you can get the information off of the agenda that is posted on the county website. There is a number of ways to join this meeting that is listed on the agenda in the beginning. A reminder to commissioners that we will not be contacting each other by the chat function, but we can contact Suzie. So, we are moving to item B since I opened the meeting by calling the meeting to order, but before I do that, is there any commissioners that have any issues with the agenda today -- meeting for move up or any other reason? And seeing none, oh, sorry, guys, I'm clicking between screens, we're going to move straight into item B, Public Hearing, which action is to be taken after the public hearing, and item number one:

Chair Buchanan read the following agenda item description into the record:

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

1. **MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, referring to the Molokai Planning Commission a Proposed Bill to Amend Title 19.28, Maui County Code, Relating to Airport District. (J. Takakura)**

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

Permitted Uses, is proposed to be amended with some minor updates and to include buildings or premises used by federal, state, or county governments for public purposes.

Chair Buchanan: There's a memo report attached as well on the agenda and I believe Jackie's going to do all PowerPoint, so thank you, as we handed over to staff.

Ms. Takakura: Thank you, Chairman Buchanan. Good morning, everyone, Molokai Planning Commission -- December this year. So, I just have a really short PowerPoint presentation that I'm going to share with you, so I'm going to share my screen and you're going to see a blue image, and I think you already -- you do have the PDF of it in your packet, but I'll -- I'm gonna share screen now. Can I just see a thumbs up if you can see that blue screen? Is that okay? Okay, thank you. Like I said, this one is short so, well, and so what we're talking about today is revising the Maui County Code relating to the airport district and that's Chapter 19.28, and we've taken this bill to the Lanai Planning Commission and the Maui Planning Commission so far.

So, this chapter of the zoning code, it has not changed since at least 1960. I tried to find some research on when the last time it was updated and it matches exactly the word-for-word of the 1960 comprehensive zoning code, so it could be from before that, but I'm not sure, but it's very old, and that's why I have some old photos in here to give you an idea of the times of when this zoning code was passed, you know, from 60 years ago, as you can see, times have changed, and the airport has changed too.

The main purpose of the bill is to add this language about buildings or premises used by the federal, state or county governments for public purposes as a permitted use. And this language, it probably sounds familiar because it's allowed in other zoning districts, like in residential, or B-2, or B-3, park and public/quasi-public zoning districts, so it's already common language in the zoning code; we'd like to add it to the airport district too. We already have existing government buildings used for public purposes in Kahului. If you can see this map, on the left side is the Department of Water Supply baseyard, the Naska baseyard that's been there since the 1950s, and that's called the "Naska baseyard" because that used to be referred to Naval Air Station Kahului, Naska. Back in the day, there used to be Naska and Naspu, which is Naval Air Station Puunene, but that's just some trivial information. In the middle is the state baseyards, that's agriculture, transportation, DLNR has some offices there. And then on the right side, you can see the National Guard office there. If you were to go further right, you would be actually at the airport. The reason for this change is because this part in the middle with the state, they're proposing to do some work on their DLNR -- so, actually, only three of the county's five airports are affected, and that is Kahului, Lanai, and Kapalua Airports because those are in the airport zoning district. Kaunakakai and Hana Airports are in interim zoning districts so they're actually not affected by this bill. And actually, in interim, we already have similar language. We have publicly owned buildings, public utility uses, and we have public/quasi-public facilities owned or operated by private or governmental agency, so the interim zoning is already good with this language, which is what the Kaunakakai and Hana Airports are, but this language is not in the airport zoning district.

So, the black and white photos, for your info, are the Lanai terminal from the 1960s and 70s, and then the other color photo is the Kapalua Airport out in West Maui.

Mr. Poepoe: I got a question. Are we referring to Hoolehua Airport?

Mr. Takakura: Yes. I'm sorry. Yes. Yes. Hoolehua. Is it okay to continue? Okay, so Kahului Airport, this area has 106 six parcels that are zoned airport district, 1,320 acres. Lanai airport district is four parcels, 509 acres. And there's three parcels in Kapalua zoned airport district, and that's 50 acres.

