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August 7, 2024, DRIP Committee meeting 2024 AUG -1 AM 8:17 DRIP-3

OFFICE OF THE
COUNTY COUNCIL

DISASTER, RESILIENCE, INTERNATIONAL AFFAIRS, AND PLANNING
COMMITTEE

Amendment Summary Form

Legislation: Bill 21 (2023), entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 2924 (CONDITIONAL ZONING) FOR EMERGENCY AIRSTRIP OPERATIONS AT KAPALUA AIRPORT."

Proposer: Tamara Paltin, Chair *Jamara A.M. Paltin*
Disaster, Resilience, International Affairs, and Planning Committee.

Description: Amends the bill's text to incorporate an amendment requested by the State Department of Transportation related to funding for installation of runway lights and nonsubstantive revisions for style, clarity, and consistency.

Motions: Move to amend Bill 21 (2023), as follows:

- First, insert the following sentence after "...for emergency airstrip operations only..." in Section 4:

"The State Department of Transportation is not responsible for providing funding for the installation of runway lights."

- Second, incorporate nonsubstantive revisions for clarity, consistency, and style.

Effect: See attached.

Attachment: Proposed CD1 version of Bill 21 (2023).

drip:ltr:003aasf01:pmg

ORDINANCE NO. _____

BILL NO. 21, CD1 (2023)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 2924
(CONDITIONAL ZONING) FOR EMERGENCY AIRSTRIP
OPERATIONS AT KAPALUA AIRPORT

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

SECTION 1. This Ordinance's purpose is to allow emergency airstrip operations at Kapalua Airport by amending the property's Conditional Zoning under Section 19.510.050, Maui County Code.

SECTION 2. Ordinance 2924 (Conditional Zoning) is amended for real property situated at Kahana and Mahinahina, Lahaina, Maui, Hawai'i, comprising 50 acres, identified for real property tax purposes as tax map keys (2) 4-3-001:068, (2) 4-3-001:073, (2) 4-3-001:074, and (2) 4-3-001:075, and more particularly described in Exhibit "1."

SECTION 3. SECTION 2 of Ordinance 2924 is amended by amending Condition 4 to read as follows:

"4. That the airstrip operations [shall be] are limited to one-half hour after sunrise to 6:30 p.m., unless extended for emergency airstrip operations. "Emergency airstrip operations" are defined as any occasion or instance that warrants action to save lives and protects property and public health."

SECTION 4. Ordinance 2924 is amended by adding a new condition, Condition 17, to read as follows:

"17. That installation and use of runway lights at Kapalua Airport are permitted for emergency airstrip operations only. The

State Department of Transportation is not responsible for providing funding for the installation of runway lights.”

SECTION 5. The amendment to Condition 4 and the addition of Condition 17 are subject to the “SECOND AMENDMENT TO UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL USE,” attached as Exhibit “2.”

SECTION 6. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

drip:misc:003abill01:pmg

INTRODUCED BY:

Tamara A. M. Paltin

TAMARA PALTIN

ORDINANCE NO. 2924

BILL NO. 106 (2000)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 1535
(CONDITIONAL ZONING) TO AMEND CONDITION NUMBER 4 FOR
PROPERTY LOCATED AT KAHANA AND MAHINAHINA, LAHAINA, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 19.510, Maui County Code, Ordinance No. 1535 (Conditional Zoning) is hereby amended for that certain parcel of land located at Kahana and Mahinahina, Lahaina, Maui, Hawaii, identified for real property tax purposes by Tax Map Key Nos. 4-3-001:068, 073, 074, and 075 (formerly 4-3-001:por. of 031), comprised of approximately 50 acres, and more particularly described in Exhibit "A", attached hereto and by this reference made a part hereof.

SECTION 2. Condition 4 of the conditional zoning ordinance as set forth in Section 2 of Ordinance No. 1535 is hereby amended to read as follows:

"4. That the airstrip operations shall be limited to [daylight hours] one-half [(1/2)] hour after sunrise [and 1/2 hour before sunset]] to 6:30 p.m."

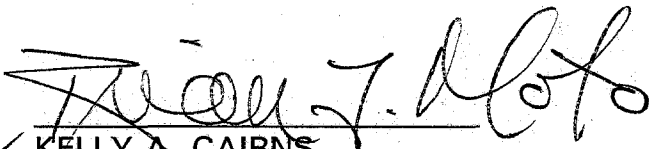
SECTION 3. New material is underscored. Material to be repealed is bracketed.