So, while we're at it, we wanted to make some other changes to modernize the code because there's just some things in there that are really, really old, there's some outdated terms, like soda fountains, and bootblack stands, photo shops, newsstands, haberdasheries, I had to look that one up, that's a men's clothing and accessories, or the British definition is sewing or buttons or zippers and thread. Bootblack stand is a shoeshine stand. We'd like to take those outdated terms and replace them with standard terms, like general merchandising, general office, personal and business services, eating and drinking establishments, retail, food and beverage, transient accommodations, and, right now, the current code only refers to foreign ports so we want to add domestic, so it's foreign and domestic ports. Over the years, some other agencies have changed, it's no longer United States Weather Bureau, it's National Weather Service now, and the FAA, I guess it used to stand for Federal Aviation Agency, but now it's Federal Aviation Administration, so we'd like to bring those terms to what the names are now. There's also other obsolete use, steam baths and massage that we'd like to take out. And then there's a part in there that refers to state agencies that are no longer in existence, it makes reference to State Airport Zoning Board and that was in existence from 1952 to 1959, and then the Hawaii Aeronautics Commission was from 1947 and abolished in 1961, so we'd like to take those out and just put in Hawaii Department of Transportation Airports Division because they're the agency that controls and manages the 15 airports within the state, and airport zoning is governed by HRS 262, Airport Zoning Act, and Hawaii Administrative Rules 19-12, Airport Zoning, and we did consult with them about use restrictions and so we have proposed new language from them that makes reference to imaginary airspace surface and that's described in the Hawaii Administrative Rules, and I had to look that one up, too. It refers to the surfaces in relation to the airport and the runways, and it's based on the category of the runway and the type of approach available or planned for that runway, so it's going to vary depending on the airport and really that's DOT's jurisdiction so we're going to refer that to them.

So, the Planning Commission has some options recommending approval of the proposed bill to the Maui County Council, which is what we're hoping that you will do, you can make amendments, you can recommend denial, or you can vote to defer action and gather more input.

So, in a nutshell, that's the presentation and that's the changes we're proposing to make. I think we can go to the next steps, and I can answer any questions or go back to any screens if you have questions about any of them, but I'm going to stop sharing my screen now. Thank you.

Chair Buchanan: Thank you, Jacky. Commissioners, do you want us to take public testimony now or do you want to ask Jacky questions? What is your -- what's -- what -- what do you prefer?

Mr. Sprinzel: Now would be good.

Chair Buchanan: Take -- take public testimony now?

Mr. Sprinzel: Yup.

Chair Buchanan: Okay. Vice-Chair suggests that. I'm amenable to that. So, we will come back and ask staff questions after. But at this point in time, if there's anyone in the public wishing to testify on this agenda item, please state your name for the record.

Ms. Esmeralda: This is Suzie. I have no one signed up.

Chair Buchanan: Okay, good.

Ms. Lopez: This is Sybil Lopez.

Chair Buchanan: Sybil, you too, yeah. You don't have anyone in your office?

Ms. Lopez: I don't have anybody.

Chair Buchanan: Okay. Very good. Then we can close public testimony on this agenda item, and then, Commissioners, you guys have questions for Jacky on the proposed ordinance changes?

Mr. Moore: Yes. This is Commissioner Moore. I have a question.

Chair Buchanan: Go ahead, Bill.

Mr. Moore: Is any of this land homestead land?

Ms. Takakura: If I may, Chair?

Chair Buchanan: Yeah, go ahead, Jacky. Thank you.

Ms. Takakura: None that I know of. And I would like to apologize for my error about referring to Kaunakakai 'cause I -- I -- yeah, your airport's not in Kaunakakai, but we don't have any airport zoning district on the island of Molokai or at least in Maui County.

Chair Buchanan: Okay. Commissioners, any --

Mr. Moore: The reason I ask --

Chair Buchanan: Go ahead, Bill.

Mr. Moore: The reason I ask the question is because from Puunene up to Paukukalo, that is homestead land and it appears to me that the airport is on that land. I know some years ago, they had protested that airport and the Native Hawaiians claimed that that was homestead land but I don't know if it's still that situation.

Chair Buchanan: Thank you, Bill. Jacky, you can respond?

Ms. Takakura: Yes, thank you, Chair. I can show the screen again and we can take a closer look if that'll be all right?

Chair Buchanan: Sure.

Ms. Takakura: So, I'm looking at the Kahului Airport map, and the gray is the airport district, so it seems like it only is in Kahului, it goes to kind of where Haleakala Highway and Hana Highway meet and then towards the harbor. It doesn't really get into the residential areas. I think Paukukalo is further down; it would be further left that side. Hopefully, there's none of those issues in this area. I'm going to stop sharing screen now if that's okay? Oh, okay.