SECTION 4. All other conditions set forth in Section 2 of Ordinance No. 1535 shall remain in full force and effect.

SECTION 5. Pursuant to Section 19.510, Maui County Code, the amendment to condition number 4 established by this ordinance is subject to the Amendment to the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto as Exhibit "B" and by this reference made a part hereof.

SECTION 6. This ordinance shall take effect on the effective date of an amendment to Section 19-13-8.1, Hawaii Administrative Rules, limiting Kapalua Airport operations to one-half hour after sunrise to 6:30 p.m..

APPROVED AS TO FORM
AND LEGALITY:


for KELLY A. CAIRNS

Deputy Corporation Counsel

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ORDINANCE NO. 1535

BILL NO. 18 (1986)

A BILL FOR AN ORDINANCE CHANGING ZONING FROM
AGRICULTURAL TO CONDITIONAL ZONING (AIRPORT DISTRICT) FOR
PROPERTY LOCATED IN KAHANA AND MAHINAHINA, LAHAINA, MAUI, HAWAII

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

SECTION 1. That portion of property situated at Kahana and Mahinahina, Lahaina, Maui, Hawaii, as herein described, is designated Airport District.

All of that certain parcel of land (being a portion of Grant 1166 to D. Baldwin, J. F. Pogue and S. E. Bishop) situated at Kahana and Mahinahina 1-2-3, Lahaina, Island and County of Maui, State of Hawaii, and being more particularly described as follows:

Beginning at a point, at the Southwest corner of this lot, the coordinates of which referred to Government Survey Triangulation Station "MANINI" being 10,644.90 feet North and 9,297.51 feet West and running by azimuths measured clockwise from True South:

1. 208° 00' 1,170.00 feet along the remainder of Grant 1166 to D. Baldwin, J. F. Pogue and S. E. Bishop;
2. 118° 00' 585.00 feet along the remainder of Grant 1166 to D. Baldwin, J. F. Pogue and S. E. Bishop;
3. 208° 00' 850.00 feet along the remainder of Grant 1166 to D. Baldwin, J. F. Pogue and S. E. Bishop;
4. 298° 00' 585.00 feet along the remainder of Grant 1166 to D. Baldwin, J. F. Pogue and S. E. Bishop;

5. 208° 00' 2,180.00 feet along the remainder of Grant 1166 to D. Baldwin, J. F. Pogue and S. E. Bishop;
6. 298° 00' 400.00 feet along the remainder of Grant 1166 to D. Baldwin, J. F. Pogue and S. E. Bishop;
7. 28° 00' 4,200.00 feet along the remainder of Grant 1166 to D. Baldwin, J. F. Pogue and S. E. Bishop;
8. 118° 00' 400.00 feet along the remainder of Grant 1166 to D. Baldwin, J. F. Pogue and S. E. Bishop to the point of beginning and containing an area of 49.983 acres; as per survey of Robert T. Tanaka, Registered Professional Engineer & Land Surveyor No. 1754, dated April 29, 1985.

And further identified as Tax Map Key 4-3-1: portion of parcel 31 containing 50 acres, more or less, and as shown more particularly on the map entitled "Land Zoning Map No. 961" on file in the office of the Department of Planning of the County of Maui.

SECTION 2. The zoning established by this ordinance is subject to the following conditions imposed in accordance with Chapter 19.42, Maui County Code:

1. That said approval shall be based on revised plans, as amended December 1985, and identified as Amended Exhibits 1 through 5, and upon all other documentation submitted with the subject application (including, but not limited to the "Petition for District Boundary Amendment for Hawaiian Airlines, Inc."). No material and/or substantive changes shall be made without the approval of the Maui County Council.
2. That the runway, runway apron and other facilities shall not be expanded, nor shall any portion of the runway safety area be paved or utilized for displaced landing or takeoff thresholds.
3. That the concession area shall be limited to the 5040 square feet designated in the revised plans and shall not contain

more than one cocktail lounge, one snack bar, one restaurant and one newsstand.

4. That the airstrip operations shall be limited to daylight hours (1/2 hour after sunrise and 1/2 hour before sunset).
5. That there shall not be more than three car rental booths.
6. That onsite parking or storage of rental cars shall not be allowed.
7. That the Mayor of the County of Maui or his designated representative shall be designated a member of any Users' Committee which may be established to oversee flight scheduling, operations, and management of the facility.
8. That the applicant shall submit and enforce a comprehensive sign program subject to review and approval by the Planning Department. In addition, the applicant shall provide street and highway directional signs as may be required by the State or County.
9. That a final landscape planting plan shall be submitted to the Planning Department for review and approval.
10. That the applicant shall comply with all requirements of the State Department of Transportation, Highways Division.
11. That construction of the project shall be initiated within one year of the final approval of said Change in Zoning.
12. That appropriate measures shall be taken during construction to mitigate the short term impacts of the project relative to soil erosion from wind and rain, and increased ambient noise levels.
13. That the applicant, its successors and assigns, shall protect, defend, indemnify and hold harmless the County of Maui from and against any loss, liability, claim, or demand arising out of this ordinance.
14. That full compliance with all federal, state and county requirements shall be rendered.
15. That all aircraft operated at the airstrip, including without limitation applicant's aircraft, and aircraft of licensees of applicant, shall have a current "Aircraft Type" or "Airworthiness" certificate or its equivalent issued by the Federal Aviation Administration ("FAA") certifying that such aircraft generates noise levels no greater than the following:

(1) For propeller-driven aircraft of 12,500 pounds or less maximum FAA certificated takeoff weight only: The maximum allowable noise levels for "propeller-driven small airplanes" under Appendix F to Part 36, "Noise Standards: Aircraft Type Airworthiness Certifications," Title 14, Code of Federal Regulations (January 1, 1978), as the same may be amended from time to time, with noise levels measured and corrected as provided in such appendix, but in no event in excess of a noise level of 80dB(A) measured pursuant to said Appendix F; and

(2) For all other aircraft: The "Effective Perceived Noise Levels," as that term is defined in said Part 36, under conditions of "Takeoff," "sideline," and "approach," as those terms are defined in said Part 36, in units of "EPNdB," as that term is defined in said Part 36, measured as provided in said Part 36, as follows:


- (a) for takeoff: 80.5 EPNdB;
- (b) for sideline: 84 EPNdB; and
- (c) for approach: 91.6 EPNdB.

16. That if, and only to the extent such changes to the intersection of Lower Honoapiilani Road and Akahale Street are required to be made as a result of applicant's airstrip operations, applicant will participate with the County of Maui in (a) the signalization of the intersection and (b) the design and planning of any required street widening of Akahale Street within 100 feet of the intersection.

SECTION 3. Should any section, clause, or phrase of this ordinance be for any reason held invalid by a court of competent jurisdiction, such decision(s) shall not affect the validity of the remaining portion of this chapter.

SECTION 4. This ordinance shall take effect upon approval.

APPROVED AS TO FORM
AND LEGALITY:


H. RODGER BETTS
Corporation Counsel
County of Maui

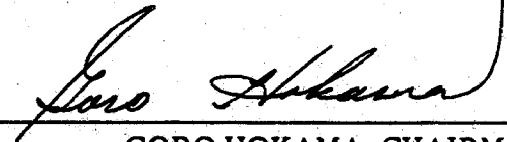
WE HEREBY CERTIFY that the foregoing BILL NO. 18 (1986)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 21st day of March, 1986, by the following votes:

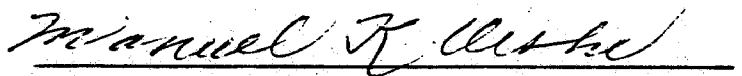
COUNCIL MEMBERS								
Abraham AIONA	Goro HOKAMA Chairman	Howard S. KIHUNE Vice-Chairman	Linda LINGLE	E. Lee LIU	Robert H. NAKASONE	Wayne K. NISHIKI	Charles S. OTA	Velma M. SANTOS
Aye	Aye	No	No	Aye	Aye	No	No	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 21st day of March, 1986.

DATED AT WAILUKU, MAUI, HAWAII, this 21st day of March, 1986.



GORO HOKAMA, CHAIRMAN,
Council of the County of Maui



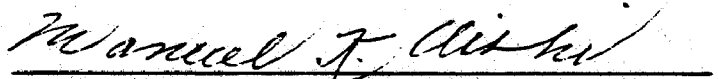
MANUEL K. OISHI, COUNTY CLERK,
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 24th DAY OF March, 1986.



HANNIBAL TAVARES, MAYOR,
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 1535 of the County of Maui, State of Hawaii.



MANUEL K. OISHI, COUNTY CLERK,
County of Maui

Passed First Reading on February 21, 1986.
Effective Date of Ordinance March 24, 1986.