Chair Buchanan: Hang on. Hang on. You can leave the screen, Jacky. Thank you. Commissioner Mowat.

Ms. Mowat: I used to live in Paukukalo, and Paukukalo is on the other side of the harbor, it's on completely in a whole different area and -- and I don't believe Puunene is part of the district either. This is all in Naska. The area is in Naska. So, it's -- it doesn't comprise anywhere near Paukukalo or Puunene.

Chair Buchanan: Okay, thank you, Commissioner Bridget.

Mr. Moore: Thank you.

Chair Buchanan: Okay, Jackie, this is Chair Buchanan. Since you have the map up and everything is colored gray, are we to assume that all of the gray area, including the

shoreline that is colored gray on this map, would be under, with these changes, the Department of Transportation management?

Ms. Takakura: Thank you, Chair. So, the Department of Transportation, Airports Division, they would be over -- in terms of the use restrictions, they would be the ones making that decision because it's going to vary by airport because they talk about that imaginary airspace surface. So, say some -- if -- if something comes in, like a building permit or something that comes in, it would probably need to go to DOT for review that it's not going beyond what they are regulating, if that answers your question.

Chair Buchanan: Partly because I -- I wanted to go back and discuss that imaginary airspace again, but I would think -- I'm trying to figure out -- so any triggers within the shoreline would still be triggered for Chapter 205A, so that would be another layer that the Department of Transportation would have to deal with if they decide that they, one of the state agencies or anybody else in the new ordinance listed, would want to develop something in the shoreline. Is that correct?

Ms. Takakura: Thank you, Chair. If it's, excuse me, in the SMA, special management area, then, yes, it would still have to go through the regular SMA process. Yes.

Chair Buchanan: Okay. So, now that we -- can we go back to imaginary airspace? I missed that discussion. I wanted to understand more about it.

Ms. Takakura: Yes. And that is established by the Hawaii State Department of Transportation, and it's -- it depends on the length of the runway, the type of approach available or planned for that runway, and it includes horizontal, conical, primary approach, and transitional surfaces, and this is all in the Hawaii Administrative Rules, 19-12, from the State. They make -- they're the ones who make that decision.

Chair Buchanan: Okay, thank you. Only because I'm kind of cross-referencing airspace along with the cultural protocol of reviewing the eight realms specific to a culture review and it does include what I would see being defined here as imaginary airspace because one of the realms is the air as -- and under the ground. So, I think I can quantify that as also the state recognizing that there is validity in airspace as well as underneath the ground with their minerals and rules, so I just wanted to get that on the record. So -- so, Jacky, I have -- I have a concern. My concern is it's easy to say that Molokai is zoned interim. For years, there's been a question about ceded lands that the Hoolehua Airport sits on and that it will be an ongoing issue, so just because we don't have a airport designation now, doesn't mean we would have one in the future, and if we do cross over from interim zoning in some type of comprehensive move, which looks like that's the long-range plan for Molokai is to get past interim zoning and to have actual zoning, my concern is all of the changes we're making today to this ordinance would then apply to the Hoolehua Airport. Would you say that that is -- that scenario can occur?

Ms. Takakura: Yes, Chair. Yes.

Chair Buchanan: Okay. With that -- with that, I do have some concerns about the proposed changes, and I'm going to treat it as it's going to be applied to the Hoolehua Airport at some point in the future. So, my concerns are -- is it possible for you, Jacky, to share a screen that has the actual ordinance that was hyperlinked in the agenda, in today's agenda?

Ms. Takakura: Yes.

Chair Buchanan: Let's -- let's take a look. Thank you, Jacky. So, the underline is added language, yeah?

Ms. Takakura: Yes, Chair, that is correct. And then the brackets are to remove.

Chair Buchanan: Okay. So, I don't have a real big concern with 19.28.010, permitted uses changes, or proposed changes. For item C, foreign and domestic, so you adding "and domestic," and then you changing the ports and -- and I wondered why you did not list the United States Department of Ag since they do the quarantine, but I'm assuming they would fall under the first sentence where it says, "Facilities for the processing of passengers arriving from foreign and domestic ports by federal agencies," so that's a blanket coverage, right? I see you shaking your --

Ms. Takakura: Yes, Chair. That is correct.