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MAR 24 1986

COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 1535, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII

BUREAU OF CONVEYANCES

DATE **DEC 01 2000** TIME **168906**
DOCUMENT NO. **2000**

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation Return by Mail (x) Pickup ()
To:

Office of the County Clerk
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

TOTAL NUMBER OF PAGES: 5

Affects Tax Map Key (Maui) 4-3-1:68, 73, 74, and 75

AMENDMENT TO UNILATERAL AGREEMENT AND
DECLARATION FOR CONDITIONAL USE

THIS AGREEMENT, made on October 18, 2000, by
STATE OF HAWAII, through its DIRECTOR OF TRANSPORTATION, whose
place of business is at 869 Punchbowl Street, Honolulu, Hawaii
96813, hereinafter referred to as "DECLARANT", and who is the
owner of that certain parcel located at Mahinahina, Maui, Hawaii,
and identified for real property tax purposes by Tax Map Key Nos.
4-3-1:68, 73, 74, and 75; and formerly known as Tax Map Key No.
4-1-1:31 (unsubdivided).

W I T N E S S E T H

WHEREAS, in and under that certain recorded Unilateral
Agreement and Declaration for Conditional Use, dated December 16,
1985, and recorded in the Bureau of Conveyances of the State of
Hawaii in Liber 19309, Page 785; between MAUI LAND & PINEAPPLE
COMPANY, INC. a Hawaii corporation and HAWAIIAN AIRLINES, a
Hawaii corporation, requested from the Council of the County of
Maui, State of Hawaii, a change in zoning of the Property from
Agricultural District to the Airport District; and

WHEREAS, ISLAND AIR is a tenant of DECLARANT and ISLAND AIR
requested from the Council of the County of Maui, State of

Hawaii, hereinafter referred to as "Council", an amendment to Zoning Ordinance No. 1535, Bill No. 18 (Section 2, Point 4) to read "That the operational hours be ½ hour after sunrise to 6:30 p.m."; and

WHEREAS, DECLARANT desires to amend Exhibit B" therein in its entirety, and replace said Exhibit "B" with Exhibit "1" attached hereto and made a part hereof.


NOW, THEREFORE, the DECLARANT hereby amends the said Unilateral Agreement and Declaration for Conditional Use dated December 16, 1985, and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19309, Page 785, by deleting in its entirety Exhibit "B" therein and replacing said Exhibit "B" with the Exhibit "1" attached hereto and made a part hereof. This amendment, however, shall be valid only if §19-13-8.1, Hawaii Administrative Rules, is amended to read as such, and the amendment to the Unilateral Agreement shall be effective as of the date the amendment to the administrative rule is effective.

All of the remaining terms and conditions of said Unilateral Agreement and Declaration for Conditional Use, dated December 16, 1985, and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19309, Page 785, which pertain to the subject premises shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Declaration the day and year first above written.

Declarant:

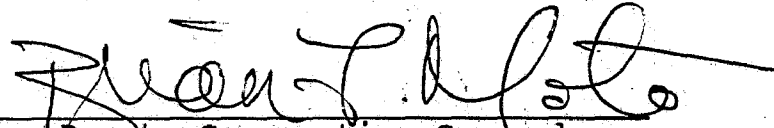
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION

By 
Its Director of Transportation

APPROVED AS TO FORM:


Deputy Attorney General

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel
County of Maui

STATE OF HAWAII

CITY & COUNTY OF HONOLULU

)
) SS.
)

On this 18th day of October, 2000, before me personally appeared Glenn M. Okimoto, to me personally known, who, being by me duly sworn, did say that he is the Acting Director of the DEPARTMENT OF TRANSPORTATION, and that said instrument was signed in behalf of said agency, and the said Office acknowledged said instrument to be the free act and deed of said agency.