Chair Buchanan: Okay.

Ms. Takakura: Yes.

Chair Buchanan: Because we all know that we have USDA at the airport doing foreign ag inspection for departures, but we go on to actually single out meteorological facilities for the United States Weather Bureau, and then communication and landing aid facilities, the FAA. Why is that?

Ms. Takakura: I think it's because the weather is not directly related to passengers and then maybe the communication is something kind of on the side, but these were things that were included from the original zoning code from, you know, 60 or something years ago.

Chair Buchanan: Okay. Thank you. So, then we move on to item D, and there's no changes to item D, is that correct?

Ms. Takakura: Thank you, Chair. I -- we're proposing to remove steam bath and massage.

Chair Buchanan: Oh, I no see that stricken on this -- on -- on the ordinance. Oh, right there, the bracketed. I see it. Other than animal husbandry, poultry and fowl hatcheries, and then steam bath, massage. Okay. And the reason you striking animal husbandry, poultry and fowl hatcheries is why, besides no make sense?

Ms. Takakura: Thank you, Chair. We're not proposing to remove those. We're only proposing to remove the steam bath and massage.

Chair Buchanan: Oh, okay. The reason I'm asking that is I'm trying to see how the Kauai airport ended up with such a mess having to deal with threatened and endangered protected species of nene goose that resulted in the taxpayers having to expend millions of dollars on trying to remove the birds that were posing a threat to the airport only for them to fly back to the airport, and then it seems that there is an ongoing millions of dollars mitigation now, so when I saw that, I -- it triggered -- because the Department of Land and Natural Resources kinda triggered this oversight and changing in this ordinance by proposing to expand their facilities at the airport, and since they were the same organization and state agency that created this huge issue for the Kauai airport, I'm wondering how we going avoid that in Maui. Oh, you on mute, Jacky.

Ms. Takakura: Thank you, Chair. I don't have an answer for you on that one. I think that's a little bit outside my area of what I know and what I do.

Chair Buchanan: Okay.

Ms. Takakura: Sorry.

Chair Buchanan: Only I would ask that kind question, Jacky. But, yeah, I mean, when we talking millions and millions and millions of dollars, we not just talking a million, we talking ten million dollars of taxpayers' monies being used to mitigate agency issues by our airports. I mean, that's why we employ APHIS to shoot guns at the airport to scare birds away so they don't fly into aircraft and cause a safety issue, so -- so that's why I'm questioning this, but I was also wondering, in this document, what happened to item F or -- or do we just need to re-alphabet because you go from item D to E to G?

Ms. Takakura: You are correct, Chair. I'm sorry about that. I think I made a mistake with my lettering.

Chair Buchanan: Okay, no problem. I was thinking if you was hiding something. Nah, I just -- I'm not. I'm playing. Okay, so in item E, there's a specific condition, it says, "Recreational facilities provided that permission for such recreational facilities shall be

first obtained from the planning commission.” So, there's not any proposed amendments to that, but I like it. And so, what I wanted to do was to see if we could, for Molokai, expand on that item or to propose a new item which would become item G, you can either expand on E or create a new G, and that would be specific to Molokai. So, it would be item E would actually list everything in the ordinance and they would be an allowed use provided that permission for such items would first be obtained from the Molokai Planning Commission; that's my suggestion, if this is passed, because I'm assuming we will become an airport district at some point in time after we comprehensively rezone all our interim stuff, and I'd like to take care of it now. I don't want to come back and fight bad legislature, bad rulemaking, not bad, but because item G you adding buildings or premises used by the federal, state or county governments for public purpose, that's really generic, almost like the other generic, like all federal agencies, and if we look at the Kahului map that you showed us earlier, you can see that the National Guard has a lot of acreage in your airport district, you know, the Department of Water Supply has huge acreage in your airport district, and so, for Molokai, I'm trying to provide another layer of oversight, especially since we have all of that ceded land issues and DHHL land issues out there in space. I don't think -- I don't want the chair or the head of the Department of Transportation being able to exempt or okay projects that only get reviewed by the DOT, and I going tell my commissioners why. We have a problem right now in Kalaupapa, on the island of Molokai where the Department of Transportation has proposed several changes to the airport in Kalaupapa, but there is no oversight for the shoreline, which is adjacent to the airport, and so when questioned, the DOT is questioned about how they're going to enact Chapter 205A, their only response is to get feedback from the office -- State Office of Planning, so they're bypassing Maui County, they're bypassing the Molokai Planning Commission, and they're saying if we get one issue with the shoreline, we're going to get feedback from the State Office of Planning, and when you call the State Office of Planning, they don't know what you're talking about. So, if all of the proposed changes can go back to oversight of the Molokai Planning Commission, that is what I'm proposing if Maui wants to go ahead and just give away authority to everything to the state for a thousand acres, which is right next to threatened and endangered species in the wetland. Commissioners, I sorry. You guys get any comments on that? And I cannot see everybody on my thing, so if anybody get, unmute yourself and then -- oh, go ahead, Jacky.