Sonnet K Francisco Sonnet K Fran
Notary Public, State of Hawaii
My Commission expires: 05-19-2003

EXHIBIT "1"

1. That said approval shall be based on revised plans, as amended December 1985, and identified as Amended Exhibits 1 through 5, and upon all other documentation submitted with the subject application (including, but not limited to the "Petition for District Boundary Amendment for Hawaiian Airlines, Inc."). No material and/or substantive changes shall be made without the approval of the Maui County Council.
2. That the runway, runway apron and other facilities shall not be expanded, nor shall any portion of the runway safety area be paved or utilized for displaced landing or takeoff thresholds.
3. That the concession area shall be limited to the 5040 square feet designated in the revised plans and shall not contain more than one cocktail lounge, one snack bar, one restaurant and one newsstand.
4. That the airstrip operations shall be limited to one half hour after sunrise to 6:30 p.m.
5. That there shall not be more than three car rental booths.
6. That onsite parking or storage of rental cars shall not be allowed.
7. That the Mayor of the County of Maui or his designated representative shall be designated a member of any User's Committee which may be established to oversee flight scheduling, operations, and management of the facility.
8. That the applicant shall submit and enforce a comprehensive sign program subject to review and approval by the Planning Department. In addition, the applicant shall provide street and highway directional signs as may be required by the State or County.
9. That a final landscape planting plan shall be submitted to the Planning Department for review and approval.
10. That the applicant shall comply with all requirements of the State Department of Transportation, Highways Division.
11. That construction of the project shall be initiated within one year of the final approval of said Change in Zoning.
12. That appropriate measures shall be taken during construction to mitigate the short term impacts of the project relative to soil erosion from wind and rain, and increased ambient noise levels

13. That the applicant, its successors and assigns, shall protect, defend, indemnify and hold harmless the County of Maui from and against any loss, liability, claim, or demand arising out of this ordinance.
14. That full compliance with all federal, state, and county requirements shall be rendered.
15. That all aircraft operated at the airstrip, including without limitation applicant's aircraft, and aircraft of licensees of applicant, shall have a current "Aircraft Type" or "Airworthiness" certificate or its equivalent issued by the Federal Aviation Administration ("FAA") certifying that such aircraft generates noise levels no greater than the following:

(1) For propeller-driven aircraft of 12,500 pounds or less maximum FAA certificated takeoff weight only: The maximum allowable noise levels for "propeller-driven small airplanes" under Appendix F to Part 36, "Noise Standards: Aircraft Type Airworthiness Certifications," Title 14, Code of Federal Regulations (January 1, 1978), as the same may be amended from time to time, with noise levels measured and corrected as provided in such appendix, but in no event in excess of a noise level of 80dB(A) measured pursuant to said Appendix F; and

(2) For all other aircraft: The "Effective Perceived Noise Levels," as that term is defined in said part 36, under conditions of "Takeoff," "sideline," and "approach," as those terms are defined in said Part 36, in units of "EPNdB," as that term is defined in said Part 36, measured as provided in said Part 36, as follows:

- (a) for takeoff: 80.5 EPNdB;
 - (b) for sideline: 84 EPNdB; and
 - (c) for approach: 91.6 EPNdB.
16. That if, and only to the extent such changes to the intersection of Lower Honoapiilani Road and Akahele Street are required to be made as a result of applicant's airstrip operations, applicant will participate with the County of Maui in (a) the signalization of the intersection and (b) the design and planning of any required street widening of Akahele Street within 100 feet of the intersection.

WE HEREBY CERTIFY that the foregoing BILL NO. 106 (2000)

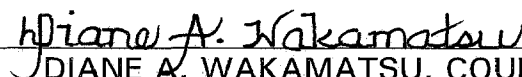
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 12th day of January, 2001, by the following votes:

Patrick S. KAWANO Chair	Dain P. KANE Vice-Chair	Alan M. ARAKAWA	Robert CARROLL	G. Riki HOKAMA	Jo Anne JOHNSON	Michael J. MOLINA	Wayne K. NISHIKI	Charmaine TAVARES
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye

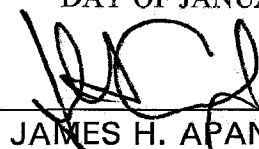
2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 12th day of January, 2001.

DATED AT WAILUKU, MAUI, HAWAII, this 12th day of January, 2001.


PATRICK S. KAWANO, CHAIR
Council of the County of Maui


DIANE A. WAKAMATSU, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 17 DAY OF JANUARY, 2001.


JAMES H. APANA JR., MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2924 of the County of Maui, State of Hawaii.


DIANE A. WAKAMATSU, COUNTY CLERK
County of Maui

Passed First Reading on November 17, 2000.

Effective date of Ordinance is pursuant to the effective date of an amendment to Hawaii Administrative Rules, Section 19-13-8.1.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2924, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

RECEIVED
2001 JAN 12 PM 2:12
OFFICE OF THE MAYOR

RECEIVED
2001 JAN 17 PM 2:25
OFFICE OF THE
COUNTY CLERK