Ms. Takakura: Thank you, Chair. I -- may I stop sharing or should I -- can see everyone?

Chair Buchanan: No, let's just go right straight to the next section, Section 3, just so everybody see that no structure may be constructed, erected, altered, or maintained, this is on item B, and then you guys are all taking out the “shall be” on item A, and then no structure may be constructed, erected, altered, maintained, and no tree may be maintained to a height which would penetrate the imaginary airspace surface established by DOT. So, it would be great to actually see what that imaginary airspace

looks like for Molokai because the Federal Aviation Administration, we going see in our upcoming next projects, also talks about airspace and the effects in airspace. Okay, that's -- you can scroll down. I'm okay with that. And that's it. Thank you, Jacky. You can stop sharing, I guess, and then we can go back. Yay, I can see everybody. Okay. Sorry, Commissioners. I -- I am done with my questions for staff. Anybody, Commissioners, get any questions for staff? Okay, seeing ...(inaudible)... Commissioner Bridget.

Ms. Mowat: I just wanted to say mahalo for all the information, Lori, because a lot of things I overlooked, I don't know a lot of stuff, but I appreciate that, and I appreciate the report, and I especially liked all the old pictures, and that was it.

Chair Buchanan: Yeah, Jacky ...(inaudible)... pictures. Okay, Commissioners, if we're not seeing no questions for staff, then staff can probably go briefly over what -- what staff is asking us to do again. Those last four bullets.

Ms. Takakura: Thank you, Chair. So, you have the option of either recommending approval of a proposed bill, or if you'd like, you can make amendments to the bill, or you could deny, or you could defer action. Chair, if I may?

Chair Buchanan: Okay.

Ms. Takakura: We took this bill to Lanai Planning Commission, and I'm just gonna put this out there, but they recommended approval of the airport district bill but want the new proposed use of government facilities to be subject to their review, just a review of any non-airport government uses. I mean, maybe that's something you folks might be interested in too. For Lanai and Molokai, non-airport government uses be subject to commission review. Just wanted to make that -- put that out there because that was something discussed by the Lanai Planning Commission. Thank you, Chair.

Chair Buchanan: Thank you, Jacky. Yeah, that's awesome, but I no think they had one flock of threatened and endangered species blocking their airport, although they've had some very tragic air incidences that reported in -- resulted in many fatalities and so, you know, that's really sad, and I'm not saying that was blamed on anything, but it does -- it does, you know, it's our responsibility even through ordinance and stuff to make sure that sometimes we add to the safety, so while that is minimal, I guess I was proposing more oversight and practically adding, specifically for Molokai, all oversight over every A, B, C, D, E, and then adding, you know, like I said, either in item E where it says recreational facilities, you can add it in there, Jacky, and for the island of Molokai, you know, A, B, C, D, E will be subject also to oversight by the Planning Commission, which is what Chair is proposing assuming that we going be one district, airport district one day.

Ms. Takakura: Yeah.

Chair Buchanan: Hi, Bridget?

Ms. Mowat: Hi. I -- I agree with that, Lori, and I'd like to see that in there. And I just have a question for Jacky. Jacky, what is that, you know, on the map, the existing government buildings, what is the state buildings there? What -- what is it being used for? Is it mostly all like -- I don't know what it is, it just says, "State," in the middle of the Department of Water Supply and the -- the National Guard? Do you know what that's used for?

Ms. Takakura: If I may, Chair. Thank you.

Chair Buchanan: Sure. So, I -- I pulled up the screen again, and so when you are -- well, this is the old road going to the airport, you know, go past Costco in the old way, the Department of Water Supply is on the right, and then if you were to make a right turn, the left is the state and right in the front, which I think you can see the PV panels, that's like the main DOT offices, but then I know in there they also have Department of Ag, and I'm not exactly sure which one is DLNR, but they're in there also, but I know it's those three at least of their agencies there, they have their ...(inaudible)...

Ms. Mowat: Three. The three buildings is -- the three buildings is -- is state because, according to the arrows, only two of the buildings is state, but what is that?

Ms. Takakura: It's all of these -- these, I'm trying to move my mouse, I don't know if you can see it.

Ms. Mowat: I see them. I see the mouse.

Ms. Takakura: ...(inaudible)... these big ones here and then this reddish colored one under the word "State," it might be DOT, and then this one with the PV is like their DOT office and they have a conference room and, I've never been inside there, but I know that they have a lot of different offices

Ms. Mowat: Right. Okay, 'cause this map, there's, you know, if you're just looking at where the arrows are, you just assume it's the two buildings but it's that whole gray buildings, the rooftops.

Ms. Takakura: And this blue outline is the parcel, so you can see it's being shared by the different, as I mentioned, they've been they've all been there really, really long.

Ms. Mowat: I never went in that road, I guess. Okay, thank you very much.

Ms. Takakura: Thank you.

Mr. Poepoe: Unmute.

Chair Buchanan: Jacky, the wetlands and the protected wetlands are also part of the airport district?

Ms. Takakura: Thank you, Chair. Yes, Kealia would be part of there. Yes.

Chair Buchanan: Right. Okay. Funny, yeah, that the airport district would -- would have oversight of a protected wetland where threatened and endangered species and wetlands are maintained for -- for environmental purposes, that a department that does not have specialty in environmental concerns would be -- have oversight. Okay. Thank you. Any questions? Commissioner Poepoe, you have a question? Sorry.

Mr. Poepoe: I was going agree with including oversight for the airport, which would -- I think it would be similar to how the harbor has -- or the harbor is state land and I know there's several buildings that just got put up that we didn't see. I mean, while we were on the -- the Commission, but just having oversight is better than the -- I don't know who making decisions and -- and building more three-story, four-story buildings on their property. I mean, on their land.

Chair Buchanan: I agree, Commissioner Poepoe. Yeah. We never have any say in why we using port-a-potties when the state get really nice bathrooms or who killed the only most beautiful tree on the entire wharf. Yeah, we never have say. Okay. Thank you. Okay, Commissioners, maybe -- maybe Jacky can or maybe Sybil and, or Jordan is here too, if you guys heard the discussion, if you guys can help us formulate some language that could be proposed or made a motion on, and if the motion fails, then -- then we can have the people who vote against the motion make a motion, so we would like to include, maybe Jacky, for consideration under item E or a new category where it says, for Molokai, all aspects of the ordinance A through D, or whatever the alphabet turns out to be, would come under the same language as item E, right under the purview of the Molokai Planning Commission. Okay, go ahead, Jacky.

Ms. Takakura: Okay, so if I may?

Chair Buchanan: Yeah.

Ms. Takakura: My understanding is you're proposing that for the -- for Molokai, all permitted uses, and I'm gonna refer to permitted uses because that's the description of 19.28.010, all permitted uses, that permission for all permitted uses shall first be obtained from the Molokai Planning Commission. Is that correct?

Chair Buchanan: Yeah. Sounds really simple and to the point. And then if Planning or anybody else, council has an issue with that, they can take it up with us, but with that, I no see why all of these amendments would not go through. Okay, Commissioners, if you guys don't have any more questions, Vice-Chair John, you have any question before we call for one motion?

Mr. Poepoe: I got demoted?

Chair Buchanan: Oh no, I sorry. Who's the vice-chair, Laa? Okay, I sorry. Sorry, sorry. Well, yeah, well, okay, not vice-chair, but anybody else, John, the two Johns, Bill, we can discuss after we make a motion. Sorry, Laa, you never get demoted. Aunty's brain got demoted. Okay.

Ms. Espaniola: I got a question.

Chair Buchanan: Okay, go ahead, Commissioner Espaniola.

Ms. Espaniola: Chair. So, I was wondering does the DHHL have any say on any rules that we make? I'm just wondering because it's on ceded lands and how -- how it apply if they will make any resistance to any changes. I mean, how does that apply? Jacky maybe.

Ms. Takakura: If I may, Chair Buchanan?

Chair Buchanan: Go ahead, Jacky. So, generally speaking, when we propose changes, we do talk with the agency so, like in this case, we reached out to Department of Water Supply and State DOT. When the time comes, say we propose a change to Hoolehua, we would certainly reach out to all of the affected different organizations and agencies to seek their comments so that we can work together on whatever the goal is. So, for this, we're not reaching out to Hawaiian Home Lands because none of these changes now affect anything, but if the time comes when we want to change the zoning for the Hoolehua Airport, we'd certainly do that at that time. That answers your question?

Ms. Espaniola: Yes. So, would you require public input when you do that?

Ms. Takakura: Thank you for the question. That's a big change so we would definitely go through a lengthy process to get public input. Yes.

Ms. Espaniola: Okay. Thank you.

Ms. Mowat: Lori, you muted.

Chair Buchanan: I sorry. I try to -- I don't want to have back noise, not that I have any, but, Commissioners, if you guys don't have any more questions, then I'll open the floor for a motion on the proposed changes to the ordinance.

Ms. Mowat: I would like to make a motion to approve with changes that was suggested by the Commission or agreed upon by the Commission, which would include all on Item E just for future, you know, for Molokai. So, I don't know, Lori, you -- you did make suggestions for Sybil or -- to add in what we -- what we would like to see.

Chair Buchanan: And, Commissioner -- Commissioner Bridget, does the -- stated by Planner Jacky, for Molokai, under the permitted uses, would shall first be obtained from the Molokai Planning Commission?

Ms. Mowat: Yes. Yes.

Chair Buchanan: Okay. So, that is your motion.

Mr. Sprinzel: Second.

Chair Buchanan: Okay, is there any second to that motion for a discussion?

Mr. Sprinzel: Second

Chair Buchanan: Thank you, John. Second. So, we now in discussion, discussion on the motion to approve the recommendations by staff with the conditions added for specific to Molokai, for permitted uses, that it shall first be obtained from the Molokai Planning Commission. Okay, I see no discussion. I'll take a roll call vote.

Chair Buchanan: Commissioner Bridget? You're on mute. Everybody, check if you muted. Okay, she shaka. Shaka would be an affirmative vote. Commissioner Poepoe?

Mr. Poepoe: Aye.

Chair Buchanan: Okay, another shaka affirmative. Commissioner John Sprinzel?

Mr. Sprinzel: Aye.

Chair Buchanan: Oh boy, I like my commissioners. They all shakaing. Commissioner William Moore.

Mr. Moore: Aye.

Chair Buchanan: Commissioner John Pele?

Mr. Pele: Aye.

Chair Buchanan: Commissioner Espaniola? Oh, shaka. And Chair votes shaka in the affirmative. So, motion carried unanimous.

It has been moved by Commissioner Bridget Mowat, seconded by Commissioner John Sprinzel, then unanimously

VOTED: to approve the recommendations by staff with the condition added specific to Molokai, for permitted uses, that approval shall first be obtained from the Molokai Planning Commission.

(Assenting - L. Buchanan; L. Espaniola; W. Moore; B. Mowat; J. Pele; L. Poepoe; J. Sprinzel)
(Absent - J. Bicoy; J. Perez, III)

Chair Buchanan: Thank you very much and --

Ms. Takakura: Thank you.

Chair Buchanan: Thank you. Oh, I seen something in -- oh, hang on.

Ms. Chen: Chair, that was from me. No worries. It -- yeah.

Chair Buchanan: Okay. I sorry. I just saw your chat now.

Ms. Chen: No worry. Your suggestion was better so --

Chair Buchanan: Okay. Thank you. Alright, let me move on, if nobody needs a break, we're going to move from item B.1. to item C, Contested Cases:

Chair Buchanan read the following agenda item description into the record:

C. CONTESTED CASES

Pursuant to Chapter 91-10, Hawaii Revised Statutes, and Subchapter 4 of the Molokai Planning Commission Rules of Practice and Procedure, any individual wishing to testify on these items is required to do so under oath, and may be asked questions by the applicant and members of the Commission. The applicant may provide comments in response to each testifier and should notify the Commission if it wishes to do so